

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NOAA FISHERIES COUNCIL COORDINATION COMMITTEE

COUNCIL COORDINATION COMMITTEE MEETING
(Via Webex)

Washington, D.C.

Wednesday, May 19, 2021

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6 DIANA EVANS

7 TOM FRAZER

8 MARC GORELNIK

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10 KERRY GRIFFIN

11 MARCOS HANKE

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1 P R O C E E D I N G S

2 (1:30 p.m.)

3 CHAIRMAN GORELNIK: Spring CCC Meeting.

4 I've got a couple of announcements here. For
5 members of the public, that want to comment on an
6 agenda item, and we'll have an opportunity for
7 public comment before every -- before we take any
8 -- have any Council discussion or action. You
9 need to signal that to the host, which is SFWebex.
10 You can either send chat to SFWebex, or if you can
11 figure out how to raise your hand, so that we can
12 call on folks and open your microphones for public
13 comment.

14 Also, at the end of today's session,
15 we'll have a happy hour, that's a nonbusiness
16 social -- a nonbusiness time for us just to
17 socialize and catch-up. It's something that is,
18 obviously, much easier, and more enjoyable in
19 person, but what can we do? I think this --
20 hopefully, this will be the last virtual CCC
21 meeting, but we'll have to see how things play
22 out. Before we get started with today's agenda,

1 let me just see if any -- anyone has any
2 announcements, or anything they want to get off
3 their chest, before we get started. Chuck Tracy?

4 MR. TRACY: Thanks, Mr. Chair. Yeah,
5 just to let folks know, the way the agenda is
6 structured, we've got the first two items. One is
7 some discussion about the current executive
8 orders, including 14008, and then we follow that
9 with a discussion about Offshore development in
10 that report from our Habitat Workgroup, and
11 because there's some potential for some
12 overlapping work assignments, we are going to
13 recommend that the Council wait, and to take
14 action on the executive order issue, until we
15 discuss the Offshore development issue, as well.
16 So, the action for the both of those will occur at
17 the end of that, at the end of the Offshore
18 development agenda item. Just to let people know,
19 that that's how it's going to proceed, with those
20 two items. Thank you, Mr. Chair.

21 CHAIRMAN GORELNIK: All right,
22 certainly. So, as Chuck said, we'll get started

1 on number six. We'll flow right into seven.
2 We'll, then, have public comment, and then Council
3 discussion, and action. So, Paul Doremus, I think
4 you have the action here to talk about the update
5 on executive orders? Paul?

6 MR. DOREMUS: Thank you, Mr. Chair.
7 And, again, a pleasure to connect with everybody.
8 We -- this will be a group effort. We're going to
9 start with -- just after a short introduction
10 here, Sam will have a look at some of the primary
11 executive orders that we're being responsive to,
12 and we have the great pleasure, today, of having
13 Letise LaFeir join us, and we'll introduce her for
14 those -- around the second piece of this, part B,
15 on Executive Order 14008, but we have talked in
16 the past, such as your February meeting.

17 We were characterizing at the time, the
18 administration's new executive orders,
19 Presidential Memoranda, things -- the kind of
20 early signs of how we were starting off on
21 addressing those. So, this gives us an
22 opportunity here, today, to step back, at the

1 outset, and review the various pieces. There's a
2 lot to keep track of. Some of these executive
3 orders, individually, are expansive, and
4 collectively they're -- point to a very
5 significant range of work, and certainly related
6 to our Mission Equities. So, you'll see that
7 we're in the early stages.

8 There's very comprehensive, very
9 strategic, and long-term perspective, that we're
10 being asked to bring, and that these issues,
11 themselves, such as the climate issue and its many
12 dimensions, and our work is really our collective
13 work. Central to it all is the work of the
14 Councils and our collaboration with all of you,
15 with the Commissions, and with a broad spectrum of
16 our stakeholders, which we have already set out
17 and started to do. And, again, as we talked about
18 yesterday, much appreciate all of the effort
19 around the 216-C Provisions and the time that we
20 have already spent discussing the -- that topic.

21 And we're -- as you undoubtedly know,
22 and I just want to reconfirm that, all of these,

1 in our view, we're the first champion, the voice
2 of the Councils, in the areas that tie to Marine
3 Resource Management, and there are significant
4 equities and we'll continue to do that, and look
5 forward to, as we talked about yesterday, a fairly
6 substantial workstream, over a long time period,
7 to deal with these challenges. So, I'm going to
8 turn it over to Sam, to kind of move us right
9 along, and review a series of Executive Orders,
10 that -- and where we kind of are in understanding
11 and responding, and then we'll take it to part B,
12 after that. So, Sam?

13 MR. RAUCH: Thank you, Paul, and thank
14 you to the CCC for hearing from me, again. I
15 believe there are some power point slides, but I
16 will confess that I am unable to do them. So, I
17 -- hopefully, somebody will put them up, and will
18 run them for me, but if not, we're going to have
19 to go without them because I cannot do them and
20 talk at the same time. Is there anyway to do
21 that?

22 MR. DOREMUS: Morgan, is pulling them up

1 right now.

2 MR. RAUCH: Morgan?

3 MR. DOREMUS: There you go.

4 MR. RAUCH: Excellent, good job, all
5 right. Okay, all right, so, as we've discussed
6 before, there was a number of executive orders
7 that have been issued by this administration. I'm
8 going to go through some of them and give an
9 update on where we are with some of those. And
10 then as Paul said, we're going to hand it over to
11 Dr. LaFeir, to talk about some of the other ones
12 that might be more substantial, but let me give
13 this overview of these initial ones, and if I
14 could have the next slide, please?

15 All right, the first one is EL-13990
16 Protecting Health in the Environment and Restoring
17 Science to tackle the climate crisis. This one
18 has, as does the other ones that we are going to
19 talk about, a number of different provisions. One
20 of them that is of interest to the Councils, or
21 has been of interest to the Council, is the
22 Monument Provision. So, this section required a

1 DOI, in consultation with us, to conduct a review
2 of the Monument Boundaries and Conditions that
3 were established by Presidential Proclamation
4 10049, which modified the Northeast Canyon
5 Seamounts Marine National Monument, and then two
6 other terrestrial monuments, so, three monuments,
7 total, and to provide a report to the President on
8 that.

9 DOI is the lead for this action and has
10 hosted or co-hosted multiple stakeholders
11 listening sessions, including two that we
12 facilitated for the New England Fishing Community,
13 in early March. DOI has not yet released any
14 findings and we do not know when they will be made
15 available. The other provision -- executive
16 provision of this order, that is on interest to
17 the Council, is the revocation of EO-13807, which
18 revoked the One Federal Decision Process. It did
19 not revoke the Fast 41 Process, which is a
20 different streamline and process, and many of
21 these Federal Actions fall under that, as well.

22 But you may recall both One Federal

1 Decision and the Fast 41 required enhanced
2 interagency coordination for environmental reviews
3 of infrastructure projects, set up a two-year
4 timeframe for completing the permitting. The One
5 Federal Decision did impact our work under ESA,
6 MMPA, and the Magnuson-Stevens Act, particularly
7 EFH Provisions, in terms of accelerated timeframes
8 and potential penalties, if the target dates were
9 missed. So, the One Federal Decision part of
10 that, has been revoked, but the EO did charge OMB
11 and CET with determining if a new replacement
12 order would be issued. And it seems likely that
13 there will, in fact, be some new replacement
14 order, with some elements of the previous
15 Executive Order, and we've met with them several
16 times, and continued providing them with input, as
17 they develop the new order.

18 And although some of the strict
19 deadlines are no longer applicable to Federal
20 Agencies, or at least working with each other in a
21 One Federal Decision like process, for many of
22 these ones that are not statutorily covered by

1 Fast 41. If I could have the next slide, please?

2 So, going beyond that Executive Order,
3 there's a different Executive Order, which we'll
4 talk about in some depth, which has numerous
5 pieces as well, that's EO-14008, Tackling the
6 Climate Crisis at Home and Abroad, and as I said,
7 Dr. LaFeir is going to talk about some more
8 targeted issues in Section 216, but I'm going to
9 talk about some of the other provisions of it.
10 And if you will remember Section 203, which is not
11 on the slide, does establish a National Climate
12 Taskforce, of which Commerce is a member, and
13 several other of the sections of the EO have
14 relevance to NOAA and require that the reports be
15 delivered to this Taskforce.

16 So, one of the provisions of Section
17 207, on renewable energy, which addresses the
18 administration's priority of increasing renewable
19 energy on land and in the offshore area, and calls
20 on the Secretary of Interior, through DO Renewable
21 Energy Siting and Permanent Processes. They are
22 to consult with NOAA, as well as other agencies

1 and tribes, when conducting this review, and we've
2 not yet received their request to consult from
3 DOI, but I expect, at some point, we will.

4 The section also sets a priority of
5 Doubling Offshore Wind, by 2030, while ensuring a
6 robust protection of our lands, waters, and
7 biodiversity, and creating good jobs. The EO does
8 not define what is meant by the term doubling.
9 However, in late March, the White House formed an
10 Offshore Wind, which was attended by several
11 Cabinet Secretaries, including Secretary Rimando,
12 the Biden Administration. At this one, the Biden
13 Administration announced a target of deploying 30
14 gigawatts of Offshore Wind Power, by 2030, and to
15 meet that 2030 goal, the Bureau of Ocean Energy
16 Management plan to advance new lease sales, and
17 complete review of at least 16 construction and
18 operation plans, by early 2025, which will
19 represent more than 19 gigawatts of Offshore Wind
20 Power. And I will note that we do have a
21 representative from BOEM here, later, to talk
22 about this. Can I have the next slide, please?

1 So, as you can see, on this slide, BOEM
2 has already issued 17 Commercial Leases, and one
3 Research Lease in the Atlantic, from Massachusetts
4 to North Carolina, and one Research Lease off
5 Oregon. Most recently, BOEM finalized
6 identification of Wind Energy Areas in the New
7 York Bight Region. And if I could have the next
8 slide, please?

9 And this just reiterates what I said
10 earlier about something that the White House did,
11 plans, but BOEM has already received 14
12 construction and operation plans. That's an
13 initial step in the wind starting process, for
14 Atlantic Projects, and is developing schedules to
15 meet the administration's goals for offshore wind.
16 Current projects in the Atlantic have already put
17 a strain on the existing staff, and -- but we are
18 working actively to identify how we can meet these
19 needs, of these protected -- projected schedules.
20 And you'll be hearing more, directly from BOEM, in
21 the next section, with Brian Hooker, is going to
22 talk with you about some of these issues. So, if

1 we could go on to the next slide?

2 So, a few more issues, in these
3 executive orders. One is Section 208, Oil and
4 National Gas. So, once again, this is directed to
5 that interior. They are directed to pause new oil
6 and natural gas leases on public lands, or in
7 offshore waters, pending completion of a
8 comprehensive review and a reconsideration of
9 Federal Oil and Gas Permitting, and leasing
10 practices, in light of the Secretaries' Broad
11 Stewardship of Responsibilities over public lands
12 and in offshore waters, including potential
13 climate and other impacts associated with oil and
14 gas activities, on public lands, and in offshore
15 waters.

16 That Interior is supposed to consult
17 with NOAA, as well as other agencies, when
18 conducting this review. It also direct -- the EO
19 also directs Interior to consider accounting for
20 corresponding climate costs, when extracting such
21 resources from public lands and offshore waters.
22 Currently, we expect to receive a request, from

1 Interior, to consult this review, in the late
2 Summer and early Fall. There's another section,
3 215, which talks about the Civilian Climate Core,
4 and this requires DOI, in consultation with other
5 agency interior -- I'm sorry -- in consultation
6 with other agencies to submit a strategy to the
7 Task Force, this is the Climates Task Force, that
8 I had mentioned above, within 90 days, of the date
9 of the order, for creating a Civilian Climate Core
10 Initiative, with the dual goals of providing
11 employment and training to people in need of jobs,
12 and increasing the Nation's resilience.

13 The climate change impacts through
14 implementing on the ground projects. We already
15 have, and have had for considerable time, three
16 successful Conservation Corps Partnership
17 Programs, one in the Gulf of Mexico, called the
18 Gulf Corps, we have a Vet Corps, and we have an
19 Earth Corps, that could likely be incorporated
20 into a broader Civilian Climate Corps effort. We
21 are participating in an Interagency Work Group,
22 with DOI Agriculture, I'm sorry, with Interior

1 Agriculture and other agencies to develop the
2 National Civilian Climate Corps Strategy, for the
3 Executive Order, and we had just made -- this
4 initial strategy will publicly announced, sometime
5 this Summer. So, if I could have the next slide?

6 So, this is 216, and for 216-A, I'm
7 going to skip over that one because that is the 30
8 by 30 initiative. And as we've indicated, Dr.
9 LaFeir will be speaking on that, in detail,
10 immediately following Paul and my update here.
11 But we have talked about 216-C, in some depth,
12 with all the all Councils, individually. This
13 directs NOAA to collect recommendations on how to
14 make fisheries, including aquaculture and
15 protective resources, more resilient to climate
16 change, including changes in management,
17 conservation measures, and improvements in
18 science, monitoring, and cooperative research.

19 So, for the broader public, we published
20 a Federal Notice, some time ago, on this
21 provision, and we received a great many comments
22 on that, and I want to thank everybody who did

1 that. We also, both Paul and I, held discussions
2 at all the Council Commission's meetings, on this
3 topic, and we received some very good input,
4 initially, and a number of Councils have indicated
5 that they may continue to submit input, at a later
6 date, which is fine, and we indicated that we were
7 willing to accept that. So, we do expect our
8 discussion to continue on this important topic.

9 It's not just related to the Magnuson
10 Act Goal. Although, that is an issue, obviously,
11 of great importance to the Council System, but is
12 related -- also includes other authorities that
13 we, or our partners within NOAA, exercise,
14 including the ESA, MMPA, the Sanctuaries Act, the
15 CZM Coastal Zone Management Act, I'm sorry, the
16 Endangered Species Act, the Marine Mammal
17 Protection Act, the Sanctuaries Act, The Coastal
18 Zone Management Act, and the others. And we'll
19 use the input received to inform rule making
20 policy and notably the next series of our regional
21 action plans, under the Climate Science Strategy.
22 And can I go to the next slide, please?

1 Okay, well, I went one ahead. But let
2 me just give you a brief summary of the comments
3 that we've received to date. We received 163
4 individual written comments, 432 Webinar
5 attendees. 432 people attended our Webinars. We
6 -- there were two writing campaigns that gave us
7 an additional 79 comments. We had two broad-based
8 partitions, one, from Friends of the Earth, that
9 was opposed to fin fish aquaculture, that had
10 24,000, some odd signatures, and one, from the
11 Responsible Offshore Development Association, the
12 RODA, regarding the communities (inaudible) and
13 science, with an additional 62 signatures.

14 And, finally, we had 91 comments
15 directed specifically at 216A, the 30 by 30, which
16 we sent on to interior for consideration. And we
17 are coordinating and sharing our inputs with other
18 line offices, Ocean Service, and the Ocean and
19 Atmospheric Research, within NOAA. The results of
20 this effort will not be immediate. Some of the
21 recommendations that we received, although good,
22 might take years to develop, were we to do that,

1 and we are excited about trying to work on as many
2 of these as we can. But as a complex topic, and
3 there's a lot of uncertainty, dealing with climate
4 change and other issues. So, some of it may
5 require a substantial long-term commitment before
6 we see results. But we are considering all these
7 inputs, and we are -- as we think about management
8 in this changing climate, both to the near and far
9 future.

10 So, a couple of other ones, before I
11 turn it back to Paul, here, that are listed here.
12 One of them was the Presidential Memorandum, so
13 not actually an executive order, but similar, on
14 Travel Consultation and strengthening nation-
15 to-nation relationships. This one affirms the
16 importance of the Federal Government's
17 consultation obligations to Federally recognized
18 tribes. It directs agencies and after consulting
19 with Federally recognized Tribes to prepare and
20 submit, to OMB, a detailed plan to implement the
21 policies and directive of the Obama
22 Administration's Executive Order, 13175 on Tribal

1 Consultation. So, that is -- and the agency there
2 is Commerce. It is not the way that these
3 Executive Orders are written. When they talk
4 about agencies, that's their main Commerce
5 Department.

6 So, the Commerce Department held two
7 consultations calls on the Commerce plan, in
8 April. That consultation included the heads of
9 all Commerce Bureaus, which is NOAA, and NOAA is
10 planning a separate consultation effort on our --
11 on our specific tribal consultation guidance,
12 which was issued in 2013. And one comment we have
13 heard repeatedly, in these various forums, from
14 the tribes, is that they would like the council
15 meetings to be more inclusive and more accessible
16 to tribal nations.

17 Related to that is EO 13985, Advancing
18 Racial Equity in support for underserved
19 communities, through the Federal Government. This
20 order sets forth a policy that the Federal
21 Government should pursue, a comprehensive approach
22 to advancing equity for all, and equity is defined

1 very broadly, including people of color, and
2 others who have been historically underserved,
3 marginalized, and adversely affected by persistent
4 poverty and inequality. There are several actions
5 for agencies to review and evaluate programs that
6 might create or exacerbate barriers to full and
7 equal participation, and to develop strategies
8 that could overcome these barriers and increase
9 investment in underserved communities.

10 And we talked about this a little bit
11 yesterday, with the use of video public comments,
12 as a potential way to increase and allow for our
13 participation in underserved communities, in
14 Council meetings. And I'm not going to revisit
15 all that discussion here today, but just note that
16 -- that is the kind of inquiry that this executive
17 order asked us to conduct. To address these
18 requirements, NOAA has been developing an
19 advancing equity for all roadmap, that provides a
20 high-level framework for this executive order of
21 implementation. Our work builds on our internal
22 diversity inclusion initiatives, as based on the

1 belief that having a more diverse and inclusive
2 organization will allow us to be more responsive
3 to diverse communities.

4 We've also created an advancing equity
5 working group within NOAA, as well as an Equity
6 Environmental Justice Working Group within the
7 Fishery Service, aimed at coordinating and sharing
8 information about our efforts to embed equity and
9 environmental justice in our external programmatic
10 work. And over the coming months, we will be
11 conducting -- the fishery service will conducting
12 an inventory of our existing efforts, and
13 developing a strategy to ensure that our assets
14 and services are being allocated equitably and the
15 diverse and underserved communities are able to
16 participate in our management and conservation
17 work.

18 And, then I think, maybe, I have one
19 more slide? Right. So, this is the last one I'm
20 going to talk about. There was a -- this is not
21 an executive order, but it is a Presidential
22 Memorandum on modernizing regulatory review. It

1 directs the Director of OMB to work with
2 representatives of agencies, together, that means
3 the Commerce Department, to begin a process, as
4 soon as practicable, that will produce
5 recommendations to improve and modernize
6 regulatory review. These recommendations should
7 provide suggestions on how the regulatory review
8 process can promote public health and safety,
9 economic growth, social welfare, racial justice,
10 environmental stewardship, for human dignity,
11 equity, and the interest of future generations,
12 and should be informed by the public engagement
13 process.

14 And, also, specifically, it is to review
15 how the Office of Intergovernmental and Regulatory
16 Affairs, which is OLIRA, which is an organization
17 within the Office of Management and Budget. They
18 put out guidance, a longstanding guidance, called
19 Circular A4, which lays how the agencies should be
20 conducting cost benefit analysis and various other
21 economic analyses, to facilitate the OMB review,
22 and the memorandum specifically ask OLIRA to

1 review that circular, with the idea of ensuring
2 that unquantifiable benefits are not discounted,
3 and that they do not create unintended anti-
4 regulatory push.

5 Normally, most of the rules that the
6 Councils issue do not go through OMB review, but
7 some do, if they meet the significance
8 determinations in what is called Executive Order
9 12866. That is an Executive Order that has been
10 around since 1993, and says, for certain
11 significant rules, they have to go through OMB
12 review, which could create some delay, and this is
13 the process designed to look at that. And I know
14 some of the Council rules are going through that,
15 right now. So, that is my lengthy but brief, I
16 hope, overview of many of the executive orders,
17 and I would like to turn it back over to Paul, to
18 introduce Dr. LaFeir.

19 MR. DOREMUS: Sam, thank you very much
20 for that overview, and as you can see, we've got a
21 lot in motion and are working hard to respond to
22 the administration's direction. A lot of these

1 things will be taking place over a considerable
2 time period, and we will look forward to continued
3 interaction with you, keeping you informed, as we
4 work to implement these various sets of direction
5 that we've received.

6 Really very pleased to introduce Letise
7 LaFeir to all of you. She is the Senior Advisor
8 to the NOAA Administrator, and has been
9 representing NOAA in the interagency discussions
10 around the provision 216A, which is colloquially
11 known as 30 by 30, and this is conserving land and
12 water. So, there's a big land piece of that, and
13 Letise has just been phenomenal in representing
14 our interest in equities and making sure we had
15 the right voice, at the right time, in this whole
16 process, and in so doing, representing the views
17 of our stakeholder community and certainly helping
18 us in all of our efforts to do the same, and so,
19 well represent the stakeholder community, that we
20 work with, and that we serve, and we have an
21 opportunity to shift here, now, into part B of
22 this agenda item, I will turn the mic over to

1 Letise, and look forward to our ability to discuss
2 where we are with this 30 by 30 effort, and the
3 outlook going ahead. So, Letise, let me turn it
4 over to you.

5 DR. LAFEIR: Thanks, Paul, and I'll ask
6 for my files get keyed up, as well. We'll get
7 started. And appreciate the introduction and
8 thanks to all of you for having me, here. The
9 purpose of this presentation, really, is just to
10 make sure that you all have a good sense of what's
11 included in the report that was released on May
12 6th, so, first, just want to go through some
13 slides in view of -- an overview of where we stand
14 on this work. As Paul mentioned, it's, you know,
15 one subsection of a much larger executive order,
16 but it does have implications across our work.

17 So, first this is -- I just want to
18 emphasize the Interagency's process. It was led
19 by Interior -- Department of Interior, but in
20 close consultation with NOAA, USDA, and the Key
21 White House Office of Council on Environmental
22 Quality. Next slide, please?

1 The first, just highlighting the
2 specific language, in the executive order, in that
3 section. The key is -- I want to point out a few
4 things here. You'll see emphasized that more than
5 one space just need to ensure that we are doing a
6 good job of taking into account the various
7 stakeholder interests, that anything we were to
8 do, per this directive, would be developed with
9 stakeholders, and any next steps would be carried
10 out, with stakeholders, and the effort is to
11 conserve at least 30 percent of our landfill
12 waters, by 2030, and it was meant to be a broader
13 approach, not a one size fits all approach of
14 protecting, or preserving, or no takes, but really
15 thinking through what are the various
16 opportunities to create this momentum of
17 conserving at least 30 percent of landfill waters.
18 So, that's the specific language I just wanted to
19 highlight there. Next slide.

20 Before the report was released, then
21 just before I get into some of the specifics in
22 the report, I just wanted to make sure to

1 emphasize that through this interagency process,
2 we did have several rounds of interagency
3 listening sessions, earlier in the year, March and
4 April, primarily, and touched all with these
5 groups, in some way, it would be through calls,
6 and then we were also sharing, across our
7 agencies, any written comments that we were
8 getting, immediately after the Executive Order was
9 issued, to make sure that we were each being able
10 to represent our constituencies and look through
11 those comments, from our various agency
12 perspectives, and then circling back, as needed.
13 So, this is just the preliminary engagement, in
14 advance of the report being released. Next slide.

15 So, the report, released on May 6th,
16 launches the first ever National Conservation Goal
17 of -- and really meant to be a longer-term goal,
18 that locally led, you know, nationally scaled,
19 really wanted to make sure it's coming up from a
20 community perspective, and it was meant to
21 respond, more broadly, to some of the threats that
22 we are experiencing, a loss of nature, just

1 specific loss of areas, a decline of resources,
2 natural resources, across the board, and the
3 overarching threat of climate change, but there is
4 also this piece, that we touched on in some of the
5 other executive orders, that found -- described,
6 and there's also inequity, in all of this, and we
7 want to make sure that this campaign considers
8 recreational opportunities, access to outdoors,
9 reducing disparities and access to nature, and,
10 again, emphasizing that this is a continuum. In
11 certain communities, our conservation effort might
12 look one way, and then, in other communities, it
13 will look another way. So, it is really a broad
14 continuum of approaches that's captured in the
15 report and is meant to continue to be interagency
16 effort. Next slide.

