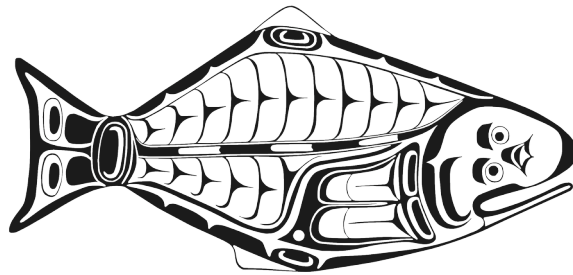


**PERFORMANCE REVIEW
OF THE
INTERNATIONAL PACIFIC HALIBUT COMMISSION**



**PREPARED FOR
THE INTERNATIONAL PACIFIC HALIBUT COMMISSION**

APRIL 30, 2012

**PREPARED BY
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DISCLAIMERS

While stakeholders interviewed as part of this process were provided an opportunity to review and confirm the accuracy of individual summaries of their own remarks, this Report reflects the views of its two authors only and was undertaken as an independent assessment.

This Report is not intended as a critique of the specific methodologies employed by IPHC staff, as that is beyond the scope of this inquiry. It is, rather, intended primarily as an assessment of the processes that govern IPHC decision-making, stakeholder engagement, policy development, information sharing and general practices. Finally, the authors wish to acknowledge that we necessarily heard much more from interviewees than can be usefully encapsulated here. The intent of this Report, rather, was to draw on primary themes, elucidating examples and representative quotes.

¹ The authors of this report wish to thank the IPHC Secretariat for providing the Commission's halibut logo for use on the cover of this Report.

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LIST OF ABBREVIATIONS AND ACRONYMS

CEY – Constant Exploitable Yield
CIE – Center for Independent Experts
CPUE – Catch Per Unit Effort
CSP – Catch Sharing Plan
DFO – Fisheries and Oceans Canada
EEZ – Exclusive Economic Zone
FSC – British Columbia Food, Social, and Ceremonial Fishery
GHL – Guideline Harvest Limits
GOA – Gulf of Alaska
IPHC or Commission – International Pacific Halibut Commission
ITQ – Individual Transferable Quota
MSL – Minimum Size Limits
NGO – Non-Governmental Organization
NMFS – National Marine Fisheries Service
NPFMC or Council – North Pacific Fishery Management Council
PAG – Processor Advisory Group
PSC – Pacific Salmon Commission
RAB – Research Advisory Board
RARA – IPHC Report of Assessment and Research Activities
RFMO – Regional Fishery Management Organization
SSC – Scientific and Statistical Committee
TAC – Total Allowable Catch

EXECUTIVE SUMMARY

BACKGROUND

In 2011, the International Pacific Halibut Commission (IPHC or Commission), in cooperation with the U.S. and Canadian governments, agreed to undertake an independent Performance Review of the Commission² to build upon its work to-date and ensure its continued relevance and effectiveness.

The review, carried out between November 2011 and April 2012, focused in particular on assessing Commission performance and practices over the past decade. The Commission contracted with CONCUR³, Inc., a U.S.-based firm, to undertake the review. CONCUR performed its work independent of IPHC Commissioners and staff.

In undertaking this Performance Review, CONCUR relied on the following approaches to assess the Commission's work and practices, track effectiveness and gauge the need for revised approaches: (1) conducting a set of 43 in-depth interviews with a representative and diverse set of stakeholders; (2) observing the 2011 Interim and 2012 Annual Meetings and reviewing Commission background materials; (3) reviewing practices at other regional fishery management organizations; and (4) drawing on its professional judgment and experience.

FINDINGS

For nearly 90 years, the Commission has successfully shepherded the thoughtful management of the Pacific halibut resource, and it has been widely praised for its skill in managing a sustainable fishery. Stocks have been strong, and the fishery has evolved into a \$600 million per year industry⁴ that employs thousands of people in the U.S. and Canada. Stakeholders are committed to and supportive of the Commission and its work.

Take the long view, and one can see many successes: A science-driven institution that has, in the view of many, managed stocks consistent with the treaty obligation to “develop the stocks of halibut in the Convention waters to those levels which will permit the optimum yield from the fishery and to maintain the stocks at those levels.” Stock abundance levels that, while nowhere near record highs, are still strong and well above levels from the lows of the 1970s. A vibrant commercial fisheries in both the United States and Canada, as well as emerging and expanding new sectors like sport fishing. Stakeholders active and engaged in the Commission process and committed to a conservation-minded approach. A highly skilled IPHC staff focused on the health of the halibut stock and pursuing an aggressive research agenda, and a Commission known as a “bright light” and “one of the best run fisheries in the world.”

² The use of the term “Commission” refers to the six Commissioners that comprise the IPHC. The term “Staff” or “Secretariat” refers to the Commission staff headed by Executive Director Dr. Bruce Leaman.

³ More information about CONCUR is available at www.concurinc.com.

⁴ Retail value

“This is a very strong and well respected process,” said one interviewee.

By all accounts, however, the Commission is now in one of its most challenging periods in decades. Arguably the last few years, culminating in the 2012 Annual Meeting, have been some of the toughest in recent memory, as the Commission and staff have had to wrestle with falling CEYs (constant exploitable yield), challenging analytic uncertainties, tough environmental conditions and a growing unease among stakeholders. There is, for many, a concern that the approaches and processes that have well served the Commission for decades are no longer as effective as they once were.

The IPHC is constrained by a “legacy” structure increasingly out-of-step with the best practices of fisheries and institutions elsewhere. Many core aspects of the Commission, from the stock assessment model, stakeholder input and research activities to Commissioner deliberations and staff advice, lack transparency and are not well understood. Science-dense presentations can be difficult to grasp, and Commission decisions often lack clearly documented rationales. All of these factors – coupled with an increasing focus on uncertainties such as size at age and retrospective concerns – impact stakeholder confidence in staff projections and confound support for recommendations. This is further compounded by the lack of regular peer review, unresolved concerns related to bycatch, and significant disagreements regarding fundamental approaches underlying such core practices as apportionment.

“If you said four or five years ago that you were skeptical of advice coming out of the IPHC, people would have said you were nuts,” said one interviewee. “More recently, the skepticism is growing.”

Some, to be sure, see little need to alter current practices. But there is a growing recognition among many that thoughtful change is needed. There is broad support for improving transparency in Commission decision-making; fostering ongoing peer review of Commission work, with a near-term emphasis on the stock assessment model; developing a long-term strategic research plan; and providing greater clarity in Commission process, roles and responsibilities. Many also saw the need to revisit the stakeholder advisory process to foster greater clarity, more balanced participation and/or improved stakeholder input into Commission decision-making. Other recommendations centered on deepening tribal/First Nations engagement, improving the Commission meeting process, and expanding Commission composition to bring more perspectives into the decision-making process.

Said one interviewee: “I think there’s been a little bit of every one of us riding on our laurels.”

CONCUR RECOMMENDATIONS

The Commission and its staff are already taking steps towards addressing several critical findings identified in this Performance Review. At the 2012 Annual Meeting, for example, the Commission recommended convening workshops to look at stock assessment model peer review needs and develop a long-term research plan. But for these actions to be most effective, they must be coupled with a more comprehensive package of strategies driven by key findings and engage the broader affected community in effective Commissioner-led dialogues.

Below, based on the findings from the Performance Review, are the core recommendations that we believe are essential in helping the Commission continue its efforts to respond to the challenges and expectations of fisheries management in the 21st century. Collectively, these recommendations are intended to:

- Foster greater transparency
- Promote informed decision-making
- Articulate predictable process
- Cultivate more balanced and effective stakeholder input
- Foster fresh, independent critiques
- Further strategic thinking and actions
- Strengthen implementation of treaty obligations

A summary of our recommendations is provided below. More detailed recommendations are included in the full Report.

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

We strongly recommend that the Commission update and expand the existing Rules of Procedure for the Commission, Secretariat and each current stakeholder body (Processor Advisory Group, Conference Board and Research Advisory Board) so that all interested parties have an accurate and consistent understanding of the Commission's structure and practices, with a particular emphasis on roles and responsibilities and participation criteria.

Recommendation #2: Improve Commission Transparency. There is a broad recognition among stakeholders, staff and most Commissioners themselves of the need for and benefit of increased public deliberations. To that end, we recommend that the Commission revise its Annual Meeting process so that it conducts the bulk of its deliberations in public. To the extent the Commission opts to continue holding some *in camera* sessions, discussion summaries should be produced and made readily available in a timely manner (within four to six weeks).

Recommendation #3: Revisit Stakeholder Engagement Structure. The IPHC's current advisory process is problematic, weakened by a structure that fails to effectively incorporate all elements of an expanding stakeholder base and diminishes the meaning and value of its recommendations. We strongly recommend the Commission take steps over the next two years to transition the current stakeholder advisory structure into a single unified, integrated body. This transition should be undertaken with active stakeholder involvement.

Recommendation #4: Develop Strategic Approach to Research. Research undertaken by the IPHC can be a key contributor to achievement of treaty objectives, but it is not currently tethered closely enough to the most important needs of the Commission. We recommend the Commission develop a strategic Five Year Research Plan that links research projects to Commission objectives, with an accompanying and predictable budget. The Commission should also take steps to formalize the Research Advisory Board (RAB).

Recommendation #5: Strengthen Stock Assessment Model. Growing discomfort with the Commission's stock assessment model puts the IPHC on increasingly untenable grounds. We recommend the Commission foster regular peer review of its stock assessment model and outputs, as well as the associated apportionment process. Just as importantly, the Commission must articulate, in writing, a predictable process for considering changes to the assessment model and other recommended actions, so that parties have adequate time to provide input into any proposed measures.

Recommendation #6: Expand Commission Composition. Stakeholder interest has outgrown Commission design and capacity. To that end, we recommend the United States and Canada add up to three alternates each to enable inclusion of interests not now adequately represented on the Commission. We further recommend that each nation put in place a rotation among permanent and alternates to add legitimacy and integration across interests. As well, we recommend developing recruitment criteria that emphasize the ability to negotiate effectively and integrate across interests.

Recommendation #7: Develop Long-Term Strategic Plan. The IPHC currently lacks a long-term strategic plan to guide its actions and investment of resources. We recommend the Commission take steps to develop a long-term strategic plan – coupled with associated annual plans and yearly budgeting – to offer a template for coordinating, focusing and streamlining its efforts. Any plan should include specific milestones and performance measures to track progress, which should then be reported out at each Annual Meeting.

Recommendation #8: Strengthen Delineation Between Scientific Analysis and Policy Options. Commission and Secretariat leadership needs to be more explicit in demarcating the line between scientific analyses and policy choices. We recommend that the Commission clarify the respective roles and responsibilities of Commissioners and staff for each step of the analysis and policy development cycle. Specific to annual catch limits, we recommend that staff provide for the Commission a range of options and forecast associated risks and benefits of each option.

Recommendation #9: Greater Leadership Needed at Commissioner Level. There is broad support for a mode of operation whereby Commissioners are more engaged in the important substantive work of the Commission, provide guidance to staff, and work in a collaborative fashion with senior Secretariat leadership to anticipate and frame emerging policy choices. To that end, we recommend Commissioners take an active role in articulating a vision for the IPHC and engaging in actions to carry out that vision.

Recommendation #10: Elevate Importance of Tribes and First Nations. Tribal and First Nations interests in the Commission's work are substantial, but the nature of their engagement is inconsistent with the status accorded by other bodies. We recommend that any revamping of the Commission structure, including but not limited to industry advisors, RAB and Commissioner seats, accommodate tribal and First Nations participation along with other interested parties. As well, Tribal and First Nations scientists should be actively included in structured peer reviews.

Recommendation #11: Strengthen Interim and Annual Meeting Process. The IPHC's current meeting process is well intentioned but falling short and undercutting effective interaction between Commission, staff and stakeholders. We recommend the Commission address these shortcomings by, among other steps: adding a third meeting to the Annual Meeting cycle; fostering stronger internal meeting preparation; providing materials earlier; and increasing opportunities for more public comment.

Recommendation #12: Improve Communications. The IPHC's outreach to stakeholders is considered quite strong, but there are a handful of gaps that make the Commission process tougher to track and feed perceptions regarding staff biases and freelancing. We recommend the following actions to address these considerations: improve timeliness and use of meeting summaries; draft policies to guide staff on policies under consideration before other bodies; and improve outreach to non-traditional constituencies.

Successful adoption of these recommended changes will necessitate a level of openness and commitment to engage differently from all those currently involved with the IPHC. For Commissioners, it will mean a commitment to exert stronger leadership and engage more proactively. For staff, it will mean a commitment to embrace a new reality of a more dynamic and open process. For stakeholders, it will mean a commitment to more fully explore and integrate across a broad range of interests. And for all, it will mean a commitment to test new strategies, assess their effectiveness and adapt as needed.

MOVING FORWARD

To ensure the findings and recommendations in this Performance Review are fully considered and benefit from broad stakeholder input, we recommend the Commission engage in a public rollout of the Report and subsequently provide an opportunity for the interested stakeholders to submit in-depth comments on both our findings and recommendations prior to any Commission action. We further encourage the Commission to work closely with affected stakeholders and staff as it devises and moves forward with a plan to prioritize and take action.

We thank the Commission for the opportunity to conduct this important Performance Review. We believe our Report accurately portrays the challenges and opportunities now in play, and we think our recommendations offer a viable and effective way forward.

“This is a very strong and well respected process. This stability has been a real positive. It helps people plan.”
- *A Current Commissioner*

“We need to refocus and re-engage.”
- *An Industry Member*

“I think there’s been a little bit of every one of us riding on our laurels.”
- *A Government Agency official*

“It’s a 19th century model that’s not been allowed to evolve using present-day processes.”
- *A Tribal/First Nations representative*

“I want this Commission to work. It’s in all of our interest that we have a working Commission that’s respected.”
- *A Current Commissioner*

I. INTRODUCTION

OVERVIEW

These five quotes – and many more like them – capture the essence of both the challenges and opportunity facing the International Pacific Halibut Commission (IPHC or Commission) as it approaches its 90th anniversary.

For decades now, the Commission has managed the Pacific halibut resource to great success. Stocks have been strong, and the fishery has evolved into a \$600 million per year industry⁵ that employs thousands of people in the United States and Canada. In the views of most, the Commission has largely met its treaty obligations “to develop the stocks of halibut in the Convention waters to those levels which will permit the optimum yield from the fishery and to maintain the stocks at those levels.” Stakeholders are committed to and supportive of the Commission and its work.

Over the past few years, however, there has been a growing concern among many that the approaches and processes that have well served the Commission for decades are no longer as effective as they once were. A more complex fishery – from broadening stakeholder interest to scientific, environmental and management challenges – warrants a more sophisticated, up-to-date and transparent approach moving forward.

This Performance Review offers a closer look at the Commission, spotlighting the strengths and approaches that appear to be working and identifying areas needing a renewed focus and fresh strategies. To be sure, there are serious challenges to be tackled and some tough choices to be made. But steps are already being taken to propel the Commission towards change. And with the commitment of stakeholders, the skills of staff, and the leadership of the U.S. and Canadian

⁵ Retail value

Commissioners and governments, parties are well positioned to jointly carve a successful path forward.

We appreciate the opportunity to assist the Commission in this important effort and hope this Report sparks productive dialogue and concrete actions.

IMPETUS FOR PERFORMANCE REVIEW

In 2011, the U.S. and Canadian IPHC Commissioners, in cooperation with their governments, agreed to an independent Performance Review of the Commission to build upon the Commission's work to-date and ensure its continued relevance and effectiveness.

The review – part of an ongoing international practice to assess regional fishery management organizations – was tasked with generating a focused report that, among other objectives:

- Assesses recent performance of the Commission relative to achievement of the goals set out in the treaty and its various amendments;
- Identifies effective practices already used by the Commission and highlights opportunities to incorporate: (1) new approaches put forward by stakeholders engaged in and impacted by the IPHC process; and (2) best practices employed by other leading international fisheries and oceans management bodies charged with developing management regimes and implementing agreements; and,
- Considers, in particular, opportunities to strengthen Commission governance, including stakeholder involvement, information sharing, policy development, decision-making processes and general Commission practices.

The review, carried out between November 2011 and April 2012, focused in particular on assessing Commission performance and practices over the past decade. This ten-year time horizon was intended to allow for a focused look at the Commission's most recent work, yet be sufficiently broad to fold in an evaluation of recent changes, such as the shift to a coastwide assessment. (A project description prepared by the Commission is included as Appendix 1.)

PERFORMANCE REVIEW METHODOLOGY

The Canadian and U.S. governments recognized that the Performance Review must have both perceived and actual impartiality if it is to be considered credible and have lasting impact. To that end, the Commission contracted with CONCUR⁶, Inc., a U.S.-based firm adept at conducting impartial assessments of fishery and other natural resource-focused organizations and initiatives, to undertake the review. CONCUR performed its work independent of IPHC Commissioners and staff and in coordination with two advisors from the national governments (John Field with the U.S. Department of State and Allison Webb with Fisheries and Oceans Canada).

⁶ More information about CONCUR is available at www.concurinc.com.

The analytic frame we at CONCUR bring to this work is collaborative dialogue process design, complemented by our expertise in public policy analysis, oceans/fisheries policy and strategic planning. In undertaking this Performance Review, we relied on the following approaches to assess the Commission's work and practices, track effectiveness and gauge the need for revised approaches:

- ***In-depth, focused stakeholder interviews.*** The bulk of CONCUR's assessment is drawn from a series of confidential, one-on-one interviews conducted with a representative and diverse set of stakeholders – processors, harvesters (commercial, recreational and First Nations/Native Alaskan/tribal representatives including those affected by halibut by-catch limits), Commission members and staff, academics/scientists, governmental and non-governmental organizations, and others. The list of interviewees was developed by the two-person convening panel in discussion with IPHC Commissioners.

CONCUR conducted a total of 43 in-depth interviews, with questions focusing on topics ranging from stakeholder engagement, stock assessment practices and research activities, to decision-making, administrative procedures and Commission structure. (The list of individuals interviewed is included as Appendix 2. A copy of the interview protocol is included as Appendix 3.) The bulk of the interviews were conducted by phone, though some were carried out in-person during the Commission's January 2012 Annual Meeting. Each interviewee was given an opportunity to review a synopsis of his or her respective interview to confirm the accuracy of our notes. Additionally, CONCUR spoke informally with more than a dozen additional stakeholders during the Annual Meeting itself. These comments also inform the findings included in the Performance Review.

Importantly, it is worth noting that the interviews were meant to be a representative sample that would inform our findings and provide a rich and varied perspective on the issues confronting the Commission. The interviews were not intended to be a "census" of all interested parties, as a complete census would far exceed available time and budget and be unlikely to surface issues beyond those already raised in the extensive interview process.

