

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COUNCIL COORDINATION COMMITTEE MEETING

Silver Spring, Maryland
Tuesday, November 5, 2019

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- 3 PFMC
- 4 JIM BALSIGER
- 5 Alaska Region
- 6 MEL BELL
- 7 SAFMC
- 8 TONY BLANCHARD
- 9 CFMC
- 10 MIKE BURNER
- 11 PFMC
- 12 JOHN CARMICHAEL
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- 14 ROY CRABTREE
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- 20 DIANA EVANS
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- 22 TOM FRAZER
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- 26 MARC GORELNIK
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14 DAVE WHALEY
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17 Other Participants:

18 SARAH HEIL

19 DAVID O'BRIEN

20 ANJANETTE RILEY

21 LORA SNYDER

22 * * * * *

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

2 (1:40 p.m.)

3 MS. McCAWLEY: I want to welcome
4 everybody to this November CCC meeting. We look
5 forward to another productive meeting. So just a
6 couple of housekeeping things. If you are looking
7 for a restroom, there is one down there towards
8 the fitness center or you can take the two
9 stairwells up and then around the corner there --
10 that are really convenient to this room. There is
11 water in the back of the room. If you want
12 coffee, food and other refreshments, you can go up
13 to the lobby level. There is a coffee shop up
14 there.

15 Lunch and dinner will be on your own.
16 And then we need to do a voice identification
17 around the table to help with the minutes. Please
18 state your name. Also, when you talk during the
19 meeting so that the comments are attributed to the
20 correct person so let's start over there with Bill
21 for the voice identification.

22 So you're looking for the person with a

1 little -- there's a head there and little bars in
2 front of him. That's how you turn the mic on. So
3 this can also be a test so that everyone can learn
4 how to turn the microphones on.

5 MR. TWEIT: Little squiggly grey things
6 in front of me. Good afternoon, I am Bill Tweit,
7 I am Vice-Chair of the North Pacific Fisher
8 Management Council.

9 MR. WITHERELL: Dave Witherell,
10 Executive Director of North Pacific Council.

11 MR. KINNEAN: Simon Kinnean, Chairman,
12 North Pacific Council.

13 MR. BALSINGER: Jim Balsinger,
14 Administrator of Alaska Fisheries.

15 MR. GORELNIK: Marc Gorelnik, Vice Chair
16 of the Pacific Counsel.

17 MR. BURNER: I'm Mike Burner, Deputy
18 Director with the Pacific Council.

19 MR. ANDERSON: Phil Anderson, Chairman
20 of the Pacific Council.

21 MS. HILL: Nicole Hill, Associate Deputy
22 Regional Administrator.

1 MS. SIMMONS: You need some Alabama
2 chrome in here. Carrie Simmons, Gulf Council,
3 Executive Director.

4 MR. DIAZ: Dale Diaz, Vice-Chair, Gulf
5 Council.

6 MR. CRABTREE: Roy Crabtree, South East
7 Regional Administrator.

8 MR. EISENBERG: Adam Eisenberg, NOAA GC.

9 MS. WALLACE: Jenny Wallace, Office of
10 Sustainable Fisheries.

11 MR. RISENHOOVER: Alan Risenhoover,
12 Office of Sustainable Fisheries.

13 MR. RAUCH: Sam Rauch, Deputy Director,
14 National Fishery Service.

15 MR. OLIVER: Chris Oliver, NOAA
16 Assistant Administrator for Fisheries.

17 MS. McCAWLEY: Jessica McCawley, Chair
18 of South Atlantic Council.

19 MR. WAUGH: Gregg Waugh, South Atlantic
20 Council Executive Director through mid-December
21 and then most of you know John Carmichael over on
22 the right, he will be taking over for me and I

1 just noticed we have a longtime NMFS regional
2 administrator, Dan Furlong in the back. Some of
3 you may know Dan so -- thank you.

4 MR. BELL: Mel Bell, Vice Chair, South
5 Atlantic Council.

6 MR. REID: Eric Reid, I am the Vice
7 Chair of the New England Council.

8 MR. QUINN: John Quinn, Chair of the New
9 England Council.

10 MR. NIES: Tom Nies, Executive Director
11 of the New England Council.

12 MR. ELLIOT: Good afternoon, I am Warren
13 Elliot, Vice Chair of the mid-Atlantic Council.

14 MR. LUISI: Hi, I am Mike Luisi, Chair
15 of the mid- Atlantic Council.

16 MR. MOORE: Chris Moore, Executive
17 Director of the mid-Atlantic Council.

18 MR. PENTONY: Mike Pentony, Regional
19 Administrator for greater Atlantic Region.

20 MR. ROLON: Miguel Rolon, Council,
21 Executive Director.

22 MR. HANKE: Marcos Hanke, Caribbean

1 Council, Chair.

2 MR. BLANCHARD: Toni Blanchard,
3 Caribbean Council, Vice-Chair.

4 MS. SIMONDS: Kitty Simonds, the
5 Executive Director of the Western Pacific Fishery
6 Management Council.

7 MR. GOURLEY: John Gourley, Vice-Chair,
8 Western Pacific Fishery Management Council.

9 MR. TOSALTO: Mike Tosalto, Pacific
10 Islands Regional Administrator.

11 MS. McCAWLEY: Alright, I am going to
12 turn it over to you, Chris for any --

13 MR. OLIVER: Very briefly because I am
14 going to have a few -- a little more extensive
15 remarks in a few minutes but just good afternoon,
16 great to see everybody and I particularly welcome
17 Eric, I believe the newest CCC member. I think
18 you were unanimously elected as Vice-Chair
19 recently so welcome, Eric.

20 And in addition to Dan Furlong, there is
21 another CCC alumnus in the room and that's Rick
22 Robbins so I was really happy to see both of them.

1 Good to see you guys. So I'll talk a little bit
2 more about some recent major issues and priorities
3 in a minute. For the moment, I'll just look
4 forward to the discussions we are going to have
5 over the next three days on several important
6 items.

7 MS. McCAWLEY: Alright, thanks, Chris.
8 I am going to turn it over to Gregg to cover the
9 next couple of items on the agenda.

10 MR. WAUGH: Thank you. Just to call
11 your attention to the transcript from the past
12 meeting that's been posted and the meeting report
13 and I certainly found the meeting report helpful
14 to keep track on. What we are supposed to do
15 between CCC meetings so hopefully that's something
16 you all may consider continuing in the future but
17 we got the EDs, divvied up topics and we will be
18 tracking any motions and putting together a report
19 from this meeting.

20 We will review the major items briefly
21 on Thursday and just in terms of a topical order.
22 This afternoon, we were trying to put together a

1 roundtable discussion with Congressional members
2 and staff. We are going to have a couple of
3 staffers here but they may participate more in the
4 legislative outlook and MSA reauthorization so if
5 we have some extra time this afternoon, we are
6 going to knock out a couple of the work group
7 reports that are scheduled for Thursday. Thank
8 you, Madam Chair.

9 MS. McCAWLEY: Thanks, Gregg. Alright,
10 Chris, I am going to turn it back to you.

11 MR. OLIVER: Okay, well I just want to
12 cover a few items to kick off generally, talk a
13 little bit about priorities in general.

14 This past Summer, we released our NOAA
15 Fisheries Strategic Plan for 2019 to 2022. That
16 four year plan -- hopefully you've taken a look at
17 it. It's online. We have extra copies here but
18 it really continues to reflect three primary
19 strategic goals that haven't changed much over the
20 past three years and that is to support the
21 Department of Commerce and NOAA's Blue Economy
22 Vision and our part in that Blue Economy vision

1 and it continues to be to amplify the value of our
2 commercial and recreational fisheries while
3 ensuring their sustainability.

4 Secondly, to conserve and protect -- to
5 recover protected resource species while
6 supporting responsible resource development and
7 responsible fishing and third, to improve
8 organizational excellence and regulatory
9 efficiency.

10 That plan was intended to highlight our
11 commitment to addressing high priority activities
12 while reviewing, eliminating or minimizing efforts
13 on lower priority activity so that we can provide
14 the best value that we can, given limited budget
15 considerations.

16 The operational and regulatory processes
17 are a focus of that vision. In addition, we
18 identified some of the key challenges in our
19 strategic landscape and how we can plan to better
20 address them by investing in the people, programs
21 and technology platforms that focus on our highest
22 priorities and a key to that is investing in the

1 science and technological advancements necessary
2 to meet our emerging challenges with regard to
3 changing ocean conditions, particularly.

4 A wide range of other issues and so
5 stock -- our basic surveys and stock assessments
6 will continue to be a priority of mine but you are
7 going to be hearing from Cisco tomorrow on this
8 science enterprise update about some new
9 technology and research areas that we hope will be
10 able to augment that.

11 I don't need to stress to you the
12 importance of our seafood mission. Generally it's
13 a key feature of the Blue Economy, whether it's
14 wild capture farmed or otherwise and -- from
15 getting our species rebuilt and back into the
16 marketplace and the successes we've had on the
17 west coast underscore that to increasing our
18 production capacity and meeting demand through
19 responsible aquaculture development and so we are
20 trying to take a leadership role along with
21 direction from commerce and NOAA on particularly
22 the advancement of aquaculture, our regulatory

1 streamlining and maximizing the value that we get
2 out of our fisheries.

3 Importantly, building off of that
4 strategic plan, we, as you know, undertook an
5 initiative to develop national -- excuse me,
6 geographic specific strategic plans, five of them
7 that align with our different regions and the
8 relevant Councils that, as I've said before,
9 provide more local detail of the strategies where
10 the rubber meets the road and so we are going to
11 get an update from Brian Pollock later in the
12 meeting on the status of those.

13 I want to thank the Office of Management
14 and Budget and the staff across the agency and you
15 all on the Councils. Both staff and Council
16 members who have contributed to that effort.

17 Obviously, you know I consider the
18 Councils to be very core key partners in our
19 fishery management mission and so I am looking
20 forward to the completion of those plans and as I
21 said before, technically they are NOAA plans, they
22 are NOAA Fishery's plans but our intent was to do

1 them in close coordination with the Councils.
2 Having said that, I also remember saying it's not
3 -- you shouldn't view them as a vehicle to make a
4 laundry list of very specific issues that you want
5 to accomplish in the region but more of a broad,
6 strategic level and so keeping that in mind, we'll
7 have that discussion later in the meeting.

8 In terms of fisheries generally in
9 August, we released our status of stocks report to
10 Congress for the 2018 period and I think it
11 highlights the success that we continue to achieve
12 through our sound science and adaptive management
13 approaches and the robust process that is embodied
14 by the Council system.

15 I think under the current Magnuson Act
16 and through the Council process, we continue to be
17 viewed as an international leader in fisheries
18 management and sustainability. I would go over
19 all the statistics but 91 percent of our stocks
20 are not subject to overfishing. 82 percent are
21 not overfished and an additional stock, now
22 rebuilt for a total of 45 but we also, at 18 -- to

1 underscore the complexity of our fishery
2 management challenge, we have eight stocks that
3 are added to the overfished list.

4 Now most of those were results of
5 factors outside the direct control of fisheries
6 management but nevertheless, it's a statistic that
7 we don't particularly -- that we aren't
8 particularly thrilled with.

9 I'll talk a little bit about fishery
10 disasters. There has been a lot of activity on
11 the fishery disaster front, a lot of fishery
12 disasters over the past few years on various
13 coasts, from Alaska to the West Coast to the Gulf
14 to the East Coast through your more traditional
15 fisheries disasters but also as you know, a
16 plethora of hurricane events and some major sort
17 of unprecedented freshwater runoff events that
18 were also included in those recent fishery
19 disaster determinations.

20 I also testified earlier this year
21 before the senate committee on commerce, science
22 and transportation that the goal of that hearing

1 was to examine the federal and stakeholder
2 perspectives on that disaster determination and
3 allocation process and how we could improve that
4 process, particularly given the lengthy time it
5 often takes.

6 And in my comments to the committee, I
7 noted that there were improvements to the process
8 on both ends, both the process of determining a
9 disaster and the process of getting to spending
10 funds and allocations and we are actually working
11 on a regulatory package to address some of those
12 issues that include setting target deadlines for
13 the review in analysis of the disaster related
14 information, clearly articulating the information
15 requirements that we need from an applicant so
16 that we can avoid a lengthy back and forth in
17 exchange of information and also additional
18 guidance on the potential uses of funding that as
19 we go through the review process, which is also
20 subject to OMB and other agency review, we hope to
21 get a little clarity on what uses of disaster
22 money are going to be most acceptable.

1 I noted in that testimony that we, the
2 administration support the approach taken in
3 Senator Wicker's bill, which provides an
4 overarching framework with specific deadlines and
5 requirements. It's very similar, I think, to the
6 regulations that we are currently developing but
7 we are poised to make adjustments as we need to
8 depending on the ultimate disposition of that
9 bill.

10 A couple of comments on recreational
11 fisheries, and I know we have some discussions I
12 am looking forward to later in the week related to
13 recreational fishers but in June, following our
14 last CCC meeting, we released six regional plans
15 for more effectively engaging on recreational
16 fisheries issues. Those regional plans focus on
17 three core objectives, which is improving agency
18 visibility within the rec community, developing
19 mutual understanding of priorities, concerns and
20 challenges and enhancing collaboration between
21 NOAA and recreational fishermen and recreational
22 fishing organizations. I think that plan is a

1 good step toward implementing the recently signed
2 MOU that we participated in between NOAA fisheries
3 and four recreational fishing organizations, major
4 recreational fishing organizations and as those
5 plans are put into action, we look forward to
6 being able to strengthen the existing partnerships
7 like those and to cultivate new ones.

8 So I look forward to the sessions on the
9 Modern Fish Act allocations and on our MRET
10 program tomorrow. Just in closing, I want to say
11 again, it's good to see all the familiar faces and
12 look forward to talking with you more about all
13 these issues this week. I want to take the
14 opportunity to know that this will be the last CCC
15 meeting for three people that have been intimately
16 involved in this process for a very long time,
17 that's Gregg Waugh -- that's one, but also Alan
18 Risenhoover and Laurel Bryant as well will be
19 retiring at the end of the year so we'll be sorry
20 to see them go but I just wanted to recognize them
21 because this will be their last meeting with you
22 so I don't know how much time you have. I'd be

1 happy to field any questions or pawn them off to
2 Sam if I can't handle it, or Alan since he's
3 retiring. Put him on the hotspot.

4 MS. McCAWLEY: Thanks, Chris. We
5 certainly have time for questions or comments.
6 Yes, go ahead, Gregg.

7 MR. WAUGH: Thanks, Chris. We
8 participated very well with our region on the
9 regional geographic specific plans. One of the
10 concerns that we had with the national plan is it
11 mentions programs that will not continue to be
12 funded and there was some expectation that there
13 might be some more detail in the regional plans
14 and that detail is not there and my understanding
15 is that the regional offices and centers will work
16 with the Councils on an ongoing basis as they go
17 through that process to determine where programs
18 need to be trimmed because certainly the Councils
19 would like to have a voice in that. We are
20 concerned about our ongoing fishery and
21 independent monitoring programs, for instance.

22 MR. OLIVER: Okay, thanks, Gregg. Yeah,

1 and I don't know if you are referring to a
2 specific example but I think I understand the gist
3 of your comment and I don't think the plans were
4 meant to be so specific as to say we are going to
5 do this, this, this and we are not going to do
6 this, this, and this but provide a framework for
7 assessing when we are going to decide whether and
8 how far to do this and whether and how far not to
9 do this and I fully intend that that would be an
10 ongoing dialogue with the Councils.

11 MS. McCAWLEY: Other questions or
12 comments? Yes, Phil?

13 MR. ANDERSON: Thank you, Madam Chair.
14 Thanks, Chris, good to see you. I was heartened
15 to hear you reference the importance of our trawl
16 surveys in terms of getting the data needed to
17 maintain our strong stock assessments. I continue
18 to believe that lack of funding for that activity
19 remains one of the single greatest threats we have
20 on the west coast in terms of fulfilling our
21 objective of maintaining, sustaining healthy
22 ground fish resources. I think eight of which

1 were overfished not all that long ago and have
2 since been rebuilt so I would just like to
3 reemphasize that as I did in the last time that we
4 met of the importance of that work and the
5 continued concern about the level of funding for
6 that activity.

7 MR. OLIVER: Phil, I share that concern
8 and we frequently have this very discussion in our
9 Silver Spring office to try to figure out how we
10 are going to maintain those and not lose ground on
11 that.

12 MS. McCAWLEY: More questions and
13 comments? Yes, Kitty?

14 MS. SIMONDS: Hi, Chris. I was
15 wondering if you might be giving us some good news
16 sometime this week about our favorite topic, the
17 Marine monument?

18 MR. OLIVER: The disposition of that is
19 above my paygrade, Kitty.

20 MS. SIMONDS: Yes, I know but I just
21 wondered if it trickled down to you?

22 MR. OLIVER: If anything trickled down

1 to me, I'd get in a lot of trouble if I announced
2 it before someone else did.

3 MS. SIMONDS: I always have to ask this
4 question. Remember, our fishermen now have to
5 fish -- 75 percent of their fishing is on the high
6 seas, are Hawaii long liners and they can only
7 fish in 17 percent of the Hawaii EEZ so we are
8 always anxiously awaiting any movement to assist
9 our fishing. US Fishing for the US.

10 MR. OLIVER: You know it's no secret
11 that I support your position on this and I've made
12 it no secret in the administration so I'd love to
13 see some good news on that front too.

14 MS. McCAWLEY: Bill?

15 MR. TWEIT: Thanks, Madam Chair, thanks,
16 Chris. Good to see you. One of the priorities --
17 the first priority you mentioned was the Commerce
18 Blue Economy Initiative and I am wondering, from
19 your perspective, what are some of the next steps
20 on that that might involve Council consideration
21 or Council participation?

22 MR. OLIVER: The NOAA Blue Economy

1 Mission includes many things across many line
2 offices of which fisheries is one. Within that,
3 we have a certain role that we can accomplish and
4 a lot of that, a lot of that energy right now has
5 in fact been focused on the regulatory reform
6 agenda which we have been working closely with the
7 Councils on. The aquaculture development agenda
8 which is a little bit in flux, given some recent
9 court cases and potentially pending legislation so
10 it's a little unclear to me how that's going to
11 pan out. Sam might have a comment on that, not to
12 put him on the spot but beyond that, we have been
13 working with the department on an initiative which
14 could include a potential executive order which
15 will help advance, we think, both our seafood
16 trade initiatives as well as our aquaculture
17 initiatives and to some extent, what I call the
18 third leg of that stool which is our regulatory
19 reform agenda so it would be my intent that we
20 will engage the Councils to the maximum extent we
21 can. I guess potentially sometimes more than you
22 might want.

1 MS. McCAWLEY: John?

2 MR. QUINN: Thank you very much, Madam
3 Chair. I just wanted to -- I know you are well
4 aware of the impact of offshore wind, particularly
5 on the east coast and in the mid- Atlantic that it
6 seems like every other month there is a new lease
7 awarded so I just urge you to keep that on your
8 front burner, in particular the impact on the
9 assessments, you know, the scientist, the survey
10 vessels may or may not be able to get into areas
11 that they have been surveying for the last 50
12 years or so, so as we work through coexistence of
13 fishing and wind, I think we have to keep that on
14 our front burner, both here and up and down the
15 entire east coast.

16 MR. OLIVER: I appreciate that because
17 that has become a focus for me because before I
18 came into this job, I was really very ignorant and
19 unaware the whole development thing until someone
20 showed me a picture of the potential lease sites
21 and -- where is everybody going to fish? We are
22 doing our surveys.

1 So we've made that a priority through a
2 number of mechanisms. We saw it in MLU with BOM
3 and RODA, the Responsible (inaudible) Development
4 Alliance. We submitted extensive comments on the
5 Vinyard Wind project, at least partly we are
6 responsible for pulling back on the timeline on
7 that and actually doing a rigorous cumulative
8 impact assessment and we are continuing to work
9 with BOM on that so it is, it will, as John said,
10 stay on our front burner.

11 MS. McCAWLEY: More questions or
12 comments? Yes, Phil?

13 MR. ANDERSON: Thanks, just one more at
14 least for now. I wanted to just talk briefly
15 about electronic monitoring. I suspect you may
16 have heard from some of our industry folks that we
17 are struggling with transitioning from
18 implementing our electronic monitoring program
19 under the provisions of our EFP to having them
20 implemented under regulation that are going into
21 effect in January of 2021. I wanted to compliment
22 our west coast region for their help and

1 willingness to work collaboratively to look for
2 solutions. We haven't found the magic pathway yet
3 that allows us to continue the success of that
4 program and maintain these cost- efficiencies that
5 we have been able to under the EFP and part of
6 that is -- a big part of that is associated with
7 the video review, data storage and third party
8 review that Civic States Marine Fisheries
9 Commission has at least been doing the first two
10 parts of that and so we continue to struggle to
11 find a pathway that will allow that program to
12 continue to be viable, cost effective, provide
13 savings to the industry over having human
14 observers on board and -- we are continuing to
15 work with the region and the specific states to
16 try to find that pathway but we are struggling.

17 MR. OLIVER: I am appreciative of the
18 cost efficiency issues we deal with on the East
19 Coast and West Coast. I am very familiar with
20 them in the Alaska region and I guess I am
21 hopeful, Phil, given that January 21
22 implementation that I guess trying to be

1 optimistic that we do have some time to hopefully
2 work through some of those issues that yes I have
3 been contacted about.

4 MS. McCAWLEY: Alright, any more
5 questions? Comments? Alright, next up I believe
6 is the best available scientific information
7 presentation by Alan.

8 MR. RISENHOOVER: Thank you, Madam Chair
9 and yes, I am just going to provide a brief update
10 on that for folks. If you'll recall, we have a
11 procedural directive on BSIA that outlines the
12 framework for determining the stock status
13 determinations and that catch specifications are
14 based on the BSIA so it essentially outlines the
15 status quo processes and procedures.

16 I don't have a presentation so just an
17 update here. Is that working? That's better. So
18 just a quick update on BSIA. The procedural
19 directive recommended that each regional office,
20 science center and Council group develop their own
21 BSIA framework that describes how it applies the
22 overarching framework that's outlined in the

1 procedural directive. All the regional offices,
2 science centers have begun initial discussions
3 towards these regional BSIA frameworks so thank
4 you for that. Some regions have started to engage
5 with their Council counterparts as well and others
6 are beginning that discussion so in the Northeast,
7 this topic, I understand is on the agenda for the
8 November meeting of the Northeast regional
9 coordinating council.

10 In the Pacific islands, the western
11 Pacific stock assessment review process, the
12 coordinating committee has been tasked to lead the
13 development of its regional BSIA framework and the
14 good news is that the procedural directive
15 recommends that these regional frameworks be
16 completed within three years so that would be by
17 May of '22, 2022 so there is plenty of time to get
18 those regional frameworks in place and again, if
19 you have questions on those, you can reach out to
20 your regional and science center contacts to get
21 those going if they haven't started already. And
22 with that, Madam Chair, I will take any questions.

1 MS. McCAWLEY: Alright, any questions?
2 Concerns, comments? Anything?

3 MR. RISENHOOVER: I would just, if I may
4 add that you know, we didn't specify a lot of
5 details in that directive document and it's really
6 up to each of the regions, whole regions, Council
7 centers, regions to develop how those frameworks
8 will work and what makes sense to them so thank
9 you.

10 MS. McCAWLEY: Alright, if there aren't
11 any questions or comments, I am going to turn it
12 back to you to continue with your next topic of
13 shifting distribution.

14 MR. RISENHOOVER: And thank you again,
15 Madam Chair and for this, I will do my best Dr.
16 Warner impersonation. He was going to address
17 this but won't be here until tomorrow. So the
18 workshop will be held on shifting distributions,
19 that workshop will be held in the Spring or Summer
20 of 2020, likely either in Silver Spring or the
21 Raleigh, North Carolina area. The final date
22 should be solidified soon, hopefully before

1 Thanksgiving they'll have that date put out.

2 The focus of the workshop will be cross
3 regional coordination of surveys, stock
4 assessments and other NMFS activities looking at
5 the distributional shifts of the stocks. We had
6 planned to hold this workshop last summer but it
7 had to be rescheduled so if you need additional
8 information on this, I can give you some specific
9 context. In the Southeast Fishery Science Center,
10 it's Todd Kellison and in the Northeast Fishery
11 Science Center it's Vince Saba. Those are the
12 ones that will be coordinating the workshop and
13 getting the additional information out to you.

14 As far as the agenda goes for that
15 workshop, once they get the date penned down,
16 they'll send out information about it as well as
17 asking folks what they think specific topics are
18 areas the workshop should focus on should be.

19 MS. McCAWLEY: Alright, thank you.
20 Questions or comments on the workshop? Yes?

21 MR. GOURLEY: I just wanted to confirm,
22 this is going to be open for all Councils, is that

1 correct? To participate or at least come in to
2 observe?

3 MR. RISENHOOVER: I believe so, yes, but
4 we can double check that.

5 MR. GOURLEY: Yes, please, because I
6 think the western Pacific would be interested in
7 participating.

8 MR. RISENHOOVER: Okay, I will follow up
9 on that.

10 MS. McCAWLEY: Tom?

11 MR. NIES: Thank you, Alan. You ran
12 through the topic pretty quickly. It sounded like
13 this is primarily a science and data based
14 workshop? Is that accurate or not?

15 MR. RISENHOOVER: I think it will be
16 more science -- It will be -- according to this,
17 it will be cross regional coordination of surveys,
18 stock assessments and other activities associated
19 with distribution shifts so I think there will be
20 some management component into that. How do you
21 get the science on how they are shifting, where
22 they are shifting and what would the management

1 response be.

2 MR. NIES: So a follow up question. You
3 provided two contacts, both science center
4 representatives. Where is the management input
5 coming from for the planning? Is that from your
6 shop or --

7 MR. RISENHOOVER: I don't think -- we
8 will get back to you on that.

9 MR. NIES: Thank you.

10 MR. RISENHOOVER: That's not what Dr.
11 Warner would say but that's my impersonation.

12 MS. McCAWLEY: Anything else on this
13 topic? Yes, Eric?

14 MR. REID: Thank you, Madam Chair.
15 Thank you, Mr. Risenhoover. Actually my question
16 goes back to your last topic as well. As far as
17 the best available science and input from a
18 variety of sources, first I want to commend the
19 South Atlantic because they are taking on a
20 Citizen Science program and I'd just like to get
21 your input on the value of data collected by
22 citizen scientists to develop better outcomes.

1 MR. RISENHOOVER: And I think that is an
2 important one. The best scientific information
3 available determination is a determination of the
4 information coming out of a stock assessment is
5 the best so that involves the Council's SSC, our
6 science centers, our regional office to determine
7 that so citizen science may be a part of that but
8 it's not a part of that specific topic.

9 MS. McCAWLEY: Other questions?
10 Comments? Yes, Kitty?

11 MS. SIMONDS: Thank you, Madam Chair.
12 So no lights, it's tricky tricky. Did you say,
13 I'm sorry, maybe I missed it, what was the timing
14 on the workshop again? I apologize.

15 MR. RISENHOOVER: It will be in the
16 Spring or Summer of 2020, likely in Silver Spring
17 area or Raleigh, North Carolina.

18 MS. McCAWLEY: Other questions or
19 comments? Alright, I am going to turn it back to
20 you, Alan, for the policy directive system.

21 MR. RISENHOOVER: Thank you, Madam
22 Chair, and for this one, I have an exciting slide.

1 There it is. So the background on this one is
2 over the years, the agency has worked with the
3 Councils to develop and have them review some
4 policy directives that go into our public policy
5 directive site and my understanding is the
6 committee here is interested in what ones do we
7 have pending and what ones may be forthcoming.
8 And I've also split this up into two types and
9 maybe even three types. We'll see how this goes
10 so the top there in what appears to be blue to me
11 are the ones that are these procedural directives
12 that are processes that we would follow.

13 So the procedural directive that is out
14 right now or comment closes on soon on EM data
15 retention. The comments are due by the end of the
16 year and the expected outcome of that is a policy
17 directive that we would put out. The second one
18 there is the procedures for the recusal
19 regulations that you have all commented on as a
20 proposed rule.

21 We are in the process of finalizing that
22 rule and that may result in a regional, manual or

1 a policy directive so I have placed it up there.
2 The lower one there are other items that are
3 either required to be circulated to the Council or
4 other things that we would like counsel input on
5 so we have already circulated the carryover and
6 phase and technical memo. Again, that is -- we
7 are not required to send that to the Councils for
8 review nor do I think we necessarily need Council
9 positions on it. What we need is Council feedback
10 on it, on what those elements of that technical
11 memo involve.

12 So you'll see we'll have that due at the
13 end of the year as well. There is the modernizing
14 recreational fisheries management Act requirement
15 that you review this data integration effort so
16 that one is something that we must send to the
17 Councils. We have that out with a December 31st
18 deadline as well and that will result in a report
19 to Congress.

20 The statute requires that we work with
21 the counselors on that and then the last one there
22 is this practitioner guide to social impact

1 assessments. The science and technology office
2 has that out for Council review until December 2nd
3 so there is only one of those on that list that we
4 are required to submit to the Councils for review.
5 The others we want Council input on so I see a
6 little bit of a difference there. So on things
7 like the technical memos, again, we welcome the
8 input. I don't know that we necessarily need
9 formal Council positions on it. A number of
10 technical memos in the past have had Council staff
11 as authors on it as well. So these are the ones
12 that are out there now. I anticipate there will
13 be one on the recusal that's coming up. There may
14 be additional requests for review of technical
15 memos or such things coming out of our national
16 standard one work group that Stephanie Heinke will
17 talk about in the coming days here on the agenda
18 so those are ones where we value your input but we
19 don't necessarily have the mandate to send it to
20 you all so what we are looking for is there just
21 to cash in I guess on the partnership with you all
22 to get your opinion, your reviews, your insights

1 on those before we put those out. And with that,
2 I'll take questions. Thank you.

3 MS. McCAWLEY: Thank you, that's a very
4 helpful slide and I appreciate that description.
5 Comments? Questions? Yes, Dave?

6 MR. WITHERELL: NOAA Fisheries doesn't
7 follow its own procedural directives. Is it fair
8 for the Councils to point that out to you? Or how
9 do we resolve those issues?

10 MR. RISENHOOVER: Privately first
11 though.

12 MR. WITHERELL: Let's talk after the
13 meeting.

14 MR. RISENHOOVER: Okay, and yes, that is
15 one of those things -- I don't think there is in
16 theory a penalty for that but in many cases, it's
17 good to have some sort of procedure that we all
18 try to follow in a consistent and in a timely
19 manner, whether we hit the mark all the time is a
20 different thing so yes, that's part of the
21 collegial partnership I was talking about.

22 MS. McCAWLEY: Other questions or

1 comments? Yes, Gregg?

2 MR. WAUGH: So thanks, Alan. This is
3 something that we have talked a bit about and I
4 have spoken with Kelly and Dan about it and it's
5 very helpful to have this because in all the noise
6 running Council meetings, it's easy to miss some
7 of these deadlines. I think one that could be
8 added to that is commenting on that aquaculture
9 outline that we are going to hear about because
10 the deadline for that is very short but will this,
11 a spreadsheet like this be maintained and
12 available, say, to the EDs somewhere so that on an
13 ongoing basis, if we have one of those oh-oh
14 moments, we can check and see if we've got a
15 deadline coming. That would be very helpful.

16 MR. RISENHOOVER: Yeah, I think we can
17 look into that. Brian and Kelly, let's see if we
18 can work with and if Rebecca is here, on maybe
19 something on the Council Coordinating Committee or
20 site or on what those are but again, our goal here
21 is not to task you with short deadlines but to try
22 and get the Council input to try and make these

1 products better and we try to have a reasonable
2 deadline for doing those. Thanks, Gregg.

3 MS. McCAWLEY: Thank you, anymore
4 questions, comments? Anything else? Alright,
5 well, Alan, on -- oh, sorry, go ahead, Phil.

6 MR. ANDERSON: Sorry and I apologize,
7 Madam Chair for my -- I am not too quick on the
8 draw here this afternoon. I wanted to ask Alan a
9 question on the BSIA issue and just -- and you may
10 have said this Alan and I missed it but my
11 understanding is that the regions are developing
12 their processes for determining the best
13 scientific information available and they will be
14 coordinating or communicating in some way with the
15 Councils as they develop that?

16 MR. RISENHOOVER: Yes, and they should
17 be working with the science centers as well so
18 then again there is a regional process that works
19 for the Council science center and region
20 together.

21 MR. ANDERSON: And is there a timeline
22 in which we could expect to see those from the

1 centers?

2 MR. RISENHOOVER: So you need to check
3 in with your region on where you are specifically
4 with that but the overall we have asked that
5 people have those procedures in place by May of
6 2020 so we've got a long timeframe here. The
7 short term coordination with your region and
8 center, I would turn to them to give you the
9 specifics.

10 MR. ANDERSON: Thanks.

11 MS. McCAWLEY: Anything else? Well,
12 Alan, on behalf of the Councils, we wanted to
13 present you with this plaque. I am going to read
14 what it says. It's for recognition and
15 appreciation for your advice and assistance to the
16 regional fishery management Councils and for your
17 dedication to the conservation and management of
18 US Fisheries. Thank you.

19 (Applause)

20 MR. RISENHOOVER: And if I might just
21 say one thing. Thank you for this and thanks to
22 everybody. I was sitting here earlier trying to

1 think when was the first CCC meeting I went to and
2 then I thought no, it was called the Council
3 Chairs back then and then I got to thinking well
4 when was that and then I said I better just stop
5 thinking so thank you.

6 MS. McCAWLEY: Thank you so much. Next
7 up we have aquaculture and I believe that David is
8 going to give us a presentation on that.

9 MR. O'BRIEN: Yes. Yes, thank you,
10 Madam Chair. For those of you that don't know me,
11 my name is David O'Brien, I am the acting Director
12 of the NMFS Office of Aquaculture. I have been in
13 this role for several months. I am taking the
14 role that Michael Rubino had up until recently. I
15 want to make sure this flips, how it works --
16 great.

17 It's a pleasure to be here today. I
18 really appreciate the invitation to come and take
19 time out of your busy schedule to talk about
20 aquaculture and provide some updates on some key
21 areas we are working on. It can't be a
22 comprehensive review of course but I'll try to hit

1 some of the highlights for you.

2 I am happy to answer questions along the
3 way if people want to raise their hand and ask.

4 So I'll be talking about some policy
5 updates, some legislative updates and some grants
6 updates. I want to set the stage a little bit
7 here. I think everyone knows this but as a quick
8 reminder of why we are even doing this. The US
9 does import a large majority of its seafood,
10 upwards of 85 percent and the seafood trade
11 deficit is up to over 16 billion dollars now and
12 that number has been increasing steadily since I
13 came onboard. I came onboard to the program
14 roughly 10 years ago. I believe it was 7 or 8
15 billion dollars back then. So it's not just
16 large, it's going in arguably the wrong direction
17 and that has generated a lot of interest across
18 administrations but especially this one in trying
19 to advance sustainable US aquaculture as a way to
20 complement our wild fishing, to increase seafood
21 supply domestically and of course to do so in a
22 way that's consistent with our environmental

1 mandates, EFH, endangered species, et cetera.

2 The big challenge we do have a lot of
3 untapped potential in the US for aquaculture,
4 especially offshore and the real challenge there,
5 why we are not tapping that potential, at least
6 not so far is very complex, inefficient and
7 unpredictable regulatory system and there are a
8 number of reasons for that, I can't get to all of
9 them but I will say that these top two policy
10 updates and legislative updates really are both
11 targeted at addressing that key challenge. How do
12 you make it more efficient and predictable
13 regulatory system, particularly offshore? And
14 I'll hit some grants updates as well.

15 So one key area of emphasis for us over
16 the past year or so has been some strategic plans
17 that was alluded to just a moment ago. Setting
18 the stage here, back in 1980, the National
19 Aquaculture Act was signed. It's called the
20 National Aquaculture Act of 1980. It did a number
21 of things but one of them is to stand up this
22 subcommittee on aquaculture and this is an

1 interagency committee chaired by NOAA, currently
2 chaired by Paul Doremus, who I am sure many of you
3 know as well as his counterpart at the Department
4 of Agriculture and the White House.

5 There are a number of other agencies
6 involved. There is Fisher Wildlife Service, the
7 EPA, et cetera and this reflects one of the
8 complexities of aquaculture management, that there
9 are many agencies at the table, many of whom have
10 different roles and responsibilities and it's been
11 a challenge to coordinate all those.

12 So this committee has been in effect
13 since 1980 but its importance, so to speak or its
14 efforts have waxed and waned over the years. The
15 past couple of years, under this administration,
16 they really put a lot more emphasis into this.
17 The White House has a strong seat at the table and
18 there is a lot of demand and expectations of this
19 group to help set the path for a more efficient
20 aquaculture permanently down the road.

21 That all being said, the subcommittee
22 has been divided up into two broad groups.

1 There's a science planning task force as well as a
2 regulatory task force and in both cases, the goal
3 is to help coordinate actions in the science and
4 regulatory front across federal agencies. Again,
5 Fisher Wildlife Service, USDA, NOAA and others.

6 Both task forces are working on
7 strategic plans. The science plan is a little
8 more advanced in part because they actually sort
9 of decided this setting back in 2014, published an
10 interagency science plan so they are essentially
11 refreshing that plan so that's something to start
12 with.

13 The regulatory task force took a little
14 more to get going and I am going to go into the
15 details in here in just a moment but the general
16 idea is how do we better coordinate across these
17 federal agencies, in particular with the core and
18 EPA but also others to have a more efficient
19 regulatory process.

20 The plans, we actually took the somewhat
21 unusual step of not just putting out a draft
22 planned for comment but the draft outline for

1 comment which -- that we just went out several
2 weeks ago, the comment period on that outline is
3 still open but as someone mentioned a moment ago,
4 the deadline is coming up fast but there will be
5 another opportunity to provide the comments on the
6 draft plan itself.

7 Once these plans are in place and we'll
8 get to this in a moment with the timeline but
9 another aspect of this subcommittee on aquaculture
10 will be to have such an implementation plan to
11 implement both of these plans over the next two to
12 three years. We do expect the focus to be not
13 just on the pure regulatory and science elements
14 but that third bullet there, also focus on
15 economic development. Certainly, the first two
16 pieces, the science and regulatory piece are big
17 components of economic development but there may
18 be other aspects as well such as extension,
19 business incubators, opening up new markets,
20 things like that that do not fit neatly under the
21 science or regulatory pieces but are very
22 important and really essential for us moving

1 forward.

2 As I said, the draft outline is still up
3 for public comment. We welcome the comments from
4 anyone, from the Councils, either collectively or
5 individually. It does close in a few days but
6 there's a link for how you can get to it.

7 I won't go into details of the plan, the
8 regulatory plan but I will highlight the three
9 main goals. 1 is to improve the efficiency and
10 predictability of aquaculture permitting in
11 federal waters, in state and federal waters and
12 that's what I pointed to at the very beginning of
13 my talk. It's also a goal to implement a national
14 approach for aquatic animal health. We've had an
15 aquatic animal health plan in place amongst
16 federal agencies, Fisher (inaudible) service, USDA
17 and others for many years but this goal, we
18 specifically need to refresh that and make a new
19 and improved plan.

20 In the last piece, goal 3 is really a
21 smorgasbord of various tools that can be brought
22 to bear to improve aquaculture management,

1 everything from how to do NIPA analysis and ESA
2 analysis in a more holistic way. How to develop
3 new scientific tools for assessing and avoiding
4 risks of entanglement or of genetic impacts and
5 escapes. There are also citing tools in here as
6 well.

7 So next step is we will share the public
8 comments once they come in with the other members
9 of the task force. We will basically digest those
10 comments and develop a draft plan. That plan will
11 go out, the timeline is still TBD but we are
12 planning on hopefully early this winter. We will
13 certainly make sure that you all are aware so you
14 can provide comments and then hopefully by late
15 winter, depending on the nature of the comments
16 and how extensive they are, we hope to get a final
17 plan out, perhaps as early as late winter.

18 I'll pause there for a moment if anyone
19 has any questions before I shift gears to more
20 legislative updates.

21 MS. McCAWLEY: Questions at this point
22 in the presentation? Yes, Mel?

1 MR. BELL: You had it in there but I am
2 in the southeast region, sort of the -- I would
3 say the low hanging fruit for us related to
4 aquaculture is really in state water. It's
5 mentioned in there. In particular for us, some of
6 the oyster farm type things, suspended cages but
7 that is, in terms of moving forward, at least in
8 our area we don't really see so much potential in
9 federal waters yet but there is.

10 So to the degree that we can get some
11 help with that because we are literally in the
12 beginning stages of some of this and running into
13 challenges associated with things that you need to
14 have in place to even get things off the ground,
15 like dependable seats or understanding of -- from
16 a scientific standpoint of what is safe to move
17 around in the region and those sorts of things so
18 there is plenty of -- I would just refer to it as
19 sort of low hanging fruit in the states right now,
20 at least in our region.

21 MR. O'BRIEN: I am glad you raised that
22 because I think in terms of new opportunities

1 offshore, there is a lot of opportunity there but
2 that's not to dismiss what's happening in state
3 waters. That is the bulk of our aquacultural
4 operations right now. The most -- and that's
5 where it will continue to be for quite some time,
6 in particular, shellfish but also finfish in some
7 states.

8 So the science plan does -- well
9 actually both plans have a state and federal
10 component to them but the science plan is more
11 broad. It's a lot of work emphasizing shellfish
12 research for example and that comes up later in my
13 slides as well so point taken.

14 MS. McCAWLEY: Any more comments and
15 questions before we move -- yes, Kerry?

16 MS. SIMONDS: Yes, thank you, Madam
17 Chair. Thank you for your presentation. Just a
18 quick question, on the draft work plan after the
19 public comments are received in the Gulf Council,
20 are you planning to bring that draft work plan to
21 the Councils and give a presentation or is that
22 going to just be a public comment period like we

1 had for the general outline?

2 MR. O'BRIEN: Certainly we are happy to
3 come and present to the Councils on draft work
4 plan if it's helpful so more than happy to do so.
5 Frankly, I am not sure to what extent we thought
6 through this specific roll out of the draft plan
7 but we can add that to the list certainly.

8 MS. McCAWLEY: Anymore questions,
9 comments at this point in the presentation?
10 Alright, I am going to turn it back to you, David.

11 MR. O'BRIEN: Okay, thank you. Just a
12 few more slides here. Legislative updates, just
13 very quickly about ocean reports in this first
14 bullet. This is a citing tool that was developed
15 by our colleagues at the ocean service and for
16 those that don't know, NMFS operates within the
17 context of a broader aquaculture program within
18 NOAA. We effectively lead that program but we
19 have colleagues at the ocean service and sea grant
20 to work very closely with us as well. Ocean
21 reports is a citing tool and I am sure we are
22 happy to present you the details of that if you'd

1 like. It is a way for us to take a first cut at
2 looking at how to avoid -- how to find good sights
3 for aquaculture and there's a lot to that of
4 course and part of it is making sure from an
5 aquaculture industry standpoint you have the right
6 depths and current philosophies and access to
7 ports and that sort of thing but then also, you
8 want to make sure we are cognizant of and avoiding
9 impacts from dangerous species and other
10 environmental impacts as well as avoiding user
11 conflicts. We certainly don't want to put a farm
12 in the middle of a military base or get 80 percent
13 down the path of permitting and then realize it is
14 in the middle of the military base.

15 Similarly, we want to be cognizant of
16 key fishing grounds and that sort of thing as we
17 are looking to cite operations. So these ocean
18 reports are really a way to look, as we say, at
19 the broad ocean neighborhoods where areas could be
20 good or not so good for aquaculture. It's not the
21 only thing we need to do but it's the first key
22 step along the way. I put this in the legislative

1 updates because Congress is very interested in
2 this. The key developer of this tool has been on
3 a road show for much of the past 6 to 8 months.
4 He spoke to pretty much every congressional member
5 at this point. There is a lot of interest in this
6 tool and it really demonstrates NOAA's efforts to
7 move aquaculture in a sustainable way forward.

8 The other, the second bullet there is
9 the Aqua Act. I imagine there may be some
10 questions about this. This is the bill that was
11 drafted by Senator Wicker and his staff. It was
12 introduced last year and there are updates ongoing
13 as we speak.

14 It does a number of things but the key
15 -- one of the key things is it would clarify this
16 ongoing question which is whether aquaculture
17 should be treated as fishing or not under the
18 Magnusson Act.

19 We've had a longstanding decision going
20 back 25 years or so within NOAA to say given the
21 definition of fishing under Magnusson, aquaculture
22 fits although everyone recognizes it's not a

1 perfect fit but it does fit and we've acted
2 accordingly, certainly mostly in the Gulf of
3 Mexico with their FMP.

4 But there are still questions out there.
5 We have a lawsuit that we lost but we are still in
6 the process of appealing. We will see where that
7 ends up, however, this Aqua Act would say
8 aquaculture is not fishing but would establish a
9 new set of rules for NOAA to establish a permit
10 for aquaculture as enforcement provisions has
11 environmental standards in there. At least in
12 it's current draft, again, this is influx.

13 And we've been working with Congress in
14 the technical drafting assistance mode, meaning we
15 don't have an official position as an
16 administration on whether we support this Act or
17 not, however, we can provide technical assistance
18 in terms of -- if they want to accomplish a goal,
19 what's the best language to get there and what
20 language can be problematic from an implementation
21 standpoint.

22 We expect the bill to be introduced at

1 some point in this Congress but we have been
2 expecting that for several months now and it
3 hasn't happened yet so it's speculative but we
4 still think that it probably -- there's a good it
5 will be introduced this Congress and where it goes
6 from there is uncertain.

7 There was a senate commerce committee
8 hearing on October 16th to talk about the Aqua
9 Act. It was very well attended, some great folks
10 there on the witness list, including Paul Doremus
11 but others from industry and other partners.

12 It was a very good hearing. Again,
13 we'll see if it actually moves the needle in any
14 way, one way or the other. And the last thing
15 about legislative updates is just that -- just to
16 highlight the congressional staff interest. There
17 has been a number of delegations visiting
18 aquaculture operations, including most recently in
19 Hawaii over the Summer is the one operation we
20 have. It's technically in state waters but it has
21 an open ocean aquaculture feel to it, given the
22 depth and the current that's right offshore there

1 or right within state waters.

2 And whenever folks go out there, they
3 seem to really appreciate the value of aquaculture
4 and they see how it could be done well so we are
5 continuing to work with Congress in a variety of
6 ways, including these delegations to educate them
7 about aquaculture potential and the management
8 tools.

9 And then my last update and then we can
10 really just read through this but really quickly
11 while I have the floor, we are estimating more
12 than 29 million dollars in funding going out the
13 door this year. That's an increase from last
14 year. It really falls into several main
15 categories. Within the fishery service, we have
16 been working with the interstate commissions, the
17 interstate fish commissions for the past several
18 years to implement grants programs.

19 For private projects, roughly two
20 million dollars and oyster research consortia
21 grants, roughly three million dollars. This is
22 annually. And this has been a really good

1 partnership through the commissions. It's helped
2 build some bridges there. It's been very valuable
3 for us. And then SK, I think everyone here knows
4 the amount of funding going into SK fluctuates
5 widely. I won't get into that but last year or
6 this year, 2019, we got roughly a million dollars
7 for aquaculture grants.

8 At OAR, where the Sea Grant program
9 lives, they put out 16 million dollars in funding
10 in FY19. They also run the small business
11 innovation research program which is used to
12 develop pilots towards commercialization. Roughly
13 8 million or almost a million dollars in phase 2.
14 In phase 1, they are still in the process of
15 working that through so we should know those
16 numbers pretty soon and then lastly, the ocean
17 service, they have competitive research grants
18 that address a wide range of things but including
19 some grants that are focused really on supporting
20 the shellfish industry through harmful alga blooms
21 and that sort of thing and how they may affect the
22 shellfish industry and helping to develop tools

1 for them to mitigate those potential impacts.

2 With that, I believe that's all the
3 slides I have now. Sorry, I am wrong about that.
4 Lastly, in FY '20, again we are waiting on
5 appropriations as is everyone but right now,
6 looking at the Senate and House marks, which is
7 the guidance they provide about funding levels and
8 projects they want to see funded, it really echoes
9 what we have seen over the past several years.

10 There is a lot of emphasis on shellfish,
11 growth rates and genetic variation, oyster
12 aquaculture in particular as a subset of shellfish
13 is a key focus area both for farming, for seafood,
14 also for restoration.

15 Regional pilots continues to be an area
16 of emphasis and then also there's a focus on
17 supporting and maintaining activities at the -- in
18 particular the northeast and northwest fishery
19 science centers but more broadly all the NMFS
20 science centers. There is a lot of interest there
21 within Congress for really seeing us build or at
22 least maintain our key capacities in these science

1 centers to support aquaculture research. And that
2 is really my last slide. So I am happy to take
3 any questions. I am not sure how much time I have
4 left but I am happy to answer any questions I can.

5 MS. McCAWLEY: We are definitely have
6 time for some questions. Questions? Comments?
7 Yes, Tom?

8 MR. NIES: David, I have a question
9 that's related to a couple of comments you made in
10 your presentation and I am going to ask it I guess
11 two ways perhaps. The first way is under current
12 statutory authority not including the Aqua Act or
13 anything else that is being considered. As you
14 pointed out, it's been the agency's longstanding
15 position that aquaculture activities are fishing.

16 MR. O'BRIEN: Yeah.

17 MR. NIES: And I believe that that's
18 something that is in the appeal for the Gulf
19 Council as well. That's one of the agency's
20 arguments. Does the agency have a position then
21 on whether existing regulations apply to
22 aquaculture? So for example, if there is a

1 species that is prohibited, harvest that's
2 prohibited in the EEZ, does the agency assume that
3 that would prevent an aquaculture activity for
4 that species in the EEZ? And there are probably
5 other regulatory examples but that is probably the
6 easiest one to bring up.

7 MR. O'BRIEN: Go ahead.

8 MR. RAUCH: Sam Rauch. As we indicated
9 at the CCC meeting in Alaska, was it last year?
10 The agency's position is that fisheries
11 regulations do not apply to aquaculture by
12 default. The certainly could, the Council has the
13 authority to do so and certain Councils have taken
14 action but -- aside from the court case but that
15 they have to apply the aquaculture by intention.
16 We see a lot of regulations that could
17 theoretically be viewed as a barrier or a license
18 for aquaculture but there is no indication the
19 Council ever intended it to be so. And so our
20 belief is that these things do not prohibit
21 aquaculture unless the Council was explicit in
22 developing that regulation that it does prohibit

1 aquaculture. So we look for that level of
2 intention to indicate that commitment, otherwise,
3 it would not apply to aquaculture.

4 MR. NIES: Can I ask a follow up?

5 MS. McCAWLEY: Yes.

6 MR. NIES: So a follow up on that is
7 that interpretation is a little bit a problematic
8 from our point of view. In 1998 -- 1996 actually
9 the New England Fishery Management Council had an
10 aquaculture committee, developed an aquaculture
11 policy and the advice from legal counsel at the
12 time and from the regional administrator at the
13 time was that yes, of course, your fishery
14 management regulations apply to aquaculture.

15 And so ever since then, we have never
16 explicitly said that because we had advice that
17 said they did and now this is -- I don't know if
18 it's a change or a clarification, however we want
19 to word it so I guess does this somehow overturn
20 that interpretation?

21 MR. RAUCH: I don't know where your
22 interpretation came from. It doesn't sound to me

1 like it was sort of set in stone or in writing but
2 it might have been an understanding but regardless
3 as you will recall, we were going through -- I
4 mean the interpretation is clear. The Council
5 clearly has the ability to regulate aquaculture,
6 if it does so with intention.

7 We were going -- prior to the issuance
8 of the district court's opinion in the gulf, we
9 were working on a rule that would clarify that and
10 that would go look through the various acts and
11 try to determine was there intention? We had
12 talked about this, maybe in New England there was.
13 Maybe in New England, because of this longstanding
14 understanding that New England interprets their
15 rules to apply to aquaculture because there is a
16 record of that decision. It's not clear to me
17 that that happens everywhere but after the court
18 case in the gulf, that rule is on hold a little
19 bit until we determine what the status of our
20 authority really is so I don't know that we'd
21 change it and I don't know that it necessarily
22 changes your view. I think to the extent that in

1 New England, you have this longstanding practice
2 that you can document somewhere that this is the
3 Council's understanding, that may be the Council's
4 understanding. I am not but the Council still
5 needs to act with intention and what you are
6 saying is the Council did sell intent. Maybe
7 that's true. That's not true everywhere.