17 Just to highlight, these are the core
18 principles that were outlined in the report, and
19 these principles were not predetermined. They
20 came out of the conversations. We tried to find
21 the things that came out of the conversations,
22 across that broad group of stakeholder engagement,

1 that I highlighted a couple of slides ago, and we
2 tried together, again, through this interagency
3 process to distill the key principles that should
4 guide our progress, going forward, should guide
5 this campaign, going forward, and among them are,
6 foremost, making sure it's collaborative and
7 inclusive, and we want to make sure we're thinking
8 of and considering the various perspective on
9 this. So, that is the number one principle, and I
10 should actually say that these aren't necessarily
11 a priority order, but they definitely took the
12 threat of trying to pull across the common themes
13 that we heard.

14 So, we just wanted to make sure it's
15 collaborative, and that conservation benefits all
16 people, and especially looking through -- looking
17 for ways to support locally led efforts. This
18 isn't meant to be a cop down. The Federal
19 Government is going to decide what should be
20 conserved, and then roll it out, but the other way
21 around, making sure that Federal Government is
22 supporting local efforts that double up, and

1 within that, and again, a nod back to these other
2 executive orders on Tribal Engagement.

3 We must honor tribal sovereignty, and
4 respect tribal rights, and also consider what the
5 tribal priorities might be, for help for pursuing
6 this goal. And as you all know, and as we -- Paul
7 outlined, I think it was just yesterday, all the
8 pillars of this administration, is economic
9 recovery, creating jobs, and there is much to be
10 done within the conservation realm to create jobs,
11 with a Corps principle. And in this, for example,
12 is the climates -- the Civilian Climate Corps that
13 Sam mentioned. We'll need people to help meet
14 these goals, and we should create jobs that help
15 do that. And first business is land and water,
16 and there's a specific call out about private
17 property rights, on land, because we do expect
18 that some conservation ideas will come through
19 private property owners, but as well as local,
20 state, and tribal land. So, it's meant to capture
21 that component and through all things, NOAA's a
22 science agency. You know, science is a guide for

1 this administration, as well, and it's in any core
2 principle that's in our direction for implementing
3 this EO and the others, but most -- to really
4 thinking through, particularly, what existing
5 tools and strategies, that we already have, that
6 are proving to be successful.

7 We're not necessarily trying to create
8 new mandates, and not necessarily developing new
9 authorities. We already have the tools in place,
10 at NOAA and other agencies, to help meet these
11 goals. So, let's step back and think through, as
12 a principle, what are our existing tools and
13 strategies. So, those are the eight core
14 principles. There's much more detail, of course,
15 in the report, that I welcome you to read, but
16 those are the guiding principles for our next
17 steps. Next slide, please.

18 A key question that arose during this
19 process, and that is already mentioned in the
20 executive order, before we developed this report,
21 is what counts on the baseline? Where do we
22 start? You know, how do we know what's already

1 being conserved, across the Nation? And so, one
2 of the recommendations in the report was to create
3 this American Conservation of Stewardship Atlas,
4 to start to gather the information that we already
5 have, so, a clean slate, so, looking at the
6 existing databases that track protected lands,
7 protected waters, existing databases that can
8 track conservation and restoration efforts, those
9 kinds of things, and bring them together, in one
10 place, and think through the different authorities
11 that, then, can inform what's being conserved.

12 And one thing I want to emphasize is
13 that we don't expect it to be only things that
14 will start for the purpose, the conservation, but
15 there might be things that have proven to have
16 conservation value, and so, the Atlas -- the
17 process of developing the Atlas is meant to look
18 through everything we know and try to find out --
19 figure out how to bring those together. That is
20 explicitly going to be an interagency working
21 group of experts and meant to engage with the
22 public, and tribal nations, and stakeholders, to

1 help us decide, well, what, then, goes in that,
2 and how do we start measuring progress against
3 that baseline?

4 That'd still have to take some time to
5 do, but we, as you see, I made bullets, know that
6 we have to think more holistically, first, about
7 what's in that baseline. And then we're on the
8 hook to release, by the end of this year, a
9 progress report. So, now that this report launch
10 in the campaign is available, we want to create
11 transparency and steady drum beat of informing our
12 stakeholders and the public on where we are. So,
13 I can anticipate, say by the end of the year, at
14 the very least, we will be able to say the
15 Interagency Working Group has been formed. Here
16 are the representatives. Here are the initial
17 steps we've taken. I can't -- we can't say for
18 sure if, by then, we'll say, the baseline is
19 finished because that'll happen very quickly, but
20 just an update on where we are in the progress
21 toward implementing this goal, and you'll see
22 these other items we expect to be in the progress

1 reports, just what changes (inaudible) what
2 science can help us form next steps? Are there
3 any changes and conditions the (inaudible)
4 Habitats, those kinds of things? We anticipate
5 will be in the first report, and then annually,
6 thereafter, and all of those reports will be made
7 publicly available. Next slide, please.

8 So, building on the eight principles
9 that I mentioned, the report ends with six focus
10 areas that will, then, help us start taking some
11 next steps. And because of the collaborative
12 principle and the idea we want to make sure this
13 is inclusive, one of the elements about conserving
14 lands and waters is not only to benefit the
15 ecosystem, the -- they're the fish and wildlife,
16 but also people. We want to make sure that areas,
17 for instance, that our nature deprived, get green
18 spaces, get open spaces, and then there are all
19 those benefits, from that. Those green spaces,
20 then, attract wildlife, just as an example, or if
21 we identify places that are tribally by a
22 conservation or restoration priority. There's

1 still other benefits to working closely with
2 tribes to restore those places.

3 So, in across these six areas of focus,
4 we were trying to set a path for what will keep us
5 going, based on those principles. How can we
6 collaborate on conserving, restoring, and then
7 connecting some of those habitats, wildlife
8 corridors? And that's true on land and in water,
9 so that makes sense for a prioritizing. How do
10 we, as part of the best, recognize that there is
11 place for sustainable use and recreation, in these
12 lands and waters. Again, there is the key part on
13 thinking through how to engage private land
14 owners, so -- and in a sense of (inaudible)
15 conservation efforts, including ones that you all
16 have helped put forth, through the
17 Magnuson-Stevens Act, and then finally again,
18 landing on that. Let's make sure we're creating
19 jobs to keep this work going. So, these were the
20 six focus areas, that were outlined in the report,
21 that, again, were guided by the principles that I
22 described. Next slide, please.

1 This next Act, again, we had preliminary
2 engagement before releasing the report. Now that
3 the report is out, that is just a starting point.
4 Now, we have to get to work. How do we start to
5 put the baseline, and make progress, and thinking
6 about other areas? So, the agencies began either
7 through an interagency process, or through our own
8 individual effort, will both formally and
9 informally engage tribes, state territories, the
10 stakeholders, and the American public, and that
11 will happen through different approaches. These
12 bullets aren't meant to be exclusive. I think
13 there will be other ways, but there will be tribal
14 consultation. We anticipate, at some point, there
15 will be a public comment period, probably on very
16 discreet issues. So, at this point the Atlas gets
17 underway, there might be a discreet public comment
18 period on that, as an example.

19 We expect that there will be some
20 engagement through Advisory Councils or engage
21 Governmental Working Groups. So, these are just
22 examples of the types of ways that we expect to

1 formally and informally engage stakeholders. None
2 of this is yet determined, but these are the
3 things that are on the table, that we need to
4 start rolling out as next steps. Next slide,
5 please.

6 And in particular, I wanted to highlight
7 our authority, so, I mentioned earlier that we
8 first want to look at our existing tools and
9 strategies, to prioritize those. We have many
10 ways to achieve this goal, without creating
11 something new, and these are examples of how we
12 can do that. We have others, but, primarily, even
13 there are ways to set aside places. The National
14 Marine Sanctuaries Act, we heard through the
15 preliminary engagement, that we should consider
16 setting aside new extra research reserves.

17 So, our (inaudible) Management Act
18 Authorities allow us to do that. It was very
19 clear that we had to think through the habitat and
20 conversation measures, that Fishery Management
21 Councils already do, through the Magnuson-Stevens
22 Act, The Stevens Fishery Conservation Act, and how

1 we should include that authority, very explicitly,
2 in any next steps. And then there are others,
3 like the Marine Mammal Protection Act, and the
4 Endangered Species Act, and integrity backed.
5 These are among the examples of our existing
6 authorities, where we can now set back, and see
7 how those tools could and should be used to help
8 us make progress on this big campaign. Next,
9 please.

10 And, finally, these questions are still
11 being refined, but as I talk to, you know, Paul,
12 and Sam, and the interact -- my interagency
13 colleagues, and I see -- really think through how
14 best to get information, that we can start to
15 apply. These are among the questions that we
16 expect, as we engage stakeholders, going forward.
17 Again, top of mind, is what counts now. We can't
18 measure progress if we don't have a baseline. So,
19 what should we consider, as we think through
20 existing databases? What should we consider as we
21 pull these pieces together, in the baseline? And
22 how do we make sure we're measuring progress, and

1 not just issuing progress reports?

2 But how are we actually measuring? Is
3 it by acre, is it by geography, is it by a
4 specific habitat? None of that has been
5 determined yet. We haven't made any of those
6 decisions, that we have to meet a specific goal
7 state-by- state, region-by-region, or any of those
8 things. So, we are expecting to engage
9 stakeholders to say, how should it be measured,
10 going forward? And then, of course, as we think
11 about baseline and measuring progress, the next
12 question is, well, what else? Is there -- what
13 new areas, and are there new areas, that we should
14 consider? Or not? Are we doing a good enough
15 job, already?

16 So, what new areas, you know, should we
17 prioritize for conservation and restoration, as we
18 move forward, and then, finally, the key is making
19 sure, this is going to be a locally led effort,
20 that's scaled across the Nation. How do we, as
21 Federal Agencies, at the Federal Government,
22 support those communities, collaborate with those

1 stakeholders, keep the engagement going, and this
2 isn't a how much can we get done by the end of the
3 year? This really is meant to be a 10- year
4 trajectory, building momentum toward conservation,
5 that's longer-term and much more collaborative.

6 Next slide.

7 I think it's just -- happy to take any
8 questions. I don't know if you want me take them
9 right now, through this platform, or do you want
10 key it up in another way? But thank you all,
11 again, for having me.

12 CHAIRMAN GORELNIK: Thank you, Dr.
13 LaFeir. I just want to make sure that we have
14 concluded the NOAA Fisheries presentation, and
15 then we can go to questions, from the CCC. So, at
16 this point in time, we'll have questions. We'll
17 have discussion, later. So, Dave Witherell, I see
18 you have your hand up.

19 MR. WITHERELL: Thank you, Mr. Chairman.
20 Dr. LaFeir, I have a couple of questions. The
21 first is, can you tell me what the origin of the
22 30 percent of conservation goal is?

1 DR. LAFEIR: The broader 30 percent goal
2 was an international purse, that really came
3 through, like, United Nations and other
4 international discussions, to set an international
5 goal for at least 30 percent of lands and waters,
6 across the world. What I will say is that this
7 particular goal, that's outlined in the Conserving
8 and Restoring America the Beautiful, is a
9 different goal, but complementary. Our domestic
10 approach is complementary.

11 So, from a U.S. Government prospective,
12 we have a signal that we are in support of this
13 broader initiative, from a scientific perspective,
14 but that we encourage each Nation to pursue it in
15 the way that they see fit, that we are not -- we,
16 as the United States, we are not adhering to an
17 international goal or international set of
18 definitions. We are -- particularly trying to
19 tailor our approaches to our needs, here, in the
20 U.S. And, again, 30 percent, from our
21 perspective, from a domestic perspective, is not a
22 thin point. It's to build momentum for a more

1 strategic and more inclusive approach of
2 conservation, broadly. I hope that helps, Dave.

3 MR. WITHERELL: Thank you, that is
4 helpful. You mentioned on how to measure the
5 areas relative to the baseline. And I guess I'm
6 curious, how might you suggest the Councils assist
7 NOAA, with understanding how fishery closures
8 could be taken into account and meeting the 30
9 percent conservation goal?

10 DR. LAFEIR: I'm glad you asked that
11 because, actually, that's my question to you. I
12 know that, again, Paul, and Sam, and I have been
13 talking about this. It's -- we want to have a
14 conversation asking that very question. So, the
15 appropriate representatives from the Council say,
16 so, what mixture, that we have of the landscape,
17 of what areas are already protected, through some
18 MSA measure? And then, let's have a real
19 discussion about what do you think has the
20 successful to fulfill this conservation? Again,
21 it's not necessarily designated for the purpose of
22 conservation, but has had lasting conservation

1 benefits, has this successful.

2 How do we make sure that we are taking
3 your input, as Councilmembers? Or these are the
4 things that should "count". These are real and
5 impactful, and had -- you know, it might have some
6 system -- ecosystem implications, et cetera. I
7 don't think we can -- we definitely can't answer
8 the question on this call, but I just key that
9 question back up to you. We're ready to have that
10 discussion of things. Please tell us, as
11 Councilmembers who doing this day in and day out,
12 what should we consider, at NOAA, as implementing
13 this, this baseline, you know, pulling in this
14 information into the Atlas.

15 MR. WITHERELL: Okay, Dr. LaFeir, thank
16 you.

17 CHAIRMAN GORELNIK: John Carmichael?

18 DR. LAFEIR: Yeah (overtalking) Paul.
19 You're going to have me on the hook on that. I'm
20 committing to that. I really want to have that --
21 ask that explicit question.

22 CHAIRMAN GORELNIK: Are we good?

1 MR. CARMICHAEL: Yeah. All right, thank
2 you, Mr. Chair. Yeah, John Carmichael here, and
3 thanks for the presentation. I guess reflecting
4 on the last slide there and thinking about what
5 guidance we can give for engaging constituents,
6 the big questions is probably going to be how do
7 you define conservation, and what is seen as the
8 opportunities for our commercial constituents,
9 within this? There's a lot of, you know, mention
10 of parks, and sanctuaries, and reserves, and
11 preserving recreational access, and seems to dance
12 around the issue of commercial usage of resources,
13 within all these different areas.

14 DR. LAFEIR: Yeah, I think that one of
15 the other slides out there was an explicit mention
16 of using the Magnuson-Stevens Act and the work of
17 the Councils, to be included in this. There are
18 explicit mentions, in the slides, but also in the
19 report. Very explicitly, what we're saying is
20 conservation does not equal no tick. That might
21 be at some places, and this is a continuum, but
22 are now, as part of the Atlas process, having to

1 define what conservation means, and then proving
2 what goes into the baseline, based on that meaning
3 of conservation. It is meant to be broad, it is
4 to -- meant to consider sustainable use, and it is
5 specifically looking through the Council process
6 and the management processes of Habitat measures
7 because commercial activities can't happen, and
8 so, finding places for conservation in that.

9 CHAIRMAN GORELNIK: John, did that
10 answer your question?

11 DR. LAFEIR: I will say -- yeah, did
12 that answer your question, John? It's hard not to
13 see faces.

14 MR. CARMICHAEL: Yeah, we'll see. Yeah,
15 it kind of did. You know, I think that, you know,
16 you even look at like the refuge and that type of
17 area. There's take allowed, there's recreational
18 take allowed, but, you know, commercial take,
19 tends to create issues, and I bring this up
20 because there's a big issue going on here in South
21 Carolina, right now, and it's not affecting us
22 Federally, but it's about Horseshoe Crab take, in

1 a refuge area, and there's a lot of objection to
2 the commercial harvesters taking the horseshoe
3 crabs out. They get bled, they get returned, some
4 of them die.

5 So, but that's, you know, that's being
6 seen as commercial removals and resources from a
7 refuge area and is creating a lot of consternation
8 in the conservation community, and so, it seems
9 like, you know, it's one thing to talk about take,
10 but the conversation often seems to shift when
11 people think of it as commercial take, in
12 commercial fishing, and you know, this example
13 that we're seeing here, in South Carolina, is
14 playing out in public opinion, and there's
15 editorials, every week, in the paper about it, and
16 it's really shining a light on this issue, of how
17 people think of conservation and what they see as
18 the allowance for any sort of commercial take to
19 exist along with potential recreational take.

20 DR. LAFEIR: I know that we're going to
21 have to untangle some of that, and I do think
22 there will be places where either recreational

1 takes might not be allowed, but then there are
2 other places, again, where I think we can make the
3 clear argument, and that's why I'm turning to you
4 all as an expert, saying, what places -- well, we
5 know there's commercial activity, and then there
6 are also places where you've satisfied the
7 Magnuson Act, that should be considered in this.
8 And, you know, not everything that has been set
9 aside during the Magnuson Act, will "count" in the
10 baseline, but, honestly, not everything that will
11 be set aside (audio breaks up) are broad, as you
12 can imagine, in some people's minds, sanctuaries
13 don't count because they're multi-use.

14 So, it -- the goal of this
15 administration is to cast a broad net, to be
16 inclusive, really think through what this makes
17 this, and what place is that's not one size fits
18 all, in each place. It won't be easy.

19 MR. CARMICHAEL: Sure.

20 DR. LAFEIR: That's why its interagency,
21 and that's why we're saying we're calling on the
22 experts, on that first question, immediately,

1 right, that very first question, of what counts
2 now?

3 MR. CARMICHAEL: Yeah, thanks, nothing
4 in Fisheries is easy, it seems. Thanks for that.

5 DR. LAFEIR: What I will say, is it
6 should count. Some of the efforts that have
7 happened over decades, now, during Magnuson, some
8 of that work should count, if we're saying what
9 our goal is, to create a conservation ethic, and
10 to sustain certain activities, and places, and
11 resources, longer-term. Some of those things
12 count, right? How we decide all of those things,
13 to be determined. We haven't made any final
14 decisions on the sort of scale and scope at this
15 point. But I hope you see, if you haven't read
16 the report, I hope you see explicit callout on the
17 Magnuson Process of Engagement by the Council, in
18 order for us to succeed. That's the only way
19 we're going to be able to do this.

20 CHAIRMAN GORELNIK: All right, we got a
21 number of hands up. So, we're going to try to get
22 everyone's questions in. A reminder, we'll keep

1 discussion for later. John Gourley?

2 MR. GOURLEY: Yes, good morning. I
3 noticed the Antiquities Act was identified as one
4 of the programs that you would possibly be
5 considered using. And you had a caveat that said
6 that, provided the co-management was apparently
7 agreed to -- in the -- using the Antiquity Act, to
8 establish monuments. Co-management is very
9 important, and we were promised co-management for
10 the Marianas Trench National Marine Monument, and
11 that was a big selling point.

12 However, we don't have co-management.
13 Co-management has been relegated to the term in
14 coordination with. When you have in coordination
15 with, that's not really co-management, not as what
16 we were led to believe, and I am not sure, but it
17 seems that, at least with my understanding of the
18 Antiquities Act, since you're taking Federally
19 Managed Waters, and you're giving them to
20 Federally -- or Federal Resource Agencies to
21 manage, there is no legal roadmap to actually
22 entertain true co-management with the local

1 islanders, or where the state -- where the
2 monument is actually being designated.

3 And so, but I just -- I really question
4 the use of the Antiquities Act, as something that
5 is fair, because it's basically decided by one
6 person, and it does not reach out, like the
7 Sanctuaries Act does. So, I just want to just
8 kind of make a comment on the selling of the
9 Antiquities Act, as being, you know, a good
10 program for co-management. Thank you, that's it.

11 CHAIRMAN GORELNIK: All right, so,
12 that's --

13 DR. LAFEIR: John, so, let me just --

14 CHAIRMAN GORELNIK: Go ahead, Dr.
15 LaFeir.

16 DR. LAFEIR: Let me just clarify. So,
17 first, I included the Antiquities Act, under
18 NOAA's Authorities, and my caveat was that, if we
19 are included in a proclamation. The Antiquities
20 Act is exclusively and authority that the
21 President has, and any designations fall to the
22 Department of Interior, unless in the proclamation

1 we are included, we, NOAA, as a co-management
2 entity. At that point, management plans and
3 implementing regulations happen. So, from a co-
4 management perspective, I meant for across the
5 agencies. There are some monuments that -- where
6 we do not have any management authorities, and we
7 are not engaging.

8 I'll also say, there are monuments,
9 where there are true co-management regimes
10 happening, say, with this state, as an example.
11 So, that's what I meant when I said co-management
12 -- if co-management is included in the
13 proclamation. Co-management, meaning NOAA, was
14 written into the proclamation, but otherwise the
15 Antiquities Act designations don't necessarily
16 fall to NOAA to implement. I just wanted to
17 clarify that.

18 MR. GOURLEY: Yes, thank you.

19 CHAIRMAN GORELNIK: Archie Soliai?

20 MR. SOLIAI: Thank you, Marc. I have a
21 question in regards to Executive Order 13985, on
22 advancing Racial Equities for underserved

1 communities. I think, you know, historically,
2 Pacific Island Communities and indigenous fishing
3 communities, they continue to be disadvantaged or
4 underserved, you know, through applications of
5 U.S. Laws and Public Policies. And some of those
6 disadvantages appear in a way of unintended, and
7 sometimes unintentional consequences, stemming
8 from National Policies, or unfilled mandates, and
9 what have you, and as an example, NS1 requires,
10 Biomass-Based Assessment, which our region used
11 woefully inadequate data, that led to the
12 Artisanal Monkfish Fishery in American Samoa to be
13 classified as overfished. The MSA, CDDP provision
14 calls for \$500,000 to be annually be provided to
15 Pacific Island Indigenous Communities, through
16 competitive grants, but has gone unfunded for more
17 than 15 years.

18 And over the past 20 years, the Federal
19 Government has achieved its preservation goals,
20 basically on the backs of, you know, our Pacific
21 Island Communities. As a region, over 70 percent
22 of our U.S. Pacific Island DED or DEZs are closed

1 to commercial fishing. But as a country, the
2 Pacific Islands account for a quarter of the ocean
3 enclosures. The community demonstration plan is
4 defined a MSA, under section 305, para I and para
5 J, in order to provide the access to Federal
6 Fisheries, for Western Pacific Communities. Now,
7 this is another MSA Mandate, that provides for
8 equity in Federal Fisheries, that's been difficult
9 to get through, NMFS in the past.

10 The CDP is what we're looking at by our
11 Western Pacific Council, providing communities and
12 American Samoa relief from Federal Bottomfish
13 Regulations. Now, my question is in lieu of
14 serving or fulfilling the mandates in this
15 executive order and serving these underserved
16 communities. The Western Pacific CDPP has not
17 been funded for over five years. And I wanted to
18 ask, where has the funding gone, and can we expect
19 funding to be reestablished for CDP?

20 CHAIRMAN GORELNIK: Go ahead, please.

21 MR. RAUCH: Yeah, maybe I can --

22 DR. LAFEIR: I think, I'm going to have

1 to turn to Paul or Sam for that one.

2 MR. RAUCH: Yes, maybe I can -- since
3 this was my presentation, I can take some of this.
4 Let me first say that I do completely agree with
5 you, that many of our Island Communities easily
6 fall within the executive order's broad-based
7 description of underserved communities. And so,
8 many of those, you know, the diverse constituents
9 and stakeholders in our territories are some of
10 the intended recipients of our efforts here, and
11 looking at equity, and to the extent that our past
12 practices have either unintentionally or
13 intentionally disadvantaged them, then these are
14 things that we do want to look at.

15 And so, I'm happy to hear your
16 perspective on that, and as you may know, I think
17 -- we do understand that to address the bottomfish
18 issue, to begin with, that, historically, we may
19 not have allocated our science resources, with the
20 idea of -- where it has been hard to get a enough
21 science of the territories. And this is something
22 that we have been pushing, and I know Paul is --

1 has been supportive, as has past administrators
2 about increasing the science commitment, and I
3 hope to continue to do that, to direct some more
4 science resources. Not an easy question. But
5 we've been able to direct a little bit more, in
6 recent years, and I hope to continue to do that.

7 In terms of whether or not the
8 government will fund that particular program, that
9 involves, to some extent, the appropriations
10 committees, and what they choose to fund, and what
11 they choose not to do. And the President's Budget
12 is coming out, soon, hopefully, but it really
13 depends on what the appropriations committees do,
14 and they have not provided that funding in recent
15 years. So, I do not know what the prospect is for
16 the future, but we do continue to look for ways to
17 address racial equity, and I would agree with you,
18 that looking at the historic ways that island
19 communities may or may not have been
20 disadvantaged, is an appropriate scope of inquiry
21 for this effort.

22 CHAIRMAN GORELNIK: All right, thanks

1 for that answer.