- ***Commission observation.*** CONCUR attended both the Commission's 2011 Interim Meeting (held November 30-December 1 in Seattle, Washington) and 2012 Annual Meeting (held January 24-27 in Anchorage, Alaska) to track the nature of presentations and discussions, consider the science-policy interface, and assess the Commission's deliberative and decision-making process. CONCUR also observed Conference Board and Processor Advisory Group (PAG) proceedings at the 2012 Annual Meeting, as well as attended several national section meetings and Commission executive sessions during the same weeklong meeting. [Additionally, CONCUR's approach to conducting the Performance Review was discussed during the opening plenary session of the 2012 Annual Meeting, as well as at both the PAG and Conference Board meetings.]
- ***Document review.*** Finally, CONCUR reviewed a range of Commission-related materials, from the foundational Convention, financial regulations and rules of procedure, to annual reports, research plans, stock assessment reviews, yearly budgets and past

reviews of Commission practices. CONCUR also conducted a focused review of other regional fishery management organizations to identify best practices for possible incorporation into the Commission's approach. As well, we drew on both our professional judgment and our extensive experience in environmental policy analysis and the mediation and facilitation of complex natural resource dialogues in putting together our findings and recommendations.

Not surprisingly, our work on the Performance Review generated wide-ranging observations and perspectives. While this Report strives to be comprehensive and capture the many and diverse views we heard over the past few months, we believe the Report's greatest value is in honing in on those issues considered most critical to the Commission's future success. Invariably, this winnowing step means not all issues raised in individual interviews are reflected in this Report.

REPORT STRUCTURE

This Performance Review Report is presented in six main sections:

- ***Executive Summary.*** This section summarizes Performance Review aims, key findings and primary recommendations for moving forward.
- ***Introduction.*** This section provides an overview of the Performance Review impetus, objectives and methodology.
- ***IPHC Background.*** This section provides a brief overview of the IPHC, including background, objectives, structure and activities.
- ***Findings.*** This section offers a synthesis of key findings based on stakeholder interviews, meeting observations, document review and consideration of practices at other regional fishery management organizations. The findings are grouped into the following categories: (1) Commission Strengths, (2) Commission Challenges, and (3) Stakeholder Suggestions for Moving Forward.
- ***Recommendations.*** This section puts forward our recommendations for strengthening current practices. Our recommendations cover topics ranging from stakeholder engagement process and Commission structure, to peer review, Annual Meeting practices and other areas.
- ***Performance Review Rollout Strategy.*** This section puts forward our suggestions for the Commission to consider in moving forward with recommendations in this Report. It includes ideas related to stakeholder engagement and sequencing.

A NOTE ON TERMINOLOGY

At various points in this Report, we use various terms to refer to different aspects of the International Pacific Halibut Commission. Below is a quick description of what we mean when we use each term.

- Commission/IPHC: Refers to the six Commissioners that comprise the IPHC
- Commissioner(s): Refers to one or more of the six Commissioners that comprise the IPHC
- Staff or Secretariat (of the Commission): Refers to the Commission staff headed by Executive Director Dr. Bruce Leaman

II. BACKGROUND

BRIEF IPHC HISTORY

Signed in 1923 by Canada and the United States, the “*Convention for the Preservation of the Halibut Fishery of the North Pacific Ocean including the Bering Sea*” (the Convention) authorized the formation of the International Fisheries Commission (later renamed the International Pacific Halibut Commission). This makes the IPHC the world’s oldest regional fisheries management organization or RFMO. The Convention was later amended, most recently in 1979.

The 1979 amendment (termed a “protocol”) included a general mandate for controlling national fleets “to develop the stocks of halibut in the Convention waters to those levels which will permit the optimum yield from the fishery and to maintain the stocks at those levels.” The 1979 protocol also rescinded reciprocal fishing rights for Canadian and U.S. boats to harvest halibut in the other country’s waters, and resulted in differential development of fishing effort in each country. During the 1960s and 70s, U.S. and Canadian fleets took nearly equal amounts of the coastwide halibut harvest. After the 1979 protocol took effect, that ratio shifted and today is approximately 80% U.S. harvest/20% Canadian harvest coastwide.

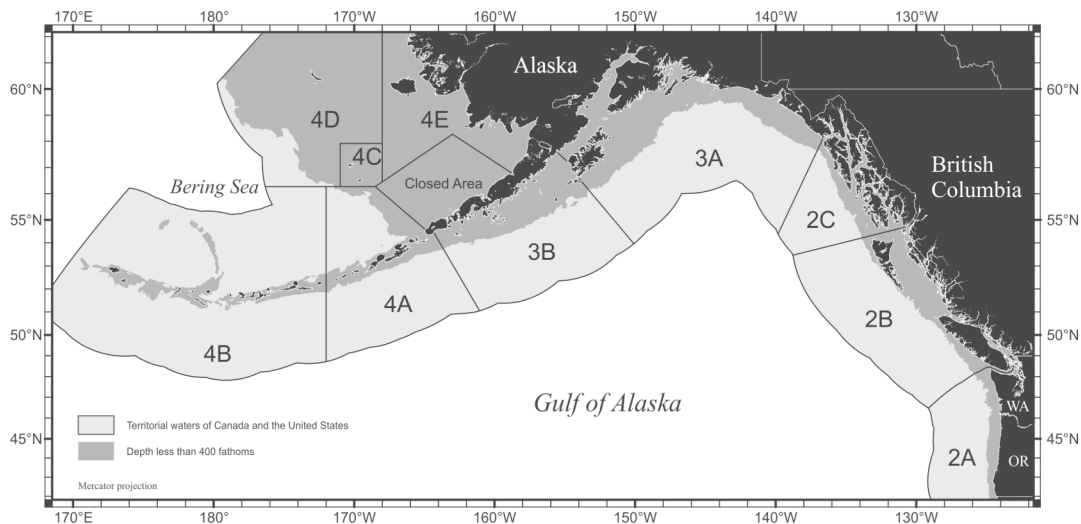
Commission and Secretariat Structure: Initially, the Convention called for two Commissioners from each nation. Amendments later specified (among other things) that the IPHC shall have six Commissioners, three from Canada and three from the United States, appointed respectively by their national governments. Under the current implementing legislation with the United States, the U.S. representatives must include an official from the National Oceanic and Atmospheric Administration, two individuals knowledgeable or experienced with the northern Pacific halibut fishery (one from Alaska, the other a non-resident of Alaska), and one of the three must also be a voting member of the North Pacific Fishery Management Council (NPFMC). Canadian Commissioners typically include a government representative and two non-government individuals. The non-government Commissioners may be individuals associated with the commercial fishing industry, First Nations or the recreational fishing sector. Both the United States and Canada designate a head of delegation, and these individuals alternate annually as Chair and Vice-Chair. As well, each delegation is supported by various national scientific and policy advisors.

The IPHC Secretariat is headed by an Executive Director and currently has 28 staff. Its offices were located on the campus of the University of Washington until November 2010. The IPHC has since moved its offices to the Interbay area of Seattle, and provision of IPHC office space in Seattle remains the responsibility of the U.S. government under the Convention. Through their national governments, Canada and the United States make annual contributions to the IPHC to fund its operations. The Commission staff also compete for research grants to fund various special projects each year.

Jurisdiction and Regulatory Areas: The Convention’s area of application (Convention area) is off the west coasts of Canada and the United States, including the southern and western coasts of

Alaska, within those nations' Exclusive Economic Zones (EEZs) and any applicable internal waters (e.g., Puget Sound). The IPHC has created a numbered system of Regulatory Areas to manage the halibut resource (**Figure 1**). The Canadian and U.S. governments have preferred to retain control over domestic allocation of halibut quota among user groups. This is allowed by the Convention, which states that each country may implement domestic management measures that are in addition to, and more restrictive than, IPHC regulations.

Figure 1: IPHC Regulatory Areas



As part of the IPHC's stock assessment program, each regulatory area is monitored annually. IPHC staff collects and analyzes statistical and biological data using logbooks from the commercial fleet, contracted charter surveys, port samplers and data collected by state and federal agencies. This information is then used to develop recommendations on catch limits for the following year.

Based on the IPHC staff findings and recommendations and public input, the Commission recommends to the national governments adoption of a suite of regulations (including Regulatory Area catch limits) for the next season at its Annual Meeting in January of each year. If accepted by the relevant authorities, these regulations are then implemented by each nation's regulatory body: in Canada, the Fisheries and Ocean Canada (DFO); in the United States, the National Marine Fisheries Service (NMFS).

Core Activities: The IPHC, like most RFMOs, meets annually to review stock assessments, set catch limits, consider and recommend other regulations for halibut fisheries in Convention waters, confirm budget allocations, discuss coordination with US and Canadian fishery management organizations, and address other conservation and management issues.

For many years, the IPHC Secretariat has carried out activities such as stock surveys in cooperation with chartered fishing vessels, and conducted related research and monitoring including fish tagging and otolith collection to establish the age of fish. The Secretariat also recently began using passively integrated transponder (PIT) and popup archival transmitting (PAT) tags to study migration patterns. The Secretariat estimates all halibut removals taken in

the Convention area, which are then used to prepare the stock assessment and annual recommended harvest policy.

Each year, the IPHC convenes an Interim Meeting in the late November to early December timeframe and an Annual Meeting in January. The purpose of the Interim Meeting is to present a preview of the stock assessment and a scan of research and financial status. The Annual Meeting centers on deliberations leading to decisions on catch limits, finalizing annual budgets, and confirming advice to member governments. Special topic-specific workshops, Commission retreats and more informal outreach by staff and Commissioners occur throughout the year.

Within the structure of the Annual Meeting, there are meetings of national delegations, as well as a Conference Board and Processor Advisory Group (PAG) tasked with developing advice for the Commission's consideration. The Conference Board, established in 1931, is a panel representing Canadian and U.S. commercial, sport and Tribal/First Nations halibut fishers. The Processor Advisory Group, established in 1995, comprises representatives of U.S. and Canadian halibut processors. Both the PAG and the Conference Board develop recommendations regarding proposals before the Commission.

SUMMARY OF CHANGES IN MANAGEMENT OF THE HALIBUT FISHERY

A series of operational and institutional changes have characterized the commercial halibut fishery since the initial convention. The commercial halibut fishery dates back to 1888. When the Commission was established in 1923, the commercial fishery was the only documented source of harvest. The total commercial catch has varied since the Commission's inception, but peaked in 2002 at 74.659 million pounds⁷. Commercial catch in 2011 was 39.187 million pounds.

Below is a brief scan (not a comprehensive summary) of some of the noteworthy changes in the management of the halibut fishery over time to set the context for our Findings and Recommendations.

- ***Shifting Gear Types and Patterns of Participation.*** A variety of fishing gear types were used until 1944 when nets were prohibited and longlines became the main fishing gear in the directed commercial fishery. In the early 1980s, the harvesting techniques were switched from J-hooks to circle hooks, resulting in more effective harvesting by commercial fishermen. Since the 1940s, the commercial fishery has continued to be the largest source of removals coastwide. Through the years, other estimates of removals have been added. These include bycatch mortality in the 1960s, sport catch in the late 1970s, wastage⁸ in the 1980s, and personal use (subsistence) in the 1990s. Personal use removals include the Washington State treaty tribal ceremonial and subsistence fishery, the British Columbia Food, Social, and Ceremonial Fishery (FSC), and the Alaska federal subsistence fishery.

⁷ All figures are in net weight (i.e., dressed).

⁸ Wastage is the amount of pounds killed and discarded by the commercial halibut fishery, either from the required release of halibut less than the minimum legal size, or from lost and abandoned fishing gear.

- ***Exclusive Economic Zone and Creation of PFMC and NPFMC.*** In 1977, the United States passed the Magnuson Fishery Conservation and Management Act⁹ into law, which became the governing authority for all U.S. fisheries regulated in Federal waters. One of the critical outcomes from the Act was the establishment of an Exclusive Economic Zone of 200 nautical miles, which altered jurisdictional control and excluded foreign fishing vessels those waters. The adoption of the law also led to establishment of the Pacific and North Pacific Fisheries Management Councils, which was authorized to allocate Pacific halibut catch among different user groups within its jurisdiction. Canada, too, has a 200-mile Exclusive Economic Zone.
- ***Growing Importance of the Recreational Sector.*** Partly in response to declining salmon stocks, and as availability of large-sized trophy halibut became more widely known, the recreational charter fleet and sport fishing for the species has grown substantially along the entire Northwest and British Columbia coasts and in the Gulf of Alaska. Total harvest by the recreational sector increased from 289,000 pounds in 1977 to 7.5 million pounds in 2011. (Total recreational removals peaked in 2007 at 11.46 million pounds.)
- ***Catch Sharing Plans (CSP).*** A major change to the fishery has been the adoption of catch sharing plans in some IPHC regulatory areas. In Oregon, Washington and California, the state agencies, along with the Native American tribes and representatives from the IPHC, implement a catch-sharing plan adopted by the Pacific Fisheries Management Council each year. The CSP delineates, and subsequently monitors, the catch limit recommendations for the Pacific halibut between the commercial, tribal and recreational sectors. The North Pacific Fishery Management Council is scheduled to take action on a Catch Sharing Plan for the commercial and charter sectors for Area 2C and Area 3A in October 2012. If adopted by the U.S. Secretary of Commerce, it would be implemented for 2014. Canada has a CSP which applies to all commercial and recreational harvest of halibut.
- ***Individual Quota Management.*** Since the 1990s, there has been a shift to individual quota management for conducting much of the commercial fishery. This management strategy, which assigns specific quota to individual fishermen, communities and/or vessels, effectively put an end to the earlier derby fisheries (except Washington, Oregon and California). Individual quotas are now in place in Alaska (since 1995) and British Columbia (since 1991). The North Pacific Fishery Management Council adopted, but later rescinded, an individual quota program for the charter halibut sector in Area 2C and Area 3A.
- ***Minimum Size Limits.*** Minimum size limits (MSLs) have been a key tool in managing the commercial halibut fishery. The commercial fishery operated without a minimum size (MSL) from 1888 until 1940 when a 26-inch MSL was introduced. That MSL remained in place until 1973 when it was changed to the current MSL of 32 inches. Different size limits have been used throughout the history of the halibut fishery with a progression towards MSL and subsequently an older age composition, with a greater percentage of females in the catch. The legal-size limit for the halibut fishery is 32 inches or greater, known as O32. Removals of halibut under 32 inches are referred to as U32.

⁹ The Act has been reauthorized, as recently as January 2007, and is now referred to as the Magnuson-Stevens Fishery Conservation and Management Act.

- ***Charterboat Bag Limits.*** In efforts to keep removals near Guideline Harvest Limits for Area 2C, the Commission has recommended various bag and size limits. At the 2007 Annual Meeting, IPHC staff proposed a set of reduced bag limits for the charter sector in Areas 2C and 3A. While this proposal was not implemented by the United States, NMFS changed the two fish bag limit (of any size fish) so that at least one of the two fish must be less than or equal to 32 inches in length in Area 2C. NMFS then lowered the charter bag limit in Area 2C to one fish of any size for 2009, and implemented a Commission recommendation to limit charter anglers to one fish less than or equal to 37 inches in 2011. In 2012, NMFS implemented a Commission recommendation to limit Area 2C charter anglers to one fish less than or equal to 45 inches or greater than or equal to 68 inches.
- ***Shift to Coastwide Assessment Method.*** In 2006, IPHC staff first introduced the concept of a coastwide stock assessment after tagging research suggested that adult halibut continue to migrate among regulatory areas after recruitment to the fishery. This meant that the assumption of closed populations within each Regulatory Area, central to the previous area-specific assessments, was not valid and could lead to biased estimates of abundance in regulatory areas. The IPHC formally adopted the coastwide stock assessment following an independent review in 2007, which supported the approach. The coastwide stock assessment estimates the coastwide biomass of halibut and employs a methodology to apportion the biomass among regulatory areas so that catch limits can be set in each area. IPHC staff recommend catch limits based on this approach. The 2007 scientific reviewers identified the apportionment methodology as the weakest component of the coastwide assessment and it remains a controversial issue. Canada has been on record every year as not accepting the apportionment methodology.
- ***Trends in Size at Age.*** After a dramatic increase in halibut size at age in the middle of the last century, size at age started to drop in the 1990s. The reasons for both the increase and the decrease are not yet known with certainty and are a significant focus of discussion and concern within the Commission and among stakeholders.
- ***Reduced Total Removals.*** With abundance levels falling from their unprecedented peaks in the late 1990s and early 2000s, total removals have declined from recent highs in the 90-million-plus pound range to 60.45 million pounds in 2011. The annual drop in total removals has generated significant concern among stakeholders.
- ***Bycatch.*** Beginning in 2011, the Area 2A Groundfish Trawl Individual Quota Program includes individual bycatch quotas (IBQs) for halibut. The maximum limit on halibut bycatch represents more than a 50% reduction from historical trawl bycatch levels. The program includes 100% at-sea observer coverage for all catcher vessels and at-sea processors. In Area 2B, halibut bycatch has been reduced through a series of caps, bycatch ITQs, and overage and underage carryovers. The program requires 100% at-sea and dockside monitoring. The NPFMC is scheduled to adopt reductions in halibut bycatch in its Gulf of Alaska groundfish fisheries in June 2012 for implementation in 2014; reductions to Bering Sea/Aleutian Islands halibut bycatch will be considered in the future.

- ***Restructured Observer Program in Alaska.*** A restructured observer program in Alaska will be implemented for 2013. The expectation is that this will provide a more accurate halibut bycatch estimate in fisheries that currently have low or no coverage. Electronic monitoring is being developed for some portions of the groundfish fleet. Observer coverage more broadly continues to be an issue of concern and focus – both in the Gulf of Alaska (GOA) trawl fleet and in the directed halibut fishery itself.
- ***Addressing the Retrospective Pattern.*** A current major issue is what IPHC assessment staff refer to as “a consistent retrospective pattern, by which previous estimates of exploitable biomass are estimated to be smaller in subsequent assessments.” Much energy and attention was devoted to this issue at the 2012 Annual Meeting, and it will remain a major focus going forward.

Collectively, these important changes – along with considerations of fiscal constraints for both the Government of Canada and the Government of the United States – set the context for this Performance Review initiative.

III. FINDINGS

For the past few months, CONCUR has spent significant time assessing the effectiveness of the 89-year-old International Pacific Halibut Commission. We have talked with dozens of stakeholders, interviewed staff and Commissioners, observed IPHC meetings and reviewed numerous documents by and about the IPHC. We have reflected on the practices of other organizations and considered our own experiences over the past two decades working with groups tasked with developing complex and science-intensive natural resource policy in dynamic public settings.

This focus has brought into view a picture of a highly respected and effective institution that has thrived for decades but – in recent years – has strained to manage increasingly complex challenges with an outdated structure and process. Stakeholders are deeply committed to seeing the Commission succeed, but there are concerns surfacing that just a few years ago would have been considered unthinkable and many increasingly believe that business as usual is no longer sufficient. As one harvester put it: “I see lots of opportunity and need for reflection and innovation.”

