

# Council process ideas for change

PROGRESS REPORT, May 2022

The Council has been considering opportunities to adjust Council operations in order to best meet its mission. At the Council's request in April 2022, staff have initially focused on five issues for a more in-depth discussion. A discussion or update on all five issues is included in this paper, however not all are ready yet for a Council decision; staff need to more time to explore issues related to the harvest specifications timing, which also intersects with the Council's annual meeting schedule.

Potentially ready for a Council decision or feedback at this meeting:

- Changes to the nomination/reappointment process for Advisory Panel and SSC
- Further consideration of how to approach agency B-reports
- Evaluate options to continue the opportunity to provide remote testimony and tradeoffs when meeting in communities with low internet bandwidth

Progress report only:

- Reevaluate the timing of crab and groundfish harvest specifications in light of fishery needs and stock prioritization
- Reduce the number of annual Council meetings from 5 to 4, and drop the February meeting; and consider making 1-2 meetings a year virtual

At a future date, the Council may also consider other ideas included in the Council's original [February 2022 staff discussion paper](#), or that were raised in public comment, for example at the [March 2022 public meeting](#).

## 1. AP/SSC nomination and reappointment process

The Council expressed interest in reconsidering several elements of the AP/SSC nomination and reappointment process, including the timing for reviewing nominations; term length, qualifications, and mentorship for AP members; and recruitment and expertise identification for SSC members.

### Timing of call for nominations

Under the current appointment process for both the AP and SSC, the Council issues a call for AP, SSC nominations at staff tasking at the October Council meeting; the period to submit nominations is open until immediately before the December Council meeting; and the Council makes a decision on appointments during Executive Session, usually during the first week of the meeting. The Council only has only a short window to review candidate applications, during which time members are also preparing for the meeting, reading through all of the written comments on the agenda items, and listening to the SSC/AP and/or participating directly in the meeting. The main advantage of moving the nomination period earlier is to allow Council members more time to review applications. This might create more potential opportunities for Council members to reach out to candidates about their qualifications and suitability for these types of advisory bodies, and also to ensure that applicants are clear about expectations of membership.

Moving the process earlier means that the Council would need to direct staff to issue the call for nominations at the June meeting rather than the October meeting. We direct candidates to submit their nominations through an eAgenda portal, and so we could open the nominations period immediately after the June meeting. People are generally busy during the summer months, however, and there is a longer-than-average break between the June and October meetings. Another option is to wait to open the nomination period until, for example, September 1<sup>st</sup>; in this case, staff would send around a notice to the

mailing list on that date that the nomination portal has now opened for 2023 AP and SSC nominations. While the Council can, of course, select any date range that meets its needs, the table below provides an option for the nomination period to close on October 20, which would allow a final reminder for nominations to be included at the October meeting and in the newsletter, and still retain several weeks for Council member review.

### Timing options for the AP/SSC Call for Nominations

	Current process	Alternative timing <i>Dates to be at Council's discretion</i>
Council call for nominations	October meeting	June meeting
Nomination period <i>(dates approximate)</i>	Oct 15 – Nov 30 (6 weeks) <i>Can submit from publishing date of Oct newsletter until deadline for December written comments</i>	e.g. Sep 1 – Oct 20 (7 weeks) <i>Closes shortly after October meeting – allows for final reminder to applicants in October newsletter</i>
Council review time for applications	~1 week <i>during Dec Council week only</i>	~7 weeks <i>Ahead of and during Dec Council meeting</i>
Council decision <i>(in Executive Session)</i>	December meeting	December meeting

### Advisory Panel issues

#### *Term length*

The Council has expressed interest in evaluating term length for appointing new AP members. At present under the Council SOPP, AP members are appointed to three-year terms and may be reappointed to two subsequent consecutive terms. The Council may also appoint other individuals to the AP on an ad hoc basis with no limits on their reappointment. To date, the Council has primarily utilized this ad hoc option to add an additional AP member with specific expertise for a single year at a time, when the Council was considering a particular management issue that would benefit from the additional perspective at the table. In 2022, the Council appointed all new AP members for a single year while considering the changes that are discussed here.

