

PACIFIC FISHERY MANAGEMENT COUNCIL STAFF REPORT ON  
SPECIAL PROJECT 1: ADAPTIVE MANAGEMENT AND FLEXIBILITY –  
COUNCIL ACTION MEETING REQUIREMENTS

**Background**

During its September 2025 discussion of Special Project 1, *Adaptive Management and Flexibility*, the Pacific Fishery Management Council (Council) considered a scoping paper ([Agenda Item H.1, Attachment 1, September 2025](#)) that described a number of potential approaches to increasing adaptive capacity and management flexibility in the Council’s decision-making processes. The Council identified three of those approaches to advance under this project – if-then statements and inseason management actions, Exempted Fishing Permit (EFP) process improvements, and improved processes for data streams and integration of Local and Indigenous Knowledge; those topics are the focus of Attachments 1-4 under this agenda item.

As part of its September 2025 discussion, the Council also requested that the Executive Director explore and identify other opportunities outlined in the Special Project 1 scoping paper to increase procedural efficiencies as part of ongoing work under other initiatives, as appropriate. In November 2025, under the Council Operations and Priorities agenda item, the Council received an update from Council staff on the progress of work to date to implement recommendations to improve Council operations and efficiencies. This update included a summary of procedurally-focused ideas ([Agenda Item D.4, Supplemental Attachment 3, November 2025](#)) presented in the Special Project 1 paper, and indicated that staff would scope these items further and report back at a future Council meeting.

One of these procedurally-focused ideas was to consider opportunities to reduce the number of meetings required by the Council’s fishery management plans (FMPs) and Council Operating Procedures (COPs) for establishing and adjusting management measures and amending FMPs, specifically in the case of non-controversial actions. Because of the potential nexus between this idea and at least one of the three focal areas explored under this agenda item – EFP process improvements – the Council may wish to also consider advancing an approach to reducing meeting requirements where feasible and appropriate.

**An approach to reducing the number of Council meetings required for select decisions/actions**

In describing the core challenges faced by the Council as it seeks to become more responsive to rapidly changing conditions, the Special Project 1 scoping paper identified lengthy decision-making timelines as one reason for the lag between initiation and completion of a Council action. Sometimes these timelines are lengthy out of necessity or due to unforeseen circumstances, while other situations may lend themselves to a faster process.

As noted in the scoping paper, one factor impacting Council timelines is the meeting requirements for establishing and adjusting management measures and regulations. These requirements differ slightly across the Council’s FMPs, but most measures and actions can be established in either one

or two Council meetings. That said, there appears to be some flexibility here insofar that the Coastal Pelagic Species (CPS), Groundfish, and Highly Migratory Species (HMS) FMPs each modify one or more of their meeting requirements with the phrase “normally require.”<sup>1</sup> This may provide an opportunity for the Council to consider whether a framework could be developed that would allow for faster consideration of non-controversial measures – such as a shift from two meetings to one, as appropriate. Similarly, COP 11 establishes a general schedule for developing and adopting FMP amendments across a three-meeting process.<sup>2</sup> The framework mentioned above could also describe conditions and sideboards that may accommodate a shift from three meetings to two when considering certain FMP amendments.

To support the potential development of such a framework, Council staff could bring forward draft criteria to help identify the kinds of actions, measures, or amendments that would be best suited to a one- or two-meeting process. At a minimum, such criteria would likely apply to actions that are:

- Well-analyzed with clear supporting documentation;
- Subject to broad agreement, as captured by Advisory Body reports, public comment, and/or Council discussion;
- Widely considered low-controversy or non-controversial.

In addition to criteria for identifying suitable Council actions, another key consideration in a meeting requirements framework would be ensuring adequate public notice in all cases. A proposed framework would explicitly account for this and describe opportunities to shorten timelines for select actions without impacting public notice and comment requirements.

For reference, Appendix A below includes a summary of meeting requirements for different kinds of actions, procedures, and measures, by FMP. Appendix B provides the text of COP 11, Plan Amendment Cycles.

### **Next steps**

Pending Council guidance, Council staff could bring back a plan to build in more flexibility to Council action timelines; this would include developing draft criteria and a proposed approach to applying that criteria when determining if an action could be completed in fewer meetings than under status quo. If tasked, staff could provide additional information and a draft framework at the September 2026 meeting, when the Council is next scheduled to discuss implementation of Special Project 1.

