

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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NOAA FISHERIES
COUNCIL COORDINATION COMMITTEE

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MEETING

+ + + + +

THURSDAY
May 20, 2021

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The Council Coordination Committee met
via video-teleconference, at 1:15 p.m. EDT, Marc
Gorelnik, Chair, presiding.

PRESENT
MARC GORELNIK, Chair
SIMON KINNEEN
CHRIS MOORE
TOM NIES
CHRIS OLIVER
BRAD PETTINGER
SAMUEL RAUCH
CARRIE REID
CARRIE SIMMONS
KITTY SIMONDS
ARCHIE SOLIAI
CHUCK TRACY
BILL TWEIT
ED WATAMURA
DAVE WITHERELL

ALSO PRESENT
BRETT ALGER
MORGAN COREY
KELLY DENIT
PAUL DOREMUS
ADAM ISSENBERG
JEN LUKENS
DAVID O'BRIEN

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

2 1:31 p.m.

3 CHAIR GORELNIK: Well, good morning,
4 everyone. It is 1:30 in the east, 10:30 in the
5 west, and even earlier in the Western Pacific.

6 We're going to get started now with
7 Day 3 of this CCC Meeting and in a moment we'll
8 pick up where we left off yesterday.

9 I just wanted to make an announcement
10 that for those who wish to offer public comment,
11 there'll be several opportunities today.

12 What you need to do is indicate in
13 some way that you wish to speak on an agenda item
14 and that means either raising your hand within,
15 as an attendee or sending a chat to the SF Webex
16 host indicating you want to speak on an agenda
17 item.

18 Because we're running late, we'll
19 probably have to limit public comment to about
20 three minutes a person. This is our last day.
21 We don't have any makeup time for tomorrow.

22 So before I start, before we return to
23 an Agenda Item 9, let me see if there are any
24 announcements, either from Chuck Tracy or anyone
25 else and I'm not seeing any hands.

26 So when we left last evening or
27 morning as the case may be, we had just finished
28 the NEPA Subcommittee report and we'll finish the
29 last two reports and then we will have any
30 questions from the Committee, from the CCC.

31 We will then have public comment and
32 then we'll have Council discussion and action on
33 Agenda Number 9.

34 So I think, Chuck, you had finished
35 your presentation on the NEPA Subcommittee and so
36 we will move now to Dave Witherell, the status of
37 the SCS-7 meeting.

38 MR. WITHERELL: Thank you, Mr.
39 Chairman.

40 I have this written briefing attached
41 to the Agenda on this item. If you recall, in
42 2020, the North Pacific Council was planning to
43 host the Scientific Coordination Subcommittee
44 meeting in Sitka, Alaska.

45 And when the pandemic hit we had to
46 cancel that meeting. And I looked into, along
47 with the Steering Committee, the possibility of
48 hosting the meeting virtually in 2021. We have

1 since been convinced or come to the realization
2 that a virtual meeting would not necessarily
3 result in the benefits that we tend to get from
4 those Scientific Coordination meetings.

5 So I'm looking to have that meeting in
6 person, to hold that meeting in person in Alaska
7 in 2022 and I'm committing to do that with North
8 Pacific Council budget funds if necessary.

9 But we do have a funding issue. In
10 2019 the National Marine Fisheries Service did
11 supplement our budget with \$60,000 which we
12 successfully carried over in our no-cost
13 extensions through 2021.

14 Now OMB released a memo in March that
15 would authorize carrying over those funds for an
16 additional year through 2022 if authorized by the
17 funding agency.

18 Our NOAA grants person in the Alaska
19 region has not had any guidance from OMB or NOAA
20 grants further guidance on how to allow us to
21 obtain funds to fund this SCS meeting.

22 So I'm basically requesting that NOAA
23 Fisheries do what they can to help us secure
24 those carryover funds and be able to have an in
25 person meeting as envisioned for this scientific
26 subcommittee.

27 Well, that's my report, Mr. Chairman.
28 Bottom line is that we're planning to host that
29 meeting in 2022 as opposed to 2020 as originally
30 anticipated.

31 CHAIR GORELNIK: All right. Thank you
32 very much, Dave.

33 And the last Committee report is the
34 COFI report, Kitty, and I think you have a
35 presentation?

36 MS. SIMONDS: Yes, I do, Mr. Chairman.
37 Thank you, I'm ready.

38 So as you all know, councils
39 participate in the U.N. COFI which is the
40 Committee on Fisheries meetings on U.S.
41 delegations and we take turns. East coast, West
42 Coast, East Coast, West Coast.

43 So this year while it was supposed to
44 be the East Coast, I took it because the, you
45 know, many of the topics deal with AMBs which is
46 one of our biggest interests for all of the
47 councils.

48 So in your briefing book there is a

1 one-pager on our request to the U.S. Delegation.

2 So may I have the first slide, please?
3 Okay. Second slide. Thank you, thank you.

4 So our request for area-based
5 management guidelines is provided in the briefing
6 book as well. We, the Council, held a workshop
7 in June of last year and which included 30
8 experts from all over the world representing all
9 the major RFMOS, academia and NGOs like Global
10 Fish Watch, TNC, IUCN.

11 It was shared by Ray Hilborn and the
12 FAO Fisheries Division Chief Vera Agostini. A
13 report on that is available and linked to the
14 documents on the WP Council Website.

15 So a peer, a review RFO is going to be
16 published sometime this summer on this ABM
17 workshop that the Council hosted and also a,
18 well, a subcommittee on fisheries management will
19 be developed at COFI35 which is where our needs
20 to address these area-based management
21 guidelines, could be enacted internationally.

22 Next slide, please?

23 So most of the focus was on improving
24 the monitoring of small scale fisheries noting
25 issues with IUU fishing and lack of input output
26 controls.

27 The U.N. General Assembly declared
28 2022 the International Year of Artisanal
29 Fisheries and Aquaculture. So obviously
30 aquaculture was a focus specifically on the use
31 of microbials, antibiotics, for purposes of food
32 and ecosystem safety.

33 Next slide, please?

34 So the IMO, the International Maritime
35 Organization and International Labor
36 Organization's compliance regarding IUU fishing
37 associated with labor and other issues,
38 compliance issues, was another focus at this
39 meeting.

40 So most important to us, the issue of
41 main streaming biodiversity was covered at length
42 to build future agreements regarding fisheries on
43 preparing for climate change.

44 Next slide?

45 So FAO's work plan addresses regional
46 issues regarding management practices to conserve
47 biodiversity through regional learning events
48 which was encouraged by the Canadian delegation.

1 These learning events allow for
2 regional management objectives to be heard,
3 considering priorities, defer across the many
4 regions. So this is another opportunity for us
5 to address our needs regarding area-based
6 management.

7 Next slide, please?

8 So following on these, you know,
9 learning events, exchange of ideas and
10 experiences among the regions, they plan to hold
11 these around the Asia-Pacific, Africa, Latin
12 American, and the Caribbean. So this is another
13 opportunity for councils to participate or share
14 viewpoints, especially those of us who have
15 international fisheries that we manage.

16 Next slide, please?

17 So lastly, the FAO work plan coincides
18 with much of the proposal for an area-based
19 working group that we heard yesterday.

20 So this is my report, Mr. Chairman.
21 And while the U.S. did not intervene on this
22 matter or make a request, it did circulate
23 information on our Council's workshop in its
24 written statement.

25 And on the paper we provided, the
26 entire COFI report which is voluminous is,
27 there's a link there for you all. So thank you
28 very much.

29 CHAIR GORELNIK: Okay. Thank you very
30 much, Kitty.

31 So we've had all the reports and let's
32 first see if there are any questions from CCC
33 members on any of the reports and we'll take
34 these in the order they were given.

35 Are there any questions on the CMOD
36 report? Okay.

37 Are there any questions on either the
38 communications report or the NEPA Subcommittee
39 report, both given by Chuck Tracy?

40 Okay. Are there any questions on Dave
41 Witherell's report on the planning for SCS7?

42 And finally, are there any questions
43 on the COFI report provided by Kitty Simonds? I
44 guess the reports were so comprehensive we don't
45 have any questions at least from the Committee
46 which is good.

47 So before we go to Council discussion
48 and action on these various reports, let's see if

1 we have any requests from the public to speak.
2 I'm not seeing any hands raised in the attendee
3 list.

4 And Nicholas, have you received any
5 requests to speak?

6 THE OPERATOR: No, I haven't.

7 CHAIR GORELNIK: All right, great.

8 So then that brings us to Council
9 action on Agenda Item 9, the various reports of
10 the CCC Committees. And so let's see if we have
11 any hands raised.

12 Brad Pettinger?

13 MR. PETTINGER: Yes, thank you, Chair
14 Gorelnik. I've got a motion for the NEPA
15 Subcommittee.

16 CHAIR GORELNIK: All right. Please go
17 ahead.

18 MR. PETTINGER: Okay. I move the CCC
19 recommend that the National Fisheries Service
20 consider the report of the CCC NEPA Subcommittee
21 and conduct a proposed NEPA workshop to extend
22 development of agency guidance on the
23 implementation of the new CDQ NEPA regulations
24 and procedures or functional equivalence of MSA
25 actions.

26 CHAIR GORELNIK: All right. Well,
27 let's see if we can't get that up on the screen.

28 MR. TRACY: Morgan, can you allow me
29 to share my screen? This is Chuck.

30 MS. COREY: No problem, Chuck.

31 CHAIR GORELNIK: All right. Brad,
32 that's your motion on the screen there.

33 MR. PETTINGER: It is.

34 CHAIR GORELNIK: All right. I will
35 look for a second? A second by Tom Nies. Thank
36 you, Tom.

37 Brad, do you want to speak to your
38 motion as necessary?

39 MR. PETTINGER: I don't think it's
40 necessary. I'll think Chuck's overview and
41 report was really good and I think we're a little
42 behind here so I think I'll just go with that
43 report that's there.

44 CHAIR GORELNIK: All right. Let's see
45 if there's any discussion on this motion.

46 MR. TRACY: Mr. Chair, I can't quite
47 find my hand but I did have a question, I guess.

48 CHAIR GORELNIK: Okay.

1 MR. TRACY: Or maybe some discussion.
2 I guess I was just kind of curious what, if NMFS
3 had a status update on their plans for the
4 workshop or anything else going forward? Sorry I
5 didn't get that out there sooner.

6 CHAIR GORELNIK: MR. RUNNELS: Let's
7 see if we can get someone to respond to your
8 question.

9 MR. RAUCH: Mr. Chair, if I may? This
10 is Sam Rauch.

11 CHAIR GORELNIK: Please go ahead, Sam.

12 MR. RAUCH: Unfortunately I do not
13 have a status update. I think as you indicated
14 in your presentation yesterday, we are still
15 evaluating what the overall response to the
16 administration is going to be and still in our
17 agenda it's something we'd like to pursue but
18 exactly how we do that we do not currently have
19 plans.

20 But I will give you a better, more
21 directed update once I can consult with our NEPA
22 folks about that.

23 CHAIR GORELNIK: Thank you.

24 All right. Is there any further
25 discussion, questions, comments on this motion?
26 I'm not seeing any hands so please unmute your
27 microphones so we can vote on this motion. All
28 those in favor say aye?

29 (Chorus of aye.)

30 CHAIR GORELNIK: Opposed, no?
31 Abstentions? The motion passes unanimously.

32 Thank you, Brad, for the motion.

33 We have several other reports here for
34 discussion or any action as necessary. I will
35 pause here to see a hand go up if it does for any
36 further discussion or action on the other
37 reports. And I'm not seeing any hands so I
38 believe we have concluded our business on Agenda
39 Number 9, the Reports of the CCC Committees.

40 Okay. And that takes us back to
41 today's agenda. And with that, we will start
42 with Agenda Item Number 10, Seafood
43 Competitiveness, Marketing and Economic Growth.

44 And Paul, I think you have the floor
45 here.

46 DR. DOREMUS: Thank you, Mr. Chair.
47 It's great to see everybody again today and be
48 able to take up a very expansive topic.

1 I'll just provide some framing here
2 for just a couple of minutes before we dig in to
3 a couple of elements of Executive Order 13921
4 which was landed last May and has a range of
5 different components that are broadly oriented
6 around approving the competitiveness of the U.S.
7 seafood, the U.S. fishing and seafood sectors as
8 a whole.

9 And we're covering two of those here
10 today, the components under Section 4 that you
11 all have contributed to as well as latest on
12 aquaculture opportunity areas.

13 Those are two pieces of a fairly
14 comprehensive executive order that actually
15 developed over a very long time period and with
16 lots of input from industry as we've discussed
17 before.

18 And in many respects, those components
19 along with the third topic that we're going to be
20 taking up today which is Part C of our agenda
21 item on seafood marketing.

22 Our Marine Fisheries Advisory
23 Committee has spoken on that topic. We'll have a
24 little bit of a focus on that but also a number
25 of other aspects of the sort of demand side of
26 the equation with education, marketing and
27 promotion efforts that would complement a
28 National Seafood Council type effort, workforce
29 development, working waterfronts, a range of
30 issues that we'll cover there.

31 And really, this is really an
32 opportunity to update the CCC on the status of
33 this set of efforts what have been several of
34 which are in motion and really think, I think,
35 comprehensively here about where we are in terms
36 of the resilience, overall competitiveness of the
37 fishing and seafood sector of the United States.

38 We've had an enormous shock with COVID
39 and, you know, in many respects, it accelerated a
40 lot of changes and revealed a lot of weaknesses
41 in the industry, broadly speaking, that we had
42 known about and highlighted the need for
43 strategic initiatives to build back better as is
44 the charge and really kind of play for the longer
45 term strengthening.

46 And so strategic management of a lot
47 of very, very significant pressures on the
48 industry, not only the economic pressures and

1 sort of market disruption and change in consumer
2 dynamics, some positive, some negative coming out
3 of COVID, but also a lot of the pressures that
4 we've been talking about on uses of ocean space,
5 on the changing environmental conditions that
6 we're focusing on very heavily under Executive
7 Order 14008, among other challenges.

8 So this is I think a part, a snapshot
9 on key segments of what you could probably call a
10 national seafood competitive strategy.

11 We'll get started with an update with
12 Kelly Denit and on the Section 4 and David
13 O'Brien on aquaculture opportunity areas.

14 And then we'll spend a little bit more
15 time on the broad topic of seafood marketing,
16 including but not limited to MAFAC's efforts.

17 So thank you for the opportunity to
18 dig into this topic and I will turn it over to
19 Kelly Denit for our first piece of the discussion
20 here this afternoon.

21 MS. DENIT: Great, thanks, Paul.

22 CHAIR GORELNIK: Welcome, Kelly.

23 MS. DENIT: Thanks, Marc.

24 Good to see everybody this afternoon.
25 From what I've been told, I am extremely sad that
26 I missed the happy hour last evening. I look
27 forward to at some point seeing the video that
28 was shared.

29 So Morgan, could you please bring up
30 the slides for me? You're a peach. Thank you.

31 So quickly, I'm going to run through
32 a little bit of a reminder on Section 4 of 13921.

33 Go ahead and go to the next slide,
34 Morgan?

35 So you all recall that this was the
36 section of the EO that was focused on soliciting
37 a prioritized list of actions from you all to
38 reduce burdens on the domestic fishing industry.

39 You were asked to focus on things that
40 could be initiated within one year and you had a
41 range of topic areas that you could cover,
42 everything from specific regulatory actions, to
43 guidance documents, to others.

44 It has to be consistent with our
45 various statutory requirements. And then we were
46 required to review that input and as appropriate
47 update the unified agenda which is essentially
48 the regulatory calendar with that input.

1 Next slide, please?

2 So just as a quick overview, this
3 shows you a map of the number of actions that you
4 all submitted by Council with the Mid-Atlantic
5 leading the charge with 18.

6 Go ahead to the next slide, please?
7 And click a couple times, we're in, because I
8 think we, yes, thank you.

9 So as a reminder, you all submitted
10 this information back in November to all of us.
11 Since that time we've been reviewing all of the
12 input.

13 And thank you all again for using the
14 spreadsheet that we provided. That made it a lot
15 easier for us to be able to sort through all of
16 the input.

17 You'll see here in the pie graph,
18 gives you just a general sense of how those
19 suggestions broke down into the four different
20 bins.

21 So we had one that was regulatory,
22 actual changes to regulations which had about the
23 18 actions total.

24 Then the non-regulatory NMFS led, had
25 about 51 actions in it and I'm going to talk a
26 little bit more about what's included in that
27 bucket in a second.

28 Then there were some recommendations
29 for other agencies as well as we ended up with
30 just a little bit of a catch-all other category.

31 Go ahead to the next slide, please,
32 Morgan?

33 So we have reviewed the regulatory
34 action inputs.

35 Go ahead to the next slide?

36 And there were a total of 18
37 regulatory actions received. These were proposed
38 or considered near term rate, i.e. that there's
39 going to be a final rule or final Council action
40 in the next six to 12 months.

41 So in terms of what we needed to
42 provide for the unified agenda, there was one
43 action up in the North Pacific that was approved
44 in time to make the spring UA and then there are
45 about nine I think actions of those 18 that you
46 all provided that we anticipate will make the
47 fall UA.

48 And so our plan is as your respective

1 councils move through your process then you are
2 finalizing your actions, that based on those
3 timelines we will add those regulatory actions or
4 those regulatory changes to the unified agenda.

5 Go ahead to the next slide, Morgan?

6 Okay. In addition as I mentioned, we
7 kind of had the big buckets of non-regulatory
8 actions that you all provided.

9 And so since February, we've been
10 working with the regional offices and our
11 headquarters offices to review all of those non-
12 regulatory actions.

