



# FACT SHEET: PUBLIC TESTIMONY

The Council provides a forum for managers, fishermen, environmental groups, and others to come together to exchange information and develop policy. In making its decisions, the Council has a number of legal mandates that limit its choices; and in addition to constituents with a direct involvement in fisheries issues, the Council is charged with considering the broader interests of the nation. Inevitably, Council members make decisions that are liked by some and disliked by others.

## ALL COUNCIL ACTION ITEMS HAVE A PUBLIC COMMENT PERIOD.

Public involvement in the Council process takes many forms. Advisory bodies often develop and consider ideas well before the final Council decision. For information on how to get involved at any of these stages, see our “Getting Involved” fact sheet.

After public testimony is completed, the Council generally moves toward making its decision. Often people wonder whether and how to tell if their testimony was taken into account in the decision. It may or may not be possible to tell. There are several things to listen for in the discussion leading up to the Council decision that may provide some clues.

- Sometimes a Council member will specifically mention the name of someone who made comments that influenced their vote. Other times, they may not name the person but will make statements such as “We heard in public testimony...”
- Sometimes a Council member may provide a reason for their vote that includes ideas covered in public testimony, but will not specifically state that the idea came from, or was reinforced by, public testimony. When testimony is offered for opposing sides of a particular issue, in explaining their position Council members may mention public testimony they found most persuasive.

- Sometimes public comment influences the Council, but the influence is not apparent. For example, an option supported in public testimony that might otherwise have been set aside may remain under consideration. In such a case, even though the reason for keeping the option was public support, it may not be explicitly stated.

So how influential is public testimony? On one hand, sometimes it appears that testimony is being ignored. For example, testimony supporting actions that the Council cannot legally take may not have much influence other than to let Council members know about the degree of concern regarding a particular issue. Or, testimony may come at the wrong stage of the decisionmaking process. On the other hand, observers of the Council process know that there have been times when there has been a complete reversal of likely Council action as a result of public testimony.

## TIPS ON MAKING YOUR TESTIMONY MORE EFFECTIVE

*Identify yourself:* who you are, where you live, and what your interest in the fishery or Council activity is.

*Be relevant:* What action is the Council considering? Is the Council thinking about writing a letter of support, adopting some options for analysis, sending options out for public comment, or taking final action? Address that action in your testimony.

*Be specific:* What would you like the Council to do in response to your concern? State your request with as much specificity as possible. Think about the motion you would like them to pass and tell them what it is. Statements like “You need to consider the hardship this places on fishermen” may influence a vote, but will be more effective if you identify the exact action you want the Council to take, whether it is “Support Option 1,” “Change Option 2 to exempt vessels smaller than 40 feet from this requirement,” “Consider an option that would ...,” “Ask the advisory panel to consider ...,” “Ask for a NMFS report on ...,” “Have the Council chair write a letter to... in support of...,” or “Add an item to the agenda for your next meeting to consider ...”

Keep in mind what can be achieved at a single meeting and

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consider whether you want to emphasize your support or opposition to a program, or to advocate for a smaller step that will move the Council forward in the process (for example, asking a committee to look at an issue and report back to the Council on it.)

One final note: It's perfectly acceptable to read your

comments in front of the Council. At the least, have some notes or an outline to work from. The testimony seat can be intimidating, and it's good to have notes to rely on.

For more ideas on how to get involved, see the Council fact sheet titled "Getting Involved."

*Updated January 29, 2019*

## SAMPLE ORAL TESTIMONY

Mr. Chairman [or Madam Chair] and members of the Council,	This is the traditional greeting.
My name is Whitney Campbell. I represent the Bay Area Giant Squid Supporters (BAGSS), a nonprofit organization with 9,500 members.	State your name for the record. If you represent an organization, be sure to say how many members it has.
We'd like to express our concern that impacts on giant squid are not being sufficiently considered in the Council's proposed Kraken Fishery Management Plan.	Refer to the fishery management plan or rule that you are commenting on.
Giant squid are frequently encountered in conjunction with kraken, and may be difficult to differentiate from the common kraken. Therefore, we urge the Council to include consideration of giant squid in the KFMP.	State your desire clearly. Make sure that you are asking for something that falls within the Council's mandate.
As a founder of BAGSS, I've made the study of giant squid my life's work. In 2016 I conducted a comprehensive assessment of giant squid in northern California for the National Giant Squid Association.	Give some background about your expertise and experience.
The assessment clearly showed that these mysterious and beautiful creatures play an important role in California's coastal ecosystem, particularly in regard to their symbiotic relationship with Chinook salmon.	Don't be afraid to show a little passion, but try to control any anger you might feel. Connect the issue to other important issues facing the Council.
Agenda Item B.7 in your briefing book gives a brief summary of the assessment.	Provide supplemental information if it is relevant. Be sure to provide it by the briefing book deadline.
In May 2018, I sent a letter to the National Marine Fisheries Service on behalf of BAGSS expressing our concern that NMFS was ignoring giant squid.	Provide a short history of your involvement with this issue.
The letter echoed many of the concerns presented in the lawsuit filed by the Squid Supporters of Hawaii (SQUISH). The decision in the SQUISH lawsuit is scheduled for November 2020 and is likely to bring giant squid to the foreground of fisheries management issues.	Demonstrate knowledge of other factors that are influencing the issue.
National Standard 2 of the Magnuson-Stevens Act states that "(2) Conservation and management measures shall be based upon the best scientific information available." We at BAGSS strongly believe that the 2016 assessment of giant squid represents the best scientific information available on these animals, and should be considered in the KFMP.	If possible, connect your concern to Magnuson-Stevens Act.
In closing, we would like to recommend that the Council immediately create a committee to consider impacts on giant squid in the KFMP. I'd be happy to serve on such a committee and make my knowledge of giant squid available to the Council.	Re-state your argument at the end with more detail, if desired. Suggest a constructive step for the Council to take. Volunteer your services, if possible and relevant.
Thanks for the opportunity to comment.	Close respectfully and remain seated for any questions.