

ADVISORY PANEL MEMBER TRAINING

FEBRUARY 2024



HOW DOES THE AP OPERATE?

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AP HANDBOOK

- Last reviewed by the AP and approved by the Council in 2023
- *Note, Section 3.2: boxed language is correct, paragraphs that follow need updating*

June 2023

AP Handbook

for members of the

North Pacific Fishery Management Council's
Advisory Panel



North Pacific Fishery Management Council
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www.npfmc.org



AP TERMS OF REFERENCE (PAGE 3)

The Council relies on the AP for comprehensive advice on:

- how various fishery management alternatives will affect the industry and local economies
- potential conflicts between user groups of a given fishery resource or area
- the extent to which the United States will utilize resources managed by the Council's fishery management plans.

AP STANDARDS OF CONDUCT (PAGE 6)

Be respectful, professional, and courteous to public and colleagues during testimony and AP discussion

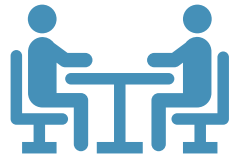
- Modeling an environment that encourages and welcomes diverse perspectives allows the Council process to be effective
- Heard from public that testifying is intimidating
- Professional interactions even during vigorous debate on highly contentious issues

Prohibitions:

- Harassment and incivility
- Using AP member status to speak for Council
- Political campaigning / outward show of political support during AP session



ATTENDANCE EXPECTATIONS (PAGE 6)



Attend all meetings in person and participate fully

If you cannot attend in person, communicate ahead of time

Virtual participation should be limited to unavoidable situations such as contagious illness. Let admin know asap.



Be in the AP room when the AP is in session

If you need to testify to the Council, limit your time waiting in the Council room – have someone text you when it is your turn



AP MEMBER DUTIES (PAGE 7)



Arrive at meeting prepared, read documents in advance



Stay engaged, participate in discussion, vote on all issues



Make motions when appropriate, in writing and with rationale



Review draft AP minutes in a timely fashion when requested



AP CHAIR AND VICE-CHAIR DUTIES (PAGE 6-7)

Chair

- Officiates AP meetings, determines agenda and schedule in consultation with Council Directors, manages timing
- Leadership re meeting AP responsibilities, ensuring productive and professional discussion of agenda items
- Final approval of AP minutes

Vice-Chair(s)

- Compile record of AP motions and rationale comments during deliberation (with help from staff and members)
- Ensure minutes are complete, accurate, and timely
- Oral report to Council on each agenda item



AP AGENDA (PAGE 8)


Generally, AP takes up most of the items on the Council's agenda, as determined by the ED/DD and Council Chair

- If the meeting is running behind schedule, AP Chair will consult with the Deputy Director to prioritize issues for remaining meeting time
- Time permitting, AP may consider any topic it deems important to bring to the Council's attention (with the concurrence of the Council chair, ED, or DD)
 - *Often during staff tasking*



AP PUBLIC VS EXECUTIVE SESSIONS (PAGE 8)

All AP recommendations should be deliberated in public

- AP meetings may only be closed to the public to address a limited number of issues
 - National security, internal administrative matters, employment matters, or briefings on litigation
 - Internal administrative matters: procedures for preparing AP minutes, election of officers, issues of public decorum, medical conditions of members
 - Action that affects the public must be taken in public
- Consult with ED/DD/NOAA GC to ensure matters fall within these exceptions
 - *Rule of thumb: number of AP members discussing AP agenda items outside of the meeting should not exceed a quorum* 

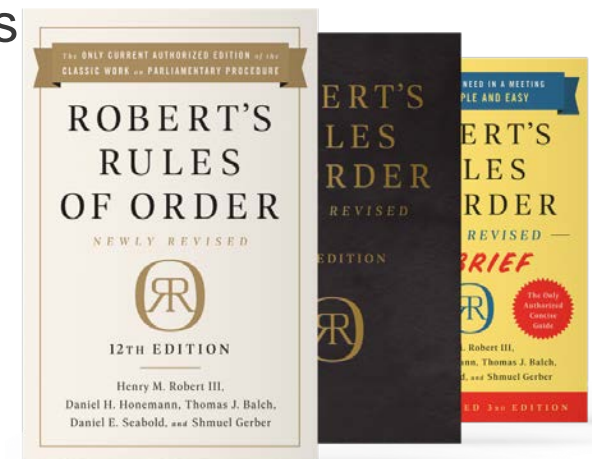
AP MEETING PROCEDURES (PAGE 9)

Order for each agenda item

- Staff report(s) – including any relevant committee reports
 - All documents, including presentations, will be posted to eAgenda. Refresh often during the meeting.
 - SSC does not report its recommendations to the AP (although staff may sometimes convey the essence of their findings)
- AP members ask questions of staff
- Public testimony
 - 5 min time limit for all persons
- AP deliberation