13 Go ahead to the next slide, Morgan?

14 Thank you.

15 So here these were just some general
16 themes that came through in the buckets for Bins2
17 through 4.

18 Several of you expressed support for
19 commercial electronic reporting programs, overall
20 improvement in data collection. I'm sure you'll
21 all be surprised that you separately advocated
22 for support for the surveys and monitoring and
23 observers in your respective regions.

24 You also included suggestions around
25 National Standard 1, the Modernizing Fish Act and
26 ACL flexibility.

27 We're going to talk more about the
28 domestic seafood competitiveness but several of
29 you had specific recommendations about
30 recommendations to work with USTR to reduce trade
31 barriers and other actions like that.

32 Paul has already alluded to the
33 support you've indicated for the national seafood
34 marketing program.

35 There was also support for climate
36 scenario planning and then a couple specifics for
37 reclassification of squid under specific
38 regulatory actions the Fish and Wildlife Service
39 took and lots of work for getting the next
40 generation of fishermen out on the water.

41 Go ahead to the next slide, Morgan?

42 Thank you.

43 So at this point here we are in May to
44 update you all on where we stand. As we conclude
45 the CCC meeting, we will continue to review those
46 non-regulatory recommendations and talk with Sam
47 and Paul further about that and then provide
48 those recommendations to other agencies as

1 appropriate and incorporate those into our
2 decision making as we move forward.

3 And so I think that's the last slide.
4 Be happy to answer any questions.

5 CHAIR GORELNIK: Are there any
6 questions of Kelly? Chuck Tracy, then Chris
7 Moore.

8 MR. TRACY: Thanks, Kelly. Thanks for
9 the presentation.

10 Just to make the last point I guess.
11 So I take it that none of the non-regulatory
12 items have been, there have been no results from
13 any of those matters? If there hasn't been any
14 action taken I guess I'm particularly interested
15 in where the squid reclassification item stands.

16 MS. DENIT: Sure, Chuck. Yes, so
17 certainly some of those recommendations have been
18 taken into account. For example, like I
19 mentioned many of you advocating for support for
20 surveys and other particular funding priorities
21 which have been considered.

22 But things like, yes, the Fish and
23 Wildlife Service and actions on Squid, we have
24 not forwarded that to the Fish and Wildlife
25 Service yet.

26 CHAIR GORELNIK: Chris Moore?

27 MR. MOORE: Thank you, Mr. Chairman.
28 Hi, Kelly. How are you?

29 MS. DENIT: Hey, Chris.

30 MR. MOORE: So one of the questions I
31 was going to ask is the one you just addressed
32 about squid. So that's good to hear. Can you
33 put that timeline graphic up, please?

34 MS. DENIT: I'm sure Morgan with her
35 magic powers can.

36 MR. MOORE: Oh, there you go. So the,
37 a couple things that strike me. I don't remember
38 and it could be that it wasn't asked, but you say
39 in March and April there was a request of
40 feedback from the regions.

41 So the councils weren't involved in
42 that. That was the headquarters to region
43 contact and we weren't involved, correct?

44 MS. DENIT: Correct.

45 MR. MOORE: It wasn't feedback from
46 us, it was the region, okay.

47 MS. DENIT: Correct.

48 MR. MOORE: The other thing, the last

1 highlighted green bullet, prepared to report, is
2 that report something that's available or is it
3 linked to your presentation? I didn't see a
4 report.

5 MS. DENIT: I think this slide deck is
6 our report as far as I know, Chris.

7 MR. MOORE: Oh, okay.

8 MS. DENIT: Yes.

9 MR. MOORE: I get it.

10 MS. DENIT: Sorry, probably just a
11 little bit of poor wording choice there but the
12 slide deck is really kind of our update for you
13 all on where everything stands.

14 MR. MOORE: Got you. And the last
15 question. So you used the term UA, Unified
16 Agenda. I probably should know what that is but
17 what is that and who's that for?

18 MS. DENIT: Awesome. Yes, Unified
19 Agenda is essentially the federal government's
20 list of all of the regulatory actions that it's
21 going to take or that it plans to take, comes out
22 of OMB.

23 The Office of Management and Budget is
24 part of the White House. All federal agencies
25 participate in it.

26 You've had actions listed on it for
27 years and years, so.

28 MR. MOORE: Oh, okay. Yes, just
29 never, you know, it just never struck me, I never
30 thought of it that way so, yes, thanks. I mean,
31 yes, appreciate it. Thank you.

32 MS. DENIT: Sure.

33 CHAIR GORELNIK: Thanks, Kelly. Any
34 further questions for Kelly? I'm not seeing any.

35 Thank you very much, Kelly.

36 Paul, back to you?

37 MS. DENIT: Actually, Mr. Chair, I'm
38 sorry --

39 CHAIR GORELNIK: More, Kelly?

40 MS. DENIT: Yes, could I take us on
41 just a minor tangent to address some of the
42 issues that came up in the NSI data poor
43 conversation yesterday just while I have the
44 floor? It'll take two minutes.

45 CHAIR GORELNIK: Sure.

46 MS. DENIT: Great, thank you so much.
47 So first of all, thank you all again
48 for your participation in the conversation

1 yesterday on the data poor tech memo.

2 I heard from folks that you all
3 requested a little bit more time to review that
4 document so we would like to get comments back
5 from you all by early October.

6 We recognize that that's not as much
7 time as you had asked for but we think that that
8 will give us a little bit of time to at least be
9 prepared to have a conversation with you all at
10 the October CCC meeting rather than waiting to
11 get all of the comments after that.

12 So I just wanted to share that very
13 brief update, Mr. Chair, and of course if people
14 have follow-up questions we can discuss them
15 offline. Feel free to send stuff and either Mary
16 or I an email.

17 Thank you, sir.

18 CHAIR GORELNIK: All right. Thank you
19 for that, Kelly. Well, thanks for that report,
20 Kelly.

21 Paul?

22 DR. DOREMUS: Thank you, Mr. Chair.
23 Let's turn the mic if we can over to David
24 O'Brien who's currently acting as the director of
25 our Office of Aquaculture for the second item
26 here under this section.

27 David?

28 CHAIR GORELNIK: Welcome, David.

29 MR. O'BRIEN: Thank you, Mr. Chair.
30 I'm happy to be here today. Thank you for the
31 opportunity to come and speak to you today about
32 where we stand with aquaculture opportunity
33 areas.

34 And Morgan, if you're driving, great,
35 thank you.

36 So I wanted to start by hopefully a
37 brief presentation here to really do three
38 things. One is to summarize our actions to date
39 in the world of aquaculture opportunity areas,
40 let you know where we stand.

41 Second is to talk about what comes
42 next over the next few months. There'll be some
43 significant steps along the way. We want to make
44 sure that all the CCC and our councils are aware
45 of these actions. And then also to talk about
46 opportunities to engage in the process from the
47 CCC as a group and also for the individual
48 councils to engage in the process.

1 Morgan, next slide, please?

2 So as a reminder under the executive
3 order for seafood competitiveness, Section 7
4 calls for the establishment of aquaculture
5 opportunity areas.

6 And it called for, had some fairly
7 aggressive timelines and to be clear, these
8 timelines would have been highly aggressive even
9 if we're fully resourced to do this and we're
10 not.

11 So these timelines will slip but we're
12 doing the best we can with what we have to stay
13 as aligned with these timelines as much as
14 possible.

15 It calls for within one year of the EO
16 which by the way was signed just about a year ago
17 today or 13 months ago it was signed, to
18 establish two AOAs and then go through a process
19 of establishing an EIS, programmatic EIS for each
20 of them.

21 And then to have a furthermore
22 established AOAs, a total of ten over five years.
23 Again, we're not going to meet that timeline but
24 that is what the executive order calls for.

25 Next slide, please?

26 And here's just graphically what the,
27 again the timeline laid out for you. I won't go
28 through it again except to note that Year 1 we're
29 looking at the first two AOAs on that first row,
30 so to speak.

31 We're right now about six months
32 behind so we've not identified those first two
33 AOAs yet but we hope to do so, well, at least the
34 beginnings of doing so. Be prepared for the PEIS
35 stage sometime this fall and I'll get to that a
36 little further along the presentation.

37 Next slide, please?

38 So next few slides are a basic
39 timeline. I'm not going to hit every one of
40 these pieces in the interest of time but I will
41 stop a few places along the way just for some
42 highlights.

43 Back in the summer of, back in August
44 of 2020 is when we first announced the two broad
45 regions where we decided to establish some future
46 AOAs in the Gulf of Mexico and in Southern
47 California.

48 At that point we started doing our

1 outreach events with stakeholders including the
2 councils, our stakeholders and partners including
3 the councils and the Ocean Service, our partners
4 in this effort began a very deliberate effort to
5 look at all the data available to begin a spatial
6 planning effort to help inform the AOA
7 development as we move forward.

8 Next slide, please?

9 About last fall in October we
10 published a request for information to gather
11 public input and I will be going through some of
12 the highlights of that public input later in my
13 presentation.

14 And then we also began a very even
15 more dedicated outreach campaign essentially to
16 again working with the councils but also the
17 general public.

18 We held a number of listening sessions
19 mostly through November into early December as I
20 recall, and tried to collect all that information
21 to feed into the selection process for specific
22 areas for future ALAs.

23 Next slide, please?

24 I won't really touch on anything
25 particular too much right here other than to say
26 that this is basically where we are now.

27 We're merging the information we got
28 from the public comments as well as the
29 preliminary atlases that NCCOS develops just for
30 internal use for us to sort of digest certain
31 aspects of what they are looking at. And that's
32 all being merged at this point.

33 I will say also the RFI I mentioned
34 the last slide really had two questions. I
35 should have said that at the time.

36 One was to help us get more
37 information on the first two AOAs but also more
38 broadly to ask about looking forward as you look
39 to AOAs Number 3 and beyond, where should we be
40 looking at, any concerns, thoughts, that the
41 public may have to inform that next step.

42 Next slide, please?

43 So these are the next steps that are
44 coming down the pike. One is in the late, well,
45 probably late summer, early fall, or maybe mid-
46 fall, expect to see a draft or an atlas published
47 by the Ocean Service that has preliminary areas
48 for consideration for aquaculture opportunity

1 areas.

2 Let me say that again, it's a lot
3 there. I think there's been some confusion on
4 this front. The atlases themselves will not be
5 the opportunity areas. That is the first or a
6 key step along the way but there'll be multiple
7 other steps between that process in the fall and
8 the actual establishment of AOAs.

9 And there'll be at least two or three
10 opportunities for the Council and others to weigh
11 in on as you move in that process.

12 So I'll get to that a little bit later
13 in the presentation as well but I want to
14 highlight it here because it is a point I think
15 of confusion effecting internally as well at
16 times. We need to do a better job of messaging
17 that.

18 Simultaneous or close to simultaneous
19 with the publication of those atlases, there'll
20 be a Notice of Intent published or to establish
21 the EISS in the, both Gulf of Mexico and Southern
22 California.

23 In the meantime, we'll continue to
24 work with the councils and others to, for
25 outreach to continue to let them know what's
26 going on and what to expect next.

27 Next slide, please?

28 So here's a one slide summary of, or
29 maybe there's two slides actually, a summary of
30 where, of what we heard from the public during
31 that public comment period.

32 Again, through both the Request for
33 Information and the Federal Register as well as
34 the listening sessions.

35 We got 73 unique comments from the
36 public through regulations.gov and also quite a
37 few from the public listening sessions.

38 A mix of federal and state agencies
39 weighed in as well as councils, tribes, NGOs, and
40 many individual comments.

41 There were two write-in campaigns
42 which is not surprising, Friends of the Earth as
43 well as Center for Food Safety, voicing some
44 concerns about the process.

45 But actually when we get to the next
46 slide, please, I'll go through some of the
47 details about what they said.

48 Next slide, please, Morgan?

1 So there was a mix of opposition and
2 support I think is the high level way of phrasing
3 this. In general, much of the opposition was
4 focused on finfish aquaculture which is not
5 surprising given you've heard that over the years
6 in many different contexts. That's where a lot
7 of the opposition from those two environmental
8 groups came from.

9 Then we got some very specific
10 comments which was very helpful about areas in
11 Southern California and Gulf of Mexico where
12 people thought we should avoid or to focus on.

13 And in general the issues raised
14 covered the wide gamut of things we've heard
15 again many times, different contexts, for water
16 quality, marine mammals, et cetera.

17 This is all very valuable information
18 for us to include and we would have done it
19 anyway but to see it in a public context, it
20 would include these as part of the Programmatic
21 Environmental Impact Statement.

22 Next slide, please?

23 So next steps. We will be completing
24 PEISS for the first two AOAs. As I said a moment
25 ago, it starts with, well, if that starts with
26 the next steps it will be the simultaneous
27 publication of the atlases as well as the Notice
28 of Intent sometime this fall and that kicks off
29 the formal EIS process.

30 We can solve, there's a lot of public
31 engagement built into it as does any EIS process.

32 These areas will be considered and the
33 areas to be considered in PEISSs will be based on
34 the atlas but also further coordination with
35 stakeholder input as well as from our own
36 internal discussions with Protected Resources,
37 Sustainable Fisheries, Habitat, et cetera.

38 Next slide, please?

39 As I said, our Notice of Intent had
40 those two questions. One was on the first two
41 AOAs, the second question's really on future
42 AOAs. I did hear quite a bit on that front as
43 well.

44 In general, there's been a lot of
45 support for mariculture in Alaska, not finfish of
46 course but shellfish and seaweed in a combination
47 of state and federal waters.

48 And that's a point I wanted to

1 highlight. Well, the first two AOAs will be in
2 federal waters. You think of water as agnostic
3 as to whether they can be in state or federal
4 waters.

5 We certainly are open to working with
6 various states like Alaska if they want to
7 establish AOAs in their waters in their state of
8 course.

9 There's also support in the Western
10 Pacific, USVI and Puerto Rico, and again in state
11 waters off the coast of Florida.

12 Right now, the opposite, it's mostly
13 the voices of opposition for AOAs in the
14 Northeast given the things listed here, wind
15 planning, the lobster industry, right whales.
16 There's a lot going on up there.

17 That's the guidance we've received at
18 this point is to not go to AOAs at least to the
19 Northeast at least for the next round of AOA
20 development. But there was some support.
21 There's some support in favor of doing so.

22 In the Northwest, Oregon and
23 Washington, there's general opposition at this
24 time anyway for AOAs in their area.

25 Next slide, please?

26 So next steps, future AOAs. We're
27 reviewing all the comments. We're working
28 internally with our regional offices to look at
29 opportunities and challenges for developing AOAs
30 in their areas.

31 There'll be a leadership discussion
32 before we announce any next AOA locations but
33 really our primary focus right now is on the
34 first two AOAs and making progress there so I
35 don't expect to see any real announcement on the
36 third AOA for some time.

37 We'll be sure to give the councils
38 plenty of notice before we do so.

39 Next slide, please?

40 So she takes me to Opportunities for
41 Coordination and Engagement with the Councils.
42 I'd say up until now we've been working very
43 closely.

44 I've tried to work very closely with
45 the councils as we've gone through the AOA
46 process, even more broadly in longer term on
47 aquaculture development more broadly.

48 We think the councils have an

1 incredibly important voice in this process for
2 aquaculture development generally and certainly
3 for AOA development.

4 We want to maintain open lines of
5 communication and I believe we've been through
6 every or if not every, then close to every
7 Council meeting and CCC meeting since the AOA
8 process started to try to keep this open dialogue
9 going. We want to maintain that as we move
10 forward.

11 AOAs are a national initiative.
12 However, for each individual AOA, it's one of the
13 NMFS regional offices that will be taking the
14 lead with headquarter support to develop the
15 PEISS and to really drive the AOAs development
16 team in their regions.

17 Next slide, please?

18 So here's some opportunities, this is
19 not comprehensive I don't think but it's a good
20 list of areas where the councils can engage, and
21 have engaged, and will continue to engage we hope
22 in this process.

23 Certainly when NCCOS, our partners at
24 Ocean Service are gathering data for spatial
25 analysis, during the request for public
26 information, when the atlas is published there'd
27 be a chance to weigh in at that point as well to
28 help us inform what subset of those areas would
29 be moving forward into the draft PEIS process and
30 then through the PEIS process itself, is
31 opportunities for public engagement, and in
32 stakeholder engagement, and in partner engagement
33 across the board.

34 So I'm saying this because I think
35 because this is not a management action, it's not
36 a fisheries management action, it's not even a
37 management action. It's by definition of a
38 planning effort.

39 The type of engagement may look a
40 little bit different from what the councils are
41 used to seeing but I don't want that to infer
42 that it's no less important.

43 We really want to hear your voices
44 loud and clear throughout the process and there's
45 multiple opportunities to do so.

46 Next slide, please?

47 And at the national level, certainly
48 meetings like this, CCC meetings, we are more

1 than happy to come and talk to you at any time
2 about where things stand and get your thoughts as
3 we continue to move forward through this process.

4 With that, next slide I think and the
5 last one. Yes, that's it. So as time allows,
6 I'm happy to take any questions you may have.
7 Thank you very much.

8 CHAIR GORELNIK: Thank you very much,
9 David.

10 Let's see if there are questions from
11 the Committee here.

12 Carrie Simmons?

13 MS. SIMMONS: Thank you, Mr. Chair.
14 Carrie Simmons, Gulf Council.

15 Good to see you, O'Brien.

16 MR. O'BRIEN: Thank you, Carrie.

17 MS. SIMMONS: As you know, aquaculture
18 is very important to us in the Gulf. Just
19 curious, you know. This is a tremendous amount
20 of work for you all with establishing these AOAs.

21 Have you thought about once those are
22 set inside the Gulf or off in the Pacific, will
23 there be any more, I guess, will there be a
24 streamlined process for the other, for permits
25 through the EPA and U.S. Army Corps of Engineers
26 should a permittee that wants to put a facility in
27 the AOA versus outside the AOA?

