

M E M O R A N D U M

TO: Council and Advisory Panel
FROM: Jim H. Branson
Executive Director
DATE: September 18, 1984
SUBJECT: Advisory Panel Operations

ACTION REQUIRED

Adopt Council policy on AP operations and composition.

BACKGROUND

A Council workgroup met in Seattle on June 27 to review AP composition and procedures and develop recommendations to the Council for necessary changes. The workgroup consisted of Bob Mace, Keith Specking, Rudy Petersen, Sara Hemphill (Chairman), Jeff Stephan, and John Harville. Jim Branson and Barry Collier also attended. A meeting report is under agenda item C-6(a) and is summarized below.

Alternative Structures of the AP

Status Quo. Use same 25-member panel but stagger terms and review present and new members very carefully.

Status Quo Modified. Use a 25-member panel but broaden the representation to include:

One from each sector

Finance
Conservation
Oil/Gas
News Media
Consumer Affairs

One or more from each sector

Processing
Harvesting
Marketing/Buying
Recreational Fishing
Subsistence

Core Group. Establish permanent core group with one member from each of the interest sectors listed above plus seven- or eight-member satellite committees for shellfish, groundfish/halibut, and salmon. The satellite committees would be called to meet with the core group as appropriate.

Criteria for Selecting Panelists

1. Representativeness of and beyond the immediate commercial fishing industry.
2. Extensive experience and current active involvement in area of expertise.
3. Ability to foresee problem areas.
4. Ability to communicate Council actions and concerns to constituents.
5. Ability to remain objective.

Process for Selecting Panelists

1. Council would solicit nominations through normal media channels and AP Nominating Committee would contact potential candidates.
2. AP Nominating Committee would review and comment on applications.
3. Council staff would summarize applications.
4. Council would review staff summaries and Committee recommendations.
5. Council would discuss applicants in closed session and vote on candidates.
6. Interim vacancies would be filled using the same selection process as is used biannually and the new appointee would serve out the term of the person replaced.

Operations of the AP

The Council would be better served by a report from the AP on the pros and cons of each issue and an impact analysis of proposed actions on the various interests and industry sectors. The AP should not be expected to comment on all issues, but should have a more selected fare. The AP should feel free to identify new issues and/or indicate the desire to comment on issues not necessarily turned over to it by the Council. Finally, it is very important that AP members serve as a communications link with their constituencies.

Other Issues

Council working groups should be reactivated and expanded as necessary to allow sufficient AP involvement and consideration of issues prior to Council meetings. The Council chairman should make the appointments to the workgroups.

The Council budget process should be made aware of to the AP for informational purposes.

Review of joint ventures, permit applications and foreign allocations will normally be handled through AP representation on the Permit Review Committee. However, the AP chairman may request full AP consideration of an application if the AP so desires. In addition the AP may take public testimony on a permit, though this will normally be handled just by the Council.

Conflicts of interest may arise for various AP members depending on the decision to be made. AP members should make known their affiliation's or interest group's position on specific issues before the panel for consideration.



Alaska Contact Ltd.

August 15, 1984

TO: Council, SSC AP Members

FROM: Sara S. Hemphill, Chairman
Advisory Panel Sub-committee and Work Group

RE: Advisory Panel Sub-committee and Work Group
Summer Meeting.

The Sub-committee and Work Group met in Seattle on June 27th to review and discuss the Advisory Panel (AP) composition and procedures and to develop recommendations to the Council for any necessary changes. Present were AP Sub-committee members Bob Mace, Keith Specking, Rudy Petersen, and Chairman, Sara Hemphill, as well as Council members Jeff Stephans and John Harville; also present were Jim Branson, Executive Director of the Council and Mr. Barry Collier, Director of the North Pacific Fishing Vessel Owners' Association.