Take the long view, and one can see many successes: A science-driven institution that has, in the view of many, managed stocks consistent with the treaty obligation to “develop the stocks of halibut in the Convention waters to those levels which will permit the optimum yield from the fishery and to maintain the stocks at those levels.” Stock abundance levels that, while nowhere near record highs, are still strong and well above levels from the lows of the 1970s. A vibrant commercial fisheries in both the United States and Canada, as well as emerging and expanding new sectors like sport fishing. Stakeholders active and engaged in the Commission process and committed to a conservation-minded approach. A highly skilled IPHC staff focused on the health of the halibut stock and pursuing an aggressive research agenda, and a Commission known as a “bright light” and “one of the best run fisheries in the world.”

“This is a very strong and well respected process,” said one interviewee.

And yet there are growing concerns. The IPHC is constrained by a “legacy” structure increasingly out-of-step with the best practices of fisheries and institutions elsewhere. Many core aspects of the Commission, from the assessment model, stakeholder input and research activities to Commissioner deliberations and staff advice, lack transparency and are not well understood. Science-dense presentations can be difficult to grasp, and Commission decisions often lack clearly documented rationales. All of these factors – coupled with an increasing focus on uncertainties such as size at age and retrospective concerns – impact stakeholder confidence in staff projections and confound support for recommendations. This is further compounded by the lack of an ongoing reliance on peer review. Issues related to bycatch continue to hamper Commission work, and there are significant disagreements regarding fundamental approaches underlying such core practices as apportionment.

“If you said four or five years ago that you were skeptical of advice coming out of the IPHC, people would have said you were nuts,” said one government interviewee. “More recently, the skepticism is growing.”

A word of caution: It is easy, but much too simplistic, to conclude that the concerns cited above suggest the need for a complete revamping of the Commission structure and process. Much is working, and it is, as one person put it, “too easy to take a shot when things get tough.” Virtually all of those interviewed acknowledged that the scientific and analytic challenges facing the Commission defy easy fixes. But it is for exactly that reason – the fact that there are no quick solutions – that there is a growing recognition that thoughtful change is needed and will require the engagement of all parties – from staff and stakeholders, to Commissioners and the bi-national parties – in a focused dialogue and a willingness to test new approaches. Said one interviewee: “I think there’s been a little bit of every one of us riding on our laurels.”

Below is a closer look at what we see as the key findings derived from our review of the IPHC and its practices. The first set of findings focuses on Commission strengths. The second set centers on its most pressing challenges. The third and final set summarizes key stakeholder suggestions for moving forward. Recommendations put forward by the authors are included in a separate section of this Report.

COMMISSION STRENGTHS

For nearly 90 years, the Commission has successfully shepherded the thoughtful management of the Pacific halibut resource, and it has been widely praised for its skill in managing a sustainable fishery. There have been challenging periods, of course, but many of those most closely impacted by the Commission's work see a strong track record and effective practices stretching back over many decades. As one commenter noted: "Historically this Commission has been a 'bright light' in the world globally. It started back in the 1900s – this Commission, coupled with the Fur Seal Commission, were held up as proof positive that management can have a positive effect on management and productivity of a resource."

By all accounts, however, the Commission is now in one of its most challenging periods in years. Arguably the last few years, culminating in the 2012 Annual Meeting, have been some of the toughest in recent memory, as the Commission and staff have had to wrestle with falling CEYs (constant exploitable yield), challenging analytic uncertainties, tough environmental conditions and a growing unease among stakeholders. Working through these challenges will not be easy, but the Performance Review suggests the Commission has significant and important strengths to draw on as it moves forward. Below is a summary of these key strengths.

Strength: Strong analytic foundation

The IPHC gets high marks for the depth of its commitment to stock stewardship, its long history of having precise surveys in place and strong data management, and its dedication to analytic rigor. The Commission is also credited and acknowledged for its standing contributions to state-of-the-art model building and its strong commitment to science-based management. Said one interviewee: "Things are getting tough, but the Commission is meeting its treaty obligations." There are many elements of staff work to develop annual harvest recommendations that are cited as strengths, but there are several aspects that emerge as being particularly effective.

- The Commission is broadly recognized for overseeing and implementing what has been over time a successful system of science-based fisheries management. Many commenters praised the Commission staff for their rigorous and detail-oriented commitment to mobilizing data and models and in turn praised the Commission structure for valuing and using this information to inform management decisions on the halibut stock over decades. One commenter noted: "We have a process that fundamentally works." Said another: "The Commission has a long history of successful sustainable management."
- The Commission is credited with gathering and maintaining accurate and comprehensive data records over a 90-year period of time, and staff are recognized for their diligent efforts to adjust the models to improve their forecasting value. One respondent noted: "Staff does an extensive amount of data analysis on an annual basis." The quality and quantity of the assessment data was called out by the Center for Independent Experts (CIE) in their 2007 review and was likewise cited in many of our interviews.
- The IPHC's set-line survey methodology, developed in strong partnership with the fishing industry, was cited as a particular strength. One observation: "The Commission staff is

excellent at getting out in the field and doing surveys. It has fabulous interactions with the longline and charter industries and probably even trawlers.”

- The IPHC is credited with being the institutional home of a number of world-class fishery modelers who broke new ground and set a high standard for data gathering, analysis, and science-driven management decisions. One typical comment: “Over the years the Commission has had some superb staff working on stock assessment.”
- The Commission’s understanding of and control over bycatch, though still an area of significant concern for many, is improving. There is now 100% observer coverage in Canada, Washington/Oregon and for much of the Bering Sea trawl fleet, and steps are being put in place to increase observer coverage in the Gulf of Alaska. The joint April 2012 NPFMC-IPHC bycatch workshop is also seen as a potentially important step forward.
- The IPHC arranges for periodic external reviews of the annual stock assessment. The most recent review was conducted in 2007, after the shift to the coastwide assessment model. An earlier review was conducted in 1997 after a major change in assessment methods in 1995.

Strength: Robust research program

The Commission has in place a longstanding research program to better understand the critical issues impacting Pacific halibut. Many lines of solid research are considered to be well on track in the area of life history, fish movement and electronic reporting for commercial landings in Alaska. Staff is said to be well led and talented in pursuing research, and research presentations are seen to be informative. One commenter noted: “At meetings, research findings are generally well presented and discussed.” Additionally, though somewhat ad-hoc in nature, a number of those interviewed said the Research Advisory Board (RAB) convened by the Commission provides an excellent forum for discussing research plans with a subset of stakeholders and has improved the feasibility and operational effectiveness of research inquiries. One noted: “The RAB is helpful – both for getting input on research ideas and keeping staff current on fishing practices.”

Strength: Strong stakeholder engagement

The IPHC process has an elaborate and longstanding process for folding stakeholder perspectives into Commission deliberations. The process has been dynamic over the years, growing from an initial stakeholder advisory body (the Conference Board) focused on harvesters to the addition of a processor-centric body (the Processor Advisory Group), frequent outreach and an on-line presence that makes the work of the Commission easily accessible to all. There are gaps in the current approach, as are discussed in greater detail elsewhere in these findings, but there is much about the current process that is structured to ensure stakeholder knowledge and opinions inform the work of both staff and Commissioners.

- ***Open Conference Board process.*** The Conference Board is, in many ways, the town hall meeting of the IPHC process. First created in 1931 and held each year at the Commission’s IPHC Annual Meeting, the Conference Board now brings together at one table individuals

representing harvesters' associations (commercial, sport or tribal/First Nations) from the United States and Canada. While it is admittedly a "messy" process, with upwards of 70-plus folks at the table and participation varying from meeting to meeting based on who attends, it is seen as an open opportunity for interested stakeholders to weigh in on annual allocations and other proposals under consideration by the Commission. As one harvester said: "The Conference Board gives fishermen a chance to flesh out data and gives us some say in quota recommendations." Said another: "I definitely change my mind based on what I'm hearing around the table."

- ***Effective Processor Advisory Group deliberations.*** Established in 1995, the Processor Advisory Group (PAG) is a group of companies or associations who, as its by-laws state, have "direct business in buying and/or processing commercially caught Pacific halibut in Alaska, British Columbia, Washington or Oregon." With typically less than two-dozen participants and more unified interests than the Conference Board (processors are said to have more common outlooks since they tend to work across borders), the PAG is seen as an effective meeting structure that provides an opportunity for focused dialogue among processors and with IPHC staff on issues under discussion by the Commission. The PAG's more structured deliberations allow it, as one person put it, to find recommendations that the Commissioners can live with. Said one PAG member "The PAG has grown up and has been recognized for what we can contribute."
- ***Strong staff-stakeholder interactions between meetings.*** While the Annual Meeting is the focal point for in-person stakeholder participation, there is much more to the stakeholder engagement process. Throughout the year, there is repeated contact between stakeholders and staff. Periodic topic-specific workshops, such as the biomass assessment workshops held in 2008 and 2009, are open to the public. Executive Director Bruce Leaman and other IPHC staff frequently attend industry gatherings to present information and answer questions, and stakeholders reach out directly to staff to seek input on a wide range of issues. IPHC port samplers are another frequent source of staff-industry contact. As one person said in a typical comment we heard: "Staff is very open and gets lots of calls from people with questions and comments." Commissioners, too, engage in frequent outreach and, for the most part, are seen to be very accessible.
- ***Effective Canadian outreach to and coordination with stakeholders.*** The Canadian government has put in place a series of structured meetings with Canadian IPHC Commissioners, harvesters and processors (both commercial and sport), First Nations representatives, and British Columbia provincial and DFO staff to foster development of a Canadian position in advance of the Annual Meeting. While some Canadians (and a number of U.S.) participants bristle at DFO's attempt to create a coordinated stance (known as the Halibut Working Group and the larger Halibut Advisory Board), it is seen by many as an important vehicle for integrating the various perspectives into one unified position.

Other strengths of the stakeholder engagement process include (1) informal cross-sector dialogue at the Annual Meeting; (2) effective access to recent and archived analyses and research undertaken by the IPHC; and (3) a structured process for submitting stakeholder proposals for Commission consideration.

Strength: Committed, engaged Commissioners

IPHC Commissioners are actively engaged in the work of the Commission, invested in and largely successful in upholding the principles of the treaty. Commissioners now seated ably represent both the array of interests and the diverse geographies managed by the Commission. Commissioners (by and large) are seen as integrating across interests rather than pressing for the interests of just one sector or geography. It is noteworthy that the PAG passed a resolution at the 2012 Annual Meeting recommending continuation of the entire slate of individual Commissioners as a stabilizing force during the current period of uncertainty. Stakeholders appreciate the accessibility of Commissioners, as well as the hard-wiring and integration to the NPFMC. The Commission – through its chair and vice-chair– work closely with the IPHC Executive Director to provide strong input into both the Interim and Annual meetings. This input is seen as effective and all Commissioners felt that – with the exception of issues noted below – they largely had adequate and effective input into the agenda-setting process.

Strength: Opportunity for focused Commissioner deliberations

While many of those interviewed take umbrage at the extent of Commissioner deliberations held in executive session, there is a subset of participants – including some Commissioners themselves – who see the closed-door sessions as providing a necessary opportunity for the Commission to engage in candid conversation. As one interviewee put it: “Commissioners do need to have some time to let their hair hang down and have some frank discussions without stakeholders looking over their shoulders.” There is also the sense, to some, that the Commission’s work is about science and does not require (nor even benefit) from the political pressures that can build with public deliberations. Most of the executive sessions include IPHC and Agency staff and center on issues tied to stock assessment, research, enforcement, budget and other related topics; a handful of the discussions include just Commissioners and the IPHC executive director and tend to focus on more sensitive personnel and legal matters. “It’s been working for 88 years,” said one commercial fishing representative of the mix of open and closed sessions. “We need to have some trust.”

Strength: Strong, skilled and experienced staff

IPHC staff is broadly recognized for its deep commitment to the work, strong skills and longevity. “They’ve got some great people working over there,” said one interviewee who was otherwise highly critical of other aspects of the Commission’s process. The Commission as an organization, and the staff in particular, are perceived as deeply grounded in and committed to the scientific basis of fishery management. Staff is seen as being proactive in developing analyses and recommendations for Commission consideration – a role that is consistent with its longstanding strong-Secretariat model. This strong staff model, while off-putting to some and at times viewed as pushing beyond the science-advising line into policy-making, is seen by others as helping provide beneficial insulation from the inherently political nature of allocation decisions. It was also cited by several stakeholders as being essential given the Commissioners’ part-time engagement. Staff size was seen as neither grossly over- nor under-staffed, and recent changes – such as adding an Assistant Director spot – were viewed as a smart move to bolster areas needing greater focus (i.e. meeting preparation, presentations, long-term research plan,

etc.). And, as noted elsewhere, staff was routinely cited as being highly accessible to both Commissioners and stakeholders throughout the year. Said one processor: “Bruce and staff are great about getting out and mixing it up with stakeholders....They’re not just sitting in their ivory towers.”

Strength: Improving ties with tribal/First Nations representatives

The structure and process of the Commission relative to Tribes and First Nations has evolved since some early “old school” ways of doing things. “We’ve come a long way,” said one interviewee. Allocation of quota share for some Washington tribes is seen as an improvement since the mid 1980s. Specific actions taken include community quota share, individual Commissioners opening lines of communication with tribes and convening regular discussions to address tribal interests. Several interviewees also commented more broadly that current Commissioners on both the U.S. and Canadian side have reached out to tribes in a fairly systematic and serious way, though there is still much work to do.

Strength: Effective budgeting process

The IPHC has put in place a clear and highly transparent budgeting process that tracks spending to programs and accounting. Budget allocations largely make sense to those who focus on these issues, and few had suggestions for wholesale shifts in budget priorities. “We’ve worked hard over the years to ensure the system is well balanced,” said one Commissioner. At least one person cited the Commission’s budget and finance approach as an area where the IPHC has grown and matured – a change in recent years that several interviewees suggested now needs to be adopted in other facets of the Commission’s process.

Strength: Deliberations informed by extensive and timely analysis

Commission meetings are informed by a wealth of materials, from extensive analysis of the most recent catch and survey data and trends, to reviews of past and planned research efforts, IPHC budgets and pressing issues such as size-at-age and retrospective bias. Much material is provided on-line ahead of time – the RARA (IPHC Report of Assessment and Research Activities), for example, is posted on the IPHC’s website two weeks or so before the Annual Meeting – and thick meeting packets (known as the Blue Book) are made available to all attendees at the meeting itself. Though the timeline places an enormous burden on staff, the current meeting schedule – late November for the Interim Meeting and late January for the Annual Meeting – ensures that the Commission’s deliberations on the coming year’s allocations are informed by the latest survey and a complete set of catch data.

Strength: Intention and concrete steps to improve meeting process

The Commission has put in place several practices in recent years to improve the IPHC’s Annual Meeting schedule. This year, for example, IPHC staff put together a handout – *Navigating the IPHC Meeting This Week* – that provided a succinct overview of the various meetings at the Annual Meeting, highlighting discussion focus, location, timing, and, most importantly, eligible attendees. The IPHC also hired an assistant director in late 2011, Stephen Keith, who is

expected, among other responsibilities, to focus significant energy on improving planning and preparation for the two meetings.

Other Strengths

The Performance Review highlighted other strengths. These include:

- **Informal cross-sector dialogue at the Annual Meeting.** The four-day-long IPHC Annual Meeting provides numerous opportunities for cross-sector and cross-nation dialogue – an opportunity that many of those interviewed said is instrumental in understanding the various issues under discussion and, in an informal way, finding opportunities to integrate across the various perspectives.
- **Growing support for systematic peer review.** Commissioners and Commission staff voiced growing support for a shifting to a new mode of operation that includes systematic peer review, though many details are yet to be worked out.
- **Effective use of science advisors.** Several Commissioners lauded the science advisor process, with the Canadian side in particular suggesting its science advisor was very effective in helping them navigate technical details and surface and understand assumptions embedded in various analyses.
- **Effective IPHC website.** Many of those interviewed cited the IPHC's website as an accurate and generally up-to-date source of information on Commission activities. Several also noted its strong archival aspects.
- **Process for stakeholders to suggest regulatory proposals.** In 2000, the Commission put in place a process for interested stakeholders to submit regulatory proposals for consideration by the Commission. Several interviewees cited this as an improved – and more predictable – method for teeing up proposals for Commission consideration (and stakeholder review).
- **Progress shown in articulating clear rationales for Commission decisions.** Several of those interviewed said the Commission presentation on the last day of the 2012 meeting was a strong move in putting forward an effective summary of actions taken and associated rationales.

COMMISSION CHALLENGES

The most recent Interim and Annual Meetings were, by all accounts, unprecedented for the level of uncertainty and discomfort expressed by virtually all those involved – from stakeholders and staff, to Commissioners. While there is still broad and deep support for the Commission and its work, many of those engaged with the IPHC are increasingly concerned that significant structural problems are undermining the organization’s overall effectiveness. Surfacing and understanding these issues is essential if the Commission is to work through its current challenges. Below are our findings related to what we see as the most critical of these challenges.

Challenge: Stakeholders losing confidence in underlying science

Recent trends and events have confounded and undermined longstanding stakeholder confidence in the science and analysis underpinning much of the Commission’s decision-making. One commenter noted: “The 2011 Interim Meeting was one of the most controversial in the past decade.” Changing estimates and suggestions for new model revisions late in the process “created a hyper focus on problems with existing assessment.” So, too, the increasing disconnect between model projections and yearly results. Now, it seems, fewer participants in the IPHC process are willing to take the results of the modeled output at face value – a change from the years when annual meetings seemed to generate only yearly increases in allocations. There appear to be several core reasons for stakeholders’ flagging confidence.

- ***Lack of regular, systematic peer review.*** Many commenters pointed to lack of regular, robust peer review as a major shortcoming in the Commission’s current approach to management. This has been a longstanding concern for some, but – with falling CEYs (constant exploitable yields) and the heightened concerns with the retrospective issue – increasing numbers of observers see the imperative to open up the model to regular outside review. Both the assessment methodology itself and the results of the annual stock assessment are seen as strong candidates for peer review. (See below for additional discussion on peer review.)
- ***Disproportionate weight given to models relative to empirical observations.*** While recognizing the importance of models in stock assessment, and also appreciating the field visits done in support of the assessment, some commenters view IPHC staff as too “ivory tower” and too heavily preoccupied with modeled results at the expense of valuing observations from the field. One noted: “There’s almost an intimidation of these ‘dot-com’ guys coming out of college right now. They’re afraid to see how their models fit with these grubby guys on the vessels.”
- ***Assessment model does not exist in a single place.*** Many respondents expressed the general view that the assessment model as it is now used and revised has very much a “black box” quality relative to interested lay people. Several respondents who are generally knowledgeable about the model expressed concern that the model is not portable or capable of being readily accessed by colleagues or peer scientists. While Science Report #83 describes the equations that make the model work, the following comment summarizes this

concern succinctly: “The model used for stock assessment doesn’t exist in a single program or computer. It has five different steps; it is not an easy piece to share; this is highly problematic.”

