

UNITED STATES DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COUNCIL COORDINATION COMMITTEE MEETING  
(Via Webex)

Silver Spring, Maryland  
Tuesday, May 27, 2020

1 PARTICIPANTS:

2 Attendees:

3 DIANA MARTINO  
Caribbean

4 GRACIELA GARCIA-MOLINER  
5 Caribbean

6 MARCOS HANKE  
Caribbean

7 MIGUEL A. ROLON  
8 Caribbean

9 TONY BLANCHARD  
Caribbean

10 CARRIE SIMMONS  
11 Gulf

12 DALE DIAZ  
Gulf

13 DR. THOMAS FRAZER  
14 Gulf

15 CHRIS MOORE  
Mid-Atlantic

16 MIKE LUISI  
17 Mid-Atlantic

18 WARREN ELLIOTT  
Mid-Atlantic

19 DR. JOHN QUINN  
20 New England

21 ERIC REID  
New England

22

1 PARTICIPANTS (CONT'D):

2 TOM NIES  
New England

3  
4 BILL TWEIT  
North Pacific

5 DAVID WITHERELL  
North Pacific

6  
7 DIANA EVANS  
North Pacific

8 SIMON KINNEEN  
North Pacific

9  
10 CHUCK TRACY  
Pacific

11 MARC GORELNIK  
Pacific

12  
13 PHIL ANDERSON  
Pacific

14 JESSICA McCRAWLEY  
South Atlantic

15  
16 JOHN CARMICHAEL  
South Atlantic

17 MEL BELL  
South Atlantic

18  
19 ARCHIE SOLIAI  
Western Pacific

20 ED WATAMURA  
Western Pacific

21  
22 ELYSIA GRANGER  
Western Pacific

1 PARTICIPANTS (CONT'D):

2 FELIX REYES  
Western Pacific

3 FLOYD MASGA  
4 Western Pacific

5 HOWARD DUNHAM  
6 Western Pacific

7 JOHN GOURLEY  
Western Pacific

8 JOSHUA DEMELLO  
9 Western Pacific

10 KITTY SIMONDS  
Western Pacific

11 MARK MITSUYASU  
12 Western Pacific

13 MARLOWE SABATER  
Western Pacific

14 MICHAEL DUENAS  
15 Western Pacific

16 NATE ILAOA  
Western Pacific

17 DAVE WHALEY  
18 Western Pacific

19 HQ Employees:

20 ROY CRABTREE

21 MIKE PENTONY

22 BRIAN PAWLAK

- 1 PARTICIPANTS (CONT'D):
- 2 MICHAEL RUBINO
- 3 JIM BALSIGER
- 4 SAM RAUCH
- 5 NICOLE BONINE
- 6 RYAN WULFF
- 7 NICOLLE HILL
- 8 SARAH BLAND
- 9 KATE NAUGHTEN
- 10 KARA MECKLEY
- 11 IAN LUNDGREN
- 12 EMILY FARR
- 13 HEATHER COLEMAN
- 14 KRISTEN KOCH
- 15 TAUNA RANKIN
- 16 JENNIFER LUKENS
- 17 CANDANCE NACHMAN
- 18 RUSSELL DUNN
- 19 TIM SARTWELL
- 20 CHRIS W. OLIVER
- 21 BOB FOY
- 22 PAUL DOREMUS

1 PARTICIPANTS (CONT'D):

2 KRISTINE CHERRY

3 CISCO WERNER

4 ADAM ISSENBERG

5 MICHAEL TOSATTO

6 JENNI WALLACE

7 MICHAEL SEKI

8 GLENN MERRILL

9 STEPHANIE HUNT

10 ALESIA READ

11 JON HARE

12 NICHOLAS PIEPER

13 STACEY NATHANSAN

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

2 (1:40 p.m.)

3 MR. SOLIAI: All right. Thank you,  
4 everyone. I think everybody is on now. Nicholas,  
5 do you have any overview of this Webex before we  
6 start.

7 MR. PIEPER: Sure. I can just go over  
8 the instructions again real quick. I'll share my  
9 screen and we can get started with that. All  
10 right. So, if you have anymore issues, just send  
11 me a message in the Webex software or you can send  
12 me an e-mail. If you want to view the full  
13 participant, what you do is you hover the mouse  
14 down here and you click on this icon. What that  
15 will do, it will show all the participants over  
16 here. You can click on someone to send them a  
17 private message, a panelist, and someone needs  
18 help being muted, you can do that. I'll be  
19 taking care of it for the most part though and  
20 there are attendees with panelists permission so  
21 they need to be unmuted by one of us if they need  
22 to say anything. Once again, I'll be taking care



1 of most of that, but if you want to look, you just  
2 need to click on this view all attendees on the  
3 right here. I will show you who's listed again.  
4 One easy way to unmute yourself is to hit Control  
5 M. You can also click on the microphone icon at  
6 the bottom of the screen. Same with the video.  
7 You can turn your video on and off using this  
8 button here. The chat function does appear on the  
9 right hand panel under there. You just need to  
10 click on the little arrow and select who you want  
11 to send the chat to. Otherwise, if you guys have  
12 any questions, just let me know. I think that's  
13 it.

14 MR. SOLIAI: Okay. Thank you, Nicholas.  
15 Unless anybody has any questions, I'm ready to  
16 begin on the website. With that being done, I  
17 want to thank everybody. Good morning, good  
18 afternoon, wherever you're calling in from or  
19 signing in from. On behalf of myself, Chair for  
20 the West Pac Howard Dunham, Michael Duenas of  
21 Guam, John Gourley of the Commonwealth of the  
22 Northern Mariana Islands, Ed Watamura of Hawaii,

1 and Executive Director Kitty Simonds, I want to  
2 thank you, everybody, and offer you a warm  
3 welcome. So, across the U.S. in various regional  
4 councils I want to especially welcome our  
5 distinguished guests, the Assistant Administrator  
6 of Fisheries Chris Oliver, Deputy Assistant  
7 Administrator for Regulatory Programs Sam Rauch,  
8 Deputy Assistant Administrator of Operations Paul  
9 Doremus, and the Director of Scientific Program  
10 and Chief Science Advisor Cisco Werner as well as  
11 other NOAA Fisheries members. I just want to  
12 welcome everybody to our CCC meeting and it is  
13 customary for our Pacific Islands to always open  
14 any meeting with a word of prayer. So, I'll say a  
15 short prayer in our native language and then I  
16 will make a short summary.

17 [Prayer said in foreign language.]

18 MR. SOLIAI: Just a short prayer. We  
19 thank you Heavenly Father for these blessings and  
20 ask you for your guidance as we do the work of the  
21 regional councils and we check our fisheries  
22 especially mass production of everybody as we stop

1 this COVID-19 pandemic so thank you for indulging  
2 me in that. You've all received a copy of the  
3 opening remarks.

4 It's in your outboxes and in your  
5 inboxes, but we want to touch on some of the few  
6 items that our on there and as Robert Burns, the  
7 great Scot poet, noted over two centuries ago, the  
8 best laid schemes for mice and men are often  
9 askew. And so, our plans to host you all at  
10 beautiful Turtle Bay and offer you a warm  
11 Polynesian hospitality, that hasn't happened,  
12 obviously we all understand the COVID-19 disease,  
13 but we are thankful that we have fabulous IT  
14 especially here on the islands so we can have  
15 these meetings remotely.

16 The COVID-19 pandemic has made our  
17 responsibility more important and highlights the  
18 often overlooked fact that managing our nation's  
19 fisheries is about ensuring that Americans have  
20 food. Management is very important for fish  
21 stocks, aqua species, guaranteeing our fisherman  
22 earn decent livings, pursue recreational fishing,

1 and overall important for our region, but, you  
2 know, we must not forget that the bottom line is  
3 that our nations provide nutritious seafood to our  
4 people and, you know, as you know, our US EEZ  
5 comprises the second largest US EEZ in the world  
6 and we are mandated, you know, the contributions  
7 stated in the MSA is that our fisheries try to  
8 provide the nation food supply so that's all being  
9 overlooked and I think it's time for us to take a  
10 different perspective and highlight that, you  
11 know, food supply is one of the topics for various  
12 councils.

13 The fishery, as we all know, we have the  
14 CARES act that has provided 300 million for the  
15 fisheries and I think there is a big disparity how  
16 that currently is being dished out when we compare  
17 ourselves to the agricultural industry. Since  
18 it's worked, you know, while both fisheries and  
19 agriculture feed the nation, fishery sector is  
20 receiving about 3 percent of its revenue while the  
21 agriculture is receiving relief that's more than  
22 16 percent of its revenue. So, I think there's a

1 lot more that we should do or we can do and  
2 hopefully, in the next round coming that, you  
3 know, the nation and our leaders can look at more  
4 favorably towards fishery sectors.

5 So, if you'd take the time to read the  
6 statement that I put out and if you have any  
7 questions, we can take it from there. We're  
8 moving on to introductions. Why don't we go  
9 around the round the table and we can introduce  
10 ourselves from the various councils. So, my name  
11 is Archie Soliai. I am the Chair for the Western  
12 Pacific Regional Fishery Management Council and  
13 we'll go through West Pac and then we'll go around  
14 the other regional councils. Before we do that, I  
15 apologize, Chris Oliver, we will have Chris for  
16 his opening remarks before we do the  
17 introductions.

18 MR. OLIVER: Okay, Archie. I can be  
19 really brief. Can you hear me.

20 MR. SOLIAI: Yes. I can hear you fine,  
21 Chris.

22 MR. OLIVER: Hopefully you can see me.

1 I want to thank you. Good to see you and thank  
2 you and Kitty and Western Pacific Council for  
3 virtually hosting this meeting and you can see a  
4 my attire. I'm doing my best to maintain a  
5 positive island attitude although everyone shares  
6 my deep disappointment that we're all sitting in  
7 our living rooms or apartments or offices rather  
8 than all together there at Turtle Bay. I was very  
9 much looking forward to it and I always look  
10 forward to these meetings. I have been going to  
11 the Council Coordination Meetings for I guess over  
12 20 years and of all the meetings that we all go to  
13 and fisheries, certainly for me this has always  
14 been one of my favorite, you know, and it's partly  
15 because it's a great opportunity with our rotating  
16 hosting format and a great opportunity to visit  
17 other regions and places to see how they do  
18 business, to share our experiences and they are  
19 all different, but in many ways, they are all the  
20 same and I've been working with many of you for  
21 so, so many years that it's just a great  
22 opportunity to see you all and get together and,

1 you know, in addition to our business, to do fun  
2 things together and I really miss that more than  
3 ever obviously and so, I just regret that we're  
4 not all together, but dealing with especially Chad  
5 (phonetic) and thankfully, we have the technology  
6 that we have to still conduct our business and not  
7 to say that there is no impact to our mission. We  
8 know that there are, but I've been impressed by  
9 our collective ability, both our agency and the  
10 council's, to maintain our essential business and  
11 operations. You know, obviously, we are suffering  
12 from some of our assessments and surveys and other  
13 operational compromises we're having to make, but  
14 we'll get through them. And so, you know, I'll  
15 save some additional comments for later on sort of  
16 what we're doing in the near term and how we're  
17 looking at this in terms of maybe realigning our  
18 priorities to come out the other side of this.  
19 So, thank you, Archie, and that's all I have for  
20 the moment.

21 MR. SOLIAI: Thank you, Chris. We  
22 appreciate those comments and certainly, we regret

1 the fact that we're not able to host everybody  
2 this time around. Hopefully, when we get through  
3 the other side we will be able to fulfill that  
4 obligation to welcome each and every one of you to  
5 our region. So, thank you again, Chris. So, with  
6 saying that, we'll go around with our  
7 introductions. I'll start with West Pac and we'll  
8 make our way east.

9 MR. WATAMURA: This is Ed Watamura, Vice  
10 Chair, representing Hawaii with the council.

11 MR. GOURLEY: John Gourley, Northern  
12 Mariana Islands, where it's 4 o'clock in the  
13 morning.

14 MR. SOLIAI: Do we have Guam.

15 MR. DUENAS: Michael Duenas from Guam  
16 and it is also 4:00 a.m.

17 MR. SOLIAI: Good night or good morning  
18 to you guys, however you want to take it. Howard.

19 MR. DUNHAM: Hi. Howard Dunam, Vice  
20 Chair of Western Pacific.

21 MR. SOLIAI: All right. We'll move on  
22 to the West Coast.



1                   MR. TRACY: Chuck Tracy, Council  
2           Executive Director.

3                   MR. ANDERSON: Hello, everyone. This is  
4           Phil Anderson, Chair of the Pacific Council.

5                   MR. GORELNIK: Good morning or good  
6           afternoon. This is Mark Gorelnik, Vice Chair of  
7           the Pacific Council.

8                   MR. SOLIAI: North Pacific.

9                   MR. WITHERELL: Dave Witherell,  
10          Executive Director.

11                  MR. KINNEEN: Hi. This is Simon  
12          Kinneen, the Chairman of the North Pacific.

13                  MR. TWEIT: Hello. This is Bill Tweit,  
14          Vice Chair of the North Pacific.

15                  MR. SOLIAI: All right. Who's next?  
16          Caribbean?

17                  MR. PIEPER: Hi, everyone. I muted all  
18          the participants again. Not sure what was going  
19          on with the audio there, but if you need to speak,  
20          you will have to unmute yourself again.

21                  MR. SOLIAI: Can we get the  
22          introductions from the Caribbean?

1           MR. PIEPER: Once again, I'm not sure  
2 what that is, but I did mute everyone.

3           MR. SOLIAI: Could we move on to the  
4 South Atlantic while the Caribbean tries to work  
5 out their audio issues?

6           MR. CARMICHAEL: John Carmichael,  
7 Executive Director of the South Atlantic.

8           MR. MCCAWLEY: This is Jessica McCawley.  
9 I'm the Chairman of the South Atlantic Council.

10          MR. BELL: I'm the Vice Chair of South  
11 Atlantic Council.

12          MR. SOLIAI: All right. Move on to the  
13 Gulf.

14          MS. SIMMONS: Hello, everyone. Carrie  
15 Simmons, Executive Director of Gulf Simmons. Can  
16 you hear me?

17          MR. SOLIAI: Yes, we can hear you, thank  
18 you.

19          MR. FRASER: My name is Tom Fraser,  
20 Chair of Gulf Council.

21          MR. DIAZ: This is Dale Diaz, Vice Chair  
22 of Gulf Council.

1 MR. SOLIAI: Okay. We'll move on to the  
2 Mid-Atlantic.

3 MR. MOORE: This is Chris Moore,  
4 Executive Director.

5 MR. LUISI: Hi everyone. This is Mike  
6 Luisi, Chair of the Mid-Atlantic.

7 MR. ELLIOTT: Hello. This is Warren  
8 Elliott, Vice Chair of the Mid-Atlantic.

9 MR. SOLIAI: Moving north to New England  
10 Council.

11 MR. QUINN: John Quinn, Chair.

12 MR. NIES: Good afternoon. Tom Nies,  
13 Executive Director New England Council.

14 MR. REID: Good day, everyone. Eric  
15 Reid, Vice Chairman of the New England Council.

16 MR. SOLIAI: All right. Can we call one  
17 more time back to the Caribbean?

18 MR. ROLON: Miguel Rolon.

19 MR. SOLIAI: Yes, I can hear you. All  
20 right. There being nobody there I think we've  
21 covered everybody and we'll -- councils, can we  
22 get introductions from the Fisheries please?

1 MR. DOREMUS: Hello, everyone, this is  
2 Paul Doremus, DAA for operates.

3 MR. RAUCH: Sam Rauch, DAA for  
4 regulatory programs.

5 MR. WERNER: Cisco Werner, Chief Science  
6 Advisor.

7 MR. RUBINO: Michael Rubino, Senior  
8 Advisor for Seafood Strategy.

9 MS. WALLACE: This is Jenni Wallace, the  
10 Acting Director for Sustainable Fisheries.

11 MR. ISSENBERG: Adam Issenberg in NOAA  
12 GC.

13 MR. SOLIAI: All right. I think that's  
14 it. It's great to meet you all virtually and  
15 again, hopefully, I get to meet you in person.  
16 I'm sorry. John, were you trying to chime in?  
17 All right. Welcome back to our main CCC meeting.  
18 We will go to the approval of our agenda. I hope  
19 you've all gotten a chance to take a look at it  
20 for today and tomorrow. Unless there is any  
21 discussion or questions as far as this agenda, we  
22 will obtain the motion to approve agenda.

1           MR. NIES: Hi, this is Tom Nies. I move  
2 we approve the agenda.

3           MR. SOLIAI: All right. Do we have a  
4 second?

5           MR. GOURLEY: Second, John Gourley.

6           MR. SOLIAI: All right. The move to  
7 second it. Any discussion?

8           [Agenda approved by voice votes]

9           MR. SOLIAI: So, we will move on to the  
10 next item on our agenda, which is the recent  
11 issues with council operation and NMFS. So, in  
12 the essence of time, I know we've got a very  
13 aggressive agenda for today, but we're only  
14 allotting about 10 minutes so we ask that all the  
15 councils limit their discussions. So, in the 30  
16 minute we'll have the overview of the issues and  
17 then we'll move on to each council reporting on  
18 their status. Okay, Paul.

19           MR. DOREMUS: Yes. This is Paul  
20 Doremus. I'll start off and hopefully, we can  
21 make up a little bit of time here. It's just make  
22 a few comments about the overall operating

1 environments and then Sam and Cisco will be able  
2 to talk about regulatory and science components of  
3 that in particular. We've been interacting with  
4 the CCC for a period of time as we've moved  
5 through March, April, and deep into May at this  
6 point turning the corner on another month pretty  
7 soon.

8 We are continuing to operate in telework  
9 mode. That has not changed and no one has set a  
10 date for that to change although we're expecting  
11 at a point in the not too distant future a shift  
12 out of this phase of mandatory telework and into a  
13 phase of lesser restrictions on maximum telework  
14 where we will be able to move back into our  
15 facilities in limited measure for functions that  
16 have particular dependence on access to the  
17 facilities or to field work as it not a surprise  
18 to anyone that components have been open during  
19 this whole time although there are some components  
20 of our work that have not been able to be  
21 conducted at all. A lot of our field research and  
22 our survey deployments have greatly suffered the

1 most under the very restricted parameters that  
2 we're currently operating in.

3 We are anticipating that will change.  
4 Our heaviest focus is on those areas where mission  
5 continuity concerns are the highest and the center  
6 of that is really around our survey and data  
7 collection activities. Cisco will speak in  
8 greater depth to that, but we're in a challenging  
9 position now both with those kind of deployments  
10 as well as the ability to come back into our  
11 facilities in limited measure. With the virus  
12 still having a lot of presence around different  
13 parts of the country, buried but still there, and  
14 we have generally not met their criteria for phase  
15 one transition, which is where we have a full  
16 14-day period of declining cases and fatalities  
17 associated with COVID-19. So, that clock hasn't  
18 started, but as you well know, everybody knows,  
19 different parts of the country, activities are  
20 evolving. Different parts of our country are  
21 opening up and we're continuing to operate, but  
22 being very judicious of slow, steady, flexible in

1 our approach to reopening the facilities in any  
2 kind of normal operating mode.

3 We have I think going ahead phasing  
4 where we'll probably see continued maximum  
5 telework for some period of time, limited presence  
6 at our facilities, maximum 25 percent for a rough  
7 estimate, before we move to a more relaxed  
8 setting, which, again, is probably only going to  
9 have around 50 percent of staff present in our  
10 facilities if you will.

11 The bottom line message really, it's  
12 going to be a long time before we get back to  
13 anything close to everybody in our facilities  
14 operating in some semblance of normality. Most  
15 Federal agencies, fisheries, all of NOAA, all of  
16 the department is anticipating that the new  
17 reality that we gradually move into is going to be  
18 very different in terms of our operations. There  
19 will be an increasing reliance on and a far  
20 heavier reliance on telework and other types of  
21 flexibilities than we had previous to COVID-19  
22 pandemic and that's likely to be a permanent



1 change. I would anticipate much greater  
2 restrictions on travel for a long period of time  
3 as well as on other types of large in-person  
4 gatherings. It is really not until, in my  
5 personal view, we have a widely distributed and  
6 widely used vaccine for this virus where we're  
7 going to see enough lessening that we could say  
8 we're in a new normal. That's some time away,  
9 many months away, and in the meantime we're going  
10 to continue to emphasize working remotely and  
11 trying to bring on board capabilities that have  
12 been most restricted during the period of time  
13 when social distancing requirements have been so  
14 pervasive.

15 That's gradually lessening, light at the  
16 end of the tunnel, but still a ways off, what's  
17 going to change most are those mission critical  
18 areas like survey and field research.

19 So, with that very general introduction  
20 to our operating status, I can turn it over to  
21 Cisco to talk about the science components of this  
22 given the high degree of focus and interest on

1 those functions. Cisco.

2 MR. PIEPER: And I'll just jump in  
3 there, Cisco. I have your presentation ready if  
4 you'd like to use that as well.

5 MR. WERNER: Yes, thanks. That would be  
6 great. If you could bring it up that would be  
7 wonderful. Thanks, Paul, and thanks everybody for  
8 the opportunity to be able to speak to you on  
9 where we are with some aspects of the science.  
10 Today I'm going to give you an update on the  
11 status of surveys, which I'm sure is something  
12 you've all been informed on. I'll give some  
13 additional details and questions that might come  
14 up. And tomorrow I'll be speaking more about next  
15 steps and what we're thinking in terms of surveys  
16 and funding of surveys and so on.

17 So, the next slide if I could have it  
18 please. The summary is on the left hand side.  
19 The reason I put up that map with the different  
20 surveys is to show that this is where we have been  
21 affected. They're from the Northeast, Southeast,  
22 to Hawaiian islands, Alaska and overall, where we

1 are now. Between March and July of this year, we  
2 are estimating through July of this year, we have  
3 a combined 55 surveys we canceled. Twenty five of  
4 them are OMAO surveys -- meaning white ship  
5 surveys. Some of these surveys have multiple legs  
6 so the 25 surveys have three or four legs, but in  
7 general, it's about that number. And regarding  
8 the surveys that we do in partnership with the  
9 academia states or charters with industry, it's  
10 about 30 surveys that we've had to cancel, each  
11 one of these a very, very painful decision.

12 And in total in terms of number of days  
13 at sea, it's about, 1,300, almost 1,400 days so  
14 far. We are evaluating remaining surveys in FY  
15 '20 of all sorts, let it be OMAO or in partnership  
16 with other organizations and we continue to work  
17 on that to see how we can actually execute as we  
18 learn about how to go out to sea.

19 In addition to looking at this fiscal  
20 year's surveys, we are also working on next year  
21 FY '21 in what we refer to as the Fleet Allocation  
22 Plan to see how it is that we proceed based on

1 surveys that might be higher priority or  
2 modifications we need to do, in view of not being  
3 able to conduct some of the surveys this year.

4 So, the next slide, if I could please,  
5 is a breakdown, again, an estimate of the  
6 breakdown per center. It's a very simple  
7 breakdown. Again, the total number of days,  
8 remember, is about 1,380, but it gives you a sense  
9 of each science center, Alaska, Northeast,  
10 Northwest, Southeast, Southwest, number of days  
11 they may have lost in charters or partner surveys  
12 in OMAO or white ship surveys, and then the total  
13 numbers that have been affected. This is just to  
14 give you a breakdown per region.

15 Some regions, are front-loaded, probably  
16 because of the season, the northern ones, Alaska  
17 and Northeast, are perhaps higher numbers right  
18 now because those surveys need to happen earlier  
19 in the year. Others like the Southeast,  
20 Southwest, and Pacific Islands still, can proceed  
21 later in the year so that this also explains some  
22 of the differences in magnitudes of the surveys.

1 So, that, again, is just to give you sense of a  
2 regional breakdown of the impact per center. If I  
3 could have the next slide please.

4 So, the impact, if we were to talk about  
5 stock assessments in FY '20, they are largely on  
6 schedule. There are very few stocks that are  
7 actually, assessed with data collected in the same  
8 year. There are some, but they are very few so  
9 for FY '20, the assessments are proceeding.

10 For FY '21, the assessments will be  
11 stock dependent. For some stocks, we do have  
12 estimates based on other years in terms of what  
13 the impact might be when in past years we haven't  
14 been able to conduct surveys say for mechanical or  
15 other reasons and the ships weren't able to go  
16 out. For some other stocks, we won't know what  
17 the impact might be until we have we have the  
18 opportunity to look at all the available data  
19 including the fishery dependent data.

20 In term of mitigation, for the surveys,  
21 we're trying to do as much as we can. The  
22 Northwest Center, had to cancel the spring legs of

1 the West Coast Groundfish surveys, and is now  
2 trying to beef up, the two legs that take place in  
3 August and September to try to partially offset  
4 bit the other legs that they had to cancel earlier  
5 in the year. The Southwest Center is trying to  
6 consolidate surveys later in the year to see if  
7 they can conduct a CPS, their Coastal Pelagic  
8 Surveys. The Alaska Center is relying in part  
9 also on some advanced technologies. Three  
10 saildrones just left the Bay Area and they are  
11 headed on their way up to the Bering Sea. These  
12 saildrones will be up there in July and conduct at  
13 least some acoustic surveys. There will be some  
14 data, but not certainly the full swath that we  
15 would have liked.

16 And they are also collecting some upward  
17 looking acoustic sensors, which are those  
18 spherical instruments that you see on the bottom  
19 right of the slide. We are going to try to  
20 recover those instruments that have been there for  
21 a couple of years. We acknowledge that they will  
22 never fully offset our ability to have had a

1 survey out there.

2           And I think the last slide, if I could  
3 please, talks about what are the general protocols  
4 that we're working on for returning to sea. We  
5 certainly have learned from protocols that have  
6 been developed by the Academic Fleet, the Maritime  
7 Fleet, and the Fisheries Fleet as to what aspects  
8 go into developing these protocols. And of  
9 course, we're working that within NOAA and in  
10 general starting with the guiding principle that  
11 we want to ensure safety involved, the crew, and  
12 then we have to work through a number of issues  
13 including quarantine and testing. Testing is  
14 somewhat in flux right now, in terms of what kind  
15 of tests and the availability and perhaps the  
16 accuracy of the test. Issues of having to fly  
17 from location to location because not everybody is  
18 where their ship is, so that involves going  
19 through airports and such. Then what do you do  
20 once you're on the vessel, you know, the cleaning  
21 and distancing and so on. What do you do if there  
22 is a suspected COVID case at sea and then,

1 finally, what do you when you return to port under  
2 normal conditions?