For new members, the Council has received varying input as to the advantage of appointing members for a single initial year versus starting off with the full three-year term. The single year provides the Council and the member a probationary opportunity to assess whether the AP commitment is proving valuable to both parties, and whether the time commitment is manageable. However, other AP members have spoken of their own onboarding experience, noting that because of the steep learning curve both of coming up to speed on the breadth of Council issues, and feeling sufficiently comfortable with the procedures of the AP to participate actively, such an assessment at the end of the first year may be too soon. Instead, other changes may be more effective to ensure that prospective candidates can adequately assess the commitment required for a three-year AP term, and ensure that they are as effective as possible. These include more dialogue about expectations with Council members in advance of the appointment, which would be facilitated by the change in timing discussed above, as well as opportunities for mentoring new members during their initial appointment period. For example, the Council Chair could request Council members to sponsor new AP members, and provide guidance on a meeting-to-meeting basis, or the Council could ask current AP members to mentor the new members. The Council could also ask staff to offer more onboarding training for new AP members on current Council issues.

Even if the Council generally sticks with the three-year term for new members, there is opportunity under the existing SOPP to appoint ad hoc members for shorter terms, particularly if the Council is selecting

persons that have considerable experience with the Council process and the AP to alleviate the learning curve issues. If the Council is interested in appointing varied AP term lengths on a regular basis, or even in recognition of the 2022 1-year term appointments, it might be worth considering whether to keep the current language that roots the overall term limit for an AP member on serving three consecutive 3-year full terms. The Council might instead rephrase the limit as AP members serving 9 consecutive years on the AP, if that is the intent. This would also address the circumstance of an AP member being appointed on an interim basis mid-term, who could potential serve almost 12 years on the AP without reaching their term limit.

### *Qualifications*

The February 2022 staff paper referenced the possibility that the Council might wish to add additional criteria to the considerations for selecting AP members, which are referenced in the Council SOPP. Instead, the Council expressed interest in augmenting the discussion of roles and responsibilities for members in the [AP Handbook](#). At present, this discussion is largely captured in the Section 3.3 on standards of conduct, although also under sections on membership criteria and the duties of AP members. To increase transparency about the Council's expectations for an AP member, Section 3.3 could be augmented with the following statement:

*The broadcasting of AP meetings has resulted in a wider public visibility for AP debate and dialogue, and AP members must draw on their experience or ability to work professionally in a public, high-pressure environment requiring problem solving skills and compromise to achieve resolution.*

While there is other additional language that might be offered to describe AP members' roles, there is overlap with the Council's classification of the purpose of the AP. This was an issue raised in the February staff paper that the Council was not yet ready to address formally. Instead, the Council indicated its interest to continue an ongoing dialogue between the AP and the Council to clarify when the work of the AP is and is not meeting the Council's needs.

### *SSC issues*

The staff paper referenced the importance currently of having SSC members help with the recruitment of replacement SSC members due to the specialized nature of their expertise and task. Input from SSC members since that time has highlighted that getting up to speed with the SSC may take as long as three years, and the value of retaining long-term members is critical to guide the SSC in providing appropriate advice to the Council. As such, the paper suggested, and there is SSC support for, formalizing the current ad hoc practice of the Council soliciting input from the SSC in the call for nominations process. Specifically, the SSC has provided input on reviewer expertise needed to best round out SSC membership in preparation for a call for nominations. Such advice could take into account the expertise of potentially departing members, members in leadership who are less available to review documents, and the upcoming Council issues on which the SSC is called to be the Council's peer review body. The SSC has also noted that adding additional members would be an opportunity to help with better review and distribution of workload, which has been another priority for the Council. The SSC is currently at 18 members, and under the SOPP could have up to 20 members.

Under the revised timing proposal, the SSC would likely be asked to provide such input at the June Council meeting, although in some cases this might be too early in the year to know who exactly will be departing or moving into a leadership position.

### *Summary of potential Council decision points:*

- Call for AP/SSC nominations at this June meeting, for a period to span June 15 – October 20, or September 1 – October 20, or other preferred time period

- For AP, decide whether to identify a proposed term length(s) in the call for nominations process, or to set the expectation that the Council may select either 1, 2, or 3-year appointments
- Consider ways to provide mentorship to new AP members (could be decided later)
- Direct staff to add the referenced statement of expectation to the AP Handbook section on Standards of Conduct prior to a call for nominations
- Consider change to the language describing the term limit for AP members
- Request to the SSC to provide input on expertise needed in new membership, and identify specific expertise in the SSC call for nominations
- Continue to request SSC members to help with recruitment

## 2. B reports at the Council

The Council has a section of the agenda at each meeting to receive informational reports from the various agencies that are represented on the Council, and periodically also from partner agencies. The pre-pandemic standard schedule of agency reports is illustrated in Appendix 1. During virtual meetings during the pandemic, the Council transitioned to only receiving written reports instead of oral reports, for efficiency, with the Executive Director providing a visual powerpoint prompt of the content areas covered in each report, and agency staff being available for questions. As the Council transitions back to in-person/hybrid meetings, the staff paper raised the issue of whether we should return to the old system or consider options to change.