The discussion opened with a question as to whether or not the AP ought to exist at all. It was noted that at least one Council does not have a standing advisory panel and further that the structure of advisory panels varies widely from Council to Council. The concensus from the group present was that an advisory panel was a good idea for several reasons. It was noted that the AP was a very useful vehicle for the exchange of information, not only industry input into the Council decision-making process, but also dissemination of Council decisions back to the private sector. It was also noted that the value of the AP was not so much its input into resource status information, though this is very helpful, but rather its varied perspective on a variety of other issues. Several members expressed concern with the fact that many AP members or the member's constituency perceives the seat on the AP to be a right, guaranteed to that person or group. The consensus was that such should never be the case. Concern was expressed, on the otherhand, that terms should not be strictly limited because there was many individuals whose value to the Council does not diminish over the years.

With the primary question settled, should we have an AP or not, the committee moved forward. John Harville suggested that there were several basic principals he felt would be acceptable to the group. He proposed the Committee keep them in mind as it proceeded with its review.

AP's basic principals:

1. While terms on the AP should not be categorically finite, there should be very rigorous review and assessment of each member's relevance to the industry performance on the AP and attendance. He noted that panelists serve at the pleasure of the Council, and therefore any who are not having significant input can always be removed.

2. Rather than use a formula for selection of panelists, the process should first consider the individual and his/her proven ability to contribute valuable information and to be objective. Nonetheless, it is important to have the members be as representative as possible of particular interest and geographical groups. Also, it is important that a broad constituency be represented on the Advisory Panel and not just the commercial fishing industry.

3. The size of the Advisory Panel needs to be limited because of financial constraints.

4. There are no vested seats on the AP. No one is guaranteed a seat, either because of his/her tenure, personal ability, political associations, geographical orientation, nor because of an affiliation with an organization.

There was consensus within the group that these four principals were acceptable and could serve as guidelines as it proceeded with its deliberations.

The general discussion continued with individuals commenting on a variety of concerns. Bob Mace proposed a format for the AP that would consist of a core group that would attend all meetings, and would be augmented with individual panels composed of members with particular interests or experience with a fishery

or FMP. Members of such sub-panels would attend specific meetings throughout the year where appropriate, given that issues connected with their FMP would be under discussion.

Jeff Stephan suggested that the AP was actually much more useful to the Council when a consensus of the Panel was taken in lieu of an actual vote, or an issue. He indicated that it would be much more helpful to him as a Council member, in his decision-making, to have a series of comments from the AP on various issues rather than just a number indicating who was in favor and who was against. He also commented that attendance for some people was very erratic, and those people who were not attending regularly ought to be dropped.

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Rudy Petersen suggested that it was necessary to stagger the terms so that half a panel was being considered for replacement every year.

Bob Mace expressed concern that the Council broaden both the regional and interest group representation on the panel, and he felt also that it would be helpful to the Panel to have the Council give the Panel very specific directions as to what information the Council wanted, such as what the impact would be on the consumer of a particular action.

It was agreed by all present that the AP members need better direction as to what was expected from them by the Council both during the Council meeting and outside of the meeting process when they returned to their communities. For example, it was suggested that directions to the AP could include a request for an assessment of the impacts that a certain action would have if it were undertaken by the Council, and a direction that each AP member be responsible for reporting back to his or her community as to the decisions of the Council and at the same time solicit input from the community that would be reported to the Council family at the next decision-making round.

Also it was again stressed that political considerations in making appointments be dispensed within favor of concern for the personal expertise and capability of the individuals being reviewed for appointment. Suggested criteria for selecting AP members was as follows: (1) look beyond the immediate com-

mercial fishing industry to widen the circle of involved people; (2) look for experienced people who are actively involved in their area of expertise; (3) look for people who have the ability to predict new problems; (4) look for people who have the demonstrated ability to have feedback to their own constituents; and (5) look for people with demonstrated objectivity.

It was suggested that the AP should recommend to the Council issues to be discussed or undertaken in the future.

In summary, the Committee basically agreed that it would better serve the Council to have a report from the AP on the pros and cons of each issue and an impact analysis (with respect to action being contemplated by the Council) on the various interests and industry sectors. Also, it is important that the AP serve as reporter back to the communities. It was agreed that the AP should not be expected to consider and comment on all issues, but rather, have a more selected fare. In addition, the AP should feel free to identify new issues or to indicate a desire to comment on an issue that the Council might not have turned over to it for consideration.