3 And so, all of the aspects are things  
4 that we are continuing to work on, continuing to  
5 evolve and in consultation with a whole suite of  
6 folks to try to see how we return as soon as  
7 possible safely to finish whatever we can in FY  
8 '20 and also make sure that we can proceed in FY  
9 '21. So, that's really what I wanted to give you  
10 a snapshot of in terms of where we are, what the  
11 impacts have been, some mitigation, and also, next  
12 steps and I'll stop there and take any questions  
13 or comments if there are any. Thank you.

14 MR. SOLIAI: Thank you, Cisco and Paul.  
15 Sam, did you want to add anything before I open up  
16 the --

17 MR. RAUCH: Yes. Just a couple things  
18 from the regulatory side. One, we have been  
19 working, as many of the councils know, on looking  
20 at ways to deal with the challenges presented by  
21 the pandemic on the fishing fleets and the fishing  
22 operations. There are a number of councils who



1 have recommended emergency action and we have been  
2 working through those issues on trying to get  
3 those regulations in place. That largely  
4 preceded, but is mirrored by new requests in the  
5 president's latest executive order, which asked  
6 the councils to do something that the councils are  
7 currently largely doing, which is to look at the  
8 various barriers to prosecuting fishing industry  
9 and recommend ways that we might relieve those  
10 restrictions mindful of our overall statutory  
11 mandates. It's something that we do periodically.  
12 In this administration, we recently sent out a  
13 response to meet that executive order on that.

14 I wanted to talk about two other  
15 aspects. One, we are working through this. As  
16 Chris said, it's been remarkable the way we have  
17 able to keep pace in this new working environment  
18 and as the councils continue to implement their  
19 workload, we continue to try to implement those  
20 regulations in the back end, but it is difficult.  
21 It is more difficult than it seems. I know many  
22 of you feel that way as well and I just wanted to

1 ask for patience as we try to move through all of  
2 the actions. We're trying to keep up and maintain  
3 some degree of normalcy, but it is difficult and  
4 so, I think we need some patience in terms of  
5 expected schedule and our ability to be responsive  
6 to the many requests that we have received from  
7 the council on top of the normal workload.

8           And the final thing I wanted to mention  
9 was observers. Much like surveys, we have had  
10 difficulty carrying out the full observer  
11 function. Across the country, we largely have  
12 observers in place and are going out on fishing  
13 vessels everywhere except the partial coverage  
14 fishery in Alaska and the fisheries in New England  
15 and both of those have unique difficult logistical  
16 issues with state mandated quarantines. In New  
17 England, we've got numerous borders you have to  
18 cross. There's also the case with some places in  
19 Alaska. We continue to work very hard to work the  
20 observer provider companies to open those areas as  
21 well. I am hopeful that these observer waivers  
22 won't go on much longer in the few places where

1 they are still going on, but they will go on for a  
2 little bit longer. We continue to have the  
3 ability to work with the Regional administrators.  
4 If there is a particular problem on a case-by-case  
5 vessel basis with a particular observer on a  
6 particular vessel, the administrators remain to do  
7 that [waive]. But largely we are on the path  
8 towards redeploying the observers in places where  
9 they were temporarily halted. Some places we've  
10 never altered them. But I think that there will  
11 still be a brief amount of time in the next few  
12 weeks where we will continue to maintain waivers,  
13 but we're on the downward decline there. And I  
14 think we've done a good job with the regions  
15 working with the observer provider companies on  
16 the approaches that allow the redeployment of  
17 those other vessels. That's all I wanted to say.  
18 I will take any questions along with the other  
19 presenters on this topic.

20 MR. SOLIAI: Thank you, Sam. At this  
21 time, I'll open it up for questions and we're  
22 going to go around the table so we'll start from

1 North Pacific Council, any questions?

2 MR. WITHERELL: I don't have any  
3 questions. Bill or Simon may.

4 MR. TWEIT: This is Bill Tweit. I have  
5 a question for Cisco. Cisco, I'm wondering how  
6 you are responding to the concern that we're  
7 hearing from industry that from their perspective  
8 logistical issues involved in putting up factory  
9 trawler, for instance, out to sea to fish right  
10 now, in their view, those logistical issues  
11 appropriately dealing with measures to prevent the  
12 spread of pandemic. They're wondering why those  
13 issues are different between their operations and  
14 the survey operations that they are able to go  
15 out. They're able to address them and the agency  
16 isn't able to address them. They're having a hard  
17 time understanding how they are that different  
18 from the agency survey vessels either the charter  
19 or their white ships. So, I'm wondering how you  
20 address or how you respond to that.

21 MR. WERNER: Sure, I can try. This has  
22 been discussed at length with Chris and Paul and

1 others, so if you want to chime in that would be  
2 great too. First, we work very closely to  
3 understand and incorporate the safety protocols  
4 that the fishing industry itself had developed  
5 working even with, some of the folks that they  
6 consulted with. So, it's not clear whether these  
7 are straight apples-to-apples comparisons to put  
8 it that way in the sense that we look to try to  
9 see how we get out all our folks to conduct the  
10 surveys that we were going to conduct in the  
11 Bering Sea. It turned out that the surveys that we  
12 would have to conduct would have required probably  
13 being out a full eight weeks continuously, to  
14 minimize the amount of travel that had to happen  
15 between airports. The quarantining, the testing  
16 that would have to happen say boarding in Dutch  
17 Harbor versus somewhere else and other aspects  
18 that in the end resulted in such a challenging, if  
19 you will, and difficult logistical undertaking to  
20 overcome that the conclusion at the end was that  
21 we would not be able to actually pull it off. It  
22 involves getting people away from home for up to

1 three months, because it would be two months  
2 continuous at sea, plus possibly two weeks of  
3 quarantine book-ending those two months. It would  
4 imply getting the testing in place, it implied,  
5 again, a number of things that in the end it was  
6 just going to be very difficult to get together  
7 and we worked to the last minute in terms of how  
8 far to the right of the schedule could we push  
9 this before we went and still have it make it  
10 sense in terms of the sampling season and some of  
11 the logistics. Perhaps industry was able to  
12 overcome but it was not something that we felt we  
13 could do. I don't know if Chris or Paul, do you  
14 want to add to how we arrived at that position,  
15 but it is a question that we struggled with and,  
16 like I said, to the last minute until we decided  
17 we could not go forward.

18 MR. DOREMUS: Cisco, this is Paul. I  
19 don't have anything to add to that. I think that  
20 covers the fundamentals. Every deployment is  
21 different. The risk factors vary quite a lot and  
22 then with remote longtime period types of

1 deployments the complications get amplified very  
2 quickly. Our teams worked aggressively to turn  
3 every angle that they could to figure out a way to  
4 get this done and with the clock ticking, we just  
5 weren't able to commit. We hope to be moving into  
6 a period of time where some of the mitigation  
7 measures can gradually be dialed back, but we're  
8 not there at this time and the government as a  
9 whole isn't. We're not even in our facility.  
10 We're still in this mandatory mode of full  
11 telework. So, it's hard to estimate the  
12 logistical complications of pulling off the  
13 particular surveys that Cisco is referring to when  
14 the logistical barriers lessen next year we might  
15 have a different option set. We're starting just  
16 to see opportunities as we look further out on the  
17 calendar.

18 MR. OLIVER: This is Chris, can you hear  
19 me?

20 MR. SOLIAI: Yes, we can hear you.

21 MR. OLIVER: Yeah, Bill. I appreciate  
22 some of the frustration. That was probably one of

1 the most difficult decisions we've made certainly  
2 since I've been here for obvious reasons, but it  
3 is a little apples and oranges. The logistical  
4 issues that Cisco referred to, we and Bob Foye  
5 made a tremendous attempt to try and put together  
6 a plan to pull this off, but it just wasn't going  
7 to work in the end. We're also working atmosphere  
8 adhering to very rigorous review of travel  
9 approvals. We had one small survey that required  
10 two people to count for a day and it took as long  
11 as a week to get the travel authorization cleared  
12 and in this case, we were talking about dozens of  
13 people from multiple locations with much more  
14 challenging or difficult circumstances and  
15 frankly, the likelihood of getting those travel  
16 approvals approved in the time that we would to  
17 get them approved was a pretty far stretch as well  
18 so I'll throw that into not trying to use that as  
19 an excuse, but that was definitely a factor we  
20 took into consideration too was the difficulty in  
21 actually getting travel approval.

22 MR. TWEIT: This is Bill Tweit. The



1     only thing I would note back is I heard a couple  
2     of times that's it's not really Apples-to-Apples.  
3     To the extent that I know the circumstances the  
4     seafood industry is dealing with, about the only  
5     factor that I heard NOAA fisheries describe that's  
6     any different that the factors that the seafood  
7     industry has been dealing is the one that Chris  
8     mentioned at the end, the need to get travel  
9     approvals. Otherwise, I think all the other, at  
10    least to the best of my knowledge, I didn't hear  
11    you describe any other logistical issues that were  
12    any different than the ones that the industry has  
13    dealt with. So, and observation for you to think  
14    about as we all work to communicate this, is I  
15    think talking to a group of folks who by and large  
16    will have just successfully addressed most of the  
17    obstacles that you point out and so, we're going  
18    to need to think about how to communicate that.

19           MR. WERNER: And this is a point, if I  
20    could just add, in terms of some of the logistical  
21    issues that are really difficult to overcome. One  
22    of the things that we converged on in terms of

1 what would be the safest and best way to complete  
2 the survey it would have meant eight weeks without  
3 being able to come back to port, you know, being  
4 up in the Bering, you know, some places we simply  
5 could just not go back to. In the past, these  
6 surveys, are maybe three weeks long and there is a  
7 change in personnel and all of that. So, being in  
8 a remote location as the Bering is for eight  
9 weeks, is something that logistically we've never  
10 had to do. It's not to say that it's not doable,  
11 but I mean in my view to say we're going to go out  
12 and do something we've never before as challenging  
13 a situation I think everybody in the Bering this  
14 time of year potentially, in remote locations,  
15 under all of these other circumstances to me was  
16 another factor that adds to all the little pieces.  
17 Like, for example, as Chris brought up and Paul  
18 brought up, in order to make it work, it would  
19 have had to have required everything to line up  
20 and we would have had to have done something we  
21 had not done before in terms of the logistics and  
22 the preparation and everything for an eight week

1 at sea survey with four of our ships, etc.

2 MR. TWEIT: So, this is Bill again.  
3 You're going to be saying that to a group of  
4 industry folks who have just done something  
5 they've never done before of a similar magnitude.  
6 That's my point is that everything you have faced  
7 they've faced as well and they're going to be  
8 hearing you with the ears of a group that have all  
9 those same challenges, that made all those same  
10 tough decisions. They're running longer shifts.  
11 They've got people who've stayed on board from the  
12 Wang (phonetic) Fishery all the way up to the  
13 Pollock Fishery. They've got folks who are  
14 putting in five, six months at sea this year in  
15 order to address. So, it's going to be a tough  
16 audience hearing that particular argument. And  
17 so, you're going to have to put some more though  
18 into that I think.

19 MR. WERNER: Okay. Good point. Thanks,  
20 Bill. Appreciate it.

21 MR. SOLIAI: All right. Anything else  
22 North Pacific Council? Now, we'll move on to the

1 Pacific Council. Questions?

2 MR. GOURLEY: I don't have any  
3 questions. Phil or Marc or Ryan you have any  
4 comments?

5 MR. ANDERSON: This is Phil. I don't  
6 have any. Just to echo the concerns that Bill  
7 Tweit raised, similar kinds of issues with the  
8 Whiting Fishery in the West Coast in the  
9 operations and the change in those operations.  
10 So, largely the same folks catch a processor end  
11 of some of the other ship's folks as well, but  
12 that would be the only thing I would add.

13 MR. GORELNIK: This is Marc. I've got  
14 nothing further to add.

15 MR. SOLIAI: All right. Thank you.  
16 We'll move on to the Caribbean Council.

17 MR. ROLON: I don't know. At this time,  
18 we don't have any questions.

19 MR. SOLIAI: Thank you. Gulf Council?

20 SPEAKER: I don't have any questions,  
21 thank you.

22 SPEAKER: No questions from my end

1 either.

2 MR. SOLIAI: Moving on to the South  
3 Atlantic Council.

4 SPEAKER: No questions.

5 MR. SOLIAI: Mid-Atlantic?

6 SPEAKER: No questions for me.

7 SPEAKER: None for me either, thank you.

8 MR. SOLIAI: New England.

9 MR. NIES: Thank you. This is Tom Nies.  
10 I have one question that I think is probably for  
11 Sam but perhaps Cisco as well. We are starting to  
12 get some questions about how placing observers on  
13 fishing boat in these condition complies with the  
14 national standards. I wonder if you've heard or  
15 addressed that question yet.

16 MR. RAUCH: No, we haven't addressed  
17 that question specifically. We do have observers  
18 on boats, as I said, most of the country. There  
19 is an exception in New England. Fisherman are on  
20 board these vessels often in condition, you know,  
21 to get back to some of the questions about  
22 surveys. The fishing industry has worked through

1 a lot of these issues in most places and have  
2 figured out ways to fish safely. We have not seen  
3 huge widespread issues among fishing crew and so,  
4 we believe that you can put them on safely. It's  
5 been done in the rest country and where we've got  
6 fishing in the Alaska fleets and the West Coast  
7 fleets are the places that we haven't seen  
8 outbreaks. We think that there are certain  
9 provisions that are reasonable to undertake, like,  
10 they're working on preventing vessel hopping and  
11 enforcing (inaudible) with the provider companies,  
12 but the sheer fact that you are putting a person  
13 in a factory or on a plant or on a boat where they  
14 will have to work in close proximity with another  
15 person, that's not inherently unsafe if certain  
16 precautions are taken.

17 MR. SOLIAI: All right. Thank you.  
18 I'll open it up to the Western Pacific.

19 MS. SIMONDS: All right, thank, Mr.  
20 Chair. Kitty here. Paul, this question is for  
21 you. So, in your analysis of opening up the NMFS  
22 offices in the country. Where are we on that

1 list? As you probably know and have read, you  
2 know, are region is the least affected by the  
3 virus. Can you tell me where you are?

4 MR. DOREMUS: The front of the line as  
5 always, Kitty.

6 MS. SIMONDS: I hope so because, you  
7 know, I think the only factor is -- well, let's  
8 take American Samoa where the governor has closed  
9 any visiting there through July 31, but we are  
10 concerned because we have over fishing conditions  
11 on one of the two important fisheries in American  
12 Samoa and the (inaudible) and a number of plans to  
13 go down there to work on data and as we try to  
14 work through these issues and these problems. So,  
15 this is very important to us and so, if we're  
16 number one, thank you very much and I hope you let  
17 me know as soon as possible.

18 MR. DOREMUS: Well, Kitty, we don't  
19 really have a list and I'm fully expecting that,  
20 as everyone has noted all the way along and I've  
21 talked a little bit about, we're going to change  
22 our operating mode in different parts of the

1 country at different times.

2 MS. SIMONDS: Right.

3 MR. DOREMUS: But what I meant about  
4 being in the front of the line the circumstances  
5 as I understand them in your region are most  
6 amenable to return sooner. We have not made a  
7 decision to do that.

8 MS. SIMONDS: Right.

9 MR. DOREMUS: It's among the things  
10 being considered and we're coordinating with all  
11 of NOAA as we go about doing this because so many  
12 of our facilities are in with other parts of NOAA  
13 or in many instances, with other agencies or other  
14 partners. So, we're coordinating with a lot of  
15 different folks. We're moving at pace, but NOAA  
16 leadership, and, you know, this came up in earlier  
17 a point Chris made, we are being required over and  
18 over again to be cautious, err on the side of  
19 safety, and concentrate on the mission operations  
20 that are most heavily affected first. So, that  
21 screen is there, but we clearly looking at  
22 different parts of the country where the health



1 conditions overall are looking different and give  
2 us a different opportunity. So, this is what we  
3 are taking into consideration for sure. I just  
4 want to let you know that.

5 MR. SIMONDS: Right. I understand and I  
6 just want to make sure that we, you know, brought  
7 this up at this meeting with everybody listening.  
8 All parts NMFS that we are anxious to have NMFS  
9 open their office and be able to take care of our  
10 immediate needs, which you all know, which is a  
11 Big Eye quota, which is also our number 10 so  
12 thank you very much.

13 MR. DOREMUS: Absolutely, Kitty and  
14 again, we are not closed, we have been open and  
15 there are many needs in all parts of the country  
16 that we can address in our current operating mode,  
17 but certainly our focus is on our scientific data  
18 collection and field work, and that will progress  
19 as we get conditions that allow that and we get  
20 approvals to do so. So, thank you, Kitty, for  
21 bringing that point up and we'll hope to be able  
22 to get to a more robust ability to support council

1 requirements gradually as the environment  
2 improves.

3 MR. SOLIAI: All right. Thank you,  
4 Paul. I think Tom and Kitty basically addressed  
5 the questions I had. Anybody else from West Pac?  
6 I guess not. Did I miss anybody else? Comments  
7 or questions? Otherwise, we will move on to the  
8 next item on our agenda, which is the council  
9 reports on regional issues and activities that  
10 made it through COVID-19. We are allocating 30  
11 minutes for this so we're going to around the  
12 table again and ask all the councils to provide  
13 just a brief report on how the impacts  
14 (inaudible). So, we'll start from the North  
15 Pacific and we'll make our way down. North  
16 Pacific?

17 MR. WITHERELL: Thank you, Dave, we're  
18 all here. We had to make a number of meeting  
19 changes. We canceled our April meeting. We had a  
20 special meeting in May to address several  
21 emergency rule requests. The council made a few  
22 changes or recommended a few changes to the rules

1 for the remainder of 2020 to reduce the burden on  
2 the Halibut Charter Fishery and our Halibut and  
3 Stable Fish IFQ fisheries. We have a council  
4 meeting set up for the next couple of weeks  
5 including are SSC and AP and the agenda is just  
6 limited to those must do items.

7 So, with the limited meetings, we've  
8 developed a pretty large bow wave of issues that  
9 we'll need to address either in October, an  
10 extended meeting, or having additional meetings to  
11 make up for our lost time. Staff, of course, is  
12 still working from home. That encapsulates what  
13 we're doing. Thank you, David. We'll move on to  
14 the Pacific Council.

15 MR. TRACY: Thanks. This is Chuck. We  
16 also have had to cancel and reformat our council  
17 meetings. We had our first Webinar in April and  
18 it went off quite smoothly operationally and we'll  
19 be doing the same for June although we've had to  
20 really cut back our agenda to really essential  
21 agenda items primarily regulatory related issues  
22 so we are falling behind on some of the other

1 things that councils do like, you know, improve  
2 our fishery management plans and do some of those  
3 other things that make the fishing industry more  
4 efficient and address some ongoing issues so we've  
5 been struggling a little bit with how to make up  
6 for those things in terms of, you know, if we have  
7 to continue to meet by webinar and do some agenda  
8 triage so we're looking at some different formats  
9 for our council meetings perhaps some longer  
10 meetings or breaking it up instead of meeting  
11 continuously and that's something that we will  
12 continue to look at.

13 We've had a few issues with the webinar  
14 platforms. We used RingCentral, which is  
15 essentially Zoom, for our April meeting. It went  
16 really well, but now that it's not allowed to use  
17 Zoom for the video portion of a webinar, we've  
18 been looking around at Webex and some other  
19 options. We've also been looking into the  
20 possibility of getting Zoom approved and our IT  
21 staff has gone all the way to the Assistant Chief  
22 Information Office at NOAA to get some input on

1 that and some feedback so I think we've had some  
2 progress being made, but nothing that looks like  
3 it's going to happen too soon.

4 Other things. You know, the council  
5 took on some emergency regulations and built some  
6 in-season flexibility into our Salmon process to  
7 allow some transfer of opportunity as conditions  
8 prohibited, you know, early season fisheries,  
9 which they have. We made some in-season  
10 management changes to our non-fish fisheries as  
11 well to provide some additional opportunity so  
12 we're doing what we can. I guess as has been  
13 touched on the observer waiver policy is something  
14 that's been sort of a big issue for us. There is  
15 quite of concern from industry about this issue  
16 about the safety of their crew and putting all  
17 their business at risk, but our fishery services  
18 work hard to keep observers on boats. We started  
19 with a two-week quarantine, but have now placed  
20 observers on our (inaudible) fishery boats. It's  
21 kind of a one-to-one working model. There has  
22 been some requests for some additional

1 consideration, but, you know, I think we recognize  
2 that the NMFS Fishery Service is working within  
3 the constraints of the emergency rule or emergency  
4 order and the criteria established there so that's  
5 an ongoing issue that we have frequent discussions  
6 with industry about. That about covers our  
7 business here. I don't know if Phil or Marc or  
8 Ryan have anything would like to add.

9 MR. GORELNIK: I would just quickly  
10 maybe emphasize the concern we have relative to  
11 falling behind. As Chuck said, we had a  
12 successful April meeting under the virtual meeting  
13 approach, however, I found it more difficult to  
14 manage the meeting successfully. It's harder to  
15 get through as many agenda items as we could if we  
16 were face-to-face and with the prospects of the  
17 impact of the pandemic lasting for an undetermined  
18 amount of time looking ahead, the issues  
19 associated with falling behind I think are going  
20 to become more pronounced and looking for a  
21 solution to that some of things that Chuck  
22 discussed or some of the things we're looking at.

1 And I also just wanted to express my gratitude to  
2 the National Marine Fisheries Service for acting  
3 on a couple of the emergency regulations that we  
4 requested and I am sure your inundated with other  
5 requests coming from other parts of the country as  
6 well and it was much appreciated that you  
7 responded to those requests.

8 MR. SOLIAI: Thank you, Pacific Council.  
9 We'll move on to the Caribbean.

10 MR. ROLON: Okay. I seem to have  
11 problems with the call here, but, very briefly,  
12 we've canceled all of our in-person meetings and  
13 from this day until August all of our meetings  
14 will be through Webinar. We also have to prepare  
15 COVID control plan to comply with the local law  
16 that for the way we are going to be operating  
17 allowing the people in and out of the office. We  
18 will probably be operating teleworking. Most of  
19 the staff are what they call high risk for getting  
20 COVID associated to a person in their family. So,  
21 we may end up working all the way to December 31,  
22 2020, and maybe next year everything goes more

1 smoothly with the COVID and the vaccine and  
2 everything we will reopen business as usual in the  
3 first half of 2021.

4 In the national arena, we are  
5 coordinating with NOAA Fisheries, the  
6 International Fishery Office, and the  
7 international organizations in the Caribbean  
8 because we are coordinators and organizers of  
9 working groups of shared species like the Grincon  
10 and spawn integration species and so forth. So,  
11 we are the one who coordinate most of these  
12 meetings so we are going to also do work with  
13 those meetings through webinars and we hope to  
14 start operating in-person international meetings  
15 by 2021. That's all that we have to say at this  
16 time. Thank you.

17 MR. SOLIAI: Thank you, Miguel. I will  
18 move on to the Gulf Council.

19 MS. SIMMONS: Thank you. So, the Gulf  
20 Council is planning virtual meetings through July  
21 for SSC and in June, we're going to hold a four  
22 day webinar council meeting. We're going to try



1 to cover as many things as we can. We're going to  
2 build in a lot of breaks and we're going to start  
3 a little bit later and end a little earlier. We  
4 distributed a survey via press release to  
5 fisherman and stakeholders requesting feedback on  
6 fish related businesses who could be affected  
7 directly by COVID-19 and remind everyone that you  
8 still need to guidelines formed by Magnuson, but  
9 we were interested in any regulation changes that  
10 could offset those economic impacts from the  
11 pandemic. And so, the council reviewed the  
12 results of that survey in June and they consider  
13 any management actions that show emergency rule  
14 requests or other changes such as changes to the  
15 recreational season length.

16 We have some good news. It seems like  
17 people are fishing more again as things open up  
18 especially in Florida and other states. So, the  
19 commercial fisheries initially there was a lot of  
20 concerns about the supply chain and processors.  
21 Some of these questions have slowed now that  
22 restaurants are being reopened at reduced capacity

1 and there is outdoor seating.

2 The for hire fisheries, a lot of the  
3 hotels and resorts are opened back up. Beaches  
4 are open so they are fishing again it seems. Some  
5 of the larger operations or head boats that can  
6 carry 50 or more people are operating at reduced  
7 capacity of course and that depends on the state  
8 or county regulations.

9 Private anglers seem to be less impacted  
10 by COVID-19 and have an increased effort. So, to  
11 date, there's been no changes to each state's  
12 private recreational season for our favorite fish,  
13 Red Snapper.

14 So, the council will be looking at some  
15 of the gaps and monitoring for landings and effort  
16 and that was largely due to no sampling in March  
17 and April and then May. This sounds like  
18 inheriting some of our state partners that they  
19 are now at the docks and they helping assist with  
20 some of the sampling now as some of the  
21 regulations and quarantine measures have been  
22 lessened.

1           So, the council will be looking at that  
2       in June and I will stop there and see if the Chair  
3       or Vice Chair would like to add anything.

4           DR. FRAZER: No, I thought you did a  
5       good job, Carrie. Nothing to add on my end.

6           MR. DIAZ: Nothing to add on my end.

7           MR. SOLIAI: Thank you, Gulf Council,  
8       and we'll move on to the South Atlantic.

9           MR. CARMICHAEL: Okay. Thank you. The  
10      fishery issues here in the South Atlantic have  
11      been pretty significant and although there's some  
12      recovery, they still are unveiling. So,  
13      commercial fisheries are often pretty small boats,  
14      low-level catches they really rely on book of  
15      restaurant demands. A lot of restaurants depend  
16      on tourists, so it's had a big impact on them. By  
17      species, anywhere from say 10 to 90 percent off  
18      their normal pace. Things that were appealing to  
19      home cooks or someone who had a retail market has  
20      done a little better. For hire fleets, we're down  
21      probably as much as 90 percent in April. The  
22      charter boats and head boats, they are doing a

1 little better now with some of the slow lifting.  
2 Maybe they'll be 75 percent down in May, maybe a  
3 little better. We were kind of bracketed by major  
4 closures on important tourist areas between Dare  
5 County being closed in North Carolina and Monroe  
6 County being closed down in the Florida Keys and  
7 those areas are pretty fisher-dependent for the  
8 for hire and commercial and everything.