8 MS. McCAWLEY: Go ahead, Tom.

9 MR. NIES: Just one more follow up and
10 this is turning to Dave's comment about the
11 technical guidance on the Aqua Act. Is part of
12 your technical guidance, perhaps pointing out
13 where elements of the Act may complicate
14 enforcement under Magnusson, if it's treated
15 separately from Fishery's regulations?

16 MR. RAUCH: Again, I use the prohibited
17 species thing as an example just because it's
18 clear cut. It's somewhat easy to enforce that if
19 you see these fish showing up on the market, at
20 least potentially easy to enforce that.
21 Aquaculture that allows harvest of that would make
22 it more difficult to enforce that through the

1 marketplace. I am not saying whether that's good
2 or bad but is your technical guidance going to
3 that level of detail where you point out those
4 types of issues that may come up?

5 MR. NIES: No, I don't think that
6 specific topic has ever like come up in the
7 context of the enforcement provisions. I know we
8 have spent a lot of time on the enforcement
9 provisions with Congress and looking to Magnusson
10 as a guide, I don't believe the specific topic
11 that you are talking about or that angle was
12 explicitly considered, nor was it requested of us.

13 MS. McCAWLEY: More questions or
14 comments? Yes, Phil?

15 MR. ANDERSON: Thank you, Madam Chair.
16 I just had a question under the broader umbrella
17 of aquaculture. Where do salmon hatcheries fall?
18 Do they fall under that umbrella or outside it?
19 And by salmon hatcheries I am talking about
20 hatcheries that release juveniles into the natural
21 environment.

22 MR. O'BRIEN: So certainly in the broad

1 sense, aquaculture is a tool used for a variety of
2 things, including seafood farming but also for
3 stock enhancement so in a definitional way, that
4 is a form of aquaculture, however, as a program
5 with the NOAA, we typically do not -- we have not
6 considered the salmon stock enhancement efforts to
7 be (inaudible) aquaculture program for a variety
8 of reasons which I won't get into but -- I am
9 happy if you'd like but we sort of cut that off.
10 We said our role really is twofold, one is to
11 focus on aquaculture as a tool for seafood
12 farming, number 1 and number 2, we do provide some
13 research support for just the research side of
14 aquaculture as a tool to restore certain species.
15 We focused on some abalone recovery efforts in the
16 southwest fishery science center as well as Alaska
17 fishery science center.

18 We've supported some king crab stock
19 enhancement research. Those are the two main ones
20 that come to mind so it's a bit of a mixed bag on
21 the stock enhancement research side but that's as
22 far as we've gone and we've always had a sort of

1 unwritten rule, so to speak where the folks on the
2 research side as part of our program but actually
3 implementing that through large scale enhancement
4 efforts, for example, would fall to other programs
5 to implement.

6 MR. RAUCH: I just want to be clear that
7 the agency in large does work significantly on
8 salmon, hatchery management plans to the Mitchell
9 Act funding. There is a substantial national
10 fisheries investment in various salmon hatcheries
11 around the country, just not the aquaculture
12 program and that's more historical, I think,
13 because that was coming through the Mitchell Act
14 and other avenues.

15 MS. McCAWLEY: Any other questions or
16 comments? Kerry?

17 MS. SIMONDS: Thank you, Madam Chair. I
18 think it would be helpful due to the comment
19 period on this if we could get an overview maybe
20 at the counsel level. In the gulf, this is like
21 high interest to us. We spent many many years
22 developing the gulf FMP. We don't know where we

1 are with the lawsuit.

2 Now it's not the wild wild west out
3 there but there is offshore aquaculture. They
4 don't have to go through the Council process right
5 now. They don't have to get any fishing permit.
6 It is going through NMFS and then we do hear from
7 the Army core when there is a various sighting and
8 then we do have to comment through the EPA, which
9 I noticed that is one of your goals with this task
10 that you are working on which -- good luck with
11 that.

12 At the regional level we had a problem
13 so that's a big goal to have but I think it's
14 important, if we could get an overview of this to
15 our counsel. I don't know what the timing is on
16 that but this is an important issue for us and we
17 are struggling right now keeping up with the
18 changes whether they minor changes or major
19 changes to sighting, when things are being moved
20 and interactions with fisheries. I mean there are
21 no requirement to come to the Councils.

22 People have been generous in doing that

1 but there is no requirement to do that and as this
2 moves forward until some of these other things are
3 in place, I just feel like we are struggling with
4 keeping up with what's going on with our waters.

5 MR. O'BRIEN: Yeah, I think we are
6 certainly happy to come and talk to the Council
7 about the draft plan when it comes out. I am not
8 sure the best mechanism to do that, given the
9 timing of your meetings and such and we do have --
10 we are trying to get the plan out this winter if
11 at all possible. Perhaps a webinar or something
12 like that could be set up with staff. We can --
13 maybe Brian and I can talk offline about how best
14 to do that.

15 But since you raised that point, it's a
16 good one, about what's happening right now in the
17 Gulf of Mexico. I think when the group of
18 plaintiffs came in and asked us or asked the court
19 to rule against aquaculture being a form of
20 fishing and they won that lawsuit, at least at
21 this stage, there was a general sense among some
22 groups that that meant there was a ban on

1 aquaculture in the Gulf of Mexico and actually
2 that's not the case at all. It just means that
3 it's not a NMFS permit. They can still and are --
4 groups are coming in asking for EPA permits, Army
5 core permits and we have a role in the
6 consultation under ESA and EFH and others and we
7 have a general coordination role in the National
8 Aquaculture Act but our role is more limited given
9 the absence of the Magnusson Act and permit.

10 It's one of the -- you know, the
11 benefits of either having Magnusson authority or
12 under the Aqua Act, having -- NOAA having a
13 central place at the table -- we are already there
14 in a coordination way but it's not in a regulatory
15 way and that's one of the challenges right now in
16 the Gulf of Mexico.

17 And the same thing is happening other
18 parts of the country as well when some of our
19 stakeholders are using non- managed species but
20 that's really the way that some folks are moving
21 forward with offshore aquaculture, just using
22 species that are not federally managed at this

1 time.

2 MS. McCAWLEY: Any other questions or
3 comments? Alright, thank you, David.

4 MR. O'BRIEN: Thank you.

5 MS. McCAWLEY: Next up on our agenda, we
6 have time for public comment. We don't have any
7 particular forms for people to fill out so I am
8 just going to ask people and look to the audience
9 to see if there are folks that do want to make
10 public comment.

11 Alright, I don't see anyone so let's go
12 ahead and take a 15 minute break.

13 (Recess) And now we are going to be
14 moving into our

15 Legislative outlook and MSA
16 reauthorization. Alright, I am going to ask Dave
17 Whaley if he wouldn't mind stepping up to the
18 table.

19 MR. WHALEY: Alright, I passed the first
20 test. Well thank you all, welcome to Washington.
21 As you know, we are the home of the World Series
22 Champion, Washington Nationals.

1 (Applause) I am actually just
2 stalling until the staff gets
3 Here. They are not here yet so --
4 apparently we have two congressional staff coming.
5 As a former House staffer, I am just happy to
6 announce that both majority and minority from the
7 House natural resources committee are coming.
8 Obviously, the people's House thinks it's
9 important to talk to the Councils. I won't make
10 any comments about the Senate.

11 For those of you that I haven't met, and
12 I think I have met everybody except for maybe
13 Eric, who I think I met in my past life. I've
14 tried to keep you all up to speed on Congressional
15 hearings and I am going to start my little speech
16 with excuses.

17 Most committees only give 48 hour notice
18 on Congressional hearings so I tell you guys as
19 soon as I can but sometimes it may be the day of a
20 hearing and I apologize but that's what I've got
21 to work with.

22 In addition, sometimes when the

1 Congressional committee has announced hearings,
2 they don't announce who the witnesses are going to
3 be so I may send you a note that says there's a
4 hearing coming up, I have no idea who is
5 testifying but here's what it's on and for that I
6 apologize.

7 As part of the monthly report that I
8 sent you, there are links to all the hearings that
9 have taken place already so you can go back and
10 watch them if you want. There is also a list of
11 who testified so you can go back and see if any of
12 your friends or enemies have testified and you can
13 go back and watch what they said.

14 As part of the monthly report, I also
15 give a list of specific legislation that's been
16 introduced and also an update on any time any
17 action is taken, whether a hearing has taken
18 place, whether it's on the House or Senate floor,
19 whether it's become public law, et cetera.

20 I am really curious how you use the
21 monthly reports, whether they're useful to you, if
22 you have comments or questions at all please let

1 me know. If you have comments on how I can make
2 it better, let me know. I know it's a large
3 document but I want you to have that ability to go
4 back and watch previous hearings if you want.
5 Everybody is always asking me about politics. If
6 you don't know, if you've been hiding under a rock
7 for the last year, next year is an election year
8 and not just a regular election year but a
9 presidential election year and that's one year
10 from this week. By the time we meet in May, 37 of
11 the 50 states will have already held their
12 primaries so we'll have a pretty good indication
13 of who is going to be the nominee for both major
14 parties.

15 All 435 members of the House of
16 Representatives are up for reelection and 1/3rd of
17 the Senate is up for election so things can change
18 starting at the end of next year. Because it's an
19 election year, timing for what happens in the
20 House and the Senate is a little bit questionable.
21 They are going to try and go home as much as they
22 can so pretty much after July of next year,

1 nothing is going to happen. The reason that I
2 mentioned this is there's a couple of folks that
3 have talked about legislation that might be
4 introduced later this year or early next year.
5 The later it gets introduced the less likely it's
6 going to have any action in the 116th Congress.

7 Magnusson-Steven's reauthorization
8 update: I'll give you a quick update. As you all
9 know, it was last reauthorized in 2006/2007.
10 Appropriations were authorized through fiscal year
11 2013 so we are already six years past the
12 authorization, the last authorization.

13 Only one bill has been introduced in
14 either the House or the Senate that would
15 reauthorize the Magnusson Act and that was a bill
16 that was introduced by Congressman Young from
17 Alaska. It's almost identical to the bill that
18 passed the house last year but as many of you
19 know, the House changed hands so it's not being
20 controlled by the Democrats so it's unlikely that
21 that bill will move this year.

22 During the next presentation, Lora

1 Snyder from Congressman Huffman's office is going
2 to be here and from the committee staff, I am
3 going to tell you a little bit about what their
4 plans are but I'll give you a brief update on --
5 Chairman Huffman's had some listening sessions.
6 He announced that he was going to do a series of
7 listening sessions around the country, hopefully
8 one in each of the Council areas to discuss the
9 Magnusson reauthorization and then he was going to
10 develop a bill after that.

11 He announced that in July. He's already
12 held two of the -- I guess there would be eight or
13 nine listening sessions. The first two were held
14 in California. There are videos of the listening
15 sessions that are available. They were a little
16 difficult to find but I sent out a memo that I
17 think most of you should have gotten that has a
18 link to both the videos, if you want to watch.
19 They take about two hours.

20 Also on the Congressman's website, not
21 on the committee website but on the Congressman's
22 personal office website, there is a link for

1 public comment for those who can't make it to any
2 of the listening sessions. The format for the two
3 listening sessions so far has been an opening
4 statement by Chairman Huffman followed by five
5 minute statements by panelists and both of the
6 listening sessions had a panel that sat on the
7 dais with the Congressman.

8 After five minute statements by each of
9 the panelists, they then discuss some questions
10 that Chairman Huffman posed and while they were
11 discussing those, they collected questions from
12 the audience, which they then addressed.

13 Following those questions, they then had
14 an open mic session for public comment and that
15 was consistent for both the two. The memo that I
16 sent out -- I transcribed the opening statement
17 that Chairman Huffman made so you can see that.
18 At the end of the last listening session, the
19 Chairman said that the next session would be
20 either in the mid-Atlantic or New England region.
21 He didn't make an announcement about when that
22 would take place but he said that was likely where

1 the next one would take place.

2 I took some notes from the sessions and
3 I will go through those very quickly but any issue
4 that came up more than a couple of times I wrote
5 down. A couple of these are -- since the first
6 two listening sessions were in California, two of
7 these may be kind of California centric issues but
8 the issues that were mentioned were changing ocean
9 conditions and climate change, the need for more
10 and better research, salmon management and habitat
11 conservation, especially inland and that included
12 water issues, again a California issue.

13 Another issue that I think may be just a
14 west coast issue is concern about limited access
15 after rebuilding plans are completed. A couple of
16 panelists expressed an interest in some type of
17 open access after a rebuilding plan was
18 successful, mostly to benefit small boat fleets.

19 Again, habitat protection, not
20 necessarily salmon habitat but habitat protection
21 was mentioned a number of times by panelists.
22 Several panelists mentioned the idea that they

1 would like either NOAA or the Councils to have
2 veto power over other federally permitted actions
3 that might affect central fish habitat so that
4 came up a couple of times.

5 Forage fish protection came up,
6 community impact mitigation and local
7 infrastructure mitigation came up and trade,
8 marketing and promotion came up. On the senate
9 side, as you may remember, the end of last
10 Congress, Senator Sullivan from Alaska sent out a
11 request for comments on a draft bill that was
12 circulated. A number of Councils responded. We
13 haven't seen anything come of that and I talked to
14 a staff and they said it was unlikely that they
15 would introduce something this year unless the
16 House started to move something and then they
17 might introduce something as a counterpoint, so
18 not much going on in the Senate on Magnusson.

19 On appropriations, I think we are going
20 to talk a little bit more about that tomorrow but
21 the government is currently funded through
22 November 21st, which is a little over two weeks

1 away. Right after I sent out the last monthly
2 report, the Senate passed a package of
3 appropriation bills which includes appropriations
4 for the department of commerce so that's good
5 news. They amended what the House had sent them
6 so now it has to go back to the House but it does
7 include funding for NOAA, it includes funding for
8 five of the regular -- of the 12 regular
9 appropriation bills.

10 I apologize but the language is not yet
11 available so I don't know what's in it but once
12 it's available, I'll try to send something out so
13 you can see what the numbers are. As I mentioned
14 in the monthly report, I sent out a list of what
15 legislation is out there. If you -- if any of the
16 Councils have some specific legislation or issue
17 that you want me to track that I am not, please
18 let me know.

19 So far, no fish related legislation has
20 gotten to the President and so far, there are only
21 nine fish related bills that have passed the
22 House. No fish related bills have passed the

1 Senate yet.

2 There are rumors of a possible fish
3 package which would be a package of a number of
4 fish bills that might be getting put together in
5 the Senate. I haven't seen anything and I've only
6 heard rumors so I don't know what's likely to be
7 in it or if the rumors are true but once I know,
8 I'll let you know.

9 There has been a lot of talk about the
10 forage fish legislation. I know that several
11 Councils have been asked to comment on the
12 legislation and I have seen letters going to
13 members so I appreciate that. There has not been
14 a hearing scheduled and we haven't seen any action
15 on the bill yet and there is no Senate companion
16 bill so nothing going out on the Senate on that
17 issue either.

18 On aquaculture, as you know, well as
19 Dave mentioned earlier, last Congress, Senator
20 Wicker introduced a pretty comprehensive
21 permitting and regulatory structure for
22 aquaculture in the offshore areas. It has not

1 been introduced yet this year and as Dave said,
2 apparently it's going under some significant
3 revisions so we'll see what comes out.

4 There are 11 other bills dealing with
5 either labeling or genetically modified salmon or
6 worker protection for aquaculture facilities but
7 that bill from last Congress is the only one that
8 is a comprehensive aquaculture bill.

9 Just real quickly, there are seven bills
10 dealing with sharks, two bills that would restrict
11 drift net fisheries, one bill dealing with fluke,
12 14 bills dealing with coral reefs and one bill
13 dealing with sea birds. Sea birds? Are staff
14 here? Should I finish up? Well real quickly I'll
15 go through three bills that were introduced since
16 the last time we met that are kind of interesting.
17 Two of them were introduced by Senator Wicker who
18 is the Chair of the Senate Commerce committee so
19 if he wants to move them, he can move them.

20 The first would designate regional Ocean
21 partnerships within NOAA. You may remember we had
22 a lot of discussions a few years ago about the

1 national ocean policy and how it was a sort of a
2 Federal overlay. This would be sort of similar
3 but it would not -- it would only be under NOAA
4 and it would be state run so it would not be a
5 federal overlay so that's kind of interesting.

6 Senator Hyde-Smith from Mississippi also
7 has a bill called the Commercial Fishing and
8 Aquaculture Protection Act. It would be a bill to
9 provide a safety net program for commercial
10 fishermen and aquaculture producers. The last one
11 I am going to highlight, because I see staff is
12 here and I'd rather you hear from them is a bill
13 also introduced by Senator Wicker. It's titled
14 The Fishery Failures Urgently Needed Disaster
15 Declarations Act.

16 It authorizes the Secretary of Commerce
17 to determine Fishery disasters, it sets up a
18 procedure for who can ask for disaster. It
19 includes aquaculture under disaster assistance and
20 it also repeals or eliminates the
21 Interjurisdictional Fisheries Act Disaster Program
22 and the disaster program under Magnusson and

1 replaces it with this freestanding provision so a
2 kind of interesting. I don't know where it came
3 from or where the genesis of it was but it's out
4 there for comment so I'll wrap it up with that
5 since the Congressional staffer is here and if
6 anybody has comments, we can do them now or after
7 they talk.

8 MS. McCAWLEY: Why don't we hold
9 comments for you and questions for you Dave until
10 after we talk to the staff so I believe we have
11 Bill Ball and Lora Snyder with us so welcome. I
12 don't know if you guys wanted to talk? Bill?

13 MR. HOLMES: My name is Delford Holmes,
14 I am in the NOAA legislative affairs office on the
15 fisheries team there. Good to see many of you
16 again and welcome to the new folks as well. As is
17 our usual custom, we invite our authorizing
18 partners on the hill to come and speak with you
19 all and to engage in a lively discussion, talk
20 about current activities, what they are working on
21 and what their expectations are for the current
22 session of Congress.

1 They are our authorizing partners on the
2 hill so they are not our appropriating partners so
3 when we get to the questions and answers, they
4 won't be able to answer as fluidly when it comes
5 to budget numbers but when it comes to oversight
6 of NOAA, NOAA fisheries and our activities, these
7 are the folks that we work with on the hill so
8 with us we have Laura Snyder, who is the Staff
9 Director for the Water, Oceans and Wildlife
10 subcommittee of House natural resources on the
11 Democratic side and Bill Ball, Deputy Staff
12 Director of the full committee on the Republican
13 side so I'll let you guys introduce yourselves and
14 throw it over to Lora to begin.

15 MS. SNYDER: You can go.

16 MR. BALL: Alright, I'll go because I'll
17 be a lot shorter because the short answer is I
18 don't know what's going to happen for the rest of
19 the year. I have no control over that so I
20 appreciate the opportunity to speak with you guys.
21 It's always a good opportunity to kind of -- it's
22 a good opportunity to try to get here early and

1 see what Dave has to say and figure out what is
2 actually going on in D.C. because sometimes I
3 don't even know.

4 You know, again, we are -- obviously we
5 are -- being in the House minority now, we are the
6 lowest man on the totem pole. We don't really set
7 the agenda or the calendar so I can't speak much
8 to that but you know, bigger picture I think we've
9 really tried to adhere to a general policy and
10 that hasn't always been the case, especially in
11 the Gulf because we have some very passionate
12 members in that region but to stay away from D.C.
13 Policy from Congress that regulates species
14 specific fishing or gear types and whatever we can
15 do to keep the Council process whole and -- well,
16 as whole as possible so we've really kind of
17 adhered to that.

18 In terms of fishing specific, obviously
19 the biggest thing we usually work on on the
20 committee that's specific to fisheries is
21 Magnusson. We have pushed a bill on our side of
22 the aisle for a number of Congresses with Mr.

1 Young to reauthorize the act. Frankly, I will say
2 that while we didn't come close to agreement last
3 Congress, both Mr. Young and Mr. Huffman actually
4 had good conversations that I think were very
5 genuine in trying to find a path forward. And so
6 seeing if that may be an option this time around.

7 Reality is we'll kind of see. I do kind
8 of echo what David said. The Senate has probably
9 been a little more interested in looking at a
10 bigger package at this point and to be determined
11 how that plays out. Obviously it's a lot harder
12 for them to kind of shift gears and do that and
13 get things off the floor but there were a couple
14 of things I think, the major sticking points for
15 us and I'll probably be a little more frank here
16 than I should be, in Magnusson are things dealing
17 with shifting environment and dealing with forage
18 fish so I am happy to answer any questions. I
19 don't really have any insight into what's going on
20 so I apologize for that but again, those two
21 issues seem to come up again and again when we
22 talk to people about a bigger kind of more

1 fundamental framework change in Magnusson so I
2 would, if I could pose kind of two open ended
3 questions to you all because you are the ones who
4 deal with and implement the law, the Magnusson-
5 Stevens Act most directly on a daily basis and
6 certainly -- probably everyone at this table is
7 more adverse in it than I am. Is there anyone I
8 guess here that feels that under the current
9 Magnusson framework that law prohibits the
10 Council's ability to manage forage fish as they
11 see fit? I'll take that as a no.

12 Second, and these are honest questions.
13 I mean obviously we are trying to gauge how this
14 kind of -- how the Act is implemented and issues
15 that there are. We do hear a lot about shifting
16 climates and climate change and shifting stocks
17 and changes in habitat but do you all feel that
18 there is anything -- or can anyone here identify
19 anything in the Magnusson-Stevens Act that
20 prohibits you all from addressing shifting stocks
21 and shifting habitat environments when you are
22 setting FMPs. Money, that's true, very true and

1 fortunately we are not appropriators so our job is
2 a lot easier because it just is.

3 I think on that, obviously
4 appropriations is a very interesting game right
5 now. I don't really know how that's going to play
6 out; I don't think anyone really does. I think
7 it's a flip of the coin but we will see. I know
8 there is some good language in there. I also know
9 that we worked with the Senate and with Lora and
10 her team and frankly you can give these guys a
11 credit for pushing it, for trying to develop some
12 additional IUU language to help kind of complement
13 what was done in the Bordallo bill. That's kind
14 of in purgatory in the NDAA and I don't know how
15 that's going to play out but you know, we, I think
16 came to a decent compromise there with the House
17 and the Senate and some more language to push
18 forward there.

19 Other than that, again, I don't really
20 have great outlook for you guys so I'll pass over
21 to Lora who is in control so she can tell you
22 what's going on.

1 MS. SNYDER: Thanks, Bill. And thank
2 you for having me here. So Lora Snyder, I work
3 for Chairman Grijalva for the House Natural
4 Resources Committee but as you know, the
5 subcommittee Chair of the Water, Oceans and
6 Wildlife Subcommittee is Mr. Huffman who has long
7 been interested in fisheries issues and MSA. As
8 Dave mentioned, previously he made the
9 announcement that he is committed to going to as
10 many regions as possible. He very much wants to
11 hear from all stakeholders involved with fisheries
12 management and he -- so the Congressional schedule
13 obviously is difficult so I know you are -- there
14 is probably a question of where is he going to be
15 going next, where will the location be.

16 The plan is to, because of the schedule,
17 to announce those a week in advance so we are
18 going to try and make it where it will be the most
19 successful locations as possible coordinating
20 around events where people will be available. For
21 the Spring, just one of the challenges is we don't
22 even have the Congressional calendar for January

1 so we are -- we probably won't get that until
2 December so looking at the Spring for the
3 different locations, we do have to wait a little
4 bit but that being said, and as Dave said, the
5 listing sessions are not the only way to engage in
6 the process. There is the online portal,
7 Christine and Congressman Huffman's personal
8 office is meeting with a ton of people and doing a
9 lot of outreach so please get in touch with her or
10 with me or you can tell any of your stakeholders
11 that we are more than happy to talk.

12 And then, the draft bill, we would
13 expect to be out in the Spring time. We will --
14 Congressman Huffman fully intends on engaging in
15 the formal way through the Council process as well
16 so you should be expecting that. So why don't I
17 stop with the listening session, see if there are
18 any quick questions on that and then I can kind of
19 turn to other stuff that's not directly a
20 Magnusson reauthorization. Does anyone have a
21 question? Yes?

22 MR. GOURLEY: Thank you all for showing

1 up and talking with us. I noticed when you were
2 saying that Congressman Huffman was going to try
3 to meet. We in the western Pacific would like for
4 you to make extra effort to come out at least to
5 Hawaii and meet and then we can possibly bring
6 people in from the outer islands of the Marianas,
7 American Samoa and Guam.

8 Our fisheries are not as big as the east
9 coast but they are very important to us both
10 culturally and economically and I am really hoping
11 that he will be able to reach each Council, not
12 just try to get to each Council.

13 MS. SNYDER: I will pass the message
14 along.

15 MR. GOURLEY: Thank you.

16 MS. SNYDER: Okay, sorry.

17 MS. McCAWLEY: I think Gregg has some
18 questions.

19 MR. WAUGH: Thanks to both of you for
20 your presentations and for taking the time to be
21 here. Lora, we would offer up our first week in
22 December, our Council meeting is in North Carolina

1 and we would be glad to forward our Council
2 schedule for 2020 because that would be an easy
3 opportunity.

4 We would handle all the organization
5 side of it and you would have a pretty diverse
6 group there so we'd make that offer.

7 And the question is how are you choosing
8 the panelists? Because obviously we would like to
9 get someone to present the Council perspective and
10 maybe someone from our region.

11 MS. SNYDER: So this is all being done
12 through Congressman Huffman's personal office so
13 again, you can reach out to me or to Christine and
14 coordinate with her on this. As you can imagine,
15 it's a pretty big job.

16 MS. McCAWLEY: Dale?

17 MR. DIAZ: Yes, similar to Gregg's
18 comment, I was just going to mention the next Gulf
19 Council meeting is in New Orleans and it's
20 scheduled for the week of January 27th through the
21 30th and it may be just an option for you all to
22 consider also for -- there will be a lot of

1 stakeholders already there. Thank you.

2 MS. SNYDER: Yes, and I know Topher has
3 shared all of the Council meetings with the office
4 so that -- all the Council meetings are being
5 considered when they are making the decisions.
6 Can -- shall I turn it over to some of the other
7 issues?

8 So, we obviously are interested in a
9 number of issues pertaining to Magnusson, shifting
10 fish stocks as Bill was mentioning. We are very
11 entrusted in what tools the Councils, the agency
12 need to better address this issue and especially
13 in a changing climate so that we are very
14 interested in. Always interested in new
15 technologies, science and ways to better manage
16 our fisheries. Topher gets that response from me
17 a lot when the status of the stocks report is sent
18 up to Congress and there's a picture of a fish and
19 it says that only 12 percent or whatever percent
20 it is are overfished or overfishing is occurring
21 but that's of the species that have had stock
22 assessments and so there are a number of species

1 that have not had stock assessments and so we also
2 are very interested in making sure that we are
3 doing the assessments for more species and the
4 process that needs to go into that.

5 IUU, so illegal fishing and then the
6 connection with human trafficking is priority
7 especially of Chiarmán Grijalva's. We are next
8 week having a hearing on November 14th on the IUU
9 report to Congress and I appreciate NOAA, for the
10 first time they mentioned some of the human rights
11 abuses associated within the seafood supply chain
12 so we will be looking into that report and also
13 again diving into what we can be better doing to
14 protect in our honest -- our fishermen here in the
15 United States that are competing with seafood
16 that's coming into this country that comes from
17 whether IUU fishing or any type of association
18 with the seafood supply chain that has some type
19 of human trafficking so that's going to be -- it's
20 not so much of the Council but it is an issue that
21 I spend a lot of time on so you should expect to
22 see more of that and like I said, Chairman

1 Grijalva is very concerned in that area.

2 MS. McCAWLEY: Any questions for Lora?
3 Questions for Bill?

4 MS. SNYDER: Alright.

5 MS. McCAWLEY: Alright, thank you, Bill,
6 thank you, Lora for coming and spending time with
7 us and giving us some updates, we really
8 appreciate it.

9 Alright, I am going to go back to
10 questions for Dave Whaley. I guess my question,
11 Dave, is are you getting what you need from the
12 Councils? I think the last you were here, you
13 might have asked for some documents or some
14 reports from each of the Councils. Are you
15 getting what you need in a timely manner?

16 MR. WHALEY: I've gotten most of them
17 and I've talked to the folks that have not
18 provided them yet and they are on their way so we
19 are in good shape but just before Lora and Bill
20 leave, one of the things we are trying to do is
21 get some answers on some key issues before you ask
22 for them because sometimes our -- sometimes it's

1 hard to get the Councils to get consensus on some
2 of the issues so we are trying to preload that
3 process so we'll have some answers for you on a
4 couple of issues like climate change and forage
5 fish.

6 MS. McCAWLEY: Yes, John.

7 MR. GOURLEY: Thank you, Dave. You
8 asked how we used your report and if we had any
9 suggestions. You got your pen ready? We love
10 them. We anxiously wait for your monthly report
11 and we treasure them.

12 MR. WHALEY: I won't say that's sad but.

13 MR. GOURLEY: No, we do. We use them
14 for every Council meeting. It keeps us on our
15 toes and we really appreciate them. Thank you
16 very much.

17 MS. McCAWLEY: Anything else? Anymore
18 questions, comments for Dave? Yes, Gregg.

19 MR. WAUGH: Sorry.

20 MS. McCAWLEY: Okay. Alright, with
21 that, thank you, Dave. We are going to turn it
22 over to our other Dave who is going to talk to us

1 about the legislative work group committee report.

2 MR. WITHERELL: Thank you, Madam Chair.

3 We all have different names for this, I tend to
4 call it the legislative committee but there are
5 those that call it the legislative workgroup but
6 it's really all the same. I don't know if there
7 is an official name, I'll have to go back into the
8 record to find out.

9 Anyway, for background, this is a
10 picture of Homer, Alaska from our Council meeting
11 we just had there last month. It turned out the
12 weather was pretty decent the whole time and this
13 is right outside the meeting room so it was
14 somewhat difficult to concentrate when you saw the
15 boats coming by and folks catching fish right in
16 front of us. And we certainly appreciated having
17 Sam Rauch come and speak to the Council as well so
18 thank you.

19 It's dated as October 2019 and while
20 this meeting isn't in October, I was ahead of the
21 schedule and I had this finished last month so the
22 date is a little bit wrong. Just to review, the

1 legislative committee membership, we have members
2 from the different Councils. We did lose Terry
3 Stockwell who is no longer the Chair of the New
4 England Council, the vice chair of the New England
5 Council.

6 This is a picture of a 500 pound plus
7 halibut that was taken in Kodiak this summer.
8 Unfortunately, they harpooned it and shot it so it
9 wasn't eligible for an IGFA world record but quite
10 a catch regardless.

11 If you note at the last CCC meeting the
12 CCC did elect Tom Nies as vice chair. That's the
13 other piece of information.

14 Dave Whaley already provided his report
15 to you. He also provided that report to the
16 committee and these were the two items that really
17 jumped out at us. First that Congressman Huffman
18 was having roundtable discussions and two had
19 already been held and Marc -- one of our members,
20 Marc Gorelnick was in fact a testifier at one of
21 those hearings.

22 Second, we did get a request on North

1 Pacific Council, Pacific Council, and Mid-Atlantic
2 for comments on the Driftnet Modernization and
3 Bycatch Reduction Act and the Forage Fish
4 Conservation Act and we've, I believe, posted all
5 those comment letters on the Fishery Council
6 website and for reference. Tom Nies, this is an
7 Atlantic cod of 110 pounds but it was caught in
8 Iceland. That's what they look like. I've never
9 seen one so big.

10 We did have a conference call at the
11 legislative committee and made several
12 recommendations to revise our working paper.
13 Among those are turning our introductory section
14 that includes all the position statements, the
15 consensus statements on the different topics, some
16 background material, our overall points that the
17 CCC has made, general comments on preparation of
18 legislation and turning that into an executive
19 summary. Dave Whaley thought that that might be
20 useful for the staff to include as background
21 materials at some future hearing and might be kind
22 of a simple guide for the staff so we are

1 recommending that.

2 Secondly, the committee recommends that
3 we take the timing for FMP revision summaries that
4 we have all been preparing for Mr. Whaley and turn
5 that into a new topic area. Some of the draft
6 legislation that comes out now and then includes
7 various timelines and deadlines for completion of
8 Council action or implementation by the Secretary
9 and some of those are unrealistic so we wanted to
10 kind of put in a discussion and we will develop a
11 consensus statement on those kinds of things for
12 timing and we'll bring that back at the next CCC
13 meeting.

14 We also noted that the topics were not
15 exactly organized. They had been added over time
16 and consequently, it's kind of strange that you
17 have some topics on science and then it falls back
18 to what the authorities of the Council are and it
19 goes back and forth so we were recommending that
20 those be grouped into those three target -- those
21 groupings of science and data issues, fishery
22 management issues and Council process and

1 authority and then have some prioritization among
2 -- within each of those groups and the
3 prioritization as is, as they were developed is
4 probably the correct one with the exception of
5 timing for FMP revisions. It was suggested that
6 that move up in the list.

7 We also suggested an addition to the
8 stock rebuilding topic to better describe what it
9 means to have a higher probability of rebuilding
10 if you are not getting there and how that might
11 impact various fishing communities. And more
12 importantly -- and of course you are not going to
13 be able to read this but it is in your report and
14 in our minutes--some new language to replace the
15 existing consensus statement on forage fish. And
16 this is in response, it really gets out some of
17 the comments that have developed around the Forage
18 Fish Conservation Act and it gets out
19 understanding that you really can't define a
20 forage fish based on various criteria or
21 description. And by not doing so, you could
22 potentially -- it's a liability to Council and to

1 Councils in that it could be determined by the
2 courts.

3 And so we've brought in some examples of
4 the way forage fish has been defined by the
5 different Councils and we believe that should
6 remain in the authority of the Councils on
7 defining forage fish in their FMP.

8 We noted a few other things, in our
9 existing consensus statement that requiring forage
10 fish to be taken into account in the stock
11 assessments and dietary needs of other fish and
12 mammals would require quite a bit more resources,
13 financial resources and research and we already
14 don't have enough surveys and stock assessments
15 done for the species that are already targeted and
16 that the fishing mortality in our current
17 assessments already takes care of, or addresses,
18 the forage needs of those species.

19 And lastly, that the Council should
20 retain the authority to determine which species
21 should require conservation management. Of
22 course, the Secretary can override the Councils

1 and making that determination but we noted that if
2 there is legislation that directs the preparation
3 of a fishery management plan, and the examples
4 were Shad and Herring, it does create conflicts
5 with existing management structures and
6 authorities.

7 So just to review, the next steps for
8 the committee is to revise -- sorry about that,
9 revise the working paper to include our new
10 revisions that we are suggesting, including the
11 forage fish consensus statement, have a standalone
12 executive summary to group the topics by the three
13 categories and add the new topic of timing for FMP
14 revisions and to continue refining the regional
15 Council perspectives. Every draft that we issue,
16 and there is an updated one in your background
17 materials, contains all the revisions and edits to
18 the different perspectives from the different
19 Councils. And this is just a picture of the corner
20 of my garage that I call my shop and another
21 picture from our Homer meeting. So that concludes
22 my report, Madam Chair.

1 MS. McCAWLEY: Thank you. We have some
2 questions here. Chris?

3 MR. OLIVER: That slide reminded me that
4 I haven't been to your place on Hesketh Island in
5 a while but that last slide, it looks like since
6 I've been there, you've developed a creative
7 little supplemental retirement program. Those are
8 poppies.

9 MR. WITHERELL: Madam Chair, this is
10 taken actually from the Homer Spit and not from my
11 own property.

12 MS. McCAWLEY: Alright, so Dave, would
13 you like to maybe back up to slide four and we'll
14 kind of take these topics slide by slide and see
15 if we can get some motions. So yeah, if you'll
16 stop there, are there any topics -- I mean are
17 there any questions for Dave?

18 So we have kind of three topics on this
19 slide. This is recommending that the introduction
20 be turned into an executive summary, recommending
21 the addition of a new topic, which is timing for
22 FMP revisions and then regrouping all of the

1 topics into these three different categories so
2 questions or comments on that?

3 Alright, if folks don't have questions
4 or comments, I'd be looking for a motion to
5 approve these suggested changes to the CCC working
6 paper. Yes, Bill?

7 MR. TWEIT: Thank you, Madam Chair, so
8 moved.

9 MS. McCAWLEY: Alright, we have a
10 motion. We have a second by John. Under
11 discussion. Okay, Anjanette, are you going to
12 type a motion for us --

13 MR. FREDIEU: We were just talking about
14 that. Do you want to just put a motion up if we
15 are just voting to approve it as is or do you want
16 to put language if we want to change anything.
17 Just a point of order.

18 MR. TWEIT: Madam Chair, if it helps, my
19 motion was those three bullets with the
20 accompanying topic list so my motion was that
21 slide.

22 MS. McCAWLEY: Yeah so Gregg is back

1 here writing that up. I agree, I think that maybe
2 we don't need to type it up unless it's a change
3 from what we are seeing on the slide so good
4 point. So once again, there was a motion to
5 approve those three bullet points that you see on
6 the slide there. That was seconded. Anymore
7 discussion? Yes, Eric?

8 MR. REID: I might have missed it and I
9 apologize in advance but are those listed in order
10 of priority under each bullet point?

11 MR. TWEIT: Madam Chair, Yes, that's
12 correct.

13 MS. McCAWLEY: You want to add some more
14 things there, Eric?

15 MR. REID: No, I don't really want to
16 add anything. I'd like to move the furniture
17 around on a couple of columns but I mean it's my
18 first day and I don't really want to get too out
19 of control but you know, we -- earlier in the day,
20 we did have a conversation about the issues that
21 the east coast, and particularly New England and
22 the mid-Atlantic are going to have with survey

1 data when the windfarms come which makes me want
2 to take stock assessment and survey data and
3 cooperative research and cooperative data
4 collection and move it up the list because the
5 only way we are going to be able to maintain our
6 statistically based survey that we've been doing
7 for decades is to figure out how to get industry
8 boats in those windfarms because the big low,
9 which is the government platform right now will
10 not be able to fit in there and that's critical
11 for us and I mean it's critical for us. I am
12 sorry for the rest of you but it's critical for us
13 so to me that's an important adjustment going
14 forward and we have to start figuring out our
15 methodology now because we have to build some sort
16 of -- we have to calibrate survey vessels and we
17 have to build a timeline now before the windfarms
18 are actually built so that's my reasoning for
19 wanting to move those topics up the line so there
20 you have it, Madam Chair. Thank you.

21 MS. McCAWLEY: Thank you. Yes, Phil?

22 MR. ANDERSON: I know the question was

1 asked and answered but I'd like to ask it one more
2 time and make sure I understood the answer. These
3 are presented in priority order in these three
4 categories, is that correct?

5 MR. TWEIT: Through the chair? Yes,
6 they each -- each category has a priority within
7 that category and that's the recommendation from
8 the committee.

9 MS. McCAWLEY: Gregg?

10 MR. WAUGH: If I could ask Dave Whaley,
11 because I think this is one of the big uses is
12 other people looking in, Congressional staffers,
13 other people looking in. I wonder if we are
14 reading too much into this priority because
15 before, it was just sort of a compilation and I
16 don't know that you know, trying to sit here and
17 rearrange all of them would be productive and
18 whether that's going to have a lot of significance
19 where it shows up on that list and I don't know if
20 Dave has any feedback on that.

21 MR. WHALEY: I am torn. I can see both
22 arguments. The reason this was initially done was

1 to provide some perspective for legislators for
2 what the Councils thought about the major issues
3 and the reauthorization and at the time, it kind
4 of followed -- I think one of the bills that had
5 been introduced so the idea of reorganizing was to
6 put it into some bigger categories that were
7 easier to follow rather than bouncing back and
8 forth.

9 I don't know about prioritizing whether
10 that makes a big difference or not. I can argue
11 it either way.

12 MS. McCAWLEY: Alright, we've had a
13 suggestion to change up the order of the items in
14 the science and data issues. We've had a little
15 bit of discussion about maybe it doesn't really
16 matter as long as they are in these three broader
17 categories. More thoughts? More questions? Yes,
18 Phil?

19 MR. ANDERSON: Well, when I look at the
20 -- I support the creation of the three categories.
21 There are -- I think it leads us down, I am not
22 sure a productive path in terms of trying to

1 prioritize the various items in the categories. I
2 think we have made -- we've had deliberations and
3 made decisions around what are the priority items
4 from the CCC's perspective and they have place
5 them in these categories. I don't know that we've
6 -- at least we haven't had a lot of deliberation
7 and discussion to the best of my knowledge about
8 prioritizing these and I question the value of
9 going down that path.

10 For example, recreational data may be a
11 higher priority for one particular species but in
12 another species, the commercial data may be higher
13 priority and so I am reluctant to support having
14 us go down a path identifying all of these various
15 topics within these three categories and
16 prioritizing them because I don't think one size
17 fits all and there may be some cases where for
18 example forage fish might be a higher fishery
19 management issue in another circumstance and in
20 another, just an example so I think we could --
21 this would continue to be a very useful document.
22 It would clearly state to those that are

1 interested in our perspectives on the various
2 elements within the Magnusson Act where what we
3 deem to be the most important but I would stop
4 short of being specific that these are in priority
5 order in all cases.

6 MS. McCAWLEY: Yeah, that's a good
7 point. So let me try to summarize it. So you are
8 suggesting that we have these three topic
9 categories but maybe we don't necessarily say in
10 the document that say in the science and data
11 issues that they are in priority 1-7. It's just
12 the seven categories we have commented on within
13 science and data so I think you are suggesting
14 that maybe we don't prioritize within the three
15 topics?

16 MR. ANDERSON: That is correct.

17 MS. McCAWLEY: Okay, so I saw hands up.
18 I think Miguel, you had your hand up and then Marc
19 had his hand up.

20 MR. ROLON: I was going to say exactly
21 the same thing or even drop the numbers and just
22 put bullets.

1 MS. McCAWLEY: Okay, Marc?

2 MR. GORELNICK: Thank you, Madam Chair.

3 If this slide is our motion, the slide doesn't
4 make any reference to priority so -- and I am not
5 sensing a consensus around the table that those
6 should be the list of priorities so the motion is
7 probably fine as it is.

8 MS. McCAWLEY: Very good point. Anymore
9 discussion? Is there any objection to approval of
10 the motion which is -- the motion is to approve
11 those three bullets on the slide. Any objection
12 to that motion? Alright, motion carries.

13 Let's go on to the next slide, Dave, if
14 you can. Alright, so this is the updating the
15 stock rebuilding topic. So there is some language
16 there on the board. I am going to let folks spend
17 some time reading it and then ultimately we are
18 looking for a motion for approval of this. Tom?

19 MR. NIES: Well people are reading it
20 but it might be helpful to explain why we added
21 this. There was some discussion with the
22 legislative work group that our original

1 discussion of this topic assumed a level of
2 knowledge that everyone might not have and we felt
3 that this might help explain where we were coming
4 from.

5 MS. McCAWLEY: Thanks Tom. Marc?

6 MR. GORELNICK: Thank you, Madam Chair.
7 I think that the committee has done some good
8 work. It's been our practice in the Pacific
9 Council to have the full Council, have an
10 opportunity to review revisions to this working
11 paper so I just want to mention that we -- our
12 Council meeting is next week.

13 We have not yet had an opportunity to
14 review this or the revised forage fish definition.
15 I am not suggesting that there are any problems
16 with that but just as a formal matter, this is
17 something that we like to have the Council have an
18 opportunity to weigh in.

19 MS. McCAWLEY: Thanks, Marc.

20 MR. BURNER: And just a question with
21 that because other Councils may be in the same
22 position so I guess the CCC would be taking --

1 what the CCC approves here, there are some parts
2 of this that we would await each Council having
3 the opportunity to look at it, hopefully concur
4 with those actions. If not, then they'd come back
5 in May at the next meeting.

6 MS. McCAWLEY: Yes, Bill.

7 MR. TWEIT: Thank you, Madam Chair, so
8 then with the -- and there probably should be some
9 sort of action with the formal action then be that
10 the CCC recommends to each Council that they
11 consider this recommendation and the language, is
12 that what you're suggesting, Gregg?

13 MR. WAUGH: No. Just that the CCC
14 approve it but with the understanding that
15 Councils are going to have to have a chance to
16 look at it. Some operate more formally to where
17 they don't allow or their delegation here can't
18 approve on behalf of the Council so I think it's
19 helpful here to just have the CCC approve it but
20 it's with the understanding that several of the
21 Councils will need to run that by their Council.
22 If they approve, then we're fine but if not, we

1 pick it up at the next meeting so I don't think we
2 need to recommend it go to them, just let the CCC
3 approve it if you view it as sort of a conditional
4 approval until the other Council sign off on it.

5 MS. McCAWLEY: Alright, would someone
6 like to make a motion? Bill?

7 MR. ANDERSON: Thank you, Madam Chair.
8 So I will move for conditional approval that the
9 CCC accept the committee recommendation including
10 the revised text.

11 MS. McCAWLEY: Thank you, is there a
12 second? Seconded by John. Under discussion. Any
13 objection to this conditional approval? Alright,
14 seeing none, the motion carries.

15 Alright, Dave, you want to cue up the
16 next slide? Alright, so this is teeny tiny text
17 so hopefully you're on the CCC website and can
18 look at this on your computer. So this is the
19 revised consensus statement for forage fish so I
20 am going to give folks time to read that.

21 Alright, it looks like some people are
22 finishing up reviewing this. Comments?

1 Questions? Yes, Bill.

2 MR. TWEIT: Thank you, Madam Chair. It
3 seems to me that there are clearly a lot of
4 misconceptions about forage fish and I think
5 that's the root of a lot of this and while I think
6 the statement is helpful, I don't know that it's
7 going to provide the educational material that we
8 may be looking for.

9 I think the story -- so I am not
10 suggesting that we should change this but I am
11 wondering if in addition to that, maybe need to
12 produce something that's a little easier to
13 understand that just says -- while it may seem to
14 the lay person like it's a simple matter to define
15 forage fish, it's actually not. There are a lot
16 of misconceptions about that and then I think
17 there's as well a lot of misconceptions about what
18 it takes to manage forage fish and I am just
19 wondering if we are thinking about -- I guess I am
20 looking at Dave in particular because he is often
21 really on the spear of this trying to answer
22 questions, at least from the Congressional folks

1 that he deals with. It's this what's needed to
2 really help dispel some of those misconceptions
3 that I know you are really struggling with?

4 MR. WHALEY: I think this was written
5 primarily in response of the Forage Fish
6 Conservation Act but remember, this would be the
7 consensus statement followed by regional
8 perspectives where each region can provide more
9 detail and provide examples of what we are talking
10 about so this wouldn't be the only thing
11 describing forage fish position from the Councils,
12 does that make sense?

13 MR. TWEIT: It was behaving
14 interestingly. It does but I also. I am sort of
15 cognizant that other folks who were interested in
16 forage fish issues often have sort of glossy 3 by
17 5 brochures about how the fate of the world
18 depends on the health of forage fish and we have a
19 three page sort of treatise that really goes into
20 a lot of very useful depth and detail but I am
21 wondering if we shouldn't also be ultimately
22 thinking about just a fairly simple forage fish,

1 what they are and what they aren't and why no one
2 size fits all definition or one size fits all
3 management prescription is appropriate.

4 MS. McCawley: The committee did talk
5 about that a lot. I can tell you that the
6 committee struggled with trying to -- first we
7 thought let's just define forage fish but that
8 turned out to not be an easy exercise and so I
9 think that we somewhat agree with you that there
10 is not really something easy here and the more we
11 try to simplify, the more complicated that we kept
12 coming up with all these caveats for it. Yes
13 this, not that, yes this, what's in, what's out?
14 So that's why this is so lengthy. You could
15 approve this and then since it would be, if we do
16 it like the last motion, a conditional approval,
17 then you could ask that committee to go back and
18 maybe have another overarching statement that goes
19 with this but I agree, each of the Councils has a
20 position or more in depth discussion underneath
21 this so it's just a thought but I agree, it's not
22 simple. The reason it's so lengthy is we thought

1 oh this will be easy but it was very complicated.
2 It got complicated quickly. Gregg?

3 MR. WAUGH: Thank you, Madam Chair.

4 This is one of the topics that Dave asked each of
5 the Councils to write up a one page document on so
6 we provided that information. What we could do is
7 task a communications group with taking that and
8 putting something together because I think part of
9 the problem was you've got a bunch of technocrats
10 trying to write something in normal language and
11 never works too well.

12 MS. McCAWLEY: Bill?

13 MR. TWEIT: That approach and after
14 we've done this and after each Council has
15 provided their one pager, turning it over to the
16 communications folks and seeing what they can do
17 with it.

18 MS. McCAWLEY: Yes, alright, Tom.

19 MR. NIES: I am actually not in favor of
20 that. I am concerned that this is a very
21 technical issue and it's going to be extremely
22 complicated for communications personnel from all

1 of the Councils to figure out what it is that they
2 are trying to say. If we can't come up and say
3 what's the clear message we are asking them to
4 deliver and this -- the fact that the legislative
5 work group struggled to come to agreement on this,
6 I think we are creating a problem that the
7 communications group could spend months on and not
8 be able to resolve.

9 I mean I hate to go back and look at
10 things, but I remember when we tried to just
11 create a map of what the Council foundries were
12 and that took us months to get done and how to
13 represent that so I am actually not in favor of
14 asking the communications group because I don't
15 think we've defined what it is we want them to
16 communicate yet.

17 MS. McCAWLEY: Alright, more discussion
18 on this. Yes, John?

19 MR. GOURLEY: I guess I kind of
20 disagree. I like the way it is. It's -- forage
21 fish was a difficult issue. We struggled over it
22 and basically you have several bullet points that

1 explains what forage fish are, the difficulty and
2 the problems in managing forage fish and then you
3 come up with the very simple conclusion.

4 The text preceding the conclusion
5 justifies the conclusion. If you try to get
6 something really simple, I think there is going to
7 be problems in different people again starting to
8 interpreting it in different ways and we are
9 starting out where we were in the beginning.

10 To me, if you take each individual
11 paragraph, it states very plainly what the problem
12 is but that's just my opinion.

13 MS. McCAWLEY: Thank you, good point,
14 all good discussion. More thoughts? More
15 questions? More comments? Ultimately, we would
16 like to have a motion. We could do one similar to
17 the previous motion that was a conditional
18 approval of this statement if folks are willing to
19 do that but I'll look around the room. Alright, I
20 see hands up. Marc and then Bill.

21 MR. GORELNICK: I just have a comment
22 here and I am on the committee so I guess I've got

1 a role in the way this came out. We've got five
2 paragraphs here and the first four paragraphs
3 discussed the difficulties associated with other
4 defining forage fish or accounting for the diet
5 needs of other animals, other marine animals and
6 that's all that's fair but the concluding
7 paragraph essentially says the Council should make
8 all these decisions. Not so much the Council
9 should decide which fish are forage fish but
10 Council should decide whether we even need to
11 protect forage fish.

12 I don't think that's really supported by
13 the paragraphs above it and I've misinterpreted
14 that, I apologize but I don't see the last
15 paragraph accurately summarizing the first four
16 paragraphs.

17 MS. McCAWLEY: Alright, fair point.
18 Tom?

19 MR. NIES: So I am not sure the last
20 paragraph was intended to summarize the first
21 four. As Dave or -- one of the Daves pointed out,
22 this language was originally developed in part

1 because of draft legislation that addresses forage
2 fish and that draft legislation included a
3 specific comment on management of these three
4 species -- two species, sorry, and the legislative
5 work group was concerned and this expresses the
6 opinion that the Councils should retain the
7 decisionmaking authority on what to manage as
8 opposed to having it directed by legislation so
9 perhaps it could be clarified somehow but that
10 paragraph really wasn't intended to summarize the
11 other four.

12 MS. McCAWLEY: Marc?

13 MR. GORELNICK: Just so I -- thank you,
14 Madam Chair, and just if I understand that, the
15 last paragraph basically explains why we shouldn't
16 be dictated to as to which species we should
17 protect. It's not a rejection of Congress'
18 ability to tell Councils to protect forage fish
19 generally, even if they leave the definition up to
20 the Councils.