28 Will there be more coordination with
29 that? Will that process be streamlined through
30 this effort? Just curious.

31 MR. O'BRIEN: That's a great question
32 and the short answer is we certainly hope so.

33 That is the intent of these AOAs is to
34 do a lot of work up front to front load the
35 process so that when an individual permit
36 applicant does come forward in the Gulf of Mexico
37 or anywhere else, much of the analysis has
38 already been done so it makes it an easier
39 process. And that's just from the NEPA lens
40 alone.

41 I'll also say, well, I didn't really
42 touch on it here today, the executive order also
43 calls for those other agencies to work on
44 nationwide permits for example to ease things on
45 that front as well.

46 So the intent certainly is to make it
47 easier down the road. It is a big lift for us
48 right now but the intent is for it to be worth

1 the effort down the road, for both the applicants
2 and for us.

3 MS. SIMMONS: Thanks.

4 CHAIR GORELNIK: Thank you.

5 Eric Reid?

6 MR. REID: Yes, thank you, Mr. Chair.

7 I think my question might have just been answered
8 with Carrie's question but I'll ask anyway. For
9 entities that they want to start up an
10 aquaculture adventure, are they required to use
11 these AOAs, be within the AOAs that are going to
12 be developed and identified through this giant
13 lengthy process?

14 I think the answer is no. I just want
15 to make sure that's right.

16 MR. O'BRIEN: That's accurate. Yes,
17 there's no, certainly if folks do want to come in
18 outside of AOAs they can.

19 As we develop more AOAs we will be
20 looking for ways to incentivize people to move
21 into those AOAs. It should be a more streamlined
22 process. That alone hopefully is enough
23 incentive.

24 But we'd like to talk about specific
25 incentives beyond that but hopefully people will
26 take advantage of the work, the preplanning work
27 that's already been done to say we have sites
28 that are selected that are suitable for
29 aquaculture and that'd be easier for those
30 applicants to go there rather than go outside
31 where they're starting from square one,
32 potentially.

33 So that is the intent. But no
34 requirement certainly to say you must go into
35 these AOAs.

36 MR. REID: Follow-up, Mr. Chairman?

37 CHAIR GORELNIK: Please.

38 MR. REID: So my question being that
39 I'm on a fisheries management council. What's
40 the incentive for us to go through this giant
41 exercise that one, be all the advisors, and two,
42 to have it not even be required as a place these
43 people are going to have to go?

44 MR. O'BRIEN: Well, I believe the
45 input from the councils will be extremely
46 important for us to, you know, as you try to
47 avoid, these are conflicts including with the
48 fishing industry, and work through these

1 complimentarities, your input will be essential.

2 It has been essential up to this point
3 and will continue to be so. So I hope that that
4 would be some incentive to continue this
5 collaboration.

6 And again, we can't predict exactly
7 how things are going to play out but the intent
8 is I think that our anticipation is that once the
9 AOAs are established, that alone will be a
10 significant incentive for would be applicants to
11 try to target a permit within the AOAs, again,
12 which should be a streamlined process relative to
13 going outside.

14 So we do expect that to happen. We'll
15 see how it transpires.

16 MR. REID: Okay. Thank you very much.

17 CHAIR GORELNIK: Carrie, followed by
18 Chuck?

19 MS. SIMMONS: Thank you, Mr. Chair.

20 Just one more question. Do you have
21 any more information on if you guys have
22 discussed limitations on the programmatic EIS
23 regarding the various species that you're
24 recommending culturing?

25 Is that going to be based on public
26 comment? Is that going to be based on the
27 literature and what we know about culture of
28 those various, maybe domestic species versus non-
29 native species? Do you have any more information
30 about that?

31 MR. O'BRIEN: We don't have all the
32 specifics but certainly we will be looking for
33 public comment on a range of options within each
34 AOA, in the NEPA parlance various alternatives
35 that will include things like what species should
36 be grown, what gear types. So we'll be looking
37 for public comment there.

38 As far as the domestic species go, I
39 will point out that going back to our, was it
40 2011 I believe, no aquaculture policy where we
41 said for a long time since that time, that we
42 would only as a matter of policy encourage and
43 allow only native or naturalized species in any
44 given area.

45 So we would not, you know, we're
46 cognizant of the potential for, we don't want to
47 have species around the country growing in places
48 they're not suitable barring, you know, unless

1 there's some very good reason to believe it could
2 be done safely.

3 But as a general policy statement, we
4 would encourage only the naturalized or native
5 species.

6 CHAIR GORELNIK: Chuck?

7 MR. TRACY: Thank you, David, for the
8 presentation.

9 I wanted to explore a little bit more
10 about the atlas that is being developed. And
11 first of all, when you say, I think here on the
12 West Coast we do have a very good interaction
13 with your aquaculture office in looking at some
14 of the maps and data used to look at some of the
15 layers that were being used to map out some of
16 the issues associated with assigning aquaculture
17 facilities.

18 So I think that was a great first
19 step. I'm wondering if it looks like the next
20 step is that the atlas is going to be published.

21 I was just wondering if there's any
22 opportunities sort of in between that initial
23 discussion and the publishing of the atlas for
24 additional Council interaction or, you know, take
25 a look at what data's being used or how the data
26 is being used.

27 In particular I assume that, you know,
28 some of the fishery effort layers will be part of
29 that atlas in that.

30 So just wondering if there's another
31 opportunity or if the atlas is sort of a living
32 document type thing that can be modified, you
33 know, as issues are developed and new data, if
34 there is some. What's the story with the atlas?
35 Thanks.

36 MR. O'BRIEN: That's a great question.
37 So the atlas won't be a living document, first of
38 all, so we, our partners at the Ocean Service are
39 clutching every scrap of data they can that's
40 relevant to feed into the process of developing
41 the atlas.

42 It'll be peer reviewed. It's a
43 scientific product and the atlas will come out
44 sometime in, again, probably the fall at this
45 point.

46 But I think it's important to note,
47 I'm glad you said this because this a point I
48 think it's worth reiterating.

1 The atlas is just the start or not the
2 start but a chief milestone along the way. So
3 between the atlas being developed and the AOAs
4 being identified, there's a number of steps along
5 the way where there will be opportunity for
6 council input.

7 So for example, at the Notice of
8 Intent stage happening sometime this fall, we'll
9 say here's the atlas, here's where are some areas
10 we intend to move forward but for the draft
11 programmatic EIS, give us your thoughts.

12 At that point if you do see any
13 discrepancies or issues, you can flag them and
14 that will feed into our thinking going into the
15 actual draft EIS stage.

16 And then again, once the draft is
17 published, there'll be another opportunity for
18 the councils and others to weigh in with anything
19 they may see of either missing data, or
20 misinterpreted data, or anything else that may be
21 relevant for us as we develop the final EIS.

22 So I think the short answer, in some
23 ways to answer to your question is, no, there
24 won't be an opportunity before the atlas is
25 published but there will be several key steps
26 along the way before the AOAs are finalized.

27 MR. TRACY: Thank you.

28 CHAIR GORELNIK: Tom Nies?

29 MR. NIES: Thank you, Mr. Chair.

30 Thank you, David, for the
31 presentation. I'd like to follow up a little bit
32 on Carrie's question about native or domestic
33 species in your reply.

34 You know, it struck me that you
35 referred to a policy that was developed in I
36 think you said 2011 which would try to discourage
37 using non-native species and encourage domestic
38 species.

39 But in light of the court decision in
40 the Fifth Circuit which says fisheries,
41 aquacultures stopped managing the Magnuson Act,
42 is there any enforcement mechanism to make sure
43 that happens?

44 MR. O'BRIEN: Certainly through the
45 enforcement, I'd like to defer to others to weigh
46 in on that and we can get back to you on that
47 specific question.

48 But I will say at a minimum, I expect

1 and during the EIS process alone, that we will
2 use that process to highlight that same point,
3 may come on certain different wording.

4 But certainly we recognize the
5 potential risks of non-native species nor
6 naturalized species to any given area. And I
7 expect that will come out loud and clear in the
8 PEIS process.

9 I don't want to get too far down that
10 path but I expect we would hear that loud and
11 clear from the public and partners repeatedly.

12 So that'd be one way to just build it
13 into the alternative structure, essentially.
14 Here's the species that are allowed or not
15 allowed.

16 And if they were not allowed they
17 would not be covered by the EIS. It's really an
18 unfortunate action but it's a way for us to
19 influence and direct really what species could be
20 allowed in a given area and what gear types and
21 other things like that.

22 MR. NIES: So I may not be
23 understanding this correctly. The PEIS though is
24 for development of the aquaculture opportunity
25 area, right? Or is it for a specific project?

26 MR. O'BRIEN: It would be for the area
27 itself so any individual permit coming in under
28 that AOA would almost certainly require some
29 additional NEPA work associated for example with
30 an Army Corps permit or an EPA permit that would
31 be associated with it.

32 So there'd be some follow-up.
33 Hopefully a much more streamlined process as I
34 said a moment ago but likely some additional NEPA
35 work would be required.

36 At that point just say, for example,
37 the Army Corps is in charge of that NEPA document
38 for the individual application.

39 They'd be tiering off the AOA or the
40 EIS which again, without getting too far ahead of
41 ourselves, I think it's fair to say, you know,
42 non-native and non-naturalized species probably
43 would be, I expect, I have a hard time imagining
44 that would be allowed.

45 And so for the Corps for example to
46 issue a permit for a non-native, for a truly a
47 non-native species in that area, they'd have to
48 go through their own EIS process.

1 And again, it'd be difficult for me to
2 imagine that barring some very strict
3 permissions, you know, a sterilized species or
4 something like that I could see, potentially see
5 in an area where that could be allowed.

6 That's hard to imagine that happening
7 any time in the near future and even that I think
8 would be a bit of a stretch. So anyway, the EIS
9 process and the permitting by the Corps, by the
10 EPA would be, will provide those side boards.

11 MR. NIES: Okay. Thank you.

12 CHAIR GORELNIK: Any further questions
13 of David?

14 Thank you, David.

15 MR. O'BRIEN: Thank you very much.

16 CHAIR GORELNIK: Back to you, Paul?

17 DR. DOREMUS: Thank you, Mr. Chair.

18 And thanks to all the participants in this other
19 two sessions, and your questions.

20 So, we're going to switch to a
21 discussion now on, and close out this agenda item
22 on seafood marketing, broadly construed.
23 Starting with some additional on the Marine
24 Fisheries Advisory Committee recommendations.

25 As you know, they were focused in
26 their work, which was delivered to us last
27 summer, on improving consumer confidence and, in
28 and consumption of U.S. seafood, and enhancing
29 the overall resilience of the U.S. seafood supply
30 chain.

31 And made a number of different
32 recommendations, and we really do appreciate the
33 CCC's engagement on this front, and with their
34 particular responsiveness to MAFAC
35 recommendations itself, in their report. And we
36 have been seeing a range of developments that are
37 encouraging, I think.

38 And this is a very significant
39 recommendation, we're continuing to evaluate some
40 of them. And clearly there are a lot of major
41 steps that would need to be endorsed by the
42 administration, and ultimately by Congress to
43 move down this path.

44 But it's been interesting to see the,
45 what I would call the building support,
46 particularly in the context that we are currently
47 in for the proposal that MAFAC put out.

48 One of the most recent pieces of

1 evidence of that, which many of you I'm sure are
2 aware of, was a letter orchestrated by the
3 Seafood Nutrition Partnership that was signed by
4 more than 60 leading organizations in the sector
5 overall, representing the, really the diversity
6 of the U.S. seafood sector, endorsing the
7 National Seafood Council.

8 And this was sent to Congress and
9 really supporting this whole concept of a
10 comprehensive, nationwide seafood marketing
11 public education campaign. Again, all focused on
12 elevating U.S. seafood as a sustainable and
13 healthy protein source in the marketplace.

14 And we, you know, we see they made
15 specific recommendations about how to build out a
16 National Seafood Council, possibly updating the
17 Fish and Seafood Promotion Act of 1986. We see a
18 great potential in achieving these kind of
19 objectives.

20 And look forward to continued work
21 with the administration, with Congress as this
22 topic starts to become a more central part of the
23 policy discussion around what it takes to get to
24 a more resilient seafood future, for the
25 industry, as well as what it takes to get the
26 U.S. population to have a much richer component
27 of seafood in their overall diet, true to the
28 federal government's dietary recommendations.

29 The public benefits in terms of public
30 health, in terms of planetary health, in terms of
31 lower carbon footprint associated with seafood
32 production, there's lots of public benefits here.
33 And the case that MAFAC made was very persuasive
34 and we look forward to continuing to look at ways
35 that could be implemented with support, again
36 from the administration and Congress.

37 Meanwhile, there are lots of other
38 educational efforts that we've been continuing to
39 advance. Some of which are recognized in the
40 MAFAC report itself. Consumer confidence
41 ultimately is the ticket to achieving some of
42 these objectives. And that all requires sort of
43 sorting out fact from fiction.

44 And we continue to try to establish
45 our organization and some of the communication
46 outlets that we have built, such as Fish Watch,
47 to be the trusted sources of information on
48 sustainability of U.S. seafood.

1 MAFAC recognized the value of Fish
2 Watch and its availability to help consumers make
3 informed choices. To provide up-to-date
4 information about everything from the status of
5 stock to how to prepare fish. It's a very
6 comprehensive and extremely well-done site,
7 provides nutrition information. We're trying to
8 draw more people to it. MAFAC recognized the
9 value of that.

10 And we're certainly dedicated to using
11 Fish Watch for this core purpose of educating
12 consumers about the sustainability of U.S.
13 produced seafood. In effect, kind of like the
14 overarching goal of a National Seafood Council,
15 in MAFAC's eyes, these are mechanisms for both
16 demonstrating U.S. leadership when it comes to
17 sustainability, but also increasing consumer
18 confidence.

19 And if you're purchasing seafood that
20 was produced in the United States, whether it was
21 wild cod or farmed, you can be confident in its
22 sustainability. And it's value to you, and to
23 the, in terms of your health benefits and of
24 value to our country in terms of the
25 environmental benefits.

26 So, that's an important tool. We have
27 other tools as well that we're trying to use,
28 again within our very limited resources. We're
29 trying to use to greater effect all around
30 sustainable seafood content. So, we're producing
31 web stories, industry profiles, we're
32 highlighting videos. Some we produce and some
33 from external partners.

34 We use Fish News, our kind of flagship
35 newsletter, goes out to over 60,000 people to
36 draw out this kind of content. Again,
37 increasingly using videos as a -- and we're
38 getting really quite substantial evidence through
39 our web usage statistics that these are working
40 well.

41 And we're trying to use all the
42 contemporary techniques of search engine
43 optimization to make sure we understand that our
44 contact not only is relevant and useful, but it's
45 discoverable to seafood consumers.

46 And that we're channeling the right
47 kind of information and getting the right layers
48 of information orchestrated on the sustainable

1 seafood section of our website.

2 So, if you haven't, I encourage you to
3 do that. If you just google sustainable seafood
4 NOAA, that pops up. And these are, these are all
5 areas where we're continuing to advance the ball
6 as we grapple, as a policy matter with the very
7 broad and very comprehensive proposal for a
8 National Seafood Council.

9 We're continuing to work down the path
10 of these consumer education efforts and we
11 certainly welcome your feedback on those efforts.
12 As well as your continued support for the idea of
13 the National Seafood Council.

14 Also, on the kind of broader marketing
15 front, we have been actively supporting a
16 campaign that was started by the Seafood
17 Nutrition Partnership. And full disclosure, I am
18 on their advisory board.

19 And one of the things that came
20 forward during the early stages of the COVID
21 crisis, was a Eat Seafood America campaign that
22 SNP started to pull a broad community of people
23 together and in the kind of seafood stakeholder
24 community, broadly construed, to amplify messages
25 around the health and planetary benefits of
26 seafood consumption.

27 And we've been supporting the efforts
28 to sort of amplify that campaign and related
29 marketing efforts across a number of social media
30 platforms.

31 We're using, you know, the tools of
32 the trade, Twitter, Instagram, Facebook, LinkedIn
33 to promote not just, not only for that
34 amplification, but also promote our own content,
35 a link to key partners to get people directed to
36 campaigns like National Seafood Month, Show Us
37 Your Seafood, the Eat Seafood America effort.

38 All of this again is driven by our
39 interest in kind of marketing and consumer
40 education. And we welcome your continued ideas
41 and thoughts and input related to that.

42 And we're also working with the
43 Seafood Nutrition Partnership to explore generic
44 marketing and outreach on the importance of
45 seafood consumption. And increasingly linking
46 the science around nutrition, health benefits,
47 and the science around ecological benefits,
48 sustainably sourced seafood. And trying to look

1 at different ways that these sorts of positive
2 messages can be reinforced.

3 In addition to marketing, there's also
4 understanding market dynamics, and that's been a
5 big focus of our work, particularly in the
6 aftermath of the early stages of COVID. When we
7 started as you know, and we've talked on a number
8 of occasions with you about the market snapshot
9 reports we've done, to try to assess the impacts
10 over time on our wild capture, aquaculture,
11 seafood processing, charter boat, fishing
12 businesses.

13 To understand how, where, and in what
14 ways the segments of the fishing and seafood
15 sector were affected by COVID. And we've, you
16 know, done a lot of independent surveys as we do
17 in this very diverse sector that has very uneven
18 information available about it.

19 Our own fishery economists have been
20 doing series of surveys, primarily on the wild
21 capture side. On the aquaculture side, we have
22 partnered with Virginia Tech and co-sponsored
23 work with SeaGrant. Our SeaGrant partner, all
24 around understanding that sector. And the latest
25 update in this whole process of trying to gage
26 impacts and think through sustainability, long-
27 term resilience sustainability considerations.