9           We've seen the private effort be very  
10 variable. Some areas were closed access, boat  
11 ramps and such being closed. Other areas saw a  
12 big spike from people having the time and ability  
13 to go out, but it definitely seems like where  
14 there's a lot of dependent upon out of state  
15 license and the tourist trade, but it's a  
16 substantial reduction there not surprising so  
17 there are some areas in Florida where April or May  
18 be 75 to 80 percent of the folks, you know,  
19 charter boat guys' business and getting that back  
20 is a lot of concern for them.

21           From the council perspective, you know,  
22 one of our big concerns is the data strain and

1 Cisco gave us a good update on what's going on  
2 with the federal situation. We depend on state  
3 surveys as well so fishery-dependent and  
4 fishery-independent data gaps are probably going  
5 to be significant. We also are hot bed of  
6 recreational so we're interested how the MRIP  
7 estimates are going to be developed in the coming  
8 years given they essentially lost two months of  
9 sampling. That's still a lot of concern for our  
10 fisherman and our council members.

11 Then, as far as the council operations,  
12 we like all others moved to working remotely for  
13 staff. It's really minimally disruption. I feel  
14 like we've done a good job of keeping up with  
15 critical tasks and keeping our council members in  
16 the loop with all that's been going on with COVID  
17 and CARES and executive orders and everything else  
18 that's come at us during this time. One of the  
19 things we've done is tried to gather impacts  
20 information to help our states as they try to do  
21 their qualifications for CARES. We also think  
22 about what types of things we need to do in terms

1 of emergency actions to make our fisherman can  
2 fully use their ACOs during the remainder of this  
3 year as they start to get opened back up and we'll  
4 have a council meeting in two weeks via webinar.  
5 We'll be talking about that at that time. The  
6 biggest impact of that is it just takes a lot more  
7 time for planning and training to get everyone on  
8 board, but we got a four-day webinar meeting,  
9 which should be quite a challenge I expect at  
10 times to keep everyone interested and engaged.  
11 And had part AP and NSCC meetings via webinar.  
12 We've done those in the past so it wasn't too big  
13 of a disruption for those guys.

14 We did cancel our Snapper Grouper AP  
15 that was planned in early April because fisherman  
16 were not in the state of mind to think about  
17 coming to an AP meeting when they were just trying  
18 to keep their heads above water and figure out  
19 what they were going to get for recovery funds and  
20 take care of their businesses so we put off some  
21 business we'll have to pick up later.

22 MR. SOLIAI: All right. Thank you,

1 John. We'll move in to the Mid-Atlantic.

2 MR. LUISI: Thank you, Mr. Chairman. I  
3 just have a simple report here today. Again, my  
4 name is Mike Luisi. I'm Chair of the Mid. And  
5 so, similar to the other regions, our staff have  
6 been working from home since late March and  
7 they've been doing a really good job of not  
8 falling too far behind regarding the works that's  
9 on their plates. We've to make adjustments to our  
10 meeting just like everyone else. The one thing  
11 about our council it that we have, you know, we've  
12 used the webinar format for many of our meetings.  
13 Not necessarily our council meetings, but for all  
14 of the other meetings that go into it so most of  
15 our members and most of our stakeholders are  
16 pretty comfortable and familiar with that format.

17 We've had to make adjustments to both  
18 our April and our June meetings. They were  
19 canceled as in-person, but moved to webinar. We  
20 are planning a three day meeting in June via  
21 webinar and we've had to schedule a one day  
22 meeting in July to address a significant issue in

1 the Illex Fishery in the amendment that we've been  
2 working on for quite some time just due to timing  
3 considerations.

4           The one thing that we're talking about,  
5 and I'd be curious to hear if anyone else is  
6 considering it, Chris and Warren and I have been  
7 talking about maybe thinking we would go to some  
8 form of a hybridized model for meetings, you know,  
9 starting in August depending on the situation  
10 around the country, but we have considered the  
11 idea that we would bring the members themselves  
12 together and use whatever technology would be  
13 available, you know, social distancing obviously  
14 in the meeting room, but then we would have the  
15 audience participate somehow virtually so we  
16 wouldn't have, you know, more than 30 people in  
17 the room at any given time. It's just something  
18 we're considering and we've had such success with  
19 the webinars based on the participation that we've  
20 been able to get. It's just an idea that we have.

21           Lastly, from staff, you know, I know  
22 that there's, and John Carmichael just mentioned



1     this, you know, the data stream issues are going  
2     to be important for us, but it would be extremely  
3     helpful to have any information regarding the  
4     social and economic impacts on fishing communities  
5     as well as that fishing effort and catch data  
6     during this time if we're able to collect, you  
7     know, anything for staff to help us plan and help  
8     our council, you know, move forward and respond  
9     with management that that makes sense. Mr.  
10    Chairman, I think that's all I have in my notes.  
11    If Chris or Warren have anything else to add, I'd  
12    ask them now if there's I might have missed.

13           MR. MOORE: I'm good.

14           MR. ELLIOT: Nothing from me, thanks.

15           MR. LUISI: Okay. Thank you, Mr.  
16    Chairman.

17           MR. SOLIAI: All right. We'll move on  
18    to the New England Council.

19           MR. NIES: Thank you, Mr. Chairman.  
20    This is Tom Nies. Much like the other councils,  
21    we are continuing to operate. Our five states in  
22    New England are gradually reopening, but each one

1 is moving and its own pace so it's making things  
2 complicated as we start to think about when we  
3 might be able to move on to in-person meetings.

4 Our office is basically closed. All our  
5 staff are working from home. Much like everybody  
6 else, we've been successfully using webinars to  
7 hold our council, SSC, and committee meetings.  
8 Our June meeting right now is planned to be a  
9 webinar. It will be a three day meeting.

10 We're a little bit lucky in this is the  
11 time of the year where we do a lot of the  
12 groundwork for decisions that we make in the Fall  
13 so we've been able to keep up with that work, but  
14 the meetings may get more complicated as we have  
15 to try and take final action.

16 We've got some council members who have  
17 expressed some hesitancy about making  
18 controversial decisions during webinar, but it's  
19 not clear when we're going to be able to hold  
20 another in-person meeting and so, I think at some  
21 point we may have to make some of those decisions  
22 that way.

1           John reported about some drops in  
2 demand. We've also seen those in the New England  
3 area. A lot of fisheries feed the restaurant  
4 market with fresh market and with the closing of  
5 restaurants, it's dramatically depressed prices.  
6 Groundfish fisherman have their prices drop by at  
7 least 25 percent. Scallop prices have kind of  
8 stabilized a little, but they also dropped for a  
9 while. Our for hire recreational fleet is just  
10 starting to get back on the water. Most of the  
11 states prohibited them from operating and now some  
12 of the states are starting to let them operate on  
13 a small level.

14           Our fisherman and wholesalers are trying  
15 to adapt by seeking different outlets to replace  
16 the restaurant market with some success and we've  
17 had some groups try to wake up with food banks,  
18 but I don't they've been as successful just yet.  
19 I believe the USDA had mentioned that they were  
20 going to purchase haddock, redfish, and pollock in  
21 a significant amount from the Northeast, but I  
22 don't believe any of those contracts implemented

1 yet though we just might not have heard of it.

2 We've already started at some of our  
3 advisory panels and committee meetings to ask the  
4 public and committee members what actions we can  
5 take in order to try and mitigate the pandemic and  
6 we expect that we'll consider those ideas at the  
7 June council meeting. That completes what I have  
8 to say, but I believe my Chair, Dr. Quinn, had a  
9 few comments he wanted to make as well.

10 MR. QUINN: Thank you very much, Mr.  
11 Nies. We just wanted to end our report with the  
12 tip of our hats in New England to our regional  
13 administrative office led by Mike Pentony and  
14 Assistant Regional Administrator Sarah Bland.  
15 There's been an awful lot of problems with the  
16 work at home and everything and they really pushed  
17 several of our actions to completion in the surf  
18 clam scallop industry so we just wanted to say  
19 thank you them, not just publicly but nationally.  
20 They really stepped up here in these difficult  
21 times so thanks to them. That concludes our  
22 report.

1 MR. SOLIAI: Thank you, New England  
2 Council. We're moving on to Western Pacific. As  
3 you may know, we've got four island groups that  
4 cover -- comprise the Western Pacific Council, so  
5 we're going to start from CNMI. I'm going to ask  
6 (inaudible) to provide the COVID-19 impacts for  
7 (inaudible). So we'll start with CNMI and then  
8 we'll go to Guam, Hawaii, and then I'll end it  
9 with American Samoa. Mr. Gourley.

10 MR. GOURLEY: Okay. Thank you, Archie  
11 Soliai. I do appreciate it. The CNMI took an  
12 isolations approach and April 1, we basically  
13 stopped all flights coming into Saipan. April 2,  
14 we stopped interisland flights between Saipan,  
15 Tinian, and Rota. There's drastic measures pretty  
16 much isolated in us literally and Tinian and Rota  
17 had zero cases of COVID-19 infections. Saipan has  
18 had to date 21 infections and two deaths. One of  
19 the deaths was one of our fish vendors that we  
20 were collecting data from. Now, our economy is  
21 based on tourism so by stopping the flights, our  
22 economy has hit rock bottom. Restaurants are

1 closed, hotels are closed. There's not a whole  
2 lot going on here and so the demand for fish was  
3 severely decreased because of the restaurant  
4 closures and no tourists. There was established a  
5 curfew from 7:00 at night until 6:00 in the  
6 morning and boat ramps were all closed except for  
7 one and no vessels were allowed to go beyond the  
8 reef line. Public beaches and parks were closed.  
9 So, basically, the fishing industry was devastated  
10 by March the 30th.

11 People started grumbling. A petition  
12 was given to the governor to start opening up a  
13 little bit and he did respond so the curfew has  
14 gone through two revisions and currently, the  
15 curfew now is from 11:00 at night until 5:00 in  
16 the morning, which allows our spear fisherman to  
17 go out and fish the first part of the night. It  
18 allow the boats to leave past the reef to go out  
19 trolling. It allows our bottom fisherman to go up  
20 to the Northern Islands. Our markets are starting  
21 to reopen because they're getting product so  
22 things are returning to normal. The amount of

1 fish coming in is obviously less and the demand is  
2 less because we don't have a chore space so that's  
3 it in a nutshell. Thank you, Archie.

4 MR. SOLIAI: We'll move on to Guam.

5 MR. DUENAS: Michel Duenas here. Very  
6 similar to the neighbors up north -- only that our  
7 government considered fishing an essential  
8 activity so there were no restrictions on fishing,  
9 but due to the lockdown, various road closures,  
10 hotels and restaurants being closed, there is  
11 really no avenue for fisherman to shell fish so  
12 basically everyone reverted to subsistence based  
13 fishing and sharing within the community and their  
14 families so other than restrictions on being able  
15 to sell and market their fish, there was basically  
16 only subsistent fishing going on in our area.  
17 That's all I have for Guam.

18 MR. SOLIAI: Thank you, Mr. Duenas.  
19 We'll move on to Hawaii.

20 MR. WATAMURA: Ed Watamura, Vice Chair  
21 from Hawaii. Like they were saying, Hawaii has  
22 also suffered because the big driver for our

1 economy and fishing is tourism and just to give  
2 you an idea, last year at the same the daily  
3 arrival of visitors was 30,000 per day. Yesterday  
4 there were 256 so that dramatic decrease gives you  
5 kind of an idea of where were at. So, the demand  
6 for fish is way down. Restaurant closures and  
7 lack of tourism has really affected the price  
8 point for fish and it's made it very difficult for  
9 commercial fisherman. Out of 145 active long  
10 liners, only 100 of them are fishing. The  
11 dockside landings have declined by 80 percent.  
12 The amount of fish, the daily average has dropped  
13 like 70 percent historically.

14 So, as you can see, the demand is very  
15 low and the price is very low and the fishery is  
16 suffering. The charter boat fishing industry has  
17 also been shut down. They are required to have a  
18 permit and their permits were revoked and until  
19 it's reinstated by the governor, it's 100 percent  
20 shut down. The non-commercial sector has been  
21 trying to take the place of the shut down so the  
22 fisherman have joined in on a Facebook page called



1 Hawaii's Fisherman Feeding Families and the  
2 non-commercial fisherman are encouraged to take  
3 pictures of their catch and say how many families  
4 they've been feeding so April 15 to May 6, it was  
5 reported that more than 3,000 pounds of fish were  
6 caught and feeding an estimated 7,000 people.

7           The fishing tourism industry is also  
8 shut down because that's basically based on a lot  
9 of tourism also. It's a multimillion-dollar  
10 industry for our economy. So, things are pretty  
11 grim and we're looking forward to more things  
12 reopening. As you know, our case count is super  
13 low. It's been pretty close to zero for the past  
14 week or so. So, hopefully we will see more things  
15 opening up. Thank you.

16           MR. SOLIAI: Thank you, Ed. For  
17 American Samoa, I'm happy to say that the U.S.  
18 Soil that the (inaudible) positive team basis and  
19 we'll keep that way. As far as the economy is  
20 concerned, we do solid business hours and we never  
21 had any flights into the island except for once  
22 weekly charter flight so the fear is if we open up

1 the flights then somebody is going to bring the  
2 disease to the island so they keep extending it  
3 for 30 days and right now they're looking at an  
4 extension to June 30.

5 The government has also reduced their  
6 working hours for all businesses. Restaurants,  
7 night clubs, bars are all pretty much operating on  
8 a skeleton crew, if they open at all. Some of the  
9 restaurants are only allowed 10 customers at a  
10 time so that's almost not worth to open up, you  
11 know, for 10 people.

12 As far as the fisheries are concerned,  
13 our fundamental marine and wildlife resources  
14 reduced their government hours so, obviously, it  
15 impacts the department's ability to collect data.  
16 And, you know, there is an issue currently with,  
17 you know, bottom fish data collection and it was  
18 determined to be overfished, experiencing  
19 overfishing, and that's a great concern for the  
20 (inaudible), especially the fishermen. The  
21 general consensus is that, you know, the real  
22 problem is the lack of data.

1           As far as the fisherman are concerned,  
2           the reduced business hours have obviously impacted  
3           their ability to deliver the collection of their  
4           fish. Fortunately, the canneries (inaudible) has  
5           been designated as an essential employer, so it's  
6           going full operation, operating at least in  
7           460-minute increments (phonetic) during this  
8           pandemic per day.

9           Some of the factors that impact the  
10          supply chain due to, you know, the cancellation of  
11          the flights impacts the vessel's ability to  
12          (inaudible), so some of the long liners are tied  
13          up (inaudible). But I do want to use this time to  
14          thank (inaudible) and the Feds for fishing  
15          emergency rulemaking to allow, you know, the  
16          fishing fleet to go out without observers. During  
17          this COVID-19, we know that section expires on the  
18          31st, but I know that there's been discussion  
19          about extending that, so thank you for all the  
20          hard work that you do.

21          So, this cannery is very important  
22          because with the impact on the food supply chain

1 in the production facilities in the U.S.,  
2 including protein (inaudible) important, not only  
3 to American Samoa's (inaudible), but also to the  
4 U.S. food supply chain. So we look forward to  
5 continuing with (inaudible) fishing during the  
6 COVID-19 period. Kitty, did you have anything to  
7 add?

8 I take that as a no. Thank you to all  
9 the councils for the update. We'll move on to the  
10 next item on our agenda, which is the CARES Act  
11 \$300 million stimulus package for fishery and  
12 aquaculture. Kelly.

13 MS. DENIT: Yes. Thank you, Mr. Chair.  
14 Good afternoon and good morning, everyone. I'm  
15 going to step you through three main components of  
16 the CARES Act. I think everyone is aware that the  
17 CARES Act included 300 million in assistance for  
18 fisheries and we've been working as quickly as  
19 possible to get that funding out. We were able to  
20 announce the allocation of those funds just a  
21 couple weeks ago so I'm going to step you guys  
22 through how we did the allocation, some of the

1 eligibility, and then process and then happy to  
2 answer any questions that folks have.

3           So, first, like I mentioned, our  
4 overriding goal was to get the funds out as  
5 quickly as possible. We used a proportional  
6 allocation across all of the coastal states,  
7 Tribes, and territories and we were really focused  
8 on using readily available total annual revenue  
9 information from the commercial, charter, marine  
10 fish and shellfish aquaculture, the seafood supply  
11 chain including processors and dealers for each  
12 state, Tribe, and territory. And we also took  
13 subsistence and cultural fisheries into account as  
14 part of that.

15           As you guys know, fisheries can  
16 fluctuate from year-to-year so we used multi-year  
17 averages to estimate revenue wherever possible.  
18 For the most part, we were able to use five year  
19 revenue averages for the commercial fish revenues  
20 as well as available multi-year averages for  
21 aquaculture revenue where that was incorporated in  
22 commercial revenue.

1           In addition, we did an adjustment to  
2           that average annual revenue, which is a tongue  
3           twister. For Alaska, the Northeast, and  
4           Mid-Atlantic states, those were adjusted to  
5           attribute landings in those regions to vessel  
6           owners state of residence and we applied a similar  
7           adjustment to at sea processors on the West Coast.

8           Other fisheries on the West Coast and  
9           the Pacific Islands and Southeast and Gulf, we did  
10          not do that home porting adjustment because we did  
11          not have readily available data to allow us to do  
12          that and it also represents a smaller proportion  
13          of the total revenue, and would not impact the  
14          allocation substantially.

15          The seafood sector revenues were  
16          calculated using our IMPLAN model again using  
17          multi-year averages. The IMPLAN model is our input  
18          output model that is used in a lot of our economic  
19          analysis. Some of you are probably familiar with  
20          it. It did include both first line and second  
21          line processors as part of that.

22          For the for hire, we used the five-year

1 average from the for hire angler trip expenditure  
2 survey and as I mentioned, we used a multiplier to  
3 account for subsistence and cultural aspects of  
4 different fisheries.

5           There were some exceptions to the  
6 multi-year average, but, as I mentioned, for the  
7 most part, we were able to use five-year averages  
8 across the board from the data streams. We also  
9 established a minimum and maximum amount for the  
10 allocations including 1 million and 50 million  
11 respectively.

12           In terms of eligibility, we pulled this  
13 directly from the CARES Act, which you all likely  
14 have seen at this point. So, commercial fishing  
15 businesses, charter/for hire businesses, qualified  
16 aquaculture operations, as well as processors, the  
17 Tribes, we were focused on marine aspects and so,  
18 fresh water, Great Lakes operations and Tribes  
19 were not included.

20           Other fish related businesses, there was  
21 some flexibility there for states to make  
22 determinations around what they want to include

1 within that fish related businesses. We did draw  
2 the line at a certain point, which is really  
3 restaurants and retailers to not be included.

4 And, of course, there are the two main  
5 stipulations in the CARES Act. There has to be an  
6 incurred 35 percent loss as compared to previous  
7 five-year average or any negative impacts to  
8 subsistence, cultural, or ceremonial fisheries.  
9 So, for that revenue loss, determination of  
10 qualified (inaudible), territory, or tribe to  
11 articulate how they're going to determine that and  
12 how they're going to document it. They do not  
13 have to use annual comparisons and we've gotten a  
14 lot of questions so I'll go ahead and speak to the  
15 fact that the fishery does not have to have  
16 already occurred. Some states we are hearing are  
17 likely to potentially set aside some portion for  
18 the allocations for those fisheries who might be  
19 starting right now, but which they expect will  
20 have a negative impact from COVID and once those  
21 fisheries pass that time period, they will be able  
22 to demonstrate that they've had this loss incurred



1 and be eligible for funding or assistance. But  
2 that's up to each state to determine and the key  
3 there is that the loss has actually occurred so  
4 the states cannot use projections as part of those  
5 determinations.

6 So, with that, I'll hit on the process.  
7 So, we are working on awards to the Atlantic  
8 States, Gulf States, and Pacific States Marine  
9 Fisheries Commissions as well as U.S. V.I. and  
10 Puerto Rico. Each of those commissions will work  
11 with the state, territory, or Tribes to develop  
12 the spend plan for the groups in those specific  
13 commissions. And the spend plan is where the  
14 specificity on how that 35 percent loss or the  
15 subsistence cultural impact will be articulated by  
16 those specific groups. It's also where the state  
17 or Tribe or territory were explained, how you're  
18 going to verify the loss, and, of course, spend  
19 plans can include projects other than direct  
20 payments if there is tie to COVID. So, once those  
21 spend plans are developed and approved by us, then  
22 the commissions will be in the position to process

1 payments to individuals. There is also the  
2 flexibility for a state or territory or Tribe to  
3 choose to process the payments themselves, but we  
4 are anticipating for the most part that the  
5 commissions will be the ones to process payments.

6           There's a few more points and then I'll  
7 be happy to answer questions. So, timelines, lots  
8 of questions on timelines. The timelines are  
9 going to vary by state depending on the  
10 development of their spend plan. Many states are  
11 using some sort of public engagement to develop  
12 their spend plan, which is going to take a little  
13 bit more time. The spend plans will then be  
14 submitted to the commissions for review. We do  
15 expect that review to be quick and we will be  
16 moving those reviews as fast as possible. I would  
17 highlight the language in the CARES Act that  
18 refers to the rolling basis. So, as states are  
19 completing their spend plans and those are being  
20 submitted, we will be able to review those and  
21 then move forward. So, for example, the State of  
22 Georgia does not have to wait for the State of

1 North Carolina or the State of South Carolina to  
2 submit their spend plans in order for those  
3 reviews to happen and assistance to start getting  
4 out the door.

5 In addition, again, this is another  
6 couple questions that we received. Yes, folks are  
7 eligible to participate in other assistance  
8 programs such as SBA loans or the Payment  
9 Protection Plan and still apply for assistance  
10 under the CARES Act. The key point here is that  
11 they cannot make themselves more than whole so all  
12 of those streams together cannot put them above  
13 their average revenue from previous years in terms  
14 of the assistance received.

15 And I'll just close by saying we're  
16 expecting, of course, a substantial level of  
17 oversight in our execution of these funds through  
18 the grants and that will flow down to the states  
19 and territories so there will be reporting  
20 requirements and other things as part of that.  
21 So, Mr. Chair, I'll stop there and would be happy  
22 to answer any questions.

1                   MR. SOLIAI: Thank you, Kelly. We'll  
2 open it up for questions and we'll go in the same  
3 order that we went through earlier. We'll start  
4 with North Pacific.

5                   MR. WITHERELL: Thank you, Mr. Chair.  
6 Davie Witherell here. I have a question. I'm  
7 interested in rationale for having the 50 million  
8 dollar cap. It seems kind of arbitrary. It's  
9 like my teacher is grading on a curve and even  
10 though I got 100, the highest grade in the class  
11 is going to be a C. Why the 50 million dollar  
12 cap?

13                  MS. DENIT: Sure, Dave. So, I can take  
14 a stab at that and then Chris and Paul, please  
15 feel free to jump in. I think, as we all know,  
16 that the 300 million is not very much in  
17 comparison to the overall losses that we are  
18 expecting that have experienced across all of the  
19 different sectors that are encompassed by the  
20 CARES Act and so, we were looking to try and find  
21 an appropriate level to set to allow us to provide  
22 assistance to as many folks in the best way

1 possible taking into account the information that  
2 we had here, in particular the revenue  
3 information. So, Paul or Chris, if you guys would  
4 like to add to that.

5 MR. OLIVER: Well, yeah, I'll add to  
6 that, Kelly. This is Chris. Hi, Dave. You know,  
7 part of it was the realization of the  
8 imperfection, for lack of a better word, the  
9 imperfection of the revenue, of course, that we  
10 took and the realization that under that approach,  
11 it still doesn't take into account whether, in  
12 fact, certain fisheries actually meet the 35  
13 percent loss threshold. And when we looked at  
14 some initial -- just in terms of equity and  
15 looking at, you know, some of our initial numbers  
16 before we get home port adjustments would have  
17 given the vast majority of the money to two states  
18 and we not feel given the imperfection of the  
19 revenue approach and the fact that some of those  
20 fisheries may not in fact meet the 35 percent loss  
21 threshold, that some buffering made sense. And  
22 when we redid the numbers actually with the home

1 porting adjustment, as it turns out, the cap was  
2 almost irrelevant. There were only two states  
3 that would have exceeded the cap and only by a  
4 very slight amount. So, it ended up not being a  
5 big factor in terms of how it affected the money.  
6 We felt the logic in spreading just in terms of  
7 equity across all the different states recognizing  
8 the fact that the revenue approach, although it  
9 was the most expeditious that we had, it wasn't  
10 going to be perfect. So, we felt some type of  
11 smoothing factor was appropriate.

12 MR. SOLIAI: All right. Thank you,  
13 Chris. We'll move on to Pacific Council.

14 MR. TRACY: Thanks. I don't have any  
15 questions. Bill, Marc, Brian?

16 MR. GORELNIK: This is Marc. I've got a  
17 question. Can you hear me.

18 MR. TRACY: Yes.

19 MR. GORELNIK: Okay, great. My question  
20 has to do with a category of other fishing related  
21 businesses in the CARES Act and first, you know, I  
22 know from looking at the Fishery Economics Report

1 that a large fraction of the fishery economics, at  
2 least in the State of California, have to do with  
3 handling imports, and so I'm wondering and my  
4 first question is, is the funding limited to the  
5 fishing related businesses that are concerned with  
6 domestic seafood production or does it also  
7 encompass those that deal with imported seafood?  
8 And I have a second question.

9 MS. DENIT: Hey Marc. Great question.  
10 Thank you. This is Kelly. Yes, seafood  
11 businesses that are processing both domestic  
12 product as well as product that they have imported  
13 are eligible under the CARES Act.