AP ROBERT'S RULES OF ORDER (PAGE 9)

- Meeting is run with parliamentary procedures (based on Robert's Rules of Order)
 - Everyone has right to participate in the discussion if they wish
 - Only one person can speak at a time, and no one should interrupt that speaker
 - AP Chair final arbiter of AP procedures



AP MEMBER QUESTIONS

Staff presentation

- Can ask staff as many questions as you like during this portion of the meeting
- Ask presenter if jargon, acronyms, specialized terms are being used that you don't understand

Testimony best practices

- Two questions maximum per AP member per testifier
- Keep your questions to the public concise; limit the use of acronyms / jargon
- Respect that our testifiers come from diverse backgrounds and experiences
- Avoid debating with testifiers or softball questions

AP MOTIONS (PAGE 9)

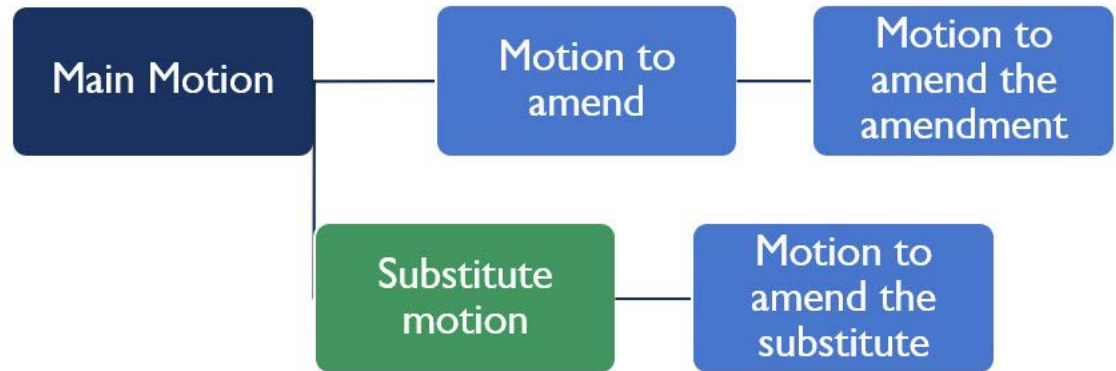
- AP uses motions to organize discussion
 - Which side wins/loses vote is not important to Council
 - Purpose is to understand the **rationale** pro/con for aspects that are contentious
 - Recommendations with unanimous AP support are also informative for Council



AP DELIBERATIONS: MOTIONS (PAGE 9-10)

- Most common:

- Main motion
- Motion to amend
- Substitute motion



- Only main motion + 2 add'l motions allowed on table at a time

- After that, AP needs to vote on an amendment before a new one can be introduced
- A vote to approve the substitute motion dispenses with the main motion
- Page 10 of handbook lists possible AP motions associated with each type of NPFMC agenda item



ORDER DURING DELIBERATIONS

1. Member makes a motion for consideration
2. Motion is seconded
3. Maker of motion provides rationale for their motion
4. Members may ask questions of the motion-maker
5. Chair calls for amendments to the motion
 - *if received, AP will use this same process for the amendment*
6. Members make final statements in support/opposition
7. Members vote – motion passes or fails



PARTICIPATING IN DELIBERATIONS

- Speak to the topic or motion at hand!
- If you wish to make a suggestion regarding the motion on the floor, make it in terms of an amendment.
- Chair may take short standdowns to allow members to focus their thoughts into appropriate language
- Try not to repeat points other people have already made unless you have something new to add to the point.



ATTRIBUTES OF AN EFFECTIVE MOTION

Do your homework

- Understand the available materials, ask questions, consider the history and context of the issue being addressed.
- Engage with Council staff, NMFS staff and other experts early on to ensure your motion is viable – can it be implemented; will it have the intended outcome; is it realistic given Council workload and capacity?

Communicate and socialize your motion

- Esp other AP members, stakeholders. What are other perspectives, ideas, and concerns? How can you build a compromise?



ATTRIBUTES OF AN EFFECTIVE MOTION

Use clear and specific language

- Aim to be clear and unambiguous, but not overly detailed.
- Match your motion to the ask for the agenda item. Use the action memo for guidance. Council staff can help you assess.

Clearly explain the rationale for your motion

- Match your rationale to the complexity of the motion. Simple motions can have a succinct rationale.
- For more complex motions, it can be helpful to review input/testimony received, explain how you got here, why something isn't included, or why a different approach is proposed. Explain how the motion supports the Council goals and objectives.