2 MR. SOLIAI: You say I'm like I -- yeah,
3 sorry, Marc.

4 CHAIRMAN GORELNIK: Go ahead, Archie.

5 MR. SOLIAI: I certainly appreciate
6 that. Look forward to hearing some more feedback
7 from you, and you know, the team there, with
8 respect to that issue. But when you talk about
9 science and, you know, how that's being developed.
10 I would encourage continued collaboration with
11 local fishery agencies, in developing that
12 science. I think it's vitally important, that you
13 have local stakeholders participate in developing
14 that science because, at the end of the -- they'll
15 be managing that, on the local front.

16 CHAIRMAN GORELNIK: All right, Bill
17 Tweit?

18 MR. TWEIT: Welcome, Mr. Chair. And
19 thank you, Dr. LaFeir. As I look at the areas of
20 focus and was thinking about the -- those six
21 areas of focus, I was thinking some about the lost
22 of access in natured pride communities, and what

1 Councils can do about that, which, in a lot of
2 cases, isn't much. But one of the things I do
3 think about is access to nutritious and affordable
4 seafood, as another way of people who live in
5 nature deprived communities being able to connect
6 with the environment and understand the importance
7 of a healthy, productive environment.

8 I was wondering if that issue of
9 nutrition, of access to seafood has been discussed
10 at all, relative to this particular initiative. I
11 know it comes up in other areas, but I was
12 wondering if it's been discussed here, and
13 certainly the Councils' roles in ensuring that
14 U.S. residents have access to sustainably
15 harvested, nutritious, affordable seafood?

16 DR. LAFEIR: It has not been a part of
17 the conversations for this particular initiative.
18 As you said, it has been part of other
19 conversations, sometimes been actively engaged in
20 other conversations, in that regard, but for this
21 very initiative, the focus has been access to open
22 spaces, natural places, green spaces, not the food

1 necessarily, as part of this.

2 MR. RAUCH: Mr. Chair, if I could add in
3 a little bit on that, as well?

4 CHAIRMAN GORELNIK: Sure.

5 MR. RAUCH: So, in terms of the 30 by
6 30, Dr. LaFeir is right. I just didn't want to
7 harken back to the last commentor, and indicate
8 that, in terms of equity, and environmental
9 justice, these issues are front and center in that
10 forum looking to ensure open space, not just for
11 recreational needs, but for substance fishing
12 needs, or sometimes that concept particularly, in
13 certain areas of the country, gets a little murky,
14 as to whether -- you know, how much people need
15 access to fish in our coastal waters. just as part
16 of their normal weekly protein development.

17 This is something the Councils, I know,
18 work on, when we design management measures,
19 trying to make sure that these issues are front
20 and center. And it is something that we are
21 looking at, in terms of that equity and
22 environmental justice issue. Are we adequately

1 taking to account, those very needs of people who
2 go fishing, for their weekly food budget? That
3 they need that, not just for recreation. So, this
4 is something the Agency is looking at, even if it
5 is not particularly in 30 by 30, but it is
6 something that is important to the agency.

7 DR. LAFEIR: But I did (coughing) from
8 that Substance Abuse Act, from that perspective,
9 that you just raised, Sam. You know, for example
10 as Tribal Nations and the Island, the island --
11 Hawaii, and others, engage in this process, that
12 part of what we'll have to consider, is areas that
13 are important to conserve, to ensure we sustain
14 consistent uses, from that perspective.

15 CHAIRMAN GORELNIK: Okay, thank you.
16 Markos Hanke?

17 MR. HANKE: Thank you for the
18 opportunity. Hello, Letise. Recognizing, like
19 you explained the origin of this initiative is
20 from the international community, how do you
21 explain how we address and explain the
22 displacement of recreational and U.S. Artisanal

1 Fleet from those the area closed, especially if
2 the international fleets are the ones causing the
3 problems? That's the question, but I want to have
4 -- make an observation, too. The U.S. Fishermen
5 are trained and forced to fish in a sustainable
6 way, which is part of our life nowadays, the
7 neighbor fleets, not really.

8 It's a different story on the
9 international arena. Trying to close because,
10 nowadays, probably, is very popular to do so,
11 doesn't make it the most beneficial action or the
12 benefit of all. We just need more money and more
13 tools, and to include all the tools on the basket,
14 to try to support our environment and our
15 community, especially once you have areas, for
16 example, in the Caribbean they are closed, and
17 when -- we don't know if this a lionfish farm
18 because nobody can go there, and they have the
19 lionfish all over, on those areas. This is what
20 we hear from the fishermen. And those are my
21 points, I'm sorry to take too long for my
22 question.

1 DR. LAFEIR: I just wanted to -- my
2 response to that, again, is that, you know, what's
3 happening at the international stage, as far as I
4 know, the U.S. does still not formally endorse the
5 international goal, as a -- you know, we haven't
6 committed to aligning what those specific
7 definitions and approaches, from an international
8 perspective, and thinking through impacts on
9 Artisanal Fisheries and other things. So, I can't
10 fully speak to that, given that we aren't -- that
11 this effort did start from a international
12 perspective, by we carved out a very domestically
13 focused want.

14 I do think, though, as we move forward,
15 in our domestic goal, we will think about things
16 like displacement. If we were to conserve certain
17 areas, for one reason or another, how does that --
18 what are the implications for? Again, specific
19 use, Artisanal Fisheries, or access by local
20 communities, and those kinds of things, which is
21 why we really want to make sure that the effort is
22 locally led because those nuances we won't have at

1 the Federal Level. And I think those discussions
2 are still to come. I hope that answers your
3 question. I don't know if it does fully, but?

4 MR. HANKE: Yeah, thank you, ma'am.

5 CHAIRMAN GORELNIK: All right, we got a
6 couple more hands raised. And just a reminder,
7 this is for questions and not for comments or
8 discussion. We'll come to that later. Tom Nies?

9 MR. NIES: Thank you, Mr. Chair. Thank
10 you, Dr. LaFeir. I'm going to give you a break,
11 and -- for a minute here, anyway, and ask question
12 of Sam, on one of his presentations or comments.
13 But, Sam, I'm curious a little bit about the
14 regulatory review and the significance
15 determinations and the OLIRA issue. I, tongue in
16 cheek, want to ask you if OMB will follow their
17 new guidance, if they come out with it. But what
18 I really want to know is, do you know, I didn't
19 catch what the timeline is for the review, and do
20 you know if they will revisit the \$100 million
21 threshold, which has basically been constant
22 since, I think, the Reagan Era?

1 MR. RAUCH: Mr. Chairman, if I may? We
2 -- as many of those executive orders and
3 memorandums are directed at the agency, which
4 means the department, in that case. And so, the
5 department is handling the discussions with OLIRA
6 on this. I have some discussions with the
7 department, and OLIRA -- or the Office Management
8 and Budget, I'm to not use acronyms, the Office
9 Management and Budget has not set out a timeline
10 for that review. You may recall, early on, that
11 there was some issues with who the nominee would
12 be, and so, I think some of their planning has
13 been delayed, now that they've got full staff on,
14 I expect, soon, to have a better understanding of
15 how they are going to conduct that review. But I
16 do not know, at the moment.

17 In terms of the \$100 million criteria,
18 that was part of executive order 12866, from 1993,
19 as the explicit criteria set forth, by the
20 President, then. This memorandum, that we're
21 currently talking about, reaffirms 12866. So, I
22 expect that we will have a -- that similar

1 threshold. One of the things that we would like
2 to talk with them about is scaling for inflation,
3 however, but because if you leave that threshold,
4 more and more things are going be significant now,
5 than were in 1993. And so, while I think that
6 that number has the baseline number, in 1993
7 dollars, will have to be the criteria.

8 I would like to have a discussion with
9 them about scaling for inflation because nobody is
10 really using 1993 dollars, anymore. And there are
11 better ways to look at, that are more meaningful
12 to the public. But we have not had that
13 discussion yet. But I do -- at least, that is one
14 of the issues I would like to raise with them, but
15 as I said, I do not know how yet, they're going to
16 take -- how that process is going to unfold.

17 MR. NIES: Thank you, Sam. Thank you,
18 Mr. Chair.

19 CHAIRMAN GORELNIK: Eric Reid?

20 MR. REID: Thank you, Mr. Chairman, and
21 thank you, Doctor. I just have three quick
22 questions. Some are for my own clarification.

1 The first one is, when it comes to the 30, meaning
2 30 percent, is that additional to whatever the
3 baseline is determined to be, and are you going to
4 prorate that, since you talk about lands and
5 oceans, which is submerged land? Is that
6 something that's going to be prorated? Will you
7 take an equal percentage out of whatever the
8 percentage of each is, in any individual area?

9 My second question was, there a
10 discussion about protecting property rights, and
11 does that include leased land, whether it's
12 submerged or not? And my last question is just
13 about 13990. There were two listening sessions in
14 March, before the deadline for filing, which has
15 not been done, and then there was additional
16 meeting in April, and I was unaware of that. But
17 I would be interested to know what that was all
18 about. So, those are my three questions, thank
19 you.

20 DR. LAFEIR: Thank you, I'll try to
21 answer them quickly, Eric. So, on the first
22 question about prorating and, you know, trying to

1 decide what -- if it's an additional 30 percent,
2 those kinds of things, but, first, I'll say that
3 the idea -- the directive is to conserve at least
4 30 percent, by 3030, and it's not meant -- by
5 2030, and it's meant to be a -- an end goal that's
6 meant to build momentum. We haven't yet made any
7 decisions about 30 percent of a specific state, or
8 30 percent of specific region, or 30 percent --
9 so, it's not reallocated in that way.

10 This is the National goal, and so, as
11 the conversations go forward on what counts in the
12 baseline now, we might find that, as we think
13 through all the conservation lenses, well, you
14 know, now, what should we prioritize, based on
15 this Atlas that we see, what's already been
16 conserved, or what's already been restored. So,
17 those decisions just haven't been made yet. So, I
18 can't say if or how there will be any prorated --
19 prorated approach. But it is 30 percent as the
20 basis, but -- at the -- at least to build momentum
21 for a longer-term conservation goal.

22 And then, I think, the second piece, I

1 might have -- I might have answered them both, at
2 the same time. Can you just repeat the second?

3 MR. REID: Yes, ma'am. So, my question
4 is about protecting property rights. My question
5 is --

6 DR. LAFEIR: Yeah, leased lands.

7 MR. REID: -- yeah, is leased land
8 something that'll be considered, and I'm looking
9 at that, under the context of the -- I don't know
10 how many thousands of square miles, in the
11 Atlantic, that are going to be leased for wind
12 areas --

13 DR. LAFEIR: Yeah.

14 MR. REID: -- and may become de facto
15 marine protected areas. That's my whole point
16 behind that question.

17 DR. LAFEIR: No, yeah. Again, to be
18 determined. I think there -- that is part of
19 conversation. So, I'll -- broadly, I'll say, from
20 an administration perspective, we're having to
21 layer the various directives and figure out how
22 they work in concert, and complement, and synergy,

1 and so, the separate directive for us to reach 30
2 gigawatts of offshore land, by 2030, will have to
3 be considered, and the overall uses of these
4 places. So, to be determined. And on 13990, I'll
5 turn it to Sam.

6 MR. REID: Okay.

7 CHAIRMAN GORELNIK: Yeah.

8 MR. RAUCH: Yes, Mr. Chairman, if I
9 could respond to that. So, the -- we had only two
10 listening sessions that the fishery service
11 facilitated specifically for the fisherman, and I
12 think you were -- participated in at least one of
13 those. There were more that interior had -- the
14 interior had one directed specifically at tribes.
15 There've been a number of issues with the two
16 terrestrial monuments. But the only two fishing
17 specific ones were the two that we mentioned, and
18 I just was -- Dr. LaFeir was -- answered the other
19 question.

20 I was trying to look back in my
21 calendar. I cannot recall the exact dates of when
22 the two fishery ones were, but there were a number

1 of other ones surrounding there, mainly hosted by
2 interior, to get a broader participation, and it
3 was mainly -- I recall one that was a tribal one,
4 I think, in April, that was focused mostly on the
5 terrestrial monuments.

6 MR. REID: Thank you very much, both,
7 for your answers.

8 CHAIRMAN GORELNIK: All right. Archie?
9 You have your hand up?

10 MR. SOLIAI: Yeah, thanks. Thanks,
11 Marc. I've got three questions, in regards to the
12 Area-Based Management Working Group. Firstly,
13 could this group be -- also be used to inform U.S.
14 Delegations to International Fishery Management
15 Bodies, regarding any international mandates, or
16 area-based management in waters that are adjacent
17 to U.S. waters?

18 Secondly, could the Working Group
19 provide conservation value of area-based
20 management, with respect to management objectives
21 and different eco-system types, or FEPs under the
22 FMCs? This is recognizing a one size fits all

1 approach, that may not be advantageous to
2 Management Councils, given the diversity of
3 ecosystems?

4 And, lastly, I decided to ask whether
5 the proposed journal article lead to best
6 practices for area-based management tools under
7 FMCs and evaluate the various existing
8 implementation or area-based management, under
9 Management Council waters? And how do MSA enacted
10 area-based management implementation perform
11 relative -- to implementation under the
12 Antiquities Act? Thank you, Marc.

13 CHAIRMAN GORELNIK: So, are these
14 question directed to the -- this agenda item?

15 MR. SOLIAI: Apologies, Marc. I think I
16 was way ahead of myself here.

17 CHAIRMAN GORELNIK: Okay. So, we'll
18 hold -- can we hold those questions, then? I also
19 have hands up, Tom Frazer.

20 MR. FRAZER: Okay, that -- thanks, Dr.
21 LaFeir, for being here. I'm the Chair of the Gulf
22 Council. I got a quick question. So, one of our

1 Coral Amendment -- Coral Amendment Nine, we
2 identified a number of HAPCs, or habitat areas of
3 particular concern. Some of those have fishing
4 regulations, and some of those do not. But it
5 gets to John Carmichael's point, earlier. Is
6 there an explicit definition that differentiates
7 between conservation and sustainable use? And
8 would those areas, for example, that do not have
9 fishing regulations be considered, potentially, in
10 the base?

11 DR. LAFEIR: So, I'll say again, that we
12 haven't yet created a definition for what counts
13 in conservation. What counts in the baseline?
14 That's the process that's about to launch through
15 the Atlas, an interagency process to develop an
16 Atlas. So, first what counts, what authorities
17 have already been applied, what areas have already
18 been set aside, for one reason or another, through
19 those authorities.

20 So, I think that, as part of that
21 conversation that happens, will be discussed.
22 But, yeah (inaudible) will be discussed, so the

1 habitat measures and the conservation measures
2 that have been put in place through Magnuson and
3 through the Councils will be discussed. What will
4 be included in the baseline is still to be
5 determined. So, whether or not they have use or
6 no use fishing regulations are not is still to be
7 determined. Those definitions haven't been set,
8 yet. They will be part of the discussion because
9 those were measures, through Magnuson, that are
10 explicitly included in the report.

11 MR. FRAZER: Okay, thank you.

12 CHAIRMAN GORELNIK: Umm --

13 DR. LAFEIR: I'll -- can I just -- I
14 think I said in my presentation --

15 CHAIRMAN GORELNIK: Yeah, please.

16 DR. LAFEIR: -- but I want to reiterate
17 one more thing. What we, I anticipate, we will
18 discuss broadly, as part of the Atlas Process, is
19 what areas have been set aside for conservation
20 purposes, but there might be other areas, that
21 have conservation benefits, that weren't
22 necessarily set aside or designated for that

1 purpose. So, I think, that, broadly, will be part
2 of the conversation, as well.

3 CHAIRMAN GORELNIK: Thank you. John
4 Carmichael, your hand is up, do you have a
5 question? Or is that a --

6 MR. CARMICHAEL: No, I forget doesn't go
7 down on its own.

8 CHAIRMAN GORELNIK: All right. I'll ask
9 the same of Eric Reid, and Archie? Your hands are
10 up. Eric, do you have a question?

11 MR. REID: Yeah, sorry Mr. Chairman, I
12 can't seem to put my hand down. I'll keep trying.

13 CHAIRMAN GORELNIK: Okay, I will let on
14 that. John Gourley, do you have a question on
15 this agenda item?

16 MR. GOURLEY: Yes. I have a question to
17 -- this time. You know, the Western Pacific
18 Region, we have got an awful lot of so-called
19 conservation areas, that were formed under the
20 Antiquities Act. They have very nebulous stated
21 objectives, and we have no idea on whether or not
22 the objectives -- conservation objectives that

1 these monuments were created, have actually been
2 met. So, I'm kind of interested, is NMFS
3 committed to evaluate the so-called success of all
4 these monuments in the Western Pacific? Is that
5 part of the plan?

6 DR. LAFEIR: No. I'm going to jump in
7 and take that question. I don't know if it was
8 for me or for Sam. NMFS is not on the hook to do
9 that. NOAA is not necessarily on the hook to do
10 that. Broadly, this is going to be entering this
11 new process. Monuments will be part of a
12 discussion. I'll just be honest. As monuments
13 will be part of the discussion, how do we consider
14 those? The same as sanctuary, same as hatcheries
15 because they are areas set decide.

16 So, how do we consider if those measures
17 are working well? If they should be considered in
18 the baseline? If we should continue to do those
19 things, going forward, and, again, that's across
20 the authority, and across the types of places set
21 aside? So, yes, the monument is going to be, in
22 part of the interagency discussion about what

1 counts in the baseline and how we measure or
2 count.

3 MR. GOURLEY: Okay, thank you.

4 CHAIRMAN GORELNIK: All right, that's
5 all the hands I see, but before we move to the
6 next agenda item, I just have my own question,
7 which I -- I wait till last. Dr. LaFeir was
8 pretty involved in the process here, in
9 California, where there was a considerable battle
10 over what measures amounted to protection. So,
11 I'm very glad to hear that the -- under the
12 executive order, that we're going to take it to --
13 we're not going to align ourselves with any
14 international standard. So, I guess my first
15 question is, the IUCN has very specific categories
16 for degrees of protection, and can you confirm
17 that we're not subscribing to that, that we're
18 going to have our own domestic definition of
19 conservation, which is -- can be compatible with
20 sustainable use?

21 DR. LAFEIR: Yes, I can confirm that.
22 We're developing clean slate. We're going to

1 consider the international goal, but this is not
2 an international goal. This is not meant to meet
3 the international goals. We are not starting with
4 the IUCN definitions as our way to move forward.
5 We're developing our own domestic definition, so
6 to speak, of conservation. And, again, that will
7 be continuum. There will be some places that are
8 protected, no take, so, some places that will
9 include the single use. Yes.

10 CHAIRMAN GORELNIK: So, in response to
11 your last comment, so, you -- are you suggesting
12 that there may be an expansion of no-take areas,
13 in order to meet the 30 percent threshold?

14 DR. LAFEIR: No, I'm saying that's the
15 continuum. What I'm saying is, and when we start
16 this clean slate, we're going to look across the
17 continuum of conservation, for places that have
18 sustainable use, that've been set aside, and then
19 crossed through the places that have been set
20 aside, as no- take, as part of the continuum of
21 things we'll review, to count in the baseline.
22 What ultimately goes in that baseline won't be

1 meant to meet an international definition. It
2 will be a new domestic approach.

3 CHAIRMAN GORELNIK: Okay. So, you will
4 be looking at existing no-takes, not in expanding
5 no-take?

6 DR. LAFEIR: In the baseline, correct.
7 For the baseline, existing areas will be
8 considered, existing data bases will be
9 considered, existing approaches, state, tribal, et
10 cetera, will be part of what we try to pull
11 together in the Atlas, to develop a baseline, and
12 then set the measures for how make progress toward
13 that baseline.

14 CHAIRMAN GORELNIK: As we proceed past
15 the baseline, will there be contemplation of
16 additional no-take areas in order to meet the 30
17 percent threshold?

18 DR. LAFEIR: I think we have to even see
19 where the baseline puts us but should -- to be
20 transparent, the answer is, yes, because it's on a
21 continuum. So, once we set a baseline, looking
22 across that continuum, the next question is, what

1 for -- how do we make progress, and what places
2 are there -- are there other areas we should
3 consider to prioritize? And then it's not one
4 size fits all. There are going to be places
5 that'll be proposed, that will support
6 (inaudible). There are going to be places,
7 because it's a stakeholder process that will be
8 proposed, that are no-take areas.

9 We expect that that's what we'll get,
10 given this continuum and given the interest of the
11 stakeholders. We have not decided in advance,
12 however, what new places, and what level of
13 conservation they must have, in order to be a part
14 of the sort of the progress going forward. Those
15 conversations are still to be determined. But I
16 won't pretend that we won't hear that, and that we
17 won't have to consider that input anymore than,
18 you know, similar to we'll hear from the Councils.
19 Here are our areas that we set aside to Magnuson,
20 that you should consider. Those will also be part
21 of the conversation, across the continuum.

22 CHAIRMAN GORELNIK: All right, thank you

1 very much. We're going to move on to the next
2 agenda item, agenda item seven, which is Offshore
3 Wind Development. So, I'm not sure who at NMFS is
4 taking that lead. Is that -- or is -- are we
5 inviting Brian Hooker to the party here? Okay,
6 we'll come back for public comment on both six and
7 seven, before Council discussion and action,
8 Committee action, Committee discussion and action.
9 So, welcome Brian, are you -- are you ready to
10 proceed?

11 MR. HOOKER: I am. I guess I one --
12 maybe one question. Am I sharing, or am I getting
13 -- just telling someone to advance slides for me?

14 CHAIRMAN GORELNIK: Someone -- Morgan
15 will take care of that for you, and you'll just
16 give her instructions.

17 MR. HOOKER: Okay. There we go. Okay,
18 first of all, thanks for the opportunity to
19 present to the Coordinating Committee today. My
20 name is Brian Hooker, and I'm the Biology Team
21 Lead, within the Bureau of Ocean Energy
22 Management's Office of Renewable Energy Programs.

1 The Office of Renewable Energy Programs is a
2 headquarters office, in the D.C. area, and -- but
3 we have primarily oversight over projects in the
4 Atlantic but with, you know, support to the
5 regions for their renewable energy programs, and
6 I'll get a little bit more into that, as we go
7 along. Next slide. Click again please.

8 So, again, where do we get our
9 authority, and you can continue to click through
10 the -- three clicks, I think. And one more --
11 there we go. We would get our authority from the
12 Outer Continental Shelf Lands Act, as amended by
13 the Energy Policy Act of 2005, which basically
14 allows us -- gave BOEM the authority, or the
15 Department of the Interior, the authority be the
16 responsible agency for energy, other than oil and
17 gas, on the outer continental shelf.

18 As I briefly mentioned before, we have,
19 you know, some primary outer continental shelf
20 areas, including the -- Alaska Outer Continental
21 Shelf Area, the Pacific OCS, and the Gulf of
22 Mexico. As I mentioned the Atlantic is head --

1 headed out of the headquarters office. We do not
2 have a regional office, for the Atlantic. Next,
3 you can go to the next slide.

4 So, I was asked that -- you know, we
5 just had a presentation on the 30 by 30 lands
6 conservation initiative, that this administration
7 has put forward, and there's a similar themed
8 White House Factsheet and Statement, regarding an
9 all the -- all, whole, the Government approach to
10 Offshore Wind Energy, including developing 30
11 gigawatts of Offshore Wind by 2030, so, again,
12 another 30 by 30 type of initiative. BOEM is the
13 lead on that piece of it, but there were other
14 aspects to that announcement, including some that
15 were assigned to NOAA National Marine Fisheries
16 Service, including partnering with Data-on-Data
17 Sharing. I think that was actually more NOAA than
18 NMFS, and then there was a piece on studying
19 offshore wind impacts that was through NOAA Sea
20 Grant. Next slide.

21 So, this is just an opportunity, I know,
22 I think, Sam walked you through a lot of the

1 areas, I think, so, this map looks somewhat
2 familiar to sessions earlier on. But if you could
3 just, kind of, click through here. We've done
4 eight competitive lease sales. We have 17 active
5 commercial leases. Site assessment plans, we've
6 completed 11 of those, and those, I'll get into a
7 little bit later in the presentation, but that's
8 plans for assessing the wind energy resource, out
9 on the lease area. General activities and
10 research plans is two. That's the Coastal
11 Virginia Offshore Wind Project, the two turbines
12 off Virginia, and the right of way grant, that we
13 issued for the Block Island Wind Farm, off of
14 Block Island, Rhode Island. So, on the
15 construction operations plan, I apologize, I have
16 not had a chance to update this slide, since the
17 vineyard wind. But, technically, I guess, it's
18 still under review, we haven't sent out the term
19 sheet yet on that, but, you know, technically,
20 we'll be moving 14 down to 13, with one approved,
21 and then still two more anticipated in the next
22 two months, so. We're basically processing in the

1 -- 12 months, excuse me. We're processing a total
2 of another 15 projects, underway, in the near
3 future, with only now one approved. Next -- keep
4 clicking a little bit.