14 MR. GORELNIK: Okay. Great. And then  
15 my second question has to do also under the  
16 category of other fishing related businesses. I  
17 heard you say that this expressly does not extend  
18 to retailers, rather to restaurants and retailers,  
19 but I think that that was seafood retailers, not  
20 retailers generally, right or was it retailers  
21 generally?

22 MS. DENIT: I'm not tracking what you

1 mean. What's the different retailer that you're  
2 talking about.

3 MR. GORELNIK: Well, I thought when you  
4 talked limitations on CARES Act funding you  
5 mentioned that it was expressly not extending to  
6 restaurants, which I understood, and then I  
7 thought I heard you say also would not extend to  
8 retailers. Did I hear that correctly?

9 MS. DENIT: Yes.

10 MR. GORELNIK: Okay. So, the reason I  
11 asked is that, at least within the recreational  
12 fishery, one of the largest portions of the  
13 economics of that part of the industry relates to  
14 tackle stores and retailers and I had been led to  
15 believe that that sector would be entitled to seek  
16 funding under the CARES Act and I thought the  
17 CARES Act only limited relief to seafood  
18 retailers, not retailers generally. And this  
19 becomes a particular problem at least in the State  
20 of California because the State of California is  
21 not considering that sector.

22 MS. DENIT: No. That's correct, Marc.



1 Seafood retailer is not included. Bait and tackle  
2 operators are eligible and it's up to the state to  
3 determine.

4 MR. GORELNIK: Okay. So, Congress  
5 provided that that funding could go there, but  
6 states can decide for themselves whether they want  
7 to provide that funding. Is that right?

8 MS. DENIT: Correct.

9 MR. GORELNIK: All right. Thank you.

10 MS. DENIT: Sure.

11 MR. SOLIAI: All right. Move on to the  
12 Caribbean.

13 MR. ROLON: Yes, can you repeat who is  
14 going to distribute the funding in the U.S.V.I.  
15 And Puerto Rico? It's a question that fisherman  
16 are asking.

17 MS. DENIT: Sure, Miguel. Happy too. I  
18 believe in Puerto Rico it's going to be the  
19 Department of agriculture. In the U.S.V.I., I  
20 think it's the Fisheries Agency, but I'll double  
21 check and send you an e-mail with that  
22 information.

1 MR. ROLON: Thank you very much.

2 MR. HANKE: Can you hear me now? Hello?

3 MR. SOLIAI: Yes, go ahead.

4 MR. HANKE: I finally was able to  
5 connect. This is Marcos Hanke. I'm sorry for the  
6 delay. I had some trouble with my audio. In  
7 terms of Puerto Rico, the Department of  
8 Agriculture doesn't have anything to do with the  
9 charter industry. I want to also highlight that  
10 and to know how it's going to fix or address the  
11 charters during this period.

12 MS. DENIT: Yes, Marcos. The charter  
13 industries explicitly highlighted in the CARES Act  
14 as eligible and we've communicated that with  
15 Puerto Rico, but we'll make sure to follow-up and  
16 highlight that and I'll get the points of contact  
17 to Miguel so that you have the right folks to get  
18 in touch with in Puerto Rico.

19 MR. HANKE: Thank you very much.

20 MR. SOLIAI: All right. Thank you.

21 We'll move on to the Gulf Council.

22 DR. FRASER: Yes, this is Tom Fraser

1 and, Kelly, I thought you did a really nice job  
2 with the overview, but just trying to think, you  
3 know, we have a number of questions and trying to  
4 figure out where we would direct people to a  
5 synopsis I guess of the overview or the process  
6 and some of those details and I guess think about  
7 putting together, like, an FAQ sheet or something  
8 like that.

9 MS. DENIT: Yeah, Tom. Thanks. Great  
10 question. We do have an FAQ actually up on our  
11 website right now that lays out the process that I  
12 described in terms of the allocations. It also  
13 answers many questions around the process moving  
14 forward and it has a breakdown by state of the  
15 revenues by proportion so there's quite a bit of  
16 information on our website and I can certainly  
17 share that link with the council EDs to share with  
18 you all if that would be helpful for those.

19 DR. FRASER: Yes, that would be really  
20 helpful for us. Thank you.

21 MR. SOLIAI: All right. We'll move on  
22 to the South Atlantic.

1                   MR. CARMICHAEL: No questions. Thank  
2 you, Kelly.

3                   MS. DENIT: Thank you, John.

4                   MR. SOLIAI: Mid-Atlantic.

5                   MR. MOORE: Thank you, Mr. Chair.  
6 Kelly, I have a couple of questions for you.  
7 We've been getting a lot of questions about the  
8 actual allocations and I think, you know, I've  
9 been able to explain it relative well, but there  
10 seems to be a disconnect between the allocations  
11 and revenues and I explained that there's other  
12 revenues associated with those allocations, right?  
13 So, that's one thing.

14                   The other question that I got that I can  
15 answer is why a state like Pennsylvania would get  
16 money. My answer is that well they're so poor  
17 that there's a minimal amount that went out, but  
18 as Pennsylvania indicated that in fact, they're  
19 going to spend that money?

20                   MS. DENIT: Yes, Chris, so, you're right  
21 on the first point. It is beyond just commercial  
22 sector. It includes the charter, seafood sector,

1 and others. So, yes, that's why you can't just  
2 look at commercial revenue to get the allocations.  
3 And, yes, the question about Pennsylvania is by  
4 far the highest vote getter so far in the CARES  
5 Act roll out. So, the answer is they actually  
6 have a seafood processing sector and that was what  
7 drove their allocation was processing that occurs  
8 within state and so, that was how proportionally  
9 that fell out in terms of their allocation that it  
10 is driven exclusively by a seafood industry.

11 MR. MOORE: All right. Thank you. I  
12 had one quick one too. Once the state gets the  
13 money, how long do they have to spend it?

14 MR. DENIT: Great question, Chris. So,  
15 the CARES Act specifies that funds have to be  
16 expended by September of 2021, but we obviously  
17 are expecting that funds will be expended far in  
18 advance of that. So, there is no other deadline  
19 in terms of specifically getting the funds out.  
20 We do have a checkpoint specifically at the end of  
21 August in our grant award condition with the  
22 commissions to help make sure everybody is moving

1 as quickly as possible in particular in developing  
2 their spend plans because we know that the need is  
3 right now and we want to get the funds out as  
4 quickly as we can.

5 MR. MOORE: Thank you.

6 MS. DENIT: Yes.

7 MR. LUISI: Mr. Chairman, this is Mike  
8 Luisi and hey, Kelly, how are you? Just a quick  
9 question and we can follow-up certainly  
10 afterwards. Working for the State of Maryland,  
11 I've already had three calls today on the CARES  
12 Act so this is a little overkill. But one of the  
13 questions that are coming out of the states,  
14 specifically in our region, has to do with the  
15 dealer data or the federally permitted dealers and  
16 the state permitted dealers and were both dealers  
17 or both processing facilities, would they have  
18 both been incorporated into the allocation formula  
19 or were you only using federally permitted dealers  
20 for that information or federal processors.

21 MS. DENIT: I am about 90 percent sure  
22 that we included both federal and state, but I

1 will follow-up and get you to that.

2 MR. LUISI: Very helpful. Thank you  
3 very much. That's all I have, Mr. Chairman.

4 MR. SOLIAI: Thank you. Moving on to  
5 New England.

6 MR. NIES: Thank you, Mr. Chairman.  
7 This is Tom Nies. Hi, Kelly, how are you? I have  
8 a perhaps an easy question. I've got a couple of  
9 questions from state directors wondering where the  
10 aquaculture data came from. I'm not familiar with  
11 the details of data collection for aquaculture,  
12 but some of the states are concerned that it's not  
13 really well organized and they are a little  
14 unclear about where that came from. And then I've  
15 got a follow-up question as well.

16 MS. DENIT: All right. Yes.  
17 Aquaculture. I should have brushed up on that  
18 Q&A. Oh, Tom. So, I know we answered a specific  
19 question for Rhode Island that we had included the  
20 aquaculture data that they were interested in and  
21 I will need to -- yeah, we used all the available  
22 sources of data that we had. It's the short

1 version for aquaculture and that was what was  
2 incorporated. So, we worked with our --

3 MR. NIES: Did we lose Kelly? Kelly,  
4 are you still with us.

5 MS. DENIT: Yes, hi. That was not on  
6 purpose. No offense, Tom. My wi-fi messed up  
7 here at the house. All of a sudden everybody went  
8 to yellow triangles and I was like whoa. We used  
9 all available sources that we had of aquaculture,  
10 Tom.

11 MR. NIES: Thank you. And then a  
12 follow-up and you may have answered this already.  
13 Is the information on the web page that you  
14 referred, does it give the breakdown by state from  
15 how much the revenues were from each sector?

16 MS. DENIT: Yes, it gives the  
17 proportion, correct.

18 MR. NIES: Thank you.

19 MS. DENIT: Yes.

20 MR. SOLIAI: All right. We'll move on  
21 to West Pac. Any questions from the Western  
22 Pacific?



1           MR. GOURLEY: Yes, Chairman. I have  
2 some questions.

3           MR. SOLIAI: Go ahead, Mr. Gourley.

4           MR. GOURLEY: Yes, hi, Kelly. I've got  
5 some should be easy questions. Can non-U.S.  
6 Citizens prevail of this money?

7           MS. DENIT: I believe the answer to that  
8 is no. I'm not sure that that one has come up  
9 yet.

10          MR. GOURLEY: We have businesses that  
11 have non-U.S. Citizen employees and we've also  
12 got fisherman that are non- U.S. Citizens and this  
13 is kind of going to be a big issue for us in the  
14 CNMI so that question kind of pops up immediately  
15 when we're talking among ourselves.

16                Kind of along with that our, let's see  
17 if the correct political term, undocumented  
18 aliens, are they eligible for the CARES Act?

19          MS. DENIT: I'm pretty sure the answer  
20 one is no.

21          MR. GOURLEY: I would agree, but I had  
22 to ask it.

1 MR. SOLIAI: Not that there are any  
2 undocumented aliens.

3 MR. GOURLEY: Not that I know of, but I  
4 just wanted to, you know, kind of clear the air.  
5 Kelly, I've got another one. We don't have a lot  
6 of documented data for our fisherman. It's kind  
7 of sparse. Can we have applicants sign a sworn  
8 statement saying that they made so much money and  
9 that they incurred a 35 percent loss? Is that  
10 something that would be acceptable to NMFS in the  
11 spend plan?

12 MS. DENIT: Yes, it is. Yes, we are  
13 aware of data gaps that they just in certain  
14 fisheries so, yes, signed affidavits articulating  
15 fisheries they were in and the loss of revenue,  
16 what was the level of loss can be used, yes.

17 MR. GOURLEY: Excellent. Last question.  
18 We're struggling a little bit to get going so who  
19 would be our best POC to get us going on  
20 development of the spend plan from the CNMI for  
21 this area?

22 MS. DENIT: Yes, it's going to be Randy

1 Fisher and Pam Kahunt (phonetic) at Pacific States  
2 Commission, but we'll follow-up with them to make  
3 sure that they are reaching out to you guys.

4 MR. GOURLEY: Randy Fisher and Pat --

5 MS. DENIT: Pam. I'll send you the  
6 information. I'll get you the e-mails.

7 MR. GOURLEY: Fantastic. Thank you very  
8 much. I appreciate it. That's all the questions  
9 I have right now.

10 MR. SOLIAI: Anybody have any other  
11 questions? I have a question for Kelly. I have  
12 actually two questions. How are you going to  
13 avoid the double dipping?

14 MS. DENIT: John, yes, there we go,  
15 thank you. Sorry, go ahead or Mr. Chair.

16 MR. SOLIAI: How are you going to avoid  
17 double dipping for those industries that may have  
18 gotten loans and you can talk a little bit about  
19 how much the possible issues with the  
20 administrative costs?

21 MS. DENIT: Sure. So, on the first  
22 question, in terms of double dipping, most likely

1 we are expecting that many of the states and  
2 territories and tribes are going to use affidavits  
3 asking people to confirm that they are not making  
4 themselves more than whole with all of the  
5 assistance that they are getting. It's possible  
6 that some states will require additional  
7 documentation to verify that information, but that  
8 will be up to each state and territory to  
9 determine exactly what that's going to look like.

10 In terms of the administrative costs, at  
11 this point, as you all might anticipate, we're  
12 trying to minimize those as much as possible plus  
13 there was a small assessment taken by the agency  
14 to support the processing of the grants. Each of  
15 the respective commissions is also likely taking a  
16 small proportion of the admin in order to process  
17 activities and all of the necessary actions in  
18 support of getting the funding out, but, again,  
19 we're expecting that to be minimal. And the  
20 states and territories do have the option to use  
21 some of the funding that's coming to them to help  
22 them in the development of their spend plan in the

1 execution of funds if they choose to execute the  
2 payments themselves. But, again, we're expecting  
3 everyone is going to be trying to take as little  
4 as possible. The CARES Act allows up to 2 percent  
5 for admin costs, which would be, you know, \$6  
6 million and we have zero expectation it will be  
7 anywhere remotely close to that.

8 MR. SOLIAI: Is that your percent across  
9 the board for all the councils or does that vary  
10 per assessment?

11 MS. DENIT: That's just what's  
12 established in the CARES Act that we could take as  
13 much as 2 percent. No one is taking anywhere  
14 close to that.

15 MR. SOLIAI: Okay, great. All right.  
16 Thank you.

17 MS. DENIT: Thank you, Mr. Chair.

18 MR. SOLIAI: With there being no other  
19 questions, we'll move on to the updates for the  
20 minutes. I'll send the floor over to Chris.

21 MR. OLIVER: Thank you, Mr. Chairman,  
22 and I know we're behind schedule so I'll be fairly

1 brief. I want to talk to talk a little about  
2 priorities. Priorities at a 30,000 foot level  
3 really. Over the past few months, I think our  
4 immediate priorities largely have been determined  
5 for us. Obviously, trying to figure out a new  
6 virtual operational mode and minimize attacks to  
7 our essential mission activities. Protecting our  
8 people, making sure everybody is safe. I think,  
9 you know, I don't know how long we're going to be  
10 in the operational mode, but we're starting to  
11 think more now about how we come out of this in  
12 terms of regaining the economics of our fisheries  
13 and, you know, supporting a new normal where  
14 seafood plays an even bigger role in our economy  
15 and I think, you know, the recent role out of the  
16 CARES Act funding along with presidential  
17 executive order on promoting American seafood  
18 competitiveness provides us a really good platform  
19 to do that.

20 We continue, as we've discussed, to work  
21 on our market snapshots had efforts led by Michael  
22 Eno (phonetic) to help qualify, if not quantify,

1 sector-by-sector where the impacts are and help  
2 (inaudible) where we can make the connections in  
3 the supply chain. So, you know, a call for  
4 regulatory reform to maximize our fishing  
5 opportunities, something the councils have already  
6 been working on that speaks to, of course, may  
7 common sense restrictions on seafood imports  
8 dealing with IUU fishing and importantly,  
9 establishes a seafood trade taskforce to deal with  
10 some of those issues as they relate to our  
11 competitiveness and our supply chains and it  
12 places NOAA firmly in charge of the aquaculture  
13 permitting process. So, I think it really  
14 provides us a good basis to begin addressing some  
15 of these long-term challenges because I don't  
16 think our primary priorities have changed so much  
17 as how we're going to accomplish them and have  
18 things that you may need to do differently to  
19 accomplish them.

20 I just want to say that, you know,  
21 priority wise, regaining and restoring and  
22 amplifying the economic value of our fishing and

1 seafood industry remains a top priority obviously  
2 while maintaining our biological sustainability.  
3 As we discussed earlier, one of the biggest  
4 impacts that we've had has been to our science  
5 mission and our surveys and stock assessments and  
6 that remains and I don't need to go rehash all the  
7 reasons. I've been amazed at how we've been able  
8 to operate at least from a management perspective,  
9 you know, opening fisheries, closing fisheries,  
10 tracking quotas from a basic management  
11 perspective, it's been pretty amazing how well  
12 we've able to operate and you've been able to  
13 operative virtually to accomplish that. No major  
14 eggs have broken there.

15 On the survey front, yeah, we've got  
16 some broken eggs there and, you know, like I said,  
17 it's because science and particularly our baseline  
18 survey and assessments are one of my very, very,  
19 very top priorities and it was particularly  
20 difficult and depressing for me to have to go on  
21 and make that decision, but I won't rehash all  
22 that at the moment. But, you know, I can't



1 pretend that everything is going to be operating  
2 as efficiently and effectively as it did before  
3 this situation. Obviously, when we have field  
4 research and lab research, some of those things  
5 just can't be done the way that we could over the  
6 video webinar.

7           So, as we plan for the rest of this year  
8 and next year, I think we, you know, want to  
9 continue with our core mission, but we're also  
10 going to be looking at some approaches. Our  
11 fishing industry and seafood industry has taken a  
12 major hit not just commercially, but many of our  
13 recreational industries, particular our charter  
14 fisheries and we want to take an approach as  
15 tailored to offset that impact and regrow those  
16 industries.

17           Promotion of seafood consumption is one  
18 approach. We will continued to assess the  
19 economic impact of communities in the industry and  
20 prioritize actions that support that. We'll work  
21 closely with you and state fishery commissions to  
22 conduct, you know, as best we can our most time

1 sensitive and high impact surveys, advance our  
2 fish priority assessments with the existing that  
3 we have when can do surveys, and look at new  
4 technologies in science to augment those surveys.  
5 And, again, those will always be at the top of my  
6 priority list and right now we're having to look  
7 at ways to augment those due to our inability to  
8 execute them with both our white ships and in many  
9 cases, with charter vessels, but I'll speak a  
10 little bit more on that in just a moment because I  
11 think there's an opportunity there.

12 Support for the seafood supply chain.  
13 As we open back up, we can help stimulate the  
14 supply chain by emphasizing dockside selling  
15 programs. Seafood facility inspections to ensure  
16 that our product quality and safety and  
17 marketability are maximized for work on the  
18 international front to strengthen the global  
19 competitiveness of the industry by improving  
20 access to foreign markets, through trade policy  
21 negotiations, and resolving some of these  
22 technical barriers to imports and I think going

1 back again to mention that the executive order and  
2 the creation of the seafood trade taskforce, which  
3 I'm anxious to see get up and running. We'll  
4 advocate for U.S. seafood consumption promoted to  
5 the public through various communication  
6 campaigns. We'll advocate for consumer purchases  
7 of U.S. seafood by promoting timely and factual  
8 information on the safety and quality and economic  
9 importance of U.S. seafood and promote the  
10 adventurous models that I mentioned earlier such  
11 as support for fisherman and seafood dealers  
12 selling directly to the public and in  
13 collaboration with the states.

14 I think we have to look harder at real  
15 time cost effective case optimizing cost effective  
16 catch data, continue our efforts in electronic  
17 monitoring, use artificial intelligence without  
18 the need to necessarily increase human observance.  
19 This will provide more timely data with the added  
20 benefit of opening an additional place for  
21 fisherman that may have previously been occupied  
22 by an observer. Minor examples, but collectively

1 important.

2 I think leveraging, and Cisco talked a  
3 little bit about this, advanced assessment  
4 technologies, and other data collection that  
5 cannot be met with our limited vessel capacity.  
6 We will continue to support those advanced  
7 technology. Those unmanned autonomous vehicles,  
8 cell drones, for example, genetic water sampling.  
9 Many of those are in their infancy, but hold a lot  
10 of promise.

11 The last point I'd like to make is  
12 opportunities. You know, I've said, since the  
13 three years I've been here, I've urged my  
14 directors and Cisco to look wherever they can at  
15 opportunities for cooperative research for the  
16 industry. Part of that builds confidence where  
17 certain issues maybe don't have confidence in our  
18 numbers and our stock assessments. We need to get  
19 some of those fisherman on our boats. We need to  
20 get some of our people on their fishing boats and  
21 even though we weren't able to execute some recent  
22 surveys through charter vessels in lieu of white

1       ships that we wanted to, I think we need to really  
2       reinvigorate our collective efforts both the  
3       agency and the council looking at these  
4       cooperative research opportunities in where we can  
5       use industry platforms to gather some of the  
6       information that we're unable to gather right now  
7       with our typical platforms.

8                 So, I just want to put an underline on  
9       that and I see there are some of the things that  
10      we can do to fill the gap. So, I don't want to  
11      spend a whole lot more time because I know we're  
12      behind time. I know Paul is going to speak to  
13      more specifically the seafood executive order and  
14      so, I'm going to pass it over to Paul to do that  
15      and I'll be on line listening in as well. If you  
16      have any quick questions, otherwise I'm going to  
17      turn it over to Paul.

18                MR. DOREMUS: Thank you, Mr. Chairman.  
19      I'm assuming you all can hear me.

20                MR. SOLIAI: We'll just put a call in  
21      for folks if they have any questions. Paul, would  
22      you mind taking over on the executive order? Is

1 Paul still with us?

2 MR. DOREMUS: (inaudible) some basic  
3 overviews of that and we have (inaudible).  
4 There's a component that we talked about quite a  
5 bit to make sure we're operating as efficiently as  
6 possible on the wild capture front and that  
7 compliments our focus.

8 MR. SOLIAI: We can't hear you.

9 MR. DOREMUS: Okay. Coming through  
10 better?

11 MR. SOLIAI: Yes, much better, Paul,  
12 thank you.

13 MR. DOREMUS: It's just getting better  
14 access to the signal. Thank you for your  
15 patience. Yes, as I was saying, to go back to the  
16 kind of core components of the executive order,  
17 there's elements on improving wild catch output.  
18 There's a strong element on IUU, which compliments  
19 work that we've been doing for some time. It kind  
20 of puts additional emphasis on collaboration  
21 across agencies. We have additional complimentary  
22 work around implementing the Maritime Safe Act

1 that the EO lined up very nicely with. And then,  
2 of course, there are sections in the executive  
3 order to reduce barriers to aquaculture, improve  
4 regulatory efficiency generally. There's  
5 direction to lay out aquaculture opportunity areas  
6 and to use our relatively new siting tools to help  
7 work towards defining aquaculture opportunity  
8 areas that have minimal use conflicts with other  
9 users so we expect a high degree, a very  
10 collaborative process in sort of mapping out  
11 potential areas for aquaculture that make sense  
12 given the aquaculture requirements, but also given  
13 other user requirements in those domains. That's  
14 the sort of principle of focus to try to get to  
15 areas where we can do the upfront siting and EIS  
16 work and reduce barriers to permit seeking  
17 activity by folks whether in coastal or in federal  
18 waters who would like to operate in any type of  
19 seafood farming operation.

20 And lastly, and also of great interest,  
21 is the initiation of a multi-agency seafood trade  
22 taskforce that is designed to focus more

1       comprehensively than has been done to date on  
2       trade related interests for the seafood sector as  
3       a whole. It relates very heavily to export market  
4       promotion, knocking back technical barriers to  
5       trade, and dealing more holistically with the  
6       seafood industry's trade related international  
7       competitiveness needs at the highest level of  
8       government. So, those are the major components of  
9       the EO and I'll leave it at that.

10               MR. SOLIAI: All right. Thank you,  
11       Paul. We'll open it up for questions or comments.  
12       Northern Pacific.

13               MR. TWEIT: Thank you. Mr. Doremus, I  
14       have a question. Actually, I have a couple  
15       questions about this. Specifically, on the list  
16       of actions that the council is supposed to NMFS  
17       relative to reducing the burdens on domestic  
18       fisheries and increase production within  
19       sustainable fisheries, do we interpret that "and"  
20       as both criteria need to be met or is it an "or"  
21       so either criteria need to be met?

22               MR. RAUCH: This is Sam Rauch. I think



1 we would interpret as an "or." We leave it open  
2 to any recommendations by the councils, looking at  
3 the particular needs of the industry and, you  
4 know, even if you go back to some of the earlier  
5 efforts by this administration, I would not think  
6 that the councils are particular limited in the  
7 things that they could recommend.

8 MR. OLIVER: This is Chris. I tend to  
9 agree. I think we want to look at it as not  
10 giving you the greatest flexibility you can the  
11 way I look at it.

12 MR. TWEIT: So, just to follow-up. We  
13 are to interpret that request very broadly and  
14 things like increased production doesn't  
15 necessarily limit it to increase the number of  
16 fish that are harvested. It might be increase say  
17 the value of the fishery or promotion of different  
18 products by processors and are we also limited on  
19 just the types of actions that the council and  
20 NMFS can take or do we think about promotion  
21 seafood in a broader fashion?

22 MR. RAUCH: So, this is Sam. I think if

1 you have ideas that beyond your particular of  
2 jurisdiction, we certainly would be willing to  
3 hear from them and it likely would exceed our  
4 ability to respond, but, you know, there is the  
5 White House task force, I don't have it right here  
6 in front of me, that was going to look at all the  
7 things that the council put forward because we  
8 don't think government is actually going to do  
9 them or have the ability to do them, but if the  
10 councils have ideas about things we can do, we  
11 will listen to them and look at them even if it is  
12 not a Magnuson Act related activity.

13 And your first point, there are many  
14 things the council has done that has not increased  
15 the production of the amount of fish harvested,  
16 but increased the value of the such vendor rights  
17 for fishing, it allows people to bring fish to  
18 markets at their own choosing increases a lot of  
19 the value without increasing the harvest. So, I  
20 think the councils are particularly well suited to  
21 provide opinions if you think that those actions  
22 are available in the present circumstance, we

1 certainly are open to hear about it. Thank you.

2 MR. SOLIAI: Okay. Thank you for the  
3 question Northern Pacific. Pacific Council?

4 MR. TRACY: Yeah, thanks. Yeah, maybe  
5 just one statement, one question. So, what I  
6 heard from Sam and Chris I would agree. I think a  
7 lot of what's in the executive order is kind of  
8 what the council does. We do a lot of things to  
9 get more fish out of the water and provide more  
10 efficient harvesting methods so the profitability  
11 of the industry has increased. More opportunity  
12 for recreational fisherman. So, that's a lot of  
13 what we do anyway. Yeah, I think again one of our  
14 big concerns is right now we are finding ourselves  
15 limited in our ability to do that just because of  
16 the format of the meetings being webinars and as  
17 you see, it's easy to get behind in a webinar  
18 because we don't move along as efficiently. And  
19 so, I guess we need to respond with some plans as  
20 to what we're going to do and the timelines for  
21 implementing some of these actions that we're  
22 recommending. It's going to be more difficult for

1 us to do that given the situation that we're in  
2 right now so I don't know if NMFS had any thoughts  
3 about, you know, really it's kind of how the  
4 council is going to improve their efficiency  
5 given, you know, the challenges we're facing with  
6 the COVID situation right now in terms of just,  
7 you know, doing the sorts of things that the  
8 executive order calls for. I don't know if that's  
9 a question or statement, but if you have any  
10 response to it, I'd be happy to hear it.