### **Appendix A – Summary of Meeting Requirements by FMP**

#### *Coastal Pelagic Species*

Types of Actions and Procedures:

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<sup>1</sup> For CPS, both abbreviated and full rulemaking actions “normally require at least two Council meetings.” For Groundfish, full rulemaking actions “normally require two Council meetings.” For HMS, abbreviated rulemaking actions “normally require at least two Council meetings.”

<sup>2</sup> [Council Operating Procedure 11](#), Pacific Fishery Management Council.

- Management measures may be imposed, adjusted, or removed at any time during the year. Management measures may be imposed for resource conservation, social, or economic reasons consistent with FMP procedures, goals, and objectives.
- Categories of management actions:
  - Automatic actions – no notice and comment; no Council meetings (for actions that are non-discretionary and where the impacts have previously been taken into account).
  - Notice actions – require at least one Council meeting and one Federal Register notice (these include all management actions other than automatic actions that are either non-discretionary or have probable impacts that have been previously analyzed).
  - Abbreviated rulemaking actions – normally require at least two Council meetings and one Federal Register rule (these include all management actions intended to have permanent effect and be discretionary in nature with impacts that have not been previously analyzed).
  - Full rulemaking actions – normally require at least two Council meetings and two Federal Register rules; usually used for highly controversial management measures (these include any highly controversial management measure).

#### Routine Management Measures:

- Once a management measure has been classified as routine through the abbreviated or full rulemaking procedures, it may be modified thereafter through the single meeting notice procedure if (1) modification is proposed for the same purpose as the original measure; and (2) impacts of the modification are within the scope of the impacts analyzed when the measure was originally classified as routine.

#### *Groundfish*

#### General Procedures for Establishing and Adjusting Management Measures:

- Management measures are normally imposed, adjusted, or removed at the beginning of the biennial fishing period, but may, if the Council determines it necessary, be imposed, adjusted, or removed at any time during the period. Management measures may be imposed for habitat protection, resource conservation, or social or economic reasons consistent with the criteria, procedures, goals, and objectives set forth in the FMP.
- Categories of management actions:
  - Automatic actions – no notice and comment; no Council meetings (these actions are nondiscretionary, and the impacts must be reasonably accountable, based on previous application of the action or past analysis).
  - Notice actions requiring one Federal Register notice – may be recommended at one Council meeting or by NMFS outside of a Council meeting for certain actions (these include all management actions other than automatic actions; may be nondiscretionary; may be actions for which the scope of probable impacts has been previously analyzed).
  - Management measures rulemaking for actions developed through three-meeting biennial specifications process – three Council meetings and two Federal register notices (these include (1) management measures to be classified as routine the first time these measures are used; or (2) adjustments to measures previously classified as routine, such as trip limits that vary by gear type, closed seasons or areas, and in the recreational fishery, bag limits, size limits, time/area closures, boat limits, hook

limits, and dressing requirements or (3) new management measures, which are those management measures where the impacts have not been previously analyzed and/or have not been previously implemented in regulations).

- Full rulemaking actions – normally require two Council meetings and two Federal Register rules (these include any proposed new management measures to be classified as routine, including those considered highly controversial, or any measure that directly allocates the resource; also includes regulatory measures to implement an FMP amendment).

#### Routine Management Measures:

- Routine management measures are those that the Council determines are likely to be adjusted on an annual or more frequent basis. The Council will classify measures as routine through either the specifications and management measures or full rulemaking processes. In order for a measure to be classified as routine, the Council will determine that the measure is appropriate to address the issue at hand and may require further adjustment to achieve its purpose with accuracy.
- Once a management measure has been classified as routine through one of the two rulemaking procedures outlined above, it may be modified thereafter through the single meeting notice procedure only if (1) the modification is proposed for the same purpose as the original measure, and (2) the impacts of the modification are within the scope of the impacts analyzed when the measure was originally classified as routine.

#### *Highly Migratory Species*

#### Biennial Process for Specifying Management Reference Points and Management Measures:

- Management measures may be imposed for resource conservation, or social or economic reasons consistent with FMP procedures, goals and objectives.
- Under most framework procedures, management measures may be established, adjusted or removed using the following categories of actions:
  - Automatic actions – may be made effective immediately in a single Federal Register notice (these include actions that are nondiscretionary and which have already been analyzed in advance).
  - Notice actions – require at least one Council meeting and one Federal Register notice (these are management actions other than automatic actions that are either nondiscretionary or within the scope of a previous analysis).
  - Abbreviated rulemaking actions – normally require at least two Council meetings and one Federal Register notice (this process is used only when time is insufficient to use the full rulemaking process).
  - Full rulemaking actions – require at least two Council meetings and two Federal Register notices consisting of proposed and final rules (these include any proposed management measures not falling within the other categories, including measures that are highly controversial or that directly allocate a resource, such as regulatory amendments or adjustments to change management rules).

