



# Pacific Halibut Management Association of British Columbia

*A MEMBER OF THE BC SEAFOOD ALLIANCE*

June 30, 2012

International Pacific Halibut Commission  
2320 W. Commodore Way Suite 300  
Seattle, WA 98199-1287  
USA

Dear Commissioners:

## **COMMENTS ON IPHC PERFORMANCE REVIEW REPORT**

Our organization, the Pacific Halibut Management Association of BC (PHMA), represents the majority of the commercial halibut vessel owners on Canada's Pacific coast. PHMA and its members have a long history of participating in the IPHC process.

The PHMA Board of Directors has carefully reviewed the "Performance Review of the International Pacific Halibut Commission" and considered the recommendations of CONCUR, Inc. PHMA believe the decision to undertake an independent performance review was a sound one. PHMA offers the following comments on the review and its recommendations for consideration by the International Pacific Halibut Commission (IPHC).

PHMA appreciates the opportunity to provide input.

Sincerely,

Chris Sporer  
Executive Manager

## **General Comments**

The CONCUR recommendations are broad reaching and their adoption and implementation will require significant time and resources from Commissioners, Commission staff, both federal governments and stakeholders from both countries. However, these resources are not limitless and they are, arguably, for all intents and purposes already fully subscribed.

Unless new resources are devoted to the process, the Commission is going to have to consider how the recommendations mesh with existing activities and determine priorities. The adoption and implementation of any of the CONCUR recommendations should not reduce the resources available for and focus on core Commission activities and other ongoing initiatives to which the Commissioners, Commission staff, both governments and stakeholders from both countries have already committed (e.g., work on halibut bycatch, multi-year plan to review current and planned research activities). In other words, we urge the Commission to be careful not to bite off more than it, Commission staff, federal governments and stakeholders can chew.

Further we ask the Commission to bear in mind that Canada's commercial halibut fishermen are "consultation weary" and we have no new resources to devote to the process. We are constantly being asked and required to participate in an increasing number of international and domestic consultation processes (and we expect other stakeholders from both countries, as well as Commission and agency staff, are feeling the same pressures). If the Commission is to contemplate change, it is important to ensure that the change will be effective (i.e., it addresses a real, not a perceived, issue) and cost effective (the marginal value is greater than the costs), and it is not simply change for the sake of change.

We also note that the performance review appears to have relied heavily on stakeholder comment. While stakeholder comment and insight is valuable, it is important to recognize that it is driven, in part, by perception and vested interest. For example, we note on page 27 of the review, one interviewee is quoted as saying, "Bruce and staff are great about getting out and mixing it up with stakeholders...They're not just sitting in their ivory towers." However, according to page 29 of the review, "some commenters view the IPHC staff as too 'ivory tower'...". Clearly, different stakeholders can have different perspectives on the same issue. It is more important to look at fact and evidence. The Commission must take an evidence-based approach when considering the review, the recommendations and how to proceed.

### **Recommendation #1: Adopt Clear and Comprehensive Protocols/Rules of Procedure**

PHMA supports this recommendation.

### **Recommendation #2: Improve Commission Transparency**

PHMA supports this recommendation.

### **Recommendation #3: Revisit Stakeholder Engagement Structure**

PHMA does not support moving forward with Recommendation 3#. A number of the points raised in this recommendation need to be clarified. Further, it seems what is proposed under Recommendation #3 poses would consume significant Commission, agency and stakeholder time and additional resources, at a time when there are critical initiatives underway that require attention (bycatch work, multi-year science plan, etc.).

Prior to devoting resources to re-vamping the stakeholder engagement, the Commission should first follow through with Recommendation #1 (and some of Step 1 of Recommendation #3) and adopt clear and comprehensive protocols/rules of procedure for each stakeholder body. As noted in the performance review report:

“the protocols/rules of procedure for stakeholder engagement structures should cover, at a minimum: structure, roles and responsibilities; decision-making authority and process; role in planning for and at Annual and Interim Meeting; reporting out mechanism and protocols; and relationships to other elements of the IPHC.” (page 53)

“**For PAG, Conference Board and RAB:** Composition, participation criteria and selection process; role of national section; meeting conduct.” (page 53)

Adopting such clear and comprehensive protocols/rules of procedure as a first step may address some or most of the concerns noted in the CONCUR report as well as identify gaps that can be addressed by amending current processes. This may be a more effective and costs effective alternative to embarking on costly process that may not be necessary to achieve the objectives.