5 And then as I mentioned, there's some --
6 we do have regulatory guidance that we issue to
7 the lessees, and we have other leasing areas under
8 consideration, seven areas, and I'll get into that
9 a little bit, but that that includes, like, New
10 York Bight, and some of the areas off of the West
11 Coast. And as I mentioned, the only steel in the
12 water, in Federal waters, is the two turbines off
13 Virginia. That's the -- that was approved in
14 2020. Next slide.

15 Okay, so, just include two clicks, and
16 that should run itself. So, what's the timing on
17 some of this. So, we -- in 2020, we had the
18 Coastal Virginia Offshore Wind Pilot Project, two
19 turbines. Click again. And then, although South
20 Fork gets behind Vineyard Wind, as far as approval
21 process, I think, their construction schedule
22 might still have them beginning construction

1 slightly before Vineyard Winds. That's why, it's
2 kind of ahead of it in the order there. Vineyard
3 Wine anticipates construction beginning in 2023.
4 And then roughly there, these might change,
5 they're not necessarily the order that things will
6 remain in. Obviously, I think there is shifting
7 in this, that has already occurred, but it gives
8 you just a rough estimate of the timing and the
9 number of projects and where on the Atlantic, that
10 some of these may occur. Okay, next slide.

11 Turning to the West Coast. You can do a click,
12 two clicks again, it might just run itself, yeah.
13 So, we have several call areas along -- from
14 California and then also some areas -- call areas
15 off of Hawaiian Islands as well, to Oahu. Okay,
16 next slide.

17 So, on the horizon, obviously, I've
18 mentioned we haven't quite updated yet, Vineyard
19 Wind. I guess it's still on the horizon, in terms
20 of they haven't started construction yet. We
21 don't anticipate construction till 2023. Next
22 slide. In South Fork, there's the South Fork area

1 -- continue. New York Bight -- there's another
2 slide right after this. I'll talk a little bit
3 about New York Bight. Gulf of Maine, these are
4 new lease areas, that I'm talking about. The New
5 York Bight and the Gulf of Maine, there's interest
6 in leasing these areas, although no areas have
7 been identified by BOEM yet, for the Gulf of
8 Maine. I know the state of Maine is working on
9 identifying some areas. The next slide.

10 And in Virginia, there is -- the State
11 of Virginia has indicated some more interest in
12 additional lease areas off their coast. And,
13 also, there's some planning areas that exist off
14 the Carolina's, that we're considering, as well.
15 And then as I mentioned, before, the call areas
16 off of California. Okay, the recent -- maybe more
17 recently, the Gulf of Mexico has gotten interest.
18 I think it's the State of Louisiana has expressed
19 an interest in, you know, putting together a task
20 force to explore real energy leasing in the Gulf
21 of Mexico Region. That's just still in its fairly
22 early stages, and then again, in the call area

1 (inaudible) Hawaii. Okay, next slide.

2 As I mentioned, the New York Bight Area
3 is -- I think I just included this as just kind of
4 a case study on, you know, how the process works,
5 generally. BOEM, you know, works with -- through
6 these intergovernmental task forces to identify
7 areas. These areas are, then, you know, go
8 through realms of public -- opportunities for
9 public comment, and then it will refine down from
10 the initial proposed areas. So, what the -- the
11 outlying area is the areas that we put in our call
12 for information and nominations. And then, the
13 green areas are the wind energy areas, and even
14 just recently, as of the New York Bight Task Force
15 Meeting, I think we've eliminated what's termed
16 the Fairways North and Fairways South areas, to
17 really focus on the Central Bight, Hudson North
18 and Hudson South areas, for the next proposed sale
19 notice. And then, unfortunately, I didn't have a
20 chance to update this slide, but we do have a
21 slide that kind of shows some of the -- how those
22 different lease areas might work, in our future

1 proposed sale notice, but that's even a further
2 refinement of the wind energy areas. Okay, next
3 slide.

4 So, what is our price list. We don't --
5 we have the planning analysis, I think, if you
6 click on it, it -- yep. It's about a two-year
7 process with, like I mentioned, the
8 intergovernmental task force. We do the call for
9 information, nominations, the area identification,
10 and then environmental reviews for the issuance of
11 a lease. Next slide, or next click.

12 In the leasing phase, that's the
13 pro-sale notice, all the way up to an auction.
14 And that's considered about a two-year -- another
15 two-year process. Site assessment, click. That's
16 -- in the lease itself, it's a five-year term, for
17 site assessment, and the lessees do not have to,
18 you know, take up that whole full five years to do
19 site characterization and site assessment work.
20 When I termed -- I say site characterization and
21 site assessment, it's like characterization is a
22 lot of these surveys, the geophysical surveys done

1 to try to understand the geology of the area,
2 where areas are potentially buildable, as well as
3 wind resource assessments.

4 So, we're seeing that period shortened
5 for many. And then we have the construction and
6 operations term of the lease, and that's -- we're
7 at that point for several of our leases now,
8 looking at, you know, a roughly 25-to-30-year
9 operational term, and about a two-year review
10 time, well, two- year environmental review time,
11 from the time we determine that a construction
12 operations plan is sufficient for that level of
13 analysis.

14 There is some additional reports that
15 are included in the analytic construction
16 operations plan, but then, a little bit further
17 on, there is a facility design report. That's --
18 these are in the fabrication and installation
19 report. Those are more of our -- from our
20 engineering perspective, more engineering type
21 reports, and then lastly, decommissioning.
22 There's a requirement of regulations for

1 decommissioning application. So, while the
2 construction operations planned in the EIS, do
3 consider a conceptional decommissioning at the end
4 of that, you know, 25-to-30 year life term.

5 There is a separate decommissioning
6 application that will have to be evaluated in the
7 future. One question I always get is, you know,
8 regarding financial assurance. Yes, there is
9 financial assurance that is required from the
10 lessees, for that decommissioning, in the case
11 that, for some reason there are no longer capable
12 of decommissioning it themselves, that financial
13 assurance is there for the government to obtain
14 that money to do it. Okay, next slide.

15 Just a little bit, again, on kind of
16 these challenges and opportunities. The
17 challenges and opportunities slide, I think, was
18 the end of the presentation for the Council, new
19 members, earlier in the year, and that was kind of
20 the theme there. But the technology has shifted,
21 a lot, over the years. Can you click once or
22 twice for more? And we're seeing, you know,

1 larger and larger turbines. That means less and
2 less turbines that are needed on the facility, on
3 the foot print to meet the power purchase
4 agreements, that they, individual lessees, have
5 with the states.

6 So, it's -- less turbines means, you
7 know, less construction cost, and, you know, it's
8 more efficient. But, of course, more -- these
9 larger turbines require wider spacing between them
10 to generate that electricity. Okay, next. And I
11 think Sam had a similar slide here, just showing
12 -- I'm talking about the challenges and
13 opportunity, the different technology types. As
14 you can see, where we have it on the east coast, a
15 nice wide shelf, we're looking at the three
16 foundation types to the left, a monopile being the
17 most common jacket, being what was done at Block
18 Island Wind Farm, and then a twisted jacket
19 design, that we haven't implemented yet, on the
20 east coast or the anywhere.

21 And then on the west coast, and
22 potentially in the Gulf of Maine, where waters are

1 deeper and more off the shelf, we're looking at
2 the different types of, you know, floating
3 platforms, whether a tension platform, which is
4 the middle, catenary cables, or a spar type buoy,
5 which is the one on the far right. Next slide.

6 And the challenges and opportunities
7 there are just because, you know, different --
8 each one has its own challenges. There's,
9 obviously, no piledriving noise associated with
10 floating, or you have with the fixed, but the
11 floating will, obviously, have a larger footprint
12 that may be issues for fisheries conflict, as one
13 of the larger -- largest challenges, I think, we
14 have is on this slide. Just talking about, just
15 trying to give you image of, you know, some of the
16 issues that we have, regarding the human
17 dimension, and I think, something the Council is
18 very familiar with, and, you know, how we have to
19 look at the areas, and how it's -- how it's used
20 as a fishery, when carrying out the program, and
21 as Council is aware, you know, well, all those is
22 used as a fishery. Okay, next slide.

1 I did -- I didn't want to wrap up by
2 mentioning that we do have an environmental
3 studies program, that we partner with the National
4 Marine Fisheries Service, to a large extent, and
5 another -- other groups, in academic institutions,
6 to look at in data gaps, that we identify through
7 our environmental review process, and through
8 annual solicitations for study ideas, and the
9 results of that, that we do incorporate in our
10 decision making. And I just wanted to flag, on
11 the next slide, where some of that information,
12 some of the studies, are located. All right 3:15,
13 it looks like I'm right on time, so, I'll --
14 that's my contact information there, and I'm happy
15 to take questions, although it might -- Carrie
16 might present next and then do all the questions,
17 or we can -- I'd be happy to take questions now.

18 CHAIRMAN GORELNIK: Well, I prefer to
19 wait, but let's see if anyone has a question now?
20 Ed Watamura?

21 MR. WATAMURA: Yeah, I just wanted to
22 stress -- and the effect, that the wind energy

1 would have on fishing and fishermen, and I would
2 hope that that would be a large part of your
3 research, before deciding whether or not to have
4 wind energy placed in Hawaiian Islands,
5 especially. We've met with Progression Energy,
6 and they are very thorough. They've -- the two
7 areas that you had called out, actually, have been
8 changed to the Windward side because of the
9 interference with Military Operations, at the
10 original callout sites.

11 This new Windward Area has some
12 potential problems, as far as protected species
13 and birds and the effects on the reefs, as the
14 lines are -- the energy is being run to land. And
15 also, consideration, as you know, Hawaii is
16 visually a paradise, and we would hope that it
17 wouldn't be a blight on that visual. And I would
18 also hope that if and when the Wind Energy Program
19 is being considered in the Territories and the
20 Commonwealth, that all of these considerations and
21 -- will be taken in, and, also, you know, we would
22 hope that the consultation with the communities,

1 just as they have here with us, in Hawaii, and the
2 fishing community and in other affected
3 communities will be considered also. So, yeah,
4 can -- I just wanted to make those statements.
5 Thank you.

6 MR. HOOKER: No, thank you, and I think
7 just to -- and I think, as you're likely very
8 aware, the -- there been different legislation
9 introduced into Congress, regarding the
10 Territories. I don't think, right now, we have
11 that authority to lease in the Territories, but, I
12 think, I forget, I think it was the Congresswomen
13 from Guam, and different sessions ago, I think got
14 introduced, some language, in that regard, but I
15 don't believe that has ever been, you know,
16 forwarded all the way to allow these things in the
17 Territories, at this point. Thank you. And your
18 comments on the Island, the Hawaii Islands are --
19 I'll definitely pass that on to Nessie, in the
20 Pacific Office.

21 MR. WATAMURA: Thank you.

22 CHAIRMAN GORELNIK: All right, let's see

1 if there are any questions, specifically,
2 questions for Brian. Otherwise, we'll come back
3 to questions after this Workgroup Report. Chuck
4 Tracy?

5 MR. TRACY: Thanks, Mr. Chair. Thanks,
6 Brian, for the presentation. I did have a
7 question on your slide six, which is kind of the
8 process. I know that there's -- you know, one of
9 the, I guess, maybe the final eggs to fall in
10 place, perhaps, for Vineyard Wind, was some
11 mitigation resolution. And I guess I was just
12 kind of curious what BOEM's role is in that, and
13 what sorts of mitigation processes or what sort of
14 things are being considered for mitigation to
15 affected parties like fishermen, or for others?

16 MR. HOOKER: Sure, I think, for Vineyard
17 Wind, the primary measures that we took are in
18 regard to the actual design. The initial design,
19 the proposed action from the lessee, had an
20 orientation that didn't reflect all the different
21 uses, throughout that whole lease area. Through
22 discussions with fishermen, and the lessees, and

1 the Coast Guard, they adopt a -- throughout the --
2 all of southern New England, they adopted a
3 uniform, east, west, north, south, one by one,
4 nautical mile spacing, you know, for all that,
5 just for, you know, navigation, and potentially,
6 you know, fishing, as well, to occur. The
7 east-west orientation was meant to reflect some
8 traditional fishing patterns in part of the area.

9 We also did evaluate an alternative for
10 fishing transit routes, that was submitted by the
11 Responsible Offshore Development Alliance.

12 Ultimately, though, that alternative was not
13 selected in the final decision. But that was
14 something that we gave serious consideration to,
15 in the -- through the EIS process. As far as,
16 like, a more specific mitigation, there is
17 compensatory mitigation, that is available to
18 fishing interests, and to define very broadly
19 about who -- which fishing interests are there.
20 And it is open to -- although, the -- a lot of the
21 measures were directly negotiated between two
22 states, being Rhode Island and Massachusetts.

1 There are funds available for, you know, fishermen
2 from other states, who are negatively impacted by
3 the build out of the facility.

4 And then, additionally, on the science
5 side, there is, you know, preconstruction surveys,
6 both troll surveys, you know, dimples traps,
7 lobster traps surveys, and I think the Habitat
8 surveys that are occurring, you know,
9 preconstruction, and then post-construction, as
10 well. And then, again, some very broad things,
11 for -- all just navigational purposes. There are,
12 you know, navigation, lighting, marking, you know,
13 guidance, AIS requirements, and so forth, that are
14 all included in that final package.

15 MR. TRACY: Thanks, Brian. And then
16 just a quick follow up, so, does most of that
17 occur in the planning and analysis stage, or where
18 is that?

19 MR. HOOKER: Yeah, that's a good
20 question. Some of it did, you know, early on,
21 thing were identified. But it didn't -- doesn't
22 really become a true tangible proposal, until we

1 receive a construction and operations plan, and
2 that's when the lessee then puts before us, like,
3 okay, you know, this is what we're really
4 thinking. But, you know, there were definitely
5 conversations about some of the aspects of it,
6 well before the construction operations plan came
7 before BOEM.

8 I think, you know, just -- you may hear
9 from many people that there wasn't enough of that,
10 before the construction operations plans is
11 submitted to BOEM, and that is something that BOEM
12 is really trying to take a hard look at, is how do
13 we really try to ensure that that -- there's that
14 meaningful engagement prior to ever, you know, not
15 only this middle of the construction operations
16 plan, but before even surveys even occur on the
17 lease. And that is something that we're still
18 looking into, is sort of how to really facilitate
19 that meaningful engagement.

20 MR, TRACY: Great, thank you.

21 CHAIRMAN GORELNIK: All right. Let's
22 move on to the Workgroup report. Kerry Griffin?

1 MR. GRIFFIN: Yes, thank you, Mr. Chair.
2 I think that Morgan is going to let me share my
3 screen, and it looks like that's happening. Okay,
4 so, you should see my PowerPoint.

5 CHAIRMAN GORELNIK: We do.

6 MR. GRIFFIN: Okay, great, thank you.
7 Okay, good afternoon. My name is Kerry Griffin.
8 I'm a Staff Officer with Pacific Fishery
9 Management Council. Today, I'd like to give a
10 brief summary of the Habitat Workgroup activities,
11 in 2020, and then share some ideas for potential
12 priorities, in 2021. I'm sure if this power point
13 is in the briefing book materials or not. There
14 is an abstract that I did submit, so, that should
15 be in your briefing book materials, and we'll --
16 if not already, we'll make sure that this
17 PowerPoint does get added, afterwards.

18 Just as a reminder, that the Habitat
19 Workgroup's purpose is to provide a forum for
20 habitat focused staff of the region -- of the
21 Regional Councils and NMFS Regional Offices, to
22 address National Habitat issues, policies, and

1 needs, under the offices of the CCC. The entire
2 Habitat Workgroup has met twice, in 2021, to
3 discuss and identify priorities, and then we've
4 also had smaller subgroup calls to focus on
5 specific topics.

6 In 2020, we focused on two areas. One
7 was a Habitat Partner's Letter, and the other was
8 a Science Center Forum, that we held. For the
9 Habitat Partner's Letter, we drafted a generic
10 letter that describes how the Councils coordinate
11 with NMFS and other agencies on the designation
12 and conservation of EFH. It describes the
13 consultation requirements for both fishing and
14 non-fishing activities and provides a list of
15 regional contacts, among other things. There's a
16 screenshot of the letter that went out.

17 The idea was that this letter could be
18 tailored as appropriate for individual regions.
19 And then, the other area of focus was the Science
20 Center Forum. We developed and implemented, in
21 October, a Webinar Forum, in which Science Center
22 scientists shared their research and information

1 on issues related to climate science, species
2 shift, habitat suitability models, and lots of
3 other really interesting habitat focused science
4 topics.

5 The forum went well, it was well run,
6 and well received, and stimulated good suggestion,
7 and I think that it created links, also, among the
8 habitat science, you know, researchers in the
9 different regions and the Science Centers around
10 the country. The person who really spearheaded
11 that was Peg Brady, with NMFS Office of Science
12 and Technology. So, they were instrumental on
13 making that happen, and then just here's a few
14 screenshots of some of the presentations that were
15 delivered during that forum. You can just give a
16 quick read of some of the slide titles and see
17 that it was very interesting and compelling
18 information and research that was shared.

19 Now, we'll go through some of the
20 potential priorities for 2021. As I mentioned,
21 the Habitat Workgroup met twice already and
22 formulated some ideas to address and support

1 Council and NMFS engagement in offshore
2 development. Obviously, offshore wind energy is a
3 very prominent issue with the administration's
4 priority on renewable energy projects, the first
5 commercial windfarm just getting approval, that
6 sort of thing. The products that the Habitat
7 Workgroup could develop could be centered around
8 best practices.

9 It could develop a written report or
10 some sort of a roadshow, that could be virtual or
11 in person. We're getting pretty good at these
12 virtual roadshows, these days, that kind of thing,
13 whatever would be the best tool, you know, to help
14 support, you know, the regions and the Councils in
15 handling offshore energy development. We're
16 focused on energy, of course, offshore wind,
17 primarily, but, really, a lot of these lessons and
18 guidance can be applied to aquaculture, as you see
19 here, and, you know, telecommunications cables,
20 and other types of offshore development, and
21 development activities.

22 We could also narrow the focus to

1 specific topics, well, which I really just
2 mentioned, such as transmission cables, EFH
3 consultations, and then, also, you know, you hear
4 a lot about potential commercial or recreational
5 fishing, inside wind farms, you know, these
6 windmills are spaced far apart, can you still fish
7 inside, and, you know, there's sort of a mixed
8 bag, around the world, but these are all topics
9 that I think are important, and, you know, the
10 Habitat Workgroup could help, you know, generate
11 some guidance in how to identify or focus or, you
12 know, provide comment on those kind of things.

13 Then, oops, sorry, this could also
14 include support for regions to develop information
15 pages, which would or could be in a sort of
16 information clearinghouse, as some have already
17 done that, including the Pacific Council, and you
18 know, it would include updated leasing and call
19 information, and of the comment notices, and
20 things like this, sort of a go to clearinghouse
21 for information. A few thoughts to keep in mind,
22 as we move we forward, are just, in general, that,

1 you know, offshore development, especially wind,
2 is complex and fast moving.

3 There is a lot of expertise, both among
4 the councils and of course, the regions, and in
5 BOEM, as well, you know, to help share concerns
6 and develop best practices. There are different
7 levels of experience with offshore development,
8 obviously, with offshore wind. It's been very
9 prominent off the east coast, but not yet around
10 all the regions. And the Habitat Workgroup thinks
11 it would be helpful to be work collaboratively and
12 share experiences from those who are further along
13 the offshore wind, you know, pipeline, so to
14 speak.

15 The next few slides are examples of
16 focus areas and issues that would likely to be
17 part and parcel to the guidance that the Habitat
18 Workgroup would develop. You know, a lot of these
19 we're already familiar with. But with regard to
20 siting and planning, you know, the early phases
21 are important, the timing, the information,
22 sharing, convening opportunities, to meet and

1 discuss and comment, identify National and
2 Regional resources that are available. And then,
3 obviously, focusing on Council managed species,
4 you know, under the -- that are included in the
5 FMUs of our FMPs. Environmental effects and
6 habitat consultations kind of gets to the part of
7 our EFH Consultation Requirements. Some of the
8 questions are, you know, how can we stay up to
9 date, and engaged? How best can the Councils
10 contribute to planning for research programs? And
11 monitoring, you know pre, post, and long-term
12 monitoring, and then, also, communications with
13 agencies and stakeholders.

14 We all know that there's a wide variety,
15 or, you know, or a range of capabilities and
16 technology, and some of our constituents are out
17 on the water, or, you know, don't have good Wi-Fi
18 and internet access, and all sorts of those
19 logistical complications, and it's important to
20 make sure that, you know, we have an effective way
21 of communicating with both agencies and the
22 stakeholders.

1 The, you know, the compatibility with
2 fishing, I already mentioned that once, is
3 important, and it's not just within wind farms,
4 but it's, also, you know, obviously, you know, the
5 importance of mitigating impacts, for both current
6 and future fishing. This is something that we're
7 struggling with, out on the West Coast, a bit, is,
8 you know, there could be certain areas that are
9 important now, but this is where paying attention
10 and learning about, you know, climate change,
11 climate shifts, species shifts, things like that.
12 These are very important in considering when
13 you're, you know, when you're looking at important
14 fishing areas, transit routes, things like that.

15 And, of course, the Councils can
16 contribute a lot to, you know, this type of
17 information on current and potentially future
18 fishing. And some of the tools that we have -- or
19 what tools do we have available? Some of them are
20 HAPCs, habitat areas of particular concern, under
21 the EFH provisions. And there's also science and
22 monitoring, you know, what are the impacts to

1 fishery independent surveys, you know, we do -- if
2 you have ever looked at the acoustic troll
3 transects on the west coast, they are, you know,
4 coastwide, from Canada to Mexico, and they go out,
5 from the very near shore, out to 20 or 40,
6 sometimes more, miles out, and so, you know, we
7 really depend on these fishery independent
8 surveys, not just the acoustic troll one, but all
9 the other surveys that are happening, and so, you
10 know, it's not just necessarily fishing grounds,
11 that we need to pay attention to, and, you know,
12 how they might affect the monitoring and data
13 streams. Then, another question that we've talked
14 about is, you know, can you use these
15 installations to help, you know, benefit the
16 Library of Science and Research, and use them
17 to -- for monitoring purposes. And then this is
18 just a example bullet list of some of the
19 resources and information that, you know, could be
20 included in these clearinghouses, you know, on
21 individual Council web pages or regional web
22 pages.

1 And then jumping to the Science Center
2 Engagement, this is just a screenshot of one of
3 the presentations from last year. Again, we saw a
4 great value in last year's forum and are very
5 interesting in pulling another one together. I
6 know that Peg Brady is -- also sees value in it
7 and is interested and willing. And, yeah, she's
8 with us at Office of Science and Technology, and
9 we could hone in on specific topics, some of those
10 that I mentioned before, you know, like the
11 transmission cables, or, you know, or EFH
12 consultation, specifically, or that kind of thing.

13 So, in summary, the Habitat Workgroup
14 sees these initiatives of -- as items that can
15 contribute to the ability of Councils and the
16 regions to further our shared expertise, and the
17 ability to participate in offshore wind, and other
18 development activities. The Habitat Workgroup has
19 expertise, and they have energy. It's full of
20 some go-getters, and if you cut them lose, they
21 would probably do all of the things that I have
22 mentioned here. But at the same time, we want to

1 make sure that the priorities are reasonable,
2 achievable, and, also, consistent with what would
3 best benefit, you know, the CCC and the NMFS
4 regions, in general.

5 SO, we're looking for feedback from the
6 CCC on this. What sort of speaks to you about
7 what I presented here today? Do you have some
8 ideas? You know, it can be today, or, you know,
9 afterwards, but we do want you to think about
10 what, you know, what would best benefit the CCC,
11 on one or all of these areas, you know, wind,
12 aquaculture, telecom cables, et cetera, et cetera,
13 and then, also, just to make sure, that we are the
14 Habitat Workgroup, and so, you know, woven
15 throughout all this is to, you know, the
16 importance of maintaining a focus on the Habitat
17 responsibilities and the science related to
18 offshore development.

19 So, I'm looking for that feedback, and
20 then what we would like to do is come back in
21 October and report on, you know, the progress that
22 we've made. If we do this Fishery Science Center

1 Engagement Webinar, it would probably happen
2 somewhere around that time. I don't know if it
3 would be before or after the CCC Meeting, probably
4 after. So, we wouldn't be able to report on that,
5 but we would be able to report that we are going
6 to have it. So, anyway, that's what we have
7 today, and there's your very handsome Habitat
8 Workgroup, and thank you very much. I can take
9 questions.