28 That next data report is going to come
29 out, we hope early this summer. We're targeting
30 June, but definitely this summer. Along those
31 lines, all of that is informing our understanding
32 of market dynamics and we are working with
33 internal and external economists to continue to
34 understand where and in what ways, and where the
35 barriers are to modernization throughout the
36 seafood supply chain.

37 Looking at economic market and trade
38 analyses and trying to get, look closely at the
39 gathering and dissemination of price and supply
40 data -- which during this period we have learned
41 from a lot of folks in the Investor Inc.
42 community in particular -- are often a challenge
43 and a little bit of a barrier to investors
44 getting into these modernization efforts and
45 supporting them throughout the supply chain.

46 And we're looking at ways to
47 collaborate more closely with the USDA, with the
48 Economic Development Administration, the Minority

1 Business Development Administration Grant
2 programs and tools, partly related to COVID
3 recovery and partly related to, kind of long-term
4 resilience considerations in the sector as a
5 whole.

6 And when you think about that
7 modernization, kind of a modernization trend, a
8 growth strategy, what long-term resilience looks
9 like. One of the things that quickly comes up in
10 all of our conversations with industry, are
11 concerns and issues around workforce development.
12 So, this is yet another category where we welcome
13 your input.

14 We are trying to look at issues around
15 training, recruitment, the sorts of areas where
16 modernization, innovation, new ideas are most
17 needed and could draw in new people. We've got
18 work going on.

19 You just heard from David O'Brien and
20 his sort of capacity with aquaculture, Office of
21 Aquaculture. He is also co-chairing an economic
22 development task force under the National Science
23 and Technology Council, Subcommittee on
24 Aquaculture, which is co-chaired by USDA, by me
25 for NOAA, and by OSTP.

26 And looking there at ways to pull
27 together strategies that can address workforce
28 development issues. And it's really helped
29 deepen our relationship with USDA in particular.
30 So, we're working now in that relationship on a
31 range of issues related to fishing and seafood,
32 and access to the USDA programs here at large.

33 And on the workforce front, we're
34 categorizing inventory workforce development
35 programs right now, training resources, trying to
36 look at where there's gaps. And SeaGrant is our
37 big partner on this and we expect to use its
38 inventory for a bunch of purposes including the
39 support for this taskforce that I just mentioned,
40 economic development taskforce, as well as
41 supporting SeaGrant's implementation role
42 outlined in the Young Fishermen's Development
43 Act.

44 So, we're hoping with this big need,
45 of drawing new talent into all facets of the
46 industry. We hope the councils can help us by
47 reviewing the inventory, identifying programs
48 that you know about in your states and regions.

1 There is really a plethora, but often not well
2 known, communicated, or compiled. And we'd love
3 to get, or become aware of what you know about in
4 this category that we might not have covered.

5 And appreciate your views on the types
6 of things that might be gaps, you know. Where
7 are the needs? Where are the training needs
8 mostly concentrated? How can we fill in those
9 gaps?

10 How we can achieve other objects such
11 as increasing access to work opportunities from
12 diverse communities and deal with the issues of
13 equity inclusion that are confronting all
14 segments of the industry at this point in time.
15 And likewise, provide assistance to underserved
16 communities.

17 So, we hope to use this inventory and
18 your input as well. That will kind of be a lens
19 with which we look at the President's jobs plan,
20 which as I mentioned yesterday has a big focus on
21 infrastructure development and developing jobs
22 programs. And that might provide additional
23 opportunities coming up in the fishing and
24 seafood sector as a whole.

25 So, that's an encouraging path and we
26 could absolutely benefit from your assistance on
27 this inventory gap identification and ideas
28 around how best to advance workforce development
29 programs nationally.

30 So, speaking of infrastructure,
31 another big area to consider, and we'd love to
32 hear your thoughts around as well, is the whole
33 topic that has ebbed and flowed over time around
34 working waterfronts. Also this, you know, kind
35 of a key, a central hub in what you would call
36 healthy resilient fisheries, at least from our
37 perspective. And I would expect many of you
38 would agree.

39 And we know that there's been a lot of
40 pressure on working waterfronts. All of us
41 understand that and we know that a lot has moved
42 out over time, processing capacity, distribution
43 capacity, storage capacity, you know, all fish
44 auctions.

45 There's a lot of pressure on different
46 points of the supply chain, but the working
47 waterfronts are a key concern given this sort of
48 pub nature that they serve. And so, we've got

1 social scientists, have been working for years
2 now to improve our understanding of how working
3 waterfronts function within the context of
4 coastal fishing communities. And where, what
5 sort of factors affect their liability?

6 And what kinds of things are creating
7 the greatest vulnerabilities? And what can you
8 do about it? So, these are all issues where you
9 all, so can provide considerable perspective and
10 thought and constructive suggestions on where we
11 could build greater economic opportunity and
12 bring these forward in our considerations, as
13 well as with our engagements with our stakeholder
14 community at large.

15 We are talking about a number of these
16 things, workforce development, equity, working
17 waterfronts, with MAFAC as we mentioned in our
18 meeting next week, and we'll be seeking their
19 advice and input similarly during that
20 engagement. And look forward to continued work
21 on these long-standing topics.

22 As I mentioned earlier in my opening
23 comments, these are strategic issues. We're
24 looking at major pressures on our fishing and
25 seafood sector as a whole, particularly in the
26 COVID context that we are still in.

27 And with substantial questions about
28 the pathway to long-term resilience in the sector
29 as a whole. And this is going to be a continued
30 theme of our efforts and our discussions with all
31 of you because it's, if you will, a front and
32 center for our business, our work.

33 So, Mr. Chair, we would love to use
34 the balance of our time to address questions in
35 these areas, broadly, around how the councils see
36 their role in these topics related to seafood
37 marketing, education, public engagement, market
38 dynamics, workforce development, working
39 waterfronts, and your ideas on those topics.

40 But also, what you feel we could do
41 more effectively with the councils and with any
42 other external partners that you would recommend
43 that we work with. And we are particularly
44 interested in getting your focused feedback on
45 our training, inventory, gap analysis as talked
46 about earlier.

47 And your thoughts on some of these
48 economic pressure points around working

1 waterfronts and around our overall concern with
2 workforce dynamics and recruiting into the
3 industry to ensure that sort of rejuvenation
4 process as we're looking for growth opportunities
5 and drawing people into the sector.

6 And looking for ways to increase
7 capacities we've talked about before, whether
8 it's increased efficiency that we're aiming at
9 under Section 4 of the EO, or whether it's
10 building new production capacity as we talked
11 about under the EO with aquaculture opportunity
12 areas and aquaculture development.

13 We're looking for strategies,
14 interrelated strategies and sort of
15 infrastructure support for the strengthening and
16 long-term resilience of the fishing and seafood
17 sector as a whole. And the central role that you
18 play in it is the reason for raising these
19 questions and I look forward to your thoughts and
20 suggestions in the balance of our time. Thank
21 you, Mr. Chair.

22 CHAIR GORELNIK: Thank you very much.
23 So, now would be the opportunity for CCC Members
24 to ask questions on this agenda item, either
25 Paul, or Kelly, or David. And then after we have
26 had our questions answered, we'll go to public
27 comment and then council discussion and action.

28 So, let's see if we have some
29 questions, clarifications, whatnot? Tom, your
30 hand is up but I think that may have been from
31 the last agenda item? Tom Nies.

32 (No audible response.)

33 CHAIR GORELNIK: All right. So, Paul,
34 I'm not seeing any hands with any -- well, Chris
35 Moore, please go ahead.

36 MR. MOORE: Thank you, Mr. Chairman.
37 Hi, Paul. Thank you.

38 So, I had a couple things to talk with
39 you about. So, ten years ago when I worked for,
40 we worked for ourselves and I worked for NOAA, I
41 knew about terms like UA, and used them
42 frequently.

43 There was close coordination with NOAA
44 SeaGrant that I don't see as much anymore. I'm
45 wondering what happened to things like a, safe
46 and sustainable seafood focus team? And we also
47 had a focus team that dealt with working
48 waterfronts, and I'm just curious if that stuff

1 still even exists?

2 I haven't looked recently to see
3 what's going on with NOAA SeaGrant, but I do know
4 that they've been involved in the aquaculture,
5 they dabble in marketing, and I'm just curious
6 about the interaction between NOAA fisheries and
7 NOAA SeaGrant at this point?

8 DR. DOREMUS: Thank you, Chris. We
9 look at SeaGrant as a really central partner in
10 our work here. They have incredible capability
11 both with research assistance and extension on
12 the ground around the country. And our, it's a
13 great two-way relationship working with them.

14 The complexion of the areas where we
15 collaborated most closely has changed over time.
16 And I do think we have extremely good interaction
17 with them on the aquaculture front. And
18 participated in that directly. We've been
19 working with them and getting them a little bit
20 more involved in, as you noted, in some of the
21 marketing and kind of market dynamics of the
22 industry.

23 They've been putting some significant
24 grant resources into that territory. And some of
25 the topics we've been pushing around in the last
26 few days, have touched on a better understanding
27 of market dynamics, particularly when you look at
28 changing the composition of production over time.

29 They are also getting drawn more and
30 more in part through Congressional direction, but
31 also because of need in the workforce
32 development. And we'll indeed be talking with
33 our MAFAC Advisory Panel next week.

34 So, I think it's, it has, it varies
35 over time, but I think we have a pretty strong
36 relationship with them when we talk about a
37 particular aquaculture in NOAA as a whole.

38 I am talking about the combined
39 efforts of NOAA fisheries, our science
40 enterprise, our folks in the region, our,
41 obviously our Office of Aquaculture, both
42 nationally and regionally instantiated, and as
43 well, SeaGrant.

44 And the incredible capabilities that
45 we also draw on in the National Ocean Service
46 that support the industry as well. Partly,
47 spatial planning, partly things like harmful
48 algal bloom forecasts, which have a big

1 significance to industry.

2 So, I think it's a pretty strong
3 partnership, Chris. And I appreciate your
4 bringing our attention to that. And we can
5 include them in some of our future engagements
6 around these topics.

7 And I expect that will particularly be
8 the case on the workforce development front as we
9 work through some of our discussions with MAFAC
10 and figure out a stronger pathway towards
11 workforce support and that related infrastructure
12 considerations in the coming years.

13 MR. MOORE: Thank you, Paul.

14 CHAIR GORELNIK: Any further questions
15 on this agenda item of the presenters? Chris
16 Moore, your hand's up.

17 MR. MOORE: Thank you again, Mr.
18 Chairman. Yes, so since no one else is asking
19 questions, I'll ask another question.

20 So, my staff is now involved with MSE
21 certification for stock. And we've been involved
22 with MSE certification for surfclams and quahog,
23 squid and all those, you know, the
24 interaction has been successful although it has
25 taken up a lot of staff time.

26 So, working with them directly -- and
27 we think from a council perspective that's
28 important that we participate and help those
29 folks get those, get that certification done.

30 We have recently, I think within the
31 last couple of years -- or maybe this year, I
32 can't even remember now, Paul, but the
33 interaction related to Fish Watch, and
34 potentially using that as some sort of label.

35 Have you folks experienced more sort
36 of de facto use of the Fish Watch logo as sort of
37 an indication of sustainability, or has anyone
38 approached you about that? Again, you know, ten
39 or so years ago, those folks were taking that
40 particular logo and putting it on their
41 packaging. They were told they couldn't use it
42 as a particular certificate of sustainability,
43 but we were indicating that that could be used as
44 some sort of education tool, right?

45 In other words, here's the label. Go
46 to the website and learn more about Fish Watch.
47 So, is that still occurring? Do you guys have
48 that interaction anymore? I'm just curious.

1 DR. DOREMUS: Thank you, Chris.
2 Occasionally, that issue comes up, the issue of
3 certification. And you're correct, Fish Watch is
4 not designed to serve that function. And there
5 is actually a really big difference between
6 building a tool like that with our very lean
7 resources, and having something function as a
8 certification tool.

9 So, it hasn't been designed and we
10 don't have the capability and right now, to turn
11 Fish Watch into a more formal label, if you will.
12 But its role in education and our encouragement,
13 people pointing consumers to it, continues
14 unabated.

15 So, we always look for opportunities
16 to direct people to the site. It serves its
17 purpose extremely well as an educational asset.
18 And makes it very clear when you're looking at
19 U.S. sourced seafood, what the sources of the
20 sustainability equation are.

21 So, we think it serves that role very
22 well, and I'm glad you've been able to make some
23 use of it in that capacity.

24 CHAIR GORELNIK: Ed Watamura.

25 MR. WATAMURA: Yes, I wanted to
26 piggyback onto Chris' comments and kind of
27 explain some of the dynamics going on here in
28 Hawaii.

29 As you're aware, the proportion of
30 imported, foreign seafood is something like, I
31 think 80 percent or close to it. And what we're
32 finding is that a lot of the tuna especially
33 coming in is frozen and gassed, with carbon
34 monoxide.

35 This issue has been plaguing us
36 because the consumer, at the consumer level, the
37 frozen and gassed product is much cheaper. And
38 so, the consumers tend to go with that product.
39 That's kind of domino, the domino effect of it is
40 that the supply and demand for the local fresh
41 product is decreased by this factor, that they're
42 purchasing the cheaper product.

43 And, you know, further along the
44 domino effect, is that the prices, supply and
45 demand price point, gets reduced for the local
46 fishermen. And that even, you know, even
47 cascades down to the fact that our commercial
48 fishermen are basically dropping off, you know,

1 of the -- the list is getting smaller and smaller
2 of the -- especially the local small boat
3 fishermen.

4 There's just less and less commercial
5 licenses being deployed. So, I just wanted to
6 kind of bring that to your attention and
7 hopefully, you know, U.S. is the only country
8 that's allowing this frozen and gassed tuna in.
9 And I would like to see that someday, that this
10 come to a halt and we could all benefit from
11 that. Thank you.

12 DR. DOREMUS: Thank you, Ed.
13 Appreciate your bringing that to our attention
14 and it is something that we're certainly aware
15 of. And I do recall the last time I was at the
16 fish auction, at the pier there. This topic came
17 up and people were pretty animated about it.

18 So, I certainly understand. These are
19 all part of that consumer education driven effort
20 to help shape market dynamics in a way that are
21 favorable for U.S. producers. So, that's a big
22 one and thank you for drawing it to our
23 attention.

24 We also have, hear about very often
25 and this was my last trip pre-COVID, I was able
26 to do a stop while we had the Aquaculture America
27 out in Honolulu in January of last year. And
28 prior to that on the West Coast.

29 And one of the things around our lab
30 that we've been doing is working with local
31 fishing communities around trying to build local
32 awareness of locally-sourced species that people
33 haven't heard of. You know, and we're out there
34 making, making fish tacos out of grenadier and
35 things of that nature.

36 And even, you know, in Hawaii while
37 some well-known species also available on the
38 West Coast, but not very well known to consumers.
39 So, I would love to hear your thoughts. We see
40 these kinds of dynamics where there are species,
41 where we're catching under quota, or they're
42 underutilized species we're aware, there's just
43 not much market for.

44 The Section 4 topic was intended to
45 get at some of these things, but we'd love to
46 hear your thoughts around where the barriers are
47 for, you know, your mission one, in terms of this
48 type of competition?

1 But where there are additional
2 barriers we could address, and should be aware of
3 and better understand, in terms of underutilized
4 species. So, that's one area among the others
5 already mentioned that we'd certainly welcome
6 your input on.

7 CHAIR GORELNIK: Thank you, Paul.
8 Archie.

9 MR. SOLIAI: Thank you, Mr. Chair.
10 Thank you, Paul. Really appreciate the
11 presentation by Kelly and the team members on
12 this agenda item.

13 If you all recall last year during our
14 CTC meeting, Chris Oliver at the time, you know,
15 basically instructed the councils to cast a wide
16 net, you know, on the issues that are creating
17 burdens on our domestic fisheries.

18 And I think, Ed Watamura just spoke to
19 one of the concerns. And one of the other
20 concerns I have is, you know, the domestic
21 swordfish. The Hawaii market provides close to
22 50 percent of that consumption in the U.S. And
23 cutting off that fishery basically results into
24 importing, increasing imports.

25 One of the other challenges that we're
26 facing in our region, as you know, is now the
27 bottomfish. And I'm not going dwell on that, but
28 you know, it's hard to get, be competitive and
29 fulfill the obligations in the executive order
30 when we're facing these challenges.

31 But I do have one question with
32 regards to the recommendations from the council,
33 looking at the numbers that Kelly had presented,
34 it looks like there was a wide net that was cast.
35 And one of the recommendations was, you know, how
36 to deal with marine national monuments?

37 And now with the change in the
38 administration, you know, they're pushing for
39 more marine managed areas due to climate change.
40 So Paul, I wanted to ask what your thoughts are
41 in the recommendation to remove the marine
42 national monument at PRIA, the Pacific Remote
43 Island Areas?

44 DR. DOREMUS: Archie, thank you. And
45 appreciate your comments around swordfish and
46 bottomfish. And the whole issue around monuments
47 and protected areas, I think is wide open now for
48 kind of a new conversation and new input from our

1 council community and from our fishing community
2 at large, as we talked about yesterday.

3 So, I don't have any, you know,
4 particular solution to offer per se, because I
5 think we're a little bit early in the process of
6 really understanding what our options are. As
7 all of you pointed to yesterday, we really need
8 to think through what conservation means.

9 And what counts towards conservation?
10 Where do you put different types of tools into
11 place given the ecological functions that we're
12 trying to ensure are sustainable and help support
13 the sustainable management of our species over
14 time?

15 So, these are very complicated
16 questions but I'm encouraged by the steps that
17 we've been taking forward in recent months, and
18 certainly under the administration's new
19 attention to this through the Executive Order
20 14008, which will allow for extensive stakeholder
21 input and discussion about the options. How best
22 to achieve these dual objectives, and where and
23 in what ways those objectives could best be met?