- ***Model assumptions are not explicit nor are the derivations of these assumptions.*** The assumptions used for catchability and selectivity were called out as not being sufficiently articulated by numbers of those interviewed. One commenter noted: “The model is very difficult to understand because the process changes every year; there’s no clarity on what’s being changed and why and who authorized changes.” Other commenters noted that key considerations affecting population dynamics (such as energetics) are not given enough weight in the current models. There are also concerns that staff recommendations project a level of certainty that is inconsistent with the underlying analysis. In proposing its catch limit recommendation, for example, staff puts forward a single recommended allocation for each region. Such a level of prescription, a number of those interviewed, is unwarranted, given the many variables inherent in any projection.
- ***Broad concern on the part of Canadian participants that the current allocation methodology is not sufficiently grounded in strong analytics, and may not be as equitable as it could be.*** A major concern is that the methodology relies on assumptions that are tough to accept/assess – for example, that CPUE has the same relationship to overall abundance in each geography along the coast. Another related concern is the *tendency to conflate, rather than distinguish assessment from the allocation process*. One commenter noted: “It’s a big mistake to link assessment with apportionment methodology; they are very different processes – one is scientific and the other is inherently political.”
- ***Bycatch considerations not given enough weight or prominence in the overall approach to assessment and allocation.*** Several respondents pointed to the issue of bycatch as a subject that needs much greater attention and intentional focus by the Commission. One aspect of this shortcoming is systematic data gathering. A second shortcoming is in reporting and sharing information about bycatch. This in turn necessarily feeds into a thoughtful analysis of the implications for the overall catch limit. A major concern here is that in IPHC deliberations, bycatch in the groundfish fishery is seen as being framed primarily as a conservation issue, even though it has very significant implications for overall allocation decisions. One commenter noted: “The problem I see is with bycatch; it seems that the Commission and the US as a party are not dealing adequately with the major extractions of juvenile halibut.”
- ***Assessment staff are seen by some stakeholders as being too “hard nosed” or resistant to suggestions or input.*** While a number of respondents praised the assessment staff’s accessibility and willingness to respond to inquiries and offer explanations of complex issues, other respondents characterized staff as not being sufficiently open to external ideas. Among the specific critiques we heard were: (1) staff are not sufficiently supportive of inclusion of views of tribal/First Nations scientists; and (2) staff place an overemphasis on model results relative to empirical field observations. Said one government representative: “Staff comes across as resenting questioning by stakeholders. They come across as ‘we know best.’”

- ***Assessment methodology may not be nimble enough to pick up fast-emerging trends.*** One commenter noted: “The decline in growth rate has been a decades-long phenomenon. This should have been addressed in earlier versions of the stock assessment. I would have expected retrospective errors to indicate problems earlier.” The discovery of the declining catch at age phenomenon, the need for large scale retrospective revision and the corresponding implications for stock management reported at the Interim Meeting generated a great deal of concern.
- ***Survey design may not be sufficiently intensive to address all areas with equal precision and accuracy.*** One respondent noted that while the setline survey is very strong, “there are big gaps in the Bering Sea.” Another concern is that Commission staff may not be sufficiently open to including the perspectives of tribal/First Nations scientists in their survey designs. As one interviewee said: “There has to be a way that the Commissioners ‘make the room larger in a technical sense,’ where people are satisfied that their ideas, interests and concerns are being considered as part of the discussion.”

Some note that the falling CEYs and retrospective issue are neither surprising nor unique to the IPHC; population sizes are inevitably cyclical and the earlier historic highs were destined to peak. “This is more about perceptions than realities,” said one person, suggesting that stakeholders’ current complaints are fueled by unrealistic expectations. But, even among those individuals most comfortable with the current uncertainties, there is a general sense that new approaches are needed.

Challenge: Outdated structure ill-suited to handle broadening stakeholder interest

Since its inception in 1923, the IPHC has grown from an institution that centered on the commercial fisheries to one that must now grapple with issues and actions that impact, among others, First Nations and tribal stakeholders, recreational fishers, subsistence and bycatch users. This shift away from a narrow focus with a more limited subset of stakeholders has had a profound impact on both the effectiveness and perception of various aspects of the IPHC’s structure – from stakeholder involvement to the composition of the Commission itself.

- ***Stakeholder engagement process limits effective participation.*** While many admire aspects of the stakeholder engagement process for its informal and “democratic” feel and some characterize it as a “familiar” process that people have grown accustomed to, others see it as an increasingly outdated approach that falls far short of fostering a balanced and well informed dialogue. As one person put it: “The process is effective at fostering venting and providing views...but that’s far different than being meaningful.” (Similar gaps were noted in the 2007 report, *An Evaluation of the Stakeholder Participation within the International Pacific Halibut Commission*, prepared for the IPHC by Heather Dowey.) Several key concerns surfaced related to stakeholder engagement:
 - ***Participation gaps and imbalances.*** There are several aspects of the current stakeholder participation structure that are seen to be troubling – particularly in the context of the Conference Board. Most critically, there is no standing roster or set mechanism to establish participation in the Conference Board; involvement can and does vary greatly

from meeting to meeting (for example, far fewer Canadian harvesters tend to attend annual meetings held in Alaska). Another concern centers on the lack of balanced participation; recreational fishers, for example, are numerically swamped by commercial interests at the Conference Board and at least one person suggested that conservation-minded fishermen are reluctant to voice their views. Yet another concern is the disproportionate voting structure, where one person equals one vote regardless of the number of fishermen represented. And then there are the voices missing from the discussion entirely (i.e., bycatch users and NGOs). “All these factors combine to undermine the meaning and credibility of any vote. “Whose voice does this really represent?” asked one person when speaking about recommendations developed by the Conference Board and PAG for Commission consideration.

- ***Lack of integrated perspectives.*** Another serious concern is the bifurcated structure that fosters development of two distinct sets of recommendations – one from the PAG and one from the Conference Board. While some say this is appropriate (“the groups have very different perspectives”), others suggest the fragmentation curtails any effort to forge consensus and deliver the Commission with integrated advice (or at least a clearer view of why there are divergent perspectives). “Everyone is just staking out positions and competing,” said one interviewee. “Nothing is done to encourage people to move off their positions.” As a result, as occurred in the 2012 Annual Meeting, Commissioners are left to sift through and adjudicate differing recommendations related to specific catch limit recommendations, season opening and closing dates, and other regulatory proposals.
- ***Disconnect with decision-making process.*** PAG and Conference Board recommendations are developed and submitted to the Commission with little time allotted for public discussion. The decision-making process is a black box to stakeholders, undercutting the value of their earlier deliberations and the credibility of subsequent Commission decisions. The following comment from a processor summarizes this concern succinctly: “You go to that process and it feels like we’re wasting our breath because we don’t know if the Commissioners are even taking our advice because they’re behind closed doors. We have no idea whether they take our ideas into account or not.”
- ***Ad-hoc, unwieldy process.*** The PAG has a brief document outlining its policy, operations, structure and mission; the Conference Board has nothing written down at all. This lack of explicit protocols proves highly confusing – even to those who should be most familiar with the process. In our discussions with stakeholders, for example, we heard widely divergent views as to whether PAG and Conference Board meetings are open to observers. Interviewees were confused or unclear as to voting processes; in the Conference Board, for example, a number of people were uncertain whether votes were to be taken by majority across all participants or within each nation’s coalition. And they were unclear on the exact relationship between the Commission and the PAG/Conference Board (as in, to what extent can the Commission control PAG/Conference Board processes). The ad-hoc nature of these processes is only further exacerbated by the lack of support (trained note-takers and proper amplification to enable all parties to be heard) and, in the case of the Conference Board, a sprawling membership.

Other concerns related to stakeholder engagement include: (1) insufficient time to review/digest materials prior to the Annual Meeting; (2) deliberations dominated by small groups around the table; (3) a concern that PAG deliberations are closed-door and not open to observers; and (4) ineffective use of newer technologies to more proactively provide information to potentially interested stakeholders.

- ***Commission structure constrains representation.*** The growth in stakeholder interest has implications for the representation on the commission itself. The current Commission structure – three seats per nation – is insufficient to represent the full range of fishing, processor, recreational, tribal and First Nations interests with a stake in Commission decision-making. While many praise current and past Commissioners for working effectively to represent “all interests” and there is broad interest in avoiding a Commission that is “balkanized” into discrete interests, others suggest that the Commission’s legitimacy and effectiveness is undercut by the lack of broader representation found on other bodies. This gap is further exacerbated by an appointment method that is not well understood, often behind schedule and is characterized by some close observers of the Commission as a “black box.” To that end, some commenters suggested that more emphasis be placed on moving to a stakeholder-driven nomination process. And there is strong interest in broadening representation on the Commission by adding alternates. There is also a recognition among some that, given the broader and more complex mix of issues and interests at the table, Commissioners should have a stronger skill set in negotiation. One commenter suggested that “at least the lead (chair) should be chosen based on the negotiation and diplomatic competencies that are core to that spot.”
- ***Research Advisory Board too ad-hoc.*** The formal establishment of the Research Advisory Board (RAB), while considered effective by those most familiar with it, is limited to a May 1999 letter from the IPHC Executive Director to a handful of individuals recruited to join the RAB. There is no formal description of the RAB nor of its membership composition and recruitment criteria. While the outreach on research to stakeholders is commendable, the ad-hoc nature of the board itself is problematic at a time when interest is growing, competition for research focus is high and stakeholder interest is strong. If the RAB is to be the primary vehicle for feeding stakeholder perspectives into the Commission’s research activities, a more structured, predictable, inclusive and transparent path is needed.

Challenge: IPHC increasingly at odds with best practices

The IPHC’s long history gives it a unique standing in the world of fisheries management, but it also leaves it with a legacy institution that is increasingly at odds with best practices adopted by other similar organizations. This gulf is more pronounced as new stakeholders enter the mix and environmental pressures and scientific challenges mushroom in complexity. It is also increasingly visible as stakeholders engage with and look at other initiatives – from the North Pacific Fishery Management Council and the Pacific Salmon Commission, to the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (Pacific Hake/Whiting Agreement) – and see very different practices in place. Business as usual is no longer good enough for many, and the lack of best practices is increasingly seen to be compromising the IPHC’s reputation and credibility.

- ***Lack of transparency in Commission deliberations.*** While some stakeholders are comfortable with the current mix of public and executive sessions, the vast majority of interviewees believe the extent of sessions closed to stakeholders unnecessarily limits opportunity for public input, discussion and understanding of issues. “Too much of the Commission’s deliberations are behind closed doors,” said one interviewee in comments typical of others. “It’s a bit of a black box,” said another, noting that the Commission doesn’t even put out minutes summarizing its executive session deliberations. This lack of transparency – cited in numerous interviews – undermines stakeholder understanding of commission decisions and is a significant issue for many. One interviewee gave a telling example: At the 2011 Annual Meeting, Commissioners had extensive and what this person described as thoughtful discussions behind closed doors regarding the Commission’s slow up/fast down policy. But since the public never heard any of the discussion, stakeholders were caught unaware when the Commission – at its public session on the last day of the Annual Meeting – opted to shift to a slow up/full down policy. This closed nature of decision-making “hurts the Commission’s credibility and only serves to foster rumors,” as another interviewee put it. A current Commissioner agreed, saying: “We occasionally deviate from staff recommendations, but because we do it in a closed room, it’s hard for us to provide a rationale without being accused of favoring one side or another.” This practice is also significantly at odds with the approach taken at other regional fishery management organizations such as the Pacific Salmon Commission and the North Pacific Fisheries Management Council, and it is contrary to stated policies in both the United States and Canada that underscore the import of transparency. In Canada’s “*A Framework for Science and Technology Advice*,” for example, one of the core principles is “transparency and openness.” Similar principles are outlined in the U.S.’s 2006 General Accountability Office Principles for Effective Stakeholder Participation.
- ***Infrequent peer review.*** The IPHC currently relies on peer review on an ad-hoc basis only. The last peer review of the assessment model, for example, was conducted in 2007. This is significantly at odds with standard practice at bodies like the NPFMC, where independent review is typically hard-wired into the annual cycle. The newly established Pacific Hake/Whiting Agreement, for example, relies on a six-person Science Review Group/Committee to meet *at least* annually to “review the stock assessment criteria and methods and survey methodologies.” A similar process is used by the Council’s Scientific and Statistical Committee (SSC). Many stakeholders suggest that the lack of like practices at the Commission is a significant challenge, particularly given the pressing scientific uncertainties. Said one interviewee: “Peer review is essential, but not the way they’re doing it. Periodic CIE review doesn’t do the trick.” Noted another: “Peer review is ad-hoc; it only occurs when public complains loudly enough.” Interviewees acknowledge the challenge in fitting peer review into the Commission’s already tight timeframe for producing assessments, but there is a growing recognition – across stakeholders, Commissioners and staff – of the need to incorporate at least some type of more routine independent review.
- ***Insufficient dialogue with stakeholders on recommendations.*** While stakeholder routinely cite their ability to connect with Commissioners informally at and between meetings, the process for engaging more formally around PAG and Conference Board recommendations is seen as problematic. At the 2012 Annual Meeting, for example, the third day of the meeting

kicked off with Conference Board and PAG leadership presenting their respective recommendations to the Commission. The Commissioners posed just a handful of clarifying questions. This lack of formal dialogue is the norm and is a serious failing to many and significantly at odds with practices at other bodies. “Right now, it feels like a dog and pony show,” said one commercial fishing representative. “No discussion, no probing questions, no give-and-take.” Many interviewees are eager for a more in-depth give and take with Commissioners on their recommendations, and they see such dialogue as a vehicle for building greater support for and understanding of Commission decisions.

- ***Few written guidelines or protocols.*** The Commission has a paucity of written guidelines outlining its protocols and procedures. As noted earlier, the PAG has a brief description of its process; the Conference Board and RAB have none. There are no up-to-date descriptions of the Commission process nor are there documents detailing stakeholder, staff or Commission roles (other than the very brief descriptions provided in the Convention and associated protocols). The Commission did produce a guide to the Annual Meeting process this year, but it lacked specificity on topics such as opportunities for public comment or Commission decision-making processes and there are no ground rules to guide participants’ interactions. To many, it is a throwback to a time when interest in the Commission’s work was limited to a much smaller and more tightly knit group. That is no longer the case. For a newcomer to the process (and even for some longstanding participants), the IPHC process is, as one person put it, “an adhocracy” and it stands in stark contrast to practices elsewhere. Said one interviewee: “The IPHC would do well to think about ways they could make the IPHC more approachable.” It also has significant ramifications for role confusion, as discussed below.

Challenge: The Commission lacks a comprehensive, clearly articulated vision

The Commission’s foundational document – *The Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea* and associated amendments – puts forward an overall objective: “to develop the stocks of halibut in the Convention waters to those levels which will permit the optimum yield from the fishery and to maintain the stocks at those levels.” But the Commission lacks an articulated vision for translating that objective into a near- and longer-term game plan.

- ***No clear research priorities or plan.*** A concern related to, but distinct from peer review of stock assessment, is the Commission’s approach to defining and funding scientific research and analysis. There is neither currently a clear statement of research priorities, nor a clear statement of linkage to Commission/treaty objectives and research. One commenter noted: “The staff seems to be pushing hard at new technologies (i.e., PIT tagging studies) but it’s not clear what objectives are and how it will improve management.” A core interest we heard expressed by many respondents is ensuring that research priorities link to and serve the overarching mission of the IPHC. (One commenter, for example, noted that there is a disconnect between work being done and information needed to help staff with area-based quotas. A specific gap cited is the shift to a coastwide model without studies to underpin the assumption of constant catchability with bottom depths ranging from 0 to 400 feet. Another said: “Is our assessment still valid given all these other changes (size at age, migration) that

are going on right now? This is fundamental to our mission.”) One potential approach here is to define a more systematic research plan over a moderate timeframe, such as a five-year plan¹⁰. One commenter noted: “What I don’t see is a broader vision, broader long-term plan.” Some suggested Commissioners should have been – and need to be – more engaged in actively setting research priorities. Said another interviewee: “We probably need to have more dialogue around the vision of the research program to see the overall picture of how research fits into the longer-term suite of needs and concerns.”

- ***No clear process or timeline for considering policy changes.*** While transparency and lack of clear guidelines topped the array of concerns cited by many stakeholders, the lack of a clear and measured process for considering and weighing changes to approaches – from choosing and refining assessment models to responding to the impact of falling CEYs – was a close second. The Commission does not now have an articulated approach that steps out a process and timeline for introducing, considering and making policy decisions. This failing leads to decision-making that appears ad-hoc, is often hurried, suffers from inadequate discussion and input, and can lead both the decision-makers and stakeholders to question the underlying efficacy of actions taken. Both the 2005 move to a conditional constant catch policy and the 2011 switch from “Slow Up/Fast Down” to “Slow Up/Full Down,” for example, were cited as instances by some where policy recommendations were put forward too late in the day to foster effective discussion.
- ***No long-term strategic plan or annual work plan.*** Several interviewees cited the Commission’s lack of a long-term strategic plan as problematic, suggesting it makes it difficult to coordinate Commission-wide activities – from staffing and research, to budgeting – and ensure its resources are targeted most effectively. “We need an annual work plan to guide decision-making, priorities and work flow,” said one harvester. “Right now, stuff just seems to happen (or not) and we never know why. We need a clear link between stakeholder recommendations, Commissioner guidance and staff actions.” The lack of a plan also leaves staff susceptible to being asked by stakeholders to devote time and effort to less important activities. As one industry representative put it: “The staff is put into a tough place.”

Challenge: Commission hampered by lack of clearly articulated roles and responsibilities

There is often an inevitable tension between the roles of appointed Commissioners and the roles of staff in organizations such as the IPHC. This is particularly pronounced at the IPHC, where – unlike many RFMOs that rely on Agency staff to handle much of the work themselves – the Secretariat both conducts the analyses and prepares recommendations for Commission consideration. For the Halibut Commission, much of this dynamic seems to be a function of the Commission’s strong-director, legacy structure. Another aspect of this dynamic is a function of the modes of engagement chosen by (or comfortable for) individual Commissioners; part of it is a function of habit and tradition. And yet another key factor is the unique structure of the IPHC Secretariat itself: Some commenters have noted that senior IPHC staff see themselves as “guardians of the resource,” and – absent a strong hands-on approach from Commissioners – see

¹⁰ The Commission’s earlier practice of preparing research plans in the late 1990s and early 2000s was dropped since, as one interviewee put it, there seemed to be “enormous coherence” on what people wanted to do about research.

a strong need to step up. Another commenter suggested that a long-term track record of relative success has made the division of responsibility too comfortable. Regardless of the cause, this lack of clearly articulated roles and responsibilities is seen to impact Commission effectiveness and credibility in several ways, as outlined below.