#### *Salmon*

#### Inseason Management Actions and Procedures:

- Inseason modifications of the regulations may be necessary under certain conditions to fulfill the Council's objectives. Inseason actions include “fixed” actions (e.g., automatic season closures when a quota has been reached) or “flexible” actions (e.g., modification of quotas and/or fishing seasons).
- Inseason actions are taken by the Secretary of Commerce through the NMFS Regional Administrator and do not require a Council meeting or Federal Register notice (notice of inseason actions will still be filed with the Office of the Federal Register as soon as is practicable).

FMP Amendment:

- Depending on the required environmental analyses, the amendment process generally requires at least a year from the date of the initial development of the draft amendment by the Council. In order for regulations implementing an amendment to be in place at the beginning of the general fishing season for salmon (May 16), the Council will need to begin the process by no later than April of the previous season.

## **Appendix B – Council Operating Procedure 11: Plan Amendment Cycles**

### *Purpose*

To serve as a guide to fishery management plan (FMP) amendment sponsors and establishes a general schedule for FMP amendments conducted by the Council, its advisory entities, and staff.

### *General Plan Amendment Schedule*

The Council may initiate the amendment process at any time as management needs are identified. Potential amendments should be clearly identified by the sponsoring parties and address the criteria below which will be used by the Council and its advisory entities to assess the need for pursuing the amendment:

- a. Assessment of need for action and compatibility with the objectives of the pertinent fishery management plan
- b. Alternative ways to address the problem without plan amendment
- c. Potential impacts from the proposed action
- d. Possible amendment alternatives
- e. Complexity or controversial nature of the proposed action

Technically complex amendment issues may require special meetings or assignments to advisory entities to develop basic data or modeling tools before the Council determines whether or not to proceed with the amendment process.

Once the Council decides to proceed with a plan amendment, Council staff will determine whether an environmental assessment or Environmental Impact Statement (EIS) must be prepared. If an EIS will be prepared, a notice of intent (NOI) must be published in the *Federal Register*. Scoping may occur before the NOI is published and must occur afterwards.

The first Council meeting listed in the schedule below occurs after the preliminary identification described above has occurred. The subsequent meetings are not necessarily consecutive meetings, but depend on the specific amendment schedule the Council develops at the first meeting.

Meeting or Interim	Management Activity
First Meeting	<p>The Council formally identifies pertinent amendment issues based on input from advisory entities and the public.<sup>3</sup> All major issues should be identified at this time. This scoping may be conducted within the normal Council meeting agenda and/or in one or more advertised scoping sessions outside of the Council meeting agenda.</p> <p>The Council establishes a schedule for completion of the amendment, taking into account its current meeting schedule, workload, budget, requirements of the National Environmental Policy Act (NEPA), and other relevant issues. The Council instructs the pertinent advisory entities and staff to prepare an initial analysis.</p>
First Interim	<p>The staff and pertinent advisory entities prepare the initial draft amendment package for Council review.</p>
Second Meeting	<p>Pertinent Council advisory entities and the public provide comments on the preliminary draft amendment package.</p> <p>The Council considers the comments, decides on the issues and the range of alternatives to be included in the amendment, selects preferred alternatives, if possible, adopts a draft amendment package for public review, and instructs the staff and other pertinent personnel to complete all necessary documentation. If the Council believes additional alternatives should be developed, additional analysis prepared, or additional public review is necessary, it may direct a repeat of the first interim and second meeting steps.</p>
Second Interim	<p>Staff and pertinent advisory entities complete the final draft amendment, including a preliminary environmental impact analysis and make it available for public comment.</p> <p>For amendments that are controversial and/or have wide ranging impacts, public hearings may be held during this interim period in strategic locations pertinent to the impacts of the amendment. In other cases, there may be a formal hearing linked to the third Council meeting, or the hearing is held during a final comment period during the agenda of the third meeting.</p>

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<sup>3</sup> Action required.

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Meeting or Interim	Management Activity
Third Meeting	<p data-bbox="488 163 1437 268">The Council considers final advisory entity and public comments and adopts the final amendment for implementation by the Secretary of Commerce.</p> <p data-bbox="488 296 1437 401">If an EIS is prepared for the action, the Council may authorize staff to release a complete draft for the required statutory public comment period after either the second or third meeting.</p>

PFMC  
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