

## HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON MEMBERSHIP APPOINTMENTS AND COUNCIL OPERATING PROCEDURES

The Highly Migratory Species Advisory Subpanel (HMSAS) makes the following recommendations regarding composition of the HMSAS. We support relabeling the two current Commercial Fisheries At Large seats as follows: Northern Commercial Fisheries and Southern Commercial Fisheries, as this aligns with the two Charter Boat Operator seats. We also recommend the current At-Large seat be converted to a Deep-Set Buoy Gear (DSBG) Seat.

We support the Salmon Advisory Subpanel proposal to increase the number of private recreational seats on the HMSAS from one to two, one south of Point Conception and one north, provided it is done so by adding a new seat to the HMSAS and not taking one from an existing panel member.

We also offer comments on the Public Comment submitted to the Briefing Book. For convenience, we follow the headings used in that comment:

### **Term Limits**

We agree that 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. We disagree that term limits are the only mechanism whereby this can occur.

Although this sounds like a good idea and mirrors Council member term limits, the two are not the same. The Council's advisory bodies (ABs) are made up of stakeholders with current and historical expertise in specific sectors/areas to advise the Council in its deliberations. They include fishery participants, fishing community members, and the conservation community. Because most fishing industry members work in their respective fishery, often 24 hours per day and year-round, it is often difficult to get dedicated advisors to agree to participate. Additionally, as fisheries become more restricted, the universe of fishery participants dwindles and those willing to serve shrinks even more. We appreciate an allowance for those seats where there is no other interest shown, aside from an otherwise terming out AB member. We would like to point out that some promoting limits get paid a substantial salary from their regular job to attend these meetings in addition to time and travel if they are AB members.

For newly-appointed AB members, it takes a significant amount of time to get acquainted with the workings of the process and the various management entities. Most are paid a very modest stipend that does not begin to offset the loss of income-producing opportunity while participating in the process. We believe it would be a mistake to force historical knowledge and expertise out of the process through term limits.

Our discussions and deliberations on hard caps during this meeting greatly benefitted from having the perspective of individuals who were present when that item was originally before the Council.

If term limits are deemed appropriate, we do agree that they need to be staggered.

## **AB Seat Composition**

As mentioned above, we recommend a few minor adjustments: renaming existing seats to show coastwide stakeholder representation and accommodate the addition of DSBG as a new fishery. We feel the current representation is adequate and fair to all HMS stakeholders and complies with the Magnuson-Stevenson Act's requirements for advisory panels. Seats should be assigned to participants of productive fisheries as well as the consumer. Conservation interests should be allocated one seat in the same sort of advisory role.

## **Majority/Minority Opinions**

The current policy on this topic seems to be working well. For the most part, we are able to reach consensus and do not have too many minority reports. Occasionally, members will have a difference of opinion and they are encouraged to submit a minority report. The HMSAS is aware that the verbiage of majority and minority reports may imply some kind of formal voting. However, polling members of the HMSAS is only done for the purpose of identifying any members who remain dissatisfied with the HMSAS report to determine if further discussion is warranted or if another opinion on the topic should be included as a 'minority' opinion. Any idea that minority reports are currently discouraged within the HMSAS is unfounded.

## **Chair Training and Meeting Inclusiveness**

We disagree with the requirement that AB Chairs receive training in harassment, bullying, equity, and inclusion. We do so, not because we think those matters unimportant, but rather because of concern for potential legal ramifications and that it may actually discourage someone from seeking the role. We encourage the Council to seek advice of legal counsel before implementing such a requirement.

We would suggest that the signing of any statement agreeing to abide by the Council Operating Procedures should only be required of individuals who are proposed to be appointed to the ABs – not for merely applying. For example, what about an individual who does not self-nominate?

We agree that new members should be informed about the Council process, but acknowledge that this will not be a substitute for actually participating in the process.

Inclusiveness, as we see it mentioned here, seems to imply that participation is discouraged in AB meetings. Speaking only for the HMSAS, the public is always welcome to attend and participate in our meetings.

## **Meeting Timing and Format**

While virtual meetings are convenient, we disagree with their effectiveness compared to in-person meetings. In-person meetings allow AB members to interact on a personal level with management team members, other stakeholders, Council members, and staff. It has been evident that not everyone will speak up during virtual meetings but will participate when meeting in person. By and large, fishing industry participants would have to pay their own way to physically attend

meetings to engage with the Council should AB meetings not be held virtually. The expense, both monetarily and in terms of time, would limit industry participation in Council meetings; and deny access to the management process. We suspect some non-industry stakeholders, primarily those from the conservation community, will not suffer any financial hardship to physically participate in the process. Although it would save the Council funds to continue the virtual format, it unfairly disadvantages fishing industry stakeholders regarding access to the entities mentioned above.

Perhaps one idea is to offer the ability for AB members to participate remotely if they prefer. That may actually maximize representation and participation of the sector represented by the AB member.

Perhaps another option would be to break AB meetings into two subparts. One, a one-day meeting that would occur in advance of a Council meeting and held remotely and the second to be in-person and occur during the Council meeting.

### **Public Comment and Participation**

At the outset, we note that for the June Council meeting each AB agenda has public comment scheduled for their meetings. The HMSAS also routinely discusses written public comments on HMS topics included in the briefing materials. We support requiring public comment during AB meetings. The HMSAS schedules two opportunities for public comment during every day we meet. We have also been known to take public comment outside of those scheduled times as circumstances allow. However, there should be some guardrails placed on this so that public comments do not become disruptive to the AB's functions and/or meetings. We believe our approach, scheduling public comments before lunch and before adjourning for the day, could be a model for the other ABs.

PFMC  
06/25/21