21 MR. WAUGH: I think so -- there were two
22 Councils that were concerned about that primarily

1 so I can only speak for one of them.

2 MS. McCAWLEY: John, I saw your hand up.

3 MR. GOURLEY: I guess the last paragraph
4 maintains the flexibility or it should maintain
5 the flexibility of each Council determining what
6 is a forage fish and how they are going to manage
7 it and that pretty much fits with MSA. I don't
8 see a problem.

9 MS. McCAWLEY: So just a couple of
10 points here. If there are people that have some
11 concerns, we can throw those on the table now; we
12 have time. And then the people that are on the
13 committee can go back and look at this language
14 and bring something back on Thursday when we are
15 getting down into some of the other committees so
16 if people have some concerns like what we've
17 discussed with that final paragraph, then maybe
18 get those on the table now. We don't necessarily
19 need a motion right this minute but then the
20 committee can take it back, see if we can make
21 this better and bring something back later in the
22 week.

1 So if you are hesitant to approve this
2 then maybe tell us a little bit about why or what
3 the committee can do to make it better. Marc?

4 MR. GORELNICK: Madam Chair, thank you.
5 I think with John's clarification, unless folks
6 think that -- I may have read some ambiguity into
7 the language that may have not been there and
8 that's why I apologized when I made my first
9 comment. So long as we understand that, to not be
10 an objection to the concept of protecting forage
11 fish, even if we leave the details up to the
12 Councils, I don't have a problem with the
13 language.

14 Perhaps someone else -- if folks think
15 that that language accurately reflects that then
16 we don't need to go back and discuss it. I just
17 want to make sure I am not the only one with that
18 concern.

19 MS. McCAWLEY: Alright, Bill, I think
20 you had your hand up.

21 MR. TWEIT: I'll move that the CCC
22 conditionally approves the working paper update

1 and the consensus statement for forage fish.

2 MS. McCAWLEY: Okay, we have a motion,
3 do we have a second? Seconded by John. Under
4 discussion. So once again, if you are hesitant
5 about this then some specific direction to the
6 committee about what the committee can do to make
7 it better or what they could address that would
8 get you on board. That would be helpful here.
9 More discussion here on this motion, more concerns
10 that people have.

11 Alright, is there any objection to
12 approval of this motion? Alright, seeing none,
13 that motion stands approved. Alright, so unless
14 there are other points for Dave, thank you for the
15 report out from this legislative work group and we
16 are going to -- oh yes, Phil?

17 MR. ANDERSON: Thank you, Madam Chair,
18 just so we are clear on the process, we
19 conditionally approved two topics. Councils have
20 the latitude to go back and review them and
21 presumably we would take that up in May at our
22 next meeting with the idea that trying to reach a

1 conclusion on them, is that correct?

2 MS. McCAWLEY: That's correct. Thank
3 you for that summary, Phil, that's helpful. Yeah,
4 Gregg?

5 MR. WAUGH: And so if they feel there
6 are no problems, then once we hear -- and I think
7 it's you guys, is it the mid-Atlantic also that we
8 will need to -- no? So it's just the Pacific. So
9 once we hear from you guys, if it's agreement,
10 then those changes can be made and we can publish
11 an updated version of the working paper. If you
12 guys have changes, then it would come back in May,
13 right Dave Witherell?

14 MR. WITHERELL: No, Madam Chair. We
15 have always viewed this working paper as a living
16 document so changes are made up to the point of
17 right before the CCC meeting so in this case with
18 the forage fish consensus, David, we would include
19 that, as adopted, for our next issuance prior to
20 the CCC meeting.

21 If there are issues that the CCC directs
22 the committee to work on between now and May, we

1 will do so. Otherwise, we will simply update the
2 working paper with what you've adopted today and
3 that can be revisited in its entirety by the CCC
4 in May.

5 MS. McCAWLEY: Alright, yes, Phil?

6 MR. ANDERSON: Sorry. So not wanting to
7 leave Dave Whaley with nothing, and maybe he has
8 something and I am not sure what the something is
9 but -- so in the event that he needs something, we
10 have this -- this is posed in the form of a
11 question.

12 So we have this document that's been
13 tentatively approved. He's also asked for papers
14 from each one of the Councils on forage fish,
15 which would augment this piece. Just -- I am a
16 little bit hesitant leaving this for six months if
17 I am counting the months correctly where he has
18 nothing that's been approved by us for him to
19 convey in terms of communicating with
20 Congressional staffers or whomever on this so I am
21 just posing the question, could we have this --
22 could we authorize him to utilize this along with

1 the papers we provided individually on the subject
2 of forage fish if there is some suggestion to
3 change this through more deliberations. We can
4 take that up when the time comes but I am just
5 apprehensive about leaving him without anything
6 from us on this important topic.

7 MS. McCAWLEY: So, and I don't want to
8 speak for Dave so I considered the conditional
9 approval, this, along with the one pagers that
10 each Council was submitting to him something that
11 he could go ahead and use so unless we hear back
12 that your Council has some issues with it, I would
13 consider conditional approval, meaning that Dave
14 could go ahead and use this right now along with
15 the one pagers that the Council submitted but I
16 just want to make sure that that's enough for you,
17 Dave Whaley?

18 MR. WHALEY: That's good, in addition, I
19 also have at least two Councils that have
20 commented, two members of Congress on the bill
21 that was introduced so I have that as well so
22 yeah, that combination gives us a lot of ammo for

1 helping staff understand the concerns of the
2 Councils.

3 MS. McCAWLEY: Okay, alright, I see
4 thumbs up from fill. Alright, anymore discussion
5 on this? Thank you to the committee, thank you,
6 Dave. Thank you both Daves. So I think we are
7 going to leave this topic and we are going to pick
8 up something from Thursday. I believe that we are
9 going to go to the scientific coordinations
10 subcommittee workgroup and we'll ask John
11 Carmichael to come to the table.

12 MR. CARMICHAEL: Alright, thank you,
13 Madam Chair. So I'll give the report of the
14 scientific coordination subcommittee.

15 So just a refresher, the last meeting
16 was SCS meeting 6 and remember, these are formally
17 known as the national SSC meetings; now they are
18 the SCS meetings, held in 2018 in San Diego. The
19 report was finalized and copies were made out to
20 Councils. I know we got ours just a few weeks ago
21 and there was a lot of interest at our SSC meeting
22 that was going on when we got them so people were

1 glad to get the reports. Meeting seven is planned
2 for August 4th through 6th in Sitka, Alaska,
3 hosted by the north-Pacific. Planning is
4 underway. As has been done for all of these
5 meetings, there is an organizing committee. It's
6 being led and supported by the host Council.
7 There's representatives from the staff and SSCs of
8 each Council as well as NMFS that have been
9 working on the topics and the process, the host
10 Council and the logistics in the meeting details.

11 Let's see, the arrangements are under
12 way. I think the north-Pacific has a location in
13 mind penciled in. A great looking spot it seems
14 in Sitka. There has been a lot of discussion by
15 the group now on the topics and so I'll highlight
16 them in the next slide and then the next step is
17 to begin working on the speakers and the
18 presenters. The focus questions which drive the
19 discussion and the invitation list and that's
20 always a big test in the organizing community to
21 figure out who needs to be there balancing
22 interests with available space and cost.

1 The topics are pretty similar to what
2 was discussed last time when we met in May so I'd
3 say these have merged into what we'd be talking
4 about. First off, how to incorporate ecosystem
5 indicators in through the stock assessment
6 process, developing information to support
7 management of interacting species in consideration
8 of ecosystem based fisheries management and then
9 how to asses and develop fishing level
10 recommendations for species exhibiting
11 distributional changes. I think by now most of
12 the Council reps and the SSC reps have had a
13 chance to run these by their respective SSCs and
14 get feedback on them. I know there is a lot of
15 support from our SSC at least in the south
16 Atlantic for these topics and a lot of interest in
17 the meeting which is always good to see.

18 So that's pretty much the gist of the
19 report and I expect we will be hearing more from
20 the north-Pacific as the meeting gets closer and
21 arrangements get more solidified and hopefully
22 they get the remainder of the funds that are

1 necessary to make it happen.

2 With that, any questions, I would be
3 glad to try and answer them.

4 MS. McCAWLEY: Questions for John? Tom?

5 MR. NIES: I probably should have asked
6 this question in May rather than now. I guess I
7 am struggling to understand a little bit what this
8 SCS is doing. Is it -- I mean I look at the first
9 bullet point, for example and this, to me, sounds
10 like this is something that a stock assessment, a
11 national stock assessment working group would
12 wrestle with as opposed to Council SSCs and it
13 seems like rather than focusing on how the SSCs
14 can provide information to the Councils or how the
15 Councils can better use information, it's
16 wondering into how can the science centers do a
17 better job and I don't know, is that the role we
18 want for his SCS? I believe we approved these
19 topics so I guess the short answer is yes but --
20 at least for this meeting but I guess in the
21 future it seems like that ought to be something we
22 want to talk about a little further. Maybe we

1 should wait until SCS, whatever the next one is,
2 9? 8?

3 But I don't know if you have any
4 thoughts on it, John?

5 MR. CARMICHAEL: I mean I do. I have
6 some but I will say that that is probably some of
7 the gray area that the organizing committee has
8 talked about is where do you cross the line and
9 perhaps get into something that's so technical,
10 it's not of interest or its not appropriate to the
11 SCS as it exists.

12 I think one thing that they feel is that
13 given that in most all instances, SSC members do
14 play a role in stock assessments, that they feel
15 there is some justification for them to talk about
16 some of these subjects but I do think whether or
17 not it gets too far field would probably come down
18 to the focus questions and what direction they
19 take on that topic so I think the advice to make
20 sure that it stays within the lane of the SSCs
21 would be good advice for the organizing committee
22 moving forward and not to get too technical so

1 that you are really in, as you said, national
2 stock assessment workshop topic.

3 I think the last meeting dealing with
4 MSE showed them getting pretty deep in the
5 technical stuff into things that SSCs and science
6 centers work on together. To me, they're a little
7 more comfortable in going in that direction but
8 I'd say in these topics they wanted to get a
9 little more than the other two about things that
10 are much more clearly within the SSC realm in
11 their job of making recommendations.

12 MS. McCAWLEY: Bill?

13 MR. TWEIT: Well, as I think about the
14 first bullet, just as an example. Our stock
15 assessment folks have been sort of on their own,
16 sort of as they see fit in developing approaches.
17 There wasn't a lot of consistency and it was our
18 SSC that provided the guidance back to the stock
19 assessment (inaudible) wait, if you are going to
20 do this, this needs to be thought through, this
21 needs to be done systematically. Here are some
22 guidelines, from starting with and as a result we

1 have a somewhat more coherent -- it's still very
2 much pioneering but at least as I view this, it's
3 the SSCs that provide really sort of the Council
4 perspective and Council needs back to the stock
5 assessment bio so I think having a conversation
6 between the SSCs about this at a national level, I
7 think is very important and I don't view that as a
8 science center function per se because they don't
9 have the same level of linkage to the Council
10 process as the SSC.

11 The SSC is really the -- has been, on
12 several of these, our Council voice on how the
13 actual work at the science centers can proceed so
14 I don't view this as gray as you, I view this as a
15 chance for our SSC to bounce some of their
16 thoughts off of their peers on these issues and
17 see if we are all able to at least share
18 experiences.

19 MS. McCAWLEY: More comments?
20 Questions? Thoughts? So, John, I don't think any
21 action is needed today. This was just an update.
22 I see another hand. Mike?

1 MR. BURNER: Thank you, Madam Chair. As
2 John pointed out, the proceedings from SCS six
3 were mailed out to most everyone around the table.
4 I did manage to fit a few in my luggage that I'll
5 bring down tomorrow. I neglected to bring them
6 down but that said, the production of the
7 proceedings was quite difficult and doing them in
8 a hard copy was also an editing burden in terms of
9 expense and in terms of producing it and shipping
10 it et cetera so I would just encourage for the
11 next round, unless there are objections around the
12 table, to consider doing that in electronic
13 format. It's on our website, as is an electronic
14 format and that would be one piece of advice I'd
15 pass on to the seventh version of this.

16 MS. McCAWLEY: Thanks for that. So if
17 folks have objections to that being only in
18 electronic format, then speak up about it,
19 otherwise it looks like we might be going to
20 electronic and people can still download it if
21 they wanted a hard copy.

22 Alright, any other questions, comments,

1 concerns? Alright, thank you, John. I think next
2 we are going to move into the electronic
3 monitoring workgroup and I believe we are going to
4 go to Mike on that.

5 MR. BURNER: Thank you, Madam Chair. I
6 don't have a PowerPoint presentation, although it
7 might be helpful to put on the screen the report
8 that our Executive Director had submitted. There
9 are just a few figures in the directive that might
10 be helpful as I go through some of the points of
11 the report itself.

12 Our Director, Chuck Tracy asked that we
13 get this workgroup going again at the May CCC
14 meeting, partly in response to some of the
15 challenges that we've had on the Pacific Council,
16 Mr. Anderson spoke to some of those at the
17 beginning of the meeting. A lot of those concerns
18 have to do with costs, as he mentioned in our
19 ground fish fisheries, particularly are widening
20 in our bottom trawl fisheries. We've had an EFP
21 going for quite a while. The cost of those EFPs,
22 the cost structure of that is a little different

1 than what came out in the cost allocation
2 directive, some of that was borne by national
3 fishery services. Our Council looks to move to
4 regulations which are in place for this fishery
5 that take effect in 2021.

6 We are getting a lot of feedback from
7 both our electronic monitoring advisory group as
8 well as the Council as well as industry members
9 that the costs of this program are starting to add
10 up and the burden on the industry might be so much
11 that the benefits of this program as a potential
12 replacement of human observers might be eroding
13 away so I guess I just bring that up as an
14 underpinning of some of the discussions.

15 We did have this on our agenda for this
16 September meeting. I facilitated the EM meeting
17 there and I sat in on this workgroup meeting, not
18 so much because I am an expert on EM but mostly to
19 try to get myself up to speed for this
20 presentation so on that note, I'd welcome any
21 input from the rest of the table if I misspeak on
22 some of the EM particulars.

1 So for those ecosystems -- excuse me,
2 the EM workgroup that -- we had a webinar in
3 October. It was pretty well attended but the
4 focus of that discussion was the procedural
5 directive that's out. It was mentioned by Alan
6 earlier, it's out for comment through December
7 31st of this year. It's on our Council's agenda,
8 both in September and we will probably just touch
9 on it again at our November meeting next week but
10 that was the focus of the workgroup meeting
11 although there's a lot of issues out there by the
12 EM. That's going to be the focus of the report
13 that I have up here.

14 That said, if you could scroll down,
15 there's a graphic later on in the report that sort
16 of shows this data retention period, that's the
17 focus of the current directive. Keep on going
18 down there. Right there, thank you. So this is
19 primarily what the workgroup focused on in the
20 October webinar and it's the basis for the report
21 that was in your briefing materials and the basis
22 for the proposed letter that, if there is a

1 consensus around the table that we can send the
2 National Marine Service by the end of the year.

3 So on this graphic, I am not going to go
4 into great detail about this. I believe we heard
5 a little bit about this back in May at the CCC
6 meeting. Our Council has been briefed on it a few
7 times but the idea here is how long does the
8 information collected through an EM program, how
9 long does that have to stay on record and it's not
10 a trivial matter, we're talking about terabytes of
11 information, lots of data, lots of video collected
12 and so retention of that data does become quite
13 costly.

14 As laid out in the directive here in
15 black is the fishing season presumably, in this
16 example it would be a year- long fishing period.
17 Obviously that's when the data is collected and
18 held and following that period is this interim
19 period that would be in gray that would continue
20 for some period after the fishing season ends that
21 would require retention of the data but would not
22 start the clock, so to speak, on when that

1 retention period would end. It would be an
2 interim period that would allow some time to add
3 up the date, add those numbers, compare those
4 numbers to things like annual catch limits or
5 other fishery limitations.

6 Once that interim period is over, that's
7 when the clock starts on a retention period. The
8 length of that interim period has not been
9 specified and was sort of one of the focuses of
10 the discussion of the workgroup.

11 Following that interim period up there
12 in the orange-ish color would be when the
13 retention period would start and the directive is
14 recommending a 12 month retention period so if you
15 add all that up from the start of the fishing
16 season through the undefined interim period, as
17 well as the 12 month retention period, it's a two
18 plus year timeframe that potentially although this
19 data would need to be stored, additionally what
20 came up on the workgroup also came up at our
21 ecosystem -- I keep saying ecosystem, our EM
22 workgroup discussions at the Council was that this

1 could also start to accumulate, right? Because
2 the following year, you are going to start fishing
3 again while you've got data from the previous
4 fishing year that needs to be stored somewhere,
5 you're also collecting data in your following
6 fishing season, assuming the EM program continues
7 for that fishery and there's participants and such
8 so it's not a trivial matter to store all this
9 data and as the cost allocation directive has
10 pointed out, the idea being this would be born as
11 an industry expense and it's given folks in our
12 region quite a bit of concern, not only because
13 the concerns about expenses but there are a lot of
14 unknowns there in our Council. In November we'll
15 try to grapple with those again but it's kind of
16 hard to pin down exactly what those expenses are
17 moving forward but --

18 So with that said, the workgroup focused
19 on this retention procedural directive in the
20 report. I won't go through all the language but
21 there is some language from above the heading on
22 the first page all the way down to the heading on

1 the third page that could be used as a basis for
2 CCC consensus position if that's the agreement of
3 the group that we could send to National Fishery
4 Service.

5 In short, I guess I'll just summarize
6 the main points that the workgroup recommended.
7 There were three of them in that write up. The
8 first, in terms of coming up with more refined
9 recommendations than what that interim period
10 would be so the period after fishing stops and the
11 start of the 12 month retention period.

12 The group felt that in determining what
13 that should be the main criteria should be in the
14 use of that data to monitor catch in terms of its
15 -- how well it meets the ACLs and other allocation
16 or fishery benchmarks out there so the retention
17 period would start once the Council and the
18 National Fishery Service has used that information
19 to add up catches and make sure they stay within
20 our management frameworks and harvest
21 requirements.

22 The second recommendation from the

1 workgroup for the CCC to consider was that the --
2 this minimum retention period of the 12 month
3 start no later than three months after fishing.
4 So in other words, that gray period or that
5 interim period between when fishing stops and the
6 retention period starts would be no greater than
7 three months. And the workgroup also suggests, as
8 a recommendation that the final storage directive
9 incorporate national fishery service decisions and
10 policies regarding federal records data
11 confidentially accessed and ownership of the
12 stored data, both on the CCC workgroup call and
13 within our Council there have been some concerns
14 about the cost of these and the treatment of these
15 records once they become a federal record, what is
16 the ownership of those, how are those treated,
17 what's the confidentiality and the access of
18 those.

19 So those are the three highpoints of the
20 recommendation of the letter. I'll give you all a
21 chance to read that letter and whether or not the
22 Council -- the CCC adopts that as a consensus

1 position is yet to be seen but again, the period
2 ends at the end of the year for comments on that.

3 I guess I would add also the workgroup
4 discussed a couple of other things towards the end
5 of the call. We've included in the report, one of
6 them is sort of from a Pacific Council perspective
7 specifically. There is a program in the North
8 Pacific in the Magnusson Act that is sort of a
9 pool of money to cover observer programs and the
10 like. I am not an expert on that program but the
11 PMFC, our Council has looked at that as something
12 that could potentially help our region as we look
13 at costs, particularly those costs that are borne
14 on the industry that if there was a shared pool
15 that would help -- not so much help with costs of
16 just the traditional human observer program but
17 also help with the cost of not only storage
18 requirements but also the review of the data. We
19 are under the understanding from regulations that
20 there is going to be a third party requirement to
21 review the video and compare that to logbooks and
22 make sure everything is square and that again also

1 has some costs so the Pacific Council is
2 interested in looking at potentially ways which
3 that legislative piece in the north Pacific could
4 be expanded.

5 That saying, we -- recognizing that
6 there are limitations on lobbying and such, we are
7 not coming to this table expecting this consensus
8 position to be sent off to any of the legislators.
9 At this point, we were just kind of working what
10 the sense around the table is, if there is
11 interests around the table to expand that program
12 beyond the north Pacific at this point.

13 The other question that we've had that
14 has come up from our region is regarding once some
15 of these electronic monitoring data are -- become
16 a federal record in that they are called up either
17 to verify catch or they are part of a case, is it
18 the expectation that National Fishery Service
19 would use cost recovery funds to offset some of
20 the costs of retaining that data once it becomes a
21 federal record so again that's not necessarily
22 something that we were asking for this group to

1 weigh in on relative to the data retention
2 procedural directive that's out for review at this
3 point but something that we've talked about as a
4 region and thought we'd share with you folks is
5 one of our concerns so that's where the report
6 concludes.

7 In terms of action here, again, we have
8 this report that was in your briefing materials.
9 The bulk of it has a bunch of questions that we
10 identified on the call that we couldn't quite
11 answer as well as those three positions that I
12 went through a minute ago so if it's the will of
13 the CCC, that could be on the letterhead of all
14 the Councils and sent down to National Fishery
15 Service.

16 So with that, I'd take any questions. I
17 hope that made some sense.

18 MS. McCAWLEY: Thanks, Mike. Questions?
19 Tom?

20 MR. NIES: Thanks, Mike. I guess I've
21 got a question, I think on the second
22 recommendation. I believe it was the second

1 recommendation in regards to the start of the
2 minimal retention period, we'll start no later
3 than three months after the end of the fishing
4 season or year.

5 Now, the agency's directive for the
6 minimum retention period says it's the period
7 where the EM data is used to monitor catch against
8 some type of quota allocation or ACL.

9 So if we assume that that's the logic
10 for this minimum retention period, did the EM
11 working group identify whether all regions are
12 able to complete that work within the three months
13 period that was proposed with the minimum
14 retention period by the working group or is the
15 working group suggesting that the minimum
16 retention period should have some different
17 rationale for its (inaudible)?

18 Now the reason I ask that is because
19 just a specific example, our ground fish fishing
20 here ended April 30th and we got the final report
21 on the ACLs yesterday so that's -- they can't get
22 it done in three months -- I shouldn't say can't.

1 They didn't get it done within three months this
2 year anyway so I am curious whether you were
3 suggesting the rationale for the retention period
4 should be changed or whether it should just be
5 arbitrarily three months and NMFS should get all
6 their catch reporting and accounting done and
7 whether that's really feasible.

8 MR. BURNER: Thank you, Madam Chair,
9 thank you Tom for the question. We did not go
10 region by region and discuss how long it would
11 take to do all that accounting against annual
12 catch limits. Three months is sort of a short
13 timeframe for that.

14 I know even on the west coast for some
15 of our fisheries that are highly monitored, we do
16 require a little bit longer timeframe than that.
17 I think part of the thinking there was to have a
18 maximum. We begin with cost as the primary driver
19 there and with the expectation that that just
20 starts the 12 month retention period, it doesn't
21 mean that after that three months, the data goes
22 away.

1 I also think that the workgroup wasn't
2 necessarily suggesting that there is a one size
3 fits all. It might be a regional specific thing
4 in terms of what the interim period might be but I
5 think the underpinings of the three month
6 requirement was to minimize the length of the
7 entire retention period which could be -- at that
8 point would be over two years.

9 MS. McCAWLEY: Alright, questions?
10 Comments? Yeah, Bill?

11 MR. TWEIT: Thanks, Madam Chair. Mike,
12 it was my understanding the procedural directive
13 can't take effect though until there is also
14 rulemaking by National Archives or some other body
15 that actually implements -- maybe I should be
16 asking Sam this. Is that correct? Is there
17 another federal entity that also has to engage in
18 rulemaking in order to modify the current federal
19 records requirements?

20 MR. RAUCH: So there is a difference
21 here between the policy on retention by private
22 entity or third party with the fisherman and

1 retention, when it becomes a federal record. So
2 in various parts, the records are not federal and
3 this policy would apply to that.

4 To the extent that they are federal, the
5 National Archives sets the retention policy for
6 that and we are engaged in a modification. There
7 is a process that you can go through to set the
8 federal records policy with the Archives. So that
9 is a rulemaking of a sort that we are going
10 through with the Archives to try to take what
11 would normally be a six year or longer retention
12 policy if it's a federal record and shorten it to
13 something less but that's up to the Archives who
14 maintain federal records policy and it only
15 applies once it's a federal record. These other
16 things would apply even if they're not a federal
17 record.

18 MS. McCRAWLEY: Go ahead.

19 MR. TWEIT: Thanks, and I recognize that
20 only -- for most programs, only a minority of the
21 actual EM data would be turned into federal
22 records but it still could be over time,

1 particularly because it's currently five years for
2 those, correct?

3 MR. RAUCH: Six years.

4 MR. TWEIT: Sorry, the question is will
5 the agency sort of keep us surprised on that as
6 well because that is another cost effect?

7 MR. RAUCH: Yeah, that's our intention.
8 I think we have kept you up to date when we've had
9 a briefing on this policy. We've included our
10 efforts to do that. That's not a rulemaking that
11 we control but I think we were trying to keep you
12 up to date on that and it is, our intention is to
13 significantly shorten the time required by the
14 Archives as to how long we have to retain these
15 records but we will keep you up to date as that
16 process goes forward.

17 MS. McCAWLEY: Bill?

18 MR. TWEIT: The reason I was asking that
19 is I was just thinking that a CCC position and
20 comment to the agency on the agency's policy
21 directive might also suffice for CCC comment to
22 National Archives for part of their rulemaking.

1 That's something that we may want to weigh in on
2 that as well when the time comes.

3 MS. McCAWLEY: Alright, so let's
4 pleasure the group here. Do we want to provide
5 our comments in a letter? Do it before the end of
6 the year? There were some recommendations.
7 Thoughts?

8 MR. WAUGH: When I spoke to Chuck about
9 this. My suggestion was to put the items that the
10 group was recommending become CCC positions where
11 they are recommending the CCC do something or take
12 a position in bold.

13 So those are in bold so it would seem we
14 need to determine whether the CCC is okay with
15 those recommendations. Maybe we can talk about
16 any -- that people have questions about and then
17 if we are in agreement, then get a motion to
18 accept all of the recommendations or the ones that
19 we don't have concerns with.

20 MS. McCAWLEY: Tom?

21 MR. NIES: I guess I had a concern with
22 the recommendation that the minimum retention

1 period be no longer than three months. It's not
2 necessarily that I think three months is too short
3 or too long but it just seems like an arbitrary
4 number.

5 I would be more comfortable if we -- I
6 think the agency actually tried to explain why
7 they want a minimum retention period. I am not
8 sure that explanation is convincing but I think if
9 we were to offer an alternative for what we think
10 the purpose of the minimum retention period should
11 be and explain that, it might be a stronger
12 argument.

13 Now, I guess I am unclear on really what
14 the minimum retention period is for which makes me
15 question what the length should be, whether it
16 should be three months or longer.

17 MS. McCAWLEY: Mike or Phil? I see a
18 microphone on though.

19 MR. BURNER: I'll take a stab at that
20 since I gave the first answer to the question.
21 The minimum retention period is the 12 month
22 period that's defined in the directive. What the

1 maximum of the interim was recommended to be three
2 months. I think that was somewhat arbitrary in
3 its choice but the idea being to limit the overall
4 retention period to keep that to a streamline.

5 If the group feels three months is not
6 an appropriate number or if number of months or if
7 there's another suggestion, I guess we could
8 entertain that but --

9 MR. NIES: I apologize for misspeaking,
10 I meant -- I was unclear why the interim period
11 was three months, what the rationale for that was?

12 If we are concerned about overall time
13 period, why don't we say the minimum retention
14 period should be nine months -- I am sorry, 12
15 months from the end of the fishing year, which
16 would put a cap on it.

17 MR. BURNER: But --

18 MS. McCAWLEY: Go ahead.

19 MR. BURNER: Madam Chair. But I
20 understood the concern to be that the interim
21 period, if it's too short, and three months being
22 too short doesn't allow time for things like ACL

1 accounting and the like so if there is minimum
2 retention period started right at the end of
3 fishing that would reduce that even further so.

4 MR. NIES: Yes. I struggle to
5 understand what is supposed to be accomplished by
6 the interim period and why we define it and if
7 it's for ACL accounting, then that varies quite a
8 bit from region to region and so for us to come in
9 and say arbitrarily that it's three months, that
10 doesn't solve the agency's problem. They want a
11 period after that accounting is over with. So I
12 struggle with that.

13 This whole idea of interim periods,
14 minimal attention periods, if you buy the argument
15 that the interim period is for ACL accounting,
16 then we have to recognize that there are some
17 regions where it doesn't happen in three months.

18 Now maybe the way you address the
19 retention period is you have a flexible interim
20 period and you have a fixed end date after that so
21 if your interim period is three months, then your
22 retention is nine months later, it's a year after

1 the fishing year. That's the maximum or 15 months
2 later, or whatever it is. I just don't think
3 we've made a strong argument for what we are
4 trying to do here except reduce costs.

5 If we want to reduce costs, let's say we
6 want to fix the time period after the fishing year
7 where everything -- where the retention stops. If
8 the agency gets everything done in two months,
9 well then that's ten months long. If the agency
10 takes ten months, well that's two months long.
11 Then we are capping it somewhere, rather than
12 having these floating dates going around.

13 MS. McCAWLEY: Mike?

14 MR. BURNER: Thank you, Madam Chair. I
15 think some of your concern is why the workgroup
16 had gone to the three month period. You could
17 have the language soften to the -- you could tie
18 it to the ACL accounting or whatever fishery
19 management accounting you need and let each region
20 work that out but the language then would get a
21 little softer and I think the idea would be given
22 some of the concerns from industry and some of the

1 concerns about cause, the idea was to put a three
2 month bound on it.

3 At least in the Pacific coast, I think
4 part of the thinking would also come along the
5 lines of a lot of this data. A lot of the EM data
6 is there to confer logbook data that's already
7 existing so after the three month period, you
8 wouldn't exhaust your ability to go back and do
9 your ACL accounting. It would just simply
10 minimize the amount of time before the retention
11 period started so that it couldn't just a
12 negotiated or any hang ups in ACL accounting
13 wouldn't extend the cost borne on the industry.

14 Now granted, we probably could have done
15 a little bit more homework of going around the
16 region to see whether or not three months fit
17 everyone needs. It is a little tight for that
18 regard but I don't think that the intention would
19 be that after this interim period, ACL accounting
20 would not continue and could not continue to
21 occur. I just think that the three month period
22 would be a maximum as a cost saving. If it

1 doesn't fit regions, then maybe we can soften that
2 language so that it's not tied to three months,
3 it's more tied to a goal of final catch
4 accounting.

5 I think the concern there was though
6 that that could, if it's undefined and it could go
7 quite long with costs borne by the industry for
8 something that's out of their control.

9 MS. McCAWLEY: So let me make a
10 suggestion. Mike, is there a way, kind of like
11 what Dave did, you could maybe put these points in
12 a PowerPoint that we could look at later this
13 week?

14 It's a little bit unclear to me. It
15 seems like maybe you have two asks, one of them is
16 a letter with some points that you want to make
17 sure that there is consensus on the points that
18 would go in the letter. There seems like there's
19 a second thing that you're asking the CCC to look
20 at so it's a little unclear to me what the points
21 are.

22 I mean I am looking through the document

1 you have on the screen at the things that are
2 bolded but some of what we are talking about
3 doesn't appear to be some of the bolded language
4 so it's just a little unclear. Would you mind
5 putting that in a different format, maybe in a
6 PowerPoint presentation with two or three points
7 and bullets and what you are asking. Maybe that
8 would help folks?

9 MR. BURNER: Yes, sure.

10 MS. McCAWLEY: Yes, go ahead, Phil.

11 MR. ANDERSON: I just -- my mind is
12 spinning a little bit here as I've listened to
13 this discussion and I am looking at the graphic
14 and I am hearing Tom's concern and thinking about
15 the assignment we gave to Mike, wanting to make
16 sure that he brings something back that addresses
17 the concern.

18 And my -- and it could be that I just
19 don't understand what's being proposed here but I
20 think the -- we wanted to put a limitation on the
21 time period, overall time period so to address the
22 cost issues.

1 I hear Tom saying we want to make sure
2 that we provide adequate time for the review, to
3 ensure that our management objectives are met or
4 not exceeded.

5 And so the overall timeframe that's
6 represented on the graphic here isn't necessarily
7 the concern, it's to make sure that we have the
8 appropriate flexibility in terms of labeling, to
9 ensure that the monitoring period is long enough
10 to accomplish that management objective. Is that
11 correct?

12 MS. McCawley: Tom?

13 MR. Nies: Yeah, I think that's correct
14 and I think, Madam Chair, the way I interpreted
15 your guidance was Mike was to put the working
16 group's stuff into bullets and if I have an
17 alternative, it's up to me to bring the
18 alternative in two days from now, not up to Mike
19 to dream one up. That's how I interpreted your
20 guidance.

21 MS. McCawley: Yes, that was what I was
22 suggesting because I feel like we are kind of

1 winding down here today. There seems to be a
2 little bit of confusion about what exactly the ask
3 is, what the points are and then it seems like we
4 might need a little bit more discussion on it so
5 yes, what you just summarized was exactly what I
6 was suggesting.

7 MR. ANDERSON: So I just offered to Tom
8 that perhaps if you do have an idea, I would happy
9 to work with you on that idea if you want the
10 help. This is an important issue obviously, the
11 specific Council has a regulation in place. It's
12 going to go into effect in January 2021 and we are
13 trying to work through the issues associated with
14 the implementation and this is one of them so just
15 making that offer.

16 MS. McCAWLEY: Alright, thank you.
17 Thanks, Mike, Phil and Tom for your willingness to
18 work on this topic. So I feel like we are kind of
19 winding down today so we are going to come back to
20 this electronic monitoring workgroup
21 recommendations later in the week. I think we can
22 go ahead and adjourn for today and we'll see

1 everybody back here at 8:30 in the morning.

2 Thanks, everyone.

3 (Whereupon, at 5:22 p.m., the
4 PROCEEDINGS were continued.)

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CERTIFICATE OF NOTARY PUBLIC
DISTRICT OF COLUMBIA

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



Notary Public, in and for the District of Columbia

My Commission Expires: March 31, 2022

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COUNCIL COORDINATION COMMITTEE MEETING

Silver Spring, Maryland
Wednesday, November 6, 2019

- 1 PARTICIPANTS:
- 2 PHILIP ANDERSON
- 3 PFMC
- 4 JIM BALSIGER
- 5 Alaska Region
- 6 MEL BELL
- 7 SAFMC
- 8 TONY BLANCHARD
- 9 CFMC
- 10 MIKE BURNER
- 11 PFMC
- 12 JOHN CARMICHAEL
- 13 SAFMC
- 14 ROY CRABTREE
- 15 South East Region
- 16 DALE DIAZ
- 17 GMFMC
- 18 WARREN ELLIOTT
- 19 MAFMC
- 20 DIANA EVANS
- 21 NPFMC
- 22 TOM FRAZER
- 23 GMFMC
- 24 JOHN FROESCHKE
- 25 GMFMC
- 26 MARC GORELNIK
- 27 PFMC
- 28 JOHN GOURLEY
- 29 WPFMC

1 PARTICIPANTS (CONT'D):

2 MARCOS HANKE
CFMC

3
4 NICOLE HILL
Western Region

5 ADAM ISSENBERG
NOAA GC

6
7 SIMON KINNEEN
NPFMC

8 MIKE LUISI
MAFMC

9
10 JESSICA McCAWLEY
SAFMC

11 CHRIS MOORE
MAFMC

12
13 TOM NIES
NEFMC

14 CHRIS OLIVER
NOAA Fisheries

15
16 MIKE PENTONY
North East Region

17 JOHN QUINN
NEFMC

18
19 SAM RAUCH
NOAA Fisheries

20 ERIC REID
NEFMC

21
22 ALAN RISENHOOVER
NOAA Fisheries

1 PARTICIPANTS (CONT'D):

2 MIGUEL ROLÓN
CFMC

3
4 CARRIE SIMMONS
GMFMC

5 KITTY SIMONDS
WPFMC

6
7 MICHAEL TOSATTO
Pacific Islands Region

8 BILL TWEIT
NPFMC

9
10 JENNI WALLACE
NOAA Fisheries

11 GREGG WAUGH
SAFMC

12
13 CISCO WERNER
NOAA Fisheries

14 DAVE WHALEY
CCC

15
16 DAVID WITHERELL
NPFMC

17 Other Participants:

18 JULIA BEATY

19 EVAN BLOOM

20 RUSS DUNN

21 REBECCA FERRO

22 TONY FRIEDRICH

1 PARTICIPANTS (CONT'D):

2 SARAH HEIL

3 CHRIS HORTON

4 STEPHANIE HUNT

5 TONI KERNS

6 DAVID O'BRIEN

7 BRIAN PAWLAK

8 ROGER PUGLIESE

9 ANJANETTE RILEY

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

2 (8:35 a.m.)

3 MS. McCAWLEY: Let's get started. Day
4 two of the CCC Meeting. A couple of housekeeping
5 things.

6 We've had a request to have some
7 additional public comment today. We didn't have
8 any public commenters yesterday. So, if we have
9 time, we are a little bit ahead of schedule, we
10 might consider some public comment either right
11 before lunch or right after lunch today.

12 Are there any questions, concerns,
13 changes, for the agenda here on Day two before we
14 get going?

15 All right. We're getting a presentation
16 loaded, but we are going to be talking about the
17 Modern Fish Act, Section 102. We have four
18 presenters coming up this morning. We are going
19 to start with Chris Horton with Congressional
20 Sportmen's Foundation. He is a Senior Director
21 over the Midwestern States in the Fisheries
22 Program.

1 So, he is going to cover the
2 recreational perspective this morning. And as
3 soon as Anjeanette gets us going up there, then
4 we'll go right into Chris' presentation.

5 So, before Chris Horton goes, Chris
6 Oliver, would like to say a couple introductory
7 remarks.

8 MR. OLIVER: Just to set the stage a
9 little bit. As you know, the President signed the
10 Modern Fish Act into law almost a year ago,
11 December 2018, and we've been working hard to
12 implement the requirements of that law and I think
13 we're making pretty good progress.

14 We have two contracts in place with the
15 National Academy of Science. One for the study on
16 Limited Access Privilege Programs and one on the
17 MRIP, and are currently identifying panel members
18 for those studies.

19 The focus today is supposed to be -- is
20 going to be on Section 102 of that Act, which
21 grants the Council's explicit authority to use
22 alternative Fishery Management Measures and

1 Managing Recreational Fisheries such as, and I
2 quote, extraction rates, fishing mortality
3 targets, harvest control rules, and traditional or
4 cultural practices of native communities.

5 But the law also specifies that the
6 current standards of the Act still apply including
7 Annual Catch Limits and Accountability Measures.

8 Given that, there have been a number of
9 questions that have arisen as we've gone around
10 and made presentations and had discussions on this
11 Section with the Councils. And for example, what
12 new authority it actually provides, what tools are
13 available, how other Councils are using these
14 types of Fishery Management Measures currently in
15 recreational fisheries.

16 And so we designed -- the intent of this
17 session was to have some discussion and maybe help
18 answer some of those questions. And, with that,
19 I'll turn to Russ Dunn, our National Policy
20 Advisor for Recreational Fisheries because he had
21 a few additional opening comments.

22 MR. DUNN: All right. Thanks, Chris. I

1 think you can hear me. So, for those of you who I
2 haven't met, as Chris said, I'm Russ Dunn. I'm
3 the Recreational Fisheries Policy Advisor here at
4 Headquarters.

5 So, building on what Chris said, as I
6 think all of you know, there is a lot of
7 enthusiasm within the Rec Community about the
8 Modern Fish Act, and in both better understanding
9 the tools that it makes available, and in then
10 subsequently applying those tools.

11 And as I think we all understand and as
12 the Act states, that Rec Fisheries are different.
13 They're different than commercial fisheries. The
14 motivations are different, and they're different
15 from each other, and they need to be managed to
16 reflect that fact.

17 And given the diversity of Rec Fisheries
18 comes a need for diverse management approaches,
19 which is what the Modern Fish Act sort of
20 reinforces.

21 And the tools that it makes available
22 have not been well-understood to this point. And

1 so, this session is an opportunity for us to share
2 successful approaches, discuss innovations, and
3 establish really a common understanding for the
4 potential application of those tools.

5 And I think it's really an important
6 opportunity for the Rec Community to provide some
7 insight into what they're thinking is about this,
8 as well as the Councils and the States with regard
9 to these available flexible management approaches.

10 And so, as Jessica indicated, we have
11 four presenters today. The first is Chris Horton,
12 with Congressional Sportmen's, and then I am not
13 sure of the order. But we also have Julia Beaty
14 from the Mid-Atlantic Council, Mike Burner from
15 the Pacific Council, and Toni Kerns from Atlantic
16 States.

17 So, I just want to thank our panelists
18 for making the effort to be here today and I will
19 turn it back over to the Chair.

20 MS. McCawley: All right. Thank you,
21 Chris. Thank you, Russ. So, now, I'm going to
22 turn it over to Chris Horton.

1 MR. HORTON: Thank you, Madam Chair.
2 Again, my name is Chris Horton. I'm with the
3 Congressional Sportmen's Foundation and somehow I
4 drew the short straw to provide this presentation
5 today. But I want to let you know that I'm not a
6 lobbyist. I am a former Freshwater Fisheries
7 Manager, but I'm not a lobbyist.

8 But I do want to talk about some things
9 that we think there's definitely a potential for
10 when it comes to managing recreational fisheries,
11 in particular.

12 And I also want to make it clear,
13 though, right off the bat, the intent for
14 alternative management is not to circumvent the
15 Conservation and Management Magnuson-Stevens Act
16 by any means, nor to get around the concept of
17 ACLs.

18 Recreational anglers would be the first
19 to raise their hands when you raise a problem with
20 a particular fishery. And a lot of the States
21 around here can contest to that because, at the
22 end of the day, for recreational fishing, it's

1 more about opportunities to be out on the water
2 with family and friends and an opportunity to
3 harvest a few fish.

4 There's actually no incentive to fish a
5 population down and that's when we strongly
6 support conservation measures to make sure that we
7 have healthy sustainable fisheries.

8 So, I'll turn it to Management of the
9 Modern Fish Act. Why don't we feel like it needed
10 to be in there. Well, frankly, the short answer
11 is we're still frustrated that sometimes this
12 hard-pound quota commercial and all simply isn't
13 working for recreational fisheries.

14 What can we do better out there, and we
15 hadn't seen much progress. But if you actually
16 look at the statute, it says to establish
17 specified limitations which are necessary and
18 appropriate for the conservation and management of
19 the fishery on the catch of fish based on area,
20 species, size, number, weight, sex, bycatch, total
21 biomass, or other factors, made the doors wide
22 open there. Yet, we tend to focus a lot on

1 weight.

2 Clearly, MSA and Congress never intended
3 for weight to be the sole measure of how we manage
4 fisheries or in so measure of an ACL.

5 Is it the easiest, probably. Is it the
6 most efficient. Maybe not for every fishery.
7 Certainly not for many recreational fisheries.
8 But the way we've always done it is not always the
9 way we should do it. So, we want to look are
10 there better ways out there to manage recreational
11 fisheries. That's all we're asking.

12 Anglers as Customers. This is something
13 that the States really do a pretty good job of
14 treating anglers as customers. We hope NOAA
15 Fisheries and the Councils will do the same thing.
16 I mean, whether it's 9 million or 13 million,
17 whatever numbers you believe, there's a lot of
18 recreational anglers out there. And this is a
19 Public Trust Resource and we look to you for your
20 management wisdom to help us get there.

21 But what do we want. Well, it's pretty
22 simply. We just want more days, more fish, bigger

1 fish, healthy fisheries, and we want all of the
2 above. But one of the things about recreational
3 fishing is that, for most of them, it's more about
4 Optimum Yield. It's not Maximum Sustainable
5 Yield. We're not out there to try to harvest
6 every single fish right up to a certain limit.

7 But it varies by fishery. Some
8 fisheries are different than others. But at the
9 end of the day, again, it's all about access and
10 opportunity and encounters and having an
11 opportunity to go out there and catch the fish and
12 have a good time on the water.

13 Some examples of OY to the extreme could
14 probably be found with Kingfish in the Gulf of
15 Mexico and Bluefish in the Atlantic. Where we're
16 leaving a lot of fish in the water, yes. And
17 there's talks about shifting some of that quota
18 back over to the commercial side because the rec
19 side is not catching them. But I can assure you
20 there is a lot of value in leaving those fish in
21 the water.

22 The Gulf of Mexico is where I fish

1 almost exclusively. And down there, if everything
2 else is closed and you've got somebody that's
3 never caught a saltwater fish before, the one
4 thing we can go catch is Kingfish.

5 And although I don't ever -- maybe keep
6 out of fish, and that's only if the angler has
7 never caught one and wants to keep a fish, but
8 that opportunity is always there. As a matter of
9 fact, you'll see a picture on the next slide of my
10 daughter and my best friend's son with a kingfish
11 on just one of those trips when everything else
12 was closed.

13 Now granted, there will be some rec
14 fisheries where managing more to MSY is
15 appropriate. Red snapper is a good one. They're
16 pretty tasty. They're very abundant. It's easy
17 for anglers to catch their two-fish limit. So,
18 it's not necessarily illegal to fish in the water
19 in that case. It is managing more to MSY.

20 But the point is, is that not every
21 fishery is the same. They're all different. So,
22 we may need to look at how we can manage these

1 fisheries more efficiently based on what the
2 anglers want, how they fish this fishery.

3 The problem we have now is that getting
4 shoved in this commercial management of this
5 hard-pound quota box is not efficient for
6 recreational anglers in many cases.

7 So, we need a system that fits the data
8 we have now or the data that we could get now.
9 Basically, anglers are going to respond to what
10 they're encountering on the water. So, they're
11 out there fishing. A strong year class comes
12 through that the stock assessment didn't predict
13 initially and all of a sudden they're catching
14 more fish.

15 Is that a bad thing. I mean, we have
16 this hard- pound quota that was projected from
17 data five years ago at where we should be, yet all
18 of a sudden we exceed that. But at the end of the
19 day, if the percentage of the population that
20 we're removing, the F-rate is the same as it was
21 when the stock was lower, are we actually having
22 an impact on the population.

1 We're actually being penalized because
2 we overfished a magic number out here that said we
3 couldn't go over that. When, in reality, from the
4 population perspective, it was fine.

5 Again, to understand what's going on
6 with the population on any given time, we need
7 some index of what's going on. I mean, obviously,
8 again, we do not want to overfish a fishery. But
9 we need to know what's happening today because
10 that's what anglers are fishing on today.

11 So, you asked for some examples and I
12 think one of the best ones from the States is
13 Florida snook. I mean, snook is managed to a 40
14 percent SPR rate. And they do this through
15 harvest restrictions such as a slot limit, season
16 links, and bagged ones. And they do a pretty good
17 job of it because they're currently at a greater
18 than 50 percent SPR.

19 But again, in order to understand where
20 they are, they're having to sample the population,
21 look at the population, and what's happening.

22 Another great example or another reason

1 snook is a good example of a way to manage
2 differently and a good example of anglers wanting
3 to do something right, when there's a natural
4 event on snook, like red tide or a winter kill,
5 that knocks the population back, angler support,
6 as a matter of fact, will demand that the
7 Commission do something to shut the season down,
8 whatever.

9 Even though it wasn't anglers that drove
10 that population abundance down, they want to make
11 sure that they're not having an impact on it until
12 the population abundance rebuilds.

13 Extraction Rates and Harvest Control
14 Rules. The Modern Fish Act mentions those
15 specifically. Extraction rates or fishing
16 mortality targets is kind of much more common in
17 freshwater fisheries. And again, as a former
18 freshwater fisheries biologist, we didn't worry so
19 much about what the F-rate was on any given year.

20 We monitor the populations annually.
21 For example, we had catch per unit efforts. We
22 had PSDs, RSDs, was basically a measure of the

1 stock size, the ratio of big fish to small fish,
2 older fish to younger fish. And we used to
3 monitor those and as they were going along. And
4 if everything was fine, and there was the harvest
5 regulations that we had in place were working.
6 But if we saw a change or a fishery wasn't
7 performing like it was, well, then we'd try to
8 figure out, okay, are anglers driving this.

9 So, we'd do a tag award study. We'd tag
10 a whole bunch of fish and go out there and try to
11 estimate what the fishing mortality rate was. And
12 if it was too high, then we would adjust the
13 bagging regulations until we got it back down, the
14 fishery is performing fine again, and then just
15 periodically check that every once in a while.
16 So, an F-rate in that case.

17 Harvest Control Rules. Actually, that's
18 kind of what snook is. You've got this SPR you're
19 trying to manage to. And if that changes, there
20 will be regulations in place to be able to make
21 sure you get that fishery back up to its target
22 with SPR, and in pretty much doing that with

1 seatrout, red drum, and other species as well.

2 We're not trying to predict on any given
3 year how many pounds would come out of that
4 system, but have an indicator for the stock. And
5 they're watching that and they're managing for
6 that in the harvest limitation is what the
7 regulations are in place right now.

8 But what do we need to be able to do
9 some of those things. Well, we need to recognize
10 that the annual catch limit is simply a limit on
11 fishing mortality, a measure of catch that limits
12 fishing mortality in some form so that it doesn't
13 exceed overfishing limits.

14 Can that be an SPR. Maybe the SPR not
15 necessarily. An SPR could be the threshold in the
16 fishing mortality rate and how many fishes coming
17 out is your catch.

18 Again, to be able to do that, you have
19 to have some sort of contemporary estimate of
20 abundance, what's going on with the actual
21 population today.

22 And for fisheries like, not red snapper

1 in particular, because there's a big commercial
2 component, but a predominantly recreational
3 fishery, even if you're managing to MSY, more
4 towards MSY, with hard-pound quotas, if there was
5 some way that you could adjust the ACL based on a
6 predetermined framework so that you had some
7 measure, some index of abundance come into
8 population like discards or release data on any
9 given year and all of a sudden you see this bump
10 come up because there's so many more fish come in
11 the fishery that we missed, is there a way to
12 adjust the ACL based on, again, another framework
13 for that following year in order to respond to
14 what you're seeing on the water rather than
15 waiting for the next dock assessment to go out
16 because anglers are going to be catching more
17 fish.

18 Is managing to something like that going
19 to require different data sets beyond what MRIP
20 provides, no doubt. Absolutely will. But what
21 does that look. Well, that's kind of where we
22 need NOAAs help. We really appreciate the

1 opportunity to formally begin that discussion, but
2 we need NMFS to put about at least as much effort
3 into finding ways to more efficiently manage the
4 recreational fisheries that they're asking us to
5 do.

6 Again, I am not a stock assessment
7 biologist, nor am I a mechanic. But when the car
8 is not running quite right, I don't expect my
9 mechanic to tell me to, well, bring me the part,
10 diagnose it yourself, bring in the part and we'll
11 plug it in and fix it.

12 We work together. We figure out what
13 the problem is. Then we discuss options.
14 Usually, the least expensive option of how we're
15 going to get there and how we're going to fix it
16 and work together.

17 But at the end of the day, I mean, we
18 would just like to see an opportunity to maybe
19 identify some fisheries out there working with
20 NMFS, Council SSC's, and see is there a way that
21 we can test some of these other options for
22 managing our fisheries, and not talking about

1 trying to do it on red snapper or summer flounder,
2 or something like that.

3 And in some cases, hard-pound quotas may
4 work just fine. It may work just fine on the West
5 Coast where you have pretty limited entry where
6 anglers can access, and you can count those.

7 But places like the Gulf of Mexico, the
8 Atlantic Seaboard, MRIP is not very efficient of
9 being able to manage for in-season closure. So,
10 what data can we get and what's happening out
11 there today that we can plug in and make sure that
12 we stay within the conservation limits and keep
13 from overfishing.

14 But certainly I look forward to
15 continuing this discussion and seeing if there are
16 ways we might be able to identify a few fisheries
17 out there. But thank you so much for your time.

18 MS. McCAWLEY: Thank you, Chris. So,
19 the plan here is after each one of these
20 presentations, if you have questions for the
21 presenter, we're going to cover those and then,
22 after we get through all four presenters, then

1 hopefully we can have a broader discussion. So,
2 if you have questions for Chris Horton, now is the
3 time. Sure, Gregg, then Eric.

