

COUNCIL STAFF REPORT ON THE QUICK RESPONSE PROCEDURE

Occasionally the Pacific Fishery Management Council (Council) finds it necessary to draft correspondence which responds to issues that fall outside of regularly scheduled Council meetings. The process for doing so is outlined in the Council Operating Procedures (COPs), and it has been used relatively frequently in recent months as issues around marine planning and wind energy arise. The relevant section of COP1 states:

This procedure addresses Council comments to other entities on actions proposed by those entities. It does not include fishery management action items that are the responsibility of the Council and must be approved by the Council at a regular or emergency meeting.

For new policy matters that will be implemented or have a comment deadline prior to the next Council meeting, the Council Chair is authorized to send a letter on behalf of the Council using the following procedure:

Staff will distribute a summary of the issue and a proposed response to all Council members. If the Council Chair receives a response from at least one voting member from each state, staff may send an official Council comment letter taking into account the responses received from members. Consensus is not required.

This language enables the Quick Response (QR) procedure to encompass a range of possible issues that may arise and makes clear when the Chairman is authorized to send a letter as part of the QR procedure.

Recently the Council established the Marine Planning Committee (MPC). This committee was formed with the idea that it would help the Council understand and respond to a growing list of marine planning issues that impact fisheries, such as wind energy, aquaculture, and potentially more. As MPC's work has gotten under way, it has been necessary to align the work of this committee – and others – with the QR procedure, something that is not clearly outlined in the COPs. This recently led to some misunderstanding about the various roles of the Council staff, the MPC, and the Habitat Committee (HC) and how best to navigate marine planning-related issues outside of formal Council meetings. In response, Council staff have crafted the following steps for ensuring that a sound QR procedure exists in-between Council meetings that is consistent with the COPs and ensures input from relevant committees. These steps are:

1. Council staff and the leadership of an appropriate committee will consult with each other on the need for a QR letter if it appears one is necessary and appropriate.
2. If deemed appropriate, the Executive Director will consult with the Council Chairman on the prospect of a QR letter.

3. Should the Council Chairman agree that a QR letter is warranted, the relevant committee and Council staff will work together to craft a QR letter. The Executive Director will simultaneously alert Council members that a QR letter is forthcoming.
4. The Executive Director will circulate the draft QR letter to Council members, along with a brief summary of the issue.
5. Should at least one voting member from each state affirm that the letter should be submitted, then Council staff will proceed accordingly, after considering any feedback received from Council members.

These steps were recently implemented as part of the Humboldt Wind Energy Area Environmental Assessment in order to improve the QR procedure and to align that procedure with the work of the MPC and the HC. The process steps outlined above are included in this report as an informational matter as it is staff's opinion that these steps are consistent with the existing COPs. Council staff are therefore not recommending modifications to our COPs at this time; however, such modifications can be made if it is the Council's desire to do so.

PFMC
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