

REPORT OF THE JANUARY 18-19, 2024 COMMITTEE OF THE WHOLE MEETING

A. Introduction and Background

1. Overview and Meeting Objectives

The Committee of the Whole (COTW) was established as an ad hoc committee by the Pacific Fishery Management Council (Council) in November 2023. The COTW is composed of selected Council members meeting in a non-plenary format. The general purpose of a COTW is to relax the usual rules, formalities, and limits on debate that take place during a Council meeting. This allows for a more open exchange of views without the urgency of a vote or many of the formalities that precede it. As with other Council committee or advisory body meetings, a COTW meeting is a committee meeting. The agenda topics have been referred to the COTW by the Council. Any conclusions or advice stemming from a COTW is referred to the Council as recommendations for consideration, adoption, and/or refinement by the Council. In other words, no decisions are made at this meeting.

The COTW and its January 2024 meeting respond to previous Council discussions under “Council efficiencies” and Council budget agenda items in 2022 and 2023 Council meetings. The purpose of this meeting was to discuss Council priorities and operations in the context of current and long-term budget considerations to inform the Council’s next budget cycle in light of limited Council resources in an inflationary financial environment.

The Council should consider COTW recommendations under this agenda item. [Further consideration may be scheduled on the June Council meeting agenda.]

2. Ice-breaker Questions

To set the tone of the meeting and encourage frank discussion COTW members responded to questions about their experiences in the Council process.

3. Summary of Council Fiscal Status and Outlook

Executive Director, Merrick Burden, presented the staff paper [Council Fiscal Status and Outlook](#). This paper largely constitutes a review of financial information presented to the Council throughout 2023 and much of 2022. Committee members asked clarifying questions, but little discussion occurred.

B. Council Priorities and Core Responsibilities

1 Council Responsibilities and Activities

Dr. Kit Dahl presented the staff paper [Categorizing Council Activities for Prioritization](#). The paper presented a conceptual framework for considering topics on Council agendas in relation to the Council core responsibilities.

Committee members sought clarification on the information presented in the paper on Council meeting floor time spent on various topics. They then discussed the conceptual framework in the paper in light of this information. The Committee generally agreed that the continuum of engagement represented by Figure 1 was a useful way to begin thinking about prioritization.

The Committee had an expansive discussion of different ways to characterize core Council responsibilities and distinguish them from lower priority topics. In general, the Committee found it straightforward to identify the kinds of topics that constitute core activities but found it more difficult to clearly characterize the spectrum of non-core topics. It was recognized that these core responsibilities extend beyond statutorily mandated responsibilities to some discretionary responsibilities identified in the Magnuson-Stevens Act (MSA), various intersections with other applicable law, some aspects of transboundary management (e.g., interactions with bilateral and multilateral fishery management organizations), and the general need for Tribal consultation across a range of decisions. But delineating a clear boundary to categorically separate core from non-core proved difficult.

There was frequent reference to the data presented in the paper on time spent on topics during past Council meetings, but there was no clear path for associating that information to the question of prioritization. It was recognized that floor time typically does not correlate well with the amount of staff or advisory body time spent preparing materials for Council decision making. This makes it a less reliable metric for assessing the resources needed to complete a particular action.

2 Council Expenses in Relation to Activities

Executive Director, Merrick Burden, then presented the staff paper [Aligning Council Priorities with Finances](#). This paper presented several budget scenarios based on the range of matters the Council has taken up and may take up in the future (Table 1). These scenarios broadly aligned with the conceptual categories described in the previous staff paper. In preparing the scenarios Mr. Burden concluded that deliberations tied to the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) cannot be segregated from the statutory core responsibilities and should therefore be included therein. Table 2 in the paper grouped a range of topics on Council agendas according to these scenarios.

The Committee noted that the expanding scope of the topics the Council takes up not only contributes to the depletion of financial resources but also over-taxes Council staff and advisory bodies. Another dimension is consideration of changes to Council operations that result in cost savings and could free up staff and advisory body capacity. This was further discussed under Agenda Item D, below.

3 Recommendations

The Committee confirmed its consensus of core responsibilities as those identified in the MSA, actions under other applicable law that directly affect statutory responsibilities, principally in relation to the ESA, MMPA, and Tribal fishing rights. (This aligns with the first two columns in the tables in the staff briefing paper for Agenda Item B.2).