11 MR. RAUCH: This is Sam. I mean, I  
12 think we have tried to work with you and general  
13 council to make sure that you can do all the  
14 business that you need to do virtually. We can't  
15 solve the largest societal dynamics that are going  
16 on, but we can do the best we can. We recognize  
17 that you can't do everything. Things are limited.  
18 I do take some solace in the fact that what the  
19 executive order is asking you to do is what you  
20 normally do anyway. I mean, much of the council's  
21 actions are looking at ways to improve the  
22 efficiencies of the fisheries to while your

1 maintaining sustainability to get as much economic  
2 value out of fisheries as you can. And so,  
3 there's just some prioritization on that. What  
4 the President has asked you, what, two weeks ago  
5 is not all that different than we asked you two  
6 years ago or last year.

7           So, we are open. If there are things we  
8 can do to help you either in technology or from  
9 sort of the legal how to vote kind of thing, I  
10 think we're very open to try to fix issues that  
11 may arise. We can't solve the broader problem,  
12 but I think we want to do what we can to make it  
13 as easy as possible for the council to act if we  
14 can.

15           MR. TRACY: That's all I have.

16           MR. SOLIAI: All right. Thank you,  
17 Chuck. Moving on to the Caribbean council.  
18 Miguel.

19           MR. ROLON: I've been trying my Chair if  
20 he wants to say something, but we are okay.

21           MR. SOLIAI: Okay. If not, we'll move  
22 on to the Gulf Council.

1 MS. SIMMONS: Yes. Thank you, Mr.  
2 Chairman. Could you all shed any light on Section  
3 7 regarding the aquaculture opportunity areas. It  
4 talks about consultation with Regional Management  
5 Councils. Would that be based on permits that are  
6 currently submitted to the Army Core and EPA for  
7 offshore aquaculture activities? Do you have a  
8 good idea what the means exactly and how the  
9 councils might fit into that process?

10 MR. DOREMUS: If the question is around  
11 the existing permits that are underway  
12 particularly the Velella Epsilon project --

13 MS. SIMMONS: And Mana Farms as well.

14 MR. DOREMUS: And Mana as well.

15 Unfortunately, that's a little bit of a technical  
16 matter. I guess you would say there isn't a  
17 grandfather clause in the executive order as it's  
18 written, but we have consulted with the other  
19 agencies, with Army Corps, with EPA, and we have  
20 all understood that the intent of this order is  
21 certainly to not have any applications slow down.  
22 And so, the Velella Epsilon project is underway.

1 I'm not sure about the permit status of Mana. I  
2 know that there is certainly intent there, but we  
3 will keep our existing relationship with the  
4 current processes that are underway in terms of  
5 the distribution of responsibilities for the  
6 different agencies involved. So, we'll stay on  
7 that same path is essentially the bottom line  
8 there.

9 MS. SIMMONS: Okay. Sorry. Can I have  
10 a follow-up?

11 MR. DOREMUS: Of course.

12 MS. SIMMONS: So, this would be for a  
13 new project, but I guess what I'm asking if this  
14 involves the council we're talking about areas for  
15 siting and it includes a lot of agencies, but also  
16 includes and it says within one year we will  
17 identify these geographic areas for siting these  
18 facilities. Have you all had any thought about  
19 how that process might work? Let's say you have  
20 two current projects going on that are not in the  
21 sited areas that this group comes up with. Do you  
22 have some insight on how we're going to move

1 forward with fulfilling this requirement in two  
2 years?

3 MR. DOREMUS: We're mapping that out now  
4 in terms of what the complicated process would  
5 look like. There's no requirement that any  
6 current or new aquaculture permits be in those  
7 opportunity areas. The expectation is that it  
8 would certainly facilitate permitting in those  
9 areas and make it easier, more accessible, lower  
10 cost, faster, but it is not by definition  
11 restricted to those areas. So, we'll be trying to  
12 figure out essentially where to start and how to  
13 do this sequencing of regions over time. There  
14 will be some consultation. We're aware of the  
15 industry interest in some areas and are trying to  
16 base our decisions about where we start based on  
17 where we are most likely to see follow on  
18 permitting actions relatively readily. So, that's  
19 our first step is just looking at where the  
20 interest is. We're mapping out what the process  
21 would look like in terms of general principles  
22 that we would like to see with the consultation



1 process in any region and that get more regionally  
2 specific as we get a more detailed understanding  
3 of what the progression of regions will look like,  
4 we'll be able to lay that in. So, we're just in  
5 the early phases of mapping all that out. The EO  
6 certainly gives us direction for this to be a  
7 highly collaborative process. That's how we  
8 operate intrinsically. So, we'll take that  
9 forward and look forward to working with you and  
10 others in fashioning a region-by-region approach  
11 to the appropriate ways to think through and  
12 understand and balance of different views and  
13 interests about where the opportunity zones could  
14 be best located.

15 MS. SIMMONS: Okay. Thank you.

16 MR. DOREMUS: Thank you, Carrie.

17 MR. SOLIAI: Thank you. Moving on to  
18 the South Atlantic.

19 MR. CARMICHAEL: Yeah, we don't have any  
20 specific questions. We do recognize that, you  
21 know, with the COVID has been pointed out, as  
22 Chuck kind of noted, it is a bit of a challenge

1 after federal register is sent for our June  
2 meeting so we'll be looking at probably one  
3 meeting to actually be able to sit down and talk  
4 about this to make the deadline of early November  
5 so we'll just have to set time to figure out what  
6 we can do with that. It will be a stretch, but we  
7 have some thoughts in mind for getting through it.

8 MR. SOLIAI: Thank you, John.

9 Mid-Atlantic questions.

10 MR. MOORE: I don't have any questions.

11 MR. LUISI: Nothing for me. Thank you,  
12 Mr. Chair.

13 MR. SOLIAI: Moving on to New England.

14 DR. QUINN: Thank you, Mr. Chair. I  
15 have one question and I think my Vice Chair may  
16 have a question as well. In the executive order,  
17 I think it says that we should make suggestions  
18 for changes to orders, guidance, documents, or  
19 other similar agency documents in addition to  
20 regulations and the letter we got from Mr. Oliver  
21 talks about what will happen with regulatory  
22 suggestions that get put on the regulatory agenda

1       whatever that is called.  So, I'm curious how any  
2       suggestions for changes in policies or guidance  
3       are going to be handled by the agency, where that  
4       list is going to be kept, and how we're going to  
5       know how those are being addressed.

6               MR. RAUCH:  Yeah, this is Sam.  Policies  
7       and guidance or not on the same level of massive  
8       significance or of binding nature regulations.  
9       We do keep a Policy Directive System, which I  
10      think is later on the agenda.  If the councils  
11      have a particular request to deal with it, we  
12      certainly will follow-up with that council and let  
13      you know how we respond to your request if it is  
14      our policy or guidance that you are referring to.  
15      If it is someone else's, we will try to reach out  
16      to the other agencies.  I can't make a commitment  
17      about other agency policies, but if it is ours, we  
18      will make sure we respond directly to the councils  
19      and let you know what the fate of your  
20      recommendation is.

21              MR. SOLIAI:  Anything else from New  
22      England?

1 MR. REID: Mr. Chairman, if I might.

2 This is Eric Reid the Vice Chairman of New  
3 England.

4 MR. SOLIAI: Go ahead, Eric.

5 MR. REID: Thank you, Mr. Chairman. I'm  
6 going to take Mr. Oliver's and cast as wide a net  
7 as I can although I have to say it's hard enough  
8 for a New Englander to pronounce Papahanamokuakea,  
9 so I'm going to defer to the Western Pacific for  
10 that, but I'd like to talk about monuments for a  
11 moment if I might. In the Atlantic, regarding  
12 proclamation 9496, dated September 16, 2016, I can  
13 say the council on the authority of MSA should be  
14 without question allowed to dictate management  
15 measures of fisheries in the monument areas. The  
16 proclamation to create the Atlantic monument  
17 require that the secretaries in interior and  
18 commerce prepare a joint management plan for the  
19 monument within three years of the date of the  
20 proclamation. That deadline was eight months ago  
21 and there's no management plan in sight. However,  
22 if the management of the Atlantic monument and the

1 fisheries and habit there in should be returned to  
2 the authority of MSA, our deep sea coral amendment  
3 once finalized by NMFS would instantly be capable  
4 of that task. Of course, that effort included  
5 years of development and public stakeholder input  
6 and in fact, only 10-11 percent of the area in the  
7 monument would be available to commercial bottom  
8 tending years. We have a 600 meter maximum depth  
9 for that kind of gear and the Mid-Atlantic has  
10 gear restricted areas for tile fishing in there as  
11 well. The balance of that would be off limits and  
12 commercial pelagic fishing, which has not  
13 interaction with corals, should be allowed or  
14 maybe better put, never have been excluded.

15           The monuments represent the cost of lost  
16 opportunity to the U.S. fleet and the  
17 infrastructure and markets that support them. The  
18 MSA is the premier act of Congress for management  
19 of the fisheries of the United States and should  
20 be allowed to do so, not an act of Congress from  
21 1906. Hopefully, this body will endorse that  
22 position and our request for support. And I just

1 want to make a note that this executive order is a  
2 topic for our June council meeting, which is  
3 coming up and hopefully, we will reiterate this  
4 position and our points in the 27 page comment  
5 letter we dated June 2017 to Secretary Zinke and  
6 Ross and that's my position and I'd like to hear  
7 what the CCC has to say about it and hopefully,  
8 you may be willing to write a letter of support  
9 for that action. Thank you, Mr. Chairman.

10 MR. SOLIAI: Thank you, Eric. Any other  
11 comments and then we'll move on to the Western  
12 Pacific.

13 MS. SIMONDS: Thank you, Mr. Chairman  
14 and thank you, Eric. Yay team. So, I don't have  
15 to repeat all these things that Eric said because  
16 everything he said is true. So, as you all can  
17 imagine, you know, we here in the Western Pacific,  
18 we're fishing in our U.S. EEZ's our mostly  
19 prohibited because of the marine monument so we  
20 appreciate very much this executive order and  
21 obviously, we'll be including the monuments as  
22 well as other closed areas that are fisherman have

1 to abide by right now that do not have  
2 conservation as part of the management or, you  
3 know, the wonderful impact.

4 So, as you see, we've included a letter  
5 that we did write to the President. Last year the  
6 council wanted to write to the President several  
7 times because we had heard in November that a  
8 monument document was on the President's desk, but  
9 obviously, it didn't happen and so, this EO is  
10 very welcomed by us. And in terms of what we're  
11 going to be including in the council's  
12 recommendations, which like you folks we are going  
13 to be discussing this in June and we have a whole  
14 list that includes not just the monument closures,  
15 but other closures including, you know, southern  
16 exclusion zones that is related to the Marine  
17 Mammal Protection Act. So, we're going to have  
18 recommendations on current directives having to do  
19 with protected species and the recusal policy and  
20 those kinds of things. So, you'll see our letter.  
21 So, thank you very much and hi, Nick.

22 MR. SOLIAI: All right. Thank you,

1 Kitty. And I want to thank Eric also for touching  
2 on that proclamation in order for the June 2016  
3 CCC meeting the council at that meeting did send  
4 out a letter to President Obama expressing our  
5 concerns on these monuments so we'll thankful for  
6 the executive order and we're looking forward to  
7 it. I think we're the first ones to issue a  
8 statement to the council so we look forward to  
9 them making a decision. All right we're getting  
10 to the end. Why don't we take a five-minute  
11 recess?

12 MR. OLIVER: Hey, this is Chris. Before  
13 you take a break, can I make a quick comment?

14 MR. SOLIAI: Sure, go ahead.

15 MR. OLIVER: Yeah. Before you leave the  
16 EO and the issue of priorities, it just made me  
17 think, you know, this is a general comment. I  
18 think our top priority right now is to trying to  
19 make sure that the wheels don't fall off and if  
20 they do fall off, we need to figure out how to put  
21 them back on. But beyond that, I think we have a  
22 great opportunity to not just recover from this,



1 but greatly expand the vigor and value of other  
2 commercial and recreational fisheries and this  
3 executive order has three main pillars that help  
4 us do that through aquaculture production, through  
5 streamlining the regulatory process for our  
6 commercial fisheries and recreational fisheries  
7 and our international seafood trade issues. And  
8 it's not just tomorrow or the next month or the  
9 rest of this year, if we can carry these tools and  
10 principles and philosophies forward, I think we  
11 really do have an opportunity to come out better  
12 on this. So, let's try to end that on a positive  
13 note. Thank you.

14 MR. SOLIAI: Thank you, Chris. I think  
15 we all agree with you. In some regions, we don't  
16 have any spare wheels so if one falls off we are  
17 going to have to repair it and try to put it back  
18 on. On that note, thank you and we'll take a  
19 five-minute break. It is about 4:27. We'll come  
20 back at 4:33.

21 (Recess)

22 MR. SOLIAI: Back on the record. Sam,

1 are you ready?

2 MR. RAUCH: Yes, thank you, Mr. Chair,  
3 and Nicholas, I noticed that the Marian Macpherson  
4 and Katie Renshaw are in the attendees, if there's  
5 a question on this. I'll give their presentation,  
6 but they are experts, and, so, if you have a  
7 question, you can unmute those two, so we can  
8 respond to questions accurately, but, Mr.  
9 Chairman, I have a brief NEPA update. We've  
10 already talked to the council, each individually,  
11 with the CCC, about the rulemaking that's being  
12 proposed earlier this year. Obviously, NEPA had  
13 the back (inaudible). This is why the councils  
14 universally have integrated procedures, where they  
15 put out combined documents and use NEPA as a major  
16 tool in our decision-making toolbox.

17 A lot of our spectrums are built around  
18 complying with NEPA. It isn't even a provisioned  
19 amendment that talks about streamlining two  
20 sections together, but there are some aspects of  
21 the proposed rule that would apply to the Council.  
22 The comment period on that proposed rule, though,

1 did close on March 10th of this year, and to date  
2 the regulation, in fact, does show that CEQ  
3 received over one million public comments on the  
4 rule. They -- CEQ is currently reviewing all of  
5 those comments, and drafting revisions to the  
6 proposed rule that indicated their desire to get a  
7 final rule out by the end of this calendar year,  
8 but they've not yet submitted a final rule to OMB  
9 for review. So, we don't have a final rule, yet,  
10 to look at, through the inner agency process, and  
11 nor do -- can I predict when CEQ may release one,  
12 publicly.

13 So, that is the very brief update, as I  
14 said, I have two experts on there that gave  
15 presentations to the councils before, if there's  
16 specific questions about this or the process, from  
17 here on out. So, Mr. Chairman, we'll be happy to  
18 entertain comments or questions.

19 MR. SOLIAI: Thank you, Sam. All right,  
20 we'll open the floor for questions and/or comments  
21 under the NEPA, and we will start with the North  
22 Pacific.

1                   MR. WITHERELL: Thank you, Mr.  
2 Chairman. Is what -- what is the Agency's  
3 reaction relative to our interest in the  
4 functional equivalency? Is that something that  
5 NOAA Fisheries also believes, with the assisted  
6 council, in addressing the concerns?

7                   MR. RAUCH: Yeah, so, this is Sam. I do  
8 believe the functional equivalency. There are --  
9 so, first all, it was a -- it's a proposal. So,  
10 it remains to see what's in the final rule. If  
11 the proposal is finalized, I do believe there is a  
12 -- there are arguments that the Magnuson Act  
13 process would meet the kind of process envisioned  
14 for that, and that we would work with councils to  
15 try to explore that, but it's a little premature,  
16 given that that was a proposal, and we have yet to  
17 see what is in the final rule.

18                  MR. OLIVER: Yeah, David, this is Chris,  
19 and I was going to recuse myself on any NEPA  
20 discussions, but, well, I guess we'll see how this  
21 turns out, but, you know, I've been interested in  
22 that particular topic for a long, long time.

1 MS. SIMONDS: 30 years.

2 MR. RAUCH: Well, any support you can  
3 give us for -- we'll get that through, and if this  
4 rule gets reviewed by your Agency, you have an  
5 opportunity to comment, we'd appreciate you.  
6 Well, thank you.

7 MR. SOLIAI: Thank you. Move forward to  
8 Pacific Council.

9 MR. TRACY: Yeah, thanks. Well, I think  
10 I probably got the answer to my question, right  
11 there, but we are also very interested in this  
12 issue, have been, on record, supporting something  
13 like this. Functional equivalency, there was, in  
14 the proposed rule, there was a note that the  
15 agencies would be responsible for developing  
16 guidelines to establish functional equivalency.  
17 That doesn't sound like that's going to occur,  
18 until after the rule is final.

19 So, that was kind of my question, but,  
20 again, I think, just to echo Dave's comments, you  
21 know, to the extent that we can help in that  
22 process, for during or after publication of the

1 rule, we are very interested in seeing this move  
2 forward.

3 MR. RAUCH: Yeah, just to confirm, we  
4 would not be doing any guidelines, until after the  
5 rule is final, and we can understand what the  
6 actual requirements turn out to be, if any.

7 MR. SOLIAI: Thank you. All right,  
8 let's move on to the Caribbean.

9 MR. ROLON: Can you hear me? That's  
10 okay it was covered by David's question. So, he  
11 answered.

12 MR. SOLIAI: Miguel, you don't have any  
13 questions?

14 MR. ROLON: No, the same question that  
15 David was talking about, so it was well covered.

16 MR. SOLIAI: Oh. Okay, all right, thank  
17 you. Gulf Council?

18 MS. SIMMONS: I don't have any  
19 questions. Thank you.

20 MR. SOLIAI: Thank you, Carrie. South  
21 Atlantic?

22 MR. CARMICHAEL: Nothing further, thank

1 you.

2 MR. SOLIAI: Mid-Atlantic?

3 MR. MOORE: No questions. Thank you,  
4 Mr. Chair.

5 MR. SOLIAI: New England?

6 MR. NIES: In what is probably a  
7 surprise, no questions.

8 MR. SOLIAI: Thank you, Tom. All right,  
9 West Pac?

10 MS. SIMONDS: I know the questions,  
11 which is to say that we been behind Chris for over  
12 20 years on this NEPA issue. So, hopefully it's  
13 going to be resolved.

14 MR. SOLIAI: Okay, so, I'll keep my  
15 fingers crossed. Mr. Gourley?

16 MR. GOURLEY: Yes, Sam, do you -- after  
17 the final rule is published, do you envision, or  
18 do you have an idea of whether NMFS is going to  
19 hop right on implementing the proposed rules, or  
20 do you -- is -- will there be a timeline, where it  
21 will have to be implemented, or do you envision it  
22 possibly dragging out for a long time? What's

1 your opinion?

2 MR. RAUCH: Yes, thank you. Just bear  
3 in mind that there are a number of things in the  
4 proposed rule that are different than the  
5 functional equivalency, and a lot of those things  
6 would apply immediately, or under whatever  
7 effective date CEQ puts them, and, so, I certainly  
8 think that NEPA processes, going forward, from the  
9 effective date, you would have to comply with the  
10 new requirements, whatever they are.

11 There are things in the proposed rule  
12 with similar effects, but other kinds of things  
13 that we will have to deal with, but to the extent  
14 that there is an option for apply for or  
15 determining that the Magnusson Act process is a  
16 functional equivalent, we will have to see what  
17 the final version is of that. I imagine we will  
18 work as expeditiously as possible to prove  
19 whatever CEQ process is laid out to do that,  
20 whether that is a process that we're in control  
21 of, or whether we have to go to CEQ. This is  
22 something that we're going to work expeditiously



1 for, if this remains in the final rule, but I just  
2 want to be clear, there are other aspects of the  
3 rule, to be finalized, that are likely going to be  
4 -- take effect immediately, and we will have to  
5 start applying those to any new NEPA document that  
6 follows on.

7 MR. GOURLEY: Basically, we are just  
8 kind of have to wait to see what's in the final  
9 rule.

10 MR. RAUCH: There was a million comments  
11 on the final rule. So, it was conceivable to the  
12 equation, that there could be significant changes,  
13 but I won't know until -- until we see it.

14 MR. GOURLEY: Thank you, Sam.

15 MR. SOLIAI: All right, thank you, and,  
16 so, moving on. The next item on our agenda is the  
17 offshore wind issue. Sam's suspended. Candace?

18 MR. RAUCH: We're going to have Candace  
19 respond to that.

20 MS. NACHMAN: Hi, thank you, and,  
21 Nicholas, could you please make me a presenter, so  
22 I can share my screen?

1           Hi, good afternoon everyone, and good  
2 morning to those of you outside of the East Coast.  
3 For those of you who don't know me, or haven't  
4 worked with me before, I work in the NOAA  
5 Fisheries Office of Policy, and cover offshore  
6 wind as one of my primary topics, and, today, I'm  
7 going to tag team this presentation with Mike  
8 Pentony and John Hare, as well.

9           I just want to make sure, are you all  
10 able to see the presentation? Yes?

11           MR. SOLIAI: Yes, thank you.

12           MS. NACHMAN: Okay, wonderful, thank  
13 you. NOAA is involved in Offshore Wind  
14 Development, both from a statutory regulatory  
15 standpoint, and also from a science and research  
16 standpoint. NOAA Fisheries is the primary part of  
17 NOAA involved in offshore wind development  
18 projects.

19           We support the administration's efforts  
20 to advance offshore renewable energy, through our  
21 participation in offshore wind development  
22 regulatory and statutory processes, such as the

1 Marine Mammal Protection Act, Endangered Species  
2 Act, Magnuson Stevens Act, Fish and Wildlife  
3 Coordination Act, Coastal Zone Management Act, and  
4 NEPA.

5 We realize this is a new industry to  
6 U.S. waters, and we still do not fully understand  
7 how these offshore wind farms will impact fishing  
8 operations, protected species, essential fish  
9 habitat, and our ability to complete surveys and  
10 assessments. We are working cooperatively with  
11 the Bureau of Ocean Energy Management, BOEM, the  
12 Federal Agency with statutory responsibility, to  
13 develop the outer continental shelf, or OCS, to  
14 evaluate those impacts through our statutory and  
15 regulatory processes, as well as with Federal and  
16 State Agencies, the fishing and wind industries,  
17 and others to conduct collaborative regional  
18 science in an effort to support the coexistence of  
19 sustainable fisheries and offshore wind farms.

20 Currently, BOEM has issued 16 offshore  
21 wind leases, covering more than 1.7 million acres,  
22 all of which are located between Massachusetts and

1 North Carolina. At this time, there are no active  
2 leases in any other OCS waters. While efforts to  
3 develop U.S. offshore wind are furthest along in  
4 the Northeast and Mid-Atlantic Region, BOEM is  
5 beginning to ramp up efforts in other regions.

6 BOEM is moving forward with wind energy  
7 planning efforts on the OCS, in several regions,  
8 including the New York Bight Area, which  
9 represents an area of shallow waters, between Long  
10 Island, to the north and east, and the New Jersey  
11 coast, to the south and west, also, in Central and  
12 Northern California, specifically in the Humboldt  
13 Bay, Morro Bay, and the Diablo Canyon Areas, in an  
14 area designated as Carolina Long Bay, which  
15 represents lease areas, potentially located off  
16 Georgetown in Horry County, South Carolina, and to  
17 adjacent Brunswick County, North Carolina, and  
18 also the Gulf of Maine.

19 Additionally, BOEM reinitiated  
20 discussions of the Oregon Renewable Energy  
21 Inter-Governmental Task Force, last year. To  
22 address the amount and pace of projects in Mid-

1 Atlantic and New England waters, we established a  
2 Regional Wind team, comprised of experts in  
3 fisheries policy, habitat, protected species,  
4 scientific assessment and survey operations, and  
5 social science analysis to help us review  
6 projects, evaluate potential impacts to our trust  
7 resources, and contribute necessary expertise into  
8 the process.

9           These staff are working tirelessly to  
10 prepare for the evaluation of the numerous planned  
11 and proposed projects, throughout the greater  
12 Atlantic Region. Additionally, we are beginning  
13 conversations with staff on the West Coast, to  
14 determine how we can best prepare, as BOEM begins  
15 the process of evaluating wind energy areas in  
16 that region. It is important to include fisheries  
17 information in the analysis of any type of ocean  
18 use, such as offshore wind or aquaculture.

19 However, as noted by Paul, in his remarks earlier  
20 this afternoon, or this morning, regarding the new  
21 Seafood Executive Order, aquaculture siting would  
22 go through a different process than the one for

1 offshore wind.

2 NOAA had developed several tools to  
3 assist in those aquaculture siting decisions.  
4 Next, you'll hear from Mike Pentony, our Regional  
5 Administrator for the Greater Atlantic, and he  
6 will discuss the fisheries information we shared  
7 with BOEM, to assist them in their analysis of the  
8 Vineyard Wind Project. This project would be  
9 located approximately 14 miles offshore  
10 Massachusetts. After Mike, Jon Hare, the Director  
11 of Our Northeast Fisheries Science Center, will  
12 discuss the potential impacts to our fisheries and  
13 protected species surveys, from the existence of  
14 offshore wind farms.

15 I would now like to turn the mic over to  
16 Mike.

17 MR. PENTONY: All right, thank you,  
18 Candace. Good afternoon everybody, or morning, if  
19 it's still morning where you are.

20 So, as Candace said, I'm Mike Pentony,  
21 the Regional Administrator for Greater Atlantic  
22 Regional Office, and as you saw in the previous

1 map, and as you can see in these two maps, which  
2 show of our region from the Cape Cod,  
3 Massachusetts, in the left, to, and then on the  
4 right, the map is kind of zooming in on Long  
5 Island, New York, down through the Outer Banks of  
6 North Carolina, and you can see each little  
7 colored area is a different wind lease area.