More specifically, Step 1 of Recommendation 3 calls for note taking and professional facilitation. Commission staff already assist with the writing and distribution of the Conference Board report and professional facilitation seems like a significant and unnecessary new expense.

In addition, PHMA is unclear how Step 2 of Recommendation 3 is to work and what will be achieved. It appears what is proposed is that PAG and the Conference Board would operate as normal at the 2013 Annual Meeting and a new layer, a Joint Steering Committee, would be added to the already busy Annual Meeting week. We question the feasibility of conducting a new series of meetings given the chairs of the Conference Board are already challenged to finalize their report Wednesday evening for distribution and presentation Thursday morning. Further, we are not sure of what value such an approach would add.

Given Conference Board members on the proposed Steering Committee would have only participated in the Conference Board meeting, they would only be in the position to engage in an in-depth discussion with Commissioners of what transpired at and the recommendations from the Conference Board. The same would be true for PAG members, but for the PAG process. Therefore, Conference Board participants on the Steering Committee would engage on Conference Board recommendations and PAG participants would engage on PAG recommendations. This is essentially the process that presently takes place for presenting recommendations to the Commission. We are not sure what value the proposed approach would bring, particularly in light of the additional costs it would impose.

Finally, PHMA is also unclear as to what is meant by the statement in Step 2 of Recommendation 3, “that an opportunity for public comment be provided following the deliberations.” If it is proposed that there be a public comment period following the reports to the Commission by PAG and the Conference Board, this would seem to undermine the advisory processes. What incentive do stakeholders or groups of stakeholders have to try to reach accommodation and consensus at the Conference Board (or PAG), or even participate for that matter, if they can lobby the Commission directly in a sanctioned public comment process? However, PHMA could be mistaken in its interpretation of what is proposed. As previously mentioned above, further clarification is required for a number of the points made in Recommendation #3.

#### **Recommendation #4: Develop Strategic Approach to Research**

PHMA supports this concept and notes much of this work appears to be largely already underway. As noted in the IPHC press release following the 2012 Annual Meeting, “The Commission will develop a multi-year plan to review current and planned research activities as well as to plan and prioritise activities in the following areas: peer review of the current assessment model, analysis of the causes for the currently observed retrospective bias in estimates of exploitable biomass, analysis of the ongoing decline in halibut size at age, and development of a Management Strategy Evaluation for the halibut stock.”

#### **Recommendation #5: Strengthen Stock Assessment Process**

PHMA supports this concept and notes much of this work appears to be largely already underway. When considering this recommendation, the Commission must be mindful of the costs associated with the proposed actions.

#### **Recommendation #6: Expand Commission Composition**

PHMA does not support this recommendation. PHMA believes the majority of the proposed actions will only serve to increase costs and encourage the “balkanization” of the Commission.

It is clear that adding alternates to broaden representation on the Commission will significantly increase the costs of the process, yet it is unclear what benefits will be realized. It is unlikely any new funding will be forthcoming. The Government of Canada is cutting budgets and costs are being downloaded onto the commercial fisheries. Adding alternates will only add more pressure to already strained budgets.

Further, adding alternates simply to enable the inclusion of interests sets a dangerous precedent and may, in fact, encourage the “balkanization” of the Commission. The different interests are already represented in the advisory processes, and this is the more appropriate place to bring forward sector interests. Appointees should be named to the Commission to represent their country, not the interests with which they are associated. It needs to be clear they have been appointed because of their ability to conduct themselves in an international forum; for their negotiating skills, knowledge of the halibut fisheries and their understanding of the associated issues. If appointees are led to believe they have been named to the Commission because of the interests they represent, they may be more inclined to

pursue what they perceive is in the best interests of their sector, which could encourage the “balkanization” of the Commission.