The Committee then focused discussion on the structure of the Advisory Panel and identified three alternatives:

- I. The Status Quo: Should this be the committee's choice; then, the committee recommends there be staggered terms at a minimum and that the existing panel members be reviewed very carefully and that new appointments be made very carefully.
- II. Status Quo Modified. This alternative assumes that there would still be 25 panel members. (However, it requires substitution of some existing members in December in order to broaden the interest groups represented on the AP.) There would be one each representing: the financial sector, the conservation sector, the oil and gas sector, the professional media sector, as well as the consumer interest. In addition, there would be members from the processing sector, harvesting sector, marketing and buying sector, recreation fishing sector and subsistence fishing sector. It would be

possible that individuals might represent more than a single interest group.

III. Core Group. There would be a core group of permanent AP members, one from each of the interest sectors named above and then three satellite committees: shellfish, groundfish and halibut, and salmon. Each committee would have seven or eight members, all or a portion of whom would attend the appropriate Council meetings throughout the year to augment the core group.

Concern was expressed by some present that the core group arrangement would be awkward and unwieldy and would inhibit input from cross sectors because of the limitation on attendance. Those who favored this alternative felt it would permit much more flexibility and provide a greater number of experts to actively participate on a particular issue or problem. It was noted that many AP members have little or nothing to say on some issues and thus, their presence is wasted.

The committee then proceeded to discuss the process for selection of AP members. The recommendation is as follows:

(1) the committee will develop specifications and criteria for consideration in selecting members;

(2) the Council would solicit volunteers for appointment through the normal media channels, at the same time the Council sub-committee members would be responsible for contacting potential candidates;

(3) the subcommittee would review applications and comment on each one;

(4) the Council staff would summarize the background and qualifications of each;

(5) Council members would review staff summaries and subcommittee comments and recommendations; and

(6) the candidates qualifications would be discussed in a closed Council meeting and the Council,

as a whole, would vote to select the candidates who will serve.

Several other miscellaneous issues were discussed. The committee felt it was very important to reactivate the working groups under the Council system and expand AP participation in them. The feeling was that the AP member should be involved in the process of developing information and recommendations to the Council much earlier in the process than they have been recently. It was noted that much of the value of the AP members is lost if they only have input during the Council meetings. It was recommended that the AP chairman appoint AP members to appropriate working groups. It was also noted that the AP ought to be very aware of the budget process, not so much from a policy-making position, but for informational purposes. Further, it was recommended that any interim vacancies would be filled using the same selection process as is used annually and the new appointee would serve out the term of the person he or she replaced.

The other topic of discussion was how the joint venture and direct allocation issues would be handled by the Council and its advising bodies. The committee was reminded that it had been decided at a Council meeting earlier this year that review of permit applications would not be handled by the AP as a whole, but rather, that one or two AP members would become members of the permit review committee and participate in that way. It is noted that having the AP review all of the permit applications especially for the December meeting is extremely time consuming and duplicative and therefore not recommended. However, it was also noted that should there be a particular permit issued about which the AP is concerned, or if an applicant should want the opportunity to make a presentation to the AP, the AP chairman could decide to set aside time during the AP meeting to deal with such a matter. The AP chairman would have discretion on this, and the AP report would then include the Panel's comment on this topic. It was noted that on a regular basis, public testimony with respect to permit applications is to be made at the Council meeting, not at the AP or SSC meetings. Again however, the AP might solicit input from various individuals should the AP desire such information as an aid to making its recommendations to the Council.

Finally, there was brief discussion on the issue of apparent conflict of interest where a person serves as an AP member and then acts as an advocate on behalf of an interest group during the Council meeting proper. It was pointed out that this is the same issue that has come up with respect to Council members. If there is going to be input from active industry people, there are going to be potential conflicts or perceived conflicts. It was recommended that AP members who have affiliations with interest groups make known their affiliations and their constituent's positions on any given issue as it is being taken up for discussion. This procedure will put the other members on notice as to any bias of the particular AP member and will also clear the AP member of any appearance of impropriety or charge of deviousness or influence.