10 CHAIRMAN GORELNIK: All right, thank you
11 very much, Kerry, for the presentation. So, what
12 we'll do now, is we will take questions on
13 offshore wind development, either questions of
14 Brian Hooker or questions of Kerry Griffin. And
15 we'll have our Council discussion and comments
16 later. So, I am not seeing any hands. So, we'll
17 come back to Council -- oh, Tom Nies?

18 MR. NIES: Thank you, Mr. Chair. I have
19 a question for Brian Hooker, he's a frequent
20 attendee at our Council meetings, so, it's good to
21 see you again, Brian. You know, one of the issues
22 we're struggling with, when we do these, when we

1 comment on the KOPS is that it seems like some of
2 the KOPS are now coming in with a pretty wide
3 range of potential output, which gets even more
4 confusing because if you have a 8-megawatt
5 turbine, it's one size. If you have 12-megawatt
6 turbines, it's another size. Before making any
7 attempt to have the developers try and narrow down
8 what their alternatives really are, so we can
9 provide more meaningful comment?

10 MR. HOOKER: Yeah, no, thank you, Tom,
11 for that question. And that is a challenge, not
12 only for other people reviewing the construction
13 operations, but even internally. Our regulations
14 do allow for this project design envelope. So,
15 the -- as the project is developed, or when they
16 first submit the construction and operations plan,
17 they're still making decisions on, well, do I want
18 a gravity-based foundation, or do I want to
19 monopile foundation, and, oh, it might be this
20 size turbine or that, and, you know, they want
21 that flexibility within that construction and
22 operations plan, so that it can be refined down,

1 at the end.

2 We do strongly encourage them to keep
3 that envelope as narrow as possible. There is a
4 lot of back and forth, and even, often times,
5 between the submission of the construction and
6 operations plan, and by the time we that we get to
7 a notice of intent to prepare an EIS, it has
8 narrowed, and I think, even you have saw with
9 Vineyard Wind, it, again, can narrow between the
10 DEIS and the FEIS. But that doesn't help you or
11 anybody when we're first, you know, beginning that
12 first review of the construction and operations
13 plan.

14 So, bottom line, we do encourage it, but
15 our regulations do allow for that concept, do
16 allow for that project design envelope to be part
17 of the construction and operations plan.

18 MR. NIES: Thank you.

19 CHAIRMAN GORELNIK: All right, is there
20 any further questions on this agenda item? Brad
21 Pettinger?

22 MR. PETTINGER: Yeah, Mr. Gorelnik.

1 Hey, Brian, I'm quite curious that I didn't see it
2 in your presentation, that (inaudible) are people,
3 or the project leaders, or whoever put these
4 projects together, are they being upfront about
5 the cost of the -- any of the projects, as far as
6 taxpayer dollars going into it? And also, what
7 the actual rates -- the kilowatt rates would be to
8 the people on shore, who are going to be
9 purchasing this? It seems to me that any project
10 of this magnitude, I think we need to get at the
11 cost associated with that, before moving forward?
12 Thank you.

13 MR. HOOKER: Yeah, yeah, thanks for that
14 question. BOEM doesn't -- is not involved with
15 the utilities, at all, and those are all part of
16 the agreements, as far as the power purchase
17 agreement, between the different utilities. I've
18 seen -- I think there's some projects where that
19 information is very well known, and there's other
20 projects where that information is not well known.
21 So, but BOEM's not involved in that direct part
22 of, you know, the power purchase agreement, that

1 causes the construction operations plan to
2 eventually be submitted.

3 You know, they do look at, broadly, you
4 know, their economic impact, both the beneficially
5 impact, and we look at some of the negative
6 impact. But I don't know if it's -- gets at maybe
7 what your trying to get at, is a true, like, kind
8 of cost benefit with, you know, all of the
9 different factors that go into it. So, the answer
10 to your question is, sort of -- but, again, a lot
11 of those, you know, really detailed rate paired
12 information is not part of, you know, BOEM's
13 purview, so.

14 MR. PETTINGER: (inaudible)?

15 MR. HOOKER: Sure.

16 MR. PETTINGER: And my concern, I guess,
17 is, like, there's probably a better understanding
18 of what's going -- on the cost associated with the
19 (inaudible) are actually planted in the sea bed
20 because those are, you know, in solar water areas,
21 but off this coast, on the west coast obviously,
22 we're looking at the buoy system, and that is a

1 whole different animal and I don't know if those
2 costs have been quite explored, or at least
3 understood, as well, and that's my main concern
4 because the space -- spatial aspect, because of
5 the anchoring system, in depth, and just the --
6 it's all associated with that big of a exposure
7 platform. So, thank you.

8 MR. HOOKER: Yeah, no, I know there are
9 some, obviously, some cost estimates out there.
10 I'm not, you know, as familiar with them. I'll
11 sometimes hear that there is some cost savings
12 because you can tow it out there, and do a lot of
13 your, you know, fabrications shore side, and then
14 just tow it into place, whereas you're assembling
15 it in a fixed structure offshore, which has, you
16 know, increased costs. But, again, that's very
17 broad though, I don't -- I'm sure there are some
18 technical experts out there, that can give you
19 answers on that, but, unfortunately, I can't.

20 CHAIRMAN GORELNIK: All right, well,
21 that, I guess, concludes the questions we have.
22 What we're going to do is take public comment now.

1 We'll take our break and then we'll come back for
2 Council -- for committee discussion and action on
3 both agenda items, six and seven. As I mentioned,
4 at the beginning of our meeting, if you wish to
5 make public comment, you need to either raise your
6 hand, or send a chat to the host, SFWebEx. I
7 don't see any hands up, so, I'll ask our host if
8 he has received any public comment requests.

9 NICHOLAS: No, there haven't been any
10 public comment requests.

11 CHAIRMAN GORELNIK: All right. Thank
12 you. So, it is 3:45 in the east, and 12:45, here,
13 on the Pacific coast. We'll take our 15-minute
14 break now, and we'll be back at 4:00 Eastern, 1:00
15 Pacific.

16 (15-minute break)

17 CHAIRMAN GORELNIK: Okay, welcome back,
18 everyone. We are on Council discussion -- rather
19 committee discussion, for agenda items six and
20 seven, relating to executive orders and offshore
21 wind development. We've already had a fair amount
22 of comment, during those agenda items. And now is

1 the time for us to have any further comment,
2 discussion, and any action the CCC wishes on these
3 Agenda items. So, Brad, your hand is up, and I
4 think that's from before the break. And if I'm
5 mistaken, okay, there is goes. So, who wants to
6 start us off here, with discussion? Let's not be
7 shy. Tom Nies, please?

8 MR. NIES: I'm just trying to help you
9 out here, Marc. I -- you know, I'm not sure
10 exactly where we're at, on this discussion.
11 Obviously, it's been part of -- you know, in my
12 opinion, you know, I look at the 14008, if that's
13 the right number, 216A, and the presentations we
14 had, all found very interesting, and you know, I
15 wonder if there is going to be interest in trying
16 to figure out a way that we can contribute to the
17 development of the Atlas. Now, the reason I bring
18 it up is because I found the Habitat Workgroup
19 report, also, interesting, but I think there needs
20 to be a little bit of a balancing of resources
21 here because, speaking for my Council, it would be
22 difficult for us to be heavily involved in both of

1 those initiatives at the same time, but I think
2 both are important. Now, I don't know if any of
3 the other councils have an idea about how we
4 could, perhaps, wrestle with this problem with
5 trying to balance two important issues. From my
6 point of view, the terry -- the issue of the Atlas
7 is probably more important in the near future,
8 but, to habitat workers and stuff, could have some
9 long-range implications for all of us. So, I'd be
10 curious to hear what other people think.

11 CHAIRMAN GORELNIK: Well, thanks, Tom,
12 for getting us started. Ed Watamura, followed by
13 Chris Moore. Ed, you're muted.

14 MR. WATAMURA: Yeah, I'm okay now.
15 Yeah, so, you know, I just wanted to reiterate
16 that, you know, all of the appropriate agencies
17 and the communities, the fishing community, the
18 indigenous communities, you know, that all of
19 those are being consulted as the process goes on,
20 as far as, you know, offshore wind development is
21 concerned. That's it.

22 CHAIRMAN GORELNIK: Okay. Okay, fair

1 point. No, absolutely. Chris Moore?

2 MR. MOORE: Thank you, Mr. Chairman, and
3 thank you, Tom, for your comments, as well,
4 because I -- we are in a bit of a quandary, in the
5 sense that, and then I think folks know this, I've
6 always been a strong supporter of the Habitat
7 Working Group, and I'm still a strong supporter of
8 the Habitat Working Group, and I appreciated
9 Carrie's presentation today and all the priorities
10 that they'd like to address and have started to
11 address in 2021. So, like Tom, I would like them
12 to continue to work on those things. But at the
13 same time, we do have this other priority
14 associated with area-based management, the Atlas,
15 as Tom indicated. So, I'm not sure what the
16 answer is, except to say that the Atlas may take
17 priority over those Habitat priorities, and we'd
18 like the Habitat Working Group to continue to work
19 on those 2021 priorities, noting that this Atlas
20 may delay some progress on some of the things
21 they'd like to address.

22 CHAIRMAN GORELNIK: Thank you, Chris.

1 Louie Blanchard? And you're muted. Still muted.
2 There you go. Oh, now, you're muted again. We're
3 not hearing you. I'm going to go to Bill, while
4 you're working on that.

5 MR. TWEIT: Thank you, Mr. Chair. I
6 wanted to respond a little bit to Chris Moore's
7 thoughts, in particular, and sort of chime in more
8 along the lines of Tom Nies's thinking. I -- for
9 me, this issue isn't just a Habitat issue. For
10 me, this issue is equally a fishery management
11 issue, a subject really broader than that, sort of
12 a ecosystem-based approach issue, in some ways, as
13 well, and I think it's -- putting it just on the
14 Habitat Working Group, I think, would be a mistake
15 for that reason. And so, I've actually been
16 thinking about what the approach should look like,
17 and at some point, I would like to offer a motion
18 on that, but I'll wait until we're done with
19 discussion. But my thought is that it deserves a
20 separate emphasis.

21 CHAIRMAN GORELNIK: I'm sensing a theme
22 here. Chuck Tracy?

1 MR. TRACY: Thanks. And, Bill, just to
2 clarify, you're talking about the Atlas, the
3 14008216A issue, as needing the emphasis, as
4 opposed to the Offshore Wind Energy?

5 MR. TWEIT: That's correct, John, yes.

6 CHAIRMAN GORELNIK: Okay.

7 MR. TRACY: Okay, thanks. Yeah, and I
8 guess I will note that -- well, I guess -- I'm not
9 sure our Council is going to get away from not
10 doing -- dealing with those, but I tend to agree
11 with what I've heard before, here, that the 14008
12 does have a more time sensitive issue, and or it
13 was probably worth -- worthy of prioritizing. It
14 -- you know, and given the fact that I think
15 there's again going to be a staff or our Council,
16 it's likely that the same staff working on one
17 would be working on the other.

18 So, for that reason, I would support
19 just recognizing our staff capacity, and, like I
20 say, the fact that we are likely to be working
21 with the -- and if they are working with that
22 Offshore Wind Energy Development that I hear in

1 the Pacific Council, on a regular basis, and it's
2 been a point of emphasis hearing recently. But I
3 think, in terms of the CCC, priority, something
4 that affects every single Council, right now. I
5 think the Atlas and the 14008 30-30 conservation
6 issue is paramount, so.

7 So, I would -- I guess I would -- I do
8 also agree that I think the Habitat Working Group
9 -- I think I would like to see them continue
10 working on the Offshore Wind Business, but given
11 the staff overlap, I might recommend that there's
12 just a delay in that, or that maybe we reconsider
13 their role, perhaps at our fall meeting, and then,
14 in the meantime, sort of prioritize a -- the
15 effort towards the 14008 issues.

16 CHAIRMAN GORELNIK: Thanks, Chuck. Mr.
17 Blanchard, if you -- your hand is down, but you --
18 would you like to offer some discussion or comment
19 here? All right. Not hearing. Miguel, followed
20 by Kitty.

21 MR. ROLON: Thank you, Mr. Chairman. We
22 were along the lines of the discussion, now, is

1 whether we should make a decision or consider the
2 decision of creating another CC subcommittee to
3 deal with the 14008, the things that have more
4 priority at this time, and allow the Habitat Group
5 to continue working with the Offshore Windmill
6 Areas and the regular work that they do, or to
7 change the charter or the tasks they are behind
8 and prioritize for them. So, this is a question
9 for the group, which will the -- what is the
10 preference of the CCC to create another
11 subcommittee for specific tasks to deal with the
12 14008 or modifies on how the Habitat Group that we
13 have at this time?

14 CHAIRMAN GORELNIK: Good questions.
15 Maybe it'll get -- that will get addressed at a
16 motion. Kitty, followed by Chuck.

17 MS. SIMONDS: Right. It -- I mean, as
18 everybody recalls, BOEM did go around the country,
19 oh, well, at least out our way, and to actually do
20 this, to develop an Atlas, but it's six years old,
21 and at the time, what really was lack from that,
22 from that report, is that fishermen didn't want to

1 reveal where they fished. And, you know, we're
2 islanders, so, as islands, the fishermen actually
3 use the land to decide where to fish. It's just
4 the way it's been for centuries. So, this -- so,
5 you know, the spots are -- I mean, they're
6 actually on the land, and then that's where they
7 find it's that directional type thing. But
8 anyway, but that's what's lacking, is that -- and
9 I don't know if our fishermen are going to want to
10 reveal anything, anyway. So, we'll see what
11 happens. But there is an Atlas, at least for the
12 Pacific Region, and it's six years old. So, as
13 far as the Habitat Working Group, it's about --
14 right, I agree with the others, that what is
15 important for the Habitat Group to work on now,
16 you know, and if it's a conflict with developing
17 the Atlas, then, I mean, you know, we'll see what
18 Bill comes up with.

19 CHAIRMAN GORELNIK: Thank you, Kitty.

20 Ed Watamura, followed -- then, Miguel, if you want
21 to speak again, that's fine. Ed?

22 MR. WATAMURA: Yeah. Thanks for the

1 opportunity, again, to interject. You know, I was
2 thinking of -- in a large overall picture type of
3 view and this focus on Wind Energy, you know, in
4 some areas, especially in our islands, we are
5 turning towards other types of energies, solar,
6 and, you know, H power is using refuse and garbage
7 to incinerate for energy. You know, and kind of
8 an overall question would be what is a necessity
9 in some areas of going this route, at all? You
10 know, that's something that I haven't heard
11 anybody talk about. I know that in Hawaii, the
12 solar energy is a huge seek because we have a lot
13 of sun, as you can imagine. And so, as just kind
14 of a broader picture type of outlook on this whole
15 thing. Thanks.

16 CHAIRMAN GORELNIK: Thank you, Ed.
17 Let's see if there's any further discussion. If
18 not, if someone has a motion to move us along,
19 that would be fine, as well. Bill?

20 MR. TWEIT: With your leave, Mr. Chair,
21 I will allow for a motion. And I look to Chuck to
22 see if he could display the -- my proposal on the

1 screen. The motion is quite simple. I move that
2 the CCC establish an area-based management
3 workgroup, as detailed in my proposal. And the
4 proposal is the proposal that's just been
5 displayed on the screen. If you'd like, I can
6 read the proposal, but I think everybody can read
7 through it. Mr. Chairman, are you on mute?

8 CHAIRMAN GORELNIK: Okay, thank you for
9 that. Most -- I guess we don't have any
10 lipreaders out there. And if there's someone who
11 cannot see this because they're on the phone or
12 whatnot, please speak up and we'll have it read.
13 Otherwise, it's -- it is displayed and on our
14 webinar. And, Chris Moore, you have your hand up.

15 MR. MOORE: Yeah, thank you, Mr.
16 Chairman. I had a point of clarification for
17 Bill. You said a working group. This says
18 subcommittee. Is it subcommittee or working
19 group? Not that it matters that much, but --

20 MR. TWEIT: That's -- you caught me,
21 Chris, in my tendency to use language a little
22 loosely. Yeah, it is meant to be a subcommittee.

1 MR. MOORE: Thank you for that.

2 MR. TWEIT: And my motion should reflect
3 that, as well.

4 CHAIRMAN GORELNIK: Yeah.

5 MR. MOORE: Yeah.

6 CHAIRMAN GORELNIK: It does say that.

7 MR. MOORE: Thank you.

8 CHAIRMAN GORELNIK: All right.

9 MR. TWEIT: So, with the second, I can
10 then speak to it.

11 CHAIRMAN GORELNIK: All right, well,
12 let's see if we have a second. Archie, are you --
13 is your hand up to second, or do you have a
14 question?

15 MR. SOLIAI: Yeah, thank you, Mr. Chair.
16 I'd like to second the motion and provide some
17 discussion, if it's approved.

18 CHAIRMAN GORELNIK: All right, so,
19 Archie has seconded. So, now, I'll go back to
20 you, Bill, to speak to your motion.

21 MR. TWEIT: Thank you, Mr. Chair. I
22 already indicated, in earlier discussion, I

1 thought that a separate entity was important
2 because I thought that has -- this has a pretty
3 strong fishery management component to it, as well
4 as a Habitat component, and so, how we, as a CCC,
5 actually choose to house it is certainly a CCC
6 decision but being clear that we're establishing a
7 separate group of the CCC to work on this issue
8 with a clear timeline, I think, is important, at
9 this point. We spent a lot of time on discussion
10 on it, today, after that excellent presentation,
11 both from the Agency and from Dr. LaFeir, from
12 NOAA, and so, I want to -- just to refer back to
13 that, in terms of -- it's clear there's -- that
14 we're being asked, as a CCC and as Regional
15 Councils, to provide guidance to that initiative
16 for the -- one of the two 30s. I prefer to think
17 of the first 30 as the Marine and the second as
18 Terrestrial, but because -- in comparison with the
19 Terrestrial, there really is the one overarching
20 act, and that's the Magnuson-Stevens Act. There
21 were others, as well, but it's Magnuson-Stevens
22 that covers the -- much of the breadth of the

1 activities in the Marine portion of the 30, and,
2 obviously, our role there is central.

3 This initiative has the potential to
4 greatly impact fisheries and fisheries' management
5 in the U.S., and in addition to the Federal
6 government's -- the Biden administration's
7 interest in getting our input, it's in our own
8 self-interest because of that, the impact, to also
9 be engaged in the planning and implementation of
10 this goal. We need to elevate our position as the
11 Regional Fishery Management Councils, in terms of
12 Agency decisions about area-based management for
13 conservation, fisheries management, and ecosystem
14 protection. The Conserving and Restoring America
15 the Beautiful Report directs that, as well.

16 This new CCC workgroup subcommittee that
17 I'm proposing should develop a common
18 understanding among the Councils of area-based
19 management measures and assist the Councils in
20 coordinating with NOAA to achieve these goals.
21 Our subcommittee should assist the CCC with
22 tracking and reacting to the 30 by 30 Initiative

1 and the associated America the Beautiful Annual
2 Reports, that we heard about today. We can assist
3 the CCC by providing a report on area-based
4 fishery management measures. This report would
5 include a comprehensive list and evaluation of all
6 existing fishery management area closures in the
7 EBZ, relative to the IUCN criteria, for
8 Marine-protected areas.

9 Our MPAs, as well as the international
10 other effective area-based conservation measures,
11 the OECM acronym, this will assist each Council in
12 ensuring that the American Conservation and
13 Stewardship Atlas includes all of their
14 appropriate and accurate information in their
15 database. While the MPA Center has developed a
16 database of Marine Management protected areas, the
17 protected areas database, our experience has shown
18 that this database is incomplete, and in some
19 cases incorrectly describes the fishery management
20 measures and objectives for Council developed
21 areas.

22 I envision that the subcommittee would

1 focus on developing and evaluating a list of the
2 Council developed fishery management areas, at
3 least to start. The workgroup may -- the
4 subcommittee may later need to consider the
5 cumulative impacts of areas conserved or managed
6 by states, other entities, or other Federal
7 agencies. But the first priority is what we've
8 done. The list of areas should also include
9 objectives for each area, to the extent they can
10 be identified, and other attributes, such as size,
11 date implemented, et cetera. I envision this
12 group using the list to sort and evaluate the
13 areas, using both the IUCN and the FAO criteria.
14 This evaluation will be essential for the CCC to
15 be able to state with authority how much of the
16 EBZ is conserved through fishery management
17 efforts.

18 The report could also include a
19 discussion of the pros and cons of area-based
20 management, particularly with respect to
21 adaptation, to climate change, and shifting
22 stocks. Based on this report, the CCC would be in

1 a position to offer advice to the Taskforce on how
2 to approach and incorporate area-based fishery
3 measures to achieve the 30 percent conservation
4 threshold.

5 Further, I think a journal article on
6 U.S. Fishery Conservation Areas would be an
7 important contribution to the scientific
8 discussion of Marine Conservation and become the
9 authoritative reference from which we can base all
10 future CCC letters on monuments, sanctuaries, and
11 other area designations. I envision this journal
12 article could discuss how different types of areas
13 are designed to achieve different objectives,
14 discuss overall utility as a tool for fisheries'
15 management, and Marine Ecosystem Conservation, as
16 well as the factors that tend to make them
17 successful or not. The journal article can also
18 provide incentive for staff to actively
19 participate in the workgroup.

20 And, finally, just a couple quick
21 thoughts on membership process and timeline. I
22 propose that the subcommittee membership include

1 only Council staff. We may want to include staff
2 from NOAA fisheries, in the future, to ensure
3 timely coordination with their actions, relative
4 to the 30 by 30. I acknowledge that this
5 subcommittee will require staff resources from
6 each of the Councils. However, I believe that the
7 effort will assist each Council with planning and
8 reacting to area-based actions within their own
9 region, such as siting of wind farms and
10 aquaculture farms, so some cross- coordination, as
11 well as responding to the 30 by 30 Initiative.

12 The terms of reference in the proposal
13 do not specify leadership, and I leave that open
14 for further CCC discussion. I know that North
15 Pacific Council staff is willing to take on a lead
16 role in this, at least to start, if that is the
17 will of the CCC. But we may as well want to
18 discuss having a Councilmember actually lead the
19 work -- the subcommittee. The timeline I proposed
20 might be a little bit ambitious, but I think we
21 need to get out in front of this issue, as soon as
22 possible, to ensure that we are part of the

1 discussion.

2 Like other workgroups, we may need to be
3 flexible to react to the activities initiated, as
4 mentioned, and the presentations we got today, as
5 well as in the America the Beautiful Report. Mr.
6 Chair, that -- those are my remarks. I apologize
7 a bit for the length of the remarks, but I think
8 this is an extremely important issue, one that we
9 need to thoughtfully engage in, as Councils would
10 quickly engage. It's very much my sense that if
11 we're not part of this initiative, from the
12 beginning, that decisions are going to be made
13 without us, and that will prove problematic for
14 us, as Councils, and I think it'll prove
15 problematic for the initiative, as a whole, as
16 well. So, thank you for the opportunity to speak
17 to it.

18 CHAIRMAN GORELNIK: Thank you very much,
19 Bill. Right now, let's see if there are any
20 questions for Bill on the motion because that may
21 --

22 MR. TWEIT: Mr. Chair, I do think my

1 second indicated that he'd like to make a couple
2 of remarks, as well.

3 CHAIRMAN GORELNIK: Go ahead. Is that
4 Archie? Yeah, Archie. And -- but what I'd like
5 to do now is just make sure we're all on the same
6 page, and make sure there are any -- see if there
7 are any questions, and then we can have discussion
8 on the motion. Sam Rauch?

9 MR. RAUCH: Yes, Mr. Chair. The only
10 question I would have on your motion is, if you go
11 to the timeline, as you heard from Dr. LaFeir, we
12 have a progress report that is due at the end of
13 the year, and I do not know what the overall
14 schedule for more determinative findings. Dr.
15 LaFeir outlined there's a number of determinations
16 we still need to make. And so, I do not know that
17 those findings that the Federal government's going
18 to be doing comports with these findings, here,
19 and I do not know whether the maker believes when
20 you call it tentative. I know you said it's
21 ambitious, which may mean it takes longer, but it
22 may need to take shorter, if you are going to

1 achieve the objective of trying to participate in
2 the Federal process, which, at this point, we
3 don't exactly know what that will look like. And
4 I'm wondering whether or not that is contemplated
5 by being tentative, whether it could also shorten,
6 because we may need it to.