The Committee further discussed a variety of approaches, or factors, which could be used to categorize edge cases outside this definition of Council core responsibilities, but that directly impinge on those responsibilities. Even within those topics that can be considered part of the core fishery management responsibility, the Committee recognized that there are actions the Council is not obliged to undertake but can produce substantial benefits for managed fisheries. However, similar to its previous discussion, the Committee was unable to identify a bright line, or simple set of criteria, to categorize specific topics as a core Council responsibility versus those that are not. Furthermore, it could not identify topics to categorically drop from future consideration.

In response, the Committee discussed approaches across two or more dimensions that could be represented graphically and how various actions would fit into a matrix of this kind. Dimensions included urgency, impact on fishing communities, relationship to Council statutory authority, benefits in relation to workload, and the likelihood an issue would be addressed through some other administrative process (e.g., by NMFS).

The Committee recognized that any prioritization has to be linked to available operational funding and staff capacity. However, even if the Council were to only address its core responsibilities, it appears impossible to continue operations without continuing to spend down the reserve funding account. At best, any reduction in expenditures will only delay the exhaustion of that account.

The Committee also discussed whether savings could be achieved by addressing the current range of issues in a more cost-effective way. They discussed various ideas in this regard, which is the subject of Agenda Item D.

The Committee recommended that staff develop a decision tool based on the conceptual framework described in the staff paper presented under Agenda Item B.1 and the variety of approaches subsequently discussed by the Committee. This tool would help the Council prioritize candidate issues it might take up as part of its work. It also asked staff to provide more detail on the topics associated with the table columns in the staff paper under Agenda Item D.2 as a basis for developing a range of cost cutting scenarios.

C. State Expenses and Inflation Reduction Act Funding

1. Status of Liaison Contracts

State agency Council members summarized the manner in which state liaison funding is used by the states to support Council functions. Each state summarized how liaison funding is used to support state agency staff that play a role in the Council. Some deviation occurs across states for travel expenses related to state agency staff attending Council meetings. In some cases state liaison funding is used to support some Council related travel, while in other cases it is not.

2. Inflation Reduction Act Projects

Executive Director Merrick Burden provided an overview of the proposals for three Inflation Reduction Act projects developed by Council staff in consultation with National Marine Fisheries Service (NMFS) West Coast Region, Science Center, and Pacific States Marine Fisheries Commission (PSMFC) leadership. (see [Staff Briefing Paper](#)). These proposals had to be submitted

to NMFS by the end of January 2024 so this meeting offered an opportunity for Council members to learn about the proposals in a non-decisional setting and the Committee to make recommendations to Council staff when finalizing the proposals for submission. Committee discussion focused on various process questions related to the timing and execution of, and funding for, the projects. The Executive Director said Committee comments would be taken on board in the finalization of the proposals.

D. Council Operations

Deputy Director Kelly Ames oriented Council members to the paper titled [Staff Briefing Paper on Council Operations](#). This paper contains three main focus areas which set the stage for the agenda item. These focus areas included: 1) principles for an effective Council process, 2) factors driving existing challenges, and 3) possibilities for reducing Council operational demands. This paper was used by discussion leads to help guide and facilitate discussion of these three topics.

1. What Does it Take to Have an Effective and Sound Council Process?

To open discussion of this item, Mr. Phil Anderson summarized several points he felt were an important part of the Council's process. These points included matters of culture, organization, respect, and professionalism which have been used for many years to ensure that the Pacific Council process works well. Overall, the members voiced support for the points raised by Mr. Anderson. Some of the points led to a discussion of whether there is a need to update what they look like in practice to ensure the Council continues to be welcoming to a diverse set of participants.

2. What Challenges Exist that May Affect the Ability to have a Sound Council Process and Resulting Recommendations

The Committee discussed the challenges and recommendations outlined in [Agenda Item D, Staff Briefing Paper](#) and introduced other ideas for further consideration, as described below. The Committee cautioned that any changes to Council operations should be carefully evaluated to ensure they maintain the effective and sound process that currently exists (as described above) and reflect the principles of an effective public process (as outlined in Table 1 of [Agenda Item D, Staff Briefing Paper](#)). Overall, the Committee directed the Executive Director to bring forward proposals for the June Council that would temper the rate of expenditures from the delayed spending account.