24 So, it's a, I think, an encouraging
25 sign, the path that we're on. And I hope that
26 that path provides opportunities in the context
27 of the Pacific Remote Islands for the types of
28 thoughts and considerations that you'd like to
29 bring into bear on that process. We'll have an
30 opportunity to do that, and see what our options
31 are. So, thank you, Archie.

32 CHAIR GORELNIK: Thank you.

33 MR. SOLIAI: Thank you, Mr. Chair.

34 CHAIR GORELNIK: Tom Nies, do you have
35 a question?

36 MR. NIES: It's not really a question,
37 Mr. Chair, it's more a comment.

38 CHAIR GORELNIK: Well, what I'd like
39 to do preferably, is to hold our comments to our
40 Council discussion which will be coming up in a
41 moment, after public comment, if that's okay.

42 MR. NIES: Fine by me.

43 CHAIR GORELNIK: All right, so let's
44 see if there are any further questions on the
45 presentations we've heard under Agenda Item 10.
46 And if not, we will go to public comment, if
47 there is any. As a reminder to the public, you
48 need to indicate your interest in speaking by

1 either raising your hand, or chatting with SF
2 Webex host.

3 Do we have any -- Nicholas, have we
4 received any requests for public comment on this
5 agenda item?

6 THE OPERATOR: Hi, Marc, no there are
7 not any requests for public comment at this
8 moment.

9 CHAIR GORELNIK: Okay, and I don't see
10 any raised hands. So, Tom, right back to you. I
11 just wanted to get things -- I just wanted to
12 give the public an opportunity to provide comment
13 before we go into discussion. We've done that,
14 so please go ahead.

15 MR. NIES: Thank you. My comments are
16 just directed more towards Dr. Doremus' last talk
17 about some of the issues that are being faced.
18 Particularly the issues of working waterfront,
19 seafood competitiveness and marketing, and
20 workforce development.

21 I think we all recognize that these
22 are big issues for the fishing industry. But
23 when I look at my council and my council staff,
24 you know, not to diss anybody, but I'm not sure
25 we're really constructed to be very informed
26 commenters on that information, or those issues.

27 And I think we can certainly serve to
28 facilitate discussions between the fishery
29 service and members of the industry, or members
30 of the public who have the knowledge, and have
31 the expertise to comment authoritatively, on
32 those issues.

33 You know, I think of things like
34 working waterfront, which is tied up very tightly
35 with a plethora of local land use regulations and
36 objectives. And, you know, it quite honestly
37 between complying with our assigned functions in
38 the Magnuson Act as well as trying to address
39 other things that come up like wind farms and
40 aquaculture development, you know, our council
41 doesn't really have a whole lot of time to spend
42 trying to untangle that issue of working
43 waterfronts.

44 The same is sort of true with
45 workforce development, I think. You know, I
46 sometimes think that if you're interested in
47 workforce development, you're probably better off
48 -- you might be better off going directly to the

1 industry people who have face it. And you know,
2 we can probably facilitate those conversations,
3 but I'm not sure we can provide much meaningful
4 information.

5 With respect to marketing and
6 competitiveness, you know I, you know a lot of
7 people in our region take a look at the council
8 and say, a lot of you guys know nothing about
9 marketing.

10 And I certainly don't, having been in
11 government service my whole career. I don't have
12 any idea how marketing should be pursued. So,
13 you know, I appreciate your asking us to give
14 input, we'd love to work with you to facilitate
15 the conversation. But, you know, I'm not sure
16 that we are going to have a whole lot of
17 expertise to provide you on some of these topics.

18 And, you know, just one last question
19 I guess, you know, when you were talking some of
20 the seafood competitiveness and marketing. It
21 wasn't clear to me whether the agency went out
22 and hired an external marketing consultant just
23 for that? Or is that all being done in the house
24 through advisory committee?

25 So, I guess I do have one question,
26 Mr. Chair.

27 CHAIR GORELNIK: All right, so there's
28 your question maybe Paul can answer here.

29 DR. DOREMUS: Thank you, Mr. Chair and
30 thank you, Tom. On the marketing, we are doing
31 work with outside groups like the Seafood and
32 Nutrition partnership. We have not hired
33 external marketing consultants. We haven't taken
34 on that role per se.

35 We are trying to make our information,
36 the science and market knowledge that we have,
37 readily available to use. Low cost but effective
38 tools that we have at our disposal like Fish
39 Watch to assist. And to contribute towards
40 policy discussions as we're outlining around how
41 the nation could really take this up in a big
42 way, if it decides to do so.

43 There are other industries that are
44 much more concentrated and have a lower barriered
45 entry to standing up. National marketing efforts
46 under the check-off program that USDA runs. The,
47 I think it's well known and well described that
48 the fragmentation and diversity in the seafood,

1 just characteristic of the industry as a whole,
2 makes it very difficult to use those types of
3 techniques.

4 That's why we asked MAFAC to look into
5 this and they came back with that recommendation
6 for a kick, a Congressionally kick-started effort
7 that industry as it recovers and benefits from
8 this effort more over time, would assume more of
9 the cost.

10 So, we try to facilitate and work with
11 our existing, our economists, our existing stake
12 holders to understand where the needs are, what
13 the solutions might look like, and help make them
14 happen. We're not taking on the marketing job
15 directly.

16 That's not our expertise anymore,
17 that's a Council expertise. But we all have
18 expertise in the sector. And we know where the
19 pressure points are and how, who could be
20 involved in helping us deal with those pressure
21 points.

22 And to that point, I will comment on
23 your comment, about the facilitation role. Don't
24 underestimate the valued of that, would be my
25 main response. The connectivity that the
26 councils provide, the distinctive role that the
27 councils play in the process of, in the kind of
28 world of fisheries management, provides
29 perspective that I think is enormously valuable.

30 We're not looking to the councils to
31 take on these problems and solve them, but I
32 think your perspective is valuable and that's why
33 we're asking for it. And your ability to
34 recommend approaches and facilitate conversations
35 and connect us to those you think we should be
36 working with, is extraordinarily value. So, I
37 did want to emphasis that point in response to
38 your comment, Tom. Thank you very much.

39 CHAIR GORELNIK: Eric.

40 MR. REID: Yes, thank you, Mr.
41 Chairman. You know, I really appreciate this
42 conversation about marketing. And I remember the
43 spokesfish years ago and how that went. But it's
44 a really complicated issue.

45 And the way I see it, it's a great
46 effort, don't get me wrong. But where the
47 council's role is, you know, our job is to
48 provide, sorry, to provide and support the

1 development of stable and sustainable supply of
2 raw material into the start of the supply chain
3 under the Magnuson-Stevens Act. And that's how
4 you build demand.

5 You get a stable supply, which
6 normally would lead to a stable price. And some,
7 you know, you can't sell out of a cart. And if
8 you want to build an underutilized species, which
9 I can't even think of one anymore, now they're
10 called forage fish, you have to have a stable
11 supply at a reasonable price if it's going to
12 compete with many things.

13 You know, there are other
14 organizations, there's the FBA, the USDA, the
15 Exim Bank, Food Export USA and similar
16 organizations to that, that are much more capable
17 of developing a marketing tool.

18 And, you know, when you talk about the
19 barriers, the barriers in my mind, supply and
20 demand, finance, insurance, logistics, AR and AP
21 management, access to capital both finance and
22 human capital, competing proteins, an aging
23 fleet, and the cost of replacing a current
24 vessel, or upgrading a shoreside facility,
25 competing interest for off-shore uses.

26 I mean we fight every day to try to
27 keep the ground we've had. And we're not doing
28 very good at that -- and gentrification of the
29 waterfront. These are not within the council's
30 ability to control.

31 And so, I really appreciate the
32 effort, but I think the council's focus should be
33 on a sustainable supply or raw material. That's
34 what we manage. We manage raw material and
35 that's where we should concentrate our efforts.

36 And we should also be able to get some
37 support in trying to maintain our historical
38 access to fishing grounds that supply that raw
39 material to the American public. So, thank you.

40 CHAIR GORELNIK: Bill.

41 MR. TWEIT: Thank you, Mr. Chair. I
42 agree that the councils have very limited
43 bandwidths to fully contribute to the discussion.
44 I do though really value the kinds of
45 presentations that we got today and would value
46 more of those.

47 I think back to a time when the North
48 Pacific Council had at least a couple members, at

1 least one member of our Advisory Panel, who was
2 there largely to represent consumers and had a
3 pretty clear understanding of the marketing
4 challenges back then, which have changed
5 completely since then.

6 But we've lost that voice in our
7 council process. It's our own choice, but I
8 think the -- as a result, many of the decisions
9 that we're now making, we're making with less
10 voice, less input, less voice from the consumer
11 and less understanding of some of the potential
12 marketing ramifications than I'm comfortable with
13 anyway, as one council member.

14 And so, while I agree that we may not
15 have the ability to really help shape marketing,
16 the ability of the bandwidth or the resources.
17 At the same time, I really appreciate the
18 Agency's ability to contribute information,
19 perspective, and particularly, sort of the voice
20 of the consumer into our work as much as
21 possible.

22 And I'm not quite sure where that
23 leads in terms of a recommendation. In fact, I
24 don't think it does. But I for one, at least I
25 found today's walk through that you did Paul, on
26 where you're at with this range of initiatives, I
27 found that extremely valuable. And hopefully
28 you'll continue to provide that not just at CCC
29 meetings but at other times.

30 DR. DOREMUS: Mr. Chair, would you
31 mind if I commented on the comments?

32 CHAIR GORELNIK: No, please.

33 DR. DOREMUS: And really a bit on the
34 conversation thread from Tom and Eric, and Bill.
35 And I do appreciate the perspective and want to
36 clarify that we're not necessarily asking the
37 councils to take on the definition or the process
38 of defining solutions, and implementing them.
39 But really to help serve as advisers to us on
40 what we should be focused on.

41 Eric, the very pressures that you
42 characterized, yes, the core functions of
43 councils is sustainable seafood supply, but you
44 in the course of describing the challenges the
45 industry faces, are providing a very valuable
46 perspective to us on where the pressure points
47 are.

48 And if we're going to be looking at

1 nationally, the health and welfare of our fishing
2 and seafood sector, we need to understand these
3 pressure points. And all of you are sitting in a
4 very distinctive place to see them, and to advise
5 us on what we should be worried about, and what
6 your thoughts are about, if you were to recommend
7 solutions, we welcome them, but your thoughts on
8 about how we should emphasis certain kinds of
9 challenges more than others.

10 So, I do think that it's an extremely
11 advisory -- extremely valuable advisory role.
12 Don't underemphasis the resident knowledge that
13 you all have from your deep participation in this
14 sector. And that knowledge is very valuable to
15 us.

16 To push or make a fine point on that,
17 no one's asking the councils to take on
18 marketing, but you all have weighed in on MAFAC's
19 recommendations and have all broadly endorsed.
20 The endorsement from this community makes a huge
21 difference. If you can collectively say, this is
22 a problem that the United States needs to address
23 in some fashion, and MAFAC has made a reasonable
24 recommendation. That carries a lot of weight,
25 and your ability to develop a stronger common
26 voice in the industry around collective needs.

27 The issues we're talking about with
28 working waterfronts, with market dynamics, with
29 workforce, recruitment and retention and
30 development, these are things that touch the
31 entire fishing and seafood sector. They relate,
32 whatever your mode of production, whether you're
33 wild capture, or aquaculture, we need to look at
34 how the system is functioning and look at how to
35 strengthen it as a whole.

36 And I just wanted to emphasize my
37 particular view that the work that you do day in
38 and day out, we're not asking to change that.
39 But we're asking to benefit from your resident
40 knowledge as we sort of identify these problems.
41 Build consensus and commonality in industry's
42 views about what problems we need to solve and
43 what some of the solution paths might look like.

44 So, we don't want to burden you with
45 non-core activities, we're just trying to take
46 advantage of your considerable knowledge and
47 expertise. Thank you, again.

48 CHAIR GORELNIK: Well, thank you Paul,

1 and thank you Kelly, and thank you David, for
2 your presentations and this discussion. If any
3 CCC Members have any further action on this
4 agenda item, please raise your hand or we're
5 going to move onto our break.

6 And I'm not seeing any hands. Thank
7 you very much Paul and company.

8 We're going to take our break, our one
9 break for the day here. Just a reminder we're
10 running a little behind schedule here, so we'll
11 have to make it up this afternoon or run late.
12 And hopefully not run late.

13 So, we'll be back in about 15 minutes.
14 I have 12:20 Pacific, so that'll be 12:35 Pacific
15 or 3:35 Eastern, and we'll be back then. So,
16 enjoy your break.

17 (Whereupon, the above-entitled matter
18 went off the record at 3:20 p.m. and resumed at
19 3:36 p.m.)

20 CHAIR GORELNIK: Well, welcome back,
21 everyone, from your first and last break of the
22 day. And we're now on agenda item 11, electronic
23 monitoring. And we have a presentation from
24 Brett Alger. I don't know if Paul or Sam want to
25 do an introduction or not, but if not, we'll go
26 straight to Brett.

27 MR. RAUCH: Mr. Chair, I think you can
28 go straight to Mr. Alger.

29 CHAIR GORELNIK: All right.
30 Brett, welcome.

31 MR. ALGER: Thanks, Mr. Chair. And
32 thanks to the Committee. It looks like Morgan is
33 pulling up my presentation. While that's being
34 -- oh, we're good to go.

35 So, for those that haven't met me
36 before, my name's Brett Alger. I'm the
37 Electronic Technologies Coordinator for NOAA
38 Fisheries. We've presented to this Committee a
39 few times in the past, and I'll actually touch on
40 a few of those issues. What I'm going to be
41 presenting on encompasses several years of
42 conversations and concern and feedback and things
43 of the like around how we treat electronic
44 monitoring data in our U.S. fisheries.

45 And so, even though my name is on the
46 title slide, of course there's been a lot of
47 people involved, and two specifically I want to
48 make mention of before I move forward, which is

1 -- Laura Keeling works in the Offices of
2 Sustainable Fisheries, and then Keith Hagg works
3 in General Counsel, as well as number of other
4 people. But those two specifically I wanted to
5 make mention of because this has taken a lot of
6 work to get to this point.

7 And lastly, I just want to say before
8 I get started, of course, you do not have a
9 document sitting in front of you. We are in the
10 final stages of buttoning up that draft document
11 and should be able to send it to the Councils
12 within a matter of, say, a week or so.

13 Before I jump into the document itself
14 -- next slide -- I just want to give you all a
15 really quick high-level overview of where things
16 stand in electronic monitoring right now in the
17 U.S.

18 We've been starting to track projects
19 and programs in three primary bins, projects and
20 programs that are under regulation and have been
21 implemented -- and right now we have seven of
22 those, but based on our definition, which would
23 be the six in the top left in Alaska, you'll see
24 programs listed under regulation. And then in
25 the bottom right, you'll see Atlantic HMS.

26 The next category of programs are
27 programs that are under development by Councils
28 that are using exempted fishing permits. And so
29 the primary few that I would mention is on the
30 left, in the West Coast, there are four programs
31 under EFPs, and then up in the Northeast,
32 groundfish and herring also are utilizing EFPs.
33 And then through the balance of this map and even
34 not listed are other types of pilot projects that
35 are under development and working towards
36 implementation.

37 So big takeaways here are that EM is
38 being considered and developed in every region
39 and just about every type of fishery and just
40 about every primary gear type you're going to
41 find in commercial fisheries.

42 Next slide.

43 So just a little bit of background on
44 the procedural directive that I'm going to talk
45 about. Back in 2013, the Agency published a
46 National Electronic Technologies Policy Directive
47 that was updated in 2019 that sets sort of a
48 high-level framework for implementing

1 technologies for fisheries' data collection.

2 The next in that short list there is
3 what is titled an EM Cost Allocation Procedural
4 Directive, which we published a couple years ago.
5 And that set up a high-level framework around
6 expectations of how a program should be paid for
7 and the different program responsibilities, in
8 other words, some programs being entirely
9 government run and, of course, some of them being
10 industry funded and sort of breaking apart the
11 two program functions into sampling and
12 administrative.

13 And then the third in that list is a
14 procedural directive that we actually published
15 last year around this time, which are
16 expectations for how long data should be retained
17 by third parties and certain EM programs. But
18 this current procedural directive -- just some
19 high-level quick points to talk you through would
20 be we tried to balance some of the legal analysis
21 around how we would apply information a lot to
22 raw EM data, but also being brief in getting to
23 the punch line and the conclusion of some of our
24 work and some of our guidance, trying to find
25 national consistency while recognizing that
26 regions need to have regional flexibility.

27 The document is informed by many
28 regional and national workshops, many Council
29 actions and rulemakings, and of course a lot of
30 the feedback we've received on previous policies.
31 There are two primary sections in the document.
32 The first section are going to be the three laws
33 that we've been analyzing, if you will, which
34 would be the Magnuson-Stevens Confidentiality Act
35 provisions, the Federal Records Act, and the
36 Freedom of Information Act.

37 The second section of the document are
38 issues and questions that have arisen in sort of
39 more than one program; they seem to be of
40 national relevance. And so we are making our
41 best attempt to provide preemptive guidance on
42 some of these issues in hopes that it will draw
43 out feedback from Councils and others so that we
44 can certainly set up better expectations of how
45 data would be accessed and managed in different
46 EM programs.

47 And then, lastly, I think it's a
48 really important point, and I'll probably mention

1 it again somewhere along the line, is that this
2 is guidance. It will require implementation by
3 individual programs via rulemakings and
4 adjustments to contracts and grants and other
5 forms of specific and regional guidance to
6 actually implement and see the effective change
7 that you're going to see here.