The table below compares the Council meeting time taken with B report agenda items in 2019, the last year that presentations were provided for all agency reports, and in 2021, when reports were written only except when the agency or the Council requested an oral briefing on the report or some component. As illustrated in the table, the time spent on B reports was approximately halved during virtual meetings, when the Council actively encouraged agencies to provide oral briefings only for critical issues. The agency reports are largely informational for the Council, but they provide important updates on issues related to fishery management including national and agency policy, implementation and enforcement of the Council's actions, and ongoing projects, initiatives, or research that may intersect with future Council actions. Receiving reports from partner agencies, and particularly oral reports that give the opportunity for Council members to engage and interact with presenters, strengthens the understanding of Council members as to activities and priorities that may affect the Council's work, and may build a sense of partnership and shared mission among the Council and the agencies.

The following are options available to the Council regarding B reports:

- Revert to pre-pandemic practice of requesting both written and oral briefings for all agencies, following a similar schedule to that outlined in Appendix 1.
- Retain the virtual custom of requesting written reports only unless the Council or the agency determines that an oral briefing is needed.
  - Note that it would be helpful to clarify whether we should continue to request agency staff be available for potential questions for each report in the agenda item when a written-only report is being provided.
  - During virtual meetings, the ED summarized the key components of each written report as a prompt for potential Council members questions. If the Council selects this option and wishes to continue this practice, we recommend asking the agencies to provide such a slide summarizing key elements, so that it best reflects their own priorities.
- Combination – primarily receive written reports only unless a specific request is made, except that the agency periodically should provide an oral briefing to the Council on a pre-determined schedule. For example, at least once a year for agencies that used to provide reports at each meeting, or once every two years for agencies that used to provide reports annually. Decide

whether all oral reports should be at a single meeting (e.g., under our current meeting cycle February might make sense, unless or until the Council makes changes to the meeting cycle), or whether the timing should be at the agency’s discretion.

**Time spent on B reports in 2019 (all oral presentations) and in 2021 (mostly written reports only)**

	February	April	June	October	December	Average across the year
<b>2019</b>						
Executive Director (incl farewells)	30	49	34	44	18	35m
Special reports under ED report (projects, A80 halibut avoidance)	24	19		1h 30m	1h 36m	46m
NMFS Management	22	24	23	12	22	21m
NMFS special reports (HQ, EFH, seabirds, inseason mgmt)		1h 40m	12	44	1h 33m	50m
NOAA General Counsel		14	6	6	2	6m
AFSC	33	25		1h 5m		
NOAA Enforcement			12		25	
ADFG Management	12	16	17	13	10	14m
ADFG special report (subsistence)					19	
USCG	16	5	7	6	11	9m
USCG special report (polar code)			18			
USFWS		5		4	5	3m
State Department	31					
US Navy		31				
NIOSH		43				
IPHC	30				1h 4m	
<b>Total time on B report presentations, discussion</b>	<b>3h 20m</b>	<b>5h 31m</b>	<b>2h 5m</b>	<b>4h 46m</b>	<b>6h 03m</b>	<b>4h 21m</b>
B reports Public Testimony	20m	1h	22m	1h 10m	29m	40m
<b>2021</b>						
Oral reports:						
Executive Director incl special reports	12	9	17	8	57	
NMFS (HQ, EFH, year-end inseason management)		1h 1m	27		1h 51m	
AFSC	50		1h 17m	1h 35m		
US Navy		21		25		
Questions on combined remaining written B reports	53	10	40	18	10	
<b>Total time on B report presentations, discussion</b>	<b>1h 55m</b>	<b>1h 43m</b>	<b>2h 15m</b>	<b>2h 26m</b>	<b>3h</b>	<b>2h 16m</b>
B reports Public Testimony	1h 15m	2h 37m	43m	25m	48m	1h 10m

### 3. Options for remote testimony in communities with low internet

The Council continues to evaluate its ability to hold hybrid meetings that allow for remote testimony, remote presenters, and potentially remote participation by members. While this model proved successful in Anchorage in April, we will have our first test of holding such a meeting in a smaller community at the June meeting in Sitka, which will help inform our planning going forward. As we consider returning to our accustomed coastal communities for Council meetings, we will need to assess the available internet bandwidth, as we are dependent on local bandwidth for in-person access to the eAgenda to download and upload all meeting materials (first priority) as well as the ability to broadcast and allow remote participation. The Council is scheduled to meet in Kodiak and Juneau over the next two years; we anticipate that our internet bandwidth in these communities will be similar to that in Sitka, and so if Sitka goes well, we would likely continue to be able to meet in these communities in a fully hybrid mode.