7 And while I have the floor, I know this
8 is not a question, I do -- I will say, Dr. LaFeir
9 was very clear that we do appreciate the Council
10 trying to work with us, and we want to interact
11 with the Council constructively in this, and so,
12 why you won't be voting on the motions because we
13 don't, I do appreciate, very much, the Council's
14 thoughts on how to constructively engage in this
15 process. I -- you were explicitly invited to, and
16 we will take you up on that, whether it's this
17 motion or however else you want to engage.

18 CHAIRMAN GORELNIK: Bill, do you have a
19 response to the question about timing?

20 MR. TWEIT: I do. Sam, thank you for
21 both expression of support, as well as for raising
22 that issue. I was listening to her this morning

1 and thinking, yeah, I -- we probably do need to
2 speed it up a bit. I wanted to structure it
3 around the CCC meetings because those are useful
4 milestones, in terms of providing feedback to the
5 subcommittee. But I think you're right, I think
6 we'll need to -- I think we'll need to request
7 that the subcommittee do even more prior to the
8 fall meeting. But I think we still need to digest
9 exactly what Dr. LaFeir was laying out this
10 morning, and so, maybe that's the first task for
11 the subcommittee, is to -- if we make a clear
12 statement of intent, that we want to be able to
13 meet the timelines, the -- as we currently
14 understand them for the initiative, in order for
15 us to have effective participation, that we may
16 need the subcommittee, first, to scope out what
17 else might need to happen before the fall CCC
18 meeting. So, thank you for flagging that.

19 CHAIRMAN GORELNIK: So, Bill, let me ask
20 you a question. Do you think that your motion is
21 fine as it stands, or do you think that we should
22 -- it should be revised in some way?

1 MR. TWEIT: I think if the CCC
2 understands that we will look to the subcommittee
3 to determine whether the timeline needs to be sped
4 up that it is -- we're putting it out as
5 tentative, and that if they need to make it more
6 aggressive, that that's within their purview, and
7 that we're expecting them to -- I think if CCC
8 members understand that we're expecting the
9 subcommittee to define their workload and their
10 timeline, in a way that's responsive to the
11 presentations that we heard today, and any further
12 changes to the timeline, then I don't think it
13 needs amending, as long as CCC members understand
14 that's the intent.

15 CHAIRMAN GORELNIK: All right. Thanks
16 very much, Bill. Let me see if there are any
17 other questions for Bill on the motion, and if
18 there are not, then we can entertain discussions.
19 So, I'll see if any hands go up for discussion.
20 Eric Reid, followed by Carrie Simmons.

21 MR. REID: Yes, thank you, Mr. Chair. I
22 fully support this motion, and the rationale put

1 forth by the maker is really well done. And I
2 would also support, if this should pass, some
3 prior comments about prioritizing this effort over
4 Habitat, and that's through my own cost benefit
5 analysis, over one versus the other, and that's
6 based on experience with Offshore Wind in New
7 England.

8 And I'm not saying anything about
9 ignoring Offshore Wind, but we cannot -- we should
10 not ignore or fail to engage at every opportunity
11 for Offshore Wind projects, but our role, which is
12 the same as the Coast Guard in National Marine
13 Fisheries, we're only advisors. And although our
14 input is solicited and valued, that value may have
15 an exchange rate similar to the U.S. dollar and
16 the Mexican peso, at least that's my experience.
17 And I think there's a much more better bang for
18 the buck by prioritizing this group over Habitat.
19 I'm not throwing Habitat under the bus, by any
20 means. Thank you.

21 CHAIRMAN GORELNIK: Thank you, Eric.
22 Carrie, you're up.

1 MS. SIMMONS: Yes, thank you, Mr. Chair.
2 We are very much in support of this, and we think
3 that this probably is going to be a more
4 aggressive timeline, based on the discussions.
5 And even though there's only one staff member
6 necessary to participate in this working group, it
7 may involve multiple staff members to help prepare
8 the materials and assist with the very important
9 work that this group is going to be tasked with.

10 So, that being said, based on that
11 Habitat -- other Habitat Subcommittee, CCC Working
12 Group, I would suggest we consider postponing any
13 of their efforts, perhaps until next Spring, or
14 perhaps revisit it in the Fall, when we have a
15 better idea of exactly how much work this is going
16 to take. Thank you, Mr. Chair.

17 CHAIRMAN GORELNIK: Thank you. Tom
18 Nies?

19 MR. NIES: Thank you, Mr. Chair. I
20 think this is going to be a great project. It
21 could take a lot of work because we may have to do
22 it quickly. I support prioritizing this over some

1 of the other Habitat things, but we don't want
2 those Habitat things to fall by the wayside,
3 completely. One comment I would make is, you
4 know, I think we should all recognize that if we
5 do form this subcommittee, that we'd need to give
6 them some flexibility to adjust.

7 You know, what we know, just as a simple
8 example, this proposal for just using the IUCN
9 criteria, this morning, we heard that the --
10 apparently, we are not going to use the IUCN
11 criteria in the Atlas that's being developed. And
12 I suspect as the committee -- subcommittee meets,
13 they're going to have to make some other
14 adjustments. And I would hope that we can all
15 just sort of acknowledge that the subcommittee
16 that's formed, if we vote this through, is going
17 to have to think on the fly because we don't meet
18 every week. And they're not going to be able to
19 come back to us and get guidance at every step of
20 the way.

21 CHAIRMAN GORELNIK: Thank you, Tom. I
22 -- I'm glad you raised the issue of the IUCN

1 criteria. I think that it's -- it was made rather
2 clear that the Willinghurst Conservation, not
3 protection per say, which is really what the focus
4 of the IUCN criteria are. Archie?

5 MR. SOLIAI: Yeah, thank you, Mr. Chair.
6 I fully support this motion, and I think the maker
7 did a very eloquent job in proposing it. And I do
8 apologize, Mr. Chair, for jumping the gun earlier,
9 in regards to this subject matter. It was very
10 early for us here, and I was just having my first
11 cup of coffee. But I just wanted to refer CCC
12 back to the questions that I'd asked earlier. I
13 won't repeat them here, unless you, Mr. Chair, you
14 want me to ask them again. But in the even that
15 this motion is passed, perhaps this is something
16 that the working group could consider. Thank you.

17 CHAIRMAN GORELNIK: But I think those
18 points -- well raised, and I would hope that the
19 working group or the subcommittee here would
20 consider them. Is there any further discussion on
21 this motion? I will call the question. So,
22 unmute your microphones. All those in favor, say,

1 aye. (all respond, saying, aye) Opposed, no.
2 Abstentions? The motion passes. Thanks very
3 much, Bill, for the motion and moving us along
4 here. So --

5 MR. TWEIT: Mr. Chair, I just -- one,
6 sir, final item. I say just as -- that it would
7 be useful to have a Councilmember as, you know, a
8 -- in a lead position for this subcommittee. And
9 I was -- I just wanted to remind the CCC that it
10 might be a good idea to suggest to somebody, see
11 if there's any nominations, at this point, for
12 that effort, if I may, or if I'm out of order,
13 I'll be happy to bring at another point.

14 CHAIRMAN GORELNIK: Well, I think, since
15 we're on the topic, let's get that taken care of.
16 John Quinn?

17 MR. QUINN: Yeah, I'd like to nominate
18 Eric Reid as the chairman of the subcommittee.
19 He's the current chairman of the Habitat Committee
20 in New England. He's got a lot of experience, and
21 I think he'd do a great job leading this
22 subcommittee.

1 CHAIRMAN GORELNIK: All right. Thank
2 you, John. Are there any other nominations? Are
3 there any objections to Eric being appointed the
4 lead on this subcommittee? Does Eric accept the
5 nomination? I'm not hearing any objections. So,
6 there you have it.

7 MR. REID: And I don't object. And I
8 appreciate the confidence you're showing in me.

9 CHAIRMAN GORELNIK: Great. All right.
10 So, is there further discussion here? We've just
11 -- we talked about priorities here, but do we want
12 to offer any specific guidance, in terms of, for
13 example, the fall meeting, for the Habitat
14 Workgroup? John Quinn, your hand is up.

15 MR. QUINN: No, I'm trying to get it
16 down (inaudible).

17 CHAIRMAN GORELNIK: All right. Chris
18 Moore?

19 MR. MOORE: Thank you, Mr. Chairman.
20 That was the point that I was going to make, the
21 -- your last point, which is we heard the
22 presentation with Carrie today, and he asked very

1 specifically for some guidance or input from the
2 group, as to their 2021 priorities and next steps.
3 So, I think we do need to do or need to have that
4 discussion and provide them with some input today.
5 I -- yeah, I want to have our cake and eat it,
6 too. I don't want the Habitat Working Group to go
7 away. I do support, obviously support, this
8 subcommittee that we just all voted on, but I
9 don't want to wait until next year to establish
10 priorities for the Habitat Working Group. And I
11 think that we should definitely revisit the topic
12 in October, but at the same time, I don't want the
13 momentum of some of the projects that they've
14 already started to sort of dissipate.

15 So, as we move through the rest of the
16 year -- I think that I'm getting some feedback. I
17 don't know why. Hey, John, I think, John Quinn,
18 your mic's open. There you go. So, I'm not sure
19 how to handle it, truly. I mean, if we
20 established this last subcommittee as a priority,
21 then that's where the work is going to be, but we
22 want the working group, the Habitat Working Group,

1 to continue, as well, right? So, I think we need
2 to work through some things, and see where we're
3 at in October, and tell the Habitat Working Group
4 that there's still value, that we still want them
5 to exist, and, yeah, basically provide whatever
6 input we can, today, for them.

7 CHAIRMAN GORELNIK: Thank you, Chris.
8 Carrie, followed by Tom Nies.

9 MS. SIMMONS: Thank you, Mr. Chair. I
10 guess my hesitancy with providing priorities is
11 that means that they're going to be working on
12 them between now and the next meeting in October,
13 and I just feel like that's a heavy workload, with
14 everything we've just heard regarding the timeline
15 for the 30 by 30 effort. So, is it possible to
16 revisit those priorities and just ask them to sit
17 tight until October, we're not disbanding them?
18 That would make me feel much more comfortable,
19 until we have a better idea of exactly how much
20 work is going to be necessary to the previous
21 effort.

22 CHAIRMAN GORELNIK: Tom?

1 MR. NIES: So, I'm going to suggest --

2 MS. SIMMONS: Well --

3 MR. NIES: -- perhaps a middle ground
4 between Chris and Carrie, but I could support
5 Carrie's proposal, as well. But what about if we
6 suggest to the Habitat Working Group that they
7 continue to share information on how -- on best
8 practices on how to coordinate on Offshore Wind,
9 but perhaps do it a little bit more informally
10 between now and the end of this year or the -- or
11 our next CCC meeting, and that they, you know, I'm
12 looking at their report rather than the
13 presentation, and that they not work on a forum
14 for sharing Habitat science and research with the
15 NIMS Office of Science and Technology, at least
16 not until the end of the year or until our next
17 CCC meeting.

18 But I'm basically suggesting, again, in
19 a nutshell, that they informally continue to share
20 best practices, but perhaps not put as much
21 attention into, you know, formal presentations and
22 that sort of thing that would require them to

1 actually put these things to paper, and that they
2 not work on another forum for Habitat science and
3 research, for the next few months, until we get a
4 better sense of how this area- based management
5 workgroup proceed because I -- I'm kind of in the
6 same boat, where the staffer who is likely to work
7 on this area-based management proposal is also my
8 staffer who does all the Habitat and Offshore Wind
9 work for us.

10 CHAIRMAN GORELNIK: Thank you, Tom.
11 Kitty?

12 MS. SIMONDS: Well, I just wanted to
13 say, it's not like they're sitting tight and
14 waiting to be told. I mean, they are working on a
15 number of things, as they report. And so, I would
16 think that they would continue to work on what
17 they're working on. You know? They have a lot of
18 things that they're working on. So, they should
19 continue to work on them.

20 CHAIRMAN GORELNIK: John Quinn, your
21 hand is up.

22 MR. QUINN: Sorry about that.

1 CHAIRMAN GORELNIK: So, it sounds like
2 you probably have multiple audio streams going,
3 which is why we're getting feedback. So, you
4 might choose one over the other. So, we've got a
5 variety of perspectives on what to do with the
6 Habitat Workgroup, and -- including a middle
7 ground. Chuck Tracy?

8 MR. TRACY: Here we go. I think I'm
9 unmuted now.

10 CHAIRMAN GORELNIK: You are.

11 MR. TRACY: Yeah, I tend to fall into
12 the Tom Nies camp of sort of a middle ground. I
13 think some of these people are, like Kitty says,
14 continuing to work on things, but I don't think --
15 I don't think all of them will be able to, for
16 example, Weingarten. So, the Council staff that's
17 on the Habitat Workgroup, I think that would, you
18 know, be a bridge too far, I guess, for them to do
19 both, or for staff to work on both the, you know,
20 some best practices for Offshore Wind and the
21 subcommittee. So, I'm a little -- I think I'm a
22 little bit in that -- in the middle ground. Those

1 that can should continue to pursue this, and I
2 think some informal communication amongst the
3 Habitat Workgroup is fine and appropriate, and
4 then we can, you know, identify our priorities for
5 them, come October.

6 CHAIRMAN GORELNIK: Chris Moore,
7 followed by Kitty.

8 MR. MOORE: Thank you, Mr. Chairman. I
9 also support the way that Tom presented it, and
10 taking the middle ground, I think, is the
11 appropriate way to think about it, and with the
12 focus on those BMPs and certainly not having that
13 particular forum scheduled for the Fall, it -- the
14 reference. So, I think -- I think, yeah, Tom's
15 proposal is the one that I would support, and I
16 think that's the one we need to move forward with.
17 Thanks.

18 CHAIRMAN GORELNIK: Kitty?

19 MS. SIMONDS: Well, yes, I agree with
20 that, as well, but I just want to say that it's up
21 to the Executive Directors on what they direct
22 their staffs to do. So, really, that's what it

1 ends up being. What is the priority for that
2 Council? If they all accept it, that the
3 subcommittee is a priority, then that's what
4 people work on. And if they don't, and prefer
5 their staff to work on something else, then it
6 really is up to them. So, thank you.

7 CHAIRMAN GORELNIK: Carrie?

8 MS. SIMMONS: Yes, thank you, Mr. Chair.
9 I liked the proposal that Tom Nies had, a middle
10 ground, and then perhaps a more in-depth
11 discussion of the priorities for the following
12 year, in 2022.

13 CHAIRMAN GORELNIK: I'm comparing. I
14 see -- Chuck, your hand is up, as well as Chris
15 Moore.

16 MR. TRACY: Yeah, I just wanted to
17 respond real quick to Kitty, and, you know, I
18 don't think we were proposing any direction to
19 individual Councils, in terms of what their
20 priorities are and what their staff is working on,
21 on behalf of their specific Council, because I
22 know that we are going to be working on Wind

1 Energy in our Council, as well. I think all we're
2 talking about is whatever work, as it relates to
3 the -- to this Habitat Workgroup, specifically.

4 CHAIRMAN GORELNIK: All right, so, is
5 there a consensus here around that middle ground?
6 I didn't take any notes, but I'm sure someone
7 captured that in detail. Is there anyone who
8 thinks we should be taking a different approach
9 with regard to the Habitat Workgroup? I'm not
10 seeing any hands. So, I think we've got -- we
11 have a consensus there. Let's see, is there any
12 other committee action on either agenda items six
13 or seven? And I'm not seeing any hands. So, that
14 will conclude those agenda items and will take us
15 to agenda item eight, which is the National
16 Standard 1 Draft Technical Memo. And I think we
17 have something from Kelly.

18 MS. DENIT: Yes, thank you, Mr. Chair.
19 Morgan's going to bring up the slides, and myself
20 and Marian -- actually, Marian's the star of the
21 show today. I'm just here as, like, your warm-up
22 lap, before we get into -- to the real deal.

1 CHAIRMAN GORELNIK: Welcome to both of
2 you.

3 MS. DENIT: Great, thank you. All
4 right, great. So, you can go ahead and go to the
5 next slide, Morgan, once you get it squared away
6 there. Yeah, thank you. So, oh, very briefly,
7 you guys know that we've established -- oh, oh,
8 thank you -- that we establish several workgroups
9 to work on National Standard 1 Guidance, which
10 apparently is, like, on auto move, and there were
11 three subgroups that were established.

12 The first, subgroup one, was specific to
13 reference points. That draft is in progress, and,
14 in a second, I will go through the slide that is
15 up. But there was also subgroup two, who did work
16 on carryover and phase-in of eight changes to
17 ABCs. That work has been completed, and that was
18 shared COVID time warp, but I think it was two
19 years ago, with you all, and has been finalized.
20 And then, of course, as I just mentioned, the main
21 star of the show today is the conversation around
22 the work of subgroup three and the technical

1 guidance for data-limited situations.

2 So, moving here to subgroup one, just to
3 briefly update you all, this is the group that was
4 focused on reference points, and we know how
5 fundamental reference points are to our fishery
6 management system, and they have been working
7 their way through creating some guidance for
8 everyone on those reference points. So, here, you
9 see, very briefly, at that 10,000 foot level,
10 what's going to be included in their draft. It
11 will be guidelines around the direct estimation of
12 F and BMSY discussion around proxies and the use
13 of proxies, what are appropriate methods for that,
14 and then they will also, in a limited way, address
15 some additional considerations, including, in
16 particular, I know several of you have asked about
17 adjusting reference points to changing conditions.
18 That topic is a very big and meaty one, as you all
19 know from your experiences so far. So, that's
20 likely to take a lot more time and probably going
21 to be something that we deal with separately, but
22 there will be some considerations around that, in

1 this draft.

2 So, right now, the working group, or
3 that subgroup I should say, is planning to have a
4 -- a working draft is out, right now, for input,
5 internally. We expect to have something for you
6 all to look at, later this Fall, and at that
7 point, we will be welcoming your input and
8 suggestions on that. And so, with that, I will
9 pass it over to Marian. I will also note that,
10 unfortunately, since we're a little behind
11 schedule, I have to bounce out of here to go coach
12 some kids in softball. So, if you have questions
13 following Marian's presentation, on the other
14 subgroups, Stephanie Hunt will be more than
15 capable of answering your questions. And with
16 that, Chair, I'd like to hand it over to Marian.

17 CHAIRMAN GORELNIK: Welcome, Marian, and
18 go bounce to Kelly. Are you unmuted?

19 MS. MACPHERSON: Sorry about that. Can
20 you hear me now?

21 CHAIRMAN GORELNIK: I hear you now, loud
22 and clear.

1 MS. MACPHERSON: Great. So, I'm here
2 today to talk with you about subgroup three's
3 draft technical memo on managing with ACLs and
4 data-limited stocks. Let's go to the next slide.
5 Just an overview of today's session. You've got
6 the draft memo in your hand, and the point here
7 today is to go through the main points of that
8 memo with you all and to request your feedback.
9 We hope to save some time for questions and
10 comments at the end today, but we'd also like you
11 to feel free to follow up with additional comments
12 by August 27th. And the last slide's got my
13 address and Stephanie Hunt's address, and we'd
14 request that you send us both whatever additional
15 comments you may have after today.

16 I want to focus on the fact that this is
17 a draft. We do anticipate additional changes
18 after today. I've included the title of the draft
19 on this slide for you to see that this is a very
20 specific product. It's very narrowly focused on
21 data-limited stocks and implementation of one
22 specific narrow paragraph pertaining to

1 flexibilities in the National Standard 1
2 Guidelines, and that's the citation to it right
3 there, 600-310-H2. We'll be referring to H2
4 flexibilities throughout this presentation and
5 also in the memo. Okay, next slide.

6 Just as background to this project,
7 we've had a lot of success with ACLs and
8 preventing overfishing, but there are challenges
9 to the approach, our standard approach for data-
10 limit fisheries. Since we implemented the MSRA
11 requirements in our 2009 rule, there have been
12 advances, both in the science and regulatory
13 departments. So, there have been advancements in
14 the assessment methods that we have for data-
15 limited stocks, and we've explicitly extended some
16 flexibilities to the approach, the standard
17 approach for ACLs to data-limited stocks, in the
18 2016 updates to National Standard 1. Subgroup
19 three consists of staff from each of the Science
20 Centers, some staff from headquarters, SNT, and
21 then just a few of us, SF program staff. Next
22 slide.

1 So, then here's the draft of the Tech
2 Memo, itself, its main three areas that it
3 addresses. It provides the legal context kind of
4 distinguishing between what are the statutory
5 mandates of the Magnuson Act and then what are
6 NMFS's interpretive guidance that we have. And
7 that's what we're going to talk about, NMFS's
8 standard approach to ACLs and then how these H2
9 flexibilities could come into play. Then, we've
10 got the science section, where we talk about the
11 data-limited methods that we have, today, that can
12 support the development of standard ACLs, pursuant
13 to NMFS's approach and the guidelines, and then
14 recommendations for using those methods, and then
15 also information about additional methods that
16 provide good, science-based advice, but might not
17 get us to the traditional standard ACL. And then
18 there's the management section, which is guided
19 from how we use paragraph H2's flexibilities in
20 context of data-limited stocks. And we'll talk
21 about which of the data-limited stocks might
22 qualify to use those flexibilities. We'll talk

1 about one potential alternative the subgroup has
2 identified, which is expressing the ACL in terms
3 of rate, instead of amount of fish. We'll be
4 talking about the fishing mortality rate. We use
5 the letter F to stand for that. You'll see that
6 in some of our slides. And then we'll also talk
7 about what about stocks that are super data-poor,
8 but we don't even have rate data for them. Next
9 slide, please.

10 So, here's the legal context. I just
11 want to point out that nothing in the Tech Memo is
12 going to give you any exemption for any of the
13 statutory requirements of Magnuson Act, and
14 relevant to this paper and this discussion are the
15 requirements that an FNP include a mechanism for
16 specifying an annual catch limit that prevents
17 overfishing and that it include accountability
18 measures. So, I just want to point out, the
19 Magnuson Act does not define annual catch limit.
20 It does not define catch.

21 So, the tricky part of ACLs pertain to
22 how we define the ACL, in terms of amount of fish,

1 and that comes from the National Standard
2 Guidelines. NMFS, in the National Standard
3 Guidelines, has put forth what is referred to as
4 the standard approach to ACLs, and that is our
5 interpretation of the best way to comply with the
6 Magnuson Act requirements, and that -- that is
7 where the requirement to express your ACL, in
8 terms of an amount of fish, comes from.

9 At the time that we put this
10 interpretation forward, in 2009, we included a
11 flexibility. We recognized there would be certain
12 limited circumstances, where Councils might not be
13 able to effectively manage, pursuant to that
14 standard approach. And this paragraph, which is
15 now H2, provides that in these cases. A Council
16 may recommend an alternative approach, but the
17 alternative approach must comply with those
18 statutory mandates in Magnuson, which means an
19 annual catch limit that prevents overfishing, and
20 any alternative approach must be included in an
21 FNP. Okay, that's the legal context. Let's go to
22 the next slide.

1 Now, we're going to talk about the
2 science aspects. So, as I said, since 2009, we
3 have had advances in development of data-limited
4 methods for assessing our stocks that have limited
5 data, and advances in these methods have given us
6 new tools for more effectively using the data that
7 we have and increasing our understanding about
8 uncertainties. We are going to the next slide.

9 This is a flowchart that maps out some
10 of the different data-limited assessment methods
11 that are available to you, depending on what data
12 you have to put into the method. So, I'm going to
13 spend a little bit on this slide, breaking it down
14 for you, what it means. And if you have detailed
15 questions, I'm going to refer you to our Science
16 Team. But, basically, starting at the top, the
17 brown box and then the brown circles, but the
18 brown items here refer to what data inputs you
19 have. That brown box, at the top, those are the
20 data that you need to go down the path of the
21 standard ACL that's going to be able to be
22 expressed, in terms of an amount of fish. You

1 need data on records of removals, you need data on
2 abundance, and you need the ability to monitor
3 your removals.

4 And when you have the right amount of
5 data on those topics, you can go down the path on
6 the left side of the slide, which goes -- proceeds
7 to the purple box, that tells you you're able to
8 use those methods to generate or to support
9 development of an annual catch limit, expressed in
10 terms of an amount of fish. And then this is
11 really a decision tree of what model you're going
12 to -- what method you're going to use to get to
13 that amount of fish. And the more information you
14 have, the more developed -- the less uncertainty
15 you're going to have.