4 MR. WAUGH: Thank you, Madam Chair.
5 Thanks for your presentation, Chris. One of the
6 big issues we have in the South Atlantic area is
7 that there are significant issues with the MRIP
8 estimates for our EEZ species and that's a
9 complicating factor as Council wants to look at
10 more flexible ways of managing the recreational
11 sector.

12 And we need some form of accountability
13 on the Rec side. And we have worked with NMFS and
14 other partners to come up with a recreational
15 reporting app.

16 And I was just wondering your views on
17 private recreational anglers reporting their EEZ
18 fishing activities via an app and getting maybe an
19 electronic identification number, if you want to
20 call it a permit, so that we know how many are
21 fishing in the EEZ?

22 MR. HORTON: Thanks, Gregg. That's a

1 really good question and I think anglers would be
2 -- this whole concept is pretty new. I think they
3 would definitely be a valuable resource and be
4 able to -- would be more willing to report if they
5 knew that at the end of day that that's going to
6 benefit recreational fishing in the long run.

7 Right now, we really don't trust
8 recreational anglers, just honestly, and a lot of
9 areas don't necessarily trust Federal fisheries
10 management.

11 And I know some of them think and I've
12 had this discussion that went on that, well, if we
13 don't report, well then it doesn't show that we're
14 catching as many fish and we'll be able to fish
15 longer. That's absolutely the opposite because
16 the States know at least in the Gulf of Mexico and
17 the model I'm using is red snapper management
18 because the States are doing, or managing the
19 recreational quota. And many of them have asked
20 if they have to report.

21 The problem is in not reporting causes a
22 bigger buffer on what you're actually catching.

1 So, you're actually losing days on the water
2 because they have to estimate that, well, you're
3 not reporting. So, how many of these other
4 anglers are not reporting. So, we have to squash
5 that down quite a bit and you're going to have
6 fewer days in the water.

7 But I think with time and if they see
8 the value of it, every angler I know would be more
9 than willing. If it's going to mean better
10 management and I'm going to get to spend more time
11 on the water with my family, then let's do what we
12 need to do. But it's going to take a little bit
13 of time of educating them on that.

14 MS. McCAWLEY: All right. Eric?

15 MR. REID: Thank you, Madam Chair.

16 Thank you, Mr. Horton. So, you know, one of the
17 big components of the recreational fisheries is
18 what happens to the fish that are released alive.
19 And, you know, in some cases the mortality rate is
20 estimated at 9 percent or some other number.

21 To me, that's -- considering in some
22 fisheries that the discard rate is higher than the

1 actual A plus B1 or whatever it may be, to me, the
2 thing that we need to better understand in order
3 to calculate what's really happening on the water
4 is what happens to the fish that are released
5 alive.

6 And, you know, that's -- I don't if it's
7 a tagging study or whatever. It's a big project.
8 But because it is such a big part of the math
9 problem, I think that's something we really need
10 to spend some time investigating to get some real
11 numbers. Thank you.

12 MS. McCAWLEY: Thanks, Eric. More
13 questions, comments? Yes, Roy.

14 MR. CRABTREE: Just a couple of things,
15 Chris. You had one slide up about anglers as
16 customers and it listed a number of boxes.
17 Anyway, more days, more access, was one of the
18 things, and it also said better catch rates.

19 And I think one thing we need to think
20 about is that access and days on the water is
21 directly related to catch rates. And what we've
22 seen over time in the recreational fishery is a

1 huge increase in fishing power of the fleet
2 because of technology and equipment that's
3 available.

4 So, fishermen are vastly more efficient
5 and better fishermen today than they were 40 years
6 ago because they've got much more sophisticated
7 equipment onboard. And that leads to quotas being
8 caught more quickly and more constraints required
9 because catch rates are up.

10 The other thing we've done particularly
11 in the Gulf of Mexico is a proliferation of
12 artificial reefs and we know that the catch rates
13 for things like red snapper are 10 to 20 times
14 higher on artificial reefs than they are on
15 natural bottoms.

16 And so, even if they're increasing
17 productivity a little bit, they're not increasing
18 at anywhere close to the amount that they're
19 increasing catch rates.

20 And so, we've got a number of things
21 going on that are increasing catch rates and
22 that's resulting in shorter seasons and less

1 access and we need to think more holistically
2 about how artificial reef programs and other
3 things all fit into the objectives we have, which
4 if it is more access and more days, then we may be
5 doing things that are contrary to that and are
6 leading us in the other direction. And I think
7 that has been a big problem in the Gulf of Mexico.

8 One thing you talked about was the need
9 to have more indices and make more frequent
10 adjustments so that we're not so out of date in
11 terms of setting catch limits.

12 And that's something that we all
13 recognize as a problem. And the Southeast
14 Fisheries Science Center is working towards
15 interim assessments where we can update based on
16 an index and then we can do annual specifications
17 on catch levels. And that should solve a lot of
18 that.

19 So, but what we need to do that is a
20 good index of abundance that is used in the
21 assessment and that we can then rely on the scale
22 of catches on an annual basis. But I think the

1 Center is making a lot of progress on that.

2 And I think that will have the effect of
3 lessening some of the things you're seeing where a
4 big year class hits the fishery and the catch
5 limit is exceeded very quickly. And then we find
6 out that, well, it was exceeded because there are
7 way more fish out there and it'll enable us to
8 scale the ACLs up on a more timely basis.

9 So, we are working on addressing some of
10 these issues that you raised that I think will
11 make the system work better.

12 MS. McCawley: Mel?

13 MR. BELL: Thank you, Madam Chair.

14 Thanks, Chris. I appreciate you being here. Just
15 a question. Given what Roy just said and all, do
16 you see any interest at all or willingness at all
17 of fishermen to consider some sort of truncated
18 seasonality to fisheries, recreational. You know,
19 in terrestrial game management, deer, turkey, you
20 know, you name it, a long time ago, you know, we
21 realized that, you know, you can't have seasons
22 that go 365 days a year, you know, and manage

1 those resources.

2 So, do you see any willingness on the
3 part of folks to kind of consider some more say
4 truncated seasonal access, you know, with
5 guaranteed access in the seasons perhaps. Is that
6 something even on the table do you think?

7 MR. HORTON: I think it is and
8 especially as effort continues to grow because
9 effort is growing. And I think, you know, making
10 those analogies to the wildlife and terrestrial
11 side of things is absolutely applicable and I
12 think anglers understand that. It's determining
13 what's the acceptable level to them of the number
14 of days.

15 I mean, right now, the recreational
16 community in the Gulf of Mexico is just ecstatic
17 with State-based management of that quota because
18 they're watching that quota.

19 Now, their seasons were three days at
20 one point in Federal Waters. But when they got
21 bumped up to 26 days, I mean, that was the State
22 -- and I'm talking about Alabama where I fish

1 mostly. Alabama DCNR were heroes, you know, to
2 give us that. But that's a pretty limited amount
3 of time.

4 So, there is a balance there of how much
5 time that they can be on the water that's
6 acceptable. And I think for the most part anglers
7 are realizing that, you know, we can't fish 365
8 days anymore. You know, we realize that if we
9 want the abundance, to have those encounters, that
10 we do have to have shorter truncated seasons.

11 MS. McCAWLEY: More questions or
12 comments? Yes, Russ?

13 MR. DUNN: Just one. Chris, so on your
14 second slide where you talk about, your first
15 bullet, OY versus MSY. I guess my question is how
16 would you disentangle that OY from MSY given the
17 statutory definition is linked. And so my
18 question is are you thinking about a legislative
19 change there because, if you recall, OY is -- MSY
20 is reduced by certain factors. So, are you
21 thinking that's a legislative fix that's needed
22 there or what's your thought?

1 MR. HORTON: Honestly, that's a good
2 question, Russ, and I don't think a legislative
3 fix is there because I think it's there.

4 It talks about OY being a factor of MSY
5 reduced by economics, social (inaudible). That's
6 up to kind of the Councils and NMFS to decide how
7 much do we reduce that MSY harvest in order to
8 leave enough fish in the water that we have this
9 economic and social benefit to the recreational
10 community for those fish that are actually left in
11 the water.

12 And that brings up another point. All
13 along, the frustration with the recreational
14 fishing community and the fact that the lack of
15 data to be able to support that from NMFS, that
16 NMFS provides, that NMFS collects, is what -- I
17 mean, what's the value of those kingfish we leave
18 in the water. We'll argue that there's absolutely
19 significant value to that. That we will fill our
20 boats, and we will buy tackle and we will go try
21 to catch those fish that are still left in the
22 water. And again, not necessarily to harvest, but

1 to have that option to harvest if we want. We're
2 not getting anywhere close to that quota.

3 But there's value in all the things we
4 do to go fish for that fish as there is going for
5 fishing for red snapper that we harvest. So,
6 there is value there but, one, how do we get
7 better handle on what that value actually is.

8 And the mechanism is already in Magnuson
9 to manage based on MSY reduced by these certain
10 factors and we just don't have that number
11 consistently to be able to use in fishery
12 management plans.

13 MS. McCAWLEY: All right. Any more
14 questions or comments for Chris? All right, yes.

15 MR. HANKE: Thank you for your
16 presentation. I'm a Charter Captain from the
17 Caribbean and everything you're presenting, I can
18 relate to. I can agree on pretty much about
19 everything. But I want to highlight each region
20 and its own characteristics and we have to adapt.

21 I think that recreational fishermen, we
22 underestimate our ability to create new systems

1 and to support better data. And I'm a hard
2 believer on that and thank you very much for your
3 presentation and keep going. Thank you.

4 MS. McCAWLEY: Anyone else? All right.
5 Thank you, Chris. Next up, we're going to go to
6 Toni Kerns. She's with the Atlantic States Marine
7 Fisheries Commission. She is the Director of the
8 Interstate Fisheries Management Program Oversight
9 and Policy Development.

10 And Toni, I think you have a new
11 presentation that's a little bit different than
12 the one that's on the CCC Website?

13 MS. KERNS: It is. I made some small
14 changes after our meeting week last week. Thank
15 you for having me. Today, I'm going to talk about
16 the Atlantic Migratory Group of Cobia Fishery
17 Management that the Commission has recently taken
18 over from the South Atlantic Council.

19 In my presentation, I'm going to go over
20 the goals and objectives of our new Fishery
21 Management Plan and how we manage the recreational
22 and commercial fishery and making recommendations

1 in Federal Waters.

2 The goals, one is to provide an
3 efficient structure that implements coastwide
4 management measures providing both equitable and
5 sustainable access to the Atlantic Cobia Resource
6 to the Fishery.

7 This goal is supported by a flexible
8 management system that includes harvest
9 specification processes, measures allowing
10 sustainable harvest, monitoring through the
11 cooperative and diverse data collection programs,
12 protections for recruits to maintain a healthy
13 breeding stock, and a list of research needs that
14 can enhance the knowledge and management of cobia.

15 Amendment 1 makes several changes to
16 portions of the Commission's Fishery Management
17 Plan that were previously dependent on the Coastal
18 Migratory Pelagic Plan through the South Atlantic
19 Council. It institutes a long-term strategy for
20 managing in absence of a Federal plan.

21 And several of these changes establishes
22 processes for the Commission to carry out

1 management responsibilities that were previously
2 performed by the Council including setting harvest
3 quotas, sector allocations, defining stock status
4 criteria, recommending management measures to be
5 implemented in Federal Waters.

6 Additionally, we transitioned
7 responsibilities of monitoring and closings, in
8 particular, the commercial harvest to the
9 commission, if necessary.

10 The Amendment also changes the units to
11 use and evaluate the recreational fishery from
12 pounds to numbers of fish. By using numbers of
13 fish, it eliminates confusion from the differences
14 and average weights that have been applied
15 previously by MRIP and the Southeast Fishery
16 Science Center. And also, using numbers of fish
17 reduces the uncertainty by eliminating one of the
18 estimation steps.

19 Currently, the assessment that is being
20 conducted right now is being run in both pounds
21 and numbers of fish, which will help us utilize
22 this in the future.

1 For the harvest specification process,
2 the Commission Harvest Specification Process
3 allows the Board to specify a limited set of
4 management measures for up to three years of time.

5 One of the measures that can be set
6 through this process is the Coastwide Harvest
7 Quota. The quota itself would be informed by the
8 stock assessment results and the Board can then
9 take out any quota for an uncertainty buffer.
10 This uncertainty can either be from management
11 uncertainty or scientific uncertainty, but it is
12 not required by the plan. Then the quota is then
13 allocated 92 percent to the recreational fishery
14 and 8 percent to the commercial fishery.

15 The Board can set coastwide measures.
16 Those include vessel, possession or bag limits,
17 minimum size limits, and commercial closure
18 triggers. And the possession limits and the
19 minimum size limits can be for both the commercial
20 and the recreational fishery.

21 And then, in managing the recreational
22 fisheries, up here are the current management

1 measures. The direct quota is allocated to the
2 recreational harvest targets.

3 First, we take 1 percent off the top of
4 that recreational quota for de minimis States.
5 These are States that don't have a major portion
6 of the fishery. The four major States are Georgia
7 through Virginia, but we still are starting to see
8 catch of cobia in States as far north as Rhode
9 Island. And so, therefore, we want to set aside a
10 portion of the recreational quotas to account for
11 those fish that are being caught in other States.

12 The Recreational Harvest Targets are
13 then allocated based on the percentages that you
14 see here on this table. The percentages come from
15 both recent and historical landings.

16 Percent are from a 10-year average of
17 2006 to 2015 and percent is from 2011 to 2015.

18 So, this helps us to take into account
19 what States had previously been harvested as well
20 as looking at where the changes in the fishery
21 have been occurring in recent years.

22 The recreational landings are then

1 evaluated against these recreational harvest
2 targets on three-year averages. So, if we set
3 measures this year in 2019, then we would evaluate
4 how well we performed in 2022 based on the average
5 of landings from 2019 to 2022.

6 For the commercial fishery, as part of
7 the specification process, previous weekly
8 landings will be used to set a commercial trigger.
9 That would help us determine when we need to close
10 the fishery.

11 The trigger will be set such that a
12 closure would occur at least 30 days after the
13 landings reached the trigger. And if that trigger
14 amount is reached, all States would be notified of
15 the closure date and be required to close their
16 commercial fisheries for the remainder of the
17 year. In addition, the Commission would make that
18 same recommendation to NOAA fisheries to an active
19 closure in Federal Waters.

20 So, for an example, how this would work
21 if the commercial -- if the average number of days
22 for weekly commercial landings from Virginia to

1 South Carolina go from 77 percent to 97 percent,
2 and from 2015 to 2017 was 32 days, then the
3 commercial trigger based on that data would
4 initiate a closure of 32 days after the in-season
5 reported landings were at 77 percent of the total
6 commercial quota.

7 In addition, the Amendment also sets
8 aside 3 percent of the commercial harvest for the
9 States that are north of Virginia to utilize for
10 the fishery.

11 For Federal Waters, since there is no
12 longer a Federal Plan for Atlantic cobia, the
13 Atlantic Coastal Act allows us to make
14 recommendations to NOAA fisheries to implement
15 regulations in Federal Waters.

16 In order to enforce the recreational
17 regulations with each State having their own
18 seasons, we ask that the Federal measures be
19 enforced by vessel state of landing. So, wherever
20 the vessel says they're coming home to, the
21 measures would be enforced based on that State's
22 open season. We would also ask that NOAA

1 fisheries closes any measures in Federal Waters.

2 And I'm going to go back -- I apologize.

3 I didn't say that, based on these recreational
4 harvest targets, the thing that each of the States
5 can implement on their own is their State specific
6 seasons and this allows them to tailor their
7 fishery to their specific State needs, either for
8 their majority of their charter party boat and
9 fishery as well as their private anglers.

10 So, what are the benefits of this
11 flexible management system that the Commission has
12 the ability to do. First of all, it allows the
13 fishery to carry out on its own previously
14 closures would be preemptive. They would be
15 projected when they needed to be and not based on
16 what was actually occurring in the fishery for
17 that year.

18 And so, the Commission, by taking over
19 management, we are not projecting when the closure
20 needs to occur, but using it based on the current
21 data that's coming into the fishery now.

22 And then, it also allows for smoothing

1 of the variable recreational data. One of the
2 biggest challenges in the cobia fishery is that
3 the -- it is a pulse fishery that occurs very
4 quickly and then there's a lot of noise in the
5 recreational data.

6 And so, the Commission has taken on
7 looking at specifications in three-year time
8 chunks where we're only setting the measures once
9 every three years and we're not evaluating the
10 recreational quota against that harvest target
11 each individual year, but on that average
12 three-year timeframe. And so, it allows for
13 smoothing of that data and, hopefully, better
14 management of the system.

15 So, we haven't actually carried this out
16 in its full glory yet. Next year will be the
17 first year that the Commission is able to do this
18 based on the stock assessment that is coming out
19 two weeks from now. If you have any questions?

20 MS. McCRAWLEY: Thank you, Toni.

21 Questions, comments, for Toni? Yes, Chris.

22 MR. MOORE: Thank you, Madam Chair.

1 Thank you, Toni. I think is the first time I've
2 ever heard Toni give a presentation, although I've
3 known Toni for how many, 15 years or so. So, you
4 did well.

5 I'm curious about the three-year
6 averages. All right. So, you talk about
7 averaging the recreational harvest over three
8 years. What do you compare it to, a three-year
9 ACL, or how does that work?

10 MS. KERNS: We're comparing it to the
11 harvest target that is set based on the
12 recreational quota and how well we perform against
13 that.

14 And if there isn't an updated stock
15 assessment with a new quota, then we would make
16 adjustments in order to meet this recreational
17 harvest target in the next three-year timeframe.
18 If there is a new quota that has been established
19 through a stock assessment, then it would be
20 setting measures to reach that new quota's
21 recreational harvest targets.

22 MS. McCAWLEY: Go ahead.

1 MR. MOORE: So, I'm still a little
2 confused. So, you have this approach, which I
3 think is good, a smoothing approach, where I say
4 smooth out the harvest levels over that three-year
5 period. You set harvest limits for each one of
6 those three years or do you have a harvest limit
7 that's like an average for those three years that
8 you're looking at. So, you're comparing an
9 average to an average.

10 And then you say also that it's not set
11 it and forget it. It's set it and revisited every
12 year. So, I'm wondering how complicated all this
13 is going to be for the Commission.

14 MS. KERNS: We're not revisiting it
15 every year. So, the specification process is for
16 a three-year timeframe. So, we're setting it --
17 setting these measures once and letting it ride
18 out for those three years.

19 And then to see how well we performed
20 against that recreational harvest target, we take
21 the average of the annual landings for each of --
22 for those three years and see how well we did for

1 those measures. Does that help?

2 MS. McCAWLEY: Mel?

3 MR. BELL: I was just going to add to
4 that, and then it would be the responsibility of
5 the State. For instance, if South Carolina's
6 average after three years was 4,000 fish, then it
7 would be our responsibility to adjust our
8 regulatory approach to stay within that box, so to
9 speak, so that responsibility to stay in those
10 targets goes back to the individual States.

11 MS. KERNS: And I should note that the
12 States do always have the ability to make changes
13 in that three-year timeframe. If they see that
14 their landings are going wildly high, then they
15 can ratchet back if they want to in order to not
16 have to make such a dramatic change at the end of
17 the three years or, if they were really
18 underperforming, they could make some changes.
19 Those would need approval by the Management Board
20 in order to liberalize regulations, though.

21 MS. McCAWLEY: Yes, go ahead over here.
22 Mike?

1 MR. LUISI: Thank you, Madam Chair.
2 Toni, you may have mentioned it, but I missed it
3 in the beginning about what the actions are going
4 to be on the States north of Virginia. So, as
5 we're seeing more and more cobia in our State
6 Waters and Chesapeake Bay, is there going to be or
7 has there been discussions about how we might make
8 adjustments on these types of quotas and
9 accountability for those States as well. Thanks.

10 MS. KERNS: You're really testing me,
11 Mike. You can't quote me on this, but I believe
12 the de minimis States are matching the State's
13 regulation to the south of them. So, I believe
14 that the de minimis States match Virginia's
15 landings.

16 We don't require in the commercial
17 fishery weekly or monthly reporting. It's annual
18 reporting that we look to. And then for the
19 recreational fishery, it's looking at the annual
20 reporting. And then the Board will have to
21 evaluate each of those State's landings over time.

22 If they start to really increase, as we

1 see more cobia further north, then we'll have to
2 potentially adjust the management plan to include
3 some of those previous de minimis States as non-de
4 minimis and it's part of this table you would see
5 here.

6 MS. McCAWLEY: Go ahead, Mike.

7 MR. LUISI: You've seen me on the hot
8 seat plenty of times, Toni. That was good. Thank
9 you.

10 MS. McCAWLEY: Chris?

11 MR. MOORE: Thank you, Madam Chair.

12 Toni, I don't want to put you on the spot, but how
13 do you think this could be used for the species
14 we're involved with, you know, summer flounder,
15 scup, sea bass. Have you thought about it? Have
16 you guys thought about it?

17 MS. KERNS: I mean, I thought about it,
18 Chris, but that would require you giving up those
19 FMPs because, you know, the beauty of the
20 Commission for those that are not aware is that we
21 are not managed under Magnuson-Stevens Act. So,
22 we do not have to fulfill the requirements of

1 accountability measures and ACLs.

2 I think that some of our measures that
3 we put in place are very similar to ACLs and AMs
4 and perform in similar ways, but we wouldn't have
5 those same things. And so I don't know enough on
6 how if you could not actually look at the annual
7 RHL is under Magnuson or not.

8 If you could, then I think we could work
9 this. But if you always have to look at how well
10 you did at the end of each year, this is
11 difficult.

12 MS. McCawley: Chris, did you have more?

13 MR. Moore: Thank you, Madam Chair.

14 Just quickly. So, that was my point, right, can
15 we use this approach within our ACL-AM box, and
16 it's nice -- if we didn't have the box, obviously,
17 we could.

18 But I'm just wondering if, you know,
19 thinking about your presentation today, I haven't
20 really tracked cobia that closely. I think there
21 may be some application to summer flounder, scup,
22 and black sea bass, as Council managed species,

1 right, and I think we need to think about it.

2 Thank you.

3 MS. McCAWLEY: Gregg?

4 MR. WAUGH: Thank you, Madam Chair, and
5 thanks, Toni. And following up on Chris' point, I
6 don't think we'd have to give up any FMPs because
7 that's, in essence, the old ACL that we had. They
8 just allocated it by State. And the question is
9 in setting up your accountability measures, I'm
10 not sure under Magnuson, it's probably something
11 we could discuss after this session in the general
12 part.

13 But I'm not sure we have to do our
14 accountability on an annual basis. So, there's a
15 recognition that there's a lot of variability in
16 MRIP. So, if we were to propose something like
17 this and have an accountability measure that would
18 look at it in two years, maybe three years, I'm
19 not sure that would not be allowed under Magnuson.

20 MS. McCAWLEY: So, Toni, I had a
21 question about, so if one of the States -- so Mel
22 was giving an example where South Carolina went

1 over.

2 Are you making say quota adjustments
3 within the three-year time periods of say South
4 Carolina went over and Georgia was way under,
5 would you transfer quota or would you wait until
6 the end of the three-year time period and then
7 consider whether or not you needed to transfer
8 quota among the States?

9 MS. KERNS: We wouldn't -- for the
10 recreational fishery, the Board didn't talk about
11 transferring quota from State to State. It was
12 more that the States would have to adjust their
13 regulations to how well they performed to their
14 Rec harvest target.

15 Now, and during those three-year cycles,
16 there's certain things that the Board can do that
17 I had outlined, just do a Board action at the
18 table.

19 If they wanted to change these quota
20 percentages, they would need to do an addendum, a
21 management document to conduct that. But there's
22 nothing that would prevent them from relooking at

1 those allocations. And I think that that will
2 definitely be something that they will have to do
3 as we see cobia move further north.

4 MS. McCAWLEY: So, basically, they could
5 relook at those allocations before the three years
6 is up?

7 MS. KERNS: Not before the three years
8 is up. I think you'd have to carry through that
9 three-year timeframe and then relook at those
10 allocations.

11 MS. McCAWLEY: Thanks, Toni. Any more
12 questions, comments? All right. Thank you, Toni.
13 Next up, we're going to go to Mike Burner with the
14 Pacific Fishery Management Council.

15 MR. BURNER: Madam Chair. Good morning,
16 everyone. While it loads, maybe I'll just preface
17 my presentation with a little review.

18 I was asked to give this presentation by
19 some of the staff of the West Coast Region. We,
20 the Pacific Council, starting in 1990 and a
21 subsequent few years, declared 10 species in our
22 groundfish FMP as being an overfished condition.

1 And did a lot of work in the early
2 2000's to implement rebuilding plans across those
3 10 stocks and we've managed to rebuild 9 out of 10
4 of those at this point.

5 The West Coast Region asked me to give
6 an example of one of those species that has
7 recreational importance on the West Coast. So, we
8 decided with -- we went with bocaccio, a species
9 that's primarily off the Coast of California and
10 then north of Washington. I'll get into that in a
11 little bit.

12 But so, I guess, what I would preface
13 this is this is sort of a case study of our
14 success story here with bocaccio, but it obviously
15 predates the Modern Fish Act. But it does stay
16 within the framework of the Magnuson-Stevens Act
17 and the National Standard Guidelines.

18 So, there was a lot of hard choices we
19 had to make, especially with 10 different stocks
20 in an overfished category. That FMP does though
21 have over 90 stocks in it, some of which at that
22 time had some harvestable population sizes.

1 So, a lot of the story I'm going to tell
2 here is not just reductions on bocaccio or some of
3 the other species that we were rebuilding, but
4 more of an avoidance of those while we targeted
5 species for which we did have some sustainable
6 harvest opportunities.

7 I guess one more disclaimer, I put this
8 presentation out for review from some of our West
9 Coast Regional Staff, as well as our staff, and
10 the Science Center. Several people pointed out
11 that this photo is from Newport, Oregon, and that
12 boat is not likely targeting bocaccio. Neither is
13 bocaccio very important to Newport. But I took
14 this picture myself and I really liked it. So, I
15 went with it.

16 So, just a quick overview. Bocaccio is
17 an important commercial and recreational fishery
18 primarily off of Central California and Southern
19 California off the West Coast. It's range goes
20 all the way from the Gulf of Alaska to Baja,
21 California. However, it's not very prevalent off
22 of Oregon and the Washington Coast.

1 There seems to be two populations, one
2 to the north and one to the south. So, I'm going
3 to focus on the population south of Cape
4 Mendocino. That's the portion of the stock that
5 was declared overfished in 1999.

6 You can see landings are quite high
7 through the '70s and '80s. It started to decline
8 quite a bit in the '90s. And then, right there,
9 right around 2000, 1999, it was declared
10 overfished and we went into our rebuilding plan.
11 And you can see there by the landings numbers,
12 that we went into quite a conservative harvest
13 approach there.

14 They are largely a deep water species
15 thought to be generally in high density between 80
16 to 100 fathoms. That said, particularly as we
17 have seen some rebuilding happen, that's not to
18 say they can't be found in shallower waters,
19 particularly juveniles.

20 So, in 1999, as I mentioned, we had a
21 situation where you can see up there on the top
22 left, that's the estimated spawning depletion over

1 time. There, we saw quite a dip in the '90s. And
2 then, in the late '90s, right around 1999, the
3 stock was estimated to fall below 25 percent of
4 its unfished spawning population size and was
5 declared overfished.

6 We put a rebuilding plan in place
7 shortly thereafter. And as you can see, recently,
8 we have declared the species rebuilt.

9 We worked under the T-Min and T-Max as
10 our sideboards, T-Min being the time to rebuild
11 the species, the estimated time to rebuild the
12 species in the absence of fishing. T-Max, on the
13 other hand, was specified through regulation and
14 Magnuson-Stevens Act and the National Standards to
15 be 10 years under the Act.

16 But this species being long-lived, it
17 was T-Min plus the mean generation time for this
18 species, which is about 13 years. So, in other
19 words, the maximum time to rebuild was calculated
20 to be the year 2031. Where in the absence of
21 fishing, it was estimated the stock would rebuild
22 by 2018. Recall, this is back in the early 2000s

1 we were making these forecasts.

2 So, then in terms of what we're going to
3 target for rebuilding, those were basically our
4 sideboards. And the Council considered many
5 things, including the stock itself, but also
6 impacts to the communities that depend on
7 bocaccio, the opportunity to harvest species that
8 aren't rebuilt, in other words, sustainable
9 harvest opportunities for co-existing species and
10 the economics of both recreational and commercial
11 fisheries.

12 Down in the lower right, are sort of
13 some of the harvest projections we looked at. So,
14 the T-Target was more or less we were shooting for
15 an estimated timeframe that had a 50 percent
16 probability of rebuilding. So, we looked at a
17 variety of harvest policies and that's what all
18 those colored lines with the various shapes and
19 colors are. And we more or less picked one that
20 had a 50 percent neighborhood of rebuilding within
21 the timeframe we were looking at.

22 So, we chose a harvest rate with an SPR

1 of about percent with a probability -- a 50
2 percent probability of rebuilding the stock by
3 2026. So then, how did we go about converting
4 that into some management targets through Harvest
5 Control Rules. We basically went and followed the
6 National Standard Guidelines.

7 I think you've all seen a lot of these
8 graphics, particularly that rainbow list of
9 Overfishing Limit. This would come out of the
10 stock assessment as the FMSY as estimated by our
11 SSC.

12 We then would calculate an Acceptable
13 Biological Catcher at ABC based on a probability
14 of overfishing, sort of a policy choice by our
15 Council. And that's what up here on the left and
16 you're probably all familiar with this.

17 But the Council would choose a
18 probability between zero and 50 percent of
19 overfishing giving some of the uncertainty of a
20 stock assessment, some uncertainties associated
21 with what surveys we've had for a given species.
22 And thankfully bocaccio was a relatively data rich

1 species for our Council.

2 Our Council chose a probability of 45
3 percent, which then just calculates, based on this
4 relationship as approved by our SSC, a reduction
5 from OFL to an ABC. That's it.

6 Under Rebuilding, we didn't really have
7 the ability to fish at that rate and still meet
8 our T-Target. So, we needed a different way of
9 coming up with a Harvest Control Rule under our
10 Rebuilding Plan. And that's what that first
11 Rebuilding ACL Harvest Control Rule is. Again,
12 the number, we have looked at that relationship at
13 an SPR of about 78 percent was the target that the
14 Council chose.

15 To be clear, we didn't manage our ACL at
16 that rate. We converted that to a tonnage, which
17 is shown in the graph below. But this rate for
18 our ACL under the SPR under Rebuilding was
19 considerably below our ABC.

20 And as you can see, that converted to
21 ACLs in metric tons got quite low early on and
22 gradually increased as the stock rebuilt and as we

1 continued to do assessments over the years.

2 Once the stock was declared rebuilt,
3 very recently, we will be operating under more of
4 our default Harvest Control Rule for species that
5 are in a healthy status, that being over 45 -- 40
6 percent of their unfished biomass. And that sets
7 our ACL equal to the ABC. So, we no longer have
8 this restrictive rebuilding harvest rate or ACL in
9 place.

10 And so, as you can see, that results in
11 annual catch limits increasing quite a bit now
12 that the stock has been declared rebuilt.

13 So, how do we do that? It was pretty
14 painful, especially in the early years. As I
15 mentioned, a large part of the story was avoidance
16 of not only bocaccio but all 10 of the overfished
17 species we had in our plan.

18 We largely looked at depth-based
19 management as one of the key pieces here given the
20 species that we were rebuilding all tended to be
21 shelf species in similar depth ranges.

22 So, for the commercial fisheries -- I

1 know it's a recreational focus here. But for the
2 commercial fisheries, we established a Rockfish
3 Conservation Area that was based on depths. And
4 it was this ribbon of closure that went all the
5 way from Mexico to Canada.

6 For the recreational fisheries, however,
7 we implemented depth closures where you had to
8 fish shoreward of a specific depth at different
9 times of the year, or there was just plain
10 closures depending on what part of the coast you
11 were on.

12 There were some regulatory enforcement
13 challenges with that as you can imagine. We had
14 to establish waypoints for these Rockfish
15 Conservation Areas for that entire distance.

16 We worked closely with our enforcement
17 consultants to come up with not only recreational
18 lines, but commercial lines that followed the
19 contour reasonably close but were also straight
20 enough to be enforceable.

21 And we had implemented vessel monitoring
22 systems because keeping track of where all of the

1 vessels were via conventional methods just wasn't
2 a reality given all these area closures we had.

3 One other key piece to the story was
4 in-season management. We have dockside sampling
5 for most of our major ports up and down the West
6 Coast. So, catch is monitored continuously.

7 Our Council meets five times a year.
8 Our Groundfish Management Team tracks not only
9 landings but also makes estimates of discard
10 mortality and total mortality and reports back to
11 the Council and kind of adds up how we're doing at
12 each of our five Council meetings relative to our
13 goals.

14 And the Council would take in-season
15 management action accordingly. To change up in the
16 recreational sense would look at some of these
17 depth contours and the dates that are open and
18 make some adjustments there to either ratchet up
19 or down the fishery according to how it was
20 tracking.

21 So, I really can't stress enough how
22 much in-season management during the year gave us

1 the flexibility to keep boats on the water as best
2 we could while still meeting our annual catch
3 limits.

4 Another piece of the story is release
5 mortality. Like I mentioned, part of the goal
6 here was to provide fishing opportunity but avoid,
7 and if you can't avoid, release with the best
8 success for survival we could.

9 One of the problems with these species
10 of groundfish is barotrauma. You pull them up
11 from depth. You can see up on the right, it's not
12 a bocaccio, but it's the best picture I could find
13 of bulging eyes and inflated swim bladders and
14 things that make the fish quite vulnerable to
15 mortality.

16 And so, we were charging essentially 100
17 percent mortality for most depths of these
18 overfished species if they were turned loose. The
19 retention was not allowed. So, we had high pretty
20 high mortality expectations given this barotrauma.

21 There was some research done that if the
22 fish were descended back down to depth when they

1 were released that we would -- particularly in
2 about the 50 to 100 meter range, we would
3 experience mortality rates that were half or more
4 less than what we were originally calculating.

5 So, rather than 100 percent of the fish
6 dying, we were in the 20 to 50 percent range for
7 species -- or for fish that were released with one
8 of these descending devices. And the picture on
9 the lower right there is one of the fancier
10 versions.

11 Some people were just plain using milk
12 crates with weight releases. They'd send a weight
13 on the line and pop the door open. But the faster
14 these fish could get back down to the depth from
15 which they were pulled up, the better they
16 survived.

17 The device on the right uses -- would
18 grip the fish. And then when it got down to the
19 depth, the pressure would release the device and
20 the fish would be released at depth.

21 We looked across. We looked at the
22 research that was out there and looked at the

1 possibility of providing some of these credits, if
2 you will, for the use of these devices.

3 Early on, the use of these devices was
4 encouraged. The logo there of No Floaters was put
5 out and there was quite a PR campaign to get the
6 message out to recreational fisheries. I think
7 subsequently Oregon and Washington required these
8 devices to be on board for bottom fishing trips.

9 And although not for bocaccio, for
10 yelloweye and canary, which are other rockfish
11 species that we were rebuilding that were very
12 constraining, we did allow a credit, if you will.
13 We reduced the estimated mortality for those
14 species given the understanding that these devices
15 would be used in the recreational fishery.

16 And we kind of got lucky, to be honest.
17 We were expecting this stock to not rebuild until
18 2026 under our forecasted population trends. But
19 as I mentioned, we just recently declared the
20 stock rebuilt after our updated assessment of
21 2017.

22 The part of the story I've got to say is

1 environmental conditions, which we also got a
2 little bit of a break. You can see in the
3 declining landings and previously in the slide
4 that showed the declining population sizes, we
5 were in a period that, for better or worse, this
6 could be called the spicy water conditions versus
7 minty water conditions.

8 That terminology is a simplified way of
9 saying what the predominant water -- the
10 predominant source of water in the California
11 Current.

12 If we have Pacific Subarctic Waters
13 originating from Alaska, tend to be cooler. They
14 tend to be lower in salinity. They tend to also
15 support copepod assemblages that are richer in
16 lipids and much better feed for juveniles,
17 cheeseburgers, as they are called.

18 Whereas, if we attend to have warmer
19 waters that dominate the California Current, we
20 have assemblages of feed and warmer waters that
21 are lower in calorie and more like celery I guess
22 is what some of the analogies we've heard.

1 But when we were back here looking at
2 the declining stock and declaring it overfished
3 that the predominant waters of the California
4 Current as measured by sea surface level was more
5 of the spicier warm waters.

6 But what we have seen since we declared
7 the species overfished was cooler waters
8 predominant and better feed conditions. And so
9 we've seen some very strong recruitments of
10 rockfish across most of our species in that plan.
11 Particularly 2010 and 2013 were very strong
12 recruit events.

13 So, I guess just the point of this whole
14 slide is that, you know, we did make some
15 conservative choices in our harvest policy, but we
16 also caught a break here in terms of environmental
17 conditions that drive recruitment of these species
18 which also helped accelerate the rebuilding. So,
19 that's my story. I'll take any questions.

20 MS. McCRAWLEY: Thank you. Any questions
21 for Mike? Yes, Tony?

22 MR. BLANCHARD: Good presentation. As

1 for dealing with barotrauma, all right, you guys
2 ever tried using a syringe?

3 MR. BURNER: Yeah. I believe there was,
4 especially early on, the idea of poking or
5 releasing the swim bladder was prevalent. My
6 understanding, that that was not as successful as
7 leaving the swim bladder intact and getting the
8 fish down to depths, which was found to be far
9 more successful and had a higher survival rate.

10 MR. BLANCHARD: Okay.

11 MR. BURNER: So, we sort of discourage
12 the popping of the swim bladder and encouraged the
13 descending device.

14 MR. BLANCHARD: Okay.

15 MR. WAUGH: Thanks, Mike, for your
16 presentation. So, you all specified your ACL in
17 terms of SPR. Is that still the definition? And
18 I guess what you then did was take that rate and
19 convert it to poundage, and so you managed based
20 on poundage and not coming back to that SPR?

21 MR. BURNER: Yes, that's correct. We
22 did -- particularly during the rebuilding

1 timeframe, we used SPR as sort of a common metric.
2 It was more of an apples and apples to comparison
3 between the rebuilding species. It took into the
4 various fecundity of the species. So, it was more
5 used as a common metric as we described harvest
6 policy across the species we were rebuilding. But
7 when it came time to set an ACL, we did set that
8 at a tonnage.

9 MS. McCAWLEY: Some other hands up.
10 Yes, Russ?

11 MR. DUNN: Two questions. So, one of
12 the things you emphasized was the need for
13 in-season management, which is obviously so in
14 somewhat in contrast to the last discussion. Are
15 you still doing in-season management, or now do
16 you sort of set it and forget it for the season
17 and monitor on an annual basis, or what's your
18 approach now?

19 MR. BURNER: No, we still continue with
20 in-season management at each of our meetings.
21 That said, it tends to be a little less intensive
22 than it was back when the ACLs were low. You

1 know, there was more adjustments to the
2 recreational fisheries then than there is now.
3 But we continue at every meeting to track catches
4 and make adjustments as necessary.

5 MR. DUNN: Okay. Great, thank you. And
6 actually, the second question is actually for
7 Gregg. Gregg, in terms of the -- with the Council
8 adopting venting -- or release, descending device
9 and/or venting, have you all looked at their model
10 in terms of conservation credit for any of the
11 redfish species under your jurisdiction?

12 MR. WAUGH: Thanks, Russ, Yes. That's
13 something we've had discussions with various
14 Southeast Fishery Science Center folks and the
15 intent is, and we did use the Pacific example.

16 The hope is that once that requirement
17 gets implemented and we get some monitoring
18 information to look at compliance, which we can do
19 with the MyFishCount app, that then when that
20 species comes up for a stock assessment, we
21 hopefully get some credit for reduction in the
22 discard mortality rate. And I think that will

1 certainly encourage more compliance if the
2 recreational sector sees that there is some
3 payback.

4 MR. DUNN: Thanks, Gregg.

5 MS. McCAWLEY: Mel?

6 MR. BELL: Thanks. You mentioned the --
7 I think it was Washington and Oregon States
8 implemented the mandatory use of descending
9 devices, but not necessarily for that species.
10 But there is no Federal requirement.

11 So, I guess -- and I'm not sure of the
12 proportionality of State Waters versus Federal
13 Waters for the fishery itself. But was that
14 sufficient enough to get people to sort of get in
15 the habit of using the devices do you think even
16 without it being mandatory in Federal Waters?

17 MR. BURNER: Madam Chair. Thanks for
18 the question. The devices were required on bottom
19 trips, not necessarily if you were just fishing
20 for bocaccio, and that included State and Federal
21 Waters. The credits were just given to a few of
22 the species that were more of our constraining

1 stocks, so, those being canary and yelloweye.

2 And I should also add that -- I glossed
3 over it earlier, but when we consider those
4 credits, those were depth-based. And so, like I
5 mentioned, between about 50 meters and 100 meters,
6 there was varying in credits depending on the
7 depth that the fishing occurred. And after deeper
8 than about that, it was assumed that all the fish
9 died regardless of the descending device. So, the
10 credit was a depth-based credit as was our
11 estimate of mortality based on the reported depth
12 of angling.

13 MR. ANDERSON: Madam Chair?

14 MS. McCAWLEY: Yes.

15 MR. ANDERSON: I also really want to
16 credit the Recreational Fishery for advocating for
17 the use of descending devices. They also went out
18 and sought grants to buy descending devices like
19 that SeaQualizer that's up there, which is the
20 most expensive one that's on the market and gave
21 them out free of charge to the Recreational
22 Fishing Community. So, a large part of the credit

1 for wide use of descending devices goes to the
2 Recreational Fishing Community and the
3 organizations that they have.

4 MR. WAUGH: Thank you, Madam Chair.
5 And, Mike, just one quick clarifying question.
6 So, you all did require the use of descending
7 devices for bottom trips in Federal Waters. Is
8 that correct?

9 MR. BURNER: In Washington and Oregon,
10 and California was recommended. And as Phil
11 mentioned, I think the Recreational Community
12 largely embraced the method and, therefore, we
13 were able to seriously consider the credits I
14 mentioned for some of our more constraining
15 stocks.

16 MS. McCAWLEY: More questions. Yes,
17 Chris?

18 MR. MOORE: Thank you, Madam Chair.
19 Thank you, Mike, for the presentation. I'm
20 curious of the question that Russ asked and
21 triggered this thought which relates to what data
22 are you using to do those in-seasons adjustments

1 and what are the limitations of that data?

2 MR. BURNER: Thank you, Madam Chair.

3 Thank you for the question, Chris. We're using
4 dockside sampling largely reported by the three
5 States on the West Coast. So, Washington, Oregon,
6 and California, all have pretty intensive sampling
7 of anglers as they come off the water. So, it's
8 pretty real time. It's some reliance in all three
9 States for fishing areas that we can't get to but,
10 for the most part, there's pretty intensive
11 sampling that's going on continuously through the
12 fishing season and reported at each of our
13 meetings.

14 MS. McCAWLEY: Yes. Marcos?

15 MR. HANKE: First a question. Then a
16 follow-up question to it. On your percentage of
17 release mortality, you're considering one day, two
18 days, a week, 30 days, a year after the release?
19 How do you guys address that on your area? You
20 know, once you see the condition of the fish that
21 are being released, which is a post release
22 condition, how you connected the release mortality

1 percentage that you present?

2 MR. BURNER: Thanks for the question.

3 It's largely based on the angler's reported depth
4 of fishing more than anything. It's not
5 necessarily based on the condition of individual
6 fish or the angler's reporting of the condition of
7 that fish. It's based on the assumption that
8 descending devices are in place and based also on
9 the depth of fishing that the trip occurred on.

10 MR. ANDERSON: Just one other piece of
11 information. So, when, in particular, Oregon
12 State University did a lot of the work that helped
13 or bring forward the data on the survival rates
14 associated with fish that were descended, some of
15 those fish were also tagged, radio tagged. And so
16 we were able to go back out and detect whether the
17 fish were still alive or not after some period of
18 time.

19 So, that's an additional tool that we
20 used to ensure that the survival rates that we
21 were assuming at the time of the release were born
22 out by those fish continuing to be present in the

1 -- like for yelloweye, in particular, which are
2 really site-specific kind of fish. We were able
3 to go out and determine that those fish were still
4 alive some number of weeks or months later.

5 MR. HANKE: The follow-up comment and
6 question are the same thing as in the Caribbean
7 because of the multispecies and the size of the
8 fish that you catch when they're bottom fishing on
9 depth that we are on.

10 I'm collecting personal data, you know,
11 during my operation relating to the release
12 surface, one atmosphere and two atmosphere
13 release. And it's very preliminary, but I think
14 it's the right track especially for recreation and
15 commercial fisherman to pursue and to produce that
16 kind of data.

17 For example, in my case, I can tell you
18 right away that with the Frigatebird, you release
19 on the surface grouper and snappers, and it's
20 almost an instant release mortality right there.

21 If you release at one atmosphere, you
22 can see the fish swimming away exactly under the

1 same conditions. And all those very basic data go
2 back to the presentation before, what kind of
3 information the recreational community can produce
4 with very little effort and support from the
5 Science Community. That's my comment. Thank you.

6 MS. McCAWLEY: More questions, comments?
7 All right. Thank you, Mike. We're going to move
8 into the next presentation, which is Julia Beaty,
9 with the Mid-Atlantic Fishery Management Council.
10 She's a Fishery Management Specialist, and we're
11 going to turn it over to her.

12 MS. BEATY: Thank you. Good morning,
13 everybody. So, I'm going to talk about this
14 initiative, which we call the Recreational Reform
15 Initiative, which is a joint project of the
16 Mid-Atlantic Fishery Management Council, the
17 Atlantic States Marine Fisheries Commission, and
18 the Greater Atlantic Regional Fisheries Office.

19 So, this initiative came about largely
20 due to some challenges that we've had with
21 managing the black sea bass recreational fishery.
22 But it also addresses the other three species that

1 have big recreational components and are managed
2 jointly by the Mid-Atlantic Council and the
3 Atlantic States Marine Fisheries Commission.

4 So, the four species include summer
5 flounder, scup, black sea bass, and bluefish. And
6 I should note that this joint management program
7 for summer flounder, scup, and black sea bass,
8 it's from Maine through either Cape Hatteras,
9 North Carolina, or all of North Carolina. And for
10 bluefish, it's for the whole Atlantic Coast.

11 So, just to provide a little bit more
12 background on the black sea bass challenges that
13 we have specifically. So, black sea bass biomass
14 has been very high for several years. It's been
15 more than double the target level since at least
16 2015. So, availability to anglers has also been
17 very high. And black sea bass is a very popular
18 recreational fish species in our region.

19 And anglers have felt like the measures
20 that we put in place have been very constraining.
21 They realize that biomass is very high.

22 Availability is really high. They want to be able

1 to catch more black sea bass and keep more black
2 sea bass.

3 But you can see from this figure here
4 that our RHL, that's the red line, has in many
5 years been fluctuating. And then harvest is the
6 blue bars, and you can see that we have very
7 little wiggle room between harvest and the RHL.
8 In many years, we're either bumping right up
9 against the RHL or we're exceeding it. So, we
10 felt like we've had to keep pretty restrictive
11 measures in place.

12 And also, I don't know who first came up
13 with this term, but chasing the RHL kind of summed
14 up a lot of the struggles that we have been having
15 with black sea bass.

16 Where every year when we're thinking
17 about what's the next year's recreational harvest
18 limit and should we change the bag, size, and
19 season limits to try to prevent that RHL from
20 being exceeded, it frequently felt like every year
21 we had to make some tweaks to the bag, size, and
22 season to prevent exceeding that RHL, either

1 because the RHL was changing or our expectations
2 the harvest was changing. So, we felt like we
3 were chasing the RHL and having to change our
4 measures very frequently.

5 Meanwhile, we have this very healthy
6 stock and anglers are feeling constrained. So, a
7 lot of kind of simmering frustrations with all of
8 that.

9 So, this recreational reform initiative
10 was largely aimed at answering the question of how
11 can we provide greater stability in the
12 recreational management measures so that we don't
13 have to chase the RHL every year. We don't have
14 to change things a little bit year to year.

15 And again, this was mostly an issue with
16 black sea bass, but we've had similar struggles
17 with summer flounder, though for some slightly
18 different reasons.

19 For scup and bluefish, we haven't had to
20 change the measure as much, but they're managed
21 with the same system as summer flounder and black
22 sea bass. So, we're trying to address all those

1 species together.

2 So, you know, this issue is kind
3 simmering for several years. And the
4 conversations really got going after the
5 Commission Summer Flounder, Scup, Black Sea Bass
6 Board Chair and Vice Chair put together this
7 document that they called the Strategic Plan for
8 Reforming Recreational Black Sea Bass Management.

9 And that was a multiple page document
10 with a lot of different ideas in it and it helped
11 really start the discussion in terms of what do we
12 think we should really focus on and move forward
13 with.

14 And eventually, that evolved into the
15 formation of a Joint Steering Committee to really
16 dig into some of this and focus on specific
17 issues. So that Steering Committee was formed in
18 March of this year. And membership includes
19 leadership and staff from the Council Atlantic
20 States Marine Fisheries Commission and the Greater
21 Atlantic Regional Fisheries Office.

22 And the Steering Committee came up with

1 this Draft Mission Statement to focus our efforts.
2 So the Mission Statement is to allow for more
3 regulatory stability and flexibility in the
4 recreational management programs for summer
5 flounder, scup, black sea bass, and bluefish by
6 revising the current annual timeframe for
7 evaluating fishery performance and setting
8 recreational specifications to a new multi-year
9 process.

10 So, before I explain why that would make
11 such a big difference, I'm first going to explain
12 what the current process is and how this
13 multi-year process would be different.

14 So, for all four species that we're
15 focusing on, the fishing year is the same as the
16 calendar year. And this timeline is an example of
17 what it typically looks like when the Council and
18 Board need to set new recreational harvest limits
19 for upcoming years, not when they're reviewing
20 RHLs that were already in place.

21 So, typically, when they need to
22 recommend new RHLs, they're meeting in August of

1 the current year to develop RHLs for the next one
2 to three years, usually based on some sort of
3 stock assessment update and other information.

4 So, that decision is made in August.

5 But then the decision on what should the
6 recreational bag, size, and season limits be to
7 help prevent exceeding the RHL, that decision
8 isn't made until much later in the year.

9 For Federal Waters Measures, that
10 decision is made in December of the current year
11 because that allows us to consider preliminary
12 MRIP data for Waves 1 through 4 of the current
13 year.

14 And then the States developed their
15 measures through a separate commission process and
16 that usually happens early in the next year. So,
17 that's early in the year that the measures are
18 needed in. And then depending on the States,
19 maybe they need a little bit more time to finalize
20 all their measures.

21 And then, of course the Federal Waters
22 Measures have to go through a more involved

1 rulemaking process. So, even though the Federal
2 Waters Measures are agreed to in December of the
3 previous year, they're not actually finalized and
4 implemented until typically May through July of
5 the year that they're actually needed in.

6 So, there's some obvious challenges
7 associated with this, that the measures in both
8 State and Federal Waters aren't -- if there's a
9 change to them, that change isn't implemented
10 until, you know, early to even, you know, maybe
11 midyear of the year that those changes are needed
12 in.

13 And even though some of the decisions
14 are made in December, that still doesn't
15 necessarily give a lot of time to plan for the
16 next year. So, we get complaints from, for
17 example, for-hire captains who said they want to
18 be able to plan their trips well in advance.

19 Even if they know the decision is made
20 in December, that's still not a lot of time.
21 They'll say people want to plan their summer
22 vacations like well in advance. So, they want to

1 know when the fishing season is going to be. So,
2 even without this delay and implementation, the
3 December decision-making can be challenging for
4 that reason.

5 But again, one of the reasons why we do
6 it this way is because it allows us to consider
7 the most current MRIP information to think about
8 what is this year's harvest. And if we kept
9 measures the same next year, we typically assume
10 that harvest will be the same next year as it is
11 this year. So, it allows for that sort of
12 decision-making.