8 Next slide.

9 So, jumping into the first section of
10 the document, the question we often receive is
11 what is a federal record? And so that is going
12 to be data that is made or received by the Agency
13 in conducting official business.

14 Right now, raw EM data is actually
15 retained indefinitely. But as some of you will
16 note or recall, the Agency published -- sorry,
17 the Agency did not. The National Archives
18 published a Federal Register notice last summer
19 in taking comment on how long we should retain
20 raw EM data.

21 NARA actually had a significant
22 lawsuit, not associated with us, but it paused a
23 lot of their actions in their record schedule
24 publications. But we've recently been told that
25 that has opened back up, and they will be
26 publishing a new retention schedule for NOAA
27 Fisheries signifying and noting that we would
28 retain raw EM data for five years starting at the
29 end of a given fishing year. The summary data,
30 compliance reports, and data products like that,
31 we expect to continue to retain indefinitely just
32 like we do observer information.

33 What is not a federal record? That is
34 going to be data made and/or retained by a third
35 party. And I would pause here to define third
36 party because it sometimes has different
37 definitions. In this context, we mean EM service
38 providers, but we also mean Commissions or other
39 entities that are not the Agency. And so data
40 made or retained by a third party in that
41 context, meaning anybody that's not NOAA
42 Fisheries. If the Agency receives a copy of a
43 particular record, see above.

44 And then, lastly, just a quick
45 reminder, going back to the data policy we
46 published last year, raw EM data that will be
47 stored by a third party should be guided by the
48 procedural directive that we publish.

1 Next slide.

2 In terms of applying Magnuson
3 confidentiality provisions, when the Agency is
4 part of some type of third-party agreement, we
5 expect to include language in the applicable
6 contracts and grants, and also noting that there
7 are exceptions in the Magnuson Act that allow for
8 disclosure, one example being court orders.

9 However, there are going to be
10 instances where the Agency is not part of a
11 third-party agreement. Those are situations
12 where the fishing industry is contracting
13 directly with a third party. Our guidance is
14 that those contracts should include data security
15 and confidentiality requirements.

16 NMFS would -- the Fisheries Service
17 would include this requirement as part of
18 regulatory framework when approving third-party
19 service providers. But the Agency would not
20 necessarily provide or enforce specific language
21 in those private contracts. In other words, we
22 would review the documentation and the procedures
23 and the policies that the third parties have set
24 up for maintaining data security, but we would
25 not hand over or provide direct language to put
26 in those contracts.

27 And then, lastly, the Agency expects
28 to have access to all of the raw EM data even
29 when it's held by a third party. An example of
30 that would be, I believe, in the West Coast
31 rulemaking a year or so ago, there's a specific
32 piece of language in there that says the Agency
33 would have access to the raw EM data even though
34 it's held by a third party.

35 Next slide.

36 Applicability of FOIA. So when does
37 FOIA apply? If data that are created or obtained
38 by NOAA Fisheries -- again, there is specific
39 exceptions that allow disclosure of this raw
40 data. If we disclose some information, we would
41 need to obscure the submitter and the vessel info
42 to allow disclosure of that raw data.

43 This process could be, actually,
44 really costly, it definitely would be very time
45 intensive, and in some instances may leave the
46 image almost entirely obscured. The example I
47 would give you all would be that some camera
48 views in electronic monitoring programs have the

1 entire deck of the fishing operations in full
2 view of crew and others. And so, in order to
3 actually make it releasable, you may need to
4 obscure almost everything that you see in the
5 image.

6 When does FOIA not apply? Those are
7 going to be records, again, maintained by a third
8 party. If the Agency obtains a copy of the
9 record, see above.

10 Next slide.

11 So this table and set of footnotes is
12 pulled directly from the draft directive. It
13 summarizes everything that I just walked through.
14 Across the columns are the three applicable laws
15 that I've walked through, and then in the rows
16 are the different situations where different
17 parties are maintaining the raw EM data.

18 So when the Agency is maintaining it
19 -- I mean, you can see contractor and Agency
20 grant recipient, which is that third row, and
21 then of course the fourth situation where the
22 industry is contracting directly with a third
23 party.

24 Next slide.

25 So I had mentioned at the beginning
26 there are two sections of this document. We are
27 now on the second section. The first question I
28 want to walk through is we've received a lot of
29 interest and questions around how the Agency
30 would use web portals for conducting video
31 review. And the example I would give all of you
32 would be something like logging on to YouTube and
33 watching a video even though it's not necessarily
34 on your desktop computer. You're watching video
35 from afar, through some type of web interface.

36 And so the purpose of conducting a
37 secondary video review is to monitor the EM
38 service provider's performance and data quality
39 to ensure that EM systems are functioning
40 properly, to verify that there's adherence to the
41 vessel's monitoring plan.

42 At this moment, there is no national
43 standard for conducting a secondary review, but
44 we point out in the document that there are ways
45 to maybe prioritize secondary reviews, such as
46 onboarding new providers into a program, the
47 quality of the individual video reviewers
48 employed by the company if they're bringing new

1 vessels into a program.

2 Another example not listed here is
3 that perhaps you should consider -- a program
4 should consider the stock status of the program
5 and the data that are being collected on, say, a
6 stock that's in a rebuilding plan.

7 Typically, how that would -- how the
8 web portal process works, though, is somebody
9 from the Agency would go into the system, watch
10 the same video, and then create their own summary
11 report so that they can make a comparison to what
12 the third party submitted.

13 And so, in those situations where
14 those mechanisms are used, we advise or our
15 guidance is that the EM program would need a
16 mechanism for acquiring those records. Once that
17 occurs, we would apply the Federal Records Act to
18 the data that we receive.

19 The two really quick examples that
20 I'll give you would be, of course, we can set up
21 a system where somebody's just putting stacks of
22 hard drives in a box and shipping them through
23 FedEx to the Agency. Another means would be to
24 actually transmit it electronically, so uploading
25 data, uploading video to the cloud, and making
26 that available for the Agency to access and
27 download. There's probably some derivatives in
28 there of both of those types of options.

29 Next slide.

30 Another set of questions and concern
31 are around what can the Agency require for third
32 parties to report? And, really, the question
33 gets down to, in the course of collecting the raw
34 video and raw imagery from commercial fishing
35 operations, there's a lot of information being
36 collected. So the question becomes what are the
37 lines or what are the bounds around what the
38 third party must report?

39 And so the document goes through and
40 talks about, basically, the basics of an FMP and
41 the requirements in an FMP that are going to then
42 drive the different types of data and the
43 different tools for reporting. And so we talk a
44 little bit about MSA and MPA, ESA, but make
45 specific note that in some industry-funded EM
46 programs -- or let me take that back.

47 In some industry-funded monitoring
48 programs, not just necessarily EM, those programs

1 have sometimes been created specifically for just
2 monitoring catch and discards, say of a catcher
3 fishery. And so, in those instances, the program
4 may only be required to submit a subset of data.

5 Another thing I would pause and
6 mention is that the reporting requirements
7 actually apply to the vessel. And the vessel has
8 regulations that it must follow, but then the
9 vessel contracts with a company for logbook
10 services, VMS services, and in this case, EM
11 services.

12 And so we believe that the decisions
13 around what must be reported by the third party
14 on behalf of the vessel should be decided as the
15 program is developed or revisited, and making
16 note that setting aside EM, there are other forms
17 of collecting and reporting information in
18 fisheries, such as vessel logbooks, MMPA
19 mortality/injury forms, and of course we have a
20 robust and very highly qualified set of observers
21 deployed around the country for collecting a lot
22 of the information as well.

23 A follow-on question we've received is
24 what are the video review standards and the
25 sampling rates that you're going to apply to
26 these third parties? We believe that those
27 should be driven by the FMP and the monitoring
28 objectives, they should be driven by the third
29 party and the vessel performance, and they should
30 not be driven by observations, catch events, and
31 other types of things that are witnessed
32 coincidentally outside the scope of the program.

33 Next slide.

34 I believe this is basically my last
35 slide here. Getting a little bit into access and
36 use of the information, I have a couple of
37 sections here. So the first one is around non-
38 fishing-related events. The Agency has limited
39 jurisdictions for what it can enforce in terms of
40 non-fishing events.

41 We may refer potential violations to
42 the Coast Guard or other enforcement partners,
43 and in doing so, we may apply certain Magnuson
44 Act exceptions and disclose information. Again,
45 the example I gave you earlier is a court order.

46 In terms of non-EM program use of
47 data, which is a little bit fuzzy sometimes in
48 terms of exactly what precise data is being

1 collected and how it's used -- but I think the
2 take-home would be -- the previous slide that I
3 just walked through is you have some core
4 structure around the FMP and the requirements in
5 the program. What are some of the other
6 potential uses of the information outside of
7 that?

8 So the document goes through and talks
9 a little bit about the Agency may provide access
10 to staff and contractors, similar to other forms
11 of raw data that we gather and manage, such as
12 observer data, economic data. We expect the EM
13 programs to examine the nature of data requests
14 to determine if raw data is even necessary to be
15 provided versus some of the summary reports and
16 compliance reports and things of that nature.

17 Programs may include, I guess, some
18 type of agreement of nondisclosure. And then we
19 point out that access may be given to other
20 federal agencies, but that must be in support of
21 fisheries' conservation and management.

22 Next slide.

23 So this here is a section in the
24 document in terms of expectations on implementing
25 these guidelines. As I said from the beginning,
26 this is guidance. The Agency and Councils should
27 develop appropriate regulations, adjustments to
28 contracts and grants, guidance for EM programs to
29 implement this. That process should include an
30 opportunity for notice and comment.

31 In one of our previous policies, we
32 actually set a harder deadline on trying to
33 implement the guidance. In this particular case,
34 we are advising that programs develop regulations
35 as soon as practicable. Certainly, talking to a
36 community of folks that recognize priority
37 setting and timelines and agendas and things like
38 that, it's not always as easy to jump off into
39 rulemaking right away, so as soon as practicable.

40 And then the other thing is to examine
41 the current practices that are happening in these
42 pilot projects and these programs that are
43 utilizing EFPS to understand how the data are
44 being managed, how the laws are being applied,
45 and to act accordingly on those types of data.

46 Next slide.

47 So we're going to be transmitting the
48 draft directed to the Council shortly after this

1 meeting. The deadline to provide feedback listed
2 here in this slide says July 15th of 2021. I
3 already got a very friendly note from Tom in the
4 Northeast that, hey, that's a pretty aggressive
5 deadline; the Councils may push back on that.
6 And we're happy to have that discussion.

7 But we're trying to find a balance
8 between reacting to the feedback that we get in a
9 timely manner and trying to publish this
10 directive in the fall relative to setting a
11 deadline that's much further back in the summer
12 or even in the early fall, and perhaps putting a
13 pinch on the back end of trying to publish this
14 thing this year.

15 So, with that, next slide.

16 Thank you for your time. I've already
17 been contacted by one Council to give basically
18 the same or similar presentation. I'm happy to
19 answer questions here but, of course, would like
20 to make myself available as you hit your June
21 Council cycles to be able to meet with your
22 regional Councils and different constituencies.

23 So thank you.

24 CHAIR GORELNIK: Thank you, Brett.
25 Yeah, I expect we'll get some comments on that
26 schedule. Let me see if there are any questions
27 from the CCC of Brett on his presentation.

28 Tom, please go ahead.

29 MR. NIES: Thank you, Mr. Chair.

30 Brett already addressed one of my
31 questions, whether we could get more time. A
32 number of Councils meeting in June have already
33 published their agendas and may not have included
34 this on their agenda, which makes it difficult to
35 bring up for discussion. So that's one question.

36 The other question, I think, relates
37 to either slide 7 or 8. I believe it's slide 8.
38 And it's establishing standards for secondary
39 review. I guess the question I have is who
40 establishes those standards? Is that a
41 determination that the Council has control over,
42 or is that one where the regional office or the
43 Science Center establishes the standards for
44 secondary review?

45 This is somewhat a contentious issue
46 in our area because, of course, the secondary
47 review can lead to increased cost. The level of
48 review initially also leads to increased cost.

1 And I guess the question is who establishes those
2 standards?

3 MR. ALGER: Good question, Tom. I
4 would say that the Agency is responsible for
5 establishing that. But the primary reason is
6 there's some performance standards, data quality
7 standards, that are established, and then we are
8 trying to make sure that those are being
9 followed/met.

10 I see it akin to observer deployments
11 and doing debriefings to make sure that that
12 information is gathered at a sufficient quality.
13 We hear a lot, just like you do, Tom, in terms
14 of, well, we need to be mindful of costs and not
15 creating some type of burdensome, overly zealous
16 secondary review system. And I want Sam to chime
17 in here because I believe that we should try to
18 set standards or set review rates that are as
19 minimal as possible, that keep costs down both
20 for the Agency and the industry.

21 MR. RAUCH: Mr. Chair, since my name
22 was mentioned, maybe I could interject.

23 CHAIR GORELNIK: Please, Sam.

24 MR. RAUCH: Yes. Thank you.

25 And I do agree with what Brett said.
26 Overall responsibility is to keep cost down. The
27 amount of federal secondary review that is needed
28 is going to depend in part on what the role of
29 that secondary review plays in the process.

30 We do a lot of secondary review, as
31 Brett said, of new programs, particularly under
32 EFPs as things are getting set up, and things
33 that may not need that later. To the extent that
34 the federal government is expected to have a role
35 -- and under our policy, we'd have a role -- in
36 data quality and assurance, there needs to be
37 some level of review.

38 You cannot review one hour of a video
39 and say thousands of hours are fine. So, to the
40 extent that the government is fulfilling that,
41 the government is going to have to set that, and
42 the government will have an opinion on how much
43 it needs to review in order to do that.

44 But we do need to keep cost in mind.
45 And I think we've been very forthright that we do
46 not believe we need to view, on an ongoing
47 program, 100 percent of all the data. I think if
48 that is the system we're setting up, then we need

1 to question what the role of the federal
2 government really is in that situation.

3 But it is a discussion to have based
4 on the quality of the input of the data, how
5 novel the program is, how seasoned the initial
6 reviewers are, and it is a figure that could
7 change over time. And I expect that the amount
8 is ultimately a figure that the government would
9 decide.

10 CHAIR GORELNIK: Thank you.

11 Kitty, you have your question on this
12 agenda item?

13 THE OPERATOR: Give us -- can we take
14 somebody else before --

15 CHAIR GORELNIK: Okay. Sure. Okay.
16 We'll come back to Kitty.

17 Eric, what's your question for Brett?

18 MR. REID: Yeah. Thank you, Mr.
19 Chairman.

20 My question is about the quantity of
21 video. If EM is required from the time you leave
22 the dock to the time you return to the dock,
23 there's going to be a substantial amount of
24 footage of nothing, a nice boat ride, hopefully.

25 During the review process, is there
26 the capability to edit out stuff that is not
27 relevant to anything in order to cut down on the
28 expense of a giant file that has to be stored for
29 five years? Is that a capability?

30 And a question I've asked before is,
31 if I own the cameras and I produce the data, who
32 owns that data? That's a different question.

33 MR. ALGER: Thanks, Eric. I'll take
34 your questions in reverse order. I would say
35 that the fisherman, the vessel owner, owns the
36 video. But the requirement in the program is to
37 submit some or parts or whole to the Agency,
38 depending on the program.

39 To take your second question, I think
40 that's where AI and machine learning is actually
41 starting to thankfully weave its way into our EM
42 programs where, in addition to some of the sensor
43 data and some of the GPS information is now we
44 are advancing towards being able to cut out large
45 portions of information. Only focus on when the
46 gear is coming out of the water, when the gear is
47 going in the water.

48 I know that folks are working on

1 technologies where you're focused on when there's
2 crew on deck, which is of course a great
3 indicator that there's fish on deck. So I can't
4 necessarily with 100 percent certainty say in
5 every EM program that they're not watching
6 transiting footage, but we share the concern of
7 industry of not wanting to watch all that either.

8 CHAIR GORELNIK: Eric, did that answer
9 your question?

10 MR. REID: Yes, it did. Thank you
11 very much.

12 CHAIR GORELNIK: Okay.
13 Kitty, are you with us, and your
14 question?

15 MS. SIMONDS: Yes, I am. So, for EM
16 data for which NMFS maintains the raw data, can
17 NMFS release that data to the vessel owner if
18 requested? And if it can be released, how would
19 that be done?

20 MR. ALGER: Thanks for the question,
21 Kitty. I'm going to try to answer your question
22 a couple of ways.

23 The first one is that, of course, in
24 some of these situations, as Eric's question just
25 pointed out, the vessel has -- owns the data.
26 Now, that data might be sitting with some
27 company, and within that contractual
28 relationship, that vessel owner should be
29 figuring out a way to review that video through a
30 web portal or snippets of information or images,
31 that the vessel owner can get access to that.

32 In the situations where the Agency
33 owns the -- has the record -- it's a federal
34 record -- we would need to develop some type of
35 mechanism just like we do other forms of
36 fisheries' dependent data that the vessel has
37 requested, whether that's observer information,
38 logbook information, and other forms of data.

39 I don't think that's necessarily
40 always a technically easy thing to do, or
41 inexpensive, in terms of standing up large
42 streams of video to send back to or provide
43 access to the fisherman. It's also probably fair
44 to say, especially to this body, that that's not
45 always consistently done, and we're striving
46 towards trying to do that more consistently
47 across the data that we manage and providing it
48 back to fishermen.

1 So I can't say, again, at a national
2 level exactly how each and every program is going
3 to do that. But it certainly seems very
4 reasonable that if fishermen want access to their
5 information, they should be able to figure out a
6 way to do that. We should be able to figure out
7 a way to do that.

8 MS. SIMONDS: So the process would be
9 for some arrangement to be made between the
10 vessel owner and the National Fishery Service?