PREPARING THE AP REPORT (PAGES 11- 12)

AP report/minutes (*terms used interchangeably*)

1. Motion passes
2. Members send rationale points to Vice Chairs, also minority report if needed (quick turnaround needed)
3. Vice Chairs edit the rationale and compile all items
4. Council staff send notice with deadline to AP members that minutes for agenda item are ready to review
5. After deadline and with review received from the maker of the motion and at least three AP members, Vice Chairs address any comments, and with Chair, approve minutes for distribution to Council
6. Staff will post minutes and create powerpoint for Council
7. Vice Chair provides oral report to Council

DEVELOPING RATIONALE POINTS

- Brief bullet points that capture the essence of the argument
 - Not looking for your whole statement in support/opposition
 - Sometimes Council doesn't have a lot of advance time to read the minutes in advance
 - Should reflect the length and complexity of the underlying motion
- Rationale points should reflect the consensus of the AP regarding positions in support/opposition to the motion
 - Only matters discussed by AP in public will be included
- When wording bullets, think about AP leadership delivering message to the Council, and possible Council member questions
 - Vice Chairs may supplement or edit the rationale from members, as practicable

WHAT GOES IN THE AP REPORT (PAGES 11-12)

- Voting record of meeting
 - Include all motions passed by majority vote, including their amendments (pass or fail)
 - Include any motions that fail on a close call vote (“close” determination made by Chair)
- Rationale, and minority report if there is one.
 - These are not read orally as part of report to Council.
- AP Chair has final approval / editing of the report
 - Report should not be distributed to public until approved by AP Chair





WHAT DOES THE AP DO?

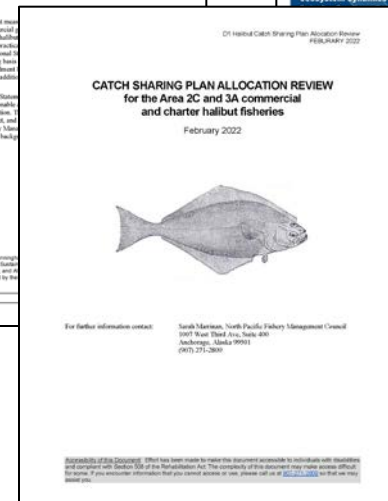
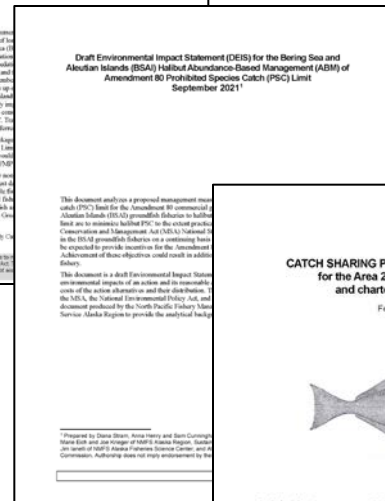
WHAT TYPES OF ACTIONS DOES THE AP REVIEW?

- Generally AP reviews the same items that the Council sees under the C, D, and E components of the agenda
- AP does NOT review:
 - agency reports (B reports)
 - technical scientific issues (e.g. SSC only issues)
 - annual industry reports/updates
 - high-level policy decisions that are not based on evaluating different alternatives
 - emergency rule requests

TYPES OF AGENDA ITEMS AND ANALYSES

PAGES 10, 16-19

- Discussion paper
- Initial review / Final Action for amendment analysis
- Harvest Specifications
- Reports
- Staff Tasking



HOW TO READ THE ACTION MEMO



Simon Kinneen, Chair | David Witherell, Executive Director
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C4 Essential Fish Habitat (EFH)

February 2023

Action Memo

Council staffer who you can always contact with any questions

Council Staff:

Sarah Rheinsmith

Other Presenters:

Coral report - Dr. Thomas Hourigan (NMFS HCD)
EFH report - Dr. Jodi Pirtle, Molly Zaleski, Gretchen Harrington (NMFS AKR HCD)

All staff who will be presenting (with honorifics)

Action Required:

1. Receive NOAA Coral Research update- informational only
2. Review the 2023 EFH 5-year review summary report
3. Consider whether FMP amendments are required to revise EFH or reevaluate EFH management measurements
4. Consider whether to identify HAPC priorities and initiate a call for proposals

BACKGROUND

The Council will receive two presentations under the C4 EFH agenda item: an informational research update on the deep-sea coral (DSC) research from the Habitat Conservation Division, and the EFH 5-year review summary report. A brief description of the topics is below:

- A. Deep Sea Coral (DSC) research update:** Tom Hourigan, NOAA Deep Sea Coral Research & Technology Program's Chief Scientist, will provide a brief overview of collaborative research led by the Alaska Fisheries Science Center. He will also highlight methods used in other council regions to regulate fishing activities that may impact deep-sea coral habitat. There is no Council action required for the DSC update.
- B. EFH 5-year review summary report:** The Council will receive a presentation summarizing the 2023 EFH 5-year review process. The SSC has reviewed the methodology and results included in the 2023 EFH 5-year review, their recommendations can be seen in the SSC minutes excerpt included on the eAgenda. Through the

BACKGROUND also describes all the attachments on the eAgenda and how they relate to the action being taken.