- ***A prevalent format of staff recommendations has moved to a pattern of presenting a “single point” recommendation on critical issues like catch limits, without presenting ranges and options and associated statements of pros and cons and concurrent risks.*** This format can not only mask the key underlying assumption and analytic choices, but also obscure the boundary between scientific analysis and explicit policy choices. While some interviewees prefer the current practice of a single point recommendation (as it is seen to make it harder for the Commission to play politics with the apportionment), other stakeholders have pressed for staff to clearly frame issues and present multiple options and leave the policy decisions up to Commissioners. Still others are comfortable with staff expressing a preferred recommendation so long as multiple policy options are presented to the Commissioners for their consideration
- ***Analytic findings sometimes transition into precipitous policy advice.*** In some cases, staff reports present unexpected and unvetted new policy directions. One participant in IPHC meetings complained of getting “little advance notice for major discussions of implications. The Commissioners, agency advisory staff, and public are often caught flat-footed.” A particularly tough instance was the presentation on retrospective analysis at the Interim Meeting in November 2011.
- ***Staff can appear to advocate policy positions through direct statements or actions taken.*** One commenter cited instances where Commission staff appears to advocate at the Council “on behalf of specific constituencies – example, (Central Gulf of Alaska) rockfish rationalization program for trawlers.” The concern here is a twofold concern: staff are advocating policy, but also that the Commission as a whole is moving beyond its purview. Another example is that “staff issues a press release (in advance of the Annual Meeting) with one set of recommended TAC numbers.” As a result, the other possible options are not understood as “science advice.” In still other cases, staff seem to go from analysis to policy prescription. In cases such as these, the question is asked, “What’s the impetus for the action? Were the Commissioners guiding that action?”

A key factor here is the role of the Commissioners themselves. As one person put it: “It’s hard to see who is running the Commission – the Commissioners or the staff. Commissioners are doing this as a part-time job off the corner of their desk.” Said one government interviewee: “It is hard to be managed by a Commission. From the staff’s standpoint, it is difficult to be given a job and do it well if people only check in once a year.” Many interviewees, including the Commissioners themselves, said the Commission is not exercising sufficient leadership, and staff, understandably enough, are filling the vacuum. “It’s kind of by default that the executive director acts as spokesman for the Commission,” said one person. Another interviewee suggested Commissioners erred in not stepping in more strongly several years ago: “We probably let the transition (from a halibut longline-focused fleet) go too slowly.” Commissioner leadership is needed across the board – from setting research priorities and pressing for peer review, to providing stronger direction to the executive director. Said one commercial processor:

“We need strong government Commissioners who want to be boss. That would correct most of the ills.”

Challenge: Tensions rooted in the Commission’s bi-national structure

Many of the issues outlined above are rooted in process. How effective is the stakeholder process? Are the right mix of people on the Commission? Are there appropriate protocols in place? Should peer review happen more frequently? There are, however, a handful of issues tied to the Commission’s bi-national structure that seem to tug at deeper policy questions and present unique challenges to the Commission and its work.

- ***Apportionment.*** While parties have divergent views on the scientific merits of and strategies for apportioning harvest by sector, a deeper question and divergence of views underlies this issue: “By dividing the resource into 10 regulatory areas, we have effectively turned a bilateral treaty organization into a multilateral treaty organization.” This is seen as highly problematic for many in the Canadian delegation – a number of those we talked to pressed for a shift to national allocations in our conversations with them – and is likely to remain a sensitive subject until addressed and resolved.
- ***Canadian government role in stakeholder process.*** Several interviewees (including some not from the United States) suggested that DFO’s efforts to work with stakeholders to develop an integrated Canadian position prior to and at the Annual Meeting was warping the intent of the Conference Board process and constraining a more open dialogue among harvesters. Said one interviewee, echoing a sentiment voiced by others: “I find this to be a perversion of the process.” In contrast, Canadian government interviewees suggested this is a pragmatic tactical and strategic response to the Commission’s press for policy shifts on critical issues such as bycatch and apportionment.
- ***National funding disparities:*** The Commission’s 2012 fiscal year budget for core activities (without stock assessment survey costs or research grants) is \$4.9 million. Since 2001, the United States has contributed significantly more financially to IPHC operations than Canada, growing from a 50/50 split in 2000 to a roughly 80%-20% split in fiscal year 2012. The Convention allows for unequal funding levels and some suggest that the funding disparity is appropriate, saying the U.S. contribution is commensurate with its share of the harvest. Others suggest the Commission’s bilateral nature is being compromised by Canada’s lower funding level. It is worth noting that this is a point of contention among some of the Commissioners themselves, though this is generally seen as a “back-burner” issue. Officials from both governments have warned that severe budget pressures could quickly impact contributions to the IPHC and contingency planning should start now.

Challenge: Tribal/First Nations interests have greater standing, but lack parity

Our discussions with tribal and First Nations commenters reflect both an acknowledgement of changes the Commission has made over time, and a strong conviction that more needs to be done to engage these legitimate voices in all aspects of the Commission’s work. Respect and representation are key concepts. Some respondents pointed to the work and structure of the

Pacific Hake/Whiting Agreement and the Pacific Salmon Commission as models that the Halibut Commission would do well to emulate. Three major issues are called out: (1) the pattern of Commission representation; (2) lack of staff respect; and (3) the relatively closed nature of the assessment and allocation process.

- ***Being included and consulted still falls short of full co-management.*** Several interviewees underscored the point that the limitations of the current structure and its associated stakeholder engagement process are not a substitute for full co-management. The Conference Board, as it is structured, “does not fit for tribes.” As one interviewee put it: “The Halibut Commission remains one of the last bastions of the old way of doing things.”
- ***There has never been a representative of U.S. Northwest tribes on the Commission.*** “The best we can do is with our (Commissioners),” said one interviewee. Working through Commissioners can be effective to a point for tribal interests, but this relationship is dependent on which individuals are filling the seats. Some of the prior Commissioners were very “old school.” The current Commissioners are described as a “welcome change.”
- ***IPHC staff, as part of their routine work, are not sufficiently inclusive of First Nations/tribal scientists.*** Several commenters expressed the view that staff can be “too invested in being the ‘guardians of the resource’” to the exclusion of ideas from tribal/First Nations scientists. As one respondent put it: “The staff views themselves as the experts; they don’t like interference.” Another said: “We’re taken seriously everywhere we go but at the IPHC.” Still another comment: “We shouldn’t have to hire a staff attorney to be heard.”

Other Challenges:

Finally, the Performance Review surfaced a number of additional challenges that merit mention in this Report. Below are some of the additional concerns and considerations.

- ***Compressed time window.*** Nearly all those interviewed cited the compressed time window – interim and annual meetings following closely on the heels of the fishery closure – as creating an untenable situation for staff, Commissioners and stakeholders. With little time between when staff collects the last fishery data (early to mid-November) and the Interim Meeting (late November), staff has insufficient time to conduct thorough analyses and prepare presentations to inform Commission deliberations. In some cases, the first cut of the assessment is done with an incomplete annual data set, as data from some geographies lags in reporting. Planning, too, is harried and, as happened at the 2011 Interim Meeting with the presentation on the Management Strategy Evaluation and the retrospective analysis, IPHC staff did not have adequate time internally to review and revise materials being put forward for Commission consideration. Similarly, most stakeholders and even Commissioners feel they have insufficient time to digest the meeting materials provided to support discussions. “Every time there’s a shift in the science, there’s not enough time for folks to understand and comment on it,” said one person. Commissioners say they, too, have little time to consult

adequately with stakeholders. Given the compressed timeline, the meetings themselves can become an untenable mix of education and policymaking, as participants must simultaneously digest dense analyses, ferret out policy implications and then pivot to decision-making. As one industry interviewee said: “There’s not enough time for learning and an exchange of ideas.”

- ***Overly dense materials and presentations.*** Presentations at both the interim and annual meetings are frequently dense and populated with analytic details incomprehensible to much of the intended audience and that, to some, “are intended to obfuscate or confuse.” Moreover, many presentations are criticized for overemphasizing results and not shedding enough light on the underlying model and assumptions, and they frequently lack appropriate framing and context. At the 2012 Annual Meeting, for example, the plenary presentation on Management Strategy Evaluation lacked meaningful discussion of the impetus for the suggestion, or exactly how or when this topic might fit into future Commission decisions. As one Commission staffer said of the presentation: “We didn’t tell them what we wanted from them. We just presented it and then just let it hang there.” Copies of presentations are not provided, making it that much more difficult for interested participants to track the discussion. One can come away with the impression that the presentations are for those “already in the know” and a legacy of the days when the IPHC had a much smaller and, as one person put it, “clubby” constituency. Finally, there are concerns that catch limit-focused discussions tend to crowd out a broader discussion of research. Said one interviewee: “We don’t hear much regarding research – about priorities, stakeholder interests in research and related topics. Research gets short shift at meetings since folks are hyper-focused on the TAC.”
- ***Lack of real-time summaries and timely minutes and follow-up.*** Current Secretariat practice is to draft and distribute minutes several months after the Annual Meeting. This is highly problematic for anyone interested in tracking progress or engaging on issues discussed. Perhaps even more distressingly, as the Secretariat has not routinely put out an annual workplan nor circulated an action list based on the Annual Meeting, stakeholders and even Commissioners lose track of the status of tasks identified for Secretariat action. Some come away with the impression that staff “is deciding on its own what tasks merit follow-up and which don’t.” The meetings themselves also often lack crisp summations of actions taken. While staff did provide a succinct accounting of Commission actions taken at the 2012 Annual Meeting, no such summary of key outcomes was provided for the Interim Meeting.
- ***Lack of clear meeting process.*** Echoing concerns about the ad-hoc nature of many IPHC processes, there is an impression that Commission meeting practices are at times haphazardly applied. One interviewee, for example, noted that state representatives are allowed at executive sessions but tribal/First Nations representatives are not. This distinction struck this speaker as inconsistent, unwarranted and problematic. Another example centered on the 2011 Interim Meeting, where a webinar was set up to allow stakeholders to track the Commission’s conversation on the retrospective analysis. Regrettably, stakeholders missed an entire portion of the discussion after Commissioners circled back to the topic after the webinar had ended. The Commission hadn’t intended to exclude the stakeholders from the

second conversation; it was much more a ramification of the ad-hoc way deliberations go forward. There are also concerns that stakeholders still lack a clear understanding of their role within the Annual Meeting process. “People don’t even know what room they’re allowed in,” said one government interviewee. “The whole sequence is quite fuzzy.”

- ***Perceived commercial bias.*** While the Commission is considered to be highly professional, several interviewees did perceive a bias and favorable inclination to privilege the views of certain commercial users. Many suggested this is an understandable result of the Commission’s history as a longline-focused institution. But it is increasingly problematic given the IPHC’s wider constituency. One interviewee, for example, related a recent Commission discussion involving the characterization of bycatch versus an increased allocation for a Canadian sector. “The Commission is able to find a million pounds of halibut to meet a Canadian request for 2B (above staff recommendations) and they called that ‘noise,’ but 100,000 pounds of bycatch in U.S. fisheries is considered a ‘biological concern.’” A second and quite vexing example of this for some is the continued inclusion on the Annual Meeting agenda of the commercial-only reception hosted each year by the Halibut Association of North America. “The Commission doesn’t even recognize the bias,” said one interviewee. Several interviewees also suggested staff, too, has a longstanding bias towards the commercial longline users.
- ***Reliance on fish sales.*** The Commission’s fiscal year 2013 budget projects more than one-third of its \$10.5 million in anticipated revenue will come from the sale of fish taken in the stock assessment surveys (the rest will come from national dues and other sources). While the money supports important Commission initiatives, some interviewees suggest the dependence on survey fish sales is potentially problematic due to the Commission’s over-reliance on a source of funding vulnerable to market price swings. A few also saw the potential for a conflict of interest, since, as one processor said, “it’s in staff’s interest to survey aggressively since it feeds the Commission budget.”
- ***Perceived staffing gaps and constraints.*** While Secretariat staffing was generally seen as a strength, there were some who cited concerns in two specific areas: (1) perceived gaps in modeling expertise; and (2) a perceived tendency and pressure towards “group think.”
 - The first consideration – rooted in some stakeholders’ growing concerns regarding the uncertainties in stock assessments – suggests that the Secretariat has suffered from the lack of additional high-powered modelers in recent years, particularly as the challenges with the retrospective analysis, size-at-age and other issues have grown more problematic.
 - The second concern centers on the perception that Secretariat staff is increasingly pressured into group think, rejecting contrary views from those outside the organization and limiting dissenting opinions from within. Said one interviewee: “Some (on the staff) feel they don’t have the latitude to weigh in with different perspectives.” Another commenter suggested staff is reluctant to seek advice from those outside the IPHC: “Staff is starting to discount input from others in the process...There’s only one view now.” There is, however, a countervailing view that some staff are “freelancing” minority views, an action that is wrongly feeding the impression among stakeholders that the Secretariat “doesn’t know what it’s doing.”

STAKEHOLDER SUGGESTIONS FOR MOVING FORWARD

Discussions with stakeholders, staff and Commissioners generated a wide array of suggestions for building on the Commission's existing strengths and addressing its most pressing challenges and limitations. Our interviews suggest stakeholders are, for the most part, open to and even supportive of new approaches.

Not surprisingly, interviewees had diverse views on many of the recommended specifics and tactics they put forward to bolster the Commission's effectiveness. But, importantly, there are several big-picture recommendations that appear to garner support across a broad cross-section of those closely involved with the Commission.

Below is a summary of the suggestions we heard. Our summary highlights both the cross-cutting themes, as well as important divergent views; they are not in any ranked order. Please recall that the suggestions below are a synthesis of ideas put forward by those we interviewed. CONCUR's recommendations for moving forward are included in a different section of this Report.

Cross-Cutting Suggestion: Improve transparency in Commission decision-making

With the exception of just a handful of interviewees, most of those we talked to believe strongly that the Commission should conduct more, if not nearly all, of its work in public. This was, along with the call for increased peer review and the development of a five-year research plan, one of the most consistent suggestions put forward. "Someone needs to make the case to me why they should meet behind closed doors," said one harvester. Even most Commissioners agreed that much more of its work could be conducted in public session. As one Commissioner said: "Everywhere else we're moving to more public deliberations. That's the way things are moving." Another Commissioner, aware that transparency may come at the price of candor, put it even more strongly: "We need more open sessions – at both the annual and interim meetings – so everyone hears how Commissioners and staff interact on the various issues." Those who look to the Council process as its model suggested all Commission deliberations should be conducted in public. Others see the need to preserve the opportunity for at least some *in camera* sessions, consistent with the practices of other bodies. "If you make all the sessions public," said one interviewee, "you'll just drive the negotiation underground." Only a handful of interviewees suggested the current mix of public and private sessions was appropriate.

Cross-Cutting Suggestion: Support increased peer review of Commission work

Stakeholders overwhelmingly endorsed the need for greater peer review of the Commission's work – a recommendation that began to emerge at the 2012 Annual Meeting. Our interviews suggest that there is now broad, strong cross-cutting interest in incorporating peer review into various facets of the Commission's work, including both assessments and research. Peer review, as a number of interviewees suggested, will be helpful in confirming and, as needed, reworking Commission approaches, renewing stakeholder confidence in the Commission's work and embracing best practices used elsewhere. Said a Commission staffer: "An ongoing peer review process will help us have an ongoing science discussion. It will help us with the disconnect with our stakeholders." Another key premise is that peer review should not generate personal

critiques of staff. As one speaker noted: “Peer review is important. If the model isn’t working, we need to know why. We have a professional staff who works hard; this shouldn’t be a witch hunt.”

Not surprisingly, there are varied perspectives on the frequency and focus for such review. Below is a brief synopsis of the various suggestions put forward.

- Many commenters have suggested that peer review would be valuable in examining the structure of assessment models, and that such an assessment should occur “off cycle” from the annual process of completing a stock assessment and developing catch limits. Others have suggested that routine peer review, perhaps built into the architecture of the Annual Meeting, should also precede reaching a conclusion about the annual catch limit.
- Another key choice is the frequency of the review. Some parties insist that annual review is a must given the complexity of the model and the environmental conditions. Others suggest that a periodic review of the core assessment methodology every three to five years would be sufficient unless conditions (i.e., significant changes to model, important shifts in biological indicators) warrant otherwise. A few commenters suggested annual review in the near-term followed by stepped down frequency later on.
- A third issue relates to structure. Some voiced strong support for a standing peer review body with staggered appointments (i.e., five year terms) to foster a blend of familiarity with fresh perspectives on any standing peer review body. Supporters of this approach contend that, given the complexity of the issues, a standing body will yield more informed feedback and is consistent with frequently mentioned process analogues such as the Scientific Review Groups convened by the Fisheries Management Councils. Others suggested that a more periodic, CIE-like approach would be sufficient.

While most stakeholder comments centered on peer review of the stock assessment model, our discussions did surface significant, additional interest in peer review of the apportionment methodology and Commission research priorities. There were also suggestions that, in addition to peer review, the Commission should take steps to improve the general transparency of its work, including: (1) moving to public source, open-sharing of data; (2) gleaned lessons from other bodies’ use of peer review; and (3) encouraging greater staff collaboration with others outside of the IPHC.

Cross-Cutting Suggestion: Develop long-term strategic research plan

Echoing another important theme that emerged at the 2012 Annual Meeting, stakeholders broadly supported the development of a long-term (five to ten years) strategic research plan to ensure the Commission’s research activities are appropriately prioritized and in alignment with IPHC goals and objectives and available budget. Said one interviewee: “We probably need to have more dialogue around the vision of the research program to see the overall picture of how research fits into the longer-term suite of needs and concerns.” A long-term research plan is seen as a concrete way to ensure staff activities are Commission-led, well focused on the most critical issues and more carefully forecast the level of effort and budget required for major new research

activities. It also is a method to strengthen the stated rationales for research conducted under Commission auspices. Several stakeholders cited size-at-age and migration as areas of inquiry where critical research can inform stock assessment and treaty implementation.

A number of stakeholders also voiced interest in strengthening the role of the RAB and looking for additional opportunities to expand the pool of scientists contributing to Commission research and strengthening cooperative research with the fishing industry.

A handful of interviewees did not see a driving imperative for a long-term research plan, suggesting that the current research initiatives are already on-point and well-aligned with treaty obligations and Commission objectives.

Cross-Cutting Suggestion: Provide greater clarity in process, roles and responsibilities

There is a broad recognition among stakeholders that the Commission needs clearly articulated guidelines – both for Commission process and individual roles and responsibilities. More clarity, many say, will help newcomers engage more effectively, sharpen staff and Commissioner role distinctions, and deepen understanding of Commission processes. Stakeholder suggestions related to this point, summarized below, touched on many facets of the Commission’s work.