13 So, the proposed change is you basically
14 keep the timeline the same as it was in the
15 previous one. But instead of agreeing to the bag,
16 size, and season limit for only the next year,
17 you're agreeing to it for two years at a time.

18 So, there's still that delay. And when
19 the measures are finalized and implemented for the
20 first year, but for the second year, if they're
21 staying exactly the same and you already -- you
22 know what they are well in advance for year two,

1 and you don't need to do any follow-up
2 decision-making or rulemaking to have those year
3 two measures the same. So, the biggest benefit is
4 in that year two change to how we do things.

5 So, the way this would work is that
6 everyone involved, so the Council and the
7 Commission and Member States would have to agree
8 to the bag, size, and season limits for two years
9 at a time and commit to making no changes for
10 those two years.

11 So, if you get information in the
12 interim year that suggests that maybe your
13 measures could be a little bit more liberal,
14 you're not reacting to that. Because the tradeoff
15 is that if you get information that suggests that
16 maybe you might need to cut back a little bit,
17 you're also not reacting to that. So, it has to
18 work both ways for it to be able to work.

19 And so, the other thing is that, you
20 know, in general, we're committing to not
21 responding to new information in the interim year.
22 But in the interim year if we get information to

1 suggest that the stock has become overfished or
2 overfishing is occurring, we would react to that.

3 So, this has already come up a little
4 bit in the discussion today, but there's some
5 consideration that still needs to be -- to go into
6 this in terms of how we would factor in annual ACL
7 evaluation and accountability measures and what
8 are the Magnuson Act requirements for that.

9 And if, you know, we're committing to
10 making no changes for two years, if in the interim
11 year we get information to suggest that the ACL in
12 a previous year was exceeded, is it okay to not
13 react to that until year three, for example, and
14 are there any other changes needed to the
15 accountability measure regulations that we
16 currently have in place to allow for basically
17 setting and forgetting it for two years. So,
18 that's something that we still need to develop a
19 little bit further.

20 And then also, the Steering Committee
21 has talked about the idea of, you know, we make --
22 right now, we make the decisions on Federal Waters

1 measures, bag, size, and season limits in
2 December, and that's still proposed under the new
3 timeline.

4 But what if we move that back to October
5 to give even more, you know, advanced notice to
6 what the changes might be and provide some more
7 efficiencies in year one. There's pros and cons
8 associated with that.

9 That would mean that, you know, there's
10 data that you wouldn't be able to consider that
11 you would have available in December, but not
12 October. So, that's something that needs a little
13 bit more consideration and evaluation.

14 So, another topic that the Steering
15 Committee has focused on is what are your
16 guidelines for deciding if you need changes in
17 your measures or not.

18 And for black sea bass, there have been
19 some recent years where we have evaluated expected
20 harvest compared to the RHL, and it's been
21 determined that maybe harvest would exceed the
22 RHL. But there's some justification for why you

1 can keep measures status quo. And the
2 justification for that has kind of been developed
3 on a case-by-case basis.

4 So, the Steering Committee thinks it
5 would be helpful to come up with guidelines that
6 are agreed to and you can use every single year.
7 So, it's not something that's on a case-by-case
8 basis. It's something that is transparent and
9 everybody buys into it and you know what your
10 guidelines are.

11 So, there's two aspects to this. One
12 aspect is looking at stock status information.
13 And so, on the screen are some examples of kind of
14 metrics that you would look at for stock status.
15 And if you have multiple positive indicators that
16 could work in your favor in terms of justifying
17 status quo, bag, size, and seasons limits, when
18 moderate reduction in harvest would otherwise be
19 needed.

20 And then the other piece of it is how
21 you determine what percentage reduction or
22 liberalization in harvest you might need with your

1 RHL for the next year.

2 And so the Steering Committee recommends
3 also establishing guidelines for that. So, if you
4 establish a certain percentage above and below the
5 RHL, that if you're within that, you're not making
6 any changes, and again, it has to go both ways.

7 And then come up with guidelines for how
8 you deal with uncertainty in the MRIP data and
9 then so how you deal with potential high PSEs and
10 smoothing of outliers and things like that.

11 And then with this concept and then also
12 the two- year timeframe, some further work needs
13 to be done and consideration given to the pros and
14 cons of using the most up-to-date data possible,
15 and having your decision-making occur, you know,
16 later in the year versus using -- having
17 decision-making be based on data that's maybe not
18 as current as possible, but is the final MRIP
19 data. And that allows you to make the decision
20 earlier in the year.

21 And for all of this, the Steering
22 Committee agrees that we need to do a lot of

1 stimulation testing to look at what would happen
2 if you set it and forget it for two years and you
3 have an old bridge or if you use these new
4 guidelines for status quo to not take reductions
5 when you would otherwise need that. What would be
6 the impacts of that. What would be the impacts of
7 not taking slight liberalizations that you would
8 otherwise be allowed to do.

9 So, those are the major next steps in
10 this process is, you know, so far this has been
11 discussed at kind of a high level kind of Steering
12 Committee leadership perspective in terms of where
13 should we focus our efforts.

14 But we haven't really dug into the
15 technical side of things in terms of what is
16 really feasible and what would be the impacts of
17 some of this.

18 So, those are the major next steps in
19 this process. And I'm happy to take any
20 questions. Oh, and also there's other people in
21 the room who are on the Steering Committee and
22 they can help me answer questions, too.

1 MS. McCAWLEY: Thank you, Julia.

2 Questions? Tom?

3 MR. NIES: Thanks, Julia. I'm kind of
4 intrigued about one of your comments I think on
5 about your second to last slide, which slide which
6 talks about -- I think what it said was, yeah,
7 guidelines for incorporating uncertainty in MRIP
8 estimates.

9 And I think there what you mean is in
10 evaluating the harvest compared to the
11 recreational in determining whether accountability
12 measures need to be applied.

13 Is that going to be linked to the stock
14 assessments, or have you thought about linking
15 that somehow to the stock assessments so to make
16 sure that your approach from monitoring the
17 recreational harvest level is consistent with how
18 the assessment treats the data?

19 MS. BEATY: That's a good question. We
20 have thought about it in terms of thinking about
21 it. Depending on what your stock status is, maybe
22 you don't want to have so much flexibility.

1 If stock status is good, it's okay to
2 maybe have more flexibility. But that is a good
3 question and may be something that would be worth
4 considering in the simulations in terms of if
5 we're dealing with uncertainty and the
6 recreational data is different than how the
7 assessment is, what would be the impacts of that.

8 And this, dealing with the uncertainty
9 in MRIP is not necessarily just for accountability
10 measures, but also in a situation where you don't
11 think you need an accountability measure, but
12 you're just looking at meeting next year's RHL.
13 So, it could, you know, be used for rules aspects.
14 But that's a good question. Something I think
15 that could be simulated.

16 MS. McCawley: Other questions or
17 comments for Julia? All right. Thank you for
18 that presentation.

19 So, we've had four presentations and I
20 think we'd like to have some discussion about
21 Section 102 and thoughts around the table on
22 moving forward from here. Yes, Chris?

1 MR. OLIVER: I'll just start and throw
2 this out. Because one of the fundamental
3 conundrums I struggle with is the Act says you can
4 use all these other measures, but you still have
5 to stay within an ACL.

6 And you highlighted this, Chris, in your
7 presentation. As long as we define ACL in
8 poundage, how do we get past that in the sense
9 that you define an extraction rate to reach a
10 particular target, and you get it right, and it's
11 kind of macht nichts.

12 So, I'm struggling with how, as long as
13 we continue to define an overall quota in pounds,
14 and then let's say it's a million pound quota, and
15 it's a fifty-fifty split, so half a million goes
16 to the recreational fishing sector, then what do
17 we do?

18 MR. HORTON: Can I respond to that?

19 MS. McCAWLEY: Chris?

20 MR. HORTON: Well, that's a good
21 question. I think that was the point is that the
22 ACL for catch, but Magnuson defines catch as

1 something other than -- it doesn't have to be
2 hard-pound quotas or weights. It doesn't have to
3 be weight-based. It could be the numbers, it could
4 be sex, biomass area, or other factors.

5 I mean, there's a whole conundrum of
6 things out there that we could potentially do, but
7 how do we measure that catch. And I understand
8 the difficulty in trying to define something
9 because pounds is something easy to gravitate to.
10 It's easier to measure based on how we're doing it
11 now.

12 But there is there a different way that
13 we could collect or different data we could
14 collect, but still looks at that catch based on
15 those other factors. And that is the question.

16 And again, I'm not the mechanic. I
17 can't answer that for you. But would really look
18 forward to an opportunity to pick some fisheries,
19 maybe just primarily recreational, not commercial,
20 but look at ways we could more efficiently manage
21 and what other measure of catch could we then plug
22 in to that ACL besides weight.

1 MR. OLIVER: And I was trying to
2 reinforce your very point just to kick off
3 hopefully some --

4 MR. HORTON: Gotcha. Yes, sir.

5 MS. MCCAWLEY: Other thoughts here?
6 Okay. Maybe let's go ahead and take a break. And
7 then maybe when we come back from the break,
8 you'll have some other thoughts and maybe we can
9 continue this discussion. So, let's go ahead and
10 take a 15-minute break.

11 (Recess)

12 MS. MCCAWLEY: All right, once again I
13 want to thank the four speakers that we had before
14 the break. I thought those were very informative
15 discussions. I'm going to open it up again to CCC
16 discussions on this topic.

17 Ultimately, maybe we don't necessarily
18 need a discussion because maybe Councils were
19 informed by those four presentations and they just
20 want to go back to their respective Councils and
21 maybe think about some of the different items that
22 you saw this morning. And that's okay, if that's

1 the answer here, but I'm still going to open up
2 the floor again to see if we want to have any more
3 discussion, or we have any types of questions that
4 we want answered before we leave this topic. Yes,
5 Chris?

6 MR. MOORE: Thank you Madam Chair. I
7 appreciated the presentations today, but I think,
8 to follow up on Chris Oliver's comments, I think
9 there's still a struggle with how to we get out of
10 this ACL AM Box, as it relates to flexibility for
11 our recreational fisheries.

12 So, the Mid-Atlantic Council, as Julie
13 indicated, we're struggling with black sea bass.
14 We've also looked at some alternative ways of
15 dealing with summer flounder recreational
16 management. We had some work done up in the
17 northeast relative to simulations and some
18 possibilities there.

19 But, I think, you know, we're still
20 trying to figure it out, and it'd be great if we
21 could have some additional ideas from the service,
22 or our science partners, to give us some ideas of

1 how those things could work.

2 But one of the things that we haven't
3 mentioned this morning as we think about this
4 flexibility for the recreational fisheries, is how
5 that flexibility could be fair to the other sector
6 that we're involved with.

7 So, typically, when we get into
8 conversations with commercial fishery folks about
9 this issue, there is this question of fairness.
10 And they typically bring up the fact that they are
11 managed under hard quotas, and yet the
12 recreational fishery is considering this
13 flexibility that might allow them to over-harvest
14 or exceed their ACLs.

15 So, those are the things that we deal
16 with in terms of where we're at in the
17 Mid-Atlantic Council, where do you want the
18 commission, and we're still right in the middle of
19 it.

20 MS. MCCAWLEY: Thanks for that, Chris.
21 Other comments, questions, discussions; Carrie?

22 MS. SIMMONS: Yes, thank you Madam

1 Chair. I just have a question about this portion
2 of the Act. I think it said there was a report
3 that was supposed to come out 180 days after the
4 date of enactment. Was there such a report, and
5 is that available, and would that have any helpful
6 information in it?

7 MS. MCCAWLEY: Good question. Response?
8 Russ.

9 MR. DUNN: In consultation with my
10 colleagues at the table, I have learned that we're
11 working on it (laughter). It has -- the 102
12 Section; Section 102 in the report -- there are
13 certainly substantially advanced drafts that have
14 been developed and beyond that I am not sure of
15 the status.

16 MS. MCCAWLEY: So, what I heard was,
17 coming soon. Yes, Phil.

18 MR. ANDERSON: I don't have a lot to
19 offer. I agree with Chris' kind of summation of
20 where we are. We continue to try to look for ways
21 to be flexible where it makes sense, continue to
22 look at the fairness question.

1 I struggle with what is the advantage of
2 moving from weight to numbers of fish, in our
3 world at least. We can take our black rockfish
4 fishery, for example, which is kind of our base
5 species for our recreational groundfish fishery.

6 We have average weights, we could turn
7 poundage into numbers, but at the end of the day,
8 we're going to manage that fishery to not exceed
9 that number of fish, which then would translate
10 into a weight, if you backed it back out through
11 the average weight.

12 So, I'm struggling with trying to
13 understand how that helps. I think in the halibut
14 fishery, where the average weight does change from
15 week to week lots of times, numbers of fish would
16 provide some greater stability in that example,
17 but I can't think of other examples where that
18 takes place.

19 And I think by and large, that our
20 recreational fishery wants to be held to high
21 standards, wants to be looked at as a sector that
22 is managed for sound conservation outcomes.

1 So, I'm not excited on going into a
2 regime where we have a sector, regardless of what
3 it is, that is allowed to exceed our ACLs that are
4 carefully calculated, to achieve a conservation
5 outcome. So, those are my thoughts.

6 MS. MCCAWLEY: Thanks Phil. Roy, and
7 then Gregg.

8 MR. CRABTREE: We hear a lot, Chris,
9 about the same kind of issues because almost all
10 of our fisheries are mixed fisheries; they have
11 recreational and commercial components on it.

12 But the reality of it is, you can't
13 manage them -- commercial and recreational
14 fisheries -- the same because the data delivery is
15 so different. And the difficulties with tracking
16 recreational quotas are -- I mean, it's just very
17 difficult to do it.

18 So, I think you're stuck with realizing
19 that you have to deal with them differently.
20 We've looked at the issue of weights and numbers
21 umpteen times, and to me it makes no substantive
22 difference how you do it. You still have to take

1 into account the size of the fish that are being
2 caught, because that's inherent in setting the
3 quota to begin with and effects the selectivities.

4 But I think the other trap that the
5 whole ACL paradigm has pushed us in with
6 recreational fisheries is we get in the sense
7 where we exceeded the ACL and there's a tendency
8 to say, oh, your over-fishing; your over-fishing
9 your quota.

10 The reality I think is that, generally
11 speaking, recreational fisheries are going to bust
12 their quota when there's lots of fish out there.
13 And so, in my experience, the fisheries that we
14 have had constant quota over-runs and difficulties
15 with, like red snapper, are in fact the fisheries
16 that are doing better than virtually anything
17 else. That's why they're catching so many fish.

18 We have other fisheries like red grouper
19 in the Gulf where the recreational fishery hasn't
20 even come close to catching their ACL recently,
21 and that's because the stock is in terrible shape.

22 So, we tend to get in this trap to where

1 we're expending all of our time dealing with
2 something like red snapper because we're going
3 over the quota, but the stocks rebuilding at a
4 remarkable rate, and that's why.

5 And we tend not to look at other
6 fisheries where we're under the ACL. Why?
7 Because there aren't any fish out there because
8 the stock's in terrible shape. And so, it's kind
9 of this backwardness of what happens.

10 And so, I think one of the frustrations
11 with recreational fisheries is often when we're
12 implementing accountability measures and closures
13 and other types of things, it coincides with them
14 seeing just amazing numbers of fish out on the
15 water.

16 And that gets into what Chris brought up
17 with some of the time lags and the science, which
18 I think we're working hard -- and Clay Porch has
19 made a lot of efforts to improve that --but it'll
20 never be real time. And there's always going to
21 be some lag between your setting the quota and
22 setting things, and what's actually happening on

1 the water.

2 So, I think there's just an inherent lot
3 of things wrong with managing fisheries with
4 annual catch limits. They're good at ending
5 over-fishing and rebuilding stocks, but they can
6 be a pretty heavy-handed way to do it in some
7 cases and they result in a lot of these
8 perceptions and problems.

9 And I think if you accept that your main
10 priority -- which I guess is what Congress wants
11 -- is to take away flexibility and end
12 over-fishing, then you're left with some of these
13 consequences that come from that.

14 MS. MCCAWLEY: Gregg.

15 MR. WAUGH: Thank you, Madam Chair. I
16 think for the South Atlantic, one of the reasons
17 we have to start looking at multi-year, is because
18 we're left to the whim of a chance encounter with
19 MRIP. So, for many of our ACLs, that whole annual
20 ACL can be blown with one MRIP intercept. So, it
21 really puts us at a disadvantage.

22 Now, we have accountability measures

1 that close the fishery so we can change that to
2 where it doesn't close, but it seems to me, until
3 there's some additional way of measuring the
4 recreational catch -- which there is an app out
5 there, MyFishCount, we've worked extensively on
6 that; it'll take a while to get the anglers
7 reporting on it -- but, until there's some
8 augmented way of tracking the EEZ catch in the
9 South Atlantic, the recreational sector is always
10 going to be at the mercy of one-chance MRIP
11 intercept.

12 And so, looking at this multi-year
13 setting and evaluation is a way to look, okay, if
14 you had an intercept that went over one year, what
15 happens the next year? And when you average them,
16 are you below your target?

17 And certainly, it has to be done in a
18 way that does not result in over-fishing, and
19 doesn't exceed their allocation. But we've got to
20 break this one intercept MRIP cycle.

21 MS. MCCAWLEY: Eric, then Tom.

22 MR. REID: Thank you, Madam Chair. So,

1 I just have a question about MRIP. That's the
2 tool we have now. It's not the greatest tool in
3 the world, but it costs us X amount of dollars a
4 year to run. I don't know what the number is; 15
5 million dollars or something like that.

6 What would it cost to get MRIP to be the
7 tool we want? 30 million dollars? 50 million
8 dollars? And is that an investment we're willing
9 to make over time in order to take a tool that
10 we've been playing with forever to do the job we
11 want it to do. So, I guess that's is. If anybody
12 wants to answer that question, it'd be great.

13 MS. MCCAWLEY: While you guys are
14 pondering that, I'm going to go to Tom (laughter).

15 MR. NIES: Thank you, Madam Chair. You
16 know, a couple of people -- Chris Moore, Roy --
17 mentioned the issue with ACLs and the struggle
18 with whether ACLs are appropriate. And the
19 underlying assumption is that ACLs are required
20 for every stock that's in need of conservation and
21 management.

22 And I find that interesting. There was

1 a relatively recent court decision in Oceana
2 versus Pritzker which, surprisingly, was not a
3 lawsuit for the New England Council (laughter), it
4 was for one of the other Councils, as odd as that
5 may seem (laughter).

6 And there's an interesting quote in
7 there from the judge where -- without getting into
8 the specific facts of the case -- there's an
9 interesting quote in there, in the opinion, where
10 the judge says, "Nor does the text of," and he's
11 quoting the Magnuson Act, "state that ACLs must be
12 adopted for all species in need of conservation
13 and management, rather the new provision requires
14 only the establishment of ACLs and ACMs such that
15 over-fishing does not occur."

16 Now, in this specific court decision
17 with river herring shad, the judge goes on and he
18 points out -- he's really looking at non-target
19 stocks in this decision, not target stocks, and he
20 goes on to say, "A bycatch of nontarget stocks is
21 considered in drafting ACLs for target stocks,
22 then such consideration may suffice if the FMP

1 does not result in the nontarget stocks becoming
2 subject to over-fishing."

3 You know, I don't want to take this
4 opinion and stretch it out too broadly, but I
5 wonder if highlighting this language gives an
6 avenue for looking at least some cases where we're
7 now wrestling with ACLs when maybe we don't have
8 to.

9 I don't know if Adam or Sam has explored
10 these ideas at all or would be willing to consider
11 it.

12 MS. MCCAWLEY: Thanks Tom. Once again,
13 would anyone in this corner of the table like to
14 answer any of these questions (laughter)?

15 MR. ISSENBERG: Well, I don't know that
16 we've looked at that language to the specific
17 point, and it's been a while since I've read that
18 opinion so I'm not sure I'm really prepared to
19 address in this context. But, you know, we can go
20 back and take a look at it and, I think, talk
21 about it in the context of the specific record.

22 As you say, this case is very based on

1 (inaudible) which is very based on the record on
2 that case, which deals with nontarget stocks. So,
3 I think the extent to which you could extend that
4 would really depend on what you're trying to do in
5 any given case.

6 MS. MCCAWLEY: Thanks Adam, more?

7 MR. CRABTREE: Well, I can just offer
8 you the most extreme situation that I've had to
9 deal with on that, and this is in the Caribbean.

10 We have never had recreational catch
11 estimates for the U.S. Virgin Islands. And so,
12 I've argued -- not successfully -- but we should
13 not have to have a recreational catch limit
14 because there is no recreational catch. And, if
15 surely Congress meant to have a catch limit, there
16 had to be some measure of the catch.

17 Since the hurricanes, Irma and Maria a
18 couple of years ago, we haven't had estimates of
19 recreational catch in Puerto Rico either. So,
20 there you have a whole Council and a whole region
21 where we just don't have recreational catch
22 estimates.

1 And so, we've struggled with, what does
2 that mean with respect to AMs and things?

3 And in some cases, what we've done is
4 had just a total ACL, but it's based on the
5 commercial landings. When they reach it, we close
6 everybody down -- recreational and commercial.

7 Well, that's not a very satisfactory way
8 to go either. But, that's kind of to the extreme
9 of what we've had to deal with, with annual catch
10 limits.

11 MS. MCCAWLEY: Other folks want to
12 comment? One comment I have, I feel like
13 recreational fisheries are definitely important in
14 the Southeastern U.S. And I think that the Gulf
15 has explored some ways, especially for
16 recreational red snapper, of doing things a little
17 bit differently.

18 It did start with a robust state data
19 collection program. It was certified by MRIP.
20 But I would really like to have maybe some folks
21 from the Gulf Council and the South Atlantic
22 Council get together.

1 Maybe we have a working group and we try
2 to throw out some innovative ideas, talk about
3 data collection; because I feel like the South
4 Atlantic, maybe we need a different recreational
5 data collection system. We can talk about that.
6 We can learn from you guys.

7 But maybe we can talk about multi-year
8 ACLs. We can talk about AMs so that we're not
9 each trying to reinvent the wheel here. So, I
10 look over to you guys in hopes that maybe sometime
11 in 2020 we can get together and talk about this a
12 little bit more. Carrie?

13 MS. SIMMONS: Yes, thank you, Madam
14 Chair. We would definitely be in agreement with
15 that. Anyone else who would like to join us, we
16 can work together on that.

17 We have looked at some of these things,
18 you know, with moving averages, and I think we
19 removed them from the books when we got the ACL
20 requirements. And we need to look back and see
21 why we did that.

22 It's escaping me right now, but I think

1 -- because when we get really high landings it was
2 going over the ACL even with the moving average --
3 but that's just speaking off the top of my head.
4 I could be incorrect there. But we would
5 certainly like to look at all of these together in
6 a broader perspective.

7 But, yes, recreational anglers and
8 fishermen in the Southeast are very important.
9 We've moved forward with 50 -- Amendment 50 --
10 hopefully, that's going to be implemented here
11 soon. That took us many years; many different
12 iterations.

13 And the next agenda item that we're
14 getting into, I think one of the biggest things
15 we're trying to get our heads around right now are
16 the changes to the MRIP FES historical time
17 series, and what that means for us. And the fact
18 that the Gulf states have now implemented
19 supplemental surveys, especially in the Eastern
20 Gulf, to supplement MRIP, and then LA CREELL has
21 been also certified.

22 So, I think, as we're moving forward,

1 we're trying to get these better data systems in
2 place and get these into our stock assessments.
3 That's one of our major goals right now, to work
4 with S&T to do that, to work with the Gulf states
5 to do that, and to see, as we get into the next
6 agenda item, how that's going to play out.

7 But right now, we're really just
8 struggling, trying to get our brains around how
9 that's really going to all play out as it goes to
10 the stock assessment process. And I think we're
11 going to talk a little bit about that with the
12 next agenda item. But, certainly, we'd like to
13 work with you.

14 MS. MCCAWLEY: Yeah, that sounds great
15 and I agree. And I think that our SSC's have been
16 talking about that new MRIP data.

17 But maybe at the Council level, maybe
18 some of the Council members get together and talk
19 about maybe what we could do, what are some out of
20 the box ideas, and what are some things that maybe
21 we should try, and maybe we try it together. But,
22 just a thought. Roy.

1 MR. CRABTREE: Yeah, and I think that's
2 a good idea. Just remember, with respect to red
3 snapper -- because we tend to get red snapper
4 focused, the statutory requirement in the Gulf are
5 not the same as the South Atlantic. And the Gulf
6 has less flexibility in how to do things in the
7 Gulf because they're managed under a different
8 section in terms of quotas and the requirements.

9 MS. MCCAWLEY: Yes, Russ.

10 MR. DUNN: Yes. So, I think from a
11 biological perspective we saw real success, or we
12 have seen real success with annual catch limits.
13 But where we are is struggling to manage the
14 success which as been achieved and returning a
15 number of stocks to healthy conditions.

16 And what I saw and heard here around the
17 table is that stability, predictability, and
18 opportunity are important. And what is apparent
19 to me is that the flexibility is needed and the
20 key.

21 And we're seeing the Councils and the
22 commission take multiple approaches demonstrating

1 that the flexibility is there, under parts of the
2 Act. We're seeing approaches of what we saw
3 today; interest in annual monitoring and catch
4 limits.

5 We suggested for two years. We saw
6 suggestions for three years. It seems that
7 tempering reactions to limited data inputs is
8 going to be one of the steps that's needed. There
9 is no -- to use an over-used phrase -- there's no
10 magic bullet.

11 What we're going to see is increased
12 flexibility trying to achieve that stability and
13 opportunity through many small actions. It's
14 accounting for data better, it's improving release
15 mortality, it's tempering reactions to the data
16 inputs, it's conditional AMs; things like that.

17 So, I think what we're going to see, and
18 have to continue to apply, is a multi-faceted
19 approach from fishery to fishery because every
20 fishery's needs are different; where you have some
21 meat fisheries, you have catch-release fisheries.

22 I think we also saw that decreasing lag

1 time between data collection and application is
2 going to be critical. And, as Chris indicated,
3 there's some interest in trying to pilot some of
4 these innovations, and that may be something that
5 I would ask the Councils to think about.

6 Are there fisheries where we could take
7 some of these ideas that are sort of low political
8 risk fisheries and test some of these ideas out?
9 Where if they work, great, we have some
10 innovation; and if it doesn't, it's not a real
11 problem.

12 So, I guess with that, I'll turn it back
13 over to Chris, or Madam Chair.

14 MS. MCCAWLEY: Thanks, I appreciate
15 those concluding remarks. Yes, Chris, did you
16 have your hand up?

17 MR. MOORE: Just one last question, and
18 one last comment. So, we have the section -- I
19 don't know what you guys would title it -- the
20 Section 102 report that is going to come out at
21 some point.

22 Do you think it would be available

1 before our next CCC meeting? And, if so, I'd be
2 curious as to what -- my other question, I know
3 this is pushing it a little bit -- but what's
4 going to be in that report (laughter)?

5 MR. OLIVER: The answer to the first
6 question is, yeah, it should be. It's hopefully
7 in final clearance of the department.

8 MR. RAUCH: And, if I could?

9 MS. MCCAWLEY: Mm-hmm.

10 MR. RAUCH: The answer to the second
11 question is, what is congressional required to be
12 in the report is what's going to be in the report.
13 We're still working on it though.

14 MR. MOORE: So, if I could, Madam Chair?
15 Thank you. So, it would be great if we had this
16 as an agenda item for our May CCC meeting.

17 Also, if I understood Adam correctly,
18 you also have a response to Tom's comments
19 regarding the legal case, may we have that as a
20 possible addition to the agenda; a review of that
21 case?

22 MR. ISSENBERG: Well, yeah, I mean we

1 can talk about the case generally. But, as I
2 said, I mean, I think it's probably going to
3 depend on the individual facts of any given
4 fishery, stock that you're talking about. So, I'm
5 not sure, you know, we're going to have general,
6 legal guidance that's going to be a one size fits
7 all approach to that.

8 MS. MCCAWLEY: All right, so. We have a
9 request to put this on the agenda for the May
10 meeting. Any other final concluding thoughts on
11 this topic? All right, thank you Russ for
12 wrapping that up. And thank you once again to the
13 four presenters from this morning.

14 We're going to move into our next topic
15 on the agenda. The next topic on the agenda is,
16 When and How to Address Allocations with
17 Assessments Based on the New MRIP Data.

18 We have reports from four Councils.
19 Three of those, I believe, are on the website. I
20 believe we're going to start with the Minute Win
21 It Council. Chris?

22 MR. MOORE: Thank you, Madam Chair. I

1 don't have a presentation. There's a document in
2 the briefing material. I'll hit the highlights of
3 that particular document. It's title, The
4 Mid-Atlantic Fishery Management Council Allocation
5 Review in Response to Revised MRIP Data.

6 We have a number of fisheries,
7 recreational fisheries, that we manage with our
8 partners, the Mid-Atlantic Council, including
9 summer flounder, scup, black sea bass, and
10 bluefish.

11 Stock assessments incorporating the
12 revised MRIP data for these species were recently
13 peer reviewed. So, this point was made earlier,
14 we're already right in the middle of operational
15 assessments that use the new MRIP data.

16 Those new operational assessments, that
17 information is available to us and we used to set
18 our annual specifications for those species.

19 We also added a summer flounder
20 assessment. It was peer reviewed and accepted by
21 the Northeast Regional Stock Assessment Review
22 Committee in November of 2018 and accepted for

1 management use by our Council's SSC in February of
2 this year.

3 We have summer flounder specifications
4 for 2019, which were revised to reflect these new
5 assessment results. So, we are actually using
6 these new MRIP data to codify previous decisions
7 involving specifications.

8 As I indicated, we have operational
9 stock assessments for black sea base that were
10 done, and we will be looking at those at our next
11 meeting in Annapolis.

12 The Council and the commission are in
13 process of developing joint FMP amendments, will
14 include reevaluation of the commercial
15 recreational allocations for these species, in
16 large part, to consider the allocation impacts of
17 the revised MRIP data.

18 We have a bluefish allocation amendment
19 that was initiated in December of 2017. We've
20 started working on that again with the new revised
21 MRIP data.

22 We also initiated an FMP amendment in

1 October of this year to consider the commercial,
2 recreational allocations for summer flounder,
3 scup, and black sea base. Scoping for that
4 amendment will take place in early 2020.

5 Both amendments will include an
6 evaluation of a broad range of alternatives for
7 sector allocation, including, but not limited to,
8 updating the existing allocation this year, with
9 revised MRIP data.

10 It's expected that those actions will
11 take at least two years to complete. Regardless
12 of whether allocations are ultimately revised for
13 these actions in the long-term, the Councils
14 recently approved allocation review policy states
15 that all relevant FMP allocations will be reviewed
16 at least every 10 years. However, the Council may
17 choose to conduct reviews more frequently.

18 Council fisheries with smaller
19 recreational components including Atlantic
20 mackerel, chub mackerel, and spiny dogfish, have
21 annual varying amounts deducted from the total
22 allowable landings to account for expected

1 recreational harvest.

2 An assessment update for Atlantic
3 mackerel, incorporating revised MRIP data, is
4 expected in spring of 2020. A research fact
5 assessment for spiny dogfish is planned for 2022.
6 And, with that, I think I've said enough. Thank
7 you.

8 MS. MCCAWLEY: Thanks, Chris. Questions
9 for Chris? Yes, Carrie?

10 MS. SIMMONS: Thank you, Madam Chair.
11 So, I guess, if you just take one species and
12 explain -- so, the new historical time series with
13 the MRIP FES, are you asking the Science Center to
14 rerun those projections based on the historical
15 time series, and just looking at no action in what
16 the new allocation would be with the MRIP FES,
17 based on the historical time series, and then
18 projecting what the OFLs and ABCs would be -- are
19 you looking at various different time series and
20 looking at modifying the allocations moving
21 forward?

22 MR. MOORE: So, the short answer is, we

1 haven't gotten to the part yet. We are
2 identifying exactly what we're going to look at
3 for these allocations.

4 So, we're just starting the scoping.
5 We'll initiate scoping in December at the joint
6 Council and commission meeting. So, the board and
7 the Council meet in Annapolis to start talking
8 about these things.

9 But it's really complicated with these
10 new MRIP estimates. So, we went through
11 operational assessments -- and, I'll pick one.
12 So, I'll go on a black sea bass riff for a little
13 bit (laughter).

14 So, we manage black sea bass with the
15 Atlantic States Main Fisheries Commission. Black
16 sea bass has done well. The biomass estimates
17 that we have now indicate there are about two
18 times above MSY.

19 We had an MRIP operational assessment
20 basically incorporated the new MRIP estimates into
21 that operational assessment which produced,
22 resulted in, biomass estimates that were much

1 larger than what we previously had.

2 Using the old allocation -- which is, I
3 think 52-48, or 51-49 -- commercial allocation
4 went up significantly, and the commercial quota is
5 not going to be constraining as a result of this
6 new operational assessment. So, you basically
7 have this huge bump.

8 Fortunately, it looks like based on the
9 new recreational estimates that we have for black
10 sea bass, when you compare that to the amount that
11 they would get through this allocation, or old
12 allocation, they would have to reduce their catch
13 by about 30% for 2020. So, think about that.

14 You know, you've gone through an
15 operational assessment. It indicates that things
16 are great from a recreational perspective. But
17 we're still looking at a reduction for this
18 fishery that, as we indicated earlier, there's
19 fish all over the place.

20 So, it's going to be a difficult
21 conversation. We can't change the allocation
22 without an amendment. So, we're in a box, and

1 we'll be talking about that in December. So, stay
2 tuned. It's an interesting position that we find
3 ourselves in.

4 It also applies to scup and other
5 species that we manage, and to some extent, summer
6 flounder. So, the short answer is, we haven't
7 gotten to the part yet where we are talking about
8 revising the allocation years.

9 The interesting thing is, though, even
10 with the new data, the changes in that allocation
11 aren't significant. They're not. I think it goes
12 from 51 to, like, 49 or 48; so, it's very
13 insignificant.

14 MS. MCCAWLEY: Carrie?

15 MS. SIMMONS: Thank you. Just a quick
16 follow up. Is that a historical time series, and
17 how many years of data is that?

18 MR. MOORE: Julia could correct me, and
19 I actually did the calculation, so I should know
20 this (laughter). But I think it was 10 years,
21 wasn't it? Yeah, I think it's '80; '80 to '89.
22 So, yeah, they're old. It was a while ago.

1 MS. MCCAWLEY: Mike.

2 MR. LUISI: Thank you, Madam Chair.

3 Just to add to that. So, something else that
4 we're seeing that makes it difficult is, if we use
5 the historical time series of the '80s, and we use
6 the recalibrated numbers, like Chris said, there's
7 very little difference.

8 But we've seen a trend from the '80s to
9 the current where the new MRIP data are increasing
10 over time to make that difference much greater
11 than it was back in the '80s.

12 So, that's where I think we would need
13 to decide as a Council, how much weight do we want
14 to give to the newest data in an evaluation of an
15 allocation change. Or, do we want to just use the
16 historical time series with updated information.

17 So, those are the alternatives that,
18 like Chris said, we haven't gotten to yet. But I
19 expect that something -- using new and old
20 information -- will be hybridized in some way as
21 an alternative for what we're considering.

22 Thanks.

1 MS. MCCAWLEY: Thanks. Any more
2 discussion or questions?

3 All right, we're going to move on to the
4 next report. Next up is South Atlantic, and I
5 believe, John Carmichael is going to give us that
6 report.

7 MR. CARMICHAEL: You have our short and
8 sweet summary document. What the South Atlantic
9 is doing is, for our unassessed stocks, the SSC a
10 few weeks back reviewed the revised MRIP numbers
11 and they applied their ABC control rules and came
12 up with ABC recommendations for the Council to
13 look at that incorporate the revised information.

14 So, at that time, the Council will
15 decide how to approach the allocations. And if
16 they want to use the same approach that's been
17 used in the past, ours is also based on, for those
18 stocks primarily, a historic period using roughly
19 '98 to '09, I think, is the years that we were
20 using. So, it's the more recent period than what
21 Chris mentioned for the Mid-Atlantic in that
22 example.

1 It's probably also one reason why our
2 differences in allocations are much higher because
3 if you looked at those comparisons, you see that
4 it's kind of an increasing difference between the
5 new and old MRIP as you move out toward the
6 current time.

7 And then on our assessed stocks, the
8 Council intends to look at those as the
9 assessments come in, so we can get assessments
10 with the new MRIP data to look at the allocation
11 and consider how to address it.

12 There are a bunch of stocks that will be
13 coming into the Council this year. They'll get
14 four that'll run through our SSC in April and May
15 and come to the Council in June; a couple more
16 later in the year, and then into 2021.

17 And so, if the Council chooses to just
18 use the existing approach in the reference years
19 that we've used to divide the commercial and
20 recreational, then they can just do that through a
21 pretty efficient framework procedure. And in a
22 lot of ways it's very similar to what we did with

1 the last MRIP calibration.

2 If they decide to look into some other
3 allocation approaches, then that'll take a plan
4 amendment and more time.

5 MS. MCCAWLEY: Thanks, John. Questions
6 for John? Yes, Chris?

7 MR. MOORE: Thank you, Madam Chair. So,
8 John, there was some discussion earlier in the
9 year about your Council's reaction to the new MRIP
10 data.

11 And, I hesitate to bring this up because
12 it might cause some concern, but I'm just curious
13 how that played out because initially there was
14 some idea, at least out there, that your SSC had
15 rejected assessments using any of the new MRIP
16 data, but somehow that got smoothed out over time.
17 So, I'm curious about what happened there.

18 MR. CARMICHAEL: Yeah, Chris. That's a
19 good question. I'll be glad to clarify.

20 So, what happened is the SSC had
21 representatives of the SSC on several assessments
22 that were looking at the new MRIP data, and they

1 basically didn't reject them, but they called a
2 stop to the assessments that were underway.

3 They were concerned about the new
4 estimates the calibration approach, really, a lot
5 of the stuff that had been worked on through the
6 MRIP process for a couple of years. But it seemed
7 that once that information came to light and they
8 saw how it affected actual catch estimates, there
9 began to be a lot more concern with them.

10 And it was a bit of a timing thing. We
11 had an SSC meeting where they looked at
12 comparisons of new and old MRIP estimates; that
13 got them thinking about it. Went into some
14 assessments, saw some affects from those MRIP
15 bureaus (phonetic). There's been a lot of
16 discussion where you could call outliers; whether
17 they are or not is a lot of scientific debate.
18 But those occasional points you see in the MRIP
19 estimates where one year just stands out from the
20 others. And so, that folded into it.

21 So, the SSC asked for an evaluation of
22 the new approach to MRIP, and the transition and

1 calibration efforts as well. And that led to them
2 convening a workshop in -- I'm trying to remember
3 when it was in the year -- a few months ago in the
4 summer where they had the MRIP folks come and give
5 kind of a detailed case study for a number of
6 stocks, as well as review the entire process.

7 It took, oh, the best part of three days
8 to go through it, and at the end of that, the SSC
9 accepted that this was definitely a new approach.
10 There were still some concerns about how the
11 estimates would play out in individual
12 assessments, but they wanted that addressed
13 through the individual assessments.

14 The net result was a big delay in the
15 assessment process over a good part of the year.
16 So, the things that are stacked up for us in the
17 spring would have been spread out more over this
18 past year. And then not getting to those
19 unassessed stocks, ABCs, until October of this
20 year instead of earlier.

21 But they seem to have accepted the
22 results now and feel they have a much better

1 understanding of the process in the approach, and
2 really, the need for the changes in MRIP.

3 MS. MCCAWLEY: All right. Any more
4 questions for John? All right. Thanks, John.
5 We're going to move onto the Gulf Council.

6 MS. SIMMONS: All right, thank you,
7 Madam Chair. We have just a one-pager as well.

8 So, we have decided to wait until this
9 information, the new MRIP FES landings data can be
10 put into stock assessments.

11 So, we've done this for one stock now,
12 that's red grouper. And as Dr. Crabtree
13 mentioned, the stock is not in good shape. There
14 were concerns about it.

15 In 2017 we asked for an emergency rule,
16 interim rule, to reduce the catches based on
17 concerns about the stock. And this is an
18 operational assessment. And there were a lot of
19 changes that were put into this operational
20 assessment, including the MRIP FES landings.

21 So, I'll just note that this stock is
22 not distributed Gulf-wide. It's in the eastern

1 Gulf; primarily off of Florida. Sometimes you see
2 a few off Alabama, occasionally, but they are
3 pretty limited in the range.

4 So, what we did is the first stock
5 assessment with the FES landings that were
6 calibrated back to 1986, red grouper is primarily
7 a commercial fishery. 76% of the ACL is allocated
8 to the commercial sector, with 24% to the
9 recreational sector. And that was based on a
10 historical time series from 1986 through 2005,
11 which was the basis for allocation.

12 The red grouper commercial sector is
13 managed under an IFQ program, an individual
14 fishing quota program currently. And so the
15 result of using this MRIP FES data with this
16 current assessment resulted in revised sector
17 allocations, and those new sector allocations --
18 using that same historical time series -- would be
19 59.48% commercial, and 40.52% recreational.

20 So, the Council passed a motion. They
21 requested that the SSC review the red grouper
22 projections based on the allocations resulting

1 from the MRIP FES landings data, using that same
2 historical time series with the new calibrated
3 data, rerun the projections, and have them review
4 the revised OFLs and ABCs.

5 We are asking for that currently. We're
6 working with the Science Center for that and then
7 that's going to be discussed and deliberated on in
8 January.

9 So, if the Council decides to just move
10 forward with the existing allocation formula and
11 simply update the current allocations with this
12 new data, it could probably be done in a framework
13 action, and then modify the ACLs.

14 If we want to look at different
15 historical time series and other modifications to
16 allocation and other issues, other management
17 changes, that will likely trigger a plan
18 amendment.

19 So, that being said, I just wanted to
20 mention this is how we're currently going to
21 handle the MRIP FES landings. On top of that,
22 this is the path we have right now: We have

1 supplemental surveys that have been certified by
2 S&T, need to be calibrated and certified back in
3 time so that they could be incorporated into the
4 stock assessment.

5 So, we're trying to work -- like I
6 mentioned earlier -- on logistics and facilitating
7 that that happens with S&T, with the states, in
8 the next couple of years. And so, when that
9 updated time series goes into the assessments,
10 probably going to be looking at other
11 modifications moving forward. We have a moving
12 recreational index right now. I'll stop there.

13 MS. MCCAWLEY: Thank you, Carrie.

14 Questions for Carrie? Chris?

15 MR. MOORE: So, Carrie, I didn't get a
16 change to read your summary. You said something
17 about changing your allocations without a plan
18 amendment using a framework? Or?

19 MS. SIMMONS: Yes, I think we can.
20 That's my understanding. I mean, we haven't
21 gotten into the nitty-gritty yet, but if we just
22 use the revised historical same time series with

1 the new MRIP FES landings, we run the projections,
2 get new OFL and ABC recommendations, I believe we
3 can do that through a framework action and new
4 catch limits.

5 Now, we haven't started working on it
6 yet and met. So, that could change. But I think
7 that's possible.

8 MS. MCCAWLEY: Gregg?

9 MR. WAUGH: Thanks, Madam Chair. Chris,
10 we've done that already. The last time they
11 revised the MRIP numbers, we simply took our
12 existing formula, updated the data going into it,
13 and updated those allocations through a framework.

14 But the percentage change was not
15 significant, and I think there'll be some question
16 when we look at this for additional species, if
17 the change is significant, we may get guidance
18 from NOAA GC; rather than do a framework, do an
19 amendment, so that there's more opportunity for
20 public input. But we've already done this once.
21 You can do it via framework.

22 MS. MCCAWLEY: Roy?

1 MR. CRABTREE: Yeah, this is an ongoing
2 conversation we're having with NOAA GC because it
3 applies to both Councils. What do we have to do?
4 It depends on how you think about it.

5 If the allocation is based on some
6 period of time and what the landings were then,
7 and you have new estimates of the landings, then
8 you're not really changing the allocation or the
9 basis for it; you're just calculating it based on
10 the best available science.

11 I would argue, if you don't do that,
12 then you are reallocating the fishery because now
13 your allocation doesn't reflect the intent of what
14 you're doing. So, I'd say on this one, exactly
15 how we have to do it, we're still in the process
16 of figuring out.

17 MS. MCCAWLEY: Chris?

18 MR. MOORE: I bring it up because after
19 we thought about it and thought about the
20 consequence of changing an allocation just using a
21 simple formula, what a big deal this is, we
22 concluded that we should go through an amendment

1 process to get as much public input as we possibly
2 can. And, you know, we considered the potential
3 of a framework, but rejected it.

4 MR. CRABTREE: Well, if I could, I mean,
5 it comes down to, is it really a big deal if you
6 have new estimates that are higher and all else is
7 equal, then you change the allocation based on the
8 new estimates, and it should essentially leave you
9 in the same place you were in.

10 Now, things are rarely that simple, and
11 the calibration is not linear over time. So that
12 really complicates it. But it doesn't necessarily
13 have to be a big deal because even if you change
14 the allocation, you're also changing the ACLs and
15 things are scaling. And so, I think you have to
16 look at the circumstances of it.

17 But the trouble we're having is it looks
18 like it's a big deal, although in fact, it may not
19 be much change at all in terms of the practical
20 implications of it.

21 MS. MCCAWLEY: Gregg?

22 MR. WAUGH: Thank you, Madam Chair. One

1 other piece of information that should come
2 available late this year or early next year, is a
3 GAO report.

4 They've been working with the Gulf and
5 South Atlantic Councils looking at mixed-use
6 fisheries and how we'd handle allocations. And
7 it's taken quite an amount of our time, and
8 they're asking good questions. They came to a
9 Council meeting, met with Council members and
10 staff, and the public.

11 So, we are awaiting that report to
12 factor in to how we're dealing with allocations in
13 the future as well. So, that'll be something that
14 would probably be useful and informative to other
15 Councils.

16 MS. MCCAWLEY: All right, any more
17 discussion on that report? All right, we don't
18 have an actual document, but I believe that New
19 England, that Tom is going to speak to this as
20 well.

21 MR. NIES: All right, I'll be very
22 brief. We only have two allocations for two

1 stocks in our groundfish plan at present.

2 We wrote into the plan when they were
3 adopted relatively late. I guess they were
4 adopted in 2010; we wrote in the plan that we
5 would consider new catch information using the
6 same formula and time periods when received
7 because we knew that MRIP estimates were coming,
8 and that changes can be made, at least in theory,
9 in a framework document.

10 Council is going to consider making
11 those changes at our December Council meeting.
12 It's unclear right now, of course, which way
13 they'll vote.

14 The changes for one stock are relatively
15 minor. Taking it from about 35% recreational to,
16 I think, 37.5% recreational. The changes for
17 another stock are a little bit larger than that.

18 MS. MCCAWLEY: All right, thanks Tom.
19 Any questions for Tom? All right, anything else
20 on this topic before we move onto the next topic?

21 All right, we are going to move onto the
22 next topic which is the National Marine Fishery

1 Service Science Enterprise Updates. And, Chris, I
2 don't know if you want to give a little intro
3 before Cisco starts?

4 MR. MOORE: No, Cisco can take it away.

5 MS. MCCAWLEY: All righty. I'm going to
6 turn it over to you, Cisco.

7 MR. WERNER: Thanks very much, Madam
8 Chair, and thanks for the opportunity to give you
9 guys an update on where we are. And I'm not sure
10 if I'm controlling it -- I am controlling it from
11 here -- great. Thank you.

12 I'm going to cover a number of points.
13 Some of them are updates, some of them are things
14 that we're taking on right now, and some are a
15 little bit looking into the future.

16 So, I'll cover some initiatives on
17 unmanned systems, on the general topic of
18 molecular methods, and OMICS -- as it says up
19 there. A little bit on artificial intelligence
20 and where we're going on that, as well as some
21 things that we are certainly keeping an eye on in
22 terms of changes in species distributions.

1 All of which in some ways lead to
2 considerations of next data acquisition plans, and
3 next generation data acquisition plans, which
4 means, how will we be conducting surveys in the
5 future.

6 A little bit on modeling issues as we
7 try to project expected changes, as well as a
8 little update on ER for recreational fisheries.

9 An update on combined effort that we did
10 both on surveys using unmanned systems, our
11 conventional white ships, as well as molecular
12 approaches.

13 It's a two year effort now along the
14 west coast trying to do assessments both Pacific
15 hake as well as the coastal pelagic species that
16 are there; you know, sardine, anchovy, herring and
17 mackerel. And this is a pretty ambitious, if you
18 will, effort covering all the way from northern
19 tip of Vancouver island, down basically to the
20 U.S. - Mexico border, using all of these different
21 approaches.

22 As I said, ship-based unmanned systems,

1 as well as new molecular approaches, to try to see
2 if we can develop indices of these species and use
3 them in assessments.

4 So, there's really two sides to this
5 picture. The one on the left is the way we
6 normally do things. We have a white ship with
7 acoustic capabilities and trawl capabilities. We
8 can see the acoustic signal, and then we do the
9 trawls, and that leads us to some estimate of
10 population, conditions, etc.

11 And on the right side of the picture is
12 how we're beginning to move towards, can we use a
13 combination of unmanned systems, and collection of
14 water, and then analyzing what's in the water and
15 trying to see what can we get out of what we refer
16 to, environmental DNA.

17 So, you see the little picture of the
18 fish up here, and the fish sheds DNA, it sloughs
19 it, it excretes it, etc. And so, we capture --
20 you can measure that -- and that gives you some
21 sense of what's there and hopefully, with a little
22 bit of additional work, you can also perhaps get

1 an index of abundance.

2 And so, that's what we're trying to do
3 here. And the point of this picture is just to
4 say, just like over time we develop indices of
5 abundance using acoustic methods, or trawl
6 methods, what we're trying to do is develop in
7 index of abundance using these molecular
8 approaches. But there's quite a way to go still
9 on this.

10 I mean, there are a lot of issues in
11 terms of what these molecular signals tell you.
12 The relative importance of what you measure
13 locally, versus what may have been transported by
14 currents from somewhere else; how quickly they
15 degrade, etc.

16 And so, these are things that we need to
17 still address and it'll be a combination of
18 laboratory work, as well as field work, as well as
19 collaboration across the country and
20 internationally to try to see how we actually can
21 make sense of what appears to be a very promising
22 approach; but still, a lot of questions to answer.

1 And so, this slide here is lessons
2 learned. We actually went out there and we jumped
3 into the deep end of the pool, so to speak, to try
4 to see, well, what can we do? And the answer is
5 it's a lot more difficult and challenging than we
6 thought it was.

7 I think it's fair to say initially we
8 joked around that we'll just get a Dixie cup and
9 get a sample of water and do a stock assessment.
10 Well, it's not going to be as simple as a Dixie
11 cup. It'll be a little bit more than that.

12 And it also talks about just how many
13 samples you need, the difficulties of analyzing at
14 sea. The issues of contamination, etc., that you
15 have to worry about.

16 And actually, we collected about a
17 thousand samples during this survey that just
18 completed. It's going to take a while. I'm
19 hoping March/April we might have a full analysis
20 and begin to look at what are we getting out of
21 these measurements.

22 And so, we learned a lot and hopefully,

1 this is just a first step in a continued effort
2 like this so that we can, in fact, take advantage
3 of these approaches.

4 Continuing on the topic of genomics,
5 it's not just trying to develop abundance indices.
6 There's a lot more to genomics than just trying to
7 see if we can see how many things are there.

8 There's also a question of using
9 genomics for population structure. And example, I
10 think Mike brought up how -- was it Bocaccio that
11 you were looking at in terms of two different
12 populations. This is something that's been around
13 for a while but we're getting better at it.

14 There's using molecular approaches to
15 tell differences in diet between what species are
16 eating, particular in terms of changes in
17 ecosystems and food web structure. And so that's
18 important in terms of understanding what the
19 energetics are under changing and evolving
20 conditions, you know, oceanic conditions.

21 And then there's just a really
22 challenging issue having to do with

1 bioinformatics, and that's just, how do you
2 analyze all of this. And this is recognized as an
3 area where we, as an agency, need to invest.

4 We're working with other agencies; the
5 U.S. Geological Survey, consulting with other
6 folks in terms of how do we bring this together
7 again, not just nationally, but internationally.