What actions are the Council being asked to do? On what should the AP provide advice?

If more than one report is bundled together, each will be described here

HOW TO NAVIGATE A TYPICAL ANALYSIS

- Council analyses are designed to serve many purposes
- Staff follow a template so that:
 - we make sure we meet all the legal requirements so that once the Council takes final action, NMFS is unlikely to find problems with the analysis that delay approval and implementation
 - it is easier for readers/reviewers to find the sections that interest them

REVIEWING AN ANALYSIS: WHAT SHOULD YOU READ FIRST?

1. Executive Summary

- Provides an overview of the analysis and focuses on key impacts
- When appropriate, highlights what is different in this version of the analysis

2. Purpose and Need - usu Chapter 1

- Language from the Council motion initiating action, identifying the concern
- History of action section – when did you last see the document? What iterations have there been of this action?

3. Alternatives – usu Chapter 2

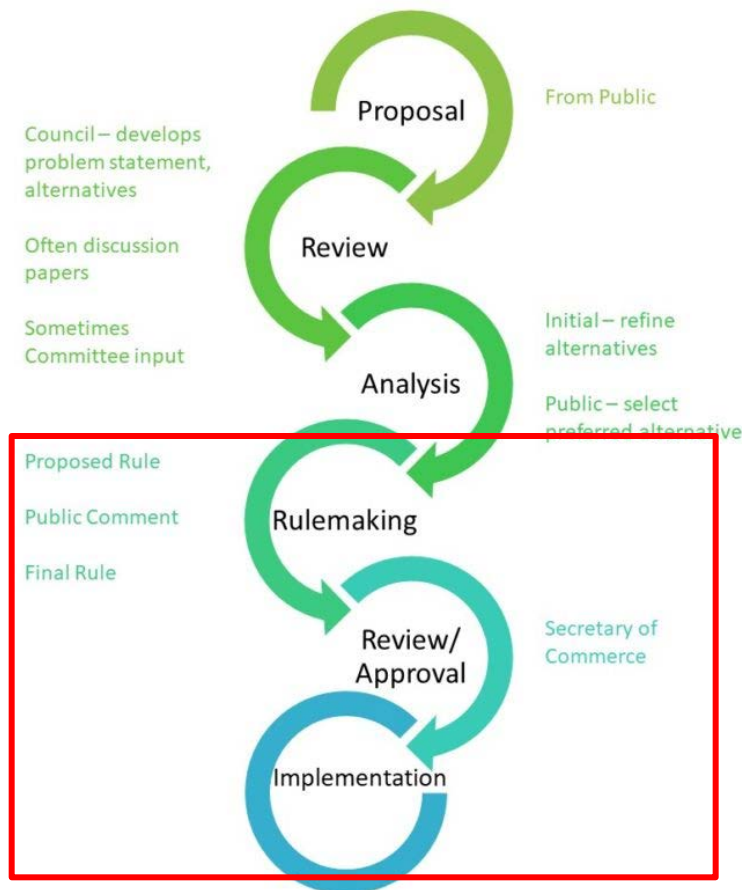
- What is the scope of solutions under consideration?

4. Impacts chapters – environmental, economic/social, mgmt./enforcement

- Dive in based your interests and what was highlighted in the Exec Summ

WHAT HAPPENS AFTER COUNCIL FINAL ACTION?

The Council process from proposal to implementation



- NMFS rulemaking process takes about 1 year +/-
- You can find information about progress on recent Council final actions under every NMFS B2 report: Status of amendments





AP STIPEND AND TRAVEL COSTS



AP STIPEND (PAGE 13)

- Council pays AP members a stipend of \$150 per day
 - actual meeting days, regardless of length of day (unless participation is virtual and <2 hrs)
 - also to Chair, Vice-Chair, or designee while reporting AP minutes
- “Homework” time in preparation for any meeting, travel time, training, or attendance at any meeting is not compensable.
- Stipend payments are subject to annual tax reporting through Form 1099/1096. All AP members will be required to submit signed form W-9.
 - Stipend may be dependent on AP member’s completion of training modules, if requested by the Executive Director.

AP COMPENSATION (PAGE 13-15)

- Hotel: Please book before the deadline, under the Council room block
 - Council will reimburse for the dates required to attend the scheduled AP meeting
 - Council may not reimburse cost of late booking
- Airfare: must be booked in coach class; best economic value but NOT Saver fares
- Per diem: Federal government limits for locale
- Reimbursement: travel claim must be received within 30 days
 - Contact Nicole Schmidt (Nicole.Schmidt@noaa.gov) with questions



**COUNCIL
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DISCUSSION QUESTION FOR AP

- What is one tip you can offer to new(er) AP members, based on your own learning experience?