- ***Create a comprehensive set of protocols that steps out the relationships among parties engaged with the IPHC.*** One interviewee suggested that the protocols (or rules of procedure) should “define roles for staff, director and Commissioners; relations to nations; advisory body roles and participation requirements; and how Commission will use stakeholder advice.” Several stakeholders suggested the Commissioners need to take leadership in framing these guidelines, as the structure and roles need to reflect their vision for the Commission.
- ***Revisit staff’s approach to presenting recommended actions.*** A synthesis of ideas we heard might look something like this: Staff policy memoranda should frame issues, discuss the underlying science, identify a range of potential policy choices for the Commission’s consideration, and forecast the likely consequences (which may include risk and uncertainty) of these choices. Such an approach would stand in contrast to a prevalent model that tends to be conclusory. As one commenter suggested: “Frame concerns as issues to be engaged, but don’t go forward with a prescriptive approach.” Another noted: “If staff feel strongly that they have to move forward with a specific recommendation, at least come forward with range of policy options and implications.” There are some, however, who strongly favor retaining staff’s practice of presenting narrowly framed recommendations. This is particularly true as it relates to catch limits, as several interviewees voiced concerns that a shift towards a range of possible harvest levels would lead the Commission to opt for the highest catch possible. As one industry representative put it: “I defer to staff expertise and their lack of a vested interest.”
- ***Promote greater leadership by Commissioners.*** Stakeholders from every sector, including Commissioners themselves, called for the Commission to dedicate more time

and exert more leadership in virtually every facet of its work – from research priorities and agenda-setting, to setting of catch limits, establishing other Commission policy and running the meetings themselves. Stronger leadership is seen as the key to driving the changes needed to make the Commission a more transparent and effective organization, a number of stakeholders said. Inherent in this suggestion, several interviewees acknowledged, will be the need for Commissioners to dedicate more time to the work of the Commission. A companion to this suggestion, mentioned in a number of interviews, was the need for the Commission to articulate a clear and compelling strategic plan for the Commission, along with annual work plans.

- ***When introducing staff reports, make clear whether the intent is to present a briefing on an emerging issue, put forward options for discussion, or tee up policy for a Commission decision.*** Several commenters suggested that being more explicit about the intent of agenda items would make it easier for stakeholders to track and create clear expectations about the nature of the discussions to follow.

Cross-Cutting Suggestion: Revisit structure of stakeholder advisory process

Stakeholders broadly shared a vision of a stakeholder process with more structure, more certainty of process, more opportunity for balanced participation and/or more integration. But the specifics of a new approach varied greatly among stakeholders. Below is a summary of the various ideas we heard. This list is not presented in any rank order and is provided merely to demonstrate the range of ideas being considered by stakeholders.

- ***Create one integrated stakeholder body.*** A number of those interviewed looked to models like those used by the North Pacific Fisheries Management Council, Pacific Salmon Commission, and the Pacific Hake/Whiting Agreement, which rely on standing bodies comprised to foster integrated discussion among a diverse but balanced set of stakeholders. Proponents of this approach – which would replace the current PAG and Conference Board with one integrated body – suggested this would foster consensus-building and generate the most coherent beneficial advice to Commissioners.
- ***Supplement current structure with integrated PAG/Conference Board subset.*** Many interviewees were reluctant to scrap the current structure, suggesting it had merit in (1) bringing many voices to the table and (2) allowing for focused discussions among participants with similar interests. A wholesale change to the structure was also seen as unwise as “the current structure works better than I thought,” informal integration already occurs and “these are longstanding organizations...and changing will be tough.” However, some in this group saw value in creating a subset of the PAG and Conference Board that would jointly present and truly engage the Commission in discussion and possibly even strive to integrate any divergent views prior to briefing the Commission.
- ***Streamline current structure.*** Another approach put forward by a number of interviewees was to maintain the current structure, but streamline the membership in each body to ensure balanced, consistent and diverse participation. In this scenario, the Commission would identify recruitment criteria for each body (by geography, by sector,

etc.) and then populate the spots with standing members. This approach was seen as a realistic strategy for addressing issues tied to imbalance and the ad-hoc nature of voting yet maintaining the basic stakeholder structure. Others suggested it would undermine the more open nature of the existing bodies.

- ***Create new stakeholder bodies.*** Though a distinctly minority view, some interviewees suggested creating an additional stakeholder body to fold in the recreational sector. This was seen as a way for the recreational sector's voice to not get subsumed in the current Conference Board process. It was also seen as a strategy among those who felt there was insufficient time to integrate the various stakeholder perspectives in a unified body.
- ***Improve process protocols.*** As noted elsewhere, there was widespread support among nearly all those interviewed to craft protocols to describe the stakeholder engagement process and its various bodies and operations. The current process lacks transparency, many said, and is confusing to newcomers to the IPHC. Possible topics to cover include: purpose; membership; accreditation process; relationship to Commission and other stakeholder bodies; secretariat role and staffing; leadership and meeting management; minutes; national participant roles; voting process; etc.

Stakeholders put forward other recommended changes as well. These included:

- Encourage the IPHC Commissioners to exert more authority in sparking and designing changes to the stakeholder structure, as the stakeholder groups are unlikely or unable to revamp the approach on their own.
- Increase the frequency of Conference Board and PAG meetings, as one meeting each year is insufficient to digest the breadth and complexity of issues under discussion.
- Provide better and consistently archived written records of stakeholder deliberations; consider using IPHC staff as note-takers.
- Make meeting materials available earlier to foster more effective deliberations; provide more time for joint briefings to ensure stakeholders fully digest the materials.
- Hold two public hearings at each Annual Meeting: one for research, a second for allocative issues.
- Provide better amplification at Conference Board meetings; the size of the room and the number of participants makes it difficult to track conversations.
- Require accreditation of new Conference Board members prior to the meeting; the current process wastes time that could be used discussing recommendations.

Cross-Cutting Suggestion: Improve stakeholder input into Commission decision-making

Stakeholder suggestions related to decision-making tended to aggregate around two specific topics: a clear process for considering and engaging stakeholders on staff recommendations and proposed Commission actions. While all stakeholders are not of like-mind on these topics, there does appear to be broad support for instituting meaningful changes.

- ***Increase opportunities for direct stakeholder dialogue with the Commission.*** There is a strong need for more in-depth discussions between stakeholders and Commissioners. Many stakeholders were receptive to the idea of a joint Commission-stakeholder dialogue on the third day of the Annual Meeting, where Commissioners and a subset of the PAG/Conference Board would engage in a detailed and public discussion of stakeholder recommendations as part of a concerted effort to integrate the various perspectives into a coherent Commission policy. There were also suggestions that the Commission consider varying strategies for eliciting and considering stakeholder input – from public hearings and written comments, to more dynamic settings that encourage an active exchange of ideas between Commissioners and interested participants.
- ***Put in place an articulated process for considering changes to policy.*** A number of stakeholders pressed for a written protocol, with an associated timeline, for introducing, weighing and reaching decisions on policy issues under discussion. Such an approach, these individuals said, would replace the current ad-hoc approach with a more predictable process readily understandable to all. “We need to create adequate room for a science and policy discussion before moving into allocation ramifications,” as one person said. Several of these stakeholders acknowledged that such an approach would likely not be workable with the twice yearly meeting structure now in place, and called for the IPHC to add a third meeting to the yearly cycle to accommodate more deliberations.

Other decision-making-related suggestions included the following:

- On the final day of the Annual Meeting, the Commission should present clear rationales for all Commission decisions taken. (Several of those interviewed said the Commission presentation on the last day of the 2012 meeting was a strong move in this direction.) A written summary of these actions, along with a clearly articulated rationale that is responsive to stakeholder recommendations, should also be provided in a timely manner following the meeting.
- To the extent that Commissioners opt to continue holding executive sessions, the Commission should provide written summaries for all deliberations and no actions should be taken in executive session. This should apply to retreats as well.

Cross-Cutting Suggestion: Strengthen Commission meeting practices

Stakeholders offered numerous suggestions for improving meeting process, from making presentations more accessible to crafting more explicit meeting protocols. But far and away the

single most consistent and important suggestion centered on revising the Commission's meeting cycle to add a third meeting. Below is an overview of this and other stakeholder suggestions to improve the current IPHC meeting process.

- ***Add third meeting to Commission's Annual Meeting cycle.*** Stakeholders across a broad spectrum broadly endorsed the concept of adding a third meeting to the Commission's calendar. Such a meeting would be science- and research-focused and create an opportunity to embed ongoing peer review of the stock assessment model and other aspects of the Commission's work, as needed. The exact timing for such a third meeting is uncertain, though a number of those interviewed suggest spring would be a reasonable timeframe. Additionally, a number of those interviewed urged the Commission to continue its use of workshops to foster targeted deliberations on critical issues.

A third meeting is also seen as a way to reduce pressure on the November-January time crunch. But it was not the only strategy put forward. Other suggestions included: (1) closing the fishery several weeks earlier; (2) delaying the Interim Meeting until mid-December; (3) shifting to a multi-year assessment; and (4) providing an interim harvest level at the January Annual Meeting and then revisiting the allocations several months later after staff has had an opportunity to more thoroughly analyze year-end data. As one interviewee said: "It's definitely good to consider some new options."

- ***Put more time and thought into shaping and presentation of information to public and Commission.*** While some believe staff presentations are at an appropriate level, many stakeholders strongly called on staff to step away from the "Ph.D.-level science," as one person put it, and present information at a level that is accessible and meaningful to the bulk of those attending the meetings. There also needs to be more framing of issues presented, with speakers highlighting the context, relevance and link with Commission decision-making. Said one Commissioner: "This is the public face of the Commission."
- ***Draft guidelines that make explicit the approach and protocols the Commission uses to structure its meetings.*** While the "Navigating the IPHC Meeting This Week" developed for the 2012 Annual Meeting was a good first step, several interviewees called for staff to develop more detailed guidelines that provide information on, among other things: role of Secretariat at the Annual Meeting; public v. executive session; Commission decision-making process; opportunities for public input; Conference Board and PAG role; Annual Meeting ground rules; and meeting summary process.
- ***Provide more extensive and timely summaries.*** A number of stakeholders called for the Commission to produce more timely summaries – both of Commission deliberations and Secretariat steps to move forward on Commission-driven action items. Brief summaries of decisions made and next steps should be given at the meeting itself, with more detailed written minutes to follow within a short amount of time. This step is considered important as it serves as the foundation for staff and Commission accountability. Said one Annual Meeting attendee: "It's hard get a feel for what happened and why and what happens next.... We need an accounting on actions promised."

Other suggestions for improving the effectiveness of Commission meetings included:

- Post materials on the IPHC website as they become available, rather than waiting until all materials are ready to be compiled into the RARA
- Limit presentations at executive sessions; rely on Commissioners to review more materials beforehand
- Foster greater Commission input into agenda flow and timing

Other Stakeholder Suggestions:

In addition to the cross-cutting recommendations summarized above, stakeholders generated a number of other suggestions. These include the following:

- ***Revisit Commission structure.*** Many stakeholders supported adding a non-voting alternate seat (or seats) to both the U.S. and Canada side as a strategy for broadening the interests now represented on the Commission. The specifics of this action, however, generated a range of opinions. There was a divergence of views regarding the interests to be added, with some seeing recreational users as the only missing voice while others suggested tribal/First Nations interests, non-directed users and even NGOs needed to be added to the mix as well. Some suggested all user groups should cycle through the non-voting seat, but most agreed that the directed commercial fishery should retain a permanent seat given its dominant role in the fishery. Some interviewees were reluctant to add any new seats, suggesting it was “a slippery slope” that would lead to a Commission populated with special interests and no cross-cutting perspectives. Almost no one recommended pressing for a treaty amendment to expand the formal number of full seats, and several people said the U.S. and Canadian delegations should be parallel in structure but not necessarily identical in the interests represented.

Stakeholders also weighed in with several other recommendations related to Commission structure. These individual suggestions included: (1) pressing the U.S. and Canadian governments to speed up and rationalize the appointments process; (2) putting in place staggered terms to foster continuity; and, (3) articulating selection criteria that emphasize prospective Commissioners’ ability to integrate across different interests and negotiate effectively. Said one interviewee: “The lead Commissioner (chair)...needs to be chosen based on the negotiation and diplomatic competencies that are core to that spot.” Stakeholders had divergent views on the appointments process itself, with some pressing for a more open, stakeholder-driven nominating process and others backing what they saw as less politically driven process.

- ***Deepen tribal/First Nations engagement.*** Tribal and First Nations representatives interviewed put forward several suggestions for improving their participation within the IPHC. Firstly, as discussed above, they recommended the Commission more closely mirror the structural model of the Pacific Hake/Whiting Agreement by appointing dedicated tribal/First Nations seats on all bodies, including the Commission itself. They also suggested that the Commission adopt co-management of the resource with tribes and First Nations as a core principle, and they asked that the Commission revisit the quota

allocation for tribes as part of a comprehensive peer review of the allocation methodology. Additionally, they pressed for the Commission to recognize and acknowledge the distinction of treaty tribes with a stake in decisions of the Halibut Commission. Finally, they called on staff to adopt a stance of more complete and respectful inclusion of interests and tribal/First Nations scientists.

- ***Consider shifting away from annual assessments.*** One respondent noted: “Halibut are a long-lived species; there could be multi-year assessments with updates as needed.” Shifting away from annual assessments could help with November-January time crunch, as well as provide more time to gather, analyze and peer review data. It would also enable more time to prepare information for sharing with stakeholders and greater stability. The downside is that since this a higher risk management strategy, the implication might be more conservative harvest levels.” Several commenters suggested that the timing and frequency of the assessments should be the subject of a peer review process. Others noted that shifting to a two-year cycle at this point would not be wise. One noted: “It’s difficult to move to a two-year assessment cycle given that there is not stability in the resource.”

Some interviewees also recommended that the Commission establish criteria for the selection of stock assessment models. One way to strengthen the logic and transparency of model selection is to establish objective criteria for the selection of models. Considerations could include data input requirements, ability to handle changes in multiple parameters, reproducibility of results, and portability to multiple platforms (i.e. not existing only in one physical location). The exact criteria, some stakeholders said, could in fact be one focus of the peer review of the model.

- ***Address staff-related concerns.*** Stakeholders put forward several suggestions to strengthen the Secretariat’s work on behalf of the Commission. Many of those we talked to recommended the Secretariat hire additional stock assessment modeling expertise given the complexity and importance of the issue. To some this means bringing in “fresh thinking” to broaden and deepen staff capabilities. To others, it’s bringing in additional staff to “help with an overwhelming workload” only likely to worsen with the new emphasis on peer review. Another suggestion put forward focused on encouraging IPHC staff to attend more outside conferences and scientific gatherings to increase its exposure to new methods and approaches. Similarly, the Commission should be encouraged to invite visiting scholars to work within the IPHC. One final suggestion centered on the need for Commissioners to take on a stronger role in guiding the Secretariat, particularly to ensure scientific disagreements are not held at the staff level, but rather – (when appropriate) – raised as policy issues for consideration by the Commission itself.
- ***Consider funding- and budget-related needs.*** On issues related to U.S.-Canada funding shares, interviewees had disparate views. Some suggested giving the United States an extra vote on the Commission to account for its larger budgetary contributions. Others suggested no changes were needed given the larger U.S. share of the harvest. Overall, however, the issue did not emerge as a top concern for most respondents. More broadly, several stakeholders encouraged IPHC leadership (both Commissioners and the

Executive Director) to continue their efforts to ensure the budget – and, in particular, research spending – reflects top Commission priorities. “Do we have the right mix, should we be looking for experts?” said one interviewee. “There needs to be a high-level scan.”

IV. CONCUR RECOMMENDATIONS

The Commission and its staff are already taking steps towards addressing several critical findings identified in this Performance Review. Importantly, at the 2012 Annual Meeting, the Commission agreed to move forward with focused deliberations on peer review and a long-term research plan. The April 2012 bycatch workshop jointly sponsored by the Commission and the NPFMC also brings much-needed focus and attention to an area of great importance.

These are vitally important steps and suggest the Commission is committed to strengthening key aspects of its work. But for these actions to be most effective, they must be coupled with a more comprehensive package of strategies that are driven by key findings and engage the broader affected community in effective Commissioner-led dialogues.

Below, based on the findings from the Performance Review, are the core recommendations that we believe are essential in helping the Commission continue its efforts to respond to the challenges and expectations of fisheries management in the 21st century. These recommendations very much work together as a package, and we encourage the Commission to take broad actions as it considers the ideas put forward in this Performance Review. Collectively, these recommendations are intended to:

- Foster greater transparency
- Promote informed decision-making
- Articulate predictable process
- Cultivate more balanced and effective stakeholder input
- Foster fresh, independent critiques
- Further strategic thinking and actions
- Strengthen implementation of treaty obligations

Successful adoption of these recommended changes will necessitate a level of openness and commitment to engage differently from all those currently involved with the IPHC. For Commissioners, it will mean a commitment to exert stronger leadership and engage more proactively. For staff, it will mean a commitment to embrace a new reality of a more dynamic and open process. For stakeholders, it will mean a commitment to more fully explore and integrate across a broad range of interests. And for all it will mean a commitment to test new strategies, assess their effectiveness and adapt as needed.

Recommendation #1: Adopt Clear and Comprehensive Protocols/Rules of Procedure
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Rationale: The IPHC's existing Rules of Procedure – first adopted in 1954 and last amended in 2002 – provide little guidance with respect to the Commission, its Secretariat and its various subsidiary bodies. If the Commission is to be an effective body, all participants – both long-timers and newcomers, staffers and stakeholders – must have an accurate and consistent understanding of the roles and responsibilities of the various parties engaged with the IPHC, as well as the overall process.

Recommended Actions:

1. Update and expand the existing Rules of Procedure for the Commission, Secretariat and each current stakeholder body (PAG, Conference Board and RAB). Each document 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 relationship to other elements of the IPHC. Other specific points to emphasize within the Protocols/Rules of Procedure should include:
 - ***For Commission:*** Annual and long-term priority setting; policy-making responsibilities; direction to and interactions with IPHC staff. Current IPHC Rules of Procedure were last amended in 2002, and should be examined for outdated, unclear, or missing sections.
 - ***For Staff:*** Protocols for communicating with external stakeholders; decision-making authority; frequency and nature of contact with Commissioners between meetings. IPHC Rule of Procedure 8 speaks to Staff Regulations, which would be an appropriate place for such protocols.
 - ***For PAG, Conference Board and RAB:*** Composition, participation criteria and selection process; role of national section; meeting conduct. Current IPHC Rules of Procedure 11 and 12 speak in general terms about consultation with the industry. These should be amended to reference the existence of all current subsidiary bodies (or any subsequent ones) and their role in the Commission hierarchy.

Note: The recently created Terms of Reference for the Pacific Hake/Whiting Agreement offers one model for the Commission to consider.

Recommendation #2: Improve Commission Transparency

Rationale: There is a broad recognition among stakeholders, staff and most Commissioners themselves of the need for and benefit of increased public deliberations. The current heavy reliance on executive sessions undermines trust in the decision-making process and leaves stakeholders uncertain of Commission motives and decision rationales. This undercuts Commission credibility and authority and is at odds with both countries' principles and practices elsewhere. An increase in public deliberations is fundamental to improving Commission transparency.