8 Now, I'll point out, just kind of focus  
9 for the initial couple slides, on the one on the  
10 left, there, right in the middle, it's kind of a  
11 brownish color, labeled Vineyard Wind, it runs  
12 northeast to southwest. That's the one that our  
13 team has been working on, primarily, over the last  
14 couple of years. It's really the precedent  
15 setting project, that BOEM has been working on  
16 with us, and other agencies, but as you can see,  
17 there are a number of other projects that are in  
18 the pipeline, of both off the coast of  
19 Massachusetts there, along with Vineyard Wind, all  
20 the way down the coast to North Carolina, and as  
21 you can see, off the coast of New Jersey, and Long  
22 Island, New York, there are number of projects, as

1 well.

2           So, just kind of keep those in mind, as  
3 I move through the slides. What I'm going to do  
4 is kind of walk you through different sources of  
5 data, that we've used to assess and understand --  
6 try to understand the potential impacts that these  
7 wind projects might have on our fishing industry  
8 and fishery resources. So, if you can go to the  
9 slide, please. I'm not seeing an advanced  
10 cabinet. Are you advancing? There we go, thank  
11 you.

12           So, you know, one obvious source of  
13 information are our vessel trip reports. All of  
14 our commercial fisheries and some of our for hire  
15 fisheries are required to submit a vessel trip  
16 report, for every fishing trip that they take, and  
17 in this area, which is highlighted, and shows that  
18 Vineyard Wind Area, in red, off -- this is off the  
19 coast of -- Southern Coast of Massachusetts and  
20 Rhode Island. Every green dot on that map is a  
21 single fishing trip, and it's the location  
22 reported on their vessel trip report.



1           Now, there's two things to understand  
2     about that. One, each fishing trip is only  
3     required to submit a single location, usually a  
4     lat-long, that encompasses, in broad terms, the  
5     area which they fish. Now, it doesn't really  
6     reflect all the fishing activity that occurred on  
7     that trip. It's simply a point reference, for  
8     each trip. So, it masks a lot of information  
9     about those fishing trips.

10           You can also see we have some  
11     reliability challenges, as there are quite a few  
12     green dots that show up on land. So, Vessel Trip  
13     Report data, alone, are not necessarily the best  
14     source of information for understanding the  
15     impacts of these wind project, but there are some  
16     things that we can do with the Vessel Trip Report  
17     Data. So, next slide, please.

18           In this case, this is an example of some  
19     data analysis we've done, where we've taken the  
20     Vessel Trip Report Raw Data, and generated some  
21     heat maps, and broken it out by either gear type  
22     or vessel size, to try to see -- look for patterns

1 of fishing activity, and, so, now, here, in these  
2 two maps, on the left side, it's -- is dredge  
3 gear, off the coast off the Mid-Atlantic, and on  
4 the right side it's a bottom troll of vessels  
5 larger than 65 feet, of fishing activity in the  
6 same area, and you can see with the heat maps, you  
7 can distinguish some high hotspots for the  
8 different gear types, and how those hotspots may  
9 or may not overlap with the proposed wind areas  
10 that are there shaded in those areas, with the  
11 boxes.

12 So, that's one opportunity for us to  
13 analyze and use those vessel trip report data.  
14 Next slide please. But another really important  
15 source of information about fishing activity is  
16 our Vessel Monitoring System Data. So, this is  
17 just a raw data dump of all the VMS Data that we  
18 have, and plotting it out, and you can see,  
19 because the vessel monitoring system data are  
20 showing vessel tracks, it's a much -- there's much  
21 more data than simply a single dot per fishing  
22 trip, but, again, it's hard to understand what

1     might be happening in any given area within here.  
2     So, we have to look at the VMS Data, and think  
3     about what we can do with it, to better understand  
4     and draw some conclusions. To the next slide  
5     please.

6                   This, actually, is just a map to show --  
7     kind of show some comparisons between the VMS Data  
8     and the VTR Data. If you look on the right, this  
9     is, again, it's the heat map of vessel activity,  
10    using dredges, in the Mid-Atlantic, and you can  
11    compare that to VMS Data for scallop fishery.  
12    Now, the dredge data encompasses both scallop  
13    fishing and clam fishing. The scallop data is  
14    just scallop fishery, but you'll see that there  
15    are some hotspots using VMS Data, that are  
16    completely missed in the VTR Data. They are right  
17    off the coast of New Jersey, and then down south a  
18    little bit. So, we really kind of focused in on  
19    how we can make best use of the VMS Data, to  
20    understand the potential impacts of wind on our  
21    fishing activity. The next slide, please.

22                   One of the really nice things that we

1 can do with VMS Data is we can -- we can filter  
2 the data, based on speed. So, if we know how, you  
3 know, if we see a ping in the VMS Data, and an  
4 hour later there's another ping, we can obviously  
5 calculate the speed the vessel had to have been  
6 going, on average, between those two spots, and we  
7 generally interpret the speeds above four knots as  
8 transit, and speed of four knots or below as  
9 fishing activity. So, this shows you some of the  
10 transit maps, that we were able to generate, based  
11 on using the speed filter.

12 And transiting is really important, as  
13 we learned, as we went through the Vineyard Wind  
14 Project, because of the orientation and the design  
15 of the project, how far apart the turbines are  
16 placed, the orientation of the turbines, whether  
17 there are, in fact, transit allies, if you will,  
18 in and among the turbine display. It can have a  
19 significant effect on the vessel transit, to get  
20 out to the fishing grounds, and be able to return  
21 safely home.

22 Next map. Thanks. So, this is an

1 example of how we can, again, take the data, the  
2 VMS Data, break it out by species, fishery, and  
3 then show both the transiting that occurs, as well  
4 as the fishing activity, and, so, by filtering the  
5 fishing activity, as I mentioned, based on speed,  
6 and coloring that, and generating a heat map, we  
7 can then show that on top of the transit, to  
8 understand both the fishing activity impacts, as  
9 well as the transiting impacts on the various  
10 fisheries. So, on the left side, you're seeing  
11 some of our ground fish fisheries, and on the  
12 right side, you're seeing our squid fishery. Next  
13 map.

14 Another interesting thing that we are  
15 able to do with the VMS Data is -- if you look at  
16 the dot plot on the left, it's showing all vessel  
17 activity and the orientation, the direction of the  
18 vessel movement, and it looks like, from that map  
19 alone, that all of the vessel traffic is moving  
20 kind of northwest to southeast, but when you  
21 distinguish vessel transiting, from vessel  
22 fishing, which are the two maps on the right, or

1 the two plots on the right, you can see a very  
2 different pattern. Clearly, the transiting is  
3 occurring predominantly on northwest to southeast,  
4 but the fishing activity, as you can see, is  
5 actually happening much -- over a much broader  
6 area. In fact, most of the fishing activity, if  
7 you were to draw a conclusion, you could say, is  
8 directly due east-west, based on that's where the  
9 highest peaks are.

10 So, understanding both direction of  
11 travel, both for fishing activity and transiting,  
12 is an important feature to understanding the  
13 impacts of potential wind project and design  
14 parameters on that project, on fishing activity.  
15 The next slide, please.

16 Lastly, we can marry our VMS Data with  
17 our Socioeconomic Data, to get a clearer picture  
18 of the impacts, the economic impacts of fishing  
19 activity in an area, and, so, this is just a --  
20 one example in the Vineyard Wind Area, and looking  
21 at the revenue from the most highly impacted or  
22 affected Fishery Management Plans, and the big bar

1 in the middle is 2016. So, this is both showing  
2 which fisheries were most significantly impacted,  
3 but also the temporal components, and the  
4 variability, interannual variability.

5 So, what you see is that, for the  
6 Mackerel Squid and Butterfish Fishery, which is  
7 the darkest red there, that is the biggest revenue  
8 driver, they had a really big year in 2016, but it  
9 was less so, in that specific area, in the years,  
10 both, the two years prior, and the two years  
11 after, and, so, understanding those impacts and  
12 the variability of the impacts, is important to  
13 get a really good -- a clear sense, and a clear  
14 picture of the impacts or the potential impacts of  
15 the wind area, on our fisheries. And, then, the  
16 last slide.

17 So, while this is all really good, and  
18 it's been really useful to dig into these data  
19 sets, to try to draw some conclusions and provide  
20 some information for BOEM to consider, in their  
21 analysis. There are some really important  
22 caveats, at least on the East Coast. We don't

1 have VMS on all of our fisheries. So, while we  
2 can do some really interesting analyses and data  
3 products, based on the VMS Data, it's limited to  
4 what fisheries actually have VMS, and even those  
5 fisheries that do have VMS, in some cases, the  
6 time series is somewhat limited, and, so, we may  
7 not be able to get a really good time series, or a  
8 clear picture over time, of how important those  
9 areas may be, and, while VMS Data is definitely  
10 more precise than vessel trip report data, even  
11 one-hour ping rates, which is what we have for  
12 most of our fisheries, mean that much data is  
13 still lost, in terms of what happens on those  
14 fishing trips, in between those hour pings.

15 And, then, the last thing, where we are  
16 doing some marrying of economic data to our VMS  
17 Data, and our Vessel Trip Report Data, the  
18 economic data are not reported on a haul by haul  
19 basis. So, we do have to make some inferences  
20 about the impact of a trip, overall, while  
21 recognizing that, within a trip, there can be some  
22 really important differences and distinctions



1 between the first haul and the last haul, where  
2 those hauls may be, and the economic importance to  
3 the vessel of those, of those differences.

4 So, with that, Mr. Chairman, I'll lead  
5 it off, and I'll turn it over to John Hare, for  
6 the talk about our survey impacts.

7 MR. HARE: Great, thank you very much,  
8 Mike and Candace. Can you go to the next slide,  
9 Candace, and I think I'll just keep it on this one  
10 slide, and just try to move through this quickly,  
11 because I appreciate that we're running late.

12 So, when we think about these  
13 large-scale construction projects, you know, it's  
14 sort of ecological, and ecosystem rebel questions  
15 come to mind, first.

16 How will construction noise affect  
17 marine mammals? How will wind turbines effect  
18 habitat and effect fish abundance? How will  
19 changes in down stream current effect productivity  
20 and feeding? And these are the questions that  
21 generate the most interest, but when we look at  
22 the sort of scale of offshore wind development, in

1 the northeast, at the Science Center at the  
2 Regional Office, and the New England Council, and  
3 the Mid-Atlantic Council, The Atlantic States  
4 Marine Fisheries Commission, we've been asking  
5 ourselves, how will this development effect our  
6 scientific surveys, and the management and science  
7 products that are generated from these surveys,  
8 and, so, in the northeast, you know, we've started  
9 looking at this question in much more detail. We  
10 really sort of started in April of 2019. There  
11 was a meeting at New England Fisheries Management  
12 Council, which sort of went through all the  
13 issues, and we came to the realization that a  
14 number of our surveys are going to be impacted by  
15 offshore wind development, and these include our  
16 spring and autumn bottom troll survey, our sea  
17 scallop survey, our Atlantic surf clam and ocean  
18 quahog surveys, our ecosystem monitoring surveys,  
19 our North-Atlantic right whale aerial surveys, our  
20 other marine mammal, and sea turtle ship-based and  
21 aerial surveys. So, the -- we have a number of  
22 surveys that are going to be impacted, are large.

1 If floating technology starts to develop in the  
2 Gulf of Maine, which is, you know, the sort of the  
3 start of the process, with their first taskforce  
4 meeting, our Gulf of Maine Longline Survey, and  
5 our Northern Trip Survey, will also likely be  
6 impacted.

7 But we look at this long list of  
8 surveys, it accounts for about 300 -- more than  
9 300 years' worth of survey effort, and these  
10 surveys are supported by dedicated NOAA ship and  
11 aircraft resources, and a number of highly trained  
12 staff, and represents some of the most  
13 comprehensive data, on Marine ecosystems in the  
14 world, and these data are used in a number of  
15 fisheries, stock assessment, and protected species  
16 stock assessment.

17 So, we are realizing that the impact on  
18 our ability to do our science could be quite  
19 large. You know, you think about the issue, most  
20 of our current survey methods could not be done in  
21 a wind energy development, so, our current survey  
22 methods are going to be excluded. We also -- you

1 know, there's a lot of reason to believe that  
2 animal distribution and abundance will be quite  
3 different in wind energy areas. So, we are going  
4 to need to sample both inside wind energy  
5 developments, sample outside wind energy  
6 developments, and figure out some way to calibrate  
7 those survey data.

8           If we don't address this, the loss of  
9 survey information required for fisheries and  
10 protected species managers would likely lead to  
11 greater uncertainty in our assessments, which  
12 could have adverse impact on fishery participants  
13 and communities, as well as impacts on our ability  
14 to recover and conserve protected species.

15           So, at the Northeast Science Center,  
16 working with the Regional Office, and the two  
17 councils, and the commission, we're thinking about  
18 working to mitigate these impacts on our surveys,  
19 sort of in four parts. One is to evaluate the  
20 effects on our surveys and the changes in our  
21 survey design, on how this would impact our -- the  
22 management advice that we provide. We're also

1 looking at using existing data sets, to develop  
2 additional survey indices to form a bridge between  
3 this pre-construction and post-construction  
4 period.

5 We're looking at evaluating and  
6 developing new survey technologies that we can use  
7 within wind energy areas, and then, also, the need  
8 to calibrate these new methods with our current  
9 method, which could be used outside of wind energy  
10 areas, and then we fully realize that we need to  
11 work collaboratively, in a coordinated fashion,  
12 because there are a lot of surveys in the region,  
13 NOAA Fisheries, Northeast Fishery Science Center  
14 does some, a number of states are performing  
15 surveys, and then each wind energy development  
16 area will have its own monitoring plan, and, so,  
17 if we are able to work collaboratively, in a  
18 coordinating manner, we will be able to, sort of,  
19 bring all of these data to bear and assessment  
20 issues, as a opposed to having 18 different wind  
21 energy development areas, monitoring their own,  
22 sort of, using their own technics, developing

1 their own data standards, and not being to, sort  
2 of, expand that up to a regional level.

3 So, we are currently working with the  
4 Bureau of Offshore Energy Management, to have a  
5 conversation about these impacts on our surveys,  
6 and how we're going to mitigate them. It -- we --  
7 you know, it appears that we are going to get some  
8 limited funding from BOEM, this fiscal year, to  
9 begin to address these survey impacts, and we're  
10 in the process of finalizing an inter-agency  
11 agreement with them, and, so, there are, you know,  
12 substantial impacts, on our ability to do our  
13 science, as a result of these wind energy  
14 developments, and these are not the impacts on the  
15 species that we are providing advice for. These  
16 are impacts on our ability to provide that advice.  
17 So, I'll turn it back over to Candace. Thank you.

18 MS. NACHMAN: Thank you, Mike and Jon.  
19 I would just like to end our remarks by noting the  
20 10 year memorandum of understanding, that we  
21 signed in the spring of 2019, with BOEM and RODA,  
22 the Responsible Offshore Development Alliance,

1 that brings local and regional fishing interests  
2 together, with Federal Regulators to collaborate  
3 on the fish -- on the science and process of  
4 offshore wind energy development, on the Atlantic  
5 OCS. This MOU will help us achieve our strategic  
6 national goal of maximizing fishing opportunities  
7 while supporting responsible resource development.

8           Although this MOU initially focuses on  
9 the Atlantic, the MOU does not preclude broader  
10 implementation, and there is the opportunity to  
11 expand application to other OCS regions, as  
12 offshore wind development progresses in those  
13 areas. While there are still gaps in our  
14 knowledge about how the installation of wind  
15 turbines may impact our fisheries, protected  
16 species, and their habitats, we support the  
17 establishment of a Regional Scientific Research  
18 and monitoring framework, to better understand  
19 cumulative impacts, and potential future  
20 interactions with fisheries, protected species,  
21 and offshore wind.

22           The responsible Offshore Science

1 Alliance, or ROSA, which launched in spring 2019,  
2 is an important step in helping us realize this  
3 goal of a Regional Scientific and Monitoring  
4 Framework.

5 I know many of you are concerned about  
6 the pace and potential scale of offshore wind  
7 development, but I want to assure you that NOAA  
8 Fisheries will continue to provide expertise and  
9 advice to BOEM, to avoid areas of important  
10 fishing activity and sensitive habitats, and to  
11 help minimize impacts to fisheries, protected  
12 species, and their habitats, and, with that, we'll  
13 say thank you, Mr. Chair, and have you open it up  
14 to questions.

15 MR. SOLIAI: All right, thank you.  
16 We'll open it up for questions, right now, and  
17 we'll start with North Pacific.

18 MR. WITHERELL: No questions.

19 MR. SOLIAI: No questions from North  
20 Pacific? Move on to the Pacific Council?

21 MR. TRACY: Yeah, thanks, I got a couple  
22 questions and comments here. Maybe I'll kind of



1 start at the end, and I had heard you say,  
2 Candace, that NMFS would make sure and look out  
3 for, you know, it backs to the resources. I guess  
4 I'm just wondering, you know, I think the councils  
5 would like to have some input on that, as well.  
6 So, you know, I guess what are the plans for  
7 including the council on some of the decisions  
8 about -- or discussions about impacts on fishery  
9 resources?

10 MS. NACHMAN: All right, yeah, I can  
11 start the answer, and if others want to jump in.  
12 Thank you for the question. So, BOEM has set up  
13 inter-governmental task forces. They have 15  
14 established around the Nation, including on the  
15 Pacific Coast for California, and for Oregon, and,  
16 so, that is one way for stakeholders to get  
17 involved in the process.

18 I also know that BOEM will come to  
19 council meetings, in both New England and the  
20 Mid-Atlantic. They have presented many times,  
21 over the last couple of years, to allow for  
22 discussion with them on the topics, and I know

1 that we also interact in them. Jon or Mike, I  
2 don't know if you want to expand, about how things  
3 have gone with the Mid-Atlantic or New England?

4 MR. HARE: Yeah, yeah, I'll just expand  
5 a little bit. You know, we have a wind energy  
6 team, Science Center and Regional Office, and we  
7 include -- there's council staff, in New England  
8 and Mid-Atlantic that are on that team as well,  
9 and, so, it's very close coordination between NOAA  
10 Fisheries and the Council Staff in the region.  
11 The Mid-Atlantic Council hosts the wind energy  
12 site webpage for the region. So, this is close  
13 coordination between Fisheries and the Council. I  
14 don't know if Tom and -- Tom or Chris Moore -- Tom  
15 Nies or Chris Moore want to comment on sort of how  
16 we interact.

17 MR. TRACY: Well, maybe I'll just --  
18 I've got a couple of other questions, maybe I'll  
19 move through those, and then Tom and Chris can  
20 speak to it, when they -- when their turn comes  
21 around. I did hear the word mitigation used in  
22 terms of mitigating the impacts on the surveys.

1 I'm just curious what the situation is for  
2 mitigating habitat effects, or loss to fisheries.  
3 You know, I'm right here on the West Coast, and,  
4 of course, mitigation from energy development, in  
5 the terms of hydropower development, is a big  
6 issue, and a sensitive issue. I'm just wondering  
7 what's being done, in terms of mitigation by wind  
8 energy companies, for offshore development?

9 MR. SOLIAI: Mike, do you want to -- you  
10 want to try to answer that?

11 MR. PENTONY: Well, I can try. It's --  
12 we don't have a lot of experience yet, but we're  
13 aware that BOEM has worked with the states of  
14 Rhode Island and Massachusetts, and with the  
15 developers. It was a developer for Vineyard Wind.  
16 They have put together some mitigation proposals,  
17 where they've done some assessments about the  
18 economic -- expected economic losses from  
19 primarily the fishing industry, and they've put  
20 together the proposals and work with the states on  
21 those.

22 We tend to be not directly engaged in

1 that, those conversations, between the developers  
2 and the states, but we're available to provide any  
3 information that we have available, that we can  
4 share with them, on -- to help with that process.

5 MR. TRACY: Thanks, then one -- maybe  
6 one more for you, Mike, regards to all the fishing  
7 effort information and VMS Data and VTR Data. I  
8 notice the time series on those. Of course, VMS  
9 is not a -- you know, it hasn't been around that  
10 long, but, you know, most of the time, series are  
11 fairly short, I guess, and I saw -- presented  
12 theirs from around 2011 to '15 for trip reports,  
13 '15 and newer for VMS Data. So, I guess we've --  
14 we have some concerns on the West Coast. Our --  
15 for example, our Groundfish Fishery, we've had  
16 Rockfish Conservation Areas in place for, you  
17 know, a long time, 15 or more years, and using  
18 such short data sets would, you know, be  
19 problematic for us, because we just, you know,  
20 we've rebuilt all the overfished stocks, or nearly  
21 all of them, and we just played a regulatory  
22 process to reopen those areas to fishing, that

1 have been closed for, you know, a couple decades,  
2 and, so, our concern is that the database, that  
3 might be used by BOEM, for sighting wind energy  
4 areas, or for that matter, aquaculture, offshore  
5 aquaculture, may not reflect what we expect to be  
6 the effort patterns going forward, starting in  
7 January 2021, when all those areas reopen to  
8 fishing.

9           So, what data sets are used and who  
10 maintains those and who verifies them? And is  
11 there any opportunity for the councils to weigh in  
12 on what data is used in the siting databases and  
13 siting criteria?

14           MR. PENTONY: Thanks, Chuck. Well,  
15 there's a couple of different issues I want to try  
16 to address. One is -- what I showed in my  
17 presentation were really just examples of the data  
18 that we are using.

19           So, for example, our vessel trip report  
20 data go back way -- much, much earlier than what  
21 was displayed on the maps that I showed as  
22 examples. Some of our fisheries have a longer

1 history with VMS than others, and some of those  
2 data sets are quite extensive on VMS, but it  
3 really is fisheries -- fishery dependent.

4 I also think that what we're -- what  
5 we're focusing on, from NMFS, is working with  
6 BOEM, to understand the impacts of their proposed  
7 wind areas. So, we are heavy engaged with BOEM in  
8 the review of their NEPA document. We are a  
9 cooperating agency with BOEM, and, so, we are  
10 looking at drafts of their EISs and working with  
11 them to ensure that they have available to them  
12 the best data, and the most comprehensive data  
13 sets available, and an understand -- this is  
14 really key, an understanding of how to interpret  
15 the data, and apply the data correctly at the  
16 various scales, that they are looking at doing  
17 analysis for, and, so, we're working -- and really  
18 focused on working with BOEM, on making sure they  
19 have those data, available for their NEPA  
20 Analysis.

21 That's very different from BOEM making  
22 the siting decisions, I guess, if you will, are

1 happening on a different time scale, and there's a  
2 different process. Because we're not directly  
3 engaged with BOEM, as we are on the NEPA side,  
4 we're not as involved with BOEM, on the siting  
5 decisions. Candace may want to speak to that,  
6 but, you know, over the last couple of years,  
7 we've worked very closely with BOEM, to develop a  
8 strong working relationship, primarily around  
9 Vineyard Wind, and understanding the data, giving  
10 them access to the data, and understanding how to  
11 interpret the data correctly, given what it was  
12 showing.

13 One, just quick, example, I think,  
14 initially, when we got a look at their -- one of  
15 their early drafts of an EIS, they had relied very  
16 heavily on vessel trip report data, to assess what  
17 fishing activity was happening in an area, and we  
18 pointed out that the scale of which they were  
19 looking was really not appropriate to apply the  
20 VTR data. So, that's when we started engaging in  
21 conversations with them around the VMS data, and  
22 applying the correct speed filters, to distinguish

1 transiting from fishing activity.

2 MR. TRACY: Yeah, I think our major  
3 concern are that -- it's just, you know, the data  
4 that they use in the first place, you know, be the  
5 best available data, and not, you know, not have  
6 to make that correction later, once the NEPA  
7 document has been drafted, and those sorts of  
8 things, just to get, you know, just to kind of get  
9 in the early in the process, and, you know,  
10 determine what data sources they have -- they are  
11 using. So, that was -- that's our main concern.

12 MR. SOLIAI: All right. Thank you,  
13 Chuck.

14 MR. TRACY: Yep.

15 MR. SOLIAI: All right, appreciate it.  
16 I do want to remind you, before we move on to  
17 Caribbean, I do want to remind council that we are  
18 strapped for time, with this, still got a lot of  
19 more agenda items. So, please try to restrict  
20 your questions, and move as fast as possible.  
21 We'll move on to the Caribbean.

22 MR. HANVE: I don't have any comment at



1 this time, thank you. This is Marcus.

2 MR. SOLIAI: All right, thank you. The  
3 Gulf Council?

4 MS. SIMMONS: No comment, thank you.  
5 Good presentation.

6 MR. SOLIAI: South Atlantic?

7 SPEAKER: No comment, thank you.

8 MR. SOLIAI: All right, Mid-Atlantic?

9 MR. MOORE: Thank you, Mr. Chairman.  
10 Just a brief comment, just in response to Jon's  
11 point. The Mid-Atlantic and New England Council  
12 is heavily involved, maybe heavily is probably too  
13 -- too strong, we're definitely involved, and wind  
14 energy, and all the issues associated with wind  
15 energy development on the East Coast, including  
16 making a joint website with GARFO, sending out  
17 notices to mariners, we have email lists, we have  
18 -- we do a lot for the related wind energy bill,  
19 but it comes down to, you know, a basic question,  
20 when you think about wind energy developing on the  
21 East Coast, and that is, why are the councils  
22 involved?

1           So, if you listen to the presentations  
2           today, you get the -- there was a heavy emphasis  
3           on, and I appreciate the presentations, so, there  
4           was a heavy emphasis on assessing impacts of  
5           energy development on the East Coast. So, if you  
6           think about it as an assessment, what about the  
7           potential for minimizing those impacts, and how  
8           can the Council and NMFS be involved in that  
9           particular process? And that's the struggle that  
10          I've had in my conversations with BOEM, which is,  
11          basically, these boxes have been developed,  
12          they're in the ocean, you're not going to move the  
13          box, so, potentially, you know, we can talk about  
14          the placement of these turbines within the box.  
15          But even that conversation becomes somewhat  
16          strained because they want to put turbines in the  
17          entire box.

18                 So, there's our struggle, on the East  
19          Coast, relative to the wind energy development,  
20          so, I'd be curious to see how it proceeds on the  
21          West Coast, you know, and how those (inaudible).  
22          Thank you.