In the past, the Council has also met in Nome and Homer, and has periodically considered other Alaska communities. As of this time, we do not anticipate that these other communities have the internet required for us to host a hybrid meeting comparable to the April meeting in Anchorage. Internet infrastructure is

not static, however, so we will continue to reevaluate each place as we approach a potential decision on meeting location. Our pre-pandemic standard for internet was that if we find that we cannot reliably provide access to the eAgenda and broadcast the Council meeting, we will not hold the meeting in that community. A question for the Council is whether we should expand those requirements to also include the reliability of providing for a) remote testimony at the Council; and b) broadcasting/remote testimony at the AP and SSC. Understanding the Council's priority needs (versus the preferences we will routinely try to accommodate) will help with future planning.

#### 4. Harvest specifications timing

The Council has identified an interest in evaluating the timing of the BSAI crab and BSAI/GOA groundfish specifications cycles. Both for crab and groundfish, the timeframe is extremely compressed for AFSC and ADFG stock assessment authors to complete their assessments with the latest survey data and get them internally reviewed in time for the Plan Team meeting; and for the Plan Team to provide the SAFE report and minutes to the SSC with sufficient time for the SSC members to review prior to their scheduled meeting. Additionally for some crab fisheries, any delay as to when the Council can take action on setting ABC and OFL adds pressure on ADFG to set TAC and NMFS RAM division to issue quota shares in order to meet the October 15<sup>th</sup> crab fishery opening date. For groundfish, the timing is also impacted by the Thanksgiving holiday occurring immediately before the December SSC meeting, and the regulatory process for proposed and final specifications that spans December holidays. The Council has identified strong potential for changes to this aspect of the process to alleviate the workload for SSC members, which is increasingly burdensome.

There are a lot of complex factors that went into designing the timing of the current specifications processes, especially for groundfish, and discussions need to involve stock assessment authors, the Plan Teams, and the SSC, as well as regional office staff and ADFG staff who implement the Council's final specifications and open fisheries. For crab in particular, there are also industry concerns should a change in timing for specifications affect open fishing seasons. We have begun to explore these factors internally and with the Plan Teams, including the timing of incoming data used to update the stock assessments, where there are bottlenecks and what can be done to resolve them, how to be most effective with assessment author and SSC time, and how changes to timing might interact with the SSC and Council meeting cycle, especially for the SSC in December.

**Staff will bring back a more complete report for Council discussion in October 2022.**

#### 5. Council meeting cycle timing

Finally, the Council is interested in evaluating whether to change the annual meeting schedule for the Council, including potentially reducing the number of annual Council meetings from 5 to 4, and dropping the February meeting, as well as considering how best to use virtual meetings. February was identified because of the short working time between the end of December and the deadline for materials to be posted for February, given the holidays. Appendix 1 to this paper illustrates the standard schedule of recurring NPFMC agenda items, pre-pandemic. **Due to the overlap of the annual meeting schedule with harvest specifications timing recommendations referenced earlier, staff recommends deferring this topic until the two can be evaluated together in October 2022.**

The Council expressed concern that any change to the meeting schedule explore the continued ability of the Council to meet regularly in the Pacific Northwest, in accordance with our SOPP and to allow easier access for those stakeholders. As reported in April, the Council already has hotel contracts in place for meetings in Seattle in February 2023 and February 2024. We do not recommend making any changes to the February 2023 meeting at this time, as the planning horizon is already short. The Council requested, however, that we look into whether there is still opportunity for changing the February 2024 meeting

timing, as well as conferring with the Pacific FMC to avoid overlapping meeting times to the extent possible. In terms of the overlap, there appears to be a window for us to hold a Council meeting during the last week of February or first week of March, or during the last two weeks of March. The Seattle hotel has indicated that some of the dates are currently available in 2024, and assuming they are still available when we make our final decision, we could keep our contract and simply shift the dates. One potential issue that staff has identified with dropping the February meeting and moving the April meeting earlier is that holding a meeting in March is most likely to overlap with school spring breaks, the timing of which varies by district<sup>1</sup>. This might disadvantage staff and participants with school-age children.