8 So, it's something that is a first step
9 in, again, what is probably going to be a 5 to 10
10 year horizon before we fully take advantage of
11 these promises.

12 And I'm putting this up here because
13 Admiral Gallaudet has basically focused on three
14 science and technology focus areas. One of them
15 is OMICs that I just talked about. Another one is
16 unmanned systems, which these two are examples of
17 what we were doing along the west coast. And the
18 third one is artificial intelligence.

19 And these three science initiatives, or
20 science and technology initiatives, all of which
21 will be underpinned by the cloud; you know, this
22 high performance, computing, and the broader cloud

1 capabilities, are things that over the next couple
2 of weeks we will be announcing these and pushing
3 these out in terms of strategy documents and
4 eventually implementation plans.

5 And this isn't just fisheries. This is
6 across the agency that will require us working
7 across line offices because it is a problem that
8 we will need to work together in order to make
9 advances along these three.

10 But these are, as I said, three focal
11 areas that we'll be working with the Admiral and
12 are already using it in fisheries.

13 As I said, they'll be these vision and
14 strategy documents. They will have similarities
15 between the three, between OMICS, unmanned
16 systems, and artificial intelligence, and that is
17 that we're going to have to rethink
18 organizationally what are the best structures
19 internally, in terms of how to bring these in.

20 One of the research and innovation
21 questions that we will identify as priority,
22 either internally or in collaboration with other

1 agencies, and other partners, the importance of
2 accelerating the transition of research to
3 operations is one that, again, the example of,
4 yes, we took all of these molecular samples off
5 the west coast, but how do we translate that into
6 operations? How do we use that data to actually
7 be able to do assessments? That's a tall task
8 still to be able to say that we're ready to do
9 that.

10 I already talked about the expanding
11 partnerships and also promoting proficiency in the
12 workforce, which means training our folks as well
13 as bringing in new capabilities to do this.

14 And I'll just touch very briefly on
15 artificial intelligence because the one I hadn't
16 in the previous example -- and there are already
17 nice examples of artificial intelligence in place
18 that I think I reported on in the past; in the
19 Pacific islands, the use of artificial
20 intelligence to detect cetaceans has really been a
21 success story.

22 It's a collaboration with Google and

1 Google's artificial intelligence branch, if you
2 will, where they collected hundreds of thousands
3 of whale calls, and such, and were able to --
4 using, again, these AI methods, these artificial
5 intelligence methods -- to tell us what's out
6 there in terms of the cetaceans population in the
7 Pacific islands, or some cetacean populations in
8 the Pacific islands.

9 I think I've also talked about this
10 example of not looking at acoustical signals, but
11 optically trying to capture differences between,
12 say, salmon and pollock and how what's going into
13 the nets and how to count them and so on. And how
14 to tell them apart.

15 Again, this has been very successful,
16 and the folks involved in this got a gold medal
17 award -- I should highlight that -- from NOAA, in
18 terms of the work that they did in implementing
19 artificial intelligence for these optically based
20 systems.

21 I'm working now to the fact that the way
22 that we collect data, the way that we think about

1 data as a science enterprise, is something that we
2 are going to have to deal with, we're going to
3 have to embrace.

4 This is not unique to us. Just about
5 any field in science or medicine, or anything like
6 that, you know, the amount of data that's coming
7 in and the ability to ingest it and analyze it, is
8 something that we have to take on, and do
9 systematically.

10 And it's this idea of the combination
11 between hypothesis driven science and data driven
12 science, when you just have these now sustained
13 ways of collecting data, whether it's unmanned
14 systems, moored systems, whether it's drifters,
15 etc., we're just getting data all the time from
16 everywhere. And in some ways, that's good because
17 we know that things are changing a lot faster and
18 we can't be everywhere, every place with our
19 ships.

20 And so, we need to take advantage of
21 these observing systems in terms of how to make
22 use of all this data that's coming in.

1 And so, I put this picture up here
2 because the little squares there are, you know,
3 the way it used to be, you would plan a survey, it
4 would be yellow, or you would plan an observation,
5 a green one or something else in blue, and those
6 are very focused approaches where you would say,
7 well, you know, I have an idea, I'm going to
8 carefully calibrate the instrument, I'm going to
9 ground-truth the instrument and I have a
10 hypothesis of what I want to do.

11 Well, now it's a little bit different.
12 Now, it's not just three things that I'm doing.
13 There are things coming in from all over the
14 place, so that's why you have all those yellow
15 boxes and green boxes and so on.

16 And, the fact that there's so much data
17 coming in from so many different sources means
18 that you probably can't calibrate things the same
19 way you used to do, or ground truth the ways you
20 used to do because you're taking data from
21 probably experiments that were designed for
22 different things.

1 And so, it's not exactly what you were
2 thinking about but there's no reason why you
3 shouldn't be looking at it and see if you could
4 use it.

5 An example here is this is a mooring off
6 of the west coast; I'm going to say it's off of
7 Oregon, and it's just meant as an example of the
8 amount of data that comes in. Normally, you would
9 say, well, I'll just go out there, put out a
10 mooring, and then collect the data, and I'll look
11 at it. A human can look at this and say, well, I
12 can see that there's maybe a day/night cycle, I
13 can see that things move up and down, and maybe
14 different frequencies tell me different things.

15 But if you think about it, you know,
16 when you're actually getting this continuously,
17 not just from one place, not just from a mooring,
18 but from gliders, from whatever is out there, deep
19 drifters and drogues, you have to rely on some way
20 of this combination of the data driven part and
21 some ability to extract information from the data
22 using machine learning and AI methods, as well as

1 a human part that might tell you, you know, a
2 machine might tell you, well, I can decompose what
3 I see in terms of something that might be sole
4 plankton, something that might be fish, and
5 something that maybe the machine doesn't really
6 know what it is.

7 And so, it really requires this
8 combination both of hypothesis driven and data
9 driven science in terms of how we make sense of
10 this. And I spent a little bit of time on this
11 thing because it's part of where we're going with
12 this AI part of our science enterprise, if you
13 will.

14 I mean, I think similar examples have
15 been brought up in medicine, where an MRI or a Cat
16 Scan, and you know, a machine will tell you
17 something and maybe it's 30% right. A physician
18 will look at it and it'll be 40% right and
19 together maybe it'll be 80% right.

20 So, it's really not really exclusively
21 on machines, not relying -- you can't rely
22 exclusively on humans given the amount of data,

1 but some combination of the two should allow us to
2 go forward. So, that's the AI part.

3 I want to talk a little bit about the
4 other things that we're seeing in the water, the
5 shifts. And I put the example of the black sea
6 bass out there because it's well known, and we
7 know that over time species shift, populations
8 shift, and this is just a very nice example. And
9 they shift in response to changing environmental
10 conditions, whether it be temperatures or
11 something else.

12 One thing I'm getting here in terms of
13 the importance of being aware of what's happening
14 is the rate at which things are changing, and you
15 know, the picture before, I mean, outlooks talk
16 about changes and shifts that are happening to say
17 on 30/40 year time scales. This example here,
18 from Bob Foye and others in the Alaska Center
19 talks about not 30/40 year time scales but shifts
20 that are happening maybe on 10 year time scales.
21 And sometimes even faster.

22 This example here -- here's the Bering

1 Sea, the Chuckchi would be up here. This purple
2 area is what's called the Cold Pool. This is a
3 cold temperature which between 2010, 2017 it was
4 still there; 2018 it wasn't there, which in turn,
5 in terms of Pacific cod -- which is, again,
6 identified by the little purple spots -- Pacific
7 cod avoid the Cold Pool, they don't like the water
8 minus 2 degrees centigrade.

9 But as the Cold Pool retreats, the
10 Pacific cod went from its normal distribution when
11 the Cold Pool is there, to something up here. And
12 again, this is just a very, very quick shift
13 that's happening. So, I think we have to be ready
14 to be nimble about what we're seeing.

15 This is just one example. I think that
16 there's probably other examples in terms of how
17 quickly species can shift, and these are pretty
18 significant distances, which in turn, will affect
19 how we sample things. I'm going toward that too.
20 Understanding how quickly things might change,
21 should affect how we think about how we sample
22 things.

1 And the other part is that responses are
2 not just in temperature and shifts, in geographic
3 shifts. But there's also shifts in the underlying
4 food web.

5 And again, Mike talked about the changes
6 between celery and cheeseburger in terms of what's
7 out there, and this is a picture of exactly that.

8 This is what we saw after the warming in
9 the north Pacific, is that we had a shift from
10 species that were large, like this, and this isn't
11 different size classes or ages of a particular
12 organism. These are three different copepods,
13 three different zooplankton, that under normal
14 cold conditions, or cooler conditions, are larger
15 and more lipid rich. So, they have more energy to
16 bring into the food web.

17 It shifts to these smaller ones which
18 are much smaller and have a much lower lipid
19 content, which is that point about cheeseburgers
20 versus celery, where there's less of that energy
21 put into the system. And I'll come back to this
22 because I think I've talked about in the past,

1 about how the Pacific cod change in the assessment
2 reflects both a temperature signal, but also a
3 change in the food web, which I'll talk about how
4 we should begin to think about the two together.

5 So, this brings me to next generation
6 surveys and updates. I think the examples I gave
7 before really speak to the fact that things are
8 happening at different rates, in different places;
9 plus, also we have different data acquisition
10 capabilities. New messages that are coming in.

11 And one thing that we have now, a
12 conversation ongoing, is the generation of a new
13 data acquisition plan. The last data acquisition
14 plan was completed in 1998, so it's been over 20
15 years.

16 That data acquisition plan led to the
17 white ships, which was a very successful effort in
18 terms of us addressing the issue of over-fish and
19 over-fishing. I think now we have different
20 questions.

21 We need to look at be able to address
22 how fish stocks are distributed differently, how

1 different conditions affect their vital rates,
2 more explicitly, an ecosystem consideration of
3 overlap of predator/prey. Again, forage fish and
4 say they're prey, let is be cetaceans or other
5 marine mammals.

6 We will have a change in fleet
7 composition in terms of whether it's our own white
8 ships versus the partnerships that we can have
9 with industry, and how we can use that. As well,
10 as I mentioned, new technologies, and new analytic
11 capabilities.

12 Which, I'll just jump real quickly to
13 models and what we're doing here. And the point
14 of this picture is that there's a lot of things
15 that we have to look at. And the question is,
16 what is the sweet spot of things that we need to
17 look at?

18 So, this is a picture of time here going
19 from weeks to centuries, and maybe kilometers, to
20 basin scales on this side. In terms of the kinds
21 of questions that we're asking, we're interested
22 in things that happen inter-annually. Those are

1 places where we set annual catches and so on. You
2 know, monitor closures, perhaps rebuilding plans,
3 etc.

4 So, it's somewhere between things that
5 happen on weekly timescales, and maybe things that
6 happen on longer, interdecadal timescales. This
7 is the part that we want to look at. Can we say
8 what's going to happen I the next two to three
9 years with confidence that allows us to, whether
10 it's to forecast the temperature, or project a
11 temperature, or project the food web?

12 And this is what's referred to as the
13 S2S; it's the Seasonal to Subseasonal timescales,
14 and as I said, it's the part where we -- how we
15 design our surveys, how we do our stock
16 assessments, how we establish harvest levels and
17 so on; which is different from things that we need
18 to know on a weekly timescale, or things that we
19 need-to-know on century timescales.

20 And the blob that we're all familiar
21 with is one of those examples. So, the question
22 is, could we have forecast a blob? Could we have

1 said, hey, we're going to have something for three
2 years out there that is going to cause us to think
3 differently, because, it might just happen again?
4 And the answer, well, it is happening again.

5 So, we know that we're seeing signals.
6 It may be not exactly the same as it was between
7 2013 and '16, but we're seeing it again. And yet,
8 can we forecast it?

9 So, that's really the question. Can we,
10 or why can't we, or what do we need to do in order
11 to forecast next events like this; whether they're
12 in the Pacific, whether they're in the Atlantic,
13 or they're in the Gulf of Mexico, or wherever?

14 And so, we started to look back in time,
15 which is hindcast, and try to see, could we have
16 done it? And the answer is, in some cases, yes;
17 in some cases, no.

18 The black line here is the observed
19 temperatures. All the different colors are pretty
20 much the same ideas when you see hurricane
21 forecast, you know, the ensemble of various
22 modeling attempts. And you see sometimes, we

1 don't really catch it.

2 Maybe we did not catch the onset of this
3 one, or the onset of this one. In other times,
4 depending on when we start the model, we actually
5 do see the return to normal, if you will, or
6 something.

7 And the answer is that it depends on the
8 kind of data that you have, the kind of physical
9 process that's going on that goes into your model
10 to initialize it; to kick it off. So, it's
11 something that's mixed. That's what I'm going to
12 say.

13 And it's something that we're working
14 with the OAR, the Oceanic and Atmospheric
15 Research, a sister line office, as well as with
16 the National Weather Service, to try to see --
17 because they're also interested in the Seasonal to
18 Subseasonal timescale -- this two months to three
19 year timescale, by virtue of what's referred to as
20 the Weather Act. It's something that they're
21 required to look at under that act.

22 So, it brings us together with other

1 line offices to answer questions that are common
2 sweet spots, if you will; both for them and for
3 us.

4 And so the question is, well, what would
5 we have done had we known something like this
6 with, again, the Pacific cod example that we've
7 talked about before, that is a combination of heat
8 and a combination of changing energy in the food
9 web that probably led to this low recruitment of
10 Pacific cod in 2017.

11 So, what do we do with that if we had
12 that? And some of our colleagues in the Alaska
13 Center are actually beginning to work on what we
14 refer to as shadow assessments. You do your
15 normal assessment, you provide; you say, this is
16 what I think is going to happen.

17 And what they're doing -- this is Jim
18 Ianneli, Anne Hollowed, and a couple of others --
19 is, I think in an appendix to the normal
20 assessment they will include a, hey, what would
21 have happened had we included environment? Or
22 what would our prediction had been had be included

1 environment?

2 And the point here is that the zeros, or
3 the circles, are the assessments without
4 environment, or the normal way we do it; and the
5 orange "Xs" are including environment.

6 So, in this case -- and I just picked
7 one here -- they have pollock, Pacific cod, and
8 arrowtooth flounder, the inclusion of environment
9 in the case of pollock and Pacific cod would have
10 produced a lower recruitment projection. But in
11 the case of arrowtooth flounder, it would have
12 caused a higher recruitment projection.

13 So, this is just beginning to happen as
14 we begin to include environment in some of our
15 approaches. Just like I talked with EDNA, this is
16 just starting. We need to develop our own
17 confidence in what we're doing, and making sure
18 that these forecasts, and the inclusion of these
19 approaches are robust enough.

20 But I think it's at least important to
21 have there so jointly between Councils, and
22 regional offices, and science centers, we begin to

1 see, well, what happens as we enhance what we're
2 doing and seeing if we can provide more complete
3 information or add information to our work.

4 And now I'm going to jump to something
5 completely different from the last three slides,
6 which is I just wanted to provide a brief update
7 on work that we're doing with MAFAC, the Marine
8 Fisheries Advisory Committee, and that's, how to
9 include electronic reporting in recreational
10 fisheries?

11 And, of course, you know, we do continue
12 to see how it is that we can include electronic
13 reporting with -- in this case -- you know,
14 smartphones, in how we take into account the
15 recreational fisheries.

16 And there was a proposed taskforce that,
17 in fact, was approved at a meeting of the MAFAC
18 maybe two weeks ago where the purpose of this
19 taskforce is to provide us advice on generation
20 delivery and use of electronic reporting to help
21 us moving forward.

22 And the idea is that this taskforce

1 would assist us in providing usable, high quality,
2 accurate data from these smartphones, if you will,
3 on recreational fisheries, and how do we actually
4 do it. It's a little bit tricky. There's a lot
5 of things in terms of how to make sure that you
6 have the right reporting rates, that there's no
7 drop-off in the amount of data that you get, and
8 the consistency.

9 And so, the proposed tasks that, again,
10 were approved, included identifying and
11 prioritizing data gaps, the goals and challenges
12 to overcome; like I say, how do we actually make
13 this a consistent reporting? And also,
14 recommendations on what can we do in the coming
15 years using this electronic reporting capability.

16 And again, I'm pleased to say that the
17 recommendations on working with MAFAC is that this
18 taskforce now I think has been approved and we're
19 going to be working on this thing for the next
20 year or two. And so, I think I'll just end there.

21 Just to remind you that the areas I
22 covered -- anything from some of these new science

1 areas that are under development, but I think are
2 necessary, given where we're going in our science
3 enterprise. How do we rethink? How should we
4 rethink surveys of the future? The kind of
5 forecasting that we need to do. And the
6 opportunity to work with line offices, with other
7 line offices, because we're working on the same
8 timescales.

9 And then, lastly, I just talked a little
10 bit about electronic reporting. And with that,
11 I'll stop, and thank you for the opportunity for
12 the update.

13 MS. MCCAWLEY: Thank you, Cisco. Any
14 questions for Cisco? Yes, John.

15 MR. QUINN: Thank you very much for the
16 presentation. Picking up on your phrase "surveys
17 of the future", I brought this up yesterday about
18 the offshore wind coming on the east coast. It's
19 a grave concern to a lot of people that the
20 assessments -- we're going to have a problem doing
21 the assessments. The survey vessels can't get in
22 there.

1 So, maybe you could touch on that;
2 whether some of this new technology could be used,
3 or how you are going to address it? I know Dr.
4 Hare is very concerned about it in the science
5 center, we're told. Thank you.

6 MR. WERNER: Thanks for the question,
7 and extremely, extremely important point. In the
8 list of reasons why we need to think differently,
9 I should have said different multiple use sectors
10 of the coastal ocean where we need to sample.
11 And, I think you're right.

12 Wind energy, of course, is front and
13 center in terms of -- certainly, in the northeast,
14 at this point. And, we're working closely with
15 John on understanding what those impacts of the
16 wind farms will be, and how to mitigate, or how to
17 adjust to it, I should say.

18 So, in answer to your question of, can
19 some of these approaches help us with that?
20 Maybe, yes.

21 It could be that we could do different
22 ways of sampling, whether it's with some of the

1 unmanned systems, in terms of being able to get
2 into places that bringing a ship may not be as
3 straightforward; maybe some of the molecular
4 approaches.

5 So, the answer is, all of these are
6 factors that we should look at as we think
7 differently, not just because conditions are
8 naturally changing, but also because we're forced
9 to deal with other sectors using our oceans. So,
10 yes. Thank you.

11 MS. MCCAWLEY: More questions? Yes,
12 Chris.

13 MR. MOORE: Thank you, Madam Chair.
14 Thank you, Cisco. I'm curious about the shadow
15 assessments.

16 MR. WERNER: Mm-hmm.

17 MR. MOORE: Is that a west coast thing,
18 or is that a west coast and an east coast?

19 MR. WERNER: Thanks for the question.
20 No, it's something we have been talking about
21 internally for a while, because they -- meaning
22 the folks in Alaska -- started it because of a

1 particular project that they had, their A Kline
2 (phonetic) Project, and I think that naturally led
3 them to begin to say, okay, now we have a
4 relatively robust understanding -- to put it that
5 way -- of things that are happening in Alaska, and
6 maybe they tried to include additional
7 information, which actually I referred to as
8 shadow assessment, they call it something else.

9 And what I mean by shadow assessment is
10 simply keeping what we're doing but at the same
11 time trying to see, well, what would happen if we
12 had included additional information.

13 And I think this is something that we're
14 not ready to jump into yet, but I think jointly,
15 honestly jointly, we should be looking at what
16 information are we getting out of this over time?
17 Is it really working? If it's working, how do we
18 bring the two together and how do we find the
19 right sweet spot of the two?

20 I think we should encourage more folks
21 to begin to think about this as we learn more
22 about the system, and in fact, in terms of how we

1 see so many changes going on.

2 So, right now it's a research area, but
3 I think one that will probably be important,
4 again, particularly the Pacific cod example, to
5 me, is such a striking one where the explanations
6 are in large part environmental that, gosh, if we
7 just knew a little bit more maybe we could have
8 seen something coming. But we're not there yet.
9 Thanks.

10 MS. MCCAWLEY: More questions? Yes,
11 Bill.

12 MR. TWEIT: Thanks, Madam Chair. Thank
13 you, Cisco, this was extremely informative.

14 MR. WERNER: Thank you.

15 MR. TWEIT: And kind of breathtaking
16 too, in terms of the potentials out there. I as
17 thinking about your point relative to trying to
18 track population shifts, and our immediate
19 response to that is, well, we just really need
20 more white ship time out there. And that's still,
21 to me, that's the solid ground response.

22 And yet I interpreted the first part of

1 your presentation as saying that there's at least
2 the potential in the -- I don't know what term
3 future, I don't know how near- term or whether
4 it's still long-term, but to maybe have some other
5 tools that would serve as well for at least
6 tracking some of these rapid scale changes, as the
7 white ships have.

8 But I guess, I'm left wondering, right
9 now, still, our only recourse is to say, whatever
10 we can do to squeeze some additional ship time out
11 is going to be really important as these -- I
12 mean, it's not just the populations that are
13 shifting, it's the whole ecosystem that's shifting
14 on a really rapid scale.

15 MR. WERNER: Mm-hmm.

16 MR. TWEIT: Having measurements of that,
17 having some index of that is going to be
18 critically important to us.

19 So, I suppose I'm looking to you for
20 some advice about, we can't just be patient and
21 wait for these new technologies because we're
22 going to lose a lot in the intervening time. But

1 at the same time, it looks to me like ultimately
2 the new technologies may provide a better solution
3 for us.

4 And so, I'm interested in your thoughts
5 or your advice about how to get through these
6 intervening years?

7 MR. WERNER: Yeah, I know, it's a great
8 question and I'll just use this slide as an
9 example because it might bring some of the points
10 together.

11 As you know, we have limited white ship
12 time, if you want to call it that, and we want to
13 make sure that the white ships continue measuring
14 where they were so as to not break longtime
15 series, so that we understand what's happening
16 there. However, we know that things are shifting
17 and so also, you don't want to miss the fact that
18 they may be moving.

19 And this is an example of the Pacific
20 cod, but along the west coast we also had sardine
21 populations shifting. Was it three or four years
22 ago that we decided to change the way that we did

1 surveys, at least for a couple of years?

2 So, one idea that comes to mind here is,
3 suppose you keep the white ship surveys the way
4 they are, and let's say, again, as a "for
5 example", they're down here. And I'm just going
6 to say they're down here because it's an example
7 of, well, this is where they used to be, and now
8 they're up here, right? And, again, this is a
9 hypothetical.

10 So, the cod that we used to sample down
11 in the southern extreme of say, the Bering Sea,
12 now is further north. Well, one thing that one
13 could do in using these new technologies is, say
14 you send unmanned systems -- drones of some kind
15 -- you could almost think of them as scouting
16 ships, if you will, or scouting expeditions; and
17 let's say you had the drones up here and they
18 measure acoustically something there.

19 And, like I said before, you measure
20 something, that doesn't mean that you know what it
21 is. You just know there's a signal there. And
22 you can imagine saying, okay, I saw something up

1 there, I don't have a white ship there so I can't
2 trawl, but maybe there's a fishing boat up there,
3 maybe there's an industry boat up there and we can
4 say, do you mind taking a sample of something at a
5 certain spot so that we can see -- is this me?

6 (Alarm sounding) I guess I set my alarm, sorry
7 about that.

8 So, you send them to a spot where you
9 see an acoustic signal, and that, we'll say, save
10 those samples and we can see what it was. Was it
11 cod? Was it pollock? What was it?

12 And the drones, at that point, you might
13 even imagine could take an example of seawater,
14 and you could imagine doing some molecular
15 analysis on it.

16 So, what I'm saying as an example of how
17 we need to think differently because things are
18 expanding and moving a lot faster than we've been
19 used to, and we don't have the ship time to be
20 able to chase where they might be, as well as
21 continue to sample where we've always sampled.

22 I think finding that balance with

1 unmanned systems, industry, our own white ships, I
2 think, is going to be an important part of this
3 next generation data acquisition plan. We're just
4 going to have to think differently how we cover
5 more area, more quickly, because I think we
6 sometimes are going to have to do it that way.

7 So, I don't know if I answered your
8 question, but it really does bring in everybody at
9 the table in terms of how do we answer exactly
10 that. What's there? Did the ecosystem shift?
11 Did the water shift? What happened?

12 MS. MCCAWLEY: Jim?

13 MR. BALSIGER: Thanks, Cisco. The whole
14 presentation was great, but following up on Mr.
15 Tweit's question, you know, in Alaska the
16 U.S./Russia border actually is not resolved, and
17 we hear that Russia now is interested in resolving
18 it.

19 And I think not so much for the Bering
20 Sea itself -- and of course, that's important, as
21 you can see your blue line for cod goes right up
22 against the Russian border, and we struggled for

1 years figuring out how much pollock is sure to
2 cross there, but now that cod's moved, we're
3 wondering about that as well -- but probably more
4 important is Russia -- I'm assuming this with
5 little political insight, I guess -- but, I
6 presume that they're mostly interested because of
7 the extension of the lines into the artic, and
8 probably for they're exploration and pursuit of
9 nonrenewable resources. But we have almost no
10 information about what's up there in a couple of
11 surveys.

12 So, I'm not sure what my point is other
13 than the need for surveys, as everyone is pointing
14 out here, is not going away. So, the data
15 acquisition plan is extremely important.

16 So, I appreciate your presentation, but
17 I'm pretty curious at what we can do at helping
18 those data collections for the particular reason
19 of the boundary.

20 MR. WERNER: Yeah, thanks Jim, and in
21 indeed I've talked to Bob and others about what
22 happens when they cross the boundary and how do we

1 get to work together and understand if they're
2 seeing them or how many they're seeing. So,
3 that's a conversation that will have to happen.
4 Yep.

5 MS. MCCAWLEY: More questions, comments,
6 concerns. Yes, Kitty.

7 MS. SIMONDS: So, Cisco, thanks for the
8 presentation. In our part of the world,
9 especially our territories, I'm concerned, looking
10 at reduction in surveys that is happening in the
11 rest of the country. We need to have really, and
12 right away, independent surveys.

13 In the territories, the bottom fish
14 fisheries are very important, and the difficulty
15 has been developing ACLs that aren't the true
16 catch.

17 So, we've had for 30 years surveys at
18 docks, which haven't worked, and we have all tried
19 to change the way data is collected. So, we just
20 had this huge summit, finally, the NMFS and the
21 Council, and what's really important to us is to
22 have independent surveys, and not with these big

1 ships. We're talking about contracting with the
2 fisherman and the boats out there to collect
3 information to go fishing.

4 So, I hope that you guys will see your
5 way clear to having these independent surveys in
6 American Samoa, and in the Marianna's in the next
7 year.

8 MR. WERNER: In the next year, okay, I
9 was with you until that last part (laughter).

10 MS. SIMONDS: Well, not the year after,
11 it has to be next year.

12 MR. WERNER: Yeah, because the way I was
13 going to answer is that, as we think about this
14 next generation data acquisition plan, I think
15 that we need to frame, perhaps, some consistent
16 national set of priorities of what's needed and
17 why. And the "why" is because we need to measure
18 things, because things are happening, whatever the
19 "whys" are. And then very quickly after that
20 going to regional aspects of, what is it that's
21 needed differently in different regions?

22 My time scale was more two to three

1 years to get there, but I'll take the one year as
2 a statement of the urgency and the importance of
3 not falling behind.

4 MS. SIMONDS: Right, and obviously I can
5 document why it needs to be done yesterday.

6 MR. WERNER: Yeah, exactly. Thank you.

7 MS. MCCAWLEY: Anything else? All
8 right, thank you for that presentation, Cisco.
9 Before we break for lunch, we talked about earlier
10 taking some public comment; if there were folks
11 that wanted to make public comments. I'm going to
12 look out into the audience and see if there are
13 folks that want to do that.

14 So far, one hand. If you are ready to
15 make comment now, if don't mind going to the front
16 up there between Bill and Anjanette, where there's
17 an open microphone, to speak. And please, state
18 your name for the record.

19 MR. FRIEDRICH: I've just got to put my
20 glasses on so I can see anything at all. My
21 name's Tony Friedrich. I know everyone wants to go
22 to lunch, so I will be as brief as possible.

1 I'm currently the Vice President and
2 Policy Director for the American Saltwater Guides
3 Association. I'm a former executive director for
4 CCA Maryland. I've been a lifelong advocate for
5 fisheries policy.

6 The Guides Association was formed in
7 part as a response to the messaging we saw coming
8 from recreational industry groups that were
9 advocating for S1528 Chart 200, Modern Fish Act.

10 During that time there were a lot of
11 folks running around saying that they spoke for
12 the recreational community. I'm very familiar
13 with their policies; the ones that they were
14 advocating for. And I came here to tell you that
15 they don't speak for us.

16 The ASGA held angler meetings up and
17 down the coast the last year. We really wanted to
18 understand where anglers were coming from.

19 Anglers in the northeast and the mid- Atlantic
20 have seen how Federal management has worked.

21 They've seen how management under ASMFC has not
22 worked.

1 Under ASMFC, which lacks the
2 requirements like annual catch limits,
3 accountability measures, rebuilding, we're
4 suffering. What we heard from anglers was that
5 they wanted stronger Federal laws, more protection
6 for forage species, and better enforcement,
7 harsher penalties for poaching.

8 The one thing that we heard over and
9 over, most saltwater recreational anglers in the
10 mid-Atlantic and the northeast feel lost. They
11 feel like their voice is not heard. They feel
12 like they're losing their heritage.

13 The problem is that no one's advocating
14 for the resource. Everyone wants their piece of
15 the pie. At least up until now.

16 John McMurray and I started the Guides
17 Association to fill that void. The recreational
18 fishermen are changing. The vast majority of us
19 don't want to feel the cooler anymore, we want the
20 experience. We want better science.

21 Anyone who's been around long enough to
22 remember MRFFs knows that MRIP is a vast

1 improvement. Is it perfect? No, but we can make
2 it better with more funding, more surveys, and
3 continually trying to improve the data.

4 We want to be accountable as
5 recreational anglers, and we're willing to work
6 within the system to get closer and closer to
7 achieving that goal.

8 In the mid-Atlantic and the northeast,
9 we want ASMFC reigned in. It should not be used
10 as a model for how Federal management should work.
11 We aren't fools. We know that the Commission is
12 the current place where once vibrant species go to
13 languish in management flexibility limbo.

14 ASMFC is the poster child for how much
15 can go wrong with state management. States are
16 pitted against each other and susceptible to
17 sudden swings of administration changes within
18 each individual state. The numbers do not lie.
19 Seventeen of 26 species managed by ASMFC are
20 over-fished, depleted, or the status is unknown.

21 Several years ago, I testified at the
22 Senate Commerce Committee. Several participants

1 praised striped bass management is the way
2 forward. I recall telling them that that
3 statement would not age well. It didn't. Striped
4 bass has declined steadily, and it's really
5 because of a lack of accountability to do the
6 right thing.

7 This is the key point. Many of the
8 folks who supported Modern Fish Act say that they
9 want more flexibility to try new management
10 approaches. But those management approaches have
11 been tried over and over again with terrible
12 results at the Commission.

13 It is a Potemkin Village, ASMFC. That
14 is an illusion built to make us think that
15 everything is okay, until it isn't. If you don't
16 believe me, take a look at the amount of comments
17 that were received for striped bass.

18 Only about a thousand, out of millions
19 of anglers, decided to weigh in on it; pitifully
20 low. It's because there's no confidence any more
21 in the Commission. People don't think it's worth
22 five minutes to send an email to folks like you.

1 Why? Because they're ignored.

2 And the Commission solidified this
3 sentiment in concrete with rebar two weeks ago by
4 ignoring the fact that 70% of the comments wanted
5 a specific option. It was barely discussed; not
6 passed.

7 This is striped bass, not red snapper,
8 not summer flounder. Nine percent of the people
9 in this country, the fishermen, fish for stripers.

10 We don't need flexibility. We need
11 management that allows us to count on fish being
12 around next year, and the year after that. We're
13 looking for consistency.

14 Thank you very much for the opportunity
15 to speak. I'm here to tell you that recreational
16 anglers do support conservation requirements and
17 accountability, and the Guides Association is here
18 to be a resource for you to provide you with a
19 better sense of what recreational fishermen really
20 want. Thank you very much.

21 MS. MCCAWLEY: Thank you, Tony. Is
22 there anyone else in the audience that wants to

1 provide public comment? All right, I don't see
2 any other hands. I think we can go ahead and
3 break for lunch.

4 Please be back promptly at 2 p.m. We
5 have a presentation from the State Department, and
6 that person has a very specific time window that
7 they're available to talk to us. So, we'll see
8 you back here at 2 o'clock.

9 (Recess)

10 MS. McCAWLEY: All right. We are going
11 to get started again with the agenda.

12 Next up we have Evan Bloom, who is
13 Acting Deputy Assistant Secretary for Oceans and
14 Fisheries for the State Department, and he's going
15 to be talking about Biodiversity Beyond Natural
16 Jurisdiction.

17 Evan, I'm going to turn it over to you.

18 MR. BLOOM: All right. Do I have to
19 press something?

20 MS. McCAWLEY: It will turn green.

21 SPEAKER: It's on all the time.

22 MR. BLOOM: So am I on now?

1 MS. McCAWLEY: Yes.

2 MR. BLOOM: Okay. Well, thank you very
3 much. Good afternoon everyone. And thank you
4 very much for having me here. I am sorry that I
5 don't have a PowerPoint, but I did ask whether,
6 you know, an official shrock or something could be
7 put up there. So, there is one. But I'll proceed
8 just to talk through this issue, and I'm happy to
9 take questions that you may have.

10 Again, thanks for having me. I'm the
11 Head of the U.S. Delegation for a set of
12 negotiations that are now ongoing at the United
13 Nations in New York that relates to High Seas
14 Fishing and other issues related to biodiversity.

15 And so I'd like to thank the Council
16 Coordination Committee for asking me to provide
17 some background on these negotiations, in
18 particular on U.S. positions, and to answer any
19 questions.

20 So, what we are talking about is the
21 negotiation of an internationally, legally-binding
22 instrument under the U.N. Convention on the Law

1 of the Sea, on the conservation and sustainable
2 use of marine Biological Diversity of Areas Beyond
3 National Jurisdiction, and that mouthful is
4 typically referred to as BBNJ.

5 This is currently the world's largest
6 scale oceans- related treaty negotiation, and the
7 largest current U.N. Treaty negotiation of any
8 kind. So, it's a pretty big deal in international
9 legal circles, and international marine policy
10 circles as well.

11 The discussions at the U.N. have been
12 going on for more than a decade, and following a
13 preparatory committee meeting in 2015 to 2018 the
14 U.N. General Assembly adopted Resolution 72-249
15 under which the U.N. established an
16 intergovernmental conference to negotiate the text
17 of a new BBNJ Treaty. And an intergovernmental
18 conference is more or less a diplomatic conference
19 of a way of formerly engaging in a treaty
20 negotiation.

21 This IGC has a mandate to meet for four
22 two-week sessions, and the fourth and final

1 two-week session under that mandate is scheduled
2 for March 23 to April 3rd of this coming year.

3 So, I lead an interagency delegation at
4 the U.N. of about 15 persons from agencies
5 including NOAA, National Science Foundation,
6 Department of Defense, Council for Environmental
7 Quality at the White House, the U.S. Coast Guard,
8 Maritime Administration, and the Patent and
9 Trademark Office.

10 But there are more than 20 U.S. agencies
11 that are participating in the interagency efforts
12 that finalize U.S. Positions. And certainly the
13 largest group in our delegation is from NOAA, and
14 we get a lot of advice from those folks.

15 The U.N. discussions have moved rapidly
16 from a sort of discussion mode with various ideas
17 being proposed to something more akin to real text
18 negotiations. We expect that Ambassador Rena Lee
19 of Singapore, the President of the conference, to
20 produce a revised negotiating text at the end of
21 the year, of this year, or perhaps January.

22 As there is as of yet no agreed

1 language, and much of what has been discussed is
2 highly contradictory, not to mention confusing,
3 there isn't a good way to know what in the end
4 will be in the final agreement, but those of us
5 participating in the negotiations have some
6 guesses, which is something we can discuss.

7 The instrument is designed to be what's
8 called the Implementing Agreement under the Law of
9 the Sea Convention. That means it's supposed to
10 be consistent with law of the sea. As you know
11 the U.S. isn't a party UNCLOS, but the U.N. Fish
12 Talks agreement is an example of an UNCLOS
13 implementing agreement that allows for nonparties
14 to UNCLOS to join.

15 Similarly, the U.S. can become a party
16 to BBNJ as long as the text provides that
17 non-UNCLOS parties can join, and we expect that
18 such a clause will be included in this instrument.

19 So, let's talk about what's going on in
20 negotiations, what is the BBNJ Agreement? It
21 consists of four thematic areas which are part of
22 a package-negotiated at the U.N. In theory, no

1 one of the four elements is more important than
2 any other, and all four are supposed to move
3 forward at the same time.

4 One part relates to so-called area-based
5 management tools, or ABMTs, that part relates
6 primarily to establishing marine-protected areas
7 on the high seas. And it has a direct
8 relationship to fisheries management in
9 particular, because in attempting to regulate or
10 limit human impacts on the high seas, it would
11 have some relationship to fishing and existing
12 fisheries management mechanisms.

13 Although deep sea mining, cabling and
14 discharge from ships are all human impact that in
15 theory would be regulated, mostly what delegations
16 seem to have in mind is fishing, and in particular
17 limiting fishing beyond what our RFMOs have done
18 so far.

19 A second part relates to marine genetic
20 resources, and this part the question is, should
21 such resources be regulated in some way, including
22 whether to limit access or to ensure sharing of

1 benefits? Developing countries support requiring
2 anyone who commercializes products that
3 incorporate genetic resources from areas beyond
4 national jurisdiction to pay monetary benefit,
5 such as a royalty.

6 As you can imagine this can quickly get
7 us into issues related to intellectual property
8 rights. We in other developed countries would
9 instead prefer an outcome that promotes
10 non-monetary benefits, such as sharing scientific
11 information, and other results of
12 government-funded research. There is a general
13 agreement that marine genetic resource regime
14 would not apply to fish as commodities.

15 The third part relates to environmental
16 impact assessments. EIAs are already provided for
17 in Article 206 of the Law of the Sea Convention,
18 and it sets a standard that the U.S. Already
19 adheres to.

20 The discussions primarily relate to
21 fleshing out implementation of that Article 206.
22 This may be the most straightforward part of the

1 negotiations as many developed countries agree
2 with us that the EIA procedures must be left up to
3 states themselves, and there should be no
4 international or U.N.-based oversight.

5 And finally, there's a segment on
6 capacity building and transfer of marine
7 technology. Here, key questions involve whether
8 capacity building would involve mandatory payments
9 or funding from developed to developing countries,
10 or something more cooperative related to sharing
11 information and possibly training opportunities.

12 In the U.S.'s view any transfer of
13 technology must be voluntary, and on
14 mutually-agreeable terms. Many developing
15 countries have a different idea.

16 So, given time constraints, I'll focus
17 on the first area, ABMTs, and as I think that's
18 likely to be what you're most interested in.

19 A major goal of the European Union and
20 the NGOs is to have a centralized authority such
21 as a BBNJ conference of the parties that will be
22 able to set up marine-protected areas on the high

1 seas.

2 There is an active conversation about
3 whether such conference of the party will have a
4 kind of general authority to establish MPAs,
5 including specifying management measures in a
6 variety of cases.

7 For example, regardless of whether there
8 is a relevant regional or sectoral body that could
9 also handle the matter, and even if there is,
10 whether if the COP decided that the regional or
11 sectoral body doesn't act correctly or fast
12 enough, whether that COP, the Conference of the
13 Parties can act.

14 The U.S. position is that, well, COP
15 might be able to identify, for example, specify a
16 particular area where some sort of special
17 protection is needed, it should leave any concrete
18 actions, such as the establishment of management
19 measures to the relevant regional or sectoral
20 body. If there is no existing regional or
21 sectoral body, our preference is that one be
22 created amongst interested states, and not have

1 the BBNJ COP take any decision on management
2 measures.

3 There are a host of procedural questions
4 such as whether the COP would take decisions by
5 consensus, and if not -- of if not whether states
6 could opt out of decisions they did not support.

7 Another key question is how science is
8 ultimately insurgent to the process? We that all
9 decisions should be taken on the base -- on the
10 basis of best available science. One idea is to
11 have some sort of scientific committee that would
12 review proposals and advise the COP. We don't
13 know if that committee would be a select but
14 limited group of experts, or a larger scientific
15 and technical committee to which each party could
16 send a delegate.

17 The General Assembly Resolution provides
18 that the process and its results should not
19 undermine, and that's a key word, "undermine"
20 existing legal instruments and frameworks in the
21 relevant global, regional and sectional bodies.
22 That's a helpful sentiment, but there's no

1 agreement on what that word "undermine" really
2 means.

3 So, where are we heading? Let me
4 mention some overarching considerations. The U.S.
5 has never been a proponent of these negotiations,
6 and we aren't a proponent now. However, there is
7 overwhelming support at the U.N. for finalizing a
8 treaty. In theory the negotiations are supposed
9 to conclude with an agreed final text in April,
10 that is highly unlikely but it's not impossible.

11 The decision about adoption of the text
12 will be taken by two-thirds the majority of states
13 after exhausting all efforts all efforts in good
14 faith to reach agreement. That means that the
15 U.S. can't block the treaty, indeed if G77 in
16 China, which is the largest negotiating group, and
17 it takes up more than half of the U.N., or perhaps
18 many developing countries plus the European Union
19 support the agreement by definition it goes
20 forward.

21 We have argued that decisions in any
22 conference of the parties should be taken by

1 consensus. However, that has not been agreed at
2 this point. It's quite possible that a treaty
3 will be agreed, if not in April, then in a year or
4 so, which is in the international law terms, quite
5 soon.

6 I would note that the text from the
7 Conference President that has been released so far
8 contains a lot of options. It's only once those
9 options start to narrow that we will know how good
10 or bad the substance of the agreement is. The
11 U.S. is attempting to be an active participant in
12 the negotiations in order to maximize the
13 likelihood of our influencing the final product.

14 We ran for and are on the Bureau of the
15 Intergovernmental Conference, for example. So as
16 always, we welcome input from stakeholders going
17 forward, that's the basic state of the
18 negotiation. When we receive the new text from
19 the President of the Conference at the end of the
20 year, or maybe in January, then I hope that all
21 stakeholders will take a careful look at it, and
22 provide advice to us on what you think is most in

1 the interest of the United States.

2 So, I'll stop there, and happy to take
3 any questions.

4 MS. McCAWLEY: Thank you, Evan.
5 Questions? Kitty?

6 MS. SIMONDS: And so thank you, Mr.
7 Bloom, for coming to our meeting. We are the
8 Council of course that extended this invitation
9 because most of our fishing is done on the high
10 seas, and for various reasons. One being that
11 there's some -- there were Legacy designations
12 called Monuments that closed most of the Hawaii
13 EEZ, closed most of the U.S. uninhabited islands
14 there, parts of American Samoa, and part of the
15 Mariana's Trench. And I can imagine, what are we
16 saving of the Mariana Trench? I have no idea.

17 So, I read that the U.S. -- the U.S.'s
18 position in terms of BBNJ establishing any sort of
19 commission that they would not -- that whatever
20 their commission is, wouldn't have oversight or
21 management responsibilities. That those would go
22 to the established international commissions, for

1 example, the Western and Central Pacific
2 Commission, VIETTC and the Atlantic Commission, so
3 I just wanted to double check that that is true.

4 The other thing is that we would of
5 course love to have these commissions exempted but
6 -- so that's another question I have for you. I
7 think, you know -- why don't you tell me what you
8 think?

9 MR. BLOOM: Sure. Okay. Do I need to
10 press this again or do I?

11 MS. McCAWLEY: No.

12 MR. BLOOM: No, I'm good. Okay.
13 Thanks. You're absolutely right about the U.S.
14 Position which is, we think that any sort of
15 management decisions that relate to fishing or
16 other matters should taken by the relevant
17 regional or sectoral body, so it would go to WCPFC
18 or any other similar RFMO, they're the ones with
19 the expertise and they should take all of the
20 relevant decisions that could limit any sort of
21 behavior including fishing.

22 That is something that is not agreed,

1 and so a key question in the negotiations will be:
2 What is the authority of this Conference of the
3 Parties? And so we and Japan, in particular, have
4 been very strong on this issue. It's sometimes
5 hard to tell where the Europeans are coming from,
6 because on the other hand they say, well, we don't
7 want this COP necessarily to have too authority.
8 And yet, what happens if those bodies don't act
9 quickly enough? Or they don't act in a way that
10 we think is conducive to protecting the planet, or
11 this sort of thing?

12 Well, then maybe this centralized body,
13 perhaps in New York, perhaps under the U.N.,
14 should be able to take some decisions. We've
15 said, no, that's not desirable, but I don't know
16 where that will shake out in the end, we'll see.

17 On the question of exemption, as I
18 mentioned at first, the U.S. has not been a
19 proponent of this treaty, we have not wanted it to
20 go forward on any of its four particular elements.
21 Yet, it is going forward.

22 The notion of exemption I think would

1 not -- not only would it not be popular among the
2 negotiating parties, but it really wouldn't get
3 anywhere, because the basic theory of this is,
4 some method of cooperation that is protective of
5 the high seas as a whole.

6 So, we have thought that the best way of
7 channeling the energy that is there, is to say,
8 okay, well, maybe a centralized body could, with
9 various protections, and the rules and procedure,
10 and the scientific basis for acting, et cetera,
11 could say that some area out there, that requires
12 or should have -- the international community
13 thinks that it requires some sort of special
14 attention or protection.

15 Then exactly what should be done should
16 be left to the relevant regional bodies, and those
17 that have the scientific and other expertise. So
18 it wouldn't be a directive from New York that you
19 must protect that particular area, or what must be
20 done. It's more of a kind of idea, or suggestion.
21 Again, exactly how that would play out depends on
22 the actual language in the agreement.

1 MS. SIMONDS: All right. Well, one of
2 our advisors came up with a very interesting
3 suggestion, if we are talking about protection,
4 and obviously we are talking -- and that includes
5 U.S. protection of our fisheries. And how would
6 this look if you -- to protect the U.S. EEZ, and
7 I'm using ours in Hawaii because if you look at
8 Global Fishing Watch, you will see that China,
9 Japan, Korea, Taiwan, they're all fishing right on
10 the edge of our EEZ, it's all of our EEZs
11 including American Samoa and the Mariana.

12 So, as the suggestion would be that
13 there would be a closure right outside of our U.S.
14 EEZs, where only we could fish, and no one else
15 would be able to fish in there. So, that was one
16 of our fishing advisors who mentioned this to the
17 Council. I thought that was interesting. Don't
18 you, protecting the U.S. interests?

19 MR. BLOOM: Well, now --

20 MS. SIMONDS: So then the foreigners
21 would have to -- would have to be fishing beyond
22 our 200-mile zone, which is where they are at

1 every day, and so that would be a -- you know,
2 some kind of protection for U.S. fishermen. Not
3 only talking about fishing, okay, not the other
4 elements of the convention.

5 MR. BLOOM: Right, right. So, this
6 treaty only applies to areas beyond national
7 jurisdiction, which means beyond the EEZs.

8 MS. SIMONDS: Right. Right.

9 MR. BLOOM: So anything within the EEZs
10 are not touched by this. In theory anything
11 beyond and EEZ is high seas, and therefore a part
12 of the sort of international regulatory scheme
13 covered under Law of the Sea, so this instrument,
14 whatever it is, is supposed to be consistent with
15 Law of the Sea.

16 So, I guess the question would be, would
17 that kind of idea be consistent? It sounds more
18 or less like extending the authority of the EEZ
19 beyond the EEZ rather than having sort of
20 international control or rights. So, I'm not
21 exactly sure how that would work.

22 MS. SIMONDS: Right. Well, I think it's

1 something to discuss, we haven't discussed it a
2 lot, but it might come up tomorrow, so.

3 MR. BLOOM: Okay. Might? Okay.

4 (Laughter)

5 MS. McCAWLEY: More questions? Yes,
6 Bill?

7 MR. TWEIT: Thanks, Madam Chair. And
8 thanks, Mr. Bloom, for this. That was really
9 insightful. I'm wondering how you think this
10 potentially intersects with the work that the
11 Arctic nations are currently doing, which I
12 understand is largely around the national waters
13 in the Arctic, but still there's an expectation
14 sort of above -- that's universal in the
15 application is possible in the Arctic. Do you see
16 and intersection between this, and that, I guess
17 it's now actually signed, on Arctic Convention?

18 MR. BLOOM: Yeah. That's a really
19 interesting question. So my, part of the State
20 Department also deals with Arctic policy, and
21 we've had any number of discussions with other
22 Arctic states, both the five Littoral states, and

1 the eight states of the Arctic Council who were
2 particularly interested in the extent to which
3 this BBNJ Treaty could have an impact on Arctic
4 interests.

5 One of the reasons for that is even
6 though it's likely that only states will be able
7 to propose some sort of plans, or for protection,
8 or MPAs, the NGOs will likely get states, perhaps,
9 far from the Arctic to propose various protections
10 for the Arctic, and then what would be considered
11 somehow through this BBNJ system. So, the Arctic
12 states are very interested in sort of gaming out
13 what exactly would that mean.

14 With respect to the ABMT question, there
15 is no RFMO yet. There is an agreement among a
16 group of states, including non-Arctic states as
17 you know, that will -- once it enters into force
18 set up a science body, and could move in the
19 direction of an RFMO in the future.

20 So, is that the kind of regional body
21 that a BBNJ system would contemplate deferring to
22 if there were some proposal for and MPA that

1 relates to the Central Arctic Ocean. And remember
2 it's not the areas within the EEZs that would be
3 touched at all. It's only the relatively limited
4 -- relatively limited area in the Central Arctic
5 Ocean that would be affected.

6 So, again, all of this depends upon the
7 ultimate language that is chosen for the agreement
8 so we don't exactly know. But what we talk about
9 is, okay, so if there isn't an RFMO yet, but if
10 there was a proposal for an MPA in the Central
11 Arctic Ocean, then there could be an acceleration
12 of the diplomatic process related to the Central
13 Arctic Ocean Agreement, Fisheries Agreement, and
14 that could lead to creating an RFMO that would
15 have capacity to take the decisions, and decide
16 what's best.

17 The related question then becomes, well,
18 who can participate in that? And then would it be
19 open to every country. Can Venezuela join? Can
20 North Korea join? Can Costa Rica join? Well, I
21 don't know.

22 But ultimately under the theory that the

1 U.S. is advancing, that the regional bodies should
2 make the final decisions, and not a centralized
3 U.N. body, you'd want that -- whatever that Arctic
4 thing is to be able to apply the science that it
5 is capable of applying and if there's a limitation
6 on fishing, it should be done by that body, and
7 not by the BBNJ body.

8 MS. McCAWLEY: Yes, Eric?

9 MR. REID: Thank you, Madam Chair.

10 Thank you, Mr. Bloom. So, I've got a couple of
11 questions, and then I'll leave it transparent.
12 I'm with the U.S. commercial fishing industry
13 wrapped in NAFO, it's another day job that I
14 happen to have. So what would the ramifications
15 be, if something like this would be for our
16 involvement in NAFO? That's my first question.
17 Do you want me to ask them one at a time, or do
18 you want to just get them all out there?

19 MR. BLOOM: Well, maybe one at a time is
20 easier. And NAFO would -- if there were some
21 issue within NAFO's competence and jurisdiction,
22 then we would say that if some management decision

1 wasn't necessary, then we'd like NAFO to take that
2 decision rather than have it be done by a
3 centralized body.

4 So, what the NGOs argue, for example,
5 and some of the European states argue is, the
6 focus of RFMOs can be limited, they may not have a
7 broad enough sense of an ecosystem approach, or
8 they may have provisions in their constituent
9 documents that limit how far they can go in
10 considering broader issues related to other
11 species management, or something like that.

12 So, the NGOs would say there needs to be
13 some residual authority in the central U.N. Body
14 if, say, NAFO decides that it doesn't have full
15 competence or ability to deal with the issue.

16 And so there's an argument that's now
17 playing out in New York about what that would
18 mean. I mean, we think that that is quite
19 dangerous to take these issues out of the hands of
20 the regional bodies, because the U.N. is a very
21 political place, even though we say we would like
22 this body to act only on the basis of consensus, I

1 think know that we'll achieve that in the end.