There is an informal rotation for Council meeting locations, intended to facilitate public participation in the Council process. In March and April of even years, the March Council meeting is held in California and the April meeting is in the Pacific northwest (rotates in the odd years); the June meeting can be held in any location; September has rotated between Spokane, WA and Boise, ID; and November is typically southern California. Costs of Council meetings vary greatly by location, for example Spokane and Boise have lower costs than San Mateo, Seattle, and Los Angeles. The Committee recommended that the Executive Director seek the most economical locations, even if such locations are outside of the informal rotation, noting that the opportunities to provide remote public comment has increased accessibility, diminishing the significance of the meeting location for public participation. The Committee also discussed the possibility of holding

one remote meeting per year, though they expressed caution due to the challenges associated with remote meetings, as described in past Council efficiencies papers.

The Committee discussed the possibility of reducing the duration of Council meetings to address concerns related to both cost and burnout. Current Council meetings are 5.5 days and the Committee recommended exploring the feasibility of 4, 4.5, and 5 day meetings, noting that June and September may be good candidates for shorter meetings. The Committee was also amenable to completing some agenda items remotely while noting the cost savings may be minimal.

The Committee expressed interest in reorganizing the schedule by which Fishery Management Plan actions (FMP) are contemplated with a goal of reducing the number of Council meetings where each FMP is discussed, which may result in cost savings. For example, reducing the number of Coastal Pelagic Species meetings from 3 to 1; reducing the number of Highly Migratory Species meetings from 4 to 3; and forgoing Groundfish in April of the odd years (i.e., the non-specifications year).

In June 2024, the Council is scheduled to review the composition of all term-limited Advisory Body positions (SSC at-large positions; Habitat Committee tribal, industry, conservation, and at-large positions; and all Advisory Subpanel positions) and adopt proposed changes for public review (see [Council Operation Procedure 9](#), Schedule 6; COP). In September 2024, the Council is scheduled to adopt the final compositions of term-limited Advisory Body positions and request nominations to fill the next three-year term. Appointments are scheduled to be made in November 2024. The Committee agreed that the time was ripe to take a hard look at the design and size of the Advisory Bodies. Additionally, the Committee noted that current and future Ad Hoc Committees should accomplish their charge efficiently and effectively. The Committee was particularly interested in exploring alternative models for the Marine Planning Committee, Ecosystem Workgroup, and Ecosystem Advisory Subpanel. Term limits for Advisory Body members were also raised as a means to increase diverse perspectives.

As described above, the scope and complexity of issues under Council consideration have expanded, which has increased the workload of the Advisory Body members. The Committee expressed interest in exploring simpler management approaches and, when appropriate, narrowing the list of items under consideration by Advisory Bodies (i.e., focusing on FMP actions).

The Committee discussed the flow of agenda items at meetings – from reports and comments of management entities and advisory bodies, public comment, and Council discussion and action. The Committee recommended that Advisory Bodies standardize their reports and increase readability by putting the recommendations up front (also known as the [BLUF communication technique](#)). An example of a standardize template would include 1) Short Summary of Issue, 2) Recommendation, and 3) Rationale. Groups are encouraged to submit reports for Council consideration well in advance of the agenda item to allow for more review and consideration. Statement reading would not be necessary when the statements are clear and concise and delivered in a timely manner. The Committee encouraged the groups to recognize when “good is good enough” and avoid striving for perfection. Staff officers should work closely with their groups to achieve these objectives.

Relative to public comment, the Committee recommended clearly defining organizations and individuals and considering changes to the length of time provided for comment. Options discussed were: 2 minutes individuals/8 minutes organizations, 3 minutes individuals/6 minutes organizations, 4 minutes individual/7 minutes organizations, or 4 minutes for both individuals and organizations. [COP 1](#) notes that Council member debate and record development should be avoided during the public testimony period and questions should be for clarification only.

During Council action, debate should be complete and not arbitrarily limited (COP 1), noting that Robert's Rules limits members to two speeches per topic and ten minutes per speech. Committee members recommended more closely following these guidelines. The Committee expressed support for breaks between public comment and Council action to facilitate drafting of motions which could reduce floor time.

E. Next Steps

The committee discussed next steps regarding recommendations and outcomes of the meeting. Next steps discussed by the committee included:

- That a report of the committee meeting be brought forth for consideration by the Council at the March or April Council meeting.
- That the Executive Director draft a series of recommendations for Council reorganization and restructuring, consistent with the overall recommendations discussed by the committee and consistent with the objectives related to finances, workload, and effective decision making.
- That staff develop a tool to assist with Council workload prioritization.
- That staff refine the IRA proposals consistent with feedback and discussion during the committee meeting and submit by the January 31 deadline.

PFMC
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