11 MR. ALGER: Essentially.

12 MS. SIMONDS: All right. Thank you.

13 MR. ALGER: I mean -- and just to --
14 I guess to belabor on it just a moment, that's
15 one of the issues we are trying to figure out is
16 how we access video footage that is maintained by
17 another entity. And when you're talking about
18 gigabytes of video, hundreds of hours, trying to
19 stand that up on a web service is not
20 inexpensive. It can be, actually, really
21 expensive. And so we're endeavoring, but it's
22 not an easy process all the time.

23 MS. SIMONDS: Right. So thank you.

24 CHAIR GORELNIK: All right. Are there
25 any further questions of Brett on his
26 presentation?

27 (Pause.)

28 CHAIR GORELNIK: Thank you very much,
29 Brett. And we look forward to that draft
30 directive sooner rather than later. Thank you.

31 MR. ALGER: Mr. Chair, just really
32 briefly, so I have some -- I've got a lot of
33 people working with the Agency trying to figure
34 some of this stuff out. Can we come back to the
35 comment period?

36 CHAIR GORELNIK: Yeah. What we'll do
37 is we'll go to public comment, then we'll have
38 Council discussion, and then we can have more
39 interaction.

40 MR. ALGER: Fair enough.

41 CHAIR GORELNIK: And the CCC.

42 So I didn't see any other hands up, so
43 now would be the time for public comment.
44 Hopefully folks have indicated their interest
45 either by chatting with SF Webex Host or raising
46 their hand in the attendee list. I'm going to
47 scan the attendee list. I don't see any raised
48 hands.

1 Nicholas, do you have any requests for
2 public comment?

3 THE OPERATOR: No requests at this
4 moment.

5 CHAIR GORELNIK: All right. Well, now
6 that brings us to Council discussion and action,
7 if any. So who wants to get us started?

8 (Pause.)

9 CHAIR GORELNIK: Brett, did you have
10 a question for us?

11 MR. ALGER: No. Well, I'll just make
12 a comment. Back to the comment period. For the
13 cost policy, we had set whatever the deadline
14 was, and a few of the Councils had said, we'd
15 like to have at least two council meetings before
16 we provide feedback. And so we honored that and
17 moved the deadline back preemptively.

18 Then, when the next directive came
19 around, we said, oh, everybody's going to want
20 two meetings. Let's set a deadline as
21 appropriate. And then all the letters came in
22 right away and we didn't need all that time. So
23 we've done both, and I'll let you all discuss and
24 figure out amongst the group kind of what seems
25 reasonable relative to the tradeoffs I presented
26 earlier.

27 Now, we share the urgency of the
28 Councils in trying to get these issues resolved.
29 These are the most important issues in the EM
30 programs. And so moving the deadline back means
31 pushing the final directive being published.

32 CHAIR GORELNIK: Thanks.

33 Sam?

34 MR. RAUCH: Yeah. I would have put a
35 somewhat finer point on it than Brett did. We
36 know that there are certain Councils that are
37 waiting for this guidance, and they believe that
38 this guidance is critical for EM programs that
39 are coming online next year.

40 And so I think the Agency is unlikely
41 to agree on any schedule that delays the
42 finalization of this document past this year to
43 allow those Councils and the stakeholders
44 involved in those programs to have some certainty
45 about how data is going to be treated.

46 CHAIR GORELNIK: Chuck Tracy?

47 MR. TRACY: Thanks, Brett. Thanks,
48 Sam. I think I resemble that remark. And I

1 appreciate having an opportunity to comment on
2 this.

3 If it is indeed released shortly after
4 this meeting, I think that would be good for us
5 in terms of getting something in our advance
6 briefing book and getting an opportunity for
7 people to review it and offer their comments to
8 the Council, and then the Council could respond
9 by July 15th.

10 So I think it works well for our
11 schedule. I'm not sure about the other Councils.
12 If they're meeting before we are, which -- we
13 meet in late June -- then it's probably going to
14 be tough for people to have the same opportunity.
15 But I guess I'll see if there's any other
16 Councils that want to comment on that.

17 CHAIR GORELNIK: Thanks, Chuck.
18 Tom?

19 MR. NIES: Thank you, Mr. Chair.

20 Well, you know, I raised the question,
21 but to be honest, my Council is much like Chuck.
22 We meet late June on the prospect of finalizing
23 our agenda. So we can probably get this on the
24 agenda. But I raised the issue more thinking
25 about the other Councils, but if none of the
26 other Councils see a need for a delay, then we
27 can just move forward. I would suggest if any of
28 them want a delay, they speak up.

29 CHAIR GORELNIK: That's good advice.
30 Simon?

31 MR. KINNEEN: Yeah, the North Pacific
32 Council would need until at least October to have
33 appropriate Committee review. So we'd at least
34 like a little delay.

35 CHAIR GORELNIK: I think the date you
36 had proposed, Brett, was in July. Is that right?

37 MR. ALGER: Yeah. I mean, the
38 ingredients behind that was knowing that there's
39 a big delay after this big June cycle of
40 meetings. I think seven of the eight Councils
41 meet in June, except for the Caribbean, and then
42 they don't pick back up in August. So we figured
43 if the June meeting cycle was adequate, then we
44 could get the feedback in July.

45 If we move it back to accommodate one
46 or more meetings in August and beyond, then we'd
47 have to figure out a different deadline. That's
48 also not to say that we couldn't set a deadline

1 for the majority of the Councils and then others
2 try to get their feedback in as quickly as
3 possible.

4 CHAIR GORELNIK: Well, the North
5 Pacific Council does have that concern, but it
6 seems to me, I think it's the only Council that's
7 spoken up at this point. So I'm not sure where
8 we leave this, other than just -- schedule it
9 once the directive is finally available in draft,
10 then for the Councils to respond as quickly as
11 possible. It doesn't sound like you're going to
12 get all your responses by July.

13 Folks, have any further comment on
14 this?

15 Brad Pettinger?

16 MR. PETTINGER: Yeah. Thanks, Chair
17 Gorelnik.

18 Brett, appreciate your presentation.
19 I noticed early in that presentation, you said
20 the regions were doing -- where they're at. And
21 I noticed that pollock trawl catcher vessels is
22 under development. And it's my understanding at
23 the last meeting in the North Pacific that
24 program is going to have cost recovery paying for
25 the video reviews with Pacific states.

26 And I'm kind of curious if something's
27 changed with the policy that we talked about
28 earlier because it's my understanding that cost
29 recovery wasn't going to be even considered for
30 video review. I'm curious if something's changed
31 or if that's specific to the North Pacific and
32 what the rationale for that is as opposed to our
33 West Coast EM program.

34 MR. ALGER: Well, first, Brad, it's
35 nice seeing you. I'm really envious of your
36 beard. It's pretty impressive.

37 I'm going to try to answer your
38 question. I think the difference or the nuance
39 is that in that -- and I don't even know the
40 details. I think in that particular case, it's
41 cost recovery to implement a monitoring program
42 versus potentially, in the catch-share fishery on
43 the West Coast, the cost recovery is for the
44 Agency's cost to implement the program.

45 That's my gut reaction. And we
46 spelled out -- tried to spell out those
47 differences in our cost allocation policy, that
48 there are situations where cost recovery as

1 approved through Magnuson is allowed to pay for
2 the industry's sampling cost, monitoring cost --
3 the Alaska fixed-year program is the perfect
4 example.

5 We also note in the cost allocation
6 policy that there are situations in a LAP, in a
7 catcher fishery, where costs may be recovered to
8 recoup the Agency's costs. And this is where we
9 get into the primary review, the video review
10 being the industry responsibility per the cost
11 policy, the secondary video review being an
12 Agency responsibility.

13 And so I think those cost-recovery
14 mechanisms are filling the bucket of two
15 different types of video review.

16 MR. PETTINGER: Okay. Well, I guess
17 we'll get the document here in the next week or
18 so and can dig into that. So okay. Thank you.

19 CHAIR GORELNIK: All right. Is there
20 any further discussion or comments on this agenda
21 item?

22 (Pause.)

23 CHAIR GORELNIK: Thank you very much,
24 Brett, for your presentation, and we look forward
25 to continued discussions.

26 That will conclude this agenda item 11
27 and will bring us to agenda item 12, which is
28 policy and procedural directives on guidance for
29 financial disclosures and recusals.

30 And with that, I'll hand the floor to
31 Adam Issenberg.

32 Adam?

33 MR. ISSENBERG: Thank you, Mr. Chair.

34 Hello, everyone. I think this will be
35 pretty quick. So, as folks may recall, last
36 September the Agency published the revisions to
37 what we call the 235 regs, the financial
38 disclosure and recusal regulations. We, over the
39 preceding several years, talked quite often about
40 the revised standards that the Agency would be
41 using to make recusal determinations, and those
42 regs incorporated new guidance on some aspects of
43 that.

44 And I'm not really going to talk about
45 that today. I think everybody's familiar with
46 those issues. The other thing that the regs did,
47 which was related, was to acquire development of
48 a -- that each region develop a recusal

1 determination handbook that would describe the
2 procedures applicable in each individual region
3 or to each Council as necessary.

4 Two, (audio interference) -- I hope
5 you can all still see and hear me. I just got
6 some weird message about low bandwidth.

7 (Simultaneous speaking.)

8 CHAIR GORELNIK: -- for a moment.

9 You're --

10 MR. ISSENBERG: The Agency developed
11 a draft -- okay. The Agency developed a draft
12 revised policy directive and procedural documents
13 on recusals and financial disclosures. That was
14 circulated to you all at the end of March, March
15 30th. And we requested review and comments from
16 you by July 5th.

17 Those documents provide some
18 additional guidance on application of the
19 standards for recusals, as we've discussed, and
20 also provide guidance on the development of those
21 regional recusal determination handbooks. And
22 once we've got your comments on those two
23 documents, we will work to finalize the policy
24 directive and procedural document. And then,
25 once those are finalized, there will be a two-
26 year period for finalization of the handbooks,
27 the regional handbooks.

28 So that's all I've got. That's just
29 sort of the overview of where we are on that.
30 I'm happy to take any questions. Otherwise, we
31 look forward to seeing your comments and getting
32 to work finalizing the directive. Thank you.

33 CHAIR GORELNIK: Thank you, Adam, for
34 your concise report.

35 Let's see if there are any questions
36 from the CCC.

37 Tom Nies?

38 MR. NIES: Thank you, Mr. Chair.

39 Thank you, Adam. I do have a couple
40 questions on the policy directive, two or three.
41 The recusal determinations can be difficult,
42 particularly if you have a very complicated
43 ownership in your Council or with your Council
44 members. And not only can they be difficult, but
45 the idea that somebody may have to recuse
46 themselves from a vote can be a pretty fraught
47 decision.

48 And I guess my question is why does

1 the policy directive put at least part of that
2 onus on the Executive Directors, who officially
3 work for the Council, to get involved in that
4 when they don't really have the data to track
5 down the ownership thing, and it puts them in a
6 tough position with respect to suggesting whether
7 or not a Council member should be allowed to
8 vote?

9 So what's the reason for putting that
10 onus on the Executive Directors? That's my first
11 question.

12 MR. ISSENBERG: You know, Tom, I
13 didn't see the directive as really putting any
14 onus on the ED to make a substantive
15 determination. I guess we can -- you know, we
16 can take a look at that language and are
17 certainly sensitive to your concerns.

18 I mean the goal is not to put the
19 Executive Directors in a difficult position. I
20 think it's more a question of making sure that
21 NOAA GC, as the responsible official, has the
22 information needed. So we can take a look at
23 that.

24 MR. NIES: Thank you. So my second
25 question is I think the Magnuson Act requires you
26 guys to send a report to Congress every year on
27 recusals and Council meetings and SSC meetings,
28 so I understand why we have to report those
29 things.

30 But the draft document says something
31 like you're supposed to report discussions about
32 recusals as well, which I don't think is a
33 statutory requirement and is a pretty broad
34 topic. And it's not clear to me what you mean by
35 -- and I may not be quoting it exactly correctly,
36 but there's language that says report recusals
37 and discussions about recusals. So I don't
38 understand what that means.

39 MR. ISSENBERG: Yeah. Well, we can
40 try and provide some clarity on that point. I
41 think the idea is -- it's not intended to
42 encompass every discussion about recusals. I
43 think the idea was to make sure that there's full
44 transparency when there's a substantive issue or
45 concern about recusals.

46 So, as you know, some recusal
47 discussions are resolved informally. I think the
48 idea is to try to capture at least the more

1 significant controversies around recusal. But we
2 can try and make sure that there's some clarity
3 on that.

4 MR. NIES: Thank you, Adam.

5 Those are all my questions, Mr. Chair.

6 CHAIR GORELNIK: All right. Thank
7 you, Tom. Thank you, Adam.

8 Are there further questions for Adam?
9 Carrie?

10 MS. SIMMONS: Yes. Thank you, Mr.
11 Chair.

12 I have a question on the policy, on
13 the Objective section on page 2. It talks about
14 the SSC there and the Council, and it talks about
15 making the SOFIs publicly available -- or
16 available to the public. And so we currently
17 post our appointed Council members' SOFIs to the
18 website, but we do not do that for the SSC. Is
19 that the intent of what's written in this
20 objective?

21 MR. ISSENBERG: I'd have to go back
22 and look at the document, but I believe that is
23 the intent. Yes. And, again, I think the idea
24 is to promote transparency.

25 MS. SIMMONS: Mr. Chair, he cut out a
26 little bit. Could you repeat the last part
27 again?

28 MR. ISSENBERG: I'm sorry. Yes. I
29 think that is the intent, and the idea is to
30 promote transparency.

31 MS. SIMMONS: Mr. Chair, just to
32 follow up, so that would be quite a change to the
33 way we're currently operating. We do not post
34 our SOFIs currently for our appointed SSC
35 members. If someone is to ask for those, we
36 would of course provide them. It is provided to
37 the Council in a closed session.

38 So that would be fairly different way
39 from how we're currently operating, just to let
40 you know. Thank you.

41 MR. ISSENBERG: Thank you. We'll give
42 that some thought.

43 CHAIR GORELNIK: Any further questions
44 of Adam on his presentation?

45 (Pause.)

46 CHAIR GORELNIK: Okay. Then we all
47 know the drill. We'll go from questions to
48 public comment.

1 Nicholas, do we have any requests for
2 public comment?

3 THE OPERATOR: There is no request for
4 public comment.

5 CHAIR GORELNIK: All right. Thank
6 you.

7 So we will now go to Council
8 discussion on this agenda item. We had some
9 really good questions posed. I don't know if
10 there is a need for further discussion, but I
11 want to provide that opportunity.

12 (Pause.)

13 CHAIR GORELNIK: All right. Is there
14 anything further from the CCC on this agenda item
15 12?

16 (Pause.)

17 CHAIR GORELNIK: All right. So that
18 concludes this agenda item and will take us to
19 our general public comment for any items that are
20 not on the agenda. So are there any requests
21 from the public to speak to items that are not on
22 the agenda?

23 And, Nicholas, I'll ask if you've
24 received any. I think I do see one hand, a name
25 that's all familiar to us, Chris Oliver.

26 So, Chris, welcome.

27 MR. OLIVER: Can you hear me?

28 CHAIR GORELNIK: I can.

29 MR. OLIVER: I just wanted to say
30 hello to all of you. I was tempted to raise my
31 hand on the last agenda item. You know it's near
32 and dear to my heart.

33 But I just wanted to let you guys know
34 I've been listening in on you the last few days.
35 It's kind of strange that my microphone lights
36 are a little different than they used to be. But
37 I just want to say hi to all of you and say good
38 luck with everything. And it's been really
39 interesting listening in on the conversation, and
40 miss all of you.

41 That's all I wanted to say. Thank
42 you, Mr. Chairman.

43 CHAIR GORELNIK: Thanks, Chris. It's
44 really great to hear from you.

45 Chuck Tracy?

46 MR. TRACY: Thanks, Mr. Chair.

47 Thanks, Chris, for chiming in. I'm
48 glad you did. I just had one follow-up question,

1 maybe two. But just wondering where you're
2 calling in from these days.
3 MR. OLIVER: I'm in Alaska right now,
4 Chuck.
5 MR. TRACY: Okay.
6 (Simultaneous speaking.)
7 MR. OLIVER: As some of you know, I
8 had some fairly major surgery recently, and I'm
9 recovering nicely.
10 MR. TRACY: Good. Glad to hear it.
11 Okay. Well, thank you for joining us,
12 and it's good to hear your voice. And I hope you
13 continue to join in when you can.
14 MR. OLIVER: I will. I miss you guys.
15 MR. TRACY: All right. Thank you.
16 CHAIR GORELNIK: Hope to see you
17 around. Feel free to drop in on a Council
18 meeting.
19 MR. OLIVER: Will do.
20 CHAIR GORELNIK: Are there any
21 questions of Chris?
22 (Pause.)
23 CHAIR GORELNIK: Chris, be well.
24 MR. OLIVER: Thank you, Chair.
25 CHAIR GORELNIK: All right. So,
26 Nicholas, are there any further requests for
27 public comment?
28 THE OPERATOR: I'm not seeing any come
29 in, no.
30 CHAIR GORELNIK: All right. Thank
31 you.
32 So that concludes our last open public
33 comment period of the meeting and takes us to, I
34 guess, a break. And when we come back from the
35 break, we will have -- we'll wrap up and cover
36 any other business that we have, for example,
37 discussing our next meeting.
38 So, right now, it is 1:30 in the
39 Pacific. It is 4:30 Eastern, which brings us to
40 precisely on schedule.
41 Thank you, Adam.
42 And so we'll come back at 2:00
43 Pacific, 5:00 Eastern, to conclude our meeting.
44 So we'll see you all then.
45 MR. TRACY: Mr. Chair?
46 CHAIR GORELNIK: Yes, sir.
47 MR. TRACY: Just a note, I will be
48 putting together kind of a summary of the meeting

1 here over the next half hour. So if any
2 Executive Directors or folks want to help with
3 that, I'll be working in that Google Doc with the
4 recommendations and going from that.