2 And so a lot of countries that may be
3 even have nothing to do with NAFO, could decide
4 things that are going on, and they could decide it
5 badly. At the same time, you know, we are facing
6 some headwinds with that.

7 MR. REID: Okay. Thank you for that
8 response. And you mentioned about how dangerous
9 it could be taking authority away from the
10 relevant body, so I'm trying to get my head
11 wrapped around, you know, the use of MPAs, and the
12 use of the Antiquities Act in our internal waters,
13 that essentially one or the other takes away the
14 authority of the regional body. And I'm just
15 trying to reconcile in my own mind, how we can
16 impose that in our internal waters, and oppose it
17 in international waters? And maybe you could help
18 me out with that conundrum that I have.

19 MR. BLOOM: Well, I'm not -- being from
20 the State Department my focus is international
21 rather than domestic management, which you folks
22 know a lot more about than I do. So, I may not be

1 in a good position to respond to that.

2 And I certainly haven't been asked
3 questions by other countries that say, well, you
4 do something domestically therefore why are you
5 arguing about something internationally. But
6 maybe that will come in the future.

7 MS. McCAWLEY: All right. More
8 questions? Yes, John?

9 MR. GOURLEY: Thank you, Mr. Bloom. I
10 appreciate the update. You mentioned the ENGOS,
11 are they the ones driving the bus? Or, is there a
12 select group of countries? Where's the power
13 coming from? Who is rolling this rock up the
14 hill?

15 MR. BLOOM: That's a good question. So,
16 there is a large group of ENGOS that are very
17 strongly behind this, who see this, in particular,
18 as a means of limiting overfishing. I mean, I'll
19 say that relatively frankly. And it's an
20 interesting dynamic because there were different
21 constituencies for different parts of those four
22 elements, right.

1 But the ENGOS really only care about the
2 first one, they want the ABMT restrictions to
3 limit fishing. They don't care so much about
4 Marine Genetic Resources, which we haven't talked
5 so much about here. But the U.S. and U.S.
6 Industry, certain parts of the U.S. industry, have
7 very strong interests when it comes to Marine
8 Genetic Resources, because the idea is to limit
9 access to the high seas.

10 And so you could only go out if you
11 promised that you will limit your science in a way
12 that any discovery you make will result in
13 royalties flowing back to the rest of the world,
14 meaning developing countries. It has implications
15 for innovation, and IPR issues, and all sorts of
16 things, and it's quite distinct from the ABMT
17 issues.

18 And ENGOS don't touch that prong at all.
19 In fact they find it quite annoying that it's
20 there, because they want to put all of their
21 energy into creating or in protected areas.

22 You have European countries, in

1 particular environmental agencies, of European
2 countries that are promoting marine protected
3 areas in general as a part of an ocean's
4 environment policy. So that's part of it.

5 You have a whole suite of Latin American
6 countries who are behind these proposals, and over
7 time, even countries that we normally relied upon
8 for more or less a sensible approach to the
9 fishing issues like Norway, for example, have kind
10 of peeled off and said, well, we think we can get
11 provisions in this that will be -- that will
12 promote cooperation among RFMOs at the very least,
13 and promote some sort of general conservation
14 values that they would support. So, they've moved
15 into the sort of proponent camp.

16 Canada also used to have some doubts and
17 now they describe themselves as a proponent of the
18 agreement. So, developing countries care perhaps
19 less about the MPAs, with some exceptions. So,
20 the Pacific Island States have shown great
21 interest in these issues, in part for economic
22 reasons that they see, of setting up the kind of

1 protective cordons that you were talking about.

2 You know, I think we understand that
3 they have that in mind. But the developing
4 countries also have this strong interest in marine
5 genetic resources, capacity building, technology
6 transfer, these other sort of things which are
7 often part of U.N. Treaty negotiations on any
8 subject, in climate change, you name it, these
9 issues kind of start being sucked in.

10 So, it's hard to name all of the
11 countries that are supporting it, but in general
12 you hear very few voices that are urging caution,
13 but it's kind of, it's us, it's Japan, it's South
14 Korea, or it's Iceland, Russia and sometimes
15 China, for the most part.

16 MR. GOURLEY: I just wanted to make a
17 comment. It seems like if the true reason is to
18 stop, prohibit less in overfishing, that perhaps,
19 you know -- to me, a better way to look it is for
20 the countries that are current fishing the high
21 seas is to adopt the U.S. Fishery Management
22 Measures, and let's stop overfishing that way,

1 rather than the NGO prohibit no take, no nothing.
2 I mean, there's other ways to achieve the stated
3 goal without closing the area down.

4 MR. BLOOM: I think the U.S. position is
5 consistent with what you've just suggested. Yeah.

6 MS. McCAWLEY: Kitty?

7 MS. SIMONDS: So, I just wanted to add,
8 when you were talking about the different
9 interests, and talking about the Pacific Islands
10 and the former trust territories of the United
11 States. In addition to \$20-some-odd million that
12 the former trust territories receive from the U.S.
13 every year, the U.S. canned-tuna industry they're
14 paying somewhere between 13- and \$15,000 a day to
15 fish in those Pacific Island areas if they want to
16 fish for tuna. So, it's for them, it's all
17 economics. That's what it's about, money.

18 MS. McCAWLEY: Anybody else, other
19 questions? Yes, Bill?

20 MR. TWEIT: Thanks. I was wondering
21 what, if any, role the difference in
22 sustainability, global sustainability

1 certification organizations, like MSC, have been
2 playing in this? Part of the reason I ask is
3 because we see that sometimes principles that
4 developed in the international arena end up
5 becoming a part of the criteria used for
6 sustainability certification.

7 MR. BLOOM: I'm not aware that they've
8 had any role at all.

9 MS. McCAWLEY: More questions? All
10 right. I don't see any more hand in the air.
11 Thank you, Evan, for coming over here --

12 MR. BLOOM: There's one more, over here,
13 no?

14 MS. McCAWLEY: No -- yeah, go ahead, go
15 ahead.

16 MR. RAUCH: How does NOAA's position on
17 the BBNJ line up with the state? I mean, you're
18 all basically holding hands. Is that correct? Is
19 SAM, is NOAA, holding with the State Department on
20 this?

21 MR. BLOOM: (Laughter) The State
22 Department is leading negotiator, but we have

1 representatives, we provide a lot of feedback on
2 positions that they take. I have seen where NIBs
3 and NOAA have seen almost the unending flow of
4 documents on this issue. And so we are working
5 closely together.

6 I would say, as the Leader of this, the
7 interagency process as well as the delegation,
8 that we have a pretty harmonious group, especially
9 when it comes to the ABMT issues, but also across
10 the board, I don't think there's any delta between
11 us and NOAA. In fact we rely on their expertise
12 to try to figure out -- they're pretty complex
13 issues when it comes to how these provisions would
14 and could be drafted. And so that's why, you
15 know, we have a lot of NOAA members on our team,
16 and so we're always working closely with them.

17 MS. McCAWLEY: All right, any more
18 questions or comments? All right, thank you so
19 much, Evan, for coming over here and chatting with
20 us about this.

21 MR. BLOOM: Sure. Anytime.

22 MS. McCAWLEY: All right. Thank you.

1 Next up on the agenda, I believe back to Cisco on
2 the response to Council Research Priorities.

3 MR. WERNER: Okay. Thank you very much.
4 And this is perhaps is a conversation that started
5 at the Sitka Meeting, maybe it was 18 months ago
6 or so. And I'd like to think that, first, there's
7 been a lot of progress since that meeting, where
8 the issue really was how do we line up priorities,
9 how do we understand each other's priorities, and
10 arrive at some, you know, common way forward.

11 And this presentation could be quite
12 short. I'm just going to say that, and as I said
13 we have overcome some of the issues that were
14 rightfully pointed out at the meeting in Sitka in
15 terms of perhaps better communications. A lot of
16 it has to do with the work that is happening
17 within the science centers in terms of formalizing
18 what they're referring to as their priority-based
19 resourcing and sharing that -- those priorities
20 with Councils, with regional offices.

21 And eventually going all the way to the
22 geographic strategic plants where, again, there

1 has been additional opportunity for understanding
2 each other's priorities, and perhaps coming to a
3 joint set of priorities.

4 So, let me just go quickly through this.
5 You'll also see that before coming here we
6 canvassed all of our science centers to find out
7 specifically what actions they've taken, and
8 hopefully these line up with what you feel is
9 taking place in that conversation.

10 So, real quickly, you know, to start at
11 the end, our staff, you know, participate in the
12 various Councils' teams, committees, you know, and
13 where research priorities are defined and
14 discussed. And as such, you know, they're
15 involved either in receiving the information or
16 helping to coproduce whatever those priorities
17 might be, understanding, again, the joint
18 priorities of both of us, and or of all of us.

19 As I mentioned the geographic strategic
20 plans that, you know, people have been working on
21 for the better part of last year, include those
22 discussions very specifically and openly in terms

1 of how those priorities are achieved. And so that
2 -- our understanding is those documents, for the
3 most part, are done, they're first drafts, and
4 hopefully we'll have a chance to see them, I'm not
5 sure when, in the next few months in any case.

6 And then, you know, there is -- given
7 still the multiple regional priorities, Councils,
8 centers, regional offices, commissions, there's
9 still room for improvement.

10 And that's really, perhaps the last two
11 points. You know, that while we made some --
12 we've taken some very concrete steps in terms of
13 how do we line up our priorities, there's still
14 more to do, either continuing along the path that
15 we've, or perhaps formalizing even further as need
16 be.

17 And so I just very quickly wanted to go
18 -- just highlight as I said, as we canvas our
19 science centers in terms of how this conversation
20 and prioritization is going, I'm just going to go
21 through them. It's very short, just a couple of
22 slides.

1 The Northwest and Southwest, since they
2 work closely with the -- in this case the Pacific
3 Council, they've had recent conversations with the
4 PFMC staff, and about, you know, how to
5 collaborate and identify research priorities in
6 advance. I guess of the targeted research
7 priority plan update in 2023. So, I'm guessing
8 that there is a cycle of when the next research
9 priorities for the Council, the Pacific Council
10 will be in 2023, but that these conversations are
11 ongoing. We're not going to wait until 2023 to
12 see if they line up.

13 The Southeast Center, you know, working
14 with the three Councils, you know, takes those
15 Council research plans to help guide their
16 priority-based resourcing that I talked about
17 before, the PBR, which again building on, as I
18 said, you know, the conversation was 18 months
19 ago, because we, internally, have formalized how
20 we do our prioritization, we now have that
21 additional aspect of working with the Councils to
22 include that in the prioritizations.

1 And that kind of dovetails into what the
2 Northeast Center does, in terms of when they set
3 their priorities, they actually include the
4 Council priorities as part of how they rank some
5 of the projects that -- or the projects that
6 they're evaluating.

7 So, again, that's an explicit step here
8 that the Northeast does. In other places it may
9 not be as explicit as counting points, or
10 criteria, but it's certainly implicit in the other
11 centers.

12 The Pacific Island, there's a Council
13 five-year research party -- plan, and they,
14 meaning the Pacific Island Science Center, uses
15 those criteria when drafting their own science
16 plans, when they develop their activity plans, and
17 actually, you know, when they meet with Council
18 staff to discuss whether the Center is addressing
19 those research priorities that the Council has.

20 And hopefully, during the
21 question-discussion section, you can tell me if in
22 fact that that is what's happening, or if we need

1 to further it even more.

2 In the Alaska Center, you know, they're
3 engaged in the development of the research
4 priorities which the Alaska Center, you know, has
5 quite structured a set of priorities and ranking
6 process, but the Alaska Center works through the
7 participation of the scientist in the various
8 bodies, to understand or help develop some of
9 those priorities.

10 And just like every other center, you
11 know, uses those priorities in how they develop
12 their final Annual Guidance Memorandum, or AGM, as
13 well as their activity prioritization process.

14 And so the last step is basically -- or
15 the last slide is basically the same as the first
16 one, you know, we have taken some steps towards
17 formalizing these discussions but, you know, we
18 could take more based on inputs that we might
19 receive today. You know, including how to develop
20 feedback mechanisms in terms of whether in fact,
21 that conversation is being properly included and
22 reflected in the work that's being carried out.

1 I guess I'll be curious to see how --
2 you know, if there's any comments on how the
3 geographic strategic plans have evolved, you know,
4 from your standpoint, and how -- you know, whether
5 that's actually been a successful way of adding
6 even more conversation, or more discussion to the
7 priority setting.

8 And then finally, you know, I know that
9 our Science Center folks are committed to working
10 to advance the research priorities that the
11 Councils have, and include them in our research
12 projects.

13 So, I think that's it. As I said, it's
14 pretty quick, but is one that I felt we were quite
15 responsive to the comments and recommendations
16 from the Sitka CCC Meeting. And as I said, I
17 think we've taken some pretty concrete steps, but
18 I'm open for continued tweaks, and continuous
19 adjustments from the Councils. Thank you.

20 MS. McCRAWLEY: Thank you for the
21 presentation. Questions or comments? Yes, Tom?

22 MR. NIES: I'll start. Thank you,

1 Cisco. I am glad to see that we're getting some
2 responses on the issues that we raised, I think
3 the first time at Sitka, or maybe shortly before
4 Sitka. But I do have a couple questions. I'm not
5 really familiar with the Center's Annual Guidance
6 Memorandum that you've mentioned. Is that
7 something that could be shared with the Councils?
8 I don't believe we've ever actually seen what
9 their guidance is. I'm not sure if that's the
10 case in other regions or not.

11 MR. WERNER: Sure. Very quickly, and
12 probably there is -- you know, between the Science
13 Center, Council interactions, and so on, but what
14 we have is a process where every five years we
15 write a strategic plan, or a science plan that the
16 Centers say, well, over the next five years this
17 is what we anticipate is going to be important for
18 us to do. And that of course lines up with NOAA
19 and Fisheries priorities.

20 That I've-year plan then every year we
21 adjust it depending on what emergencies might
22 happen, and all that, and again, you know, whether

1 it's warming, or shifting species in the
2 Northeast, or similar issues on the West Coast or,
3 you know, coral bleaching in the Pacific Islands.

4 So, every year theirs is a need to say,
5 well, yes, we have a five-year plan, but these are
6 the priorities that this year are emerging, or at
7 least we feel are emerging, as well as taking
8 direction from priorities of the administration,
9 in terms of what we might need to be responsive to
10 in terms of -- in terms of what the administration
11 -- you know, Congress, et cetera, direct us to do.

12 That AGM, the Annual Guidance Memo,
13 there's a draft that usually is written in like
14 February, and the reason it's there is because
15 it's roughly when the President's Budget comes
16 out, and so that gives some indication in terms
17 of, again, the administration priorities that we
18 need to be responsive to.

19 And also maybe has a sense of which way
20 the budgets might go, et cetera. So that draft, I
21 understand is shared perhaps at times with some of
22 the Councils, and I'm walking on this ice here.

1 And I'm looking around at some of the Councils
2 whether that's true or not. So, maybe, you know
3 --

4 So, that draft is shared, and comments
5 both at the Councils and regional offices, and
6 then it's probably formalized by the time there is
7 a better sense when we get some idea of how the
8 various Senate and House marks might go narrow it
9 even more.

10 But usually the AGMs are available --
11 might be available in draft form sometime in
12 February, and certainly they're posted publicly,
13 I'm going to say, usually by May/June is roughly
14 the timeframe. They're posted on the websites, on
15 the Center websites usually by May/June.

16 And yeah, Kitty, please?

17 MS. SIMONDS: Yes. So, since Sitka
18 where we were all wondering where our research
19 plans go, we have been working with the Center, so
20 we take our five-year research plan, and we choose
21 projects from those plans, research projects, and
22 then we send them to the Center to be included in

1 the AGM.

2 So then when that's done, the AGM comes
3 back to us to see if we are satisfied or not, and
4 we can argue about whether or not they missed
5 something, you know, or whatever. And so that's
6 how we get our research priorities into the AGM.
7 That doesn't mean that it covers all of our
8 research priorities, but we do work together, and
9 we meet annually, together, the staffs, just on
10 research in general. About what the Center is
11 going to be doing, what we would like to see them
12 do.

13 But I think what, we have to get
14 organized is the monitoring of the projects. We
15 haven't really set that up, because the Center
16 does report at every Council meeting, but not
17 necessarily. It's a general report, so we have to
18 figure that one out, about monitoring those
19 research projects that are in the AGM that we are
20 interested in.

21 MR. WERNER: Thanks, Kitty. And perhaps
22 one message that might be coming out of this is to

1 try to establish some consistency in the
2 communication that happens between, you know, the
3 Science Centers' Regional Offices, you know,
4 Councils in terms of sort of the general
5 understanding of what those priorities are, and
6 like you said, perhaps also to follow through on
7 them.

8 And right now, maybe it's not fully
9 consistent in terms of how we do it across the
10 various bodies, but that's perhaps a message that
11 we can work on over the next year. Thank you for
12 that.

13 MS. McCAWLEY: Any more questions? Tom?

14 MR. NIES: I do have one question,
15 another question that's sort of a crossover I
16 think between the science side and perhaps the
17 management side a little bit. My recollection is
18 at Sitka one of the things we talked about and
19 discussed was the possibility that Council
20 priorities should be given more of the visibility
21 in the various grant programs that take place.

22 S-K Grant, for example, Bycatch

1 Reduction Engineering Projects, those types of
2 things, so that projects that can be specifically
3 tied to an existing Council priority might get
4 some kind of credit for that. And I don't know if
5 that's been followed up on or not.

6 And I couldn't tell from your
7 presentation whether that's been explicitly done,
8 I know that there are some applicants who will
9 mention that in their projects that they are doing
10 it or proposing it to adjusted Council priority,
11 but I don't know if there's any actual
12 encouragement to them to do that, or if there's
13 any formal discussion in the evaluation to the
14 reviewers to -- you know, somehow give credit for
15 that particular thing.

16 MR. WERNER: And perhaps I'm going to
17 open this up a little bit and perhaps some of my
18 colleagues at the table here, since some of these
19 S-K and others are not strictly under the science
20 side, right, in terms of -- is that something that
21 was envisioned to be part of the conversation of
22 the geographic strategic plans where, like you

1 said, the regulatory science and Council side all
2 come together?

3 So, can I ask for any support in terms
4 of whether that's the intent, perhaps, of the
5 geographic strategic plans to expand the
6 conversation beyond specific research projects?

7 MR. OLIVER: I don't think that was ever
8 the specific intent of the geographic plans, I
9 think your point though that it might an ancillary
10 benefit of it, is a good one.

11 MR. WERNER: Right. Right.

12 MR. OLIVER: And I would say to the
13 question -- it's Tom, right? That I think that
14 happens to some degree implicitly, whether there
15 should be a more explicit mechanism. And it's a
16 good question, Tom. And I don't think we've
17 explicitly done that, but I think, depending on
18 which funding source it is, that's often taken
19 into account, or other funding sources from my
20 experience in a North Pacific, the NPRB funding
21 and our Pacific Research Board often relies pretty
22 heavily on those Council research priorities in

1 the North Pacific.

2 I'm speaking as an example, but to
3 transfer that explicitly to our various grant
4 processes I don't think we've explicitly done
5 that, but I appreciate that implicitly that's
6 occurring.

7 MS. McCAWLEY: Jim?

8 MR. BALSIGER: I think Chris, the way
9 Chris said it is right, these are -- you know,
10 they're not exactly your normal strategic plan,
11 but nonetheless they're on a fairly high level.
12 So it doesn't identify specific projects, it does
13 reference in the Alaska one, that does reference
14 Council's research priorities, and to go through a
15 list of challenges, and opportunities that, if you
16 look through them, you can clearly see that
17 they're from the Council's research priority list,
18 most of them probably, not all of them.

19 And so I suppose you could have an
20 appendix that said, relative to these challenges
21 that involve the Council, here's the project we
22 are working on. But that's not where these plans

1 are right now. But it clearly recognizes -- you
2 know, a couple of pages that recognizes the need
3 to coordinate with the Council, and with other
4 agencies, and other state entities. And so the
5 whole idea of them is to figure out how to
6 approach those problems that have been identified,
7 at the Council mostly.

8 MR. WERNER: Thanks.

9 MS. McCAWLEY: Kitty?

10 MS. SIMONDS: We do have a separate
11 pelagic research plan, and which we developed a
12 couple of years ago, since somehow the pelagic
13 program was dropped from the Center. And so we
14 worked on it, we worked on it together, went
15 through Council and the SSC, so I do have to thank
16 the NMFS for supporting that new plan with us.
17 And also, I mean, with our Center and the
18 Southwest Fishery Science Center. So, that's like
19 -- that's on a different track. We meet on that
20 separately as opposed to the five-year research
21 plan.

22 MR. WERNER: Great. Thanks.

1 MS. SIMONDS: Oh. One last thing about
2 the geographic plan, so the Council needs to
3 review the draft -- you have a draft now, but the
4 Council hasn't reviewed that draft, and so we did
5 -- we did speak -- the Regional Administrator and
6 I, that we were going to have that opportunity
7 between now and December to review that strategic
8 geographic plan. Thanks.

9 MR. WERNER: Great. Thank you.

10 MS. McCAWLEY: Jim?

11 MR. BALSIGER: I was just going to add
12 what Kitty said, because we haven't shared that
13 with the Council, but we talked to them about it,
14 but we are still working on it, between the
15 Headquarters people, and Silver Spring, and the
16 Center people in Seattle, and Alaska, and the
17 Regional Office.

18 So, just today I have something that
19 looks like it's very close to the end, which has
20 been updated to include a section in aquaculture,
21 so it's still being developed and it will go to
22 the Council soon.

1 MR. WERNER: Thank you.

2 MS. McCAWLEY: Thank you. More
3 questions or comments? Yes, Phil?

4 MR. ANDERSON: Just a couple of
5 comments. We are about to undertake a process to
6 revise, revamp, streamline our document, we
7 suspect that we will want to collaborate with both
8 the Northwest and Southwest antennas as we do
9 that, so we're looking forward to that. And to
10 make it more, hopefully a more useful document, I
11 would also advocate that as opportunities present
12 themselves for the Science Centers to report to
13 the Councils relative to activities that they are
14 undertaking, that they're in line and consistent
15 with our research priorities.

16 I'm not sure that there was an
17 opportunity or a place to do that earlier today in
18 your presentation, because I think that was more a
19 kind of forward-looking, at some new innovations,
20 so probably wasn't necessarily a good place to do
21 that. But as the centers have the opportunity to
22 update us on how their work is going in terms of

1 being in alignment for that, is occurring with our
2 research priorities. I think that will be a good
3 thing.

4 If I'd seen the Annual Guidance
5 Memorandum, I don't remember seeing it, but if
6 that is something that could be made available
7 that would be helpful.

8 MR. WERNER: Okay.

9 MR. ANDERSON: Thanks.

10 MR. WERNER: Thanks, Phil. We have a
11 face-to-face Science Board Meeting in early
12 December, and I'll make this point to our Science
13 Center Directors that there is -- that we should
14 seek some consistency not just in sharing early
15 versions of the AGM -- the final versions of the
16 AGM, but also perhaps at Council meetings when
17 there's a State of Senate Report that -- you know,
18 perhaps just a part of it that addresses exactly
19 what you said about activities and the
20 relationships, the priorities of the Council, in
21 an explicit way, not in and implicit way. Thanks.

22 MS. McCAWLEY: Yes, Carrie?

1 MS. SIMMONS: Yes. Thank you, Madam
2 Chair. I don't think we've ever seen a memo that
3 you're talking about in the Southeast region, but
4 it sounds talking to Dr. Crabtree, that that's
5 something that could be shared with us.

6 MR. WERNER: Yeah.

7 MS. SIMMONS: As far as the geographic
8 plans, you know, we commented on them, I think
9 it's a good plan, I think it's a higher level plan
10 and each individual Councils, research and
11 monitoring priorities, which I think that is why
12 it's important that we keep those separate.
13 Because we are altogether in the Southeast with
14 that geographic plan, yet we have more detail on
15 our research and monitoring priorities. So I
16 think those are kind of the important distinctions
17 that they do overlap, but you keep that
18 distinction with each Council. So, that's my
19 feedback on the geographic plan.

20 MR. WERNER: Yeah, great. Yeah. Thanks
21 very much. And as you know with the change in
22 leadership at the Southeast Center, you know,

1 there's maybe a little bit of catch up still going
2 on in terms of the sharing of the documents, and
3 so on. But as I said, I'll try to seek
4 consistency from all of our centers to make sure
5 that those AGMs, and such, duly are communicated.
6 Thank you.

7 MS. McCAWLEY: More questions or
8 comments? All right, thank you.

9 MR. WERNER: Thank you.

10 MS. McCAWLEY: I think that as a good
11 discussion. Thank you, Cisco.

12 MR. WERNER: Thanks very much.

13 MS. McCAWLEY: All right, next up on our
14 agenda is Bill, who is going to cover CCC input,
15 for Committee of Fisheries 34.

16 MR. TWEIT: Thank you, Madam Chair. I
17 did sort of at the last minute put together a
18 PowerPoint to kind of help out a little bit with
19 the walkthrough on this, so even though it's not
20 posted, I'm hopeful it can be available
21 afterwards.

22 So, I think most folks are aware that

1 the FAO's Committee on Fisheries meets every other
2 year, and so there's a meeting coming up this
3 summer in Rome at the FAO Headquarters, the U.S.
4 delegation does include the position for CCC
5 representative, and I had the pleasure of serving
6 as that representative for the previous one COFI
7 33.

8 I did inquire a little bit as to who the
9 leaders of the U.S. delegation would be for this
10 year, and typically it's State Department lead,
11 closely assisted by somebody from NMFS, from the
12 international section. And it's my understanding
13 that NMFS hasn't determined yet who their lead
14 would be, but I thought I'd check with Sam.

15 MR. RAUCH: We determined. I just
16 didn't know the answer.

17 MR. TWEIT: Ah.

18 MR. RAUCH: It's Cheri McCarty.

19 MR. TWEIT: Okay. And she is well
20 experienced with the process.

21 MR. RAUCH: Yes.

22 MR. TWEIT: So that's great. I asked

1 Mr. Bloom if he knew who the State lead was, and
2 he wasn't certain, but thought it would likely be
3 Deidre Warner-Kramer, Kramer- Warner, I can't
4 remember which. And she is also certainly
5 experienced with the process, so that's good news.

6 So, I intended to cover today in my
7 reminder to the CCC about what's coming up, is a
8 couple of different things, the summary of agenda
9 items which were -- I went over at our previous
10 meeting in May, so I'll just briefly touch on
11 those again. Strictly from the perspective of
12 what I think is likely to be on the agenda from
13 COFI 34, for the upcoming.

14 And then some overview on how the CCC
15 should engage at this point in order to ensure
16 that we have a well-prepared representative. So,
17 our task today is to provide guidance on likely
18 major issues, at least begin the process of
19 designating who the CCC representative would be,
20 and then talk a little bit about advanced
21 preparation for that person.

22 The issues that I think are likely to be

1 on the agenda for COFI 34 based on the discussions
2 at COFI 33 cover a broad range of subjects in
3 terms of fisheries, and I haven't listed them in
4 any particular priority, or any other sort of
5 order. It was just how they came out of my notes.
6 But the FAO is continuing to work on their code of
7 best practices for aquaculture, and so I would
8 assume that that will be one of the primary
9 subjects.

10 Trade at COFI 33, there was concern
11 expressed about increasing barriers to global
12 trade that was before the recent tariff wars have
13 really affected seafood trade, so I would expect
14 that there will be a lot more discussion about
15 trade at this one than there was at the previous.

16 Addressing IUU issues, is always on
17 their agenda, both implementation of the state
18 management measures, and ensuring that those
19 continue to be implemented by as broad a range of
20 countries as possible. And the global record, the
21 global database on transport of seafood was just
22 initiated at 33, so there will probably be some

1 discussion about how well that's working.

2 Climate change, at 33 there was a major
3 report released by FAO on climate change and
4 fisheries, given what we've seen globally in 2019
5 in terms of the effects of climate change, it
6 seems to me to be quite likely that it will remain
7 a high on the agenda.

8 And emerging area is this discussion of
9 abandoned, lost, discarded fishing gear. I think
10 it's likely that there will be some discussion of
11 at least voluntary guidelines on gear marking.
12 It's the first step for addressing this issue
13 which is closely linked in with both impacts to
14 marine mammals, but also just marine debris and
15 plastics pollution in the ocean.

16 There was also initial discussion marine
17 mammal mortality recommendations, the U.S.
18 position at the time had not been finalized, so I
19 imagine some additional work has been done on
20 that, and they'll need to be the U.S. position
21 developed for COFI.

22 Another issue that was just being

1 floated, there was not actually considered in COFI
2 33, was this concept of trial guidelines, which I
3 think is sort of the best practices to minimize
4 the impacts of trawl gear on the environment.

5 If my memory serves me correctly, that
6 was an initiative that was being pushed by the EU,
7 and the U.S. Delegation's initial reaction was,
8 well, we haven't even seen these. This is a big
9 deal in the U.S., we'll certainly need to see them
10 in advance. I don't know if they have actually
11 been circulated at this point, but I think that's
12 something, that's an area that certainly the CCC
13 representative should be prepared to keep an eye
14 on.

15 Another, that's really growing in
16 focused at the FAO is the issue of small scale and
17 artisanal fisheries. 2022 has been designated as
18 the International Year of Artisanal Fisheries in
19 Aquaculture, so I would assume there'll be some
20 FAO COFI planning on how that's going to proceed.

21 The Marine debris issue, I've already
22 referred to, to some extent. Biodiversity, we

1 just hard he discussion from the State on the
2 current state of BBNJ but that's something that
3 COFI keeps an eye on as well. And then finally,
4 labor conditions, also a growing concern.

5 The EU is very focused, as well as some
6 other countries were very focused on developing
7 FAO guidelines regarding labor conditions. At
8 least initially if some of those would have made
9 it pretty difficult for, for instance, salmon
10 harvested out of Native communities in Alaska, out
11 at fish camps where every age in the family works
12 at the fish camp, would make those difficult to
13 enter into the international trade, just because
14 that some of the emphasis on child labor, that
15 didn't seem to be consistent with the practice of
16 a lot of fishing families.

17 So it's one those that, even though it
18 seems pretty remote the idea of the slave-like
19 conditions that began this, the guidelines
20 themselves could end up having repercussions in
21 our domestic fisheries as well.

22 So, a pretty broad range of issues, that

1 I think will likely be on the agenda that will
2 need to be -- first off, discussing whoever
3 represents us will need to be discussing first
4 among the U.S. Delegation in advance of the
5 meeting for the U.S. Position, and then tracking
6 what happens in all those at the meeting.

7 So, at this meeting I think we'd
8 suggest, in order to give our representative
9 plenty of time to really engage with the U.S.
10 Delegation, I would suggest that we at least begin
11 the process of designating the representative.
12 And then a little bit of discussion about
13 establishing expectations for what that
14 representative will do. This seems like it goes
15 without saying, but I found it a little
16 intellectually taxing and challenging -- remember
17 that I was there representing all eight Councils,
18 and the CCC, and trying hard not to look at this
19 issues just from my North Pacific Council lens.

20 So I think just reminding ourselves that
21 that's their function. Which I think I'll use for
22 a representative being a CCC member just because

1 -- if you're just a Council member, it's kind of
2 hard to track with Councils that are operating in
3 completely different marine environments, and all
4 of way across the nation and some of the
5 challenges they are facing, we'll get a better
6 sense of it at the CCC.

7 I recommend that expect that our
8 representative review some of the prior reports to
9 the CCC regarding previous COFIs, and certainly my
10 material is available. And try to discuss with
11 our prior representatives sort of how things went,
12 so they walk in with a sense of, just what the
13 flow is like, that to expect, how to prepare to be
14 engaged.

15 I would hope that we would continue to
16 have written reports afterwards for the CCC
17 record, and I would hope that we, at the CCC, sort
18 of keep an eye on maintaining continuity, not
19 necessarily in terms of the person, but in terms
20 of what we expect of our representative.

21 As I've said already they need to
22 participate in the developing of the U.S.

1 Position ahead of time, the U.S. is a very
2 influential player at COFI. I was with impressed
3 with how influential we were, and I think that's a
4 great thing, but it does mean that if we at CCC
5 don't pay attention to how those U.S. positions
6 get developed, they have a good chance of
7 influencing -- having a major influence on the
8 outcome of the meeting.

9 And then finally, I've already gone
10 through the tick list of the items that I expect
11 will need to be monitored, I'm sure there will be
12 others though.

13 That's sort of my overview, and I
14 thought at this point, Madam Chair, to just kick
15 it open for general CCC discussion as well as
16 questions.

17 MS. McCAWLEY: Are there any questions,
18 discussion or Bill? Anyone? Kitty?

19 MS. SIMONDS: Well, I just want to thank
20 Bill. Because in the old days -- excuse me -- the
21 '90s and the 2000s, Miguel and I would take turns
22 going to these meetings, and for us it was really

1 important because we were doing, you know, saving
2 the birds, saving the turtles, saving the sharks
3 in our regulations in the '90s. Then after that
4 there weren't very many issues that I was
5 interested in, and I don't know about Miguel, but
6 it's very important that someone represent the
7 Councils at those sessions.

8 For example, they just -- COFI just
9 finished a meeting, a future meeting of the
10 fishing industry so, you know, the tuna industry,
11 all sorts of industries went to that session, and
12 the week of the 21st is a session on science and
13 management for the future, everything is about the
14 future.

15 So, I mean, I encourage people to go to
16 these sessions as well, especially that one. I
17 think we are sending a scientist to that one. And
18 one of our SSC members, Ray Hilborn, is going to
19 be there at that meeting. But it really is
20 important.

21 So, Bill, even if you're the only one
22 that wants to go, you need to go, we'll pay your

1 way.

2 MS. McCAWLEY: Yes, Miguel?

3 MR. ROLÓN: A minor point, but my
4 experience was when I represented the Council they
5 looked at me and, asking me what the he'll I'm
6 doing here. So, I was lucky because the
7 Ambassador, Dave Balton, at that time knew me, and
8 I was able to participate every morning at the
9 sessions that we agreed -- and those sessions we
10 discussed, as you know, what we were going to
11 discuss.

12 Also my experience at that time, the
13 other countries were not that interested in
14 participating in COFI, I had to be worrying
15 whether they have an issue to discuss and, you
16 know, then mostly they were no interests, but I
17 like what you did, because that way it forced us
18 to think about these things, and send the
19 information to whomever is going to represent us
20 at the meeting.

21 But the other thing as we -- have you
22 been able to open a channel with the (inaudible)

1 states; and the delegation, to be able to talk to
2 them before the meeting, or during the meeting?

3 MR. TWEIT: I think that both you
4 Miguel, and Kitty, really paved the road pretty
5 well. I found -- well, and certainly both Bill
6 Gibbons-Fly, who wasn't leading the delegation
7 because he was chairing the whole meeting, but
8 also Deidre Warner-Kramer, both certainly are
9 strongly influenced by Dave Balton's view of how
10 we should be engaged.

11 And so I've found that -- I still had to
12 work a little bit to make sure that I was
13 included, but it wasn't difficult. Once I sort of
14 made it clear that I was there and actively
15 interested, they really did incorporate me in all
16 the U.S. meetings, I did never feel excluded, and
17 I certainly felt like I was very listened to.

18 So, I think, both of you did a great job
19 in sort of preparing the ground, and now I think
20 it is productive to have somebody from the CCC go,
21 because we will be listened to, and we will
22 actually have an influence on the outcome.

1 MS. McCAWLEY: Kitty?

2 MS. SIMONDS: Well, yes, and if you're
3 invited to any of the negotiations. I was on the
4 straddling stocks negotiations in the '90s, so I
5 was in New York for several weeks at a time, and
6 the State Department Rep would give each of us a
7 job. We would choose a country to deal with, and
8 so -- you know, they had us working all the time,
9 things sort of changed, they don't necessarily do
10 that, but that was really helpful for us to learn
11 how to deal -- how to actually negotiate too, as
12 well.

13 MS. McCAWLEY: Bill?

14 MR. TWEIT: Kitty brings up a good point
15 that I meant to mention. So thank you for
16 reminding me. There's a lot -- in addition to the
17 main COFI session, there are a lot of side
18 sessions going on every day, and the U.S.
19 Delegation just essentially divvied up, who was
20 going to what. And I got assignments too, it
21 wasn't as if they said, oh, and you can do what
22 you want.

1 No. I was told which ones I was going
2 to go to, and told how I was going to report back
3 on those. So I was there sort of furiously
4 scribbling notes at several of those side
5 sessions. So, you are now just as you sort of
6 experienced in those negotiations, you're treated
7 as a part of the workforce.

8 MS. McCAWLEY: More questions, comments?
9 Yes, Dale?

10 MR. DIAZ: Yeah, we'll just mention that
11 at our last Gov Council Meeting we did have a good
12 bit of discussion that originated for our law
13 enforcement panel, about how do you do fishing and
14 how big of a problem it is, as far as the volume
15 of red snapper that's being taken down towards the
16 Texas/Mexico border in the U.S. waters. So, it is
17 a big issue, and it's very important.

18 MS. McCAWLEY: Yes. Good points. FWUC
19 has been involved in IUU fishing as well. Other
20 comments, questions, discussion? Yes, Miguel?

21 MR. ROLÓN: Are we ready to follow
22 Bill's suggestion and pick the person that is

1 going to represent the Council at this time? Or
2 should I allow that to happen later, after
3 meeting.

4 MR. RAUCH: Miguel, I think in terms of
5 the rotation, it falls to the South Atlantic, and
6 I think our Chair and Vice Chair are discussing
7 about who will go, who is available, so may not be
8 able to make that decision right now, but in the
9 very near future.

10 MS. McCAWLEY: Okay. Any more
11 discussion needed right now. Bill? I appreciate
12 you bringing this forward, Bill, and carrying the
13 torch here.

14 MR. TWEIT: And just to reiterate, that
15 I'll be happy to pass on all the materials that I
16 have from the meeting to whoever is going next.
17 And I certainly will be happy to help orient them
18 through the process.

19 MS. McCAWLEY: That sounds great. All
20 right; so we are little ahead of schedule here.
21 Next up on the agenda is the NS1 Technical
22 Guidance Workgroup Update.

1 SPEAKER: Let's take a break?

2 MS. McCAWLEY: Yes. Well, actually
3 let's go ahead and take our 15-minute break, then
4 we'll come back and do the NS1 presentation.

5 (Recess)

6 MS. McCAWLEY: All right. We're going
7 to get going again. Next up we have Stephanie
8 Hunt who is going to give us an update on the NS1
9 Technical Guidance Workgroup.

10 MS. HUNT: Good afternoon. Hi,
11 everyone. I'm Stephanie Hunt. I am a Branch
12 Chief for the Policy and Guidance Branch in the
13 Office of Sustainable Fisheries.

14 My Branch covers things such as tracking
15 stock status around the country, analyzing
16 legislation that The Hill puts together and
17 producing National Standard 1 Guidance. And as
18 such I'm here today to talk to you about our
19 technical guidance work related to National
20 Standard 1.

21 So, I'll just give you a quick update on
22 the work that we're doing, and I'll go into a

1 little bit more detail on the carry-over and
2 phase-in tech memo that is with you all for review
3 now.

4 So, we last produced technical guidance
5 for National Standard 1 in 1998, over 20 years
6 ago. That was the Restrepo et al. document, and
7 surprisingly that document still stands, and it
8 still provides really good advice, but there've
9 been a lot of scientific advances since that time,
10 and we've revised the guidelines twice since then,
11 in 2009 and 2016. So, it was time to produce
12 additional technical guidance.

13 We formed a Technical Guidance Workgroup
14 with representatives from the Science Centers, our
15 Regional Offices, and Headquarters' Offices, and
16 we also have members of your staff on this
17 workgroup. And we are producing a variety of work
18 products, which I will go through.

19 We divided the workgroup into three
20 subgroups, and I'll go through each of them.
21 Subgroup 1 is chaired by Rick Methot, and it's
22 covering a couple of different issues. Here are

1 the folks that are on that group.

2 The first project is the most
3 significant project and they've been working on
4 this for a while, it's a tech memo on estimation
5 of FMSY, BMSY and their proxies. So you all know
6 that MSY is the basis of fishery management in the
7 United States, so these reference points and their
8 proxies are really important, but direct
9 estimation of FMSY and BMSY has been really
10 challenging and so the Councils often times use
11 proxies.

12 And there's been a lot of research on
13 these reference points and their proxies, but the
14 research has not been summarized and updated since
15 the Restrepo et al. documents. So the purpose of
16 this tech memo is to provide guidance and lessons
17 learned from direct estimation of FMSY and BMSY.
18 It will provide guidance on calculating proxies
19 for these reference points. And it's going to
20 look at some additional considerations such as
21 spatially explicit reference points.

22 There is also going to be a section on

1 the paper on spawning potential ratio methods. So
2 SPR is the most commonly used method for
3 calculating proxies for FMSY and BMSY, and there's
4 been some confusion around SPR, and some of you
5 remember that back in the '90s, the agency
6 disapproved using SPR ratios for overfished
7 determinations.

8 And as with other things, there've been
9 scientific advances on this topic, and there's
10 some science that suggests the SPR may be
11 appropriate in some circumstances for overfished
12 status determination. So the tech memo will
13 describe the circumstances, data requirements and
14 assumptions for using SPR for overfished status.

15 They've been working on this for a
16 while, they made a bit of progress since I last
17 updated you at the main meeting, and particular
18 they've been working the SPR section. They're
19 hoping to have a full draft done for internal
20 review in early 2020, and we're hoping that we
21 would be able to get you all a draft to look at in
22 the summer.

1 Members of subgroup 1 are also working
2 on a light paper catch accounting. So there are a
3 variety of catch accounting procedures in use
4 around the country, and this white paper is meant
5 to -- described some of the issues related to
6 catch accounting, and to describe best practices
7 for accounting for total catch in the stock
8 assessment process, but also in setting harvest
9 specifications.

10 I mentioned this project to you in May,
11 and we haven't done a lot of work on it since,
12 there have been other priorities that have taken
13 up the time of the main authors, but they expect
14 to get back to it January. And if we make good
15 progress, we'll be able to share it with you in
16 the summer or fall.

17 So, that's Subgroup 1. Subgroup 2 is
18 chaired by Dan Holland from the Northwest
19 Fisheries Science Center, this group is the
20 furthest along, in fact they produced a draft tech
21 memo on carryover and phased-in provisions in NS1,
22 which is with your SSCs, for review now.

1 So you'll remember that in 2016 when we
2 revised the guidelines we added provisions to
3 allow for carryover and phase-in as a way to
4 increase stability and flexibility in fisheries
5 management. Some Councils, regions and
6 stakeholders have expressed considerable interest
7 in these tools and provisions, but recommendations
8 on how to develop and apply them are lacking.

9 So this tech memo is meant to provide
10 examples of carryover and phase-in that have been
11 implemented in fisheries so we can learn from past
12 experiences, describe some possible approaches to
13 design and implement carry-over and phased-in
14 provisions, and identify characters of fish
15 stocks, and fisheries management approaches that
16 may impact the benefits and risk of using these
17 provisions. So this one, as I said, was sent to
18 you in August for your review, we've been doing
19 webinars with most of the SSCs, and answering
20 questions, and getting some really good feedback
21 so far.

22 And we have a deadline for January 15

1 for any final comments that you have, and we'll
2 look forward to getting your comments. I'll go
3 into a little bit more detail on the content of
4 this tech memo, since it's out with you for
5 review.

6 On carry-over the National Standard 1
7 guidelines allow Councils to carry over a portion
8 of unused ACL from one year to another. There are
9 two basic approaches for implementing a carry-over
10 provision. One is through an ABC Control Rule, and
11 another is just simply doing it on a case-by-case
12 basis.

13 So the guidelines themselves describe a
14 couple of considerations for using these through
15 an ABC Control Rule. One is that the Council
16 should consider the reason for the ACL average.
17 And the Council should evaluate the
18 appropriateness of carryover for overfished
19 stocks, or stocks in rebuilding plans. So, the
20 NS1 guidelines layout those considerations; and
21 the draft tech memo goes into additional factors
22 that should be considered.

1 A couple of them include, if you do this
2 through an ABC Control Rule you should describe
3 how underages will be accounted for when they are
4 in a multi-sector fishery. You should establish
5 limits on the amount of under-harvested ACL that
6 can be carried forward. In addition, it
7 recommends that you consider simulation analyses
8 to ensure that overfishing is prevented.

9 So those are ways to do this through a
10 control rule. You can also do it on a
11 case-by-case basis outside of the control rule,
12 and this is already done in several fisheries.
13 For example, you could rerun the projections that
14 were used in the last stock assessment with new
15 catch data, and that would be accounting for the
16 quota that wasn't used, and providing new catch
17 advice. You can also look at scenario planning
18 within an assessment to evaluate a wide range of
19 underages that might occur, and then set potential
20 OFLs and ABC based on those underages.

21 And then when you know the catch levels
22 that occurred, and what underages occurred, the

1 SSC can take that information and provide advice.
2 So, it's a way of, basically, preplanning for
3 underages, and allowing carryover of those.

4 So, moving on to phase-in, similarly,
5 the guidelines allow changes to catch limits to be
6 gradually phased in over time, not to exceed three
7 years as long as overfishing is prevented.

8 So, as with carryover you can do this
9 through an ABC Control Rule, or you can do it on a
10 case-by-case basis. The guidelines provide some
11 considerations that need to be considered. One is
12 that the phased-in catch level needs to prevent
13 overfishing every year. So, for example, the
14 catch level can't exceed the OFL in any year, and
15 you should also, as with carryover, consider the
16 appropriateness of this provision for overfished
17 stocks or stocks in rebuilding plans.

18 And then the tech memo describes some
19 additional factors that you should consider than
20 what the guidelines describe. For example, the
21 tech memo says that phasing-in decreases but not
22 increases will have the effect of changing the

1 average buffer size, and you need to consider this
2 and potentially increase it to maintain an
3 acceptable probability of not overfishing.

4 Also maintaining buffer between the ABC
5 and OFL is advisable, especially if there's no
6 buffer between ABC and ACL. Similarly to the
7 carry-over provisions this tech memo notes that
8 simulation testing is a good idea to ensure that
9 any phase-in does not result in overfishing.

10 And then to go into ways you can do this
11 on a case- by-case basis, outside of the ABC
12 Control Rule, the SSC, if they note that there is
13 considerable uncertainty in the catch or
14 recruitment variability or other factors they can
15 go ahead and recommend phasing in catch reductions
16 or increases. This is done, for example, in some
17 of the Alaska FMPs.

18 In addition, another way of doing it is
19 through a forecast -- through a stock assessment
20 where you project whether you can safely phase in
21 a reduction without risk of overfishing. So those
22 are two ways you can do it outside of an ABC

1 Control Rule, and those are described in more
2 details in the tech memo.

3 The final section of the draft tech memo
4 describes additional characteristics of fish
5 stocks and fisheries that might impact the risk
6 and benefits of carryover and phase-in. For
7 example, the life history characteristics of the
8 stocks, if you're looking at short-lived stocks,
9 you might need to apply cautions because they are
10 already at risk, at greater risk of overfishing,
11 understanding the spatial dynamics of fish and
12 fisheries is also important to evaluate the risk
13 of carryover and phase-in.

14 When you're looking at jointly-targeted
15 stocks or fisheries that have bycatch issues, you
16 need to recognize that carrying over catch from
17 one year to the next will shift the target stock,
18 but also shift the target of the bycatch, and you
19 need to consider that.

20 Another issue that is outlined in the
21 tech memo is the idea of allowing carryover
22 provisions while not requiring paybacks for ACL

1 overages can lead to catches exceeding the ACL's
2 on average, and that could be a problem.

3 So those are some of the ideas presented
4 in the tech memo there are many more, and we are
5 very anxious to get your feedback so we can wrap
6 this up and have it available for folks that are
7 interested in implementing these provisions.

8 The last thing I'm going to touch on is
9 Group 3, this group is Co-Chaired by Jim Berkson
10 and Marian Macpherson. They are exploring
11 effective ACLs in data poor situations. So some
12 of you are more aware of this than others, it's
13 really challenging to implement effective ACLs in
14 data poor fisheries. And during the last round of
15 guideline revisions, we included new language
16 clarifying that Councils can recommend alternative
17 approaches for developing management measures, and
18 reference points for data poor fisheries while
19 still complying with the Magnuson Act.

20 So this group is essentially looking at
21 how we can use that flexibility. They are
22 specifically focused on identifying which stocks

1 this might apply to, so which data poor stocks
2 would be most appropriate for this provision.
3 They are looking at recommending alternative
4 approaches for defining and managing to an ACL
5 that still comply with the Magnuson Act, and
6 preventing overfishing.

7 And we are looking at identifying
8 assessment approaches that may be used to generate
9 valid assessment -- valid estimates for certain
10 types of data poor stocks.

11 So this tech memo, is still in
12 development, we've had a lot of discussions
13 internally about it, and it's presenting a variety
14 of ideas. We are still working through it, but we
15 do hope to present this to you at a future Council
16 CCC Meeting. We don't have a great sense of the
17 timing on this one yet, though.

18 So that's the work of the NS1 Technical
19 Guidance Workgroup. I'm happy to take any
20 questions you have.

21 MS. McCAWLEY: Thank you, Stephanie.
22 Questions, comments? Yes, John.

1 MR. GOURLEY: Thank you very much. You
2 mentioned that guidance was going to be developed
3 for when we can use SPR, we are going to be --
4 well, in response to our last bottom fish stock
5 assessments we are going to be separating out our
6 BMUS into a deepwater complex and a shallow water
7 complex, and it appears that we might need to use
8 SPR for the shallow water complex, so we would
9 appreciate the guidance so that we can go ahead
10 and incorporate it. This is going to be done --
11 start very soon. So, maybe next week, you could
12 have it done and sent over?

13 MS. HUNT: I thought you were going to
14 say next year. We could meet you next year. Yes,
15 so our timeline on this is to get a draft ready by
16 the beginning of 2020, and then hopefully reviewed
17 by the summer. But we've definitely been engaging
18 with folks in your region. In fact, a lot of the
19 methods that they've used is part of what's
20 driving our analysis of this.

21 MR. GOURLEY: We have a lot of stocks
22 that are data poor, and so we do have use for

1 this, definitely. Thank you.

2 MS. HUNT: You're welcome.

3 MS. McCAWLEY: Other questions,
4 comments? Tom?

5 MR. NIES: Thank you, Madam Chair. I've
6 got three or four, if it's okay if I just go
7 through all of them.

8 MS. McCAWLEY: Mm-hmm.

9 MR. NIES: Thank you. Stephanie I
10 wonder if you could go back to your slide 6 that
11 will help queue these up a little bit.

12 MS. HUNT: You have to tell me when I
13 get there.

14 MR. NIES: It's in Subgroup 1, what
15 they're doing, that one.

16 MS. HUNT: Right there.

17 MR. NIES: So I guess I've got a couple
18 questions about what this workgroup is producing.
19 And the first question is, is there any discussion
20 in this workgroup of what might be appropriate
21 reference points in a fisheries ecosystem plan?
22 It looks -- it appears from the slide that

1 everything is focused essentially on single stock
2 -- single species, single stock reference points.
3 Are they discussing the concept of how to set an
4 EBFM reference point?

5 MS. HUNT: Not in this subgroup. This
6 subgroup has a long list of ideas that they wanted
7 to pursue, and we're having a hard time getting
8 going, and we all got together and focused --
9 decided that this would be the priority to start
10 with, but I think the -- I think potentially some
11 of those ecosystem ideas will be ticked off next.

12 The EBFM Workgroup is meeting this year,
13 and they're taking a look at the list of ideas
14 that we had generated as part of this, and they
15 may try to tackle some of them through that
16 workgroup.

17 MR. NIES: I'm taking notes. All right,
18 the next question is on the same slide. I'm
19 struggling a little bit, I'm not sure if it should
20 be on this slide for the subgroup or the data poor
21 slide. We have a number of stocks now, we've got
22 a number of stocks where the assessments have

1 failed and we've struggled to define reference
2 points under the empirical approaches that we are
3 using despite catch advice.