16 So, the brown circles here are all the
17 different types of data you can input into your
18 method. The biological composition refers to
19 things like lengths in ages. The index refers to
20 abundance, and that -- that can refer to things
21 like surveys and catch per unit effort data. So,
22 you -- do you have that? Do you not? It points

1 you down to the blue boxes, which are going to be
2 the types of methods that will be available, if
3 you have the -- if that's the data that you have,
4 if the answers are yes.

5 And I just want to point out, if you
6 enter the -- this side of this -- the slide, and
7 you enter the purple B, or number-based catch
8 limits, but everything else is no, no, no, you end
9 up down here, at the bottom, in the blue box that
10 says, catch estimator approaches. I want you all
11 to remember that little catch approach section.
12 We're going to talk about that more, in few
13 minutes, when we get to recommendations. So, this
14 is an approach when the only data you have is
15 basically recent catch and you apply some kind of
16 percentage multiplier to it to come up to your
17 reference limit advice, and there's a lot of
18 uncertainty with that approach, although,
19 sometimes, it's all you can do. But I wanted to
20 flag that for you, before we move on. So, that's
21 -- that's when you can. Those are the
22 data-limited methods that we now have for

1 producing rate numbers-based ACLs.

2 On the other side of the slide, if you
3 do not have the data set forth in that top brown
4 box, you'd go down the no side. There's still
5 stuff you can do. We still have methods that can
6 get you to science-based limits and reference
7 points. And, again, depending on how much
8 information you can plug in and the -- the more
9 advice you're going to get. But it -- you know,
10 if you've got this biological composition
11 information as an index, you can get to these two
12 approaches, length-based approaches or multiple
13 indicator approaches, that can get you to, like,
14 as I said, scientifically based limits that may be
15 expressed, in terms of the rate, the F rate,
16 rather than an amount of fish. So, when we start
17 talking about alternative approaches for complying
18 with Magnuson ACL requirements and when we get to
19 that page two discussion, I want you to keep in
20 mind this right-hand side of this slide right
21 here, talking about these methods that we have.

22 Okay. Next slide, please. So, the Tech

1 Memo sets forth these data-limited methods that we
2 have, and then it includes recommendations for the
3 methods that were on the left-hand side, the
4 methods that you would use if you had the biomass
5 information to get the rate -- weight number,
6 amount of fish, ACL. And these are the
7 recommendations that I have for those data-limited
8 methods. Identify the data gaps, improve -- try
9 to improve the data, explore your uncertainty, be
10 explicit about uncertainty, make sure that your
11 buffers between OFL and ABC increase as
12 uncertainty increases. And then, at times, there
13 are points, if you're really uncertain or you're
14 using one of these catch scaler methods, you might
15 want to consider whether the other methods would
16 get you -- would be more appropriate for your
17 situation. Catch scalers methods, the
18 recommendation here is that if you're still using
19 that catch scaler, look around, see if there's
20 anything else you can do, if any of these other
21 methods could help you out because there's just so
22 much uncertainty with the catch scalers. Make

1 sure, especially, you double check buffers when
2 using catch scalers, and try to make a plan to
3 transition to another approach. Lots of caveats.
4 We recognize sometimes, literally, that's all you
5 can do, but try to improve. That's the
6 recommendation. Okay, next slide.

7 So, this slide is really about the
8 methods that were on the right-hand side of that
9 flowchart, and when you have (inaudible) based
10 information or indicator-based information, you do
11 have limited ability to define your targets, in
12 terms of an amount of fish, but you can have
13 science-based metrics and reference points
14 expressed, in terms of different metrics, just not
15 amounts of fish. So, these can support compliance
16 with Magnuson Act. So, next slide.

17 So, so, back to H2, just to remind you,
18 limited circumstances that may not fit the
19 standard approach to specifying reference points,
20 the limit to the H2, itself, in the National
21 Standard 1 Guidelines, specifies the limited
22 situation that it applies to include, among other

1 things, stocks for which data are not available,
2 either to set reference points or manage to
3 reference points, pursuant to this standard
4 approach and based on MSY. So, in those
5 situations, a Council may propose alternative
6 approaches for satisfying the Magnuson Act
7 requirements. Okay, next slide.

8 So, when -- who can do this? Who can
9 use this flexibility in H2? The focus of this
10 Memo, there are other situations that may apply,
11 but this Memo provides guidance on the
12 data-limited stocks that, that we just read from
13 the last slide, that lack the data needed to
14 express the ACL or manage with the ACL, as an
15 amount of fish, based on MSY and pursuant to that
16 standard approach, using the amount of fish. So,
17 and again, this would need to be proposed in an
18 FNP. Okay. So, yeah, I just want to emphasize,
19 again, that this a very narrowly focused Tech
20 Memo, just on this one particular issue, on -- in
21 the H2 paragraph. Okay, next slide.

22 So, this is an overview, really, of the

1 whole thought process of the Tech Memo merging the
2 available science, the best available science that
3 you have, and with management requirements to
4 really do the best you can with what you have, in
5 complying with Magnuson. So, as the data- limited
6 methods flowchart did, this decision tree starts
7 with the questions, at the top, about what are --
8 what information about biomass do you have? And
9 that's going to point you in the direction of
10 whether you can effectively establish an ACL
11 expressed, in terms of amount of fish. So, yes,
12 you have the necessarily -- necessary biomass
13 data. Again, you go down the left side of the
14 slide, yes. But H2 contemplates both establishing
15 the ACL and managing successfully with the ACL,
16 which means you need to be able to monitor and
17 enforce that ACL.

18 So, there's a second question, and if
19 the answer is no to either the top box or that
20 second question, on the left, which is their
21 inability to monitor and enforce, that punts you
22 over into this big box in the middle of the

1 right-hand part of the slide. And this is where
2 we sort of segue into talking about an alternative
3 ACL. So, again, if you're on the left-hand side
4 of the slide, yes, you have the biological data,
5 yes, you have the management and enforcement
6 abilities, then, yes, you need to be using an ACL,
7 pursuant to NMFS's standard approach, which is the
8 best interpretation of managing with ACLs. But if
9 you have a no to either of those answers, then H2
10 applies to you, and a Council can consider an
11 alternative.

12 So, I'm going to segue into the
13 alternative that's discussed in this Tech Memo,
14 which is to express the ACL, in terms of the F
15 rate, rather than as an amount of fish. And this
16 flowchart shows you the buck doesn't stop at can
17 you get into H2, if you're going to use a
18 rate-based ACL? You need additional information.
19 You need enough information to come up with a --
20 an F limit, a limit expressed in terms of F, that
21 is based on MSY and allows for monitoring. Okay,
22 so, I'm going to go onto the next slide.

1 And I do want to point out that I don't
2 want to oversimplify this discussion. I mean,
3 when -- we're talking about these data-limited
4 stocks, saying that -- use what you have, use what
5 you can measure, it's not really that simple. I
6 mean, you may have some data. You may have a
7 program that collects samples of linked data.
8 Just having that doesn't automatically mean, oh,
9 we can do rate-based ACLs. When you're that data
10 limited, there needs to be a lot of discussion
11 with your Science Center, and your SSC, and
12 probably constituents about whether what you have
13 is really adequate and appropriate for taking this
14 sort of approach. So, I don't want to skip over
15 that detail. There -- the devil is in the
16 details, but, conceptually, this is what we're
17 talking about.

18 So, Magnuson defines overfishing as a
19 rate or a level of fishing mortality. So, while
20 weight and numbers- based ACLs are our standard
21 approach, expressing an ACL, in terms of fishing
22 mortality rate and monitoring the actual fishing

1 mortality rate, against the referenced mortality
2 rate, can provide an alternative approach to ACLs.
3 And then the same management tools would be
4 available to control the effort around those
5 limits that we're currently using, area closures,
6 gear restrictions, all of that sort of stuff. So,
7 then, the SSC and the Council could apply buffers,
8 just like we do for weight-based ACLs, but they
9 would just be -- they would be modifying the
10 limit, in terms of just -- be expressed in a
11 different metric, in terms of rate instead of
12 weight.

13 So, we go onto the next slide, and just
14 to give you an example, and -- of what this might
15 look like. So, we put the letter F, the big
16 letter F, in front of these reference points, that
17 you're all familiar with already, just to clarify
18 that we're following the same framework, the same
19 buffer approach to go stepwise from FMSY, or MFMT,
20 or down to the FACL. How this would work would be
21 the method, the data-limited method, used would
22 produce the FMSY proxy, and just, for instance,

1 say that is F, at 30 percent SPR, this is your
2 maximum fishing mortality threshold, this is your
3 MFMT. Your MFMT would be the rate equivalent of
4 your overfishing limit. So, it is your FOFL. And
5 then the SSC could apply a buffer for scientific
6 uncertainty, to the FOFL, to give you your FABC,
7 and, similarly, a Council could apply a management
8 uncertainty buffer to get you your FACL. Okay,
9 next slide.

10 So, in some cases, particularly if
11 you're using lengths, it might be possible for the
12 Science Center and the SSC to correlate indicators
13 to the rates that you've identified. So, for
14 instance, your mean length might -- you might be
15 able to correlate different mean lengths to
16 particular rates. For instance, if your FOFL is
17 correlated to 9.4 inches, the F -- SSC could
18 recommend, perhaps, a 10-inch mean length for the
19 FABC, and the Council could recommend a 10.2 to an
20 FACL, and this just gives you more ability to
21 manage using these indicators and keeping your
22 stock within your targets. The same management

1 options are available that we have for keeping
2 within amounts of fish targets, size limits,
3 timing, area closures, et cetera. Okay, next
4 slide.

5 So, just as a reminder, FNP -- the FNP
6 would need to describe how the monitoring would
7 ensure compliance with the Magnuson Act, and the
8 Tech Memo identified a couple of options for
9 monitoring the rate. One would be, once you get
10 your data-limited method up and running, in some
11 cases, it's not too difficult to plug in new data,
12 annually, and compare your FT or MFT, or your FT
13 or FACL, or if you're comfortable using your
14 length indicators, that would be another thing
15 that you could monitor, just on an annual level.
16 And, again, the accountability measures could be
17 -- they'd be triggered by the rate, rather than
18 the weight, and, you know, just be a regularly
19 available management tools for that. Okay, so,
20 next slide.

21 So, if you think back to our flowchart,
22 down at the bottom, we had a box for stocks that

1 qualify for H2, but they're so data-poor they
2 don't even have data to do the rate- based ACL.
3 These stocks still have to comply with Magnuson.
4 They still have to do the best they can with
5 whatever information is out there and come up with
6 some sort of an ACL. For these stocks, we would
7 encourage people to consider whether some sort of
8 cost-effective data collection program could be
9 set up to start them, in a stepwise way, towards
10 sort of towards improved management. It might be
11 easy, relatively easy, to start collecting
12 information on lengths, maybe, a smaller sample
13 than you would need, compared to counting every
14 fish that is removed. So, that's something that's
15 recommended to explore, and, of course, with the
16 ultimate goal of making progress, starting to
17 build management capacity and records, and move
18 your way towards the goal of everyone using the
19 standard approach of ACL expressed, as an amount
20 of fish. Okay, next slide.

21 So, to wrap up, this Tech Memo is
22 focused on providing guidance for this limited

1 category of stocks, these data-limited stocks that
2 don't -- can't be managed effectively using our
3 standard approach to ACLs. The Tech Memo
4 distinguishes the MSA mandates from the NS1
5 Guidance, and it reviews the various capabilities
6 of the data-limited assessment methods and
7 provides recommendations and considerations for
8 their use, and it links -- the Tech Memo links the
9 data availability and assessment capability to
10 considering whether an alternative approach may be
11 appropriate.

12 So, again, the key message is do the
13 best you can with the data available for these
14 stocks. And it's also important to remember that
15 just because you think you have certain data
16 doesn't mean they're necessarily adequate for
17 managing this way. It's going to require vetting,
18 extensively. And, finally, the draft describes
19 what an ACL expressed, in terms of an F rate,
20 might look like and offers considerations for the
21 data-limited stocks. So, again, it's just a draft
22 document. We're welcoming your input, and we

1 anticipate changes after today. And I can pause
2 here and take questions or comments. And this
3 slide has the address where we'd love for you to
4 submit any follow up written comments to both me
5 and Stephanie.

6 CHAIRMAN GORELNIK: All right. Thank
7 you very much for that presentation. Let's see if
8 there are any questions on the presentation, on
9 the draft memo, and keeping in mind that we'll
10 have Council discussion after public comment. Is
11 there any questions? I'm not seeing any hands.
12 So, you're good for now, but I think that when we
13 come back to Council discussion -- well, I do see
14 a hand now. John Gourley?

15 MR. GOURLEY: Hi, Mary. I have a
16 question, bear with me. This is a little -- this
17 is a complex issue for me, not for you guys. As
18 we've mentioned several times in the Western
19 Pacific, we're famous for data-poor fishery
20 stocks. And even for some of the stocks that we
21 have data, the data may not actually be
22 appropriate to do fishery management analysis.

1 And so, how much flexibility do we have, using the
2 H2 for developing management strategies? For
3 example, can we use length-based SPRs and or go to
4 L50s --

5 MS. MACPHERSON: Yeah.

6 MR. GOURLEY: -- to manage fisheries and
7 move away from catch numbers? Is -- my question
8 is so broad (inaudible) how much flexibility we
9 have. But I just threw out a couple of examples,
10 where we don't have very good accurate catch data.
11 And I think a prime example could be -- is our
12 bottomfish. Our recent bottomfish stock
13 assessments, there seems to be a very wide
14 division between what the scientists say is out
15 there and what the fishermen say is out there.
16 And even though the data used for the stock
17 assessment was considered BSIA, other people think
18 it's just BS. So, you know, I kind of wanted to
19 ask you -- well, how much flexibility do we have
20 for this?

21 MS. MACPHERSON: Okay, so, I'll start
22 out with the caveat that I'm the Policy Staffer on

1 this committee, and when you start talking about
2 specific methodologies, I'll probably have to
3 reserve and take those specific questions back to
4 the science folks on our team. Generally, you --
5 maybe those -- that is a stock that you would want
6 to explore, if the -- as I said, the test for
7 using the H2 flexibility is whether you're able to
8 effectively specify the ACL expresses, in the
9 amount of fish, based on MSY, pursuant to our
10 standard approach, or -- and manage with an ACL,
11 expresses an amount of fish, that's based on MSY.
12 And if you're struggling with that, then I would
13 definitely recommend that you talk with your
14 Science Center and SSC about the potential use of
15 this flexibility. Does that answer your question?

16 MR. GOURLEY: It helps. It seems like
17 the technical guidance is providing advice on the
18 flexibility on how to do the assessment, rather
19 than flexibility in the management of a
20 data-limited stock. Can you comment on that, that
21 statement?

22 MS. MACPHERSON: So, it is -- the

1 document is a merger of policy and manage --
2 science and management considerations, and it does
3 attempt to link the assessment method with the
4 available data, and then it attempts to link the
5 choice of the best -- the most appropriate method
6 for a data-limited stock to get the most -- the
7 best advice. And if that -- all that advice can
8 be, if the best advice that you're going to get is
9 one of the data-limited methods that does not
10 include the information on biomass, the adequate
11 history of catch, of removals, and the -- or
12 abundance index and in monitoring, if you don't
13 have those pieces of information, then you should
14 be looking at the -- slide 10, the right-hand side
15 of that slide, that talks about the alternative
16 methods, and that's when you can think about
17 whether setting an ACL, expressed in terms of
18 rate, might be a better management approach for
19 that stock.

20 MR. GOURLEY: Okay. Let's see. How
21 about if -- for now, let's see, we've got bottom
22 -- we have a MSY reference point for bottomfish,

1 but the management is not equipped to manage the
2 fishery to that MSY because we can get the --
3 because we can get the catch within the fishing
4 season. Does that complicate what you just said?

5 MS. MACPHERSON: I'm not sure I
6 understand --

7 MR. GOURLEY: Outside the fishing
8 season, I'm sorry, I misspoke.

9 MS. MACPHERSON: So, what is happening?
10 Can you say that again?

11 MR. GOURLEY: If we have an MSY
12 reference point for bottomfish, but the management
13 is not equipped to manage the fishery to that MSY
14 because we can't do in-season monitoring, so, we
15 -- we really don't know what is -- what's going to
16 be the catch until after the season.

17 MS. MACPHERSON: So, yeah, I don't think
18 that I can answer what's going to be right for
19 your fishery. But if you're having these types of
20 problems, I would -- you might want to explore
21 this approach, and I would recommend that you do
22 it with the folks on your SSC and also in

1 communication with your Science Center.

2 MR. GOURLEY: Yeah, I think maybe
3 another venue might be a little bit better to
4 resolve these issues, but we do have some serious
5 problems in the Western Pacific, and we do have --
6 we still need to get some of the problems ironed
7 out. Thank you, Mary. Appreciate it.

8 MS. MACPHERSON: Mm-hmm.

9 CHAIRMAN GORELNIK: All right, are there
10 further questions on the presentation? All right,
11 so, we'll come back to discussion in a moment and
12 any guidance, but, now, I think it is time for any
13 public comment. I'm going to take a quick look at
14 the attendees and see if I see any hands, and I do
15 not, and then I'll go to our host, Nicholas, and
16 see if there have been any -- he received any
17 requests for public comment.

18 NICHOLAS: Hi, Marc. No, I have not.

19 CHAIRMAN GORELNIK: Okay, great. All
20 right, so, that takes us now to Council discussion
21 and any guidance, and so, John, your hand is up.
22 Do you have some discussion or guidance for us, or

1 is that an artifact?

2 MR. QUINN: That is me being lazy at
3 7:00 in the morning, after a very long night.

4 CHAIRMAN GORELNIK: Wow. I apologize.
5 At some point, we'll all meet in person, and we'll
6 be in the same time zone, but, so, I apologize.
7 John Carmichael, followed by Tom Nies.

8 MR. CARMICHAEL: Yeah, thank you, Mr.
9 Chair, and thanks for that presentation, Marian.
10 It looks likes you had your hands full with a lot
11 of technical stuff, so, appreciate your being able
12 to provide this for us. And, you know, I have a
13 lot of questions about some of the guidance and
14 how our stocks here, in the South Atlantic, will
15 fit in, you know, and in a lot of cases, for us,
16 data-limited can be -- we don't even have reliable
17 landings.

18 Folks who recall the ORCS thing, I think
19 we had about 15 stocks that the SSC didn't even
20 consider the landings reliable enough to make
21 their way to ORCS, so, not quite sure how we're
22 going to navigate all this. In most cases, you

1 know, having all the indices and things of that
2 are really a stretch. We're most likely to have
3 landings, if we have anything. But, you know,
4 that's all stuff we've worked out because we have
5 time to look at this through our SOCs and through
6 our Councils, and that's -- that's really the gist
7 of my request, is to ask that we be given some
8 more time to review this, through our Councils and
9 our SOCs.

10 This has been in progress for quite a
11 long time, and I would like a chance to say --
12 provide comments more in line with November 1st,
13 to give it chance to get it through the Council
14 and the SSC, in our -- under the requirements of
15 our timing and meetings and everything else, we
16 don't get to just schedule meetings on the fly and
17 tend to have agendas pretty well loaded up well in
18 advance. So, I think it would help most of our
19 Councils if we could have till sometime in the
20 Fall, such as, perhaps, November 1st, to make sure
21 everybody can have an SSC meeting, to get our SOCs
22 to review this. It is such an important topic,

1 and, you know, how they set ACLs, and related to
2 that, ABCs, is just so critical to the SSC and the
3 Council process.

4 MS. MACPHERSON: Well, I will definitely
5 take that back and see what we can do about
6 getting you a little more time.

7 CHAIRMAN GORELNIK: All right. Tom
8 Nies? Or unless -- John, do you have another
9 question?

10 MR. CARMICHAEL: Nope, that was it for
11 me. Thank you, Mr. Chair.

12 CHAIRMAN GORELNIK: All right, okay.
13 Tom?

14 MR. NIES: Thank you, Mr. Chair. Thank
15 you for the presentation, Marian. I second John's
16 request for more time. Anyway, sort of a broader
17 question. I'm a little confused reading the draft
18 Tech Memo because it seems to say to the Council
19 that they shall do some things. For example, it
20 says, you shall make these changes in an
21 amendment. And I -- I guess I don't view
22 technical memorandums as being policy directives.

1 Is that a mistake on my part? I -- it just seems
2 like an odd mix of technical advice and direction
3 to the Council on how to do things, and I've never
4 really interpreted technical memorandums that way.

5 MS. MACPHERSON: Well, like I said, this
6 is a draft, and you could certainly catch us on
7 some wording that might need to be revisited.
8 That particular example that you just gave me
9 about the form of the H2 alternative, that comes
10 straight out of National Standard 1 Guidelines,
11 where the exception is, if not -- not is not an
12 exception, where the flexibilities are. If you're
13 going to use the H2 flexibilities, then they --
14 the H2 paragraph says the way you do that is
15 through an FNP amendment.

16 So, this -- this particular Technical
17 Memo has been a little tricky for all of us
18 because it does merge the worlds of science and
19 policy, and we decided to embody it in a Tech
20 Memo, but that encompasses some legal statements
21 and some policy advice, as well.

22 MR. NIES: Of course, we all know the

1 guidelines don't have the force or effect of law
2 and are not regulatory. I guess my point is that
3 some of us have intentionally crafted faster ways
4 to get things incorporated than an amendment.
5 And, you know, the requirement to, you know,
6 should you get down to the flowchart where you
7 have to do these things, the requirement to do
8 that in amendment is going to lengthen the
9 timeline, whereas, you know, maybe we could do it
10 in a framework adjustment, which amends the FNP,
11 essentially. You can do it much more quickly.
12 That's the only thing we would be concerned about.

13 MS. MACPHERSON: Okay, well, I hear you,
14 but that is -- that's taking it straight from the
15 current National Standard 1 Guidelines, so, which,
16 you know, that's -- it's a discussion of the
17 paragraph, H2, and it's part of -- that is part of
18 H2.

19 CHAIRMAN GORELNIK: Louis, Louis
20 Blanchard?

21 MR. BLANCHARD: Yes. I am -- so, I'm
22 the same page with Tom and John. I think we need

1 a little extra time, hopefully, to bring this to
2 the Council meeting in December and hear what the
3 other members have to say, as well as the input of
4 our SSC and the DAP. So, I think we need some
5 time to review this and get their input.

6 CHAIRMAN GORELNIK: Carrie?

7 MS. SIMMONS: Yeah, thank you, Mr.
8 Chair. Thank you for the presentation, Marian.
9 Yeah, I agree, it would be great if we could have
10 a little bit more time and if we could have a
11 staff -- a technical staff member that's available
12 to present some of this information to our SSC and
13 can answer some questions. I think that would be
14 ideal. I have several questions about it. I just
15 feel like we're running out of time, and this is
16 not really the appropriate place, but I do think
17 that, to make this work, it's a great start, but I
18 think we need to flush out a few of these ideas a
19 little bit further. Thank you. Oh, I did have
20 one other question. Did the Science Center review
21 this? Did Science Centers review this, at all?

22 MS. MACPHERSON: Yes, but the -- yes,

1 the subgroup is mainly composed of Science Center
2 staff, and we have briefed it up the chain, on
3 both the SNT side and the (inaudible) side.

4 CHAIRMAN GORELNIK: Further discussion?
5 Marcos? And --

6 MR. HANKE: Thanks for the opportunity
7 to ask here. Thanks for the opportunity. I just
8 want to say that this is a step in the right
9 direction. There is a lot of things that we have
10 to trim -- learn on the process and trim out. I
11 just want to say that our SSC and the Council have
12 been working on an incentive related to just
13 basically what you were saying, but, for sure, we
14 need to consult with our SSC. Thank you very
15 much. You're going to hear from us soon.

16 CHAIRMAN GORELNIK: Further discussion?
17 Well, it seems what I'm hearing is that the
18 Councils need more time. CCC needs more time.
19 Councils need to go back and consult with their
20 SOCs and perhaps the -- each Council will want,
21 and members, will want to discuss this. Is it
22 possible to get more time?

1 MS. MACPHERSON: Yeah, I think so. I'd
2 like to go back to my leadership, and review what
3 that is, and then, hopefully, make -- get you an
4 answer by, you know, tomorrow, or whatever, or
5 what we could do.

6 CHAIRMAN GORELNIK: Okay. I mean, we --
7 we meet again in October, and, ideally, we could
8 come back, each Council will have had an
9 opportunity to consult with its SSC, as well as
10 the Council, each Council, as a whole, and then
11 feedback to the CCC, and then we could provide a
12 more comprehensive, thoughtful input, at our next
13 meeting, next CCC meeting. I think that would be
14 ideal. Kitty?