PHMA does think it is important for federal representative to the Commission to communicate to their respective government the need for timely appointment; however we suspect that is already being done. Similarly, it would seem to be in a nation’s best interest to have continuity on the Commission, so staggered appointments seem to make sense.

**Recommendation #7: Build Long Term Strategic Plan**

PHMA supports this concept if it is not already in place or underway. However, we would not want to see progress on ongoing important initiatives get side-tracked by resources being focused solely on this recommendation.

**Recommendation #8: Structure Staff Advice to Strengthen the Delineation Between Scientific Analysis and Policy Options**

PHMA supports this recommendation.

**Recommendation #9: Commissioners Should Seek and Take Advantage of Opportunities to Model and Exert Leadership**

PHMA supports this recommendation.

**Recommendation #10: Elevate the Importance of Tribes and First Nations**

As indicated in the discussion in the Performance Review report, each country has First Nations obligations at the domestic level. The report provides no evidence that the IPHC process is preventing or hindering either country from meeting its domestic obligations to First Nations.

Further, First Nations are already part of the Commission structure and IPHC process. For example, for more than a decade one of the three Canadian Commissioners has been First Nations (Ms. Kathleen Pearson, then Mr. Cliff Atleo, then Mr. Larry Johnson). Further, many First Nations tribal councils, bands and organization already have seats on the Conference Board and actively participate in the process. There is no evidence in the performance review report to suggest that the proposed re-vamping of the Commission structure, including but not limited to the industry advisors, RAB and Commissioner seats would be designed to exclude First Nations. Admittedly, if Recommendation 3 were adopted and a new advisory body comprised of 20-24 members created, this would likely result in fewer First Nations participating in the process. However, this would also be the case for all stakeholder sectors.

All stakeholders should be actively included in structured peer review processes. It is important that the role of all stakeholders be fully articulated in any protocols drafted to describe stakeholder engagement in the peer review process. This way there is no confusion on roles and responsibilities by participants or those reviewing the proceedings at a later date.

### **Recommendation #11: Strengthen Interim and Annual Meeting process**

PHMA does not support adding a third public meeting to the Annual Meeting cycle, based on what is proposed in the Performance Review report. Science and research as well as policy issues (e.g., changing from SUFD to SUFullDown) can be addressed through the current process. What is important is that there is a defined process with timelines and milestones for seeking advice, making decisions and implementing changes to science and research or policy. This way all participants are aware of the process, are notified of proposed changes and provided an opportunity for input -- there are no surprises.

There are also concerns with the costs, for the Commission, the federal governments and stakeholders of participating in another series of meetings. It is important to recognize that in Canada, commercial halibut fishermen must pay for their own travel, meal and accommodation costs. Participation in the IPHC process can be very expensive and this is one of the main reasons why there is not always continuity in participation from the commercial sector. It is our understanding that Canada has chosen to fund the travel expenses for recreational fishing interests, but this funding is not extended to commercial fishermen.

Finally, PHMA does not understand the rationale for Recommended Action 5 of Recommendation #11. PHMA is concerned that sanctioned periodic opportunities for public comment throughout the Annual meeting could undermine the process. As noted earlier in the document, what incentive would stakeholders or groups of stakeholders have to try to reach accommodation and consensus at the Conference Board (or PAG), or even participate in an advisory process for that matter, if they can lobby the Commission directly in a sanctioned public comment opportunity? Commissioners could find themselves in the position where they are faced with differing advice from the same stakeholder sector; one view being advanced through the official advisory body and another through the sanctioned public comment opportunity.

### **Recommendation #12: Improve Communications**

PHMA supports this recommendation but cautions the Commission to be mindful of the costs associated with increased communications – it must be cost effective. Consultation is important but it must be done in a way that does not overburden Commission staff and burn up scarce resources.