Recommended Actions:

1. Conduct the bulk of the Commission's deliberations at the Interim and Annual meetings in public. Some opportunity for *in camera* sessions can be preserved, but – consistent with broadly accepted best practices and the approach used at bodies like the NPFMC, the Pacific Hake/Whiting Agreement and the PSC – Commission deliberations should be

assumed to be in public unless otherwise stated.

2. The Commission should retain the flexibility to conduct Commission-only retreats to foster candid deliberations on its own internal mechanisms and effectiveness.
3. Discussion summaries from any *in camera* sessions – whether as part of the Interim/Annual meeting cycle or as a separate retreat – should be produced and made available (within four to six weeks) to any interested party. Exceptions should be made for those items (i.e., personnel and contractual matters) appropriately deemed confidential.
4. Refrain from taking policy actions in executive session. Aside from personnel matters, contractual issues and/or pending litigation, the Commission should refrain from taking policy actions in executive session.

The current IPHC Rules of Procedure do not address these issues (e.g., use of closed vs. open meetings, public attendance, etc.), but should be amended as necessary to incorporate any of the recommendations noted above. IPHC Rules of Procedure should be made available on the website.

Recommendation #3: Revisit Stakeholder Engagement Structure
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Rationale: Though there are aspects of the current advisory process that further Commission aims (focused dialogues, for example, and broad participation), on balance the existing structure is not positioned well to remain viable as presently constituted. The IPHC's current advisory structure is not well serving the Commission, as it is hampered by an ad-hoc and little-understood process and weakened by a participation structure that fails to effectively incorporate all elements of an expanding stakeholder base and diminishes the meaning and value of recommendations put forward for consideration by the Commission. A revamped and more credible structure needs to be articulated if the IPHC is to be consistently seen as a viable and effective forum for integrating stakeholder perspectives. Our recommended approach detailed below strives to balance the imperative for change with the need to build broad buy-in. Commissioner leadership is essential.

Recommended Actions:

1. Adopt a multi-step process over the next two years to transition the current stakeholder advisory arrangement into a unified, integrated body. This slower transition is intended to recognize that the stakeholder process, while not ideal, is functional and can evolve more slowly as the Commission is likely to be devoting significant near-term focus to peer review of the assessment model and development of a long-term research plan.
 - ***Step 1: Improve basic operations of current PAG/Conference Board.*** The Commission should work with staff and stakeholders to incorporate the following immediate practices: (1) develop/update existing Rules of Procedure for both the PAG and Conference Board (as described above) to make clear critical issues

such as charge or task within the IPHC system, voting rules or other decision rules, and participation criteria; (2) conduct the participation and credentialing process prior to the Annual meeting so there is sufficient time to confirm eligibility and maximize at-meeting time for substantive deliberations; and (3) provide staff support for note-taking and other meeting management aspects (i.e., sufficient amplification). The Secretariat may also wish to consider the benefits of professional facilitation of the stakeholder bodies to ensure there is full participation.

- ***Step 2: Establish Joint Steering Committee for 2013 Annual Meeting.*** For the coming year, we recommend the Commission convene a joint PAG/Conference Board Steering Committee (comprising, at a minimum, the co-chairs of each stakeholder body) to jointly and publicly present and, as possible, integrate recommendations for consideration by the Commission at its 2013 Annual Meeting. The goal of this joint Committee would be to provide unified perspectives on as many issues as possible, underscore areas of agreement where they exist, and clarify reasons for divergent views. We further recommend that the Commission engage at the Annual Meeting in a more in-depth public discussion with Joint Steering Committee members regarding the recommendations and probe for opportunities for further integration. Finally, we recommend that an opportunity for public comment be provided following the deliberations.
- ***Step 3: Create a Work Team to devise unified stakeholder advisory body for the 2014 Annual Meeting.*** The current structure, in our view, is not viable as presently constituted, nor does it approach best practices in place in peer organizations. Votes tied to bodies that do not have set and balanced membership are limited in their utility and credibility as they merely reflect the inherent inequities in participation at the table. Moreover, we do not believe a shift towards a series of sector-specific advisory bodies is consistent either with the need for more integrated advice nor best practices. At the same time, we recognize that the Commission is not starting with a blank slate and there are strong ties for many to the current structure and an appreciation, in particular, for the democratic nature of the Conference Board and the effective PAG voice. To that end, it is our strong recommendation that the Commission convene a balanced, Commissioner-led Work Team that brings together a subset of the full suite of stakeholder interests to hammer out the Protocols/Rules of Procedure for a new unified stakeholder body that would be operational in time for the 2014 Annual Meeting. Specific issues for a Work Team to engage and resolve include: charge and purpose, membership, recruitment criteria, voting rules, roles and responsibilities, leadership, and relationship to Commission and staff. Other recommendations related to the creation of a unified stakeholder advisory body include the following:

- We recommend the new advisory body comprise 20 to 24 members, as we believe that total offers sufficient seats to accommodate each country's

varied interests yet limits the total body to a size that fosters productive dialogue. All advisory body deliberations should be in public, with focused opportunities for public comment.

- We further recommend that the new advisory body should have a consensus-seeking mission as a single entity and not gauge support for issues under discussion by national section. We recognize this is contrary to the models used by the PSC and the Pacific Hake/Whiting Agreement, but – in our professional judgment and experience facilitating dozens of stakeholder bodies – we believe such an approach fosters the creative, integrative options important to the Commission. We further believe the national interests are adequately and effectively captured at the Commission level.
- At a minimum, the new body should be convened just prior to the Annual Meeting so it can develop advice using the same, up-to-date data being considered by the Commission. Additional meetings could be convened, as needed, throughout the year. This approach and timing can model the NPFMC’s current advisory structure.
- ***Step 4: Approve and launch new unified stakeholder body.*** We recommend that the Commission – at its 2013 Annual Meeting, if possible, or at a meeting later that year, if necessary – approve and take steps to constitute the new unified stakeholder body. We recommend the Commission, with support of staff as appropriate, solicit interest in participation using a set of clear recruitment criteria that steps out both desired interests and capabilities needed to compose an effective body. Final selection of membership should be taken by the Commission. Member terms should be staggered to ensure there is ongoing continuity.

We recognize that some of the recommendations above represent a significant departure from current practice and may be contrary to the wishes and advice of some. But the challenges identified in the findings are not new – many of these same issues were cited in Dowey’s 2007 report cited earlier – and they must be addressed if the Commission is to evolve beyond its current outgrown structure and maintain its legitimacy.

Recommendation #4: Develop Strategic Approach to Research
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Rationale: Research undertaken by the IPHC can be a key contributor to achievement of treaty objectives, but it is currently not tethered closely enough to the most important needs of the Commission. Research objectives are now stated only in general fashion, and individual projects are not always viewed as core to the IPHC mission by Commissioners and other stakeholders. As well, many research projects take multiple years to complete, so planning and reviewing projects only on annual basis can result in an ad-hoc patchwork of projects that may not represent the highest priorities.

Recommended Action:

1. Develop a strategic Five Year Research Plan that links research projects to Commission objectives, with an accompanying and predictable budget. The Research Plan should address the specific organizing questions that structure the research, as well as the timeline of projects and deliverables. The Research Plan should also address specific objectives of cooperative research. Some specific topics to address may include size at age, migration, and impacts of bycatch, but these should be revised and confirmed as the Research Plan is drafted.
2. Bolster and formalize RAB. The RAB currently lacks any written Protocols/Rules of Procedure nor does it have any formal composition. Consistent with the steps outlined above to have clear guidelines and balanced participation, we recommend the Commission take steps to formally establish the RAB with associated objectives, participation criteria and other operational aspects.
3. Consider periodic peer review. As the Commission moves forward, it should consider the need for periodic peer review of its long-term and annual research plan. We also recommend it expand commitments to pursue cooperative research.

Recommendation #5: Strengthen Stock Assessment Process

Rationale: The discomfort with the Commission’s stock assessment model and associated apportionment process – coupled with significant scientific uncertainties, concerns about falling CEYs and a process that is increasingly at odds with best practices elsewhere – puts the IPHC on increasingly untenable and uncomfortable grounds.¹¹ Fortunately, there appears to be broad support among stakeholders, staff and Commissioners for fundamental changes to regain full confidence in the Commission and its work.

Recommended Actions:

1. Foster regular peer review of stock assessment model and outputs, as well as the associated apportionment process. The Commission should maintain its push to integrate peer review into its annual workplan. The specifics of peer review need to be developed with input from stakeholders and experts deeply knowledgeable about stock assessment models and procedures. To that end, we recommend the Commission build on its efforts already underway by convening a Commissioner-led Work Team to provide input into the structure and timing of a peer review process. However, based on the findings outlined earlier in this Report, we recommend the following:
 - Conduct annual peer review of the assessment and associated apportionment

¹¹ As stated in the RARA “The retrospective bias in assessment estimates has resulted in departures between realized and target harvest rates, by as much as 63% higher than target as the coastwide level. Misspecification in the closed area-stock assessments resulted in realized harvest rates, estimated by recent coastwide stock assessment with survey-partitioned by biomass, by as much as by three times higher than the target in Areas 2B and 2C, and as low as half the target biomass rate for Area 4 during the last decade.”

methodology to review, confirm or revise, as needed, any changes to the model. The Commission needs to rebuild confidence in its assessment model and regular, predictable review will be a key component to restoring stakeholder trust. This review is likely best conducted in the spring/summer timeframe (given existing IPHC workloads). We recognize that some interested parties are not convinced annual review is necessary, and we further recommend that the frequency of review be reconsidered once full confidence in the model is regained.

- Conduct annual review of the assessment model output to confirm the appropriateness of the assumptions and input parameters and the accuracy of the forecasts. This annual review needs to be conducted in the November-January timeframe, but we defer to the Work Team to determine the best fit with the Commission's Interim and Annual Meeting cycle.
 - While we don't feel it is our role to weigh in on the exact composition of any peer review body, we do believe there are aspects of a peer review process cited in the interview that are important to put forward for the Work Team's consideration. These include: (1) comprising a standing body, rather than CIE-like reviews, to ensure there is adequate familiarity with the model; and (2) structuring participation with staggered terms, to foster a blend of continuity and fresh perspectives.
2. Ensure adequate time and predictable process for stakeholder and Commissioner discussion of proposed changes to the assessment model and the associated apportionment methodology. Peer review is a critical step, but it must be accompanied by a predictable process for engaging affected parties and decision-makers in proposed changes to the model. Such a dialogue must have several discrete steps – introduction of proposed change, consideration of issues and options, input from stakeholders and any peer review – and an associated timeline. We recommend the Commission develop and articulate in writing an agreed-upon process for considering proposed changes.
 3. Augment Secretariat assessment staff. There is a broad recognition that the IPHC Secretariat would benefit from bringing on board additional, world-class stock assessment and modeling expertise to augment existing staff resources. Given the challenges, the attention and the import of the issue, mobilizing additional expertise seems a wise investment of Commission resources. Additionally, we recommend the Commission encourage Secretariat staff to broaden its ongoing discussions to others outside the IPHC familiar with assessment work and challenges.

Recommendation #6: Expand Commission Composition

Rationale: The IPHC's current structure is hampered in several ways. Most critically, stakeholder interest has outgrown the Commission design and capacity and both the U.S. and Canadian governments are failing to fill vacancies in a timely manner. The limitation of three Commissioners per country means key interests are not at the table and absences only further exacerbate the problem. Moreover, Commissioner skill sets and time availability are

increasingly at odds with the growing demands of the post. Creation of rotating alternate spots on both the U.S. and Canadian delegations will offer a viable opportunity to fold in additional perspectives and expertise within existing Convention constraints. It will also ensure the Commission is adequately populated in the event full Commissioners are unable to attend. Articulating updated criteria will provide guidance to the two national parties' to frame their recruitment process.

Recommended Actions

1. Add alternates to broaden representation on Commission. We recommend the United States and Canada add up to three alternates each to enable inclusion of interests not now adequately represented on the Commission. We further recommend that each nation put in place a rotation among permanent and alternates to add legitimacy and integration across interests. However, we leave it to each national delegation to determine the specifics of the rotation and the interests to be represented by the new alternate positions. We further defer to the United States and Canada to determine if there is a need for parity of seats and symmetry of interests across the two nations' delegations. In putting forward this recommendation, we recognize there may statutory or legislative approvals needed to incorporate alternates, and we encourage both parties to move expeditiously to identify and attain any needed approvals within each country.
2. Articulate Commissioner recruitment criteria. We recommend that each of the two countries develop and/or refine Commissioner recruitment criteria that emphasizes the importance of selecting individuals that bring both specific sector perspectives, as well as the ability to negotiate effectively and integrate across interests. This last point is particularly important to prevent the Commission from becoming "balkanized" into discrete interests. While numbers of interviewees weighed in on the merits of selection processes that seek formal nominations from stakeholders versus approaches that generate candidate names on a more ad-hoc basis, we do not have a strong recommendation on this point. We believe either approach can be successful or fail; the key, in our view, is the articulation of and adherence to stipulated selection criteria.
3. Press national government for more timely appointments. We recommend that the Federal representatives to the Commission communicate to their respective governments the need for timely appointments to replace absent or retiring Commissioners.
4. Incorporate continuity as a consideration in revising Commission appointments. We recognize that there is a balance to be struck between maintaining institutional memory and bringing new voices to the Commission table. As several stakeholders pointed out at the Annual Meeting, given the significant issues needing focused Commission attention, there is considerable value in maintaining a strong measure of continuity. Over the longer term, we also recommend that the Parties put in place a staggered appointments term to minimize the potential for complete Commission turnover.
5. Revise Rules of Procedure to accommodate alternates. As needed, revise the existing Rules of Procedure to describe the roles and responsibilities of alternate Commissioners,

as well as any selection criteria and process.

Recommendation #7: Build Long-Term Strategic Plan
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Rationale: The IPHC currently lacks a long-term strategic plan to guide its yearly actions and investment of resources. This gap puts staff in the unenviable position of having to juggle workloads, Commission requests and stakeholder demands without the benefit of a strategic vision and makes it difficult for Commissioners to track progress and exert proper leadership. It also feeds the impression that the Commission's work can, at times, be ad-hoc and disconnected from pressing concerns. A long-term strategic plan – coupled with associated annual plans and yearly budgeting – will offer the Commission a template for coordinating, focusing and streamlining staff and Commission efforts.

Recommended Actions:

1. Articulate Overarching Goals and Objectives. Develop a concise statement of goals and objectives that takes the Commission forward over the next decade and beyond.
2. Identify implementation strategies to fulfill Overarching Goals and Objectives. Develop an Annual Plan and budget that fits within the framework of the longer-term strategic plan.
3. Identify milestones and performance measures to track progress. Step out specific timelines for key activities and articulate metrics to track success. Take stock and report progress at each Annual Meeting. Adapt the Strategic Plan, as needed, perhaps as part of annual Commissioners' retreats, and then formally adopt any recommended changes during the Annual Meeting.
4. Consider budgetary implications of priorities identified in the strategic planning process. Given the Commission's finite resources and the overall budget climate in both nations, the Commission will need to link its priorities to budgetary line items and, as necessary, streamline some activities.

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

Rationale: The IPHC is intended to be a Commission-led organization. Too often, a vacuum of Commission leadership – and a legacy of a Secretariat-led organization – has created a situation where IPHC staff are left and/or inclined to identify issues and problems and develop solutions without the benefit of deliberation or guidance from the Commission itself. Secretariat leadership needs to be more explicit in demarcating the line between scientific analyses and policy choices and working with staff to embed such sensitivities throughout the work of the IPHC. Additionally, the Commission itself needs to be more forceful with staff in delineating more clearly Secretariat roles and responsibilities and highlight the distinctions with Commission decision-making authority.

Recommended Actions:

1. Clarify the respective roles and responsibilities of Commissioners and staff for each step of the analysis and policy development cycle. As we see it, the core steps include (1) framing problems to be analyzed and their relationship to treaty obligations and Commission priorities; (2) articulating underlying assumptions and analytic choices and the bases of those assumptions/choices; (3) articulating multiple policy choices and their implications in terms of risk and benefit; and (4) selecting a policy decision. An overarching goal for Commissioners should be to become more deeply engaged in each step and take a lead role in providing direction to the staff. For staff, we see key principles as communicating with a high level of clarity and striving to maintain an arm's length distance from decision making.
2. Present options for Commission consideration. Particularly with regard to developing recommendations for annual catch limits, Commission staff should explicitly develop a range of options and forecast associated risks and benefits of each option. Staff should put forward a recommended alternative, and be as explicit as possible in explaining the underlying assumptions and modeling sensitivities that support that recommendation.

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

Rationale: There is broad support for a mode of operation whereby Commissioners are more engaged in the important substantive work of the Commission, provide guidance to staff, and work in a collaborative fashion with Executive staff to anticipate and frame emerging policy choices. The multiple advantages are that Commissioners are providing their wisdom and experience, averting concerns that staff are overstepping their charge, and reinforcing mutual accountability and legitimacy to effective Commission decision-making.

Recommended Actions

1. Take an active role in articulating a vision for the IPHC and engaging in actions to carry out that vision. We recommend that the IPHC Commissioners use the results of this Performance Review and related stakeholder comments to craft an updated vision for the IPHC going forward over the next 5 to 10 years.
2. Exercise and model a stance of principled negotiation in deliberations over Commission matters. As an international treaty organization, the IPHC is on its face a body dedicated to defining and implementing bi-national solutions. As part of leading a more transparent deliberative process, Commissioners should be as clear as possible in articulating their underlying interests and important objective criteria they see in reaching their decisions on key issues.
3. Provide clear guidance to Commission executive staff on functions ranging from conducting assessments, to developing options for catch limits, to providing advice to member governments and other organizations. We recommend that the Commissioners

select a handful of the most important issues and create a regular schedule of check in conversations. As well as interacting with Executive Staff, we recommend that Commissioners look for ways to offer guidance and encouragement and serve as mentors to rising staff.

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

Rationale: Tribal and First Nations interests in the work of the Halibut Commission are substantial and the nature of their engagement is inconsistent with the status accorded by other bodies. Pacific halibut is taken as a personal use harvest in the treaty Indian ceremonial and subsistence fishery occurring in the waters off northwest Washington State, the First Nations food fish fishery in British Columbia, and the subsistence fishery off Alaska. Treaty-reserved fishing rights, upheld by the U.S. courts, established the tribes as co-managers of the groundfish resource and create an important government-to-government relationship. In Canada, the Government also shares a special fiduciary relationship with Aboriginal peoples and as well, First Nations have Aboriginal rights to fish for food, social and ceremonial purposes. These rights are evolving as some First Nations in British Columbia negotiate land claim and self-government agreements with the Governments of Canada and British Columbia that better define their Aboriginal rights in relationship to natural resources such as fish. Aboriginal law is another area in Canada where, increasingly, Aboriginal rights are being defined and may have impacts on government policies and those of private sector actors, particularly with respect to meaningful involvement in consultations. Given these many considerations and the dynamic nature of Aboriginal rights and title, the IPHC structure and processes need to better account for tribes' and First Nations' unique history, standing and contributions going forward.