1                   MR. SOLIAI: All right, thank you,  
2 Chris. We'll move on to the New England Council.

3                   MR. NIES: Thank you, Mr. Chairman.  
4 I'll try and be brief. You know, mention was made  
5 of the Regional Intergovernmental Task Forces, and  
6 this creates a little bit of a issue for the  
7 councils. We try to participate in the Gulf of  
8 Maine Intergovernmental Task Force to the extent  
9 we can. One of the problems is that, because of  
10 FACA restrictions, the only way you can actually  
11 be a member, is if you have one of your state  
12 directors serve on the Intergovernmental Task  
13 Force.

14                   This creates kind of a conflict because  
15 many of the governors of those states are gung ho  
16 wind energy, and really do not give a lot of  
17 weight to fishing industry concerns, and, so, it's  
18 difficult for us to put a state director in the  
19 position of serving on the task force, and not  
20 coming into conflict with our governor, when the  
21 New England Council may have a different position  
22 on the impacts of fishing.

1           Now, I will say that BOEM has been  
2 relatively willing to let us participate in sort  
3 of an advisory capacity, and our staff tends to do  
4 that. But since the definition of a federal  
5 agency under FACA and the definition of a federal  
6 agency under FOIA seem to be very similar, I was  
7 baffled why that definition works for us under  
8 FOIA, but it doesn't work for us under FACA.  
9 Thank you.

10           MR. SOLIAI: Thank you, Tom. Moving on  
11 to West Pac.

12           MR. WATAMURA: Yeah, hi, this is Ed  
13 Watamura, Vice Chair, Hawaii. HFACT, the Hawaii  
14 Fisherman's Alliance for Conservation and  
15 Tradition, which shows a part of -- met with the  
16 companies that were developing proposals for  
17 offshore wind farms, off of the coast of Honolulu,  
18 and Kaena Point. After listening to their plans,  
19 describing the scope of the projects, we had some  
20 concerns.

21           Number one, the floating windmills were  
22 quite large, and numbered 50 plus at each site.

1     These -- number two, these structures would act as  
2     FAD, Fish Aggregation Devices, and we felt that  
3     the annual migrational pattern of yearly Ahi run  
4     would theoretically be compromised. Number three,  
5     the schools of fish, that these FADs would  
6     attract, would also attract sea birds, in large  
7     spinning windmills would potentially be a danger  
8     to them. Number four, Hawaii, especially Oahu's  
9     once pristine reefs, have undergone countless  
10    destructive disturbances to the near shore  
11    ecosystem, caused by humans. The undersea cables  
12    that would be required to bring in the electricity  
13    from the wind farms would be yet another  
14    destructive element to the near shore environment,  
15    and, lastly, number five, Hawaii is paradise, that  
16    is why we have so many tourists, and an economy  
17    that is based on tourism. A large part of this  
18    paradise is a beautiful scenery that is our  
19    treasure. Imagine staying in one of our hotels,  
20    looking out at the incredible blue ocean, and huge  
21    windmills. This is a visual blight that we do not  
22    need. Thank you.

1 SPEAKER: Thank you.

2 MR. SOLIAI: Sorry, I was on mute.

3 Thank you, Ed. Nick -- offshore wind issues.

4 Now, we'll move on to this item before -- before I  
5 move on, I want to make an announcement. To those  
6 of you on the WebEx, members of the public that  
7 are interested in making public comments, at the  
8 end of the day, please send a private chat to  
9 Nicholas Pieper. He's listed as the host -- with  
10 your name and affiliation. Please send in your  
11 requests for public comment before the public  
12 comment session begins, and in the interest of  
13 time, I would ask that you please keep your  
14 comments under three minutes. All right, thank  
15 you.

16 So, we'll move onto the next item on the  
17 agenda. That's the Status of Policy Director.  
18 Kelly, the floor is yours.

19 MS. DENIT: Great, thank you, Mr.  
20 Chair, and Nicholas, I think, is going to blow up  
21 his screen to share. Thank you, Nicholas. So,  
22 the CCC will recall -- this request started a

1 little while ago, and you all were interested in  
2 having a living document that would show you, in a  
3 snapshot, what all was out for comment, from the  
4 Councils, and provide a little bit of detail on  
5 who contact, when the due date was, and some basic  
6 information. So, we've put together this Google  
7 spreadsheet, that we would plan to share with the  
8 Council EDs, to allow you to see what's out, when  
9 it's due, and who you need to follow-up with, if  
10 you do have specific comments. That's really all  
11 I have. I'm happy to answer any questions. I'm  
12 just keeping it super brief, and we can always  
13 follow-up with the Council EDs, separately, if  
14 that would be most effective way to address any  
15 concerns or questions, but, with that, I'll stop,  
16 Mr. Chair.

17 MR. SOLIAI: Thank you, Kelly. Do you  
18 have any questions for Kelly? All right, there  
19 being no questions, we'll move on to the next item  
20 on our agenda, the NS1 Technical Guidance  
21 Workshops. That would be Jenni.

22 MS. WALLACE: Good afternoon, everybody.

1 Thank you, Mr. Chair. Nicholas is going to pull  
2 up a presentation, and in the interest of time, I,  
3 too, will try and be quick and to the point, as  
4 much as possible. And, so, just -- the purpose of  
5 this presentation is to give you guys a quick  
6 update on where NOAA Fisheries is, with the  
7 Technical Guidance for National Standard One. So,  
8 Nick, if you could move to the next slide. After  
9 the National Standard Guide -- or after the NS1  
10 guidelines were last revised in 2016, we formed an  
11 NS1 Technical Working Group, with members from  
12 Science Centers, our Regional Offices, and  
13 headquarters Offices, and Council Staff, including  
14 some of your folks. The purpose of that workgroup  
15 is to develop technical guidance on NS1 topics to  
16 support our decision-making. The workgroup is  
17 working on multiple products, right now, on key  
18 NS1 topics, and I'm going to give you a quick  
19 status update of where we are with those. So,  
20 next slide.

21 The Technical Guidance Workgroup has  
22 three subgroups. One is on reference points, two



1 is carryover and phase-in, and three is data gaps  
2 and alternative approaches, and, so, I'll, now,  
3 give you a quick update on each of those groups.  
4 Next slide. So, subgroup one is the most -- the  
5 most significant subgroup one project, right now,  
6 is a tech memo that's focused on the estimation of  
7 FMSY, BMSY, and their proxies. As you all know,  
8 reference points, such as MSY, FMSY, and BMSY,  
9 they form the basis for fisheries management,  
10 here, in the U.S.

11 So, direct estimation of FMSY and BMSY  
12 can be very challenging, and, as a result,  
13 management of many of the stocks in the U.S. rely  
14 on FMSY and BMSY proxies instead. There's been  
15 numerous amounts of research on both direct  
16 estimation of FMSY and BMSY and the selection of  
17 appropriate MSY proxies, since the last technical  
18 guidance, and that was back in 1998. So,  
19 basically, the document that the subgroup is  
20 working, right now, on will summarize that  
21 research that's happened since that time.

22 So, so, there is this group, right now,

1 the -- there's a draft in development. Since I --  
2 since we last briefed you, in November, the  
3 subgroup has continued to meet and discuss  
4 considerations for selecting FMSY and BMSY  
5 proxies. The target for a draft completion date  
6 of the paper is fall of 2020. When the draft is  
7 complete, it'll go to the full NS1 Technical  
8 Guidance Workgroup for review, and after that, we  
9 will brief leadership and send to the SSCs and the  
10 councils for review. So, that's a general update  
11 of where that group is.

12 Let's move to the next slide. Subgroup  
13 two, the carryover and phase-in, they've produced  
14 a tech memo that provides technical guidance for  
15 designing, evaluating, and implementing carryover  
16 and phase-in provisions. The current status is,  
17 last year, the councils reviewed this draft tech  
18 memo. We have since revised the memo to address  
19 any council comments, and most of the comments  
20 were actually very minor. So, the tech memo's  
21 basically in the final clearance stage, and we  
22 actually hope to publish it in the next couple of

1 months, or later this month, early next.

2 All right, subgroup three, so, this work  
3 is exploring effective ACLs for data limited  
4 stocks. So, as you all know, setting and managing  
5 ACLs in data poor fisheries can be a large  
6 challenge. During the last round of NS1 guideline  
7 revisions, so that was back in 2016. This  
8 included new language clarifying that councils can  
9 recommend alternative approaches for developing  
10 management measures and reference points for data  
11 poor fisheries, while still complying with the  
12 mandates of the MSA.

13 So, subgroup three, they have been  
14 charged with developing guidance on how to best  
15 use that flexibility, particularly with respect to  
16 ACLs. They are focusing on identifying stocks for  
17 which setting and/or managing an ACL, pursuant to  
18 the NS1 guidelines, is particularly challenging.  
19 They are recommending alternative approaches for  
20 defining and managing to an ACL that will comply  
21 with MSA and prevent overfishing. They're  
22 identifying assessment approaches that could be

1 used to generate valid assessments for certain  
2 types of data poor stocks. So, where they are  
3 right now, that group has produced a draft  
4 technical guidance that includes several sets of  
5 ideas. NMFS and our general counsel are currently  
6 reviewing many of those ideas, and we're -- hope  
7 to be able to provide the draft edit at a future  
8 CCC meeting, and, with that, I tried to be  
9 super-fast. Hopefully, I didn't talk too fast for  
10 you all. Thank you, Mr. Chair, and if anybody has  
11 any quick questions, we can -- I can try and  
12 answer them or get my experts to.

13 MR. SOLIAI: All right. Thank you,  
14 Jenni. Do we have any questions for Jenni?

15 MR. ANDERSON: Mr. Chairman, this is  
16 Phil Anderson, from Pacific Council. I was just  
17 wondering what role, if any, the -- any Science  
18 Center's staff members played on the subgroups,  
19 particularly subgroups one and three?

20 MS. WALLACE: So, I am fairly certain  
21 that each of the subgroups have had Science Center  
22 representation. I don't have in front of me --

1 I'm looking in my cheat sheet. I don't have the  
2 membership, but we can get that for you.

3 MR. ANDERSON: Okay, I appreciate it.  
4 Thank you.

5 MR. CARMICHAEL: This is John  
6 Carmichael, with the South Atlantic. Will -- or  
7 is group three getting into how they define data  
8 limited stocks, or is at least some guidance and  
9 direction there?

10 MS. WALLACE: Yes, that is, in fact, one  
11 of the parts of that. It's not finalized, and,  
12 so, I can't tell you, for sure, but that is one of  
13 the things that they're looking at here, to set  
14 the stage.

15 MR. CARMICHAEL: Thank you.

16 MR. NIES: All right, this Tom Nies, of  
17 New England. I got a couple of comments, Jenni,  
18 perhaps questions, Jenni, okay? You know, we  
19 really appreciate the effort that's going into  
20 trying to produce this technical guidance, and we  
21 look forward to reviewing the draft document. I  
22 hope we get enough time to give, particularly, the

1 first one a good review, when we look at it.  
2 We're a little concerned, based on the  
3 participation of one of the members in the working  
4 group, from our council, that the guidance may not  
5 really be enough. You think it's going to  
6 describe some best practices, and what we're  
7 concerned about is it's not really going to  
8 harmonize the science with current laws and  
9 policy.

10           You know, the whole idea of MSY  
11 management seems to skip over the idea that we may  
12 have lack of stationarity in the environment.  
13 There's some concern about the approaches we're  
14 using, whether they're really consistent with  
15 management strategy evaluation. It's not clear to  
16 us, when the -- with a focus on F 40 percent and  
17 other proxies for FMSY, whether it's really -- how  
18 far these are going to go in addressing what I  
19 would call model resistant situations, rather than  
20 data poor situations, particularly with respect to  
21 BMSY targets. We've had a number of stock  
22 assessments over the recent years, which have

1 failed for various reasons. They've gone from  
2 analytic approaches to various types of ad hoc  
3 approaches, and while it seems possible to come up  
4 with some ideas for fishing mortality targets in  
5 those cases, the Science Center has really  
6 struggled with being able to come up with any BMSY  
7 targets or any analogs to BMSY targets in this  
8 area. And, of course, we haven't seen the draft  
9 document yet, but I've had some conversations with  
10 some of the people on your staff and with Dr.  
11 Methot, over the last couple months, and it's not  
12 clear to me that those issues are going to be  
13 addressed, I hope they are, in the final version  
14 that we see. Thank you.

15 MS. WALLACE: Yep. Thanks, Tom. I --  
16 I've noted that.

17 MR. SOLIAI: All right. Thanks, Tom.  
18 Any other comments or questions?

19 MR. GOURLEY: Yes, I have -- this is  
20 John, CNMI. Do you know when the subgroup three  
21 report is going to actually be released to the  
22 councils for review?

1 MS. WALLACE: So, no. The timing is  
2 quite unclear on that one. We're still very much  
3 in the development phase.

4 MR. GOURLEY: Okay, because we have --  
5 we're faced with data poor stocks out in the  
6 Western Pacific, almost with everything we're  
7 dealing with, and this is actually very important  
8 to us, and we'd really like to be able to get  
9 that, that report out, so that we can provide  
10 comments, take a look at potential different pro  
11 -- MSY proxies because we have issues out here,  
12 that we need to deal with, and we'd like to kind  
13 of get going on it. Thank you.

14 MS. WALLACE: Yep, understood.

15 MR. SOLIAI: And if I could just add  
16 onto that, Jenni. Thank you, John. Since that --  
17 it hasn't been released yet, at this point, you  
18 need to maybe consider alternative management  
19 actions. All right, any other comments?

20 There being none, we'll move onto the  
21 next agenda item, Bycatch Initiatives. Jenni, you  
22 still have the floor.



1 MS. WALLACE: Thank you, Mr. Chair. So,  
2 Nick is going to pull up the next presentation for  
3 me, and, Nick, you can just go straight to the  
4 second slide for me.

5 All right, so, quick outline. I hope to  
6 be as speedy as I was last time. I'm going to  
7 give you a quick update on several national  
8 initiatives that we have at -- continuing efforts  
9 to reduce bycatch, while also sustainably managing  
10 our fisheries. So, I'll talk to you about  
11 standardized bycatch reporting methodology, our  
12 reduction -- bycatch reduction strategy and  
13 implementation plan, and then the BREP.

14 Next slide. So, the SBRM, so, the  
15 Magnuson Stevens Act, required all fishery  
16 management plans to establish a standardized  
17 bycatch reporting methodology. The final rule was  
18 published in 2017. Thank you to all of the  
19 councils for your efforts to review your SBRMs for  
20 consistency with this 2017 rule. All the regions  
21 and the councils are actively making progress on  
22 their reviews right now, and consistency of this

1 rule is imperative, and we very much understand  
2 that at NMFS. And we also recognize, though, that  
3 each fishery management plan is very unique, and,  
4 therefore, the reviews and conclusions of those  
5 reviews are going to be specific to each and every  
6 one of the fishery management plans themselves.  
7 NMFS, through these reviews, is not requiring any  
8 standardized templates or not establishing any  
9 additional guidance beyond the rule, itself, and  
10 as a reminder, if the reviews do identify a need  
11 for an amendment to an SBRM, that needs to be  
12 concluded by February 21, 2022, which is five  
13 years from when the final rule was published. My  
14 office, Office of Sustainable Fisheries, we are  
15 working with the regions to track the  
16 implementation of the reviews, and we're providing  
17 additional coordination guidance, as necessary,  
18 but it looks like we're generally on track. So,  
19 that's SBRM.

20 Let's move to the next slide. So, in  
21 December of 2016, NMFS completed the National  
22 Bycatch Reduction Strategy. The goal of that

1 strategy was to guide and coordinate NOAA  
2 fisheries' efforts to reduce bycatch and bycatch  
3 mortality, in support of sustainably managing  
4 fisheries and recovering certain protected  
5 species. As you may recall, NMFS solicited  
6 feedback from the councils during the development  
7 of the Bycatch Reduction Strategy. We have,  
8 since, finalized the Bycatch Reduction Strategy  
9 Implementation Plan. So, this implantation plan  
10 outlines tasks that the headquarters' offices, our  
11 regional offices, and science centers are going to  
12 take to implement the actual strategy. Categories  
13 of efforts that we are doing include monitoring  
14 and estimating, research, conserve and manage,  
15 enforce, and communication, but the plan is a  
16 five-year implementation plan, and it covers  
17 activity from 2020 to 2024. The implementation  
18 plan has been posted on our website, and I believe  
19 there was a link to it, too, on the CCC meeting  
20 agenda, and we also intend to prepare progress  
21 reports, every two years, so we can continue to  
22 report out, to the CCC, how it is that we're doing

1 on the implementation plan.

2 And let's move to the next slide, Nick.  
3 The last thing, I want to give you an update on is  
4 the Bycatch Reduction Engineering Program, BREP.  
5 The fiscal year '20 funding opportunity was  
6 announced back in December of 2019. As a  
7 reminder, the program supports development of  
8 technological solutions and changes in fishing  
9 practices designed to minimize bycatch. So, since  
10 2012, we awarded over \$2.5 million a year, and,  
11 this year, we've received 104 preproposals and 48  
12 full applications, across all the regions and  
13 priorities, and we're in the final stages of  
14 getting those awards out, and the awards will be  
15 granted during this coming summer. So, that was  
16 bycatch, three different things, in a quick  
17 nutshell. Mr. Chair, I'm happy to take any quick  
18 questions.

19 MR. SOLIAI: Thank you, Jenni. All  
20 right. We'll entertain questions right now.  
21 We'll start back with -- at -- with the North  
22 Pacific. Any questions?

1 MR. WITHERELL: Yes, this is Dave.

2 Jenni, just a question, could you remind us of  
3 what the role of the council is -- councils are in  
4 the Bycatch Reduction Strategy?

5 MS. WALLACE: So, in the strategy, you  
6 guys helped inform the actual strategy, the  
7 implementation plan itself, are basically NMFS  
8 efforts that we will do, but, obviously, you as  
9 our partners, the councils, will be involved in  
10 the meeting of those items. Does that help, Dave?

11 MR. WITHERELL: Yeah, that, that helps.  
12 I just wanted to make sure that there wasn't a  
13 piece that we were supposed to have for you, or to  
14 meet the strategy without NMFS asking for the  
15 councils to --

16 MS. WALLACE: Nope. That's you -- there  
17 is nothing that says it is the council's  
18 responsibility to do X, Y, and Z. It's all put on  
19 NMFS and, obviously, with your help, but not the  
20 onus on you.

21 MR. WITHERELL: Thank you.

22 MR. SOLIAI: All right. Pacific

1 Council, any questions?

2 MR. TRACY: Just to quickly clarify that  
3 with a standardized bycatch reporting methodology,  
4 so the -- if a amendment is necessary, the  
5 amendment needs to be completed by February of  
6 2022? Is that -- did I get that right?

7 MS. WALLACE: You got that right.

8 MR. TRACY: Okay.

9 MR. SOLIAI: Thank you. Caribbean  
10 Council?

11 MR. ROLON: No questions at this time.

12 MR. SOLIAI: Thank you, Miguel. Gulf  
13 Council?

14 MS. SIMONDS: No questions. Thank you,  
15 Mr. Chairman.

16 MR. SOLIAI: Is there any in the South  
17 Atlantic?

18 MR. CARMICHAEL: No questions. Thank  
19 you.

20 MR. SOLIAI: Mid-Atlantic?

21 MR. NIES: No questions. Thank you, Mr.  
22 Chair.

1 MR. SOLIAI: New England?

2 MR. MOORE: No questions.

3 MR. SOLIAI: All right. Western  
4 Pacific?

5 MS. GRANGER: No comment.

6 MR. SOLIAI: All right. No comments.  
7 All right, thank you. Thank you, Jenni.

8 MS. WALLACE: Thank you, Mr. Chair.

9 MR. SOLIAI: All right. We'll move on  
10 to our next agenda item, the NMFS Guidance on  
11 Changing Stock Status from Known to Unknown.  
12 Regina?

13 MS. SPALLONE: Okay. Thank you very  
14 much, Mr. Chair. Yes, I'm here today to discuss  
15 the development of a new procedural directive that  
16 will guide internal agency decisions when  
17 considering a stock status change from a known  
18 status to an unknown status for the Secretary's  
19 required status determination decisions under the  
20 Magnusson Act. The agency has a process in place  
21 for making stock status changes and this directive  
22 will help inform that process when the request is

1 to switch to an unknown status.

2 Over the years, the agency has addressed  
3 several of these kind of requests, to change to  
4 unknown, using informal guidance, but these  
5 requests are getting more complicated,  
6 particularly with growing instances of scientific  
7 uncertainty in the assessments. So, we felt that  
8 we needed to formalize our internal guidance for  
9 increased transparency and consistency of our  
10 decision-making. So, with that in mind, we  
11 developed a methodology to address some of the  
12 most common scenarios. Next slide, please, Nick.

13 Today, I'm going to go over a summary of  
14 the directive, and let you know where it's going,  
15 and just kind of get your reaction. So, again,  
16 the goal of this procedure is to provide internal  
17 guidance to ensure that our decisions are aligned  
18 with expectations in a transparent and consistent  
19 fashion. This will also help address when we have  
20 some very difficult decisions. Again, some of  
21 these are getting pretty contentious, and we want  
22 to remove ambiguity, make things go a little bit



1 more smoothly, and that will, of course, help  
2 support the need for timely management decisions.  
3 Next slide, please, Nick.

4 So, the scenario -- the directive is  
5 organized into more basic scenarios, and these are  
6 some of the more common ones that we have had or  
7 seen come across our desks in recent years. So,  
8 the -- you can see them here. We'll go -- I'll  
9 take each of them, kind of give you a summary of  
10 them, in turn. So, next slide, please, Nick.

11 The first scenario is changes to  
12 management unit, and this one is fairly  
13 straightforward. It describes situations in which  
14 managers change the stock management unit, and it  
15 recognizes that the new management unit may, in  
16 fact, be unknown in some situations, for example,  
17 where managers pull a stock out of a management  
18 unit, but don't yet have status determination  
19 criteria, or SDC, in place. The new managed unit  
20 may have an unknown status. The procedure does  
21 also recognize that, however, in some cases, it  
22 may be reasonable to retain the known status of

1 that original stock until a stock assessment,  
2 especially -- this might be appropriate where  
3 management units are descended from stocks that  
4 have an overfished or overfishing -- subject to  
5 overfishing determination, and, of course, any  
6 such retention of that status should be justified  
7 in the record. So, the next slide, please.

8 Scenario B addresses aging stock  
9 assessments, and this scenario recognizes that as  
10 an assessment ages, managers may lose confidence  
11 in the status determination. Status determination  
12 based on old assessments could be problematic,  
13 when they no longer reflect the current status of  
14 the stock. However, with no clear standard to  
15 determine when an aging assessment is no longer  
16 suitable to support a stock status, several agency  
17 documents related to assessment prioritization and  
18 performance tracking help kind of set some  
19 guideposts for us, here, and depending on  
20 considerations appropriate for the stock, such as  
21 its life history, it might be appropriate to  
22 change the status of a stock to an unknown status,

1 when based with an aged stock assessment. The  
2 next slide, please.

3 Scenario C is really sort of the crux of  
4 why, you know, what brought about a lot of this  
5 procedural directive, and it describes some broad  
6 situations, where stock assessments failed to  
7 provide a status recommendation, and we've kind of  
8 split this one into several sub scenarios  
9 indicative or reflective of the nature stock  
10 status, stock assessments, and the uncertainty  
11 associated with them. So, Scenario C1, rejecting  
12 a new assessment, accepts previous assessment,  
13 it's fairly straightforward. This situation is  
14 where a new model is attempted in the assessment,  
15 and that model fails, but scientists will often  
16 use the old model from the previous assessments,  
17 rerun with new data, in a process called a  
18 continuity run, and where that continuity run is  
19 done and accepted, we would use that, with those  
20 results, to help determine the status of the  
21 stock.

22 C2 is a little bit more complicated.

1 Here, the reviewers might -- would reject both the  
2 updated model and that continuity run. So, here,  
3 it would be similar to C1, but you wouldn't have  
4 any of that updated data. Under this scenario,  
5 and really in all cases within this procedure, our  
6 primary intent would be to retain the last known  
7 stock status, when possible, but, in this  
8 situation, models can't provide a numerical  
9 reference point to evaluate against the SDC, and  
10 there's evidence to support continued known  
11 status. Then, we would maintain the current  
12 status, and how that would look sort of  
13 operationally is, like, if a stock were overfished  
14 and the assessment showed that stocks remain --  
15 biomass remains at historically low levels, that  
16 might maintain the -- provide evidence to maintain  
17 a continued overfished status.

18           Conversely, if the model can't provide a  
19 numerical reference point, and there's no evidence  
20 to support the current status, then we could --  
21 would move the stock to unknown, and how that  
22 would look is, for instance, a stock that is

1 listed as subject to overfishing, based on an old  
2 assessment and if catch rates were reduced to near  
3 zero, there might be a lot of uncertainty  
4 regarding that overfishing determination, and then  
5 we would change that status to unknown. So, based  
6 on our discussions with the centers, the regions,  
7 and our past experience with this, we believe that  
8 we're more likely to have evidence to support and  
9 continue the overfished status versus overfishing,  
10 as overfishing tends to be a little bit more  
11 variable, and, so, we'd probably be more likely to  
12 move to unknown for overfishing.

13 C3 is a fairly -- we would expect to be  
14 fairly uncommon, and it's kind of throwing the  
15 baby out with the bathwater, but we have heard  
16 that scientists, on occasion -- from scientists,  
17 on occasion, that a peer review can completely  
18 invalidate an assessment. There may be such a  
19 major flaw in the methodology that invalidates the  
20 previous stock status and determination. In this  
21 case, we'd either maintain the previous known  
22 status, as we would through scenario C2, or move

1 to unknown, depending on the evidence of the case,  
2 and, again, we would -- there would be some  
3 flexibility, depending on individual scenarios  
4 because assessments being fairly complicated,  
5 you'd have to look at the specifics of the  
6 individual case. So, this sort of provides some  
7 guideposts for us. The next slide, please, Nick?