5 So if you have anything you'd like to
6 contribute to that, that would be appreciated.
7 Thanks.

8 (Pause.)

9 THE OPERATOR: Marc, I think you're
10 muted.

11 CHAIR GORELNIK: Thank you.

12 So we'll see you in half an hour, at
13 2:00 Pacific, 5:00 Eastern, or whatever time zone
14 applies.

15 (Whereupon, the above-entitled matter
16 went off the record at 4:32 p.m. and resumed at
17 5:01 p.m.)

18 CHAIR GORELNIK: All right. It's 2:00
19 here in California, 5:00 in the East. And we're
20 on our last agenda item, which is wrap-up and
21 other business. And I'm going to turn to Chuck
22 Tracy to get us started here, if Chuck is
23 available.

24 MR. TRACY: Mr. Chairman, I could use
25 about three more minutes, I think.

26 CHAIR GORELNIK: All right. Why don't
27 you take four minutes?

28 MR. TRACY: Okay. Thanks.

29 CHAIR GORELNIK: All right. 2:04.

30 (Whereupon, the above-entitled matter
31 went off the record at 5:02 p.m. and resumed at
32 5:05 p.m.)

33 CHAIR GORELNIK: All right. Well,
34 welcome back to our spring CCC meeting. We're on
35 agenda item 13, wrap-up and other business. And
36 I will turn to Executive Director Chuck Tracy.

37 MR. TRACY: Thank you, Mr. Chair, and
38 thanks, everybody, for a really good meeting with
39 a lot of good information.

40 I put together a quick summary of some
41 of the discussions and outcomes of the meeting.
42 It's far from comprehensive but just is a good
43 reminder of what we've accomplished here and what
44 we will be following up on as we move forward.

45 So if I could share my screen. I can,
46 apparently. Let me just run through this real
47 quick.

48 (Pause.)

1 MR. TRACY: Okay. So, again, far from
2 comprehensive. But on the Fisheries update, the
3 science update, we had a report from Dr. Werner
4 on the survey plan for 2021 and from Dr. Howell
5 on COVID impacts to the recreational catch
6 estimation.

7 The main question the CCC had was
8 whether potential revisions to the 2020 MRIP
9 estimates would impact their use in ACL and
10 status evaluations. The Agency replied then that
11 there shouldn't be too much of an impact, that
12 the estimates, while not as certain as they have
13 been in the past, are considered best available
14 science at this time and would be unlikely to
15 change very much.

16 There were some concerns from the CCC
17 about the long-term implications of these
18 uncertain estimates that may affect things going
19 into the future, but nothing can be done about
20 that. The CCC did recommend resuming data
21 collection activities should be a priority as the
22 Agency resumes normal operations.

23 Now, for the legislative outlook, we
24 did have some good discussions, and we want to
25 say thank you to Representative Huffman and Case,
26 who came and spoke to us in person, and
27 Representative Stevens, who provided us a video
28 message on the Magnuson Act reauthorization
29 issues. And so that was very much appreciated,
30 as well as all of the Committee staffers that
31 came and gave us their views on the Magnuson Act
32 and other fisheries-related legislation.

33 The only real business that the
34 Council was able to, or the CCC was able to,
35 engage in was reviewing the consensus statement
36 on aquaculture, an updated consensus statement
37 that the legislative work group had been working
38 on. The CCC did approve that.

39 There was quite a bit of discussion on
40 recent executive orders regarding EO 14008,
41 attacking the climate crisis at home and abroad.
42 There was a lot of discussion about the 30 By 30
43 objective of conserving 30 percent of the land
44 and water's resources in the U.S. by the year
45 2030.

46 To that end, the CCC established an
47 Area-Based Management Subcommittee to develop a
48 common understanding among Councils of area-based

1 management measures and assist the regional
2 Councils in coordinating with NOAA to achieve the
3 goals set forth in the executive order and report
4 to the Climate Change Task Force. So the
5 Subcommittee is intended to develop a report on
6 ABM measures in the U.S. EEZ, including a
7 comprehensive evaluation of all existing EEZ
8 federal fishery area closures and other area-
9 based measures in the U.S.

10 Discussion of the pros and cons of
11 area-based management approaches -- and also
12 taking a look at management objectives and
13 expected benefits of area-based management tools
14 for the diversity of ecosystems under the Council
15 jurisdictions.

16 The Subcommittee will produce, or
17 attempt to produce, a journal article on the
18 conservation benefits of area-based management
19 measures for marine fisheries in the U.S., and
20 Eric Reid has agreed to chair that Subcommittee.

21 Regarding offshore wind development,
22 also a lot of discussion on this. Very good
23 presentations from BOEM. We appreciated that
24 input from them. However, the CCC and the
25 Habitat Group provided some ideas about how to
26 further that integration or that interaction with
27 BOEM and the Councils. They read a good report
28 on that.

29 The CCC's guidance to the Habitat Work
30 Group, however, was that the offshore wind issues
31 would become secondary to that of the Area-Based
32 Management Subcommittee that we just discussed,
33 but that in 2021, if resources are available,
34 they should continue to meet and focus on the
35 development and sharing of best management
36 practices related to offshore wind issues.
37 However, they should not plan on a Habitat
38 Science Forum this year, and that they can look
39 forward to some further guidance from the CCC at
40 our October meeting.

41 For the National Standard 1 draft
42 technical memorandum on managing with ACLs for
43 data-limited stocks, we received a presentation
44 from Marian MacPherson giving an overview of the
45 memo. CCC noted that some portions of the
46 document still need more work to provide
47 effective guidance and ensure there is clear
48 distinction between guidance and requirements.

1 They also requested an extension of
2 the comment deadline on the draft memo to allow
3 time to schedule, review, and develop comments.
4 I think they asked for something in November.
5 NMFS indicated that they would at least try to
6 accommodate an extension into sometime in early
7 October.

8 On our CCC's Subcommittee on Council
9 Member Ongoing Development Committee, the
10 Steering Committee reported their first CMOD
11 workshop is scheduled to occur in person in the
12 first week of November. I believe that's -- the
13 plan is to have that in Denver, if I'm not
14 mistaken. I'm not sure if that was in the
15 report, but that's my understanding.

16 Scoping is underway to refine the
17 agenda, which focuses on the theme of new
18 approaches to ecosystem-based fishery management
19 and ecosystem approaches to fishery management.
20 The Steering Committee is going to be reaching
21 out for presenters both within the Council family
22 and elsewhere as its next step over the course of
23 the summer as they plan for that.

24 The NEPA Subcommittee provided a
25 report to the CCC which recommended NMFS consider
26 the report, which included guidance and ideas and
27 issues for conducting the proposed workshop to
28 consider Council and Agency guidance on
29 implementation of the new CDQ NEPA regulations as
30 well as procedures for functional equivalents of
31 MSA actions.

32 And then the SCS-7 Subcommittee, their
33 seventh national meeting has been again postponed
34 at this time until the summer of 2022 so that it
35 can take place in person. The North Pacific
36 Council is the host of that meeting, and they
37 asked for assistance from NMFS to approve a no-
38 cost extension through 2022 of existing funds
39 intended to support that workshop. And they're
40 looking for some feedback from Grants Division
41 and NMFS headquarters on that, whether that could
42 be accommodated.

43 Seafood competitiveness, marketing,
44 and economic growth, Dr. Doremus requested
45 comments and feedback from the Councils on
46 working waterfronts, workforce development,
47 sustainability, resiliency, marketing, supply
48 chains, and young fishermen's education programs.

1 The CCC and the Northeast -- New
2 England Fishery Management Council noted that
3 Councils may be unprepared to answer all these
4 difficult issues at this time, and that perhaps,
5 at least initially, the Council's focus should be
6 on the sustainable supply of fishery resources
7 for the American public.

8 Western Pacific noted that the supply
9 chain and inferior imported tuna products was a
10 large issue for their Council. They also
11 requested removal of the monument closures by the
12 executive order that were put in place by the
13 Antiquities Act.

14 Regarding the electronic monitoring
15 agenda item, Brett Alger provided an overview of
16 the draft procedural directive on applying
17 information law to electronic monitoring data.
18 The directive will establish requirements for
19 electronic monitoring programs to address data
20 confidentiality, federal records, and FOIA
21 issues.

22 The draft is not quite yet available
23 but should be released to the Councils shortly,
24 by early June, with comments due by July 15th.
25 It says the NPFMC requested an extension until
26 October. I think that's the CCC -- it's probably
27 my typo there -- requested an extension until
28 October 2021 for more opportunity to get that put
29 on a new agenda and develop comments.

30 I think the NMFS's response was that
31 they would prefer to get comments earlier so that
32 they could utilize the document for
33 implementation of programs that were scheduled to
34 come online January 1 of next year, but that they
35 would continue to take comments as they were
36 provided moving forward, but that they would
37 definitely prefer to have that sooner rather than
38 later if possible.

39 And then the, finally, policy and
40 procedural directives on guidance for financial
41 disclosure and recusals, Adam Issenberg gave an
42 overview of the draft policy directive and
43 procedural directive. Both provide guidance on
44 fishery management, Council disclosure, and
45 recusal requirements.

46 There were some questions that were
47 posed that Mr. Issenberg agreed to investigate
48 and report back on, primarily about the role of

1 the Executive Directors in identifying potential
2 recusal issues and also on reporting discussions
3 about recusal.

4 So that, Mr. Chairman, is my brief and
5 spectacular summary of our CCC meeting so far
6 this spring. Happy to answer questions if there
7 are any.

8 CHAIR GORELNIK: All right. Thank
9 you, Chuck.

10 Now would be time for questions or
11 comments.

12 Kitty?

13 MS. SIMONDS: Not so spectacular,
14 Chuck. You missed my entire ESA and MSA
15 integration.

16 MR. TRACY: Is it in -- sorry, can
17 you --

18 MS. SIMONDS: And the most wonderful
19 thing about that is that Sam Rauch agreed to look
20 into staff receiving drafts of BiOps. So thank
21 you.

22 MR. TRACY: My apologies. Like I
23 said, far from comprehensive. But yeah, I did
24 miss that one. I whiffed on that one completely.

25 MS. SIMONDS: No, but I thought your
26 report is really good. You just forgot about me.

27 MR. TRACY: I didn't see it in my
28 source document, so -- but I do recall seeing you
29 submit something to me. So my apologies.

30 CHAIR GORELNIK: All right. Are there
31 further questions or comments on the wrap-up
32 provided by Chuck Tracy?

33 (Pause.)

34 CHAIR GORELNIK: Any further
35 recommendations?

36 (Pause.)

37 CHAIR GORELNIK: All right. Chuck,
38 thank you very much for that wrap-up. And I
39 guess you can amend it to include the material
40 Kitty mentioned.

41 And that brings us to our discussion
42 of next meeting dates. So, Chuck, do you want to
43 let everyone know about our October meeting?

44 MR. TRACY: Yes. Let me see if I can
45 find that on my screen here someplace without
46 accidentally exiting the -- I guess I'll have to
47 do it this way.

48 Okay. Let's try this again. So I

1 just wanted to remind people that we will be
2 having our next meeting in Monterey in October,
3 19th through the 21st. It will be an in-person
4 meeting. That's our fervent hope.

5 There's some contact information. You
6 can expect to see invitations by no later than
7 August 1st. We will have opportunity to stay on
8 or come early a few days before or after the CCC
9 meeting based on room availability.

10 And then, secondly, Mid-Atlantic will
11 be hosting next year's CCC meeting, and they've
12 set the dates of May 17th through 19th. And it
13 will be in Annapolis, Maryland, at the Waterfront
14 Hotel. So that is next year's business.

15 CHAIR GORELNIK: All right. Thanks,
16 Chuck.

17 Any questions from the CCC on plans
18 for the October meeting? Really look forward to
19 seeing everyone in person for a change.

20 Chuck, do you have anything else?

21 MR. TRACY: No, Mr. Chair.

22 CHAIR GORELNIK: All right.

23 Chris Moore?

24 MR. MOORE: Thank you, Mr. Chairman.
25 Yeah, just to let folks know for those folks that
26 plan way ahead, we also have a meeting date
27 already scheduled for October, CCC meeting. It's
28 the week of October 17th, 2022. So just to let
29 folks know. Thank you.

30 CHAIR GORELNIK: I'm going to get that
31 on my calendar.

32 Anything else from around the virtual
33 table here, from the CCC, before we adjourn?

34 Sam Rauch?

35 MR. RAUCH: Given that we are likely
36 to adjourn very soon, on behalf -- I do not see
37 that Paul is still here, but on behalf of Paul
38 and the rest of the National Fisheries Service, I
39 do want to thank the CCC for participating. We
40 always find this is very constructive, and I
41 appreciate all of the hard work that goes into
42 these meetings. But I did want to thank
43 everybody for being here and joining in this good
44 conversation. Thank you.

45 CHAIR GORELNIK: Thanks, Sam. And on
46 behalf of the CCC, thank you to NMFS and all the
47 staff that participated in making the
48 presentations and the helpful discussion we had

1 here today.

2 Chuck and then Kitty.

3 MR. TRACY: Thanks.

4 Yeah, one other thing that is on our
5 agenda was kind of maybe if there's a desire to
6 talk about the frequency of schedule for future
7 Council check-in calls. We've been sort of
8 having monthly calls for quite a while. And so
9 there was some interest in maybe discussing
10 whether to continue that schedule or modify that
11 somehow, or if those meetings are -- if there's a
12 desire to continue those at all.

13 So I'll just put that out there and
14 see if there's any thoughts about that.

15 CHAIR GORELNIK: Well, I think they've
16 been helpful, at least until we get back to a
17 normal operating environment.

18 Anyone have a comment on that
19 particular topic?

20 Kitty and then Sam.

21 MS. SIMONDS: Well, I think they are
22 very, very, very, very, very, very useful, and I
23 hope that the NMFS agrees to continue to have
24 these meetings. It's just not so much bringing
25 us, really, closer, but we have that opportunity
26 to talk about whatever we need to talk about with
27 headquarters. We don't have that opportunity.

28 And so that is every month. That time
29 is when I fully take advantage of that great
30 opportunity. I did have something to say at the
31 end, though, but --

32 CHAIR GORELNIK: I'll come right back
33 to you, okay, Kitty?

34 MS. SIMONDS: Okay. Yeah. Thanks.

35 CHAIR GORELNIK: Sam?

36 MR. RAUCH: Yes. I would like to
37 remind the CCC that those are not actually CCC
38 meetings. And so the provisions -- if you were
39 going to have monthly CCC meetings, they'd need
40 to be properly noticed and follow the formal
41 rules.

42 Given that they are not formal CCC
43 meetings but they're just discussions on
44 operational issues and information with the
45 Council, that has limited what you can do in
46 those meetings to sharing certain background
47 information, discussing operational issues.

48 So I just want to -- we've discussed

1 that before, but it is not correct -- and
2 sometimes we are even not accurate. Those have
3 not been CCC meetings, and they are not CCC
4 meetings. They're not noticed as such, and we do
5 not conduct CCC business in those discussions.
6 You could if the CCC wanted to have monthly
7 meetings, but you'd have to follow the proper
8 procedure to do that.

9 CHAIR GORELNIK: Thank you, Sam, for
10 that clarification.

11 Kitty, right back to you.

12 MS. SIMONDS: Okay. Well, they are --
13 I consider them informal discussions about
14 issues. And so, yeah -- I wouldn't like to see
15 formal monthly meetings, obviously, because then
16 we'd have to speak formally.

17 So, anyway, my last comment is I'm
18 responding to Kelly's comment at the very
19 beginning of this session today. She said that
20 she was very sorry that she missed the social
21 hour yesterday and was hoping to have another
22 opportunity.

23 So I was going to -- you know, I will
24 confer with Sam because we could put it on
25 YouTube, you know.

26 Hi, Sam.

27 Just joking. But Kelly, anytime,
28 we'll send it to you.

29 CHAIR GORELNIK: Sam, your hand is up.
30 Do you have a further comment?

31 Oh, it's down. All right. Thank you.

32 All right. Carrie?

33 MS. SIMMONS: Thanks, Mr. Chair.

34 No, I just want to say thank you all
35 for the materials that were provided ahead of
36 time and for the good conversation that we've had
37 here, and Chuck for all his work and his staff
38 have done, and you, Mr. Chair, for your hard work
39 and keeping us on schedule.

40 That being said, I do find the monthly
41 meetings helpful. I think as we work our way
42 through this pandemic issue and we start to ease
43 back into travel, I would prefer that we have
44 those monthly meetings still. I think it's very
45 important to understand how the travel schedule
46 is going to unfold for the federal staff just as
47 much as the other Councils.

48 Thank you.

1 CHAIR GORELNIK: Thank you, Carrie.
2 Anything further from the CCC before
3 we adjourn?
4 (Pause.)
5 CHAIR GORELNIK: Would anyone like to
6 make a motion?
7 (Pause.)
8 CHAIR GORELNIK: We need a motion.
9 Chris Moore?
10 MR. MOORE: So moved.
11 CHAIR GORELNIK: Is there a second?
12 MR. NIES: Second. Tom Nies.
13 CHAIR GORELNIK: Second by Brad
14 Pettinger. All those in favor, say aye.
15 (Chorus of aye.)
16 CHAIR GORELNIK: Opposed? Can't
17 imagine.
18 (Pause.)
19 CHAIR GORELNIK: All right. We are
20 adjourned. Once again, thank you, everyone, for
21 your participation and your work, and we look
22 forward to seeing you in Monterey in October.
23 (Whereupon, the above-entitled matter
24 went off the record at 5:28 p.m.)
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Before: US NOAA

Date: 05-20-21

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