15 MS. SIMONDS: Oh, yes. Well, I'm not
16 going to describe our situation out here, but to
17 say that, I guess, we need to make decisions out
18 here. And by the way, we've been working with our
19 Science Center and the SSC, for years, and years,
20 and years, about territory bottom fishing.
21 There's no way for -- to -- when do you decide,
22 you know, that you really can't do a stock

1 assessment for these fisheries because you can
2 apply the information to a surplus protection
3 production model. What do you get? You get 200
4 pieces of fish that the American Samoans can catch
5 in the Federal Zone, that's what we have.

6 So, so, one of the questions is, is it
7 -- do we have to not wait -- excuse me. The --
8 would the territory have to go to the Congress to
9 remove themselves from ACLs, or is it a policy
10 call? Because it is ridiculous, okay, what they
11 can catch all, it's ridiculous.

12 MS. MACPHERSON: So, in -- to the extent
13 that, you know, they're -- they're covered by the
14 Magnuson requirement to do your ACLs, then, yeah,
15 they would -- to get out of that, they would have
16 to go to Congress. This would -- this Tech Memo
17 just provides an alternative way of expressing the
18 ACL not as a number of fish, but as a fishing
19 mortality rate.

20 MS. SIMONDS: Right, okay, because I
21 believe that. The two governors are thinking
22 about that, and, of course, we're hoping that we

1 don't have to do that. And that is why, you know,
2 exploring other ways to deal with things. But you
3 end up with having to do an ACL, anyway, so.

4 Okay, so, thanks. We'll be talking more about
5 these things, within the Council.

6 CHAIRMAN GORELNIK: All right. Is there
7 further discussion or was anyone -- I provided
8 somewhat of a summary. Stephanie?

9 MS. HUNT: Thank you, Mr. Chairman. I
10 wanted to note, as Marian said, I'm sure we can
11 provide more time. We'll just talk about what
12 that looks like. I wanted to let you know the
13 reason we chose the deadline is for the CCC Terms
14 of Reference, which ask for 95 days, so, we went a
15 little bit above that. So, that's what was
16 driving it, and, of course, just the need to get
17 it done, but we do have flexibility. So, it
18 sounds like you might be suggesting, Mr. Chairman,
19 maybe a early October deadline, so that we could
20 kind of get the comments compiled and then discuss
21 at the Fall CCC meeting? And I heard John mention
22 November 1st, so, can you provide us a little bit

1 more clarity on what would be the CCC's
2 recommendation for a new deadline?

3 CHAIRMAN GORELNIK: Well, I guess, you
4 know, what I was thinking is that we would have an
5 opportunity, among the Councils, and then we could
6 come back, at the CCC, and provide a CCC position,
7 and, typically, that would be adopted at a CCC
8 meeting. More time, I'm sure, would be better,
9 but I understand things need to get done. Part of
10 the challenge, here, is that those Councils with
11 near-term meetings, it's too late to put them on
12 the agenda.

13 There are not a lot of Council meetings
14 over the Summer, there are a few, but not a lot
15 because that tends to be a time -- a busy fishing
16 time. So, the Councils don't come back until the
17 Fall, really, to have an adequate opportunity to
18 consider this. So, that's -- that's why I was
19 suggesting giving the Councils and the CCC an
20 opportunity to provide that input, and, you know,
21 probably, extending it to November 1st would be
22 sensible because that would give you an

1 opportunity to take the input from the Mid-October
2 CCC meeting.

3 MS. HUNT: Thank you. And I would just
4 encourage -- it would be great to have a CCC
5 consensus statement, but, really, individual
6 Council comments kind of coming in, when they're
7 ready, is really good for us because as complex
8 issues come up, we can start working on them,
9 rather than waiting for a consensus statement, but
10 however it works for you, we would certainly
11 accept them, however we get them. And we'll get
12 back to you, very soon, about when we think we can
13 extend the deadline to, but the Fall sounds fine.

14 CHAIRMAN GORELNIK: All right, thank you
15 very much. Anything else from the CCC on this
16 agenda item? All right, thank you very much,
17 Marian and Stephanie.

18 MS. HUNT: Thanks.

19 CHAIRMAN GORELNIK: So, we're running
20 about an hour behind, just in case, for those of
21 you who are watching the clock. We still have to
22 get through the CCC committee reports, and so,

1 we'll start with CMOD, Councilmember Ongoing
2 Development, that Tom Nies has been working on
3 that, but I think Diana Evans is going to provide
4 the presentation, or the report.

5 SPEAKER: Diana, you're muted.

6 MS. EVANS: The double muting thing got
7 me.

8 CHAIRMAN GORELNIK: There you go.

9 MS. EVANS: Let me start again. Thank
10 you for -- thank you, Morgan, for bringing up the
11 slides. My name is Diana Evans. I'm Deputy
12 Director for the North Pacific. And I'll be just
13 giving a short informational update for the CCC,
14 here, on progress of the CCC Councilmember Ongoing
15 Development, CMOD, Steering Committee. There is
16 no action required. This is only an informational
17 update for the CCC today.

18 So, to give you a little bit of
19 background, just to remind you, in 2019, you
20 adopted a proposal that we had put together,
21 through this Steering Committee, to develop a
22 program for Councilmember Ongoing Development, a

1 successor to the Fisheries Forum, which provided
2 that role, for many years, an opportunity, and we
3 developed the terms of reference for that. And
4 the purpose of this group is to provide a policy-
5 neutral setting, to -- excuse me -- to promote
6 exchange of information on fishery management,
7 among the eight Council and -- Councils and
8 National Marine Fisheries Service, to educate
9 attendees on developing fishery science and
10 management issues and also to improve skills
11 important for effective public decision making, in
12 the Fishery Management Council setting. And so,
13 we outlined that as a process, to hold this --
14 facilitate a two-to-three-day workshop, every
15 other year, for Councilmembers and for Council
16 Admin Staff, focusing on a particular topic that
17 was relevant to fishery management. The cost for
18 that would be shared between National Marine
19 Fisheries Service and the Council.

20 So, last CCC meeting, last May, I
21 believe, we gave you an update on progress with
22 that, that training, development for this first

1 meeting, planning for the first meeting. You
2 endorsed the topic, for this first meeting, to be
3 exploring new approaches to ecosystem-based
4 fishery management, with a skills development
5 focus on developing successful motions. And since
6 that time, New England Fishery Management Council
7 volunteered to host that first training for the
8 CMOD group. They have been working to put out a
9 request for proposals.

10 After going through that process, they
11 have hired a facilitator that kept it a joint bid,
12 from Resource Logic and Katie Latanich Consulting.
13 And they have, then, developed a contractual
14 agreement, that has now been signed by all eight
15 Councils, money's received -- been received from
16 National Marine Fisheries Service. So, basically,
17 they have done all of the legwork in order to put
18 this training in place, and, now, we're at the
19 stage where we're ready to engage in actually
20 preparing for the meeting. The dates selected are
21 November 2nd and 3rd of this year, and the
22 location selected is in Denver. That's partially

1 responsive to the request from the CCC to provide
2 the meeting and a location that was central and
3 easy to get to, as much as possible, for all the
4 Councils. If you could advance to the next slide,
5 I'd appreciate it. Thanks.

6 So, the stage that we're in, now, is to
7 develop the -- to go through the scoping process
8 and start getting prepared for that meeting, later
9 this year. And, again, the topic is EBFM and
10 ecosystem approaches to fishery management. We --
11 the Steering Committee had a meeting with the
12 facilitators, the selected facilitators, Kim
13 Gordon and Katie Latanich, in March, where they
14 discussed their approach to prepping for that
15 meeting, as part of the development of the request
16 for proposals and working through the contract to
17 select those facilitators.

18 One of the advantages, or the appeal of
19 this particular bid, is that they intend to do a
20 lot of scoping in advance to talk, specifically,
21 with members of all of the eight regions, Council
22 regions, and try to scope out what are going to be

1 the key issues that will be relevant for each of
2 the Councils, and how to structure that into a
3 workshop that will be effective, across all of the
4 regions. So, expect to hear that you -- some of
5 the persons in your region may be getting
6 contacted, between now and in the next couple of
7 months, by the facilitators. They're focusing on
8 contacting staff, ecosystem leads, if you have an
9 Ecosystem Committee, the Chairs of that Committee,
10 and then the NMFS leads, particularly for the
11 ecosystem status reports.

12 And when they have completed that
13 scoping, they will come back and we'll talk --
14 meet, once again, at the Steering Committee, to
15 select three or four crosscutting themes, so, to
16 -- trying to narrow down the broad topic of
17 ecosystem-based management, fishery management,
18 into something that can be addressed in a two-day
19 workshop, in a productive way, that's going to be
20 -- have useful outcomes and really focus on
21 interactive discussions amongst the different
22 Councils.

1 The Council Executive Directors will be
2 asked, come the Fall, probably early Fall, late
3 Summer, to identify participants, and the -- each
4 Council, based on the way that we set out these
5 proposals is able to send four persons to the
6 workshop. The suggestion was to send three
7 Councilmembers and one staff person. As part of
8 our discussion of how we set this group up, we
9 asked that the terms of reference -- they had to
10 be eligible to go to this training, that you
11 should have served at least one year on the
12 Council, already.

13 But the Steering Committee had a further
14 recommendation, when we met in March. Given the
15 topic and the limited time to maximize use of that
16 time, it was really suggested by the group that if
17 EDs could send Councilmembers that have at least
18 some basic exposure to EBFM concepts, EAFM
19 concepts, then that would allow the focus to be
20 left on kind of bringing everyone up to speed on
21 introduction to the material and could really
22 focus on those discussions about where do we go

1 from here? What are productive steps that we can
2 take, as Councils, and really allow the focus to
3 be on one of the key benefits that we see out of
4 this training, which is for council members to
5 have direct connections and opportunities to talk
6 with their counterparts in this very small group
7 of fishery management Councilmembers, across the
8 nation, and be able to share those experiences and
9 form those connections, as we tackle similar
10 issues from different regional perspectives.

11 So, I think that's the primary messages
12 to send today. That's where we're at, in terms of
13 development of the topic. I'd say the Steering
14 Committee -- it brings either, you know, various
15 Executive Directors, Councilmembers, staff from
16 all of the different regions, and Stephanie Hunt,
17 who is our Representative from National Marine
18 Fisheries Service, Chaired by Bill Tweit, who's
19 the North Pacific Council Vice Chair. So, I would
20 perhaps give an opportunity to either he or to Tom
21 Nies of the New England Council, if they want to
22 add any additional words, but this is primarily an

1 update to let you know where we're at with the
2 planning of this upcoming CMOD training. Thank
3 you.

4 CHAIRMAN GORELNIK: Thank you, Diana.
5 Tom Nies?

6 MR. NIES: Very quickly, Mr. Chair. I
7 know I've said that before, but I would like to
8 thank the Agency, once again, for providing a
9 pretty big chunk of money that's helping us put
10 this on, while keeping the cost reasonable for the
11 Council.

12 CHAIRMAN GORELNIK: All right. Any
13 questions on the report? We'll come to discussion
14 later, if there will -- if there is any. Chuck
15 Tracy?

16 MR. TRACY: Thanks. Thanks for the
17 report, Diana. Just a question. You gave some
18 pretty good guidance on attendees, in terms of
19 Councilmembers, but didn't hear much on staff.
20 So, I'm kind of curious as to what you think would
21 be appropriate for the staff person being sent.
22 You know, are you looking to have some staff

1 expertise there to help the process along, or are
2 you looking for, again, for more of an opportunity
3 for staff that maybe aren't, you know, directly
4 responsible or involved in the EBFM or EAFM
5 (inaudible) Council to come and learn about that?

6 MS. EVANS: I'm sure the Chair -- that's
7 a good question. We didn't talk specifically at
8 the Steering Committee level about what we were
9 looking for out of staff, but in this
10 Councilmember context, at least, it was
11 (inaudible) to allow the right people to be in the
12 room, so that the focus could be on discussing
13 solutions or perhaps ways forward for the Councils
14 to be prepared for ecosystem- based fishery
15 management changes and be -- and for those
16 Councilmembers to be able to kind of lead the --
17 lead those initiatives back at their home
18 Councils. And so, I think the same idea would
19 apply to staff. There will likely be some keynote
20 speakers, as part of -- invited, as part of the
21 preparation or the layout for the workshop. So,
22 if the -- if expertise is needed, I think that we

1 will probably get at that through the keynote
2 speakers, and for the staff that are invited,
3 perhaps people who would be likely to work on or
4 lead these initiatives at their home Council, who
5 would also make notes.

6 CHAIRMAN GORELNIK: Any further
7 questions on this committee report? All right,
8 thank you, Diana. And just to let you folks know,
9 we're going to keep going, but we'll have a hard
10 stop at 6:00. So, if we don't finish, we will
11 just have to pick it up first thing in the morning
12 or afternoon, as the case may be. I realize it's
13 coming up on 6:00 in the East. So, we'll now move
14 to the Communications Report. Chuck Tracy?

15 MR. TRACY: Thanks, Mr. Chair. Just
16 real briefly, the Communications Group has not
17 been real active over the last year or so. They
18 have kind of upped their game a little bit with
19 the -- with this meeting. Yeah, they've been
20 instrumental in updating the OFMC website, the
21 Fishery Council's.org website, particularly with a
22 new brochure and in describing the overall Council

1 process and then a number of factsheets that were
2 -- the CCC directed each Council to develop on
3 some topics, like Forage Commission, in minimum
4 timelines, and climate resiliency, and ecosystem
5 management, that were targeted -- well, there are
6 one or two page factsheets that were initially
7 targeted for the legislative staff, so that the --
8 they'll interview some resources for those folks,
9 when they're developing legislation and seeing
10 what the Councils have already done.

11 So, that's primarily what the group's
12 been involved with. So, other than that, nothing
13 is planned for them, at this time. So, with that,
14 I will pause. I don't know if there's any, you
15 know, guidance for folks or not, but --

16 CHAIRMAN GORELNIK: So, are there any
17 questions on Chuck's report? Any additions from
18 any members? All right, thanks, Chuck, but don't
19 go too far away because the next report is the
20 NEPA Subcommittee, and that's you, as well.

21 MR. TRACY: Okay, great. Yeah, so, so,
22 real quickly, I'm going to share my screen here.

1 I can remember how to do that. Here it is. Oops.
2 I'm not going to share the wrong one. I'm sure I
3 -- I'm right again. There we go. Okay, yeah, so,
4 the NEPA -- CCC NEPA Subcommittee was formed at
5 our last Council meeting, in response to the new
6 CDQ regulations. Let's see if I can make this a
7 little bigger here. So, the group was formed.
8 It's primarily the CCC or the NEPA Coordinators
9 from each Councilmember, and I was the Chair. Let
10 me just, first, say that it was a really great
11 group to work with. Everybody was very
12 productive, very interested and energetic, and I
13 think we were able to do a lot of really good
14 business. So, I really appreciate everybody's
15 contributions to that, to this effort.

16 And so, a little background. Again, the
17 new NEPA regulations came out last September.
18 They included things like time, limited some page
19 limits and changes to the cumulative facts and
20 reasonable alternatives. We also addressed the
21 possibility of looking at functional equivalency
22 for other statutes, relative to NEPA. And the --

1 they also require Agency compliance procedures --
2 revisions to be completed within one year, so,
3 that would be September 14th of this year.

4 NMFS and NOAA responded by providing
5 some interim guidance, with some waivers for some
6 of -- page limits. And then they also proposed a
7 workshop with CCC participation, in order to look
8 at some of the revisions to the guidelines and the
9 potential -- if there's any need for revisions to
10 the regulations, as well as to look at functional
11 equivalence, since that's been a big issue for the
12 CCC, for a number of years.

13 They noted, at the time, that there was
14 a possibility that the regulations would be
15 reviewed, if a new administration came in. That
16 has, in fact, occurred. So, some of the
17 implementation has been delayed for that. But
18 NOAA did note that the functional equivalence
19 aspect is really not necessarily dependent upon --
20 on the CEQ regulations, that that is a doctrine
21 that's got some support outside of that process,
22 so. And as a result of that, they issued a NEPA

1 -- a memo from the NEPA Coordinator on guidance on
2 NEPA functional equivalence and substitute
3 procedures and documents. So, that was
4 appreciated and very useful.

5 As I said, the new administration has
6 delayed the implementation of the -- they are
7 still reviewing the new regs to see if they --
8 what they want to do with them, I guess. And as a
9 result, the workshop, that was proposed,
10 originally, for last Winter, was delayed a couple
11 times, and, now, it's sort of delayed
12 indefinitely. So, that did slow the process down
13 a little bit on our end, as well. But the
14 subcommittee did continue to work on those issues.
15 Their charge was to develop a list of issues, of
16 questions that could be addressed in a workshop.
17 So, we continue to do that. And because of the --
18 putting the CEQ regulations on hold, the focus of
19 the group shifted towards functional equivalency,
20 which I think was always, you know, probably a
21 higher priority, anyway. But we did continue to
22 work on both aspects.

1 We had several meetings between October
2 and April and developed a report for consideration
3 of this meeting. The report is in your -- in the
4 briefing materials on the fisherycouncils.org
5 website. It assumes that the workshop will still
6 occur. So, that was the format that it was in.
7 So, we did develop a list of issues and questions
8 for NMFS consideration, both on the regulations
9 and Agency guidelines, as well as functional
10 equivalency and substitute procedures. The report
11 also contains a brief history of sort of a CCC
12 interaction with NMFS on revising the -- or
13 aligning NEPA and Magnuson Act, that it was
14 originally proposed in the most recent MSA
15 reauthorization, and so, the events that is most
16 current in there. So, if you're not up to speed
17 on this, you can go and take a quick look at the
18 report. I think that's Appendix 2 in the report,
19 and you can get some back -- some background, just
20 on that.

21 In regards to functional equivalency,
22 again, the NEPA Coordinator provided a memo with

1 guidance on that. The priority, it identified
2 five criteria, I guess, for consideration of
3 functional equivalency, one, that it involves
4 management, conservation permitting, or
5 authorization related to environmental resources.
6 It requires consideration of the core NEPA issues,
7 such as effects of actions on given environment,
8 adverse effects, alternatives, the relationship
9 between the long and the short-term use, and also
10 irreversible limited resources, a loss providing
11 meeting, for a meeting for public participation,
12 in the decision making process, ensure
13 documentation is considered in a record presented
14 to and evaluated by a decision maker before a
15 final decision and requires documentation, the
16 reasons for a final decision.

17 And so, all of those criteria, the
18 subcommittee found that the Magnuson Act met
19 those. There's a sort of a checklist of those and
20 how the Magnuson Act addresses each of these in
21 the report, in Appendix 1. So, that -- given
22 those criteria, and the fact the Magnuson Act can

1 be -- the committee -- subcommittee felt that
2 Magnuson Act meets them. We've developed our list
3 of issues and questions, and the objective that
4 the subcommittee identified was to develop a
5 workable, functional equivalence rationale, and it
6 related procedures that we agreed to, by both
7 Council and NMFS participants in the workshop,
8 recognizing that that will not be the end of it,
9 that that was the workshop objectives, and all the
10 number of questions can be addressed in the
11 workshop, as well.

12 For the sake of time, I'm not going to
13 go through all of them. But I would just note
14 that these are questions that we would hope to be
15 explored, in a workshop environment. They also
16 developed questions and issues to be explored,
17 regarding the NEPA procedures and the CEQ
18 regulations. So, the objective there was to
19 develop clear and useful guidelines, and NMFS NEPA
20 procedures.

21 They identified a number of topics to
22 explore in the workshop environment or framework,

1 including the issue about what constitutes a major
2 Federal action and if the threshold of NEPA,
3 relative to the Magnuson Act actions, criteria for
4 determining significance, is clarification on a
5 couple of new things in the rules, like the term
6 reasonable alternatives and technically and
7 economically feasible, as well as some of the
8 issues associated with changes to (inaudible)
9 analysis, such as reasonably foreseeable, the
10 terms reasonably foreseeable and having a
11 reasonably close (inaudible) relationship to the
12 proposed actions. And so, that -- those are
13 identified in the report, and Appendix 3A provides
14 some additional details on the issues and
15 questions. So, I can go there, if you want some
16 more detail.

17 The bottom line is that CCC NEPA
18 subcommittee did have some recommendations for the
19 CCC to consider. We requested that they urge NMFS
20 to hold the proposed workshop, with the aim of
21 producing the revised NEPA procedures, that
22 approve transparency, allow greater flexibility

1 and result in more concise documents, that are
2 easier for stakeholders and managers to understand
3 and use for decision making. The revised
4 procedures should reduce the time between Council
5 final action, in its implementation, reduce
6 complexity of processes and products, and reduce
7 duplication of analysis required under different
8 mandates. I, secondly, urge NMFS to clarify how
9 and whether its NEPA procedures will be updated,
10 particularly in relation to the impending
11 September 14, 2021 deadline, imposed by the CEQ
12 regulations, request that they plan for training
13 Council staff on application of NEPA, under the
14 new regulations and Agency procedures.

15 And, lastly, if it comes about that no
16 workshop is held, that that process is delayed,
17 that the CCC should request NMFS to continue
18 dialogue on the application of functional
19 equivalence doctrine, in relation to Magnuson Act
20 and recognize and adopt (inaudible) caselaw or
21 failing to have the development of alternative
22 procedures and documents. So, that's -- those are

1 the recommendations from the workgroup. And with
2 that, I will answer questions.

3 CHAIRMAN GORELNIK: Well, thanks, Chuck.
4 And I think that we're going to give folks
5 overnight to think about questions, inasmuch as
6 it's 6:00 in the East and 3:00 here, and we'll
7 probably have some discussion, as well. We have a
8 few other reports. So, unless anyone objects, can
9 we pick this up, on this page, tomorrow morning,
10 when we resume. We'll -- committee can answer any
11 questions that come up, and then we'll conclude
12 with the rest of our committee reports. Would
13 anyone object to that?

14 SPEAKER: No.

15 CHAIRMAN GORELNIK: All right. It's --
16 I know it's late in the East, still early in the
17 far West. So, thanks everyone for your work
18 today. We will break now, and we'll come back
19 tomorrow morning, finish up committee reports,
20 have a public comment, and any discussion, and
21 when we conclude that, we will start on our day
22 three agenda.

1 MS. SIMONDS: I'm just going to butt in.
2 Can you put my hand up?

3 CHAIRMAN GORELNIK: You have something,
4 Kitty?

5 MS. SIMONDS: Mr. Chairman, I just want
6 to remind people of the social hour --

7 CHAIRMAN GORELNIK: Oh, yes.

8 MS. SIMONDS: -- after the meeting is
9 over.

10 CHAIRMAN GORELNIK: Right.

11 MS. SIMONDS: We have a one-minute
12 video. Thank you.

13 CHAIRMAN GORELNIK: Thank you for --
14 yes, so, the -- while this concludes our day's
15 business, we do have our social hour. So, folks
16 can just hang out, at this point --

17 MS. SIMONDS: Certainly.

18 CHAIRMAN GORELNIK: -- for nonbusiness
19 discussions and chatter. So, happy hour now
20 commences. Be happy. And you can just -- your
21 video going to run, Kitty?

22 MS. SIMONDS: Yes, it's just one minute.

1 CHAIRMAN GORELNIK: Okay.

2 MS. SIMONDS: But are you --

3 CHAIRMAN GORELNIK: (overtalking)?

4 MS. SIMONDS: -- but it -- it's after
5 the -- we've concluded the public part of the
6 meeting.

7 CHAIRMAN GORELNIK: The -- yeah, we're
8 breaking now.

9 MS. SIMONDS: Okay.

10 CHAIRMAN GORELNIK: We're breaking now.
11 The business meeting of the CCC for day two has
12 concluded. We'll conclude that agenda -- we'll
13 pick up that agenda tomorrow morning. So, the
14 business session has ended, and, now, as what we
15 discussed earlier, we have a happy hour. I see
16 you are getting happy already.

17 MS. SIMONDS: All right.

18 (Whereupon, at 6:02 p.m., the
19 PROCEEDINGS were continued.)

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I, Mark Mahoney, notary public in and for the District of Columbia, do hereby certify that the forgoing PROCEEDING was duly recorded and thereafter reduced to print under my direction; that the witnesses were sworn to tell the truth under penalty of perjury; that said transcript is a true record of the testimony given by witnesses; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was called; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public, in and for the District of Columbia

My Commission Expires: March 31, 2022