The other major concern that the Council has heard repeatedly is that dropping a meeting is less useful if it makes all other meetings longer, so this also needs to be considered in the context of Council workload. The Council has more control over initiating amendment analyses and discussion papers, but less so over standard annual scheduling. One significant aspect of this is the harvest specifications timing; the staff exploration of that topic includes identifying whether there are opportunities to consolidate that workload. The Council is also considering agenda time related to B reports in this paper. There may be other informational reports that the Council might receive as oral presentations on a less frequent basis, for example cooperative reports or salmon genetics reports. Alternatively, the Council might still drop down to four annual in-person meetings, but as has been suggested for the SSC, retain a fifth virtual meeting that consolidates many of these informational presentations. The testimony and discussion at the Executive Committee noted that in-person meetings are best for actions that affect a large and disparate number of stakeholders, communities, and/or sectors, to allow more opportunity for informal dialogue (e.g. controversial final actions and some initial reviews). Virtual meetings may lend themselves well to primarily informational items, in addition to being especially useful for ad hoc or emergency issues.

Any input that the Council has to provide at this stage will be taken into account in a more in-depth proposal for October 2022.

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<sup>1</sup> For example, the Anchorage school district spring break is the second week of March; the Juneau school district's is the third week of March.

**Appendix 1 Standard Annual Schedule of Recurring NPFMC Agenda Items, pre-pandemic**

STANDARD NPFMC MEETING AGENDA SCHEDULE, PRE-PANDEMIC					
	First week of February	First week of April	First week of June	First week of October	First week of December
	<i>Seattle, WA or Portland, OR</i>	<i>Anchorage, AK</i>	<i>Fishing community in AK</i>	<i>Usually in Anchorage, AK</i>	<i>Anchorage, AK</i>
<b>REPORTS AND EVENTS</b>					
<b>Agency Reports at Every Meeting</b>	Executive Director NMFS Management NOAA GC ADFG Management USCG USFWS	Executive Director NMFS Management NOAA GC ADFG Management USCG USFWS	Executive Director NMFS Management NOAA GC ADFG Management USCG USFWS	Executive Director NMFS Management NOAA GC ADFG Management USCG USFWS	Executive Director NMFS Management NOAA GC ADFG Management USCG USFWS
<b>Periodic Agency/ Other Reports</b>	NMFS: cost recovery AFSC: budget, funding outlook USCG: year in review IPHC Protected Resources	NMFS: EFH consultations, seabird report NIOSH Groundfish, Crab Coop Reports	ED: CCC update NOAA Enforcement NPRB (periodically)	AFSC: science overview	ED: A80 halibut avoidance IPHC (T) NMFS: Final upcoming ADP NMFS: inseason mgmt. year in review NOAA Enforcement
<b>Events</b>	Election of officers at AP, SSC Finance Committee Industry reception		Outreach event Reception for departing Council members	Election of officers at Council	Executive Session for AP/SSC appointments Halibut stock assessment evening presentation (T)
<b>HARVEST SPECIFICATIONS</b>					
<b>BSAI Crab</b>	Crab specs: NSRKC Crab Plan Team report Crab Economic SAFE (SSC only) Model reviews (SSC only)		Crab specs: AIGKC; PIRKC, PIGKC, WAIRKC (triennial) Crab Plan Team report Model reviews (SSC only)	Crab specs: BBRKC, EBS Tanner, EBS Snow; SMBKC, PIBKC (biennial) Crab Plan Team report Final Crab SAFE report	
<b>Groundfish</b>	Groundfish Economic SAFE report (SSC only)			BSAI Gfish Proposed specs GOA Gfish Proposed specs Gfish Plan Team reports Model reviews (SSC only) Prelim. Ecosystem Status (SSC only)	BSAI Groundfish final specs GOA Groundfish final specs Gfish Plan Team reports BSAI, GOA SAFE reports Ecosystem Status Reports
<b>Scallop</b>		Scallop specs Scallop SAFE report			
<b>Halibut</b>					Charter halibut management measures
<b>OTHER AGENDA ITEMS</b>					
<b>Monitoring and data needs</b>	Research priorities (triennial) Exempted fishing permit application review (T)		Observer Annual Report FMAC report Social Science Planning Team report	Observer Annual Deployment Plan PCFMAC report Exempted fishing permit application review (T)	Social Science Planning Team teleconference report
<b>Ecosystem</b>	Marine mammal conservation status (SSC only) Gfish management policy review (triennial)	BS FEP team/ taskforce reports Salmon genetics for BS, GOA Pollock IPA reports			
<b>Tasking</b>	Staff tasking, scheduling, and new proposals	Staff tasking, scheduling, and new proposals	Staff tasking, scheduling, and new proposals	Staff tasking, scheduling, and new proposals	Staff tasking, scheduling, and new proposals