8 Scenario D is in which an assessment  
9 deviates from the SDC that's specified in the FMP.  
10 Assessment updates will often provide new  
11 scientific information, in which the latest stock  
12 assessment recommends that the status be based on  
13 SDC that is different from that in the FMP. In  
14 the past, we would report the status coming out of  
15 the assessment, as it's based on best scientific  
16 information available, BSIA, and inform the  
17 council to adopt the new SDC into their FMP to  
18 align with the science, but based on feedback we  
19 have gotten in the -- during the development of  
20 this directive, we are taking a different  
21 approach. In this situation, the agency would  
22 maintain the previous stock status, until the

1 relevant council adopts the SDC, and the reason  
2 for this change is that, under Magnusson, we have  
3 to make these stock status determine -- decisions,  
4 based on the SDC that are specified within the  
5 Fishery Management Plan.

6           So, this is a more sound approach for  
7 this situation. I will note, though, that this  
8 does create, or has the potential to create, some  
9 awkward situations, where management moves  
10 forward, based on a new science, yet the status of  
11 the stock is static, based on the old science, you  
12 know, where you have, say, overfishing  
13 determinations and that, you know, that support an  
14 increase in annual catch limits. So, this could  
15 be ameliorated with adaptive or flexible status  
16 determination criteria in place, for example,  
17 where they -- where the FMP specifies that SDC  
18 might automatically be adopted into the FMP upon  
19 based -- BSIA determination. Some councils, I  
20 note, already use such an approach, have flexible  
21 SDCs. So, with that, slide eight, please, Nick.

22           So, that is pretty much the quick

1 high-level summary of the procedural directive,  
2 and, as I mentioned, these were -- are expected to  
3 help guide internal deliberations to go more  
4 smoothly as we address these increasingly  
5 complicated and often contentious determinations  
6 that come out of our stock assessments. As a  
7 procedural directive, the guidance will go through  
8 formal clearance within the agency before it  
9 becomes final, and we do expect that to be  
10 happening soon. So, with that, I welcome your  
11 thoughts on this approach, and happy to take any  
12 questions. Thank you, Mr. Chair.

13 MR. SOLIAI: Thank you, Regina. Before  
14 I open up for questions, I would -- do want to ask  
15 all the panelists to please remove your raised  
16 hand status after you've made your comments. Some  
17 of you still have that highlighted, so. So, we'll  
18 open it up to the panelists for questions. North  
19 Pacific Council, question?

20 MR. TWEIT: This is Phil Tweit. Just  
21 one, I may have missed this, and, so, I apologize.  
22 I was wondering if the SSCs are going to providing



1 comments on the draft directive before it's  
2 finalized.

3 MS. SPALLONE: I don't believe that that  
4 is part of the deliberative process for policy  
5 directives. So, I can't really say, at this  
6 point, but, Stephanie, I would like if you -- if  
7 you're online, if you would respond to that. I  
8 don't believe so, though, sir.

9 MS. HUNT: Hi, Regina and Bill. No,  
10 this document isn't going out for external review.  
11 This is your chance to give us any comments you  
12 have, but it's guiding internal agency decision.  
13 So, we're not sending it out for external.

14 MR. SOLIAI: All right, thank you.  
15 Pacific Council?

16 MR. TRACY: Thanks. Well, I guess I'm  
17 disappointed to hear that last comment. You know,  
18 I think we've been pretty good partners with NMFS,  
19 in terms of reviewing these sorts of things. I  
20 mean, it, yeah, it's getting internal agency  
21 decision-making, but they are certainly things  
22 that affect the councils, and, you know, this is,

1 among other things, this is a good example of what  
2 would be nice to be in that spreadsheet, that  
3 Kelly went over, a couple of agenda items ago, so  
4 that we would know what's coming, what the  
5 schedule is, and what our opportunity for reviews  
6 might be. So, maybe I'll just leave it at that.

7 MR. SOLIAI: Thank you. Caribbean, any  
8 questions or comments?

9 MR. ROLON: No, just a comment at this  
10 time. I agree with Chuck, kind of interesting for  
11 us, that we won't have the chance to comment on  
12 something that will be affecting us for the next  
13 decade.

14 MR. SOLIAI: Okay. Gulf Council?

15 MS. SIMONDS: Yes. Thank you, Mr.  
16 Chairman. Yeah, I had a question. Thank you for  
17 the presentation. So, we received I guess a BSIA  
18 framework for, not too long ago, policy guidance  
19 that we need to follow, regarding stock  
20 assessments and the different tiers and the  
21 different information, and that went to our SSC,  
22 we commented on it, and then we got the final

1 guidance. How do you see this fitting in,  
2 perhaps, with the regional BSIA guidance that  
3 we're supposed to be working on because this does  
4 have management implications, and it's likely to  
5 cause quite a bit of confusion, when we're talking  
6 about an amendment, perhaps, where we're changing  
7 the status determination criteria, but then we  
8 have a table of stock status that says something  
9 different, and, so, I think we have to think about  
10 that a little bit more, regarding, like, our  
11 council members, our stakeholders, and it could  
12 cause quite a bit of confusion. So, do you have  
13 any comments on how you see, perhaps, maybe this  
14 guidance would work with those regional frameworks  
15 we're supposed to be working on, I guess, right  
16 now?

17 MS. SPALLONE: In terms of the  
18 management implications, we do recognize that that  
19 is a concern, and it's a little bit out of the  
20 scope of this procedural directive, in terms of  
21 providing guidance for these particular scenarios,  
22 but I don't know how it would tie in with the

1 BSIA.

2 MS. SIMONDS: Well, well, I guess it  
3 ties -- I mean, they're directly linked, right,  
4 because you have your SSC reviewing the stock  
5 assessments. They're determining what's BSIA, but  
6 it's based on the current SDC, which may be  
7 recommending new SDC, which directly contribute to  
8 whether it's overfished or undergoing overfishing.  
9 So, I -- maybe that, that Scenario D, maybe we  
10 need to work on a little bit more. I think it  
11 could cause quite a bit of confusion at the  
12 council level.

13 MS. SPALLONE: Okay, thank you. I will  
14 note that.

15 MS. HUNT: This is Stephanie. I can  
16 chime in a little bit because I helped with the  
17 BSIA procedural directive. I can see your point  
18 about them being tied, but they're definitely in  
19 lock step. So, the BSIA procedural directive lays  
20 out that, when the agency is making stock status  
21 decisions, the SSC has a role, and it lays out all  
22 those roles. Ultimately, it's the agency's

1 decision. It's -- it is our role to make the  
2 stock status decisions. So, all of those steps in  
3 the BSIA process would still take place, and then  
4 at the end the agency makes the decision, and it  
5 is also informed by this procedural directive, the  
6 known to unknown procedural directive, that Regina  
7 outlined.

8 MR. SOLIAI: All right, thank you.  
9 Moving onto the South Atlantic.

10 MR. CARMICHAEL: Yes, thank you. I  
11 appreciate the update, Regina. I think, like the  
12 others, I'm a little disappointed that we're not  
13 going to get more of a chance to weigh in on it,  
14 particularly for SSCs and others, to do a bit more  
15 review because it is -- it is pretty critical to a  
16 lot of the business that they do, and it crosses  
17 over into their making recommendations and  
18 certainly interpreting assessments and judging if  
19 an assessment is adequate or not. I think it's  
20 some of the things with criteria C. For example,  
21 you may have a group of reviewers looking at a new  
22 assessment, but then not looking back at the prior

1 assessment, particularly if it's not been done in  
2 what we commonly call, like, the continuity run,  
3 where they update the data. So, I think there  
4 could be issues with that, and I also think the  
5 aging assessments is a challenge. As it says,  
6 there's no clear rules, and there never is.  
7 Certainly, 5 to 10 years sounds reasonable.

8           So, one of the things I wonder, if this  
9 will go back and be applied retroactively to some  
10 stocks that have status determinations that are a  
11 lot older than, say, a 10-year assessment, and  
12 I'll just throw a couple of examples out there,  
13 that have been in the South Atlantic's craw for  
14 many years. Speckled Hind and Warsaw Grouper are  
15 listed as overfishing. They haven't ever been  
16 assessed. There's no OFL. There were some catch  
17 curves done in the '90s, and it's one of those  
18 that the Council has an A, B, C of zero, and  
19 little else that they can do for these stocks,  
20 and, yet, getting that status changed has been  
21 quite a challenge. So, appreciate the effort to  
22 get this. I, like others, would like to have seen

1 maybe a little more Council feedback opportunity.

2 MR. SOLIAI: Thank you, John.

3 Mid-Atlantic?

4 MR. MOORE: Hi, Regina. Good to see you  
5 again.

6 MS. SPALLONE: Hey, Chris.

7 MR. MOORE: I don't have any additional  
8 comments to add. I agree with many of the  
9 previous comments. Thank you.

10 MR. SOLIAI: Thank you, Chris. New  
11 England Council?

12 MR. NIES: Hi, this is Tom Nies, but I  
13 do have a number of comments and questions, since  
14 this appears to be our only chance to comment on  
15 this document that I think we got last Thursday or  
16 Friday. I guess I'm concerned that we haven't had  
17 enough time to look at it, to thoroughly consider  
18 whether it addresses the issues that we've run  
19 into, at least, within our council, and I suspect  
20 within other councils, as well.

21 You know, we have some assessment  
22 reports that come out, and say things, like the

1 model should not be used for reference points or  
2 stock status determinations, but we -- I don't  
3 think we ever asked our peer review panels to go  
4 back and review the past assessment. They're only  
5 basing comments like that on the current  
6 assessment, which I think is a point that John  
7 just made.

8           We also have a number of assessments,  
9 where, coming out of the peer review, we get  
10 statements that say things, like they conclude  
11 that fishing is not responsible for the lack of  
12 response, and the current dynamics, current  
13 population dynamics, are likely not driven by  
14 fishing. Now, to me, that argues that an  
15 overfishing determination is not required, or is  
16 not really appropriate for this situation, but, in  
17 many cases, in these situations, it was a past  
18 stock assessment that concluded overfishing was  
19 occurring. We may or may not have -- we have  
20 taken actions to reduce that, but we get this new  
21 determination, and it's not clear to me if this is  
22 covered by all the scenarios that you talk about.



1           When you refer to biomass being at  
2 historic low levels, you know, this brings up a  
3 point that is one of Dr. Sissenwine's concerns  
4 about the National Standard 1 technical guidance.  
5 You know, assuming historic low levels are somehow  
6 representative of current conditions, assume  
7 stationary biological processes that may not  
8 exist, particularly given the changes in climate  
9 that we're seeing in New England and other areas,  
10 where the water temperatures are warming rapidly,  
11 and then one other point I'll make is that your  
12 scenario B, I think, creates a catch-22 situation,  
13 or it at least has for us, already.

14           We've had a stock assessment, where the  
15 analytic age-based assessment was thrown out. The  
16 substitute was an empirical approach. As I  
17 mentioned during the discussion of the National  
18 Standard Technical Guidance, the empirical  
19 approach discussion doesn't always produce  
20 reference points, particularly biomass target  
21 reference points. So, when we submitted an FMP  
22 change to adopt the recommendation of the peer

1 review, that the status determination criteria  
2 were unknown, the agency refused to accept that,  
3 and disapproved that, and went back to the status  
4 determination criteria that were from the last  
5 analytic assessment, which, of course, has now  
6 been rejected.

7           So, we've got no way to measure stock  
8 status, compared to those referenced there, and,  
9 so, scenario D doesn't address that issue at all.  
10 You know, it doesn't seem like it addresses it, to  
11 me, and there may be other issues here. So, I  
12 know that this is just based on a reading of this  
13 thing over a couple days. My staff and SSC hasn't  
14 looked at it in any detail because they've been  
15 busy with other things, and this is why it  
16 troubles me that this is our only chance to  
17 comment on a policy directive that we're going to  
18 be wrestling with for some time into the future.  
19 So, that, that holds up my comments, Mr. Chairman,  
20 but after the Western Pacific's comments, I don't  
21 know if you would be willing to entertain a motion  
22 that I'd be willing to offer. Thank you.

1                   MR. SOLIAI: Thank you, Tom. Sounds  
2 good. West Pac?

3                   MS. SIMONDS: Right. We're drafting a  
4 motion now, but I just want to ditto, you know,  
5 Tom's comments because we would somehow model  
6 they're good for ACLs, oh, but not for stock  
7 status determination. So, why is that? And we're  
8 -- in our region, we have severe data limitations,  
9 and, so, they lead to, you know, unreliable  
10 assessments with pessimistic outlooks, and, so,  
11 we're going to recommend, from us, anyway, we'll  
12 send it around to the EDs, is that interim  
13 rebuilding plans, you know, really should be  
14 waived until reliable scientific information is  
15 implemented. So, Chris, I hope you direct the  
16 staff to allow us some time for our SSCs and staff  
17 to review this, to review this document. Thank  
18 you.

19                   MR. OLIVER: All right, Kitty and Tom,  
20 comments heard and appreciated, and I will  
21 reconvene later this evening or tomorrow morning  
22 on that question. Thank you.

1 MR. SOLIAI: All right. Thank you. I  
2 think the comments and expression --

3 MR. GOURLEY: Chairman?

4 MR. SOLIAI: -- at this point, is quite  
5 unanimous.

6 MR. GOURLEY: Chairman?

7 MR. SOLIAI: Yes? Mr. Gourley?

8 MR. GOURLEY: Yeah, I just wanted to add  
9 a little bit to what Kitty had to say, please?

10 MR. SOLIAI: That's fine.

11 MR. GOURLEY: Yeah, I mentioned the  
12 challenges we have in the Western Pacific, during  
13 the NS1 presentation, and it's, actually, you  
14 know, you -- we have data. We have a lot of data  
15 poor stocks that we have to manage, and we're hit  
16 with a second perfect storm, is that the data that  
17 we have, on our data poor stocks, is in very bad  
18 -- in some -- in many cases, is in very bad shape,  
19 and, you know, a case in point in this is our  
20 bottom fish in American Samoa, which came up with  
21 a overfishing and an overfished situation, and  
22 when we went down to American Samoa and talked to

1 the fishermen, the fishermen are sitting there,  
2 scratching their heads, saying, what's overfished?  
3 You know, they -- it's just -- it seems like  
4 there's some very questionable data going in, and,  
5 so, once we get to the overfishing/overfished  
6 status, we can't seem to get out of it and move  
7 on, but we seem to be having a precautionary  
8 approach that's -- that keeps us in that  
9 whirlpool, and we'd like to be able to explore  
10 some of the options that NMFS is looking at in  
11 their policy directive. So, I would like to also  
12 echo of the many before me, please, let us have a  
13 chance to offer comments, and y'all are the guys  
14 that'll make the decisions, and it certainly  
15 shouldn't hurt if we're given the opportunity to  
16 simply provide you some comments for you to  
17 consider. Thank you.

18 MS. SIMONDS: Mr. Chairman, I just want  
19 to add that our SSC is also looking at NS3, as  
20 well.

21 MR. SOLIAI: All right. All right,  
22 well, thank -- thank you. I think the comments

1 that have been expressed are -- have made its way  
2 across to NMFS and I think will be crystal,  
3 considering, you know, the discipline, then, and,  
4 hopefully, recommendations to reconsider  
5 consultation with council. Tom, you wanted the  
6 floor back, when we were done with West Pac?

7 MR. NIES: Thank you, Mr. Chairman. I  
8 think, based on Mr. Oliver's comments, I'll defer  
9 making a motion until we hear back from him,  
10 tomorrow morning.

11 MR. SOLIAI: Okay. All right, thank  
12 you. All right, thank you, everyone. I think  
13 we're at the last section on our agenda for today,  
14 public comments. Do we have any public comments?

15 MR. PIEPER: Hi, Mr. Chair. This is  
16 Nicholas. Yes, we do have some public comments.  
17 The first one is from Eric Kingma. He is the  
18 Executive Director of the Hawaii Long Line  
19 Association, and I am unmuting him now.

20 MR. KINGMA: Hello, hi, can you hear me?  
21 Okay, good, awesome. You know, aloha, everyone.  
22 Eric Kingma, Executive Director of Hawaii Long

1 Line Association, and, you know, prior to the  
2 current situation, we were very much looking  
3 forward to showing you our industry here, in  
4 Hawaii, and participating in the CCC at Turtle  
5 Bay, on Oahu's north shore. I'll just say next  
6 time, everyone, it will be -- it will be great.  
7 So, just a little bit about HLA, we represent 140  
8 active long line vessels operating out of Honolulu  
9 Harbor and the associated seafood industry. Our  
10 fishery is the largest food producer in the state  
11 of Hawaii, over 30 million pounds produced for the  
12 largest fishery, dockside value of about \$100  
13 million, annually, ranking Honolulu Harbor the  
14 nation's top 10. I think we were sixth in 2018.

15 So, over the last 12 weeks, our fleet  
16 has lost over \$15 million in revenue, as compared  
17 to the recent five-year average, and if market  
18 conditions persist, we're looking at approximately  
19 a \$50 million loss of revenue for this year. So,  
20 we are in a very, very tough situation. The fleet  
21 is still operating on a much lower scale. We're  
22 still producing high-quality sustainable healthy

1 seafood for Hawaii and U.S. Consumers, which is  
2 very important for our locals' food security and  
3 also the national seafood trade deficit.

4           However, as these economic impacts  
5 persist, our industry, our fleet is facing a very  
6 highly uncertain future. I just want to comment  
7 on two things on the agenda, and that's the CARES  
8 Act funding, and then, also, the recent EO. So,  
9 on the CARES Act funding, we -- we're still very  
10 much disappointed in the process followed by NMFS,  
11 in allocating the allocated \$300 million. I  
12 think, at a minimum, we were expecting a Federal  
13 Registry notice, explaining the process and  
14 allowing for public comment, prior to the  
15 allocation. So, it just kind of caught us off  
16 guard, when the announcement, came a few weeks  
17 ago, that, in fact, NMFS has made a decision and  
18 allocated to the states. I was expecting someone  
19 to reach out from the Fishery Service to document  
20 our impacts, since we are, I believe, a major  
21 fishery to the United States. I only received one  
22 call from NMFS, and that was the Science Center,



1 in the very early days, late March, and that was  
2 it.

3 Hawaii is getting \$4.3 million, very  
4 much lower than we -- what we expected, and now  
5 the force is monitorization, myself, to go fight  
6 for those funds, amongst various sectors in the  
7 state. The SBA programs don't match well with  
8 fishing vessel operations, and I would be  
9 interested to hear from around the regions, or  
10 around the country, and how fishing vessels, if at  
11 all, have access to any of those SBA programs  
12 because they haven't been accessed for our fleet.  
13 So, it's not really fair that we now have to go  
14 compete for the very small amounts of funds with,  
15 say, wholesale companies, aquaculture companies,  
16 that have received forgivable SBA loans.

17 Also, this has placed the states in a  
18 very difficult position to further allocate the  
19 funds, and, certainly, political issues are going  
20 to arise. We're also concerned that the delay and  
21 clouded nature of the allocation may also dis-sway  
22 Congress from providing additional stimulus

1 funding to support the nation's fishing industry,  
2 and very much a concern of ours, so, and, I think,  
3 around the country.

4 I'll switch gears, now, to the executive  
5 order I'm promoting, American Seafood  
6 Competitiveness and Economic Growth. We support  
7 President Trump's EO and look forward to its  
8 implementation, and we're very much interested in  
9 how the EO could be used to promote U.S. seafood  
10 over foreign imports. We get hammered very much  
11 in our U.S. market, from foreign imports that --  
12 direct completely with our landed fish value.

13 Certainly, there are unnecessary  
14 regulatory barriers within our fleet, such as  
15 closures to U.S. waters, and we'll work with the  
16 Western Pacific Council to identify them for  
17 removal. However, there are also several  
18 regulatory processes that have been stalled that  
19 would help our industry, and, so, the streamlining  
20 aspects of the EO are very, very important. For  
21 example, we've been waiting over two years for new  
22 measures to remove and artificially low sea turtle

1 hard cap in our fishery, and, you know, this  
2 fishery historically produces over 50 percent of  
3 domestic swordfish.

4 So, even though the Council's amendment  
5 has been approved, the Hatchery and Fishery  
6 Service has yet to issue the final rule, which I  
7 think is inconsistent with Magnusson, but, you  
8 know, given the economic situation in our fleet,  
9 the administrative delays by the Fishery Service  
10 don't match the Trump Administration's policies to  
11 support business and industry. So, we very much  
12 encourage NMFS to work with the councils to  
13 expeditiously and meaningfully implement the EO  
14 and further address the serious situation facing  
15 our nation's fisheries. Thank you very much, and  
16 mahala, everyone, and hope to see you again soon.  
17 Thank you.

18 MR. SOLIAI: All right. Thank you,  
19 Eric. We appreciate that. Nick -- Nicholas,  
20 before we go into our next public comment, I do  
21 want to remind -- in the interest of time, to  
22 please keep your comments no longer than three

1 minutes.

2 MR. PIEPER: Hi, everyone. Our next  
3 public comment will be coming from Peter Flourney.  
4 He is representing The American Fisherman's  
5 Research Foundation, and I'm unmuting him now.

6 MR. FLOURNOY: Good day, everyone. I  
7 really appreciate this opportunity to speak to you  
8 all. Most of what I'm going to say is -- even  
9 though I -- I've realized this is a meeting of the  
10 councils. Most of what I'm going to say in appeal  
11 to the top leadership of NMFS, although, I think  
12 it's very important to have the support of all the  
13 councils.

14 My comments have to do with offshore  
15 wind issues, and I want to thank everyone for a  
16 very excellent presentation. It was both very  
17 thorough and very informative, and it pointed out  
18 many of the things that have to be done in these  
19 situations with BOEM projects, and it also pointed  
20 out a lot of the problems, and we heard, even  
21 before that, the problems that COVID-19 have  
22 created for ongoing surveys and probably for the

1 continuity of those surveys with earlier ones that  
2 have already been done, and it's certainly a  
3 problem that we're going to be facing with these  
4 offshore wind towers.

5 Fishermen can't really count on state  
6 agencies for their representation of their  
7 interests because of the real highly motivated  
8 green energy pursuits of most of the governors out  
9 here, on the West Coast. The East Coast has been  
10 working for two or three years, if not longer, and  
11 yet there have been huge holes just in the last  
12 week with a couple of announcements.  
13 Massachusetts and the Vineyard Wind Company came  
14 out with a totally insignificant mitigation and  
15 compensation plan with virtually no input  
16 whatsoever from fishermen.

17 This morning, the U.S. Coast Guard  
18 released its MARIPARS report. In English, it's an  
19 access route study, that was deplete of many  
20 comments that had been put in. They settled for  
21 one nautical mile spacing, and with the wind  
22 towers, the wind turbines, and their reasoning was

1 that the five turbines off of Block Island, which  
2 are spaced only half a nautical mile apart, didn't  
3 present a sufficient study area where they could  
4 look into radar interference of these wind towers,  
5 and we know that down in Cape May, the proposal  
6 down there is 0.67 nautical mile spacing between  
7 the towers.

8 So, this plea is that what's going on,  
9 on the West Coast, is going to be different than  
10 what's on the East Coast because we're going to be  
11 dealing with floating turbines, as opposed to  
12 those that are anchored, and, so, many of the  
13 problems will be the same, but there will be  
14 different and new problems, and I would say, with  
15 what's going on with BOEM and the lessons they've  
16 learned on the East Coast, they're really speeding  
17 along on the West Coast, and we're probably at  
18 least two years behind where we should be, in  
19 terms of fisheries research. Marine mammals are  
20 impacted, what routes about marine mammals and  
21 fish may change, and the interferences there. So,  
22 thank you very much for this opportunity to speak

1 to you all, and I really want to put in a plug for  
2 focusing more of NMFS's energy on probably the  
3 biggest threat to U.S. Fisheries, perhaps even  
4 bigger than IUU fishing. Thank you.

5 MR. SOLIAI: Thank you, Peter. We  
6 appreciate your comments. I understand we have  
7 one more, Nicholas?

8 MR. PIEPER: Yes, one more -- McGrew  
9 Rice, and I will unmute him now.

10 MR. RICE: Hey, Archie?

11 MR. SOLIAI: Hi, McGrew.

12 MR. RICE: Do you hear me, Archie, okay?

13 MR. SOLIAI: Yep. The floor is yours.

14 MR. RICE: Okay. I want to reiterate  
15 what Eric Kingma just said because I'm having to  
16 come -- our charter fleet is having to compete  
17 with Eric and the long line fleet for the same  
18 amount of money, and our charter fleet brings in  
19 about \$50 million a year, to the state of Hawaii,  
20 and our tournaments bring in a good portion of  
21 that, and having the -- the owner-operators of our  
22 charter fleet haven't been able to get the loans

1 that the bigger companies have been able to get,  
2 and there's -- they're pretty much -- I'd say a  
3 bunch of them will be out of business, here,  
4 because our permits have been pulled, and we don't  
5 know when the DNLR will give us our permits back.  
6 So, they're having to compete for that money with  
7 the long line fleet. It's a pretty big deal  
8 because, you know, here, you've got two businesses  
9 that bring in \$150 million to the state of Hawaii,  
10 and, you know, it's just not right. Thanks.  
11 That's what I'd say.

12 MR. SOLIAI: All right. Thank you,  
13 McGrew. We appreciate the comments and look  
14 forward to (inaudible). Thank you, everyone, for  
15 the comments. Nicholas, did you have any more?

16 MR. PIEPER: Yes, that was the third  
17 one. Okay.

18 MR. SOLIAI: Okay. There being no  
19 further comments, I think we are done for the  
20 agenda for today.

21 (Whereupon, at 6:28 p.m., the  
22 PROCEEDINGS were adjourned.)

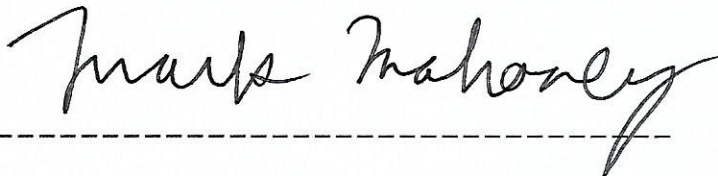


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CERTIFICATE OF NOTARY PUBLIC  
STATE OF MARYLAND

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



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Notary Public, in and for the State of Maryland

My Commission Expires: June 7, 2022