Recommended Actions:

1. Ensure any revamping of the Commission structure, including but not limited to the industry advisors, RAB and Commissioner seats, accommodates tribal and First Nations participation along with other interested parties.
2. Actively include First Nations and tribal scientists in structured peer reviews of the current assessment and apportionment methodologies, in particular when considering implementation of Recommendation #5. We further recommend that the role of First Nations and tribal scientists be fully articulated in any protocols drafted to describe stakeholder engagement in the peer review process.
3. Ensure that Commission recommendations and consultations by national sections are consistent with the spirit and letter of U.S. and Canadian law and any associated rights of tribes and First Nations.

Recommendation #11: Strengthen Interim and Annual Meeting process
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Rationale: The IPHC's current meeting process is well intentioned but falling short. Effective deliberations are undermined by packed agendas and insufficient meeting time, an overload of last-minute materials, dense and inaccessible presentations, and a lack of context and structure to

guide Commission and stakeholder deliberations. Steps are being taken to put in place a more accessible process, but more can and needs to be done to ensure that both longtime participants and those new-to-process can engage in meaningful dialogue.

Recommended Actions:

1. Add a third meeting to the Annual Meeting cycle. We recommend the Commission add a third meeting – likely in the spring/summer timeframe, though the exact timing requires greater input from staff, stakeholders and the Commissioners themselves – to focus on science and research issues. This additional meeting will free up time at the Interim and Annual meetings to concentrate on those issues most directly related to the setting of the coming year’s catch limits. As importantly, it will create a dedicated time each year to deepen participants’ understanding of the most pressing scientific issues.
2. Foster stronger internal preparation for public meetings – from more extensive shaping and rehearsing of presentations with IPHC staff, to augmenting existing discussions between the IPHC Executive Director and the Commission chair and vice-chair to elicit more Commissioner input on meeting focus, timing and presentations. Be intentional in staff selected to present materials and ensure presentations provide context regarding importance and fit with Commission decision-making.
3. Provide meeting materials as early as possible, even if that means posting materials in batches on-line rather than waiting until a comprehensive set of back-up documents can be produced in a single comprehensive package. Consider creating hard-wired links between on-line versions of the agenda and associated background materials. (This approach was recently adopted by NMFS in preparation for its March 2012 Highly Migratory Species Advisory Panel meeting and was broadly complimented by users as helping them access materials.) Given the volume of materials to digest, participants need as much time as possible to digest the various analyses and proposals under discussion.
4. Expand the existing “Navigating the IPHC Meeting This Week” document to flesh out meeting objectives and protocols. We recommend the existing guide be augmented to include sections that address, at a minimum, the following: objectives, participation, meeting materials, public v. executive session, opportunity for public comment, role of national sessions, and approach to meeting summaries. This is a task that can and should be undertaken by staff with input and oversight by the Commission.
5. Increase opportunities for public comment. We recommend that periodic opportunities be provided at strategic junctures throughout the Annual Meeting for public comment. The current practice – one comment period on the first day – is inadequate to provide the Commission with input on issues under discussion. It is also inconsistent with the recommended move to greater transparency and dialogue with stakeholders.
6. Make greater use of webinars to streamline meetings. Recognizing that both the Commission and stakeholders have limited resources to engage in in-person meetings, we

recommend the Commission make greater use of webinars to provide briefings and status reports on technical subjects to set the stage for later policy deliberations. Specific areas that might lend themselves to webinars (now or in the future) include: research projects results; enforcement and catch reports; and various agency updates. Some of these reports may also be handled in the future by written updates and postings to the Commission website. We recommend the Commission provide guidance to staff on choosing the appropriate format for the topics described above.

Recommendation #12: Improve Communications

Rationale: The IPHC’s outreach to stakeholders is considered quite strong, but there are a handful of gaps – from coordination with non-traditional stakeholders to providing timely minutes and reporting progress on key tasks throughout the year – that make the Commission process tougher to track and feed perceptions regarding staff biases and freelancing. Improved outreach will improve accountability, credibility and, in some case, improve oversight.

Recommended Actions:

1. Improve timeliness and use of meeting summaries – both in real-time and post-meeting. We recommend that the Commission provide real-time summaries at all its meetings synthesizing actions and agreed-upon next steps. Real-time summaries should be supplemented with more in-depth meeting summaries distributed for Commission review within a narrow timeframe (we would recommend within one month of meeting completion) and then subsequent distribution to interested stakeholders.
2. Develop agreed upon written policy to guide staff comment – in writing or in testimony – on policies under consideration before other bodies. We recommend this policy be drafted by the Commission, in consultation with the Executive Director, to provide guidance on how and when and in what form the Executive Director (or other IPHC staff) can represent Commission views.
3. Improve outreach to and discussions with non-traditional constituencies such as bycatch users and sport fishermen. This outreach need falls primarily to staff, but also can include Commissioners. An annual workplan should include specific outreach strategies and targets.
4. Explore opportunities to make better use of technologies – including from RSS feeds to social media forms such as Twitter and/or Facebook – to keep interested stakeholder apprised of recent IPHC-related news.

We recognize that concerns regarding bycatch of halibut in the trawler fleet are and will remain a significant issue of concern to many. Given the timing of our drafting of the Report and the April bycatch workshop, we do not feel it is timely to fold in specific recommendations on this point. Rather, we encourage the Commission to remain focused on this issue and aggressively pursue opportunities that arise from the Workshop and other dialogues. As appropriate (in light of steps that may have been taken at the bycatch workshop), we recommend that the Commission

consider constituting a Commissioner-led balanced work group to continue deliberations on this topic.

Finally, we are mindful that we have called for many new initiatives and recognize that these must be considered in light of overall budgetary needs and priorities for the Commission. We believe the Commission, staff and its stakeholder community are well positioned to engage these recommendations in a productive manner, and we encourage all parties to work collectively to more fully realize its potential as a leading fisheries management organization.

V. ROLLOUT OF FINAL REPORT AND ANTICIPATED IMPLEMENTATION STEPS

Below are several steps we recommend to guide the Commission's consideration of the Findings and Recommendations included in this Performance Review.

- ⇒ Step 1: Web-posting, Presentation and Commission Acceptance of Final Report. We expect the first step of the rollout process to be an in-person presentation of our Final Report on May 7 in Seattle, with a simultaneous posting of the Report on the Commission's website. We believe that a public presentation, also transmitted via webcast, is the most forthright way to convey our Findings and Recommendations. We suggest that this step be marked by Commission acceptance (which does *not* mean endorsement) of the Report for review.
- ⇒ Step 2: Public Comment Window. Following the May 7 rollout session, we recommend that a window for public comment on our Findings and Recommendations be opened. Importantly, we do not expect these comments to trigger a revision of our Report, as this Performance Review is qualitatively different than a document such as an Environmental Assessment; for us, the Performance Review stands on its merit as a Final Report. We do expect public comments to influence the Commission Response described below. We suggest a 45-day public comment window.
- ⇒ Step 3: Commission Response. Following the Public Comment period, we recommend that the Commission develop a detailed response. The response may indicate Commission agreement or dissent from the Recommendations, and should outline a game plan for moving forward on the recommended action.
- ⇒ Step 4: Taking Action. We highly recommend that the Commission move quickly on those actions that are doable and broadly supported. We also recommend that the Commission craft a clear gameplan for tackling tougher issues that require more dialogue.

For a few of the more complex issues, we highly recommend that the next step after the Commission Response should be the formation of several Commissioner-led work teams with members drawn from a cross section of interests. This approach, we believe, would be an effective way to model collaborative work and the need for transparent, commission-led dialogues with balanced stakeholder input.

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We thank the Commission for the opportunity to conduct this important Performance Review. We believe our Report accurately portrays the challenges and opportunities now in play, and we think our recommendations offer a viable and effective way forward.

APPENDICES

1. IPHC Performance Review: Project Description
2. List of Stakeholder Interviewees
3. Stakeholder Interview Protocol

Appendix 1 Project Description

Performance Review of the International Pacific Halibut Commission November 2011 – April 2012

Overview

The U.S. and Canadian IPHC Commissioners, in cooperation with their governments, have agreed to an independent Performance Review of the International Pacific Halibut Commission[1] to build upon the Commission's work to-date and ensure its continued relevance and effectiveness.

The review – part of an ongoing international practice to assess regional fishery management organizations – is expected to generate a focused report that will, among other objectives:

- Assess recent performance of the Commission relative to achievement of the goals set out in the Treaty and its various amendments;
- Identify effective practices already used by the Commission and highlight opportunities to incorporate (1) best practices employed by other leading international fisheries and oceans management bodies charged with implementing agreements and (2) new approaches put forward by stakeholders;
- Consider, in particular, opportunities to strengthen Commission governance, including stakeholder involvement, information sharing, policy development, decision-making processes and general Commission practices

The Commission is committed to supporting a performance review that is both independent and fully informed by the broad suite of interests impacted by, interested in and knowledgeable of the work of the Commission.

Performance Review Approach

The Canadian and U.S. governments recognize that the performance review must have both perceived and actual impartiality if it is to be considered credible and have lasting impact. To that end, the Commission has contracted with CONCUR[2], Inc., a U.S.-based firm adept at conducting in-depth impartial assessments of fishery and other natural resource-focused organizations and initiatives, to undertake the review. CONCUR is performing its work independent of Commission staff and is coordinating with a two-person convening panel comprising one U.S. and one Canadian government representative.

The review, to be carried out between November 2011 and April 2012, will assess Commission performance and practices over the past decade. This ten-year time horizon is intended to allow for a focused look at the Commission's most recent work, yet be sufficiently broad to fold in an evaluation of recent changes, such as the shift to a coastwide assessment.

CONCUR will rely on the following methodologies to assess the Commission's work and practices, track effectiveness and gauge the need for revised approaches:

- ***In-depth, focused stakeholder interviews.*** The bulk of CONCUR's assessment will be drawn from a series of confidential, one-on-one interviews to be conducted with a representative and diverse set of stakeholders – processors, fishermen (commercial, recreational and First Nations/Native Alaskan/tribal representatives including those harvesters affected by halibut by-catch limits), Commission members and staff, academics/scientists, governmental and non-governmental organizations, and others. CONCUR expects to interview approximately 40 people to ensure its work is informed by a broad range of perspectives. Importantly, the interviews are meant to be a representative sample; they are not intended to be a “census” of all interested parties. Candidate interviewees will be identified using criteria to ensure all interests are adequately represented in the assessment process. The interviews, to be structured around a focused set of questions, are to take place from December through February by phone, in-person and/or via web survey (as necessary).
- ***Document review.*** CONCUR will review a range of Commission-related materials, from foundational Conventions, financial regulations and rules of procedure, to annual reports, research plans, stock assessment reviews and yearly budgets. CONCUR also intends to conduct a focused review of other regional fishery management organizations to identify best practices for possible incorporation into the Commission's approach. As well, CONCUR will draw on its own extensive experience and professional judgment.
- ***Commission observation.*** Finally, CONCUR is to attend the Commission's 2011 interim meeting and 2012 annual meeting to track the nature of presentations and discussions, consider the science-policy interface, and assess the Commission's deliberative and decision-making process. CONCUR also anticipates observing Conference Board and Processor Advisory Group proceedings at the 2012 annual meeting in Anchorage.

As needed through its work, CONCUR will seek technical guidance from the convening panel described earlier. However, CONCUR's findings and recommendations – to be included in a final report submitted by April 30, 2012 – will be developed independent of the Commission, its members and staff, and U.S. and Canadian government officials.

Work Product

The result of CONCUR's assessment will be summarized in a final report to be submitted to the Commission by April 30, 2012. The report will include both findings and recommendations. The findings will represent a synthesis of key themes and issues surfaced during the interviews, document reviews, direct observations and survey (if conducted). The recommendations will reflect CONCUR's targeted suggestions based on the findings. It is not anticipated that the review will suggest revisions to the Treaty or its amendments, but to the extent CONCUR's recommendations may necessitate changes to the Treaty or implementing procedures, such considerations will be explicitly flagged for the Commission's consideration.

Roll-out Process

To ensure CONCUR's report on the performance review is comprehensive, factually accurate and relevant, the rollout process is anticipated to follow these steps:

- **Fact-Checking.** CONCUR will seek feedback from the U.S. and Canadian government staff serving as a Panel and/or Commission staff regarding specific factual details to be included in the report. Input will be limited to fact-checking and clarifying comments only; CONCUR will retain full editorial control. This step is likely to occur in March.
- **Confirm Characterization of Interview Results.** CONCUR will seek feedback from interviewees regarding relevant sections of the findings included in the report. The intent of this review is to ensure the findings (as distinct from CONCUR's recommendations) are sufficiently comprehensive and accurately reflect the comments shared with CONCUR during the interview process. Again, while input will be sought from interviewees, CONCUR will retain full editorial control. This step is likely to occur in late March/early April.
- **Convene Webinar with Commission.** CONCUR will submit its final report to the Commission no later than April 30, 2012. Soon after, the Commission is expected to meet with CONCUR, via webinar, to formally accept the report and pose any questions it may have regarding the findings and recommendations. The webinar for presentation of the report is expected to occur in May 2012.
- **Commission Response.** The Commission anticipates drafting and releasing a formal response to the performance review report, highlighting any steps it intends to take based on CONCUR's recommendations and in consideration of stakeholder feedback. The Commission's formal response is expected in late 2012/early 2013 and would likely articulate steps to consider and implement advice contained in the performance review.

Please contact Allison Webb (613-991-0164) with Fisheries and Oceans Canada or John Field (202-647-3263) with the U.S. Department of State for further information on the Performance Review process.

[1] The use of the term "Commission" refers to the six Commissioners that comprise the IPHC. The term "Secretariat" or "Commission staff" refers to the staff headed IPHC Executive Director Bruce Leaman.

[2] More information about CONCUR is available at www.concurinc.com.

Appendix 2

List of Stakeholder Interviewees

Below is a list of individuals interviewed as part of the formal stakeholder interview process. The list of interviewees was, for the most part, identified by the two-person steering committee with review and input by contacts in each country. The list of interviewees was intended to, in aggregate, provide a balanced cross-section of stakeholder perspectives. All interviews were confidential, and all interviewees were given an opportunity to review and clarify, as needed, brief write-ups summarizing their comments to the Report authors. (Several interviewees asked that others participate during the interview. In those instances, the names of the additional interviewees are noted below.)

List of Interviewees	
Bob Alverson, Commercial	Gordon Kruse, Academic
Chuck Ashcroft, Recreational	Jim Lane, Tribal/First Nations
James Balsiger, Commissioner	Michael Larsen, IPHC Staff
Linda Behnken, Commercial	Bruce Leaman, IPHC staff
Dana and Tyler Besecker, Processor	Phillip Lestenkof, Commissioner
Julie Bonney, Groundfish Trawl	Paul Macgillivray, Past Commissioner
David Boyes, Commercial	Paul MacGregor, Groundfish Trawl
Sean Cox, Academic	Steve Martell, Academic
Ed Dersham, Recreational	Don McLeod, Processor
Sue Farlinger, Past Commissioner	Brad Mirau, Processor
Robyn Forrest, Government	Chris Oliver, Government
Ricky Gease/Ruben Henke, Recreational	Martin Paish, Recreational
Heather Gilroy, IPHC Staff	Steve Pennoyer, Past Commissioner
Bud Graham, Government	Jonathan Pollard, Government
Steven Hare, IPHC Staff	Rebecca Reid, Government
Ralph Hoard, Commissioner	Laura Richards, Commissioner
Ed Johnstone, Tribal/First Nations	Gary Robinson, Commissioner
Steve Joner, Tribal/First Nations	Chris Sporer, Commercial
Tamee Karim, Government	Blake Tipton, Processor
Jeffrey Kaufmann, Commercial	Bruce Turris, Groundfish Trawl
Steve Keith, IPHC Staff	Sarah Williams/Kevin Duffy, Government
Gerry Kristianson, Recreational	

In addition to those individuals listed above, the Report authors made themselves available to interested stakeholders and others attending the IPHC Annual meeting in Anchorage, Alaska, in January 2012. The feedback from these conversations also informed aspects of the Performance Review.

A handful of individuals were contacted for interviews but were unable or declined to participate.

Appendix 3

Interview Protocol

Below are the primary questions used to guide CONCUR's formal stakeholder interviews. These questions served as a guide only; each interview varied somewhat in focus and numerous prompts were used to delve deeper into each broad topic area.

1. Fisheries Management Trends Relative to Commission Objectives. Please comment on the following fisheries management-related topics:

- Stock trends and sustainable yield – The treaty establishing the IPHC has the central objective of managing the stocks of halibut in convention waters to those levels that will permit the optimum yield from the fishery and maintain the stocks at those levels. To what extent is the Commission fulfilling its treaty obligations as they relate to stock management?
- Assessment Process – How has the shift to analysis of coastwide biomass coupled with individual area apportionment worked in terms of generating credible, accurate information?
- General – Most generally, how might the fisheries management function be strengthened to better meet Commission aims?

2. Stakeholder Engagement Process. What is the mechanism for integrating stakeholder perspectives into Commission decision-making? What do you see as the strengths and weaknesses of the current stakeholder engagement approach?

3. Commission Decision-Making. Please describe the Commission's decision-making process. What do you see as its strengths? What are its limitations? How are proposals teed up for Commission consideration? Are the decisions clear to you? Are the rationales apparent?

4. Applied Research, Data Analysis and Information Sharing. We are interested in learning your perspective on how the IPHC – both staff and the Commissioners – incorporate science into the policy-making process. Please describe the relative strengths and weaknesses of the current process.

5. Clarity of Roles and Responsibilities. Are there clearly defined roles and responsibilities between Commission staff and Commissioners? Does this definition of roles and responsibilities work well? What are the strengths? Weaknesses?

6. Administrative Considerations. This section offers an opportunity to comment on a wide range of administrative aspects.

- **Commission Meeting preparation and process.** Please comment on Commission agenda structure, document preparation (electronic versus hard copy), meeting frequency

and timeframe, public v. private sessions. Strengths? Limitations? Opportunities to improve?

- **Commission staffing.** Is the Commission appropriately staffed? Does it have the necessary expertise? Strengths? Limitations? Opportunities to improve?
- **Commission rules of procedure protocols.** The Commission has a set of articulated protocols and rules of procedure. Are you familiar with these rules and protocols? Are they effective, consistently adhered to?
- **Finance/Budget-related.** The U.S. and Canadian federal governments contribute annually to support and sustain the Commission's work, and the Commission staff competes for certain grants to conduct research. Given national budget constraints, does the Commission make the best use of its resources? Does its budgeting reflect the Commission's treaty obligations and priorities?

7. Advice to Member Governments: Has the advice to member governments advanced the objectives of the Commission? Are Commission decisions effectively implemented by the U.S. and Canada?

8. Other Comments. Do you have any other feedback regarding the Commission that you think is important for us to know?