4 It's not clear to me whether Subgroup or
5 Subgroup 3 is actually addressing that particular
6 issue. The overfishing point might be relatively
7 easy to address. In some cases if we have a
8 yield-per-recruit relationship, but we've
9 struggled a little bit with the overfished in
10 defining OFLs, and we've actually had a number of
11 stock assessments come out where the peer review
12 says, we cannot define an overfishing level, which
13 of course freaks the lawyers whenever we try and
14 submit those specifications.

15 So, is that being addressed by this
16 group or the other group?

17 MS. HUNT: I think it's best addressed
18 through this group, the situation you're
19 describing because it isn't data poor, per se, you
20 have a lot of information. The group is looking
21 at, if you can't directly estimate FMSY and BMSY
22 what would be appropriate proxies, so it seems

1 like they should be providing some information
2 that would be helpful.

3 But I think it would be -- I would
4 recommend that we have a call with some of the
5 relevant folks to make sure that your specific
6 issues are being addressed, part of -- you know,
7 we want this to be useful, and I think having some
8 examples of on-the-ground problems will help them.

9 So, it's something we've been talking
10 about, we've got folks from the Northeast Center
11 on this group, so we could get somebody from GARFO
12 and the Center, and a couple of members of the
13 subgroup together to understand -- better
14 understand what the issues are, and to make sure
15 that, if we can, we provide advice that is useful.

16 MR. NIES: Thank you. On the next slide
17 you talked about the Catch Accounting Workgroup,
18 or Subgroup, whatever it is. You know, there was
19 an interesting discussion today during the
20 Recreational Fishing session, where I believe it's
21 the Mid-Atlantic Council and perhaps AFMSC are
22 considering how to incorporate uncertainty in the

1 MRIP estimates into monitoring of ACLs and I think
2 it would also be a question perhaps that it's
3 stock-assessment related. Is this Catch
4 Accounting Workgroup looking into that issue at
5 all?

6 MS. HUNT: No. They're looking at
7 things like, you know, predation and how to
8 account for, like shark predation, taking fish off
9 hooks how -- how you account for that, scientific
10 research and things like that.

11 MR. NIES: And my final question that I
12 think relates to the same -- to the first subgroup
13 actually that, you know, I believe we have a
14 participant who is participating in this
15 workgroup, and one of the issues that has been
16 raised, and I'm not quite sure where it's at, is
17 whether this workgroup is getting into how to make
18 the reference points decisions and the use of
19 management strategy evaluation consistent with
20 each other.

21 You know, the Agency is promoting the
22 use of MSEs to test a lot things that we are

1 doing, or proposing, and one of the questions is,
2 that he has raised, as if we have any MSY proxy
3 that's approved based on some stock recruit
4 relationship, do you now constrain the operating
5 model in your MSE to only that particular recruit
6 relationship -- stock recruit relationship, which,
7 in some respects some people would argue really
8 isn't consistent with the concept of MSE, but if
9 you want your MSE to be consistent with your
10 reference points, it's a question whether that
11 should be constrained.

12 Now it's his opinion anyway, and I guess
13 our Council's opinion that that type of issue
14 would be something that perhaps this working group
15 should talk about, and I'm not sure the other
16 members of the working group agree. But do you
17 know if that's been raised at all?

18 MS. HUNT: I do not know. I don't know.
19 You've stumped me but I will take that question
20 for the record and get back to you.

21 MR. NIES: So I'm batting 250, so there
22 we go. Thank you.

1 MS. McCAWLEY: Are there other
2 questions? Yes, Mike?

3 MR. BURNER: Thank you, Madam Chair.
4 And thank you, Stephanie. And thanks for the
5 difficult, technical work here, it's helped our
6 Council directly. In September, we considered a
7 phased-in approach for one of our ground fish
8 stocks, ultimately decided not to pursue it at
9 this time, but having that technical memo in hand,
10 and having Dan Holland at our SSC certainly
11 helped, and we provided some comments there.

12 Looking ahead to the two papers coming
13 out of the Subgroup 1 regarding BMSY, and the
14 other on total catch accounting, you mentioned
15 summer of 2020. I was wondering what sort of
16 review period there might be there, because not
17 only would our SSC be interested in seeing that,
18 but our full Council as well. And we can start
19 penciling that in for our September meeting, or if
20 June was more appropriate, I wasn't sure.

21 I know it's kind of difficult to look
22 that far out of when exactly those drafts would be

1 ready, but the earlier we can plan, the better it
2 will work for us. Thank you.

3 MS. HUNT: Okay. Thanks for the input
4 on timing. I don't think we have set that kind of
5 a timeframe. I think it is challenging to have
6 like a six-month review process which is what we
7 are dealing with the carryover and phase-in. It's
8 hard to get these things completed with that
9 timeframe. But we can check back in, in the
10 spring and see where we are, and figure out when
11 it's appropriate to get it on your Council
12 calendar.

13 MS. McCAWLEY: Other questions and
14 comments? Yes, Carrie?

15 MS. SIMMONS: Yes. Thank you, Madam
16 Chair. Thank you for your presentation Stephanie.
17 I have question on slide 15, I guess, it's maybe
18 the extra slides you didn't get to.

19 MS. HUNT: Oh.

20 MS. SIMMONS: Can you explain the gulf
21 snapper and grouper-tilefish, IFQ 10 percent used
22 in FMPs carryover?

1 MS. HUNT: No. I definitely can't
2 explain that. That's why I took these slides out.
3 (Laughter) No, actually -- yeah, I haven't
4 studied up on this, and there has actually been an
5 email exchange going on about this example, and I
6 haven't followed it, literally, over the last two
7 days. So, would you like me to follow up on
8 anything else in particular, or did we capture it
9 wrong?

10 MS. SIMMONS: I don't --

11 SPEAKER: No.

12 MS. SIMMONS: Yeah, I'd like to capture
13 your answer, but I'm not sure in the essence of
14 what the guidelines are suggesting is that's
15 really what's occurring.

16 MR. CRABTREE: I think what that's
17 referring to is the provision in the regulations
18 that at the end of a year, if you're on an IFQ
19 trip, and you go over and you can get it to the
20 connector so, it's not a carryover in the sense of
21 unused quota's carryover. And I was kind of
22 surprised to see in there as well. But I'm pretty

1 sure that must be what it's referring to.

2 MS. HUNT: Right, so we did provide a
3 bunch of examples in the tech memo, so we'll take
4 a look at this one. And as I said, there's been
5 an email exchange about it, and I don't know where
6 that landed. So, I'll take a look at it.

7 MS. McCAWLEY: Other questions,
8 comments? All right; thank you, Stephanie, for
9 this presentation.

10 MS. HUNT: Thanks.

11 MS. McCAWLEY: All right. Next up on
12 our agenda is a presentation about the NMFS
13 website. And that is from Rebecca, is it Ferro?

14 MS. FERRO: Yes.

15 MS. McCAWLEY: All right. Thank you.

16 MS. FERRO: Okay. Let's go, and we'll
17 see if it works. Thanks Anjanette.

18 MS. RILEY: (off mic)

19 MS. FERRO: Okay. Thank you. Hello,
20 everyone. Good to see you all again. It's been
21 18 months. I think I had a better view of you all
22 in Sitka, to be honest. But that's okay. And

1 good to know you're ready for happy hour, we are
2 ahead of schedule, so I'll try not to drag this
3 out too much for you, and allow you some time to
4 ask some questions.

5 So, since we were last together, I'm
6 going to give you an update on everything that's
7 we've achieved in the past months, some updates on
8 our customer satisfaction data, where we are at
9 with improvements and how we are prioritizing
10 those, some user testing with our fishermen at the
11 moment that we are working on, and some other site
12 improvements on some of our key landing pages that
13 I think you'll be most interested in.

14 But before we get started, I actually
15 wanted to share a short video that we did this
16 year, for our visitors to help them kind of know
17 better how to navigate this site. Of course when
18 you're changing your site around you move their
19 things around and people have trouble finding
20 things, so we did this video hoping that it would
21 help them with their navigation and search.

22 Is there a play button here Anjanette?

1 It's a short video it's less than two minutes.
2 There's a couple of things that we did to help
3 users find items on the new site, and so we did
4 this video and we also created a site index, and
5 I'll show you that a little later on too.

6 SPEAKER: (off mic)

7 MS. FERRO: Do you want to get down to
8 the footer?

9 (Off-the-record discussion)

10 MS. RILEY: Sorry.

11 MS. FERRO: Can we start from the
12 beginning?

13 MS. RILEY: Yes.

14 MS. FERRO: Thank you. Yeah, everybody
15 is awake now.

16 (Video playing)

17 SPEAKER: Welcome to the New NOAA
18 Fisheries website.

19 (End of video)

20 MS. FERRO: Thanks, Anjanette. Okay, so
21 let's get started. Where are we in the migration
22 process? We are three years in, we are starting

1 our fourth year, we are about 70-75 percent
2 complete.

3 Since we last met, the Pacific Islands
4 Regional Office Science Center, Alaska Region and
5 Center, and Southeast Region and Center have all
6 completed their migrations, they are all in the
7 new site which is actually showing up in our
8 usability research and data from the customer
9 satisfaction surveys that we are getting.

10 And in the works, sites that have been
11 redirected already to the new site but there still
12 a bit more content to migrate, that's the Greater
13 Atlantic Region and West Coast Region, they hope
14 to be finished by the end of this year. And then
15 in the remaining schedule we've got the Northeast
16 Center who -- or which is hoping to wrap things up
17 next March, and the Northwest Center, and the
18 Southwest Center are hoping to finalize and turn
19 off their old sites by August of next year.

20 An update on our goals, we originally
21 were hoping to increase our traffic by 10 percent
22 annually after migrations are complete and we are

1 on track with that actually. We did -- I've
2 checked in with all the sites that have finished
3 their migrations thus far, and since the final
4 migrations for the Southeast Region happened in
5 June, our traffic is up about 10 percent across
6 all the completed migrated sites.

7 The other interesting think that we are
8 seeing is that we have more mobile visitors now
9 than we have in the past. We are up front about
10 25 to 50 percent mobile traffic, and that is
11 likely because this is the first time we've had a
12 mobile-friendly site, and also the Google
13 algorithms in search engines, actually prioritize
14 mobile-friendly sites. So that works out in our
15 favor.

16 Our baseline data for our customer
17 satisfaction score started out around an average
18 of 69 across our sites, back in 2015 it ranged
19 from 49 for one particular site to as high as 76
20 on another site, so we are seeing our score for
21 this current year, 75 plus, and that is actually
22 above -- mostly above the government benchmark,

1 which is 75 for just desktop, and 84 for mobile.

2 And that 5 percent jump between desktop
3 and mobile is actually pretty average trend across
4 all sites. And what I think you'll be interested
5 in though, is our recreational fisherman's scores
6 are up, 74 for desktop, 77 mobile, and where we
7 are still yet -- we still have a lot of work to do
8 is with our commercial fishermen, the score is
9 still about the same, 55 for desktop, but it is up
10 for mobile, so there's some interesting trends
11 there, and I'll drive a little bit deeper into
12 that.

13 You'll notice in the corner up here, we
14 got a Webby Award this year, which is the best of
15 the Internet in the Science category, so we were
16 excited about that. We've also gotten a Muse
17 Award, which is for design, and Acquia Award for
18 government partnership, and just a couple weeks
19 ago, the site got an award for W3, which is
20 accessibility on the Internet. Who knows, maybe
21 there's another award out there, I'm not quite
22 sure, but we are working on it.

1 Here are some interesting Google
2 analytics trends. So this is where you see that
3 our mobile traffic is about half of all of our
4 users, including our new users. What's
5 interesting is the differences you see between our
6 desktop users and mobile users. The desktop users
7 are visiting more pages, that's that third column
8 that you're looking at up there; 4.7 million
9 about.

10 And they're spending more time on pages,
11 so we are putting out a lot more current news
12 feature stories, et cetera, new content coming up,
13 so the desktop users are definitely on the site
14 longer. And that makes sense. If you're on your
15 phone you're mostly scanning.

16 Here's the charts, you see the blue
17 line, is our new site, and then the purple line is
18 the Federal Government benchmark. So you can see
19 that we are mostly above average with Federal
20 Government websites.

21 That's desktop, this is mobile saying we
22 are above the Federal Government average for the

1 most part on mobile trends -- satisfaction trends.

2 This is just quickly to show you our
3 satisfaction scores across the site are pretty
4 consistent from quarter to quarter, folks plan to
5 return to the site, say, information was easy to
6 find, for the most part. There are some
7 exceptions, user exceptions and we'll get there.

8 Here is where we get into our specific
9 audiences. And I apologize, this is hard to see.
10 The bars are actually the number of visitors for
11 each site, so you can see our general public is
12 the biggest bar there, followed by recreational
13 fishermen, followed by students, educators. I
14 think the eighth bar over is our commercial
15 fishermen audience. So our commercial fishermen
16 audience, we had 70 respondents.

17 What you see at the bottom are our
18 satisfaction scores, so there's the line for the
19 2019 scores, and the line for the 2015 scores and
20 we put in some arrows there to show that the
21 customer satisfaction scores across most of our
22 audiences have improved, so, with the new site.

1 So where we still have work to do is with the
2 commercial fishermen, and I'm going to dive into
3 that. So, that's desktop.

4 This is mobile audience, and what's
5 interesting on this slide is that suddenly our
6 commercial fishermen audience has moved from the
7 eighth slot -- the audience in the eighth slot to
8 the number four slot, and the satisfaction score
9 for commercial fishermen in this category jumped
10 11 to 12 points. So that's another just
11 interesting factoid that we've noticed here.

12 So, what are we working on in terms of
13 overall improvements? So, like clearly that we do
14 have some usability issues we need to tackle, we
15 are continuing to look at the 4C satisfaction
16 data, but what we have going on right now, is the
17 user testing with the fishermen, and so we have
18 worked out some specific tasks that we are asking
19 them to complete.

20 We have our user experience experts
21 getting on the phone with them and actually asking
22 them to complete tasks to see how they're doing,

1 how they are moving through the site. We've
2 finished the testing with the Alaska Group, and it
3 was truly a bell curve where we had users that
4 were very happy with the site, users that were
5 very unhappy with the site, and those in between
6 that when, you know, we were asking them to
7 complete a task, it took them a little while, but
8 they eventually found that, and it turns out once
9 they find their page they bookmark their page
10 anyway.

11 So we are taking all that feedback, we
12 are going to be interviewing some recreational
13 fishermen, commercial fishermen for higher
14 charter, both in -- the southeast is next, they
15 are our next group to target.

16 So, once we get all that feedback, we'll
17 take that and start working on improvements to
18 site to address some of the issues that --
19 usability issues that they're having.

20 We are working on search engine
21 optimization, we've had an expert provide us some
22 input and do an audit of our new site to tell us

1 how we should be improving to increase the
2 rankings of our content in search engines, so when
3 our user goes to Google, which 60 percent of all
4 our users come to our site from a search engine,
5 they can enter it in, and make sure that our
6 content is rising on that first page of your
7 results in a Google search.

8 The audit was maybe 50 pages long, those
9 persons, there's a wealth of information and we
10 probably learned more that Google knows more about
11 us than we really want Google to know. So, we've
12 got our work cut out, as far as it could be a
13 multi-year plan, so we're trying to prioritize
14 these improvements now, as we move through the
15 audit.

16 We also had our desktop on mobile
17 usability audits done. Those improvements were
18 slipping in to our sprint process as we go. One
19 of the next big improvements that's on our list to
20 do is overhauling the internal site search so when
21 you go to our site and there's that site bar up in
22 the right- hand corner, and you type something in,

1 we needed it to be more robust.

2 So, for example, users who are trying to
3 find a publication by a particular author, they
4 can enter in that author's name and that
5 publication would pop up. That's how robust we
6 want that search box to work.

7 These are some of the questions that
8 we're asking our fishermen, test subjects I guess,
9 and so just asking them to complete some specific
10 tasks. We worked with our user -- subject matter
11 experts in the Alaska Regional Office to help us
12 devise some questions for our Alaska fishermen and
13 the same for the Southeast. Particularly in the
14 Southeast we know we want to ask some permit
15 questions to make sure that they're finding their
16 permits, and then just other generic questions
17 about their use of the site.

18 So I'm hoping to click into some of our
19 -- thank you, Anjanette. Do you want me to come
20 up there?

21 MS. RILEY: You can stay there.

22 MS. FERRO: Okay. Let's show them the

1 site index. I think that's something new that you
2 all haven't seen. We created this -- you know,
3 you can only have so many links and dropdown menus
4 in the global navigation, so this site index, we
5 just have so many topics that we cover. We
6 created the site index so that users could dig
7 into like some of those sub topics and get to -- I
8 don't know, dive into specific sub- topics.

9 Do you want me to come up to the site?

10 MS. RILEY: Oh. It wasn't showing on
11 the page.

12 (Off-the-record discussion)

13 REPORTER: Use the microphone though,
14 please.

15 MS. RILEY: Can you help us, please? We
16 need to be able to see the website now. Sorry.

17 MR. KELLY: Do you want that on the
18 screen?

19 MS. RILEY: Yes, please.

20 MR. KELLY: Okay.

21 MS. FERRO: Thank you. Okay. So this
22 is -- sorry guys.

1 (Off-the-record discussion)

2 MS. RILEY: Is it working?

3 SPEAKER: Here you go.

4 MS. FERRO: Thank you. All right,
5 technical crisis averted; people. We are still on
6 track for happy hour too, so that's good.

7 This is our deeper dive site index that
8 we created, so you can see we've added additional
9 topics here, we can't -- we don't have room for
10 the -- in the global navigation for all of these
11 topics, so this is a way for users to scan
12 additional topics to click into.

13 The other place where I think you'll
14 find some differences is in our rules and regs
15 landing page. We've reorganized this so that it's
16 organized by our regional -- our regions, and
17 there's links into -- it takes the user to,
18 directly to notices and rules, whether that was
19 open for comment, regulation management plans,
20 bulletins, especially -- all those specific things
21 to regions. And then resources are done here as
22 well, so you can click into your regional

1 management Councils, or other related high-level
2 topics are there too.

3 Under fishing and seafood we've done
4 some updates where we've organized the content
5 better for sustainable fisheries where it's high
6 level, status of fisheries across tier management
7 and science, where I think you'll be most
8 interested to see the changes though in our
9 resources for fishing which takes you to
10 commercial fishing, as well as recreational
11 fishing.

12 So, if I were to click in here, we've
13 got content for commercial fishing, rec fishing,
14 subsistence fishing, and our fisheries by region.
15 This content goes to specific regional landing
16 pages where you can see all the fishing resources
17 that we need there, or other topics as well.

18 Clicking into fisheries by region, we go
19 into a page, each region has a sustainable
20 fisheries page like this one, and it helps users
21 get to specific content. Now each region --
22 content varies from region to region, so there was

1 some -- this allowed some flexibility for each
2 regional office to add the links that they needed
3 to various different kinds of resources.

4 And likewise, you can go into a region
5 and get to this content as well, if you are most
6 likely to search things by region at a high level.
7 So this is another way to get there. Other
8 resources, we've got permits. This is also
9 organized by region.

10 And I think that was mostly what I
11 wanted to share with you all today. I think I'm
12 ready for questions. Do you guys want to see
13 anything else while I'm up here I can?

14 MR. GOURLEY: We need some (inaudible)
15 and the little dots.

16 MS. FERRO: Oh, right here?

17 MR. GOURLEY: The little dots, yeah.

18 MS. FERRO: We need some Mariana dots?
19 I will take that back to our graphic designer.

20 MS. McCAWLEY: Jim? I remember, and she
21 talked about you guys, okay, so it's our turn.
22 Hurry up, quick, let's just look at it then.

1 MS. FERRO: All right.

2 MS. McCAWLEY: So, Miguel?

3 MR. ROLÓN: I'm curious because I'm
4 ignorant about this, but do you know about the
5 management plans in the Caribbean? I have one in
6 Latin, integre accusamos duo (phonetic). It feels
7 like I'm in church. I don't know what this is all
8 about, maybe a mistake, or maybe it's like for
9 something else.

10 MS. FERRO: I'm sorry. Can you repeat
11 the question?

12 MR. ROLÓN: About the management plans.

13 MS. FERRO: Oh, the management plans,
14 okay.

15 MR. ROLÓN: For the Caribbean.

16 MS. FERRO: Let me go looking. Here?

17 MR. ROLÓN: Yeah.

18 MS. FERRO: Management plans, we are
19 missing one?

20 MR. ROLÓN: Yeah, and that one, "integre
21 accusamos duo." What is it?

22 MS. FERRO: Oh, yeah. I don't know.

1 MR. ROLÓN: I feel blessed --

2 MS. FERRO: Oh, it's a test. Good
3 catch. Thank you. We need to get back and look
4 at those, yeah.

5 MR. ROLÓN: (off mic)?

6 MS. FERRO: Yeah. I know it is, it's a
7 place holder, it's one of the original test pages
8 that didn't cleaned out. Sorry about that. We'll
9 delete that.

10 MS. McCAWLEY: Kitty?

11 MS. SIMONDS: So, I noticed that you had
12 a category that said fisheries and sharks. So are
13 sharks not fish? I mean, it's just unusual that
14 you would be -- yes, that.

15 MS. FERRO: It's a keyword, sharks are a
16 keyword that attract a lot of attention,
17 especially for the general public audience, they
18 are part of the same fish group, it's just adding
19 a keyword there.

20 MS. SIMONDS: Yeah, yeah, okay.

21 Political placement --

22 MS. McCAWLEY: Other questions or

1 comments. Tom, and then Eric?

2 SPEAKER: All right, let's see what he
3 says, and I'll see if I can go (inaudible).

4 MR. NIES: Thank you. I guess I've got
5 a question about maybe the design criteria for the
6 webpage. Was there a decision made to remove
7 useful documents? And what I mean by that is
8 that, you know, I've searched for a number of
9 documents that I used to be able to find on
10 various Regional Office web pages. And now it
11 seems like they're not there. Some of them are
12 still available on the Regulations.gov webpage,
13 but that takes a pretty good effort to really dig
14 those out.

15 I mean, an example I used, you know, as
16 Mr. Witherell and I were talking a few weeks ago
17 about supplemental information reports, and I was
18 looking for one from the North Pacific which used
19 to be on the Alaska Region webpage, and now it's
20 not anywhere that I can see, except on the
21 Regulations.gov webpage, which took me, who, I
22 consider a fairly experienced web user, you know,

1 probably a half hour to figure out. So is that a
2 design principle that you adopted not to have
3 things that are on the web somewhere else?

4 MS. FERRO: So, a couple of things that
5 we took into consideration when we started this
6 project. One was as a communications tool, we
7 wanted to focus on current content, and get away
8 from treating the website like a filing cabinet,
9 but that is not necessarily to get away from
10 maintaining important documents that are useful
11 and audiences need to get to.

12 So, we had an inordinate amount of PDFs
13 to migrate over. I think it was like 55,000 PDFs
14 across all of our websites. As part of this
15 project all of those PDFs have to (inaudible)
16 accessible when they migrate into the new site, so
17 that could be an issue that has been slowing folks
18 down, migrating older documents.

19 They're also looking at the traffic to
20 those documents to prioritize what they're moving
21 over, so the most visited documents get priority
22 migration order. I do know a lot of the regional

1 offices are migrating a lot of that historical
2 documentation attached to amendments, and rules,
3 and notices over. So it could be something I
4 would probably check in with the Regional Office
5 and just ping them and let them know that you're
6 interested in those documents.

7 MS. McCAWLEY: Tom?

8 MR. NIES: Just to follow up, and I
9 don't know if this is something that would be easy
10 to do or not. But you know, a lot of times the
11 Federal Register notices from the past, whatever
12 reference to a webpage which no longer exists.
13 And I understand you can't go back and correct the
14 Federal Register, but is there any way that, you
15 know, rather than to file a "not found" answer,
16 there could be something that says -- even
17 something as simple as, go look at the NOAA
18 Fisheries webpage.

19 MS. FERRO: So, there should be a
20 redirect for all old sites, got into the site, and
21 what we've asked our Regional Offices and Centers
22 -- all the office sites to do is to identify

1 redirects, specific redirects that we would want
2 to put in place. And that could be what's so
3 needed is to determining some extra redirects that
4 maybe need to go to a specific place on the new
5 site.

6 MS. McCAWLEY: Any other questions or
7 comments? Eric?

8 MR. REID: Yeah, I mean I'm not the --
9 when it comes to computers I can beat the hell out
10 of it, because I don't know how to use it half of
11 the time, but it's a little bit hard to navigate.
12 I mean, the website is beautiful but, you know,
13 I'm trying to do it right now, and if I put in
14 fish and sharks, and I put menhaden for New
15 England, and the Mid- Atlantic, and I put find
16 results, I get, no species match your filter
17 criteria.

18 I figure menhaden was a pretty simple
19 one, that's what it is. I looked for -- was it
20 Bocaccio, because I don't know anything about
21 Bocaccio. But I couldn't find anything about that
22 either, it's a little bit hard just to get through

1 it. You know, I look for landings data, that's my
2 big thing, and it's really hard to find.

3 MS. FERRO: I don't know if I spelled it
4 right, but I will tell you that we don't have all
5 of the fish species in here, what we started with
6 was -- were all the species that were on
7 FishWatch.gov, so now the regions are trying to
8 prioritize the next layer of -- level of species
9 that need to be migrated in, and they have to
10 create profiles for all those fish species, so
11 that's might be why this one doesn't have a
12 profile yet.

13 MS. McCAWLEY: Okay. Other questions or
14 comments about the site? All right, yes, Marcos?

15 MR. HANKE: Thank you. Thank you very
16 much for taking into consideration most of the
17 recommendations at Sitka; thank you very much.
18 The only thing is that I tried to put the hat of
19 people that have never been into fishery, right?

20 MS. FERRO: Mm-hmm.

21 MR. HANKE: We have to assume that they
22 know that the Caribbean Council, and other

1 Councils under this region. I remember very clear
2 that we discussed the need of having a Council
3 bottom, direct button, or something to press up
4 ahead in order to facilitate the Council -- to
5 fine a Council.

6 The Caribbean is still a little bit
7 deeper into the weeds to find it, and I can see
8 many people not finding us, on this scheme, even
9 it got way better, and I want to say thank you, to
10 you.

11 MS. FERRO: Okay. Thank you. We've
12 tried to put the links to the Regional Fishery
13 Management Councils in a lot of different places,
14 so like on our old site we have our Fishery
15 Management Council, this is the first tab here
16 under Partners, but then there are multiple ways
17 to get to our -- to get to the Regional Management
18 Council's -- that we've added to all of the tabs
19 here, I think. So, every single one, including
20 here, so what would happen is, if we click in --
21 let's just try to find -- I'm going to try then,
22 Southeast page, let's do that.

1 So, the Southeast we've got three
2 management areas, the Caribbean, South Atlantic
3 and Gulf of Mexico. So this is our Caribbean
4 landing page, and I'm thinking somewhere on this
5 page, right there, is a link to the Caribbean
6 Council webpage. So, it takes the user first to
7 the Caribbean content that Fisheries offers, and
8 then we should have a link to the Council on that
9 page. Does that work for you?

10 MR. HANKE: For me it works, but I'm
11 just putting the hat of somebody that has never
12 been into the site, they don't know that NOAA is
13 divided -- they have partners so they have the
14 Southeast, and different regions, you know, and on
15 our neck of th woods people know that the Council
16 is there, because this is the meetings that they
17 are attending. They're going to look for
18 Councils, for Caribbean, CFMC Council in our case
19 and --

20 But anyway it's much better, it's very
21 functional. Thank you very much.

22 MS. FERRO: You're welcome. I just

1 typed in "Councils" just to see what would come
2 up, and it takes -- recommends the partner's page,
3 but then takes you directly to the Regional
4 Management Councils too.

5 MR. HANKE: Thank you.

6 MS. McCAWLEY: All right; other
7 questions or comments? All right, Rebecca, thank
8 you so much for the presentation.

9 MS. FERRO: Thanks everyone. I'll take
10 your comments back, and add to our list of
11 improvements.

12 MS. McCAWLEY: All right. Unless
13 there's any other business for today, we are going
14 to adjourn for the day, and we will convene again
15 in the morning at 8:30. Gregg has an
16 announcement.

17 MR. WAUGH: During the CCC Committees
18 and Workgroups, we'll be leading off with the
19 Habitat, and I don't think there are any action
20 items there. Communication Group, there won't be
21 any, but we sent around some revised language that
22 Mike put together as requested on the electronic

1 monitoring, so please look at that. We'll be
2 looking for some CCC action tomorrow.

3 And then the CMOD, the Fishery --
4 Regional Fishery Management Forum, I don't believe
5 we made a final decision on that. So, look that
6 stuff over, the cost information, and we'll want
7 to pick that up. And then finally the terms of
8 reference, take a look at that. There are some
9 changes there we want to approve that. That will
10 help us move along more quickly in the morning.

11 Thank you, Madam Chair.

12 MS. McCawley: Thank you. Any other
13 business for this afternoon? All right, then we
14 stand adjourned for the day.

15 (Whereupon, at 4:46 p.m., the
16 PROCEEDINGS were continued.)

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CERTIFICATE OF NOTARY PUBLIC
DISTRICT OF COLUMBIA

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



Notary Public, in and for the District of Columbia

My Commission Expires: March 31, 2022

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COUNCIL COORDINATION COMMITTEE MEETING

Silver Spring, Maryland
Thursday, November 7, 2019

- 1 PARTICIPANTS:
- 2 PHILIP ANDERSON
- 3 PFMC
- 4 JIM BALSIGER
- 5 Alaska Region
- 6 MEL BELL
- 7 SAFMC
- 8 TONY BLANCHARD
- 9 CFMC
- 10 MIKE BURNER
- 11 PFMC
- 12 JOHN CARMICHAEL
- 13 SAFMC
- 14 ROY CRABTREE
- 15 South East Region
- 16 DALE DIAZ
- 17 GMFMC
- 18 WARREN ELLIOTT
- 19 MAFMC
- 20 DIANA EVANS
- 21 NPFMC
- 22 TOM FRAZER
- 23 GMFMC
- 24 JOHN FROESCHKE
- 25 GMFMC
- 26 MARC GORELNIK
- 27 PFMC
- 28 JOHN GOURLEY
- 29 WPFMC

1 PARTICIPANTS (CONT'D):

2 MARCOS HANKE
CFMC

3
4 NICOLE HILL
Western Region

5 ADAM ISSENBERG
NOAA GC

6
7 SIMON KINNEEN
NPFMC

8 MIKE LUISI
MAFMC

9
10 JESSICA McCAWLEY
SAFMC

11 CHRIS MOORE
MAFMC

12
13 TOM NIES
NEFMC

14 CHRIS OLIVER
NOAA Fisheries

15
16 MIKE PENTONY
North East Region

17 JOHN QUINN
NEFMC

18
19 SAM RAUCH
NOAA Fisheries

20 ERIC REID
NEFMC

21
22 ALAN RISENHOOVER
NOAA Fisheries

1 PARTICIPANTS (CONT'D):

2 MIGUEL ROLÓN
CFMC

3
4 CARRIE SIMMONS
GMFMC

5 KITTY SIMONDS
WPFMC

6
7 MICHAEL TOSATTO
Pacific Islands Region

8 BILL TWEIT
NPFMC

9
10 JENNI WALLACE
NOAA Fisheries

11 GREGG WAUGH
SAFMC

12
13 CISCO WERNER
NOAA Fisheries

14 DAVE WHALEY
CCC

15
16 DAVID WITHERELL
NPFMC

17 Other Participants:

18 EVAN BLOOM

19 RUSS DUNN

20 TONY FRIEDRICH

21 SARAH HEIL

22 KIM IVERSON

1 PARTICIPANTS (CONT'D):

2 BRIAN PAWLAK

3 ROGER PUGLIESE

4 ANJANETTE RILEY

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

2 (8:36 a.m.)

3 MS. MCCAWLEY: All Right. We are going
4 to get going. We are on the final day of our
5 meeting here and I'm going to move right into the
6 management and budget update. NOAA geographic
7 strategic plans and I believe that's Brian Pawlak.

8 MR. PAWLAK: Thank you. Give me a
9 second to get to that presentation set up here.
10 Can you guys hear me okay?

11 MS. MCCAWLEY: Yes.

12 MR. PAWLAK: Okay. I can't tell from
13 where I'm sitting if that's picking up or not so.
14 And let me just test drive the clicker before we
15 -- okay good. All right.

16 Well, thank you. Thanks for invitation
17 for to be able to talk to you guys today about
18 budget. I know you have had probably two long
19 days and now starting out early morning with
20 budget. Its, I don't know if that's a good or bad
21 thing for me but appreciate the opportunity to
22 talk to you.

1 I know Paul Doremus and I switch back
2 and forth on doing this at this different
3 meetings. Glad to go over where we are at the FY
4 '20 budget here and we will do some of that
5 through this presentation. We will get
6 specifically where we are at Council funding
7 status and where we are with the new grant process
8 and your current grant process. So some of those
9 slides are toward the end of just where you sit at
10 your funding levels and what we think your '20
11 funding levels will be.

12 Just, we have one last kind for landing
13 slide on geographic strategic plan if folks want
14 to talk about that anymore and we will just tell
15 you what the next stage is rolling out for that.
16 And also in here in the presentation if you've
17 been reading ahead or looking ahead, we are going
18 to talk a little bit about just how we have been
19 characterizing the Council budget and the funding
20 that you get from NOAA Fisheries and demonstrating
21 how we want to take some of that detailed -- the
22 way in the past we have conveyed in detail some of

1 those budget lines and roll those up into more
2 common budget lines and no change in funding
3 levels based on that, just a demonstration and a
4 display of how we display the budget.

5 And I'll spend some time on that and go
6 back and forth on some slides there to demonstrate
7 that so that's clear to everyone what we are
8 trying to do with that. So again, thanks for the
9 invitation and just where we stand within the
10 federal budget and where we are in the budget.

11 I know many of you have seen before, I
12 know there is some new faces around the table as
13 well so this might be really old news for some,
14 and may be new to others. But with the federal
15 budget timeline, we are typically always operating
16 in three years if not even four years at a time.
17 We have obviously just finished FY '19 but we
18 actually still have some FY '19 funds to execute
19 and things to clean up there. FY '20 we have the
20 House and Senate marks which we will talk about
21 here in some detail. We are currently under a CR
22 as you all know till November 21. And in the

1 middle of FY '20 execution even though not quite
2 with a full appropriation yet.

3 On FY '21, we have already briefed OMB
4 on the Department of Commerce submission that the
5 Department of Commerce proposal that OMB will
6 consider and then draft into a President's budget
7 for tentative release in February. And there is
8 actually even some early discussions going on from
9 the administration on soon seeing guidance on
10 preparing of the FY '22 budget.

11 So a number of budgets going on at any
12 one time. Overlapping budgets and conversations
13 about any fiscal year. What makes the discussion
14 on budgets sometimes confusing and creates a
15 misunderstanding is, you know, what budget year
16 are you talking about? Are you talking about a
17 budget year of already enacted level, are you
18 talking FY '20 which is a House and Senate mark in
19 a president's budget which could be three
20 different numbers. Three different sets of
21 directions in that any given year of budget.

22 But nothing enacted yet so you have a

1 lot of, you know, potential different numbers,
2 different direction, different conversations about
3 the same pot of money but at different funding
4 levels and what have you and then you've got the
5 planning components. So it definitely can be
6 confusing at times, challenging to communicate
7 where you think you are with the budget and
8 keeping track of just the different years and then
9 in any given execution year like we are right now,
10 waiting for a full appropriation.

11 Again, I think this group have seen this
12 slide from me many times before. It's just an
13 outline and characterizes the flow of the budget.
14 I think most important for this group is what we
15 tend to refer to as the three A's of budgeting.

16 The appropriations, so we first need our
17 appropriation from Congress. Budget needs to
18 provide the funding to the agency. After
19 appropriation, we need an apportionment. That's
20 OMB has to sign, basically signs a document that
21 allows us to legally use those funds. So once we
22 get our apportionment, or sorry, an appropriation,

1 we are required to have an apportionment from OMB.

2 Before we get to the bottom of the slide
3 here, an allocation to our individual FMC's or an
4 allotment to the Fisheries Management Council
5 grants and out the door. And I just flag this
6 slide as we often get questions, I get them from
7 my own fisheries leadership and staff. Why does
8 it take so long to get me the money, Brian, what
9 are you doing? We have got a bill signed a long
10 time ago or what are you doing? You guys at OMB
11 are so slow.

12 The process really takes a lot of time.
13 Sometimes apportionments sit at OMB for 30, 60
14 days, even longer. It's a process we keep trying
15 to push on that you might have been hearing about
16 increases or desires for changes in budgeting way
17 into formulation change even before you have had a
18 budget appropriated. So there is many steps in
19 the process.

20 We have been pretty good as of late
21 particularly with our grants management team of
22 trying to speed up how we get our allocated budget

1 and how we get funding out to the Councils. Years
2 past we had restrictions, some of that OMB's
3 interpretation, some of that our NOAA grants
4 office interpretations on what we could put out
5 the door, how fast we could put money out the
6 door.

7 And I think you will see here at the end
8 and when I get through some of the detail and
9 you've seen in past years, we've been pretty
10 successful in getting money out the door quicker
11 to you, not leaving you close to the edge of
12 running out of your current year award and
13 planning ahead and we have some I think good news
14 on that front this year as well.

15 This graphic here is just a snapshot of
16 NOAA Fisheries budget. Since you last were here I
17 think with Paul Doremus speaking in May, where you
18 see both the House and Senate marks for the '20
19 budget, and that's just reflected in here, just to
20 quick orient you to the slide.

21 Got a 2018 enacted budget on the left
22 here. We have the '19 omnibus enacted budgets.

1 President's budget, the proposed budget, third
2 column in and then you have the House mark and
3 Senate marks. So we like laying out this just
4 graphic picture here so you can just kind of see
5 in the big bins at the program level on our
6 habitat, enforcement, fish management, protected
7 resources and some of these kind of unique funds
8 up here, just where we stand at the different
9 levels from the different stages of budgeting,
10 kind of pointing to my first point we are
11 operating in multiple budgets at any given year at
12 a time.

13 And what you're referring to at any
14 given time makes a difference as to the amounts
15 and such available. And the graphic here is just
16 meant to convey which is more, most clearly seen
17 kind of in this Fish Disaster Mitigation Fund
18 where the enacted budgets we have some funding,
19 President's budget removes that, House mark puts
20 something back in, Senate doesn't. Just trying to
21 give you kind of a scale, a scope of in these
22 programs and in these bar graphs here where you

1 stand.

2 What is I think clearly evident in the
3 House and Senate marks which we have seen since
4 the start of this administration in the budgets
5 proposed by the president, House and Senate is
6 basically rejecting any proposed reductions that
7 the president's budget puts together. And in many
8 cases, you will see not only are they rejecting
9 the decreases and you will see most notably there
10 kind of Fish Science Management, decrease in
11 Pacific Salmon Recovery Fund.

12 House and Senate are rejecting those
13 proposed decreases and you can see just again just
14 for ease of pointing it out, House and Senate
15 marks are actually even putting more money in
16 enacted year after year so we are getting, you
17 know, slight bumps up, bump ups even though the
18 president's budget keeps proposing reductions in
19 decline in the budget.

20 We will highlight some of those here in
21 the next couple slides, what those specifically
22 are. Other interesting or trend that you don't

1 see it here in this slide but trend with both
2 House and Senate mark this year and my staff can
3 yell at me if I get the number wrong, but I think
4 we have over 100 pieces of language, Congressional
5 direction or report language required so we are
6 getting a lot of -- so good news is we are getting
7 some increased funding, that's always good for us
8 in executing our mission.

9 We are also getting a lot of
10 Congressional direction, some of that is shalls,
11 some is that you should. Some shalls are, you
12 know, requirement you must do. Shoulds, you need
13 to consider. We are getting a lot of input
14 through the House and Senate marks in the
15 Congressional language on suggestions of where to
16 put that funding. A lot of expectations of how to
17 use that funding.

18 So we appreciate the increases. Glad to
19 always have them and glad to follow the directions
20 Congress gives us but that does encumber our
21 budget meaning we need to make sure we adhere to
22 that Congressional direction. We need to often

1 work with Congress to figure out what some of that
2 Congressional direction means because it is not
3 often clear what the intent of the language is and
4 that's just a challenge in working through the
5 budget environment we are in and it can set
6 different expectations when yourselves or other
7 constituents see the large increases and want to
8 know why certain things aren't happening or why
9 couldn't you work on this effort or fund that
10 project? Again, a lot of that is increases that
11 come with direction on how to spend that.

12 So specifically, this is the House and
13 Senate mark side by side for FY '20. You can see
14 where I didn't pick every single change out and I
15 initially won't go through every single change
16 here, I'll highlight a few.

17 But first, just to flag one most of
18 interest to this group, Regional Councils
19 Commissions in the House mark was funded at, this
20 is our total budget line, I should step back
21 first. Total budget line here for regional
22 Councils and commission (inaudible) funds. The

1 regional Councils, the commission and some other
2 interstate activity.

3 So that budget line is up at 41.5
4 million. That's a 1.3 million increase above FY
5 '19. The President's budget did ask for an
6 increase in this budget line for the Councils
7 specifically so this increase we are interpreting
8 right now as reflecting an increase to the
9 Councils because that's what was requested by the
10 budget.

11 But looking right next door to our other
12 side of the Capitol Hill here, Regional Council's
13 Commissions is basically level funded at 40.2
14 million. I'll highlight some of the specific
15 language in a couple slides so I won't, towards
16 the end here so I won't go through that now.

17 But again to my point earlier, some
18 specific language provided with the funding there
19 that requires us to look at how we spend some of
20 that funding.

21 Doesn't affect everyone in the room
22 obviously but where there is some kind of a big

1 signals from the Hill just in terms of total
2 dollars is in salmon management and this is a,
3 our, the budget line if folks track the budget
4 lines this is our salmon management activities
5 budget line.

6 So the House mark is putting this at \$37
7 million, same as its been in the past. But they
8 give us a new budget line to address specific
9 salmon commission and treaty issues at \$30
10 million, so quite a huge in dollar in proportion
11 to our budget statement from the House.

12 On the Senate side, they did not give us
13 a new budget line but right within that salmon
14 management budget line where that activity is
15 generally funded, they also added \$19 million for
16 salmon -- Pacific salmon treaty issues and salmon
17 commission, Pacific Salmon Commission.

18 MR. OLIVER: Can I ask a question?

19 MR. PAWLAK: Yeah, sure.

20 MR. OLIVER: So --

21 MR. PAWLAK: Yeah, anyone, please feel
22 free to ask questions all the way through here

1 too.

2 MR. OLIVER: Specific to the Pacific
3 Salmon Treaty, both the House and the Senate
4 provided specific funding so the 30 on the one
5 side and the 19 over FY '19 on the Senate side --

6 MR. PAWLAK: Yep.

7 MR. OLIVER: That '19 was specific to
8 Pacific Salmon Treaties?

9 MR. PAWLAK: Yes, there is --

10 MR. OLIVER: So the both included an
11 increase or yeah?

12 MR. PAWLAK: Yep, yes.

13 MR. OLIVER: Okay. So that's what --

14 MR. PAWLAK: Yes, so I don't -- we don't
15 have the language up here but there is language
16 specific for Pacific Salmon Treaty and that's hard
17 to say fast. Specific for pacific salmon. Yeah,
18 yeah, I haven't had enough coffee or have a beer
19 and try to say that so.

20 Couple other small increases for Pacific
21 salmon with HGMP's that has to deal with hatchery
22 issues. Aquaculture which tends to be a focus or

1 interest of many on the House side is below the FY
2 '19. But again with language we will have to
3 interpret how we meet this directive within our
4 aquaculture budget across NOAA, not just NOAA
5 Fisheries but that we ensure there is \$10 million
6 being spent on shellfish research.

7 So this is just some of the challenges
8 the budget and language we have to go back and
9 make sure across NOAA that we are spending that,
10 that we, you know, and very likely we are probably
11 already spending that across NOAA. If not we have
12 to figure out and at least document how we do that
13 kind of thing.

14 And then in aquaculture on the Senate
15 side, small increase recognized within the
16 aquaculture but again, very specific language on
17 what they think we should be doing with it here
18 regarding regional pilots which is grants out the
19 door and off bottom aquaculture research which has
20 been, that language has been there at least two or
21 three years.

22 Again, just quick going through House

1 and Senate mark, kind of some distinctions. Gulf
2 of Mexico gets a lot of attention obviously in the
3 House and Senate marks as of late particularly
4 related to red snapper. Again with the House
5 mark, we have got 1.5 million directed for
6 independent alternative stock assessment
7 strategies in South Atlantic. Have to determine
8 how to meet that. We have \$10 million for
9 development to implementation of electronic
10 logbooks in the Gulf of Mexico and South Atlantic.

11 Senate mark, won't read every piece to
12 you here but its similar language. Some of this
13 we have seen in the past as well. And I think
14 unique this year because I don't think this was
15 here last year, I think it was here a couple of
16 years ago. This is not within NOAA Fisheries
17 budget but within OAR's budget and Sea Grant has
18 an increase specifically for Gulf of Mexico work
19 as well.

20 Enforcement, again the president's
21 budget as we have talked about here before has
22 proposed elimination of the joint enforcement

1 agreement so the cooperative agreements with
2 states. The House or Senate have rejected those
3 proposals since we have been proposing that.
4 That's the funding level here for enforcement with
5 some attention in funding increases for a Seafood
6 Import Monitoring Program and the Senate kind of
7 is similar but not quite exact attention to
8 enforcement.

9 So again, present that as just where we
10 sit. House and Senate mark, waiting for a budget.
11 See if there is a full year CR, see if there is an
12 omnibus. If the House and Senate do not come
13 together and produce a final budget, they often
14 just leave us with the language with both the
15 House and Senate mark and then it's what usually
16 the language in the omnibus then is that both sets
17 of language apply and where it confusing you need
18 to figure it out.

19 So that's what the agency spends a lot
20 of time then if it's unclear or if there is a
21 direction for a certain amount of funding but then
22 they don't provide that funding, it gets where

1 that's where, you know, NOAA Fisheries and my team
2 has to get together, put our heads together and
3 figure out what does that language mean?

4 How do we interpret that language when
5 there maybe is no proof of funding provided but
6 they asked, they set expectations on the funding
7 level and that's the kind of the devil in the
8 details and some reasons why it takes a while to
9 get the funding out the door once we get an actual
10 budget in place?

11 So I think I just put this slide up here
12 just to remind you where we are. We are in a CR.
13 The President's budget back in March, House mark
14 was in spring, summer. Very recently just had the
15 Senate mark and we are actively in the CR. Hoping
16 that ends, not hoping because it will end. Hoping
17 that ends with at least another CR, a full budget
18 here at the end of November.

19 So here I want to shift a little bit,
20 this is a little different than just the routine
21 budget presentation we have been giving to you
22 guys in the years past. Is go over our budget

1 structure a little bit and how that budget
2 structure relates to the funding you receive and
3 where you receive funding within our budget
4 structure. And then present here in the next
5 couple slides and I'll be glad to go back and
6 forth here as well some of the changes we are
7 presenting, really what is on the display of the
8 budget.

9 So what we have here is our NMFS budget
10 structure. And basically what this is, I know
11 hard to read from far away. These are the budget
12 lines, these are the PPA's for the technical
13 terminology. This is where each one of these
14 lines here, I think there should be 14, this is
15 where we get that budget appropriated from
16 Congress.

17 So when Congress gives us the budget,
18 its put into these budget lines, under these big
19 program mission activity categories under
20 protected resources, this suite of budget lines,
21 fisheries management science, that's suite of
22 budget lines which regional Councils is right in

1 here. Enforcement only has one budget line,
2 habitat only has one budget line. So this is the,
3 our budget structure.

4 This is the form and context for which
5 we request budget and where we get funding into
6 the agency and we have to adhere to spending with
7 the direction with each one of these budget lines.
8 So for most of you probably in the room that's
9 pretty familiar conversation and understanding.

10 Going back and forth here with the great
11 tricks of power point, flashing back in here in
12 red here, these three budget lines flagged in the
13 red boxes now which I can't even read from that
14 far away. I have to look at my notes. Fisheries
15 data collection surveys and assessments, the top
16 budget line. Fisheries management program and
17 surveys, the middle budget line and the one you
18 are all most familiar with, Regional Council and
19 Fisheries Commissions. Those are the three budget
20 lines where primarily your base funding, core
21 funding has been coming from NOAA Fisheries.

22 So you generally don't get protected

1 resources money, habitat conservation, enforcement
2 money. The base money when we present the Council
3 table here every year is from that, those three
4 budget lines.

5 And so moving to the next slide, next
6 display, this is the table you are all very
7 familiar with. Each Council across the top, the
8 source of funding, down the side here. And so
9 highlighted in red here with the red arrows that's
10 the three budget lines I just showed you from the
11 last slide. You've got your Regional Councils
12 budget line PPA, Fish Management programs and
13 services PPA, and fisheries data collections
14 survey and assessments PPA.

15 So that's really the source, that's the
16 appropriate source. These three highlighted with
17 kind of the red arrow here. That's the three
18 appropriated sources of funding that the Councils
19 get money from on the base funding in this table
20 that we go through every year.

21 These budget lines well, I shouldn't
22 even call them budget lines because they're not

1 budget lines. This outlined activity here in the
2 middle which I think I have a cool graphic to show
3 you that activity. There we go. So that activity
4 all mailboxed in the big red where you also have
5 been receiving funds for we went back and looked
6 at the history. Some of these I think are 13
7 years running. It's definitely I think at a
8 minimum 10 years running in these amounts. I
9 don't know if the amounts have been the same. But
10 from these budget lines it has been about 10 years
11 running. And I keep saying budget lines but I'm
12 going to correct myself because the thing is these
13 are not budget lines.

14 This is activity, these are definitions
15 that I think in the past NEPA for example was a
16 budget line. I think it was an earmark at one
17 point. Some of these might have been earmarks at
18 other time from Congress so Congress put them in.
19 They created a budget line by giving us this
20 earmark.

21 But these are our own creation. This is
22 our own documentation. This is our own accounting.

1 These don't really tie to anything in the budget
2 or anything in the system. A record of accounting
3 because these things are just our own method of a
4 tracking or sorry, of a tracking, of tracking with
5 all the funding coming from this top line for all
6 of these activities.

7 So again I'll just do the real quick
8 graphic here. You have got the graphic here. You
9 have got the set of budget lines, the three
10 primary ones that support the Councils and the
11 base funding through your annual award. The three
12 highlighted in red are the appropriated budget
13 lines. Big box around the titling that we have
14 largely invented, in some cases completely
15 invented, this is actually a detailed budget line
16 for us.

17 So it's a mix and match here. Things
18 where we have kind of made up for tacking and
19 things that are actually kind of budget lines but
20 it's a mix and match all coming from the same
21 sources, funds, of those three budgeting lines.

22 So what we are doing in NOAA Fisheries

1 is we want to collapse all that information and
2 presented in that detailed tracking, in those
3 detailed budget lines and roll that up into if you
4 follow my pointer here, just roll that into the
5 top line where we actually see the appropriation.
6 So again I'll just do the magic of power point
7 here.

8 We are talking the detailed budget
9 lines, sub level, below the budget line that we
10 get appropriated funds in, again naming
11 conventions, don't know how they evolved. Same
12 earmarks, some not, some we might have just came
13 up with as activities that was in the grants.
14 Capturing all the data or capturing all the
15 funding in those budget lines, basically rolling
16 that up into the key budget line where that source
17 funding is.

18 So not changing funding at all, not
19 changing distribution, just capturing and
20 simplifying the accounting and tracking of that
21 because it is, again it's their own creation and
22 just creating a base funding for you which is,

1 this is really your base funding out of these
2 three budget lines. And as Chris has often
3 referred to it, taking these programs and just
4 putting it into the base.

5 MR. OLIVER: That was, I was going to
6 just elaborate on that because those six or seven
7 within the box for 10 or 13 years have been what's
8 affectionately referred to as the crumbs or the
9 soft money that was sort of optional for NOAA to
10 give to the Councils. And so many Council CCC
11 members for many years argued that those should be
12 rolled up into the base and so that's essentially
13 what we are doing.

14 MR. PAWLAK: Yes, yes. Again, I'm
15 spending a lot of time on this because budget
16 convention and unless you are dealing with these
17 tables all day this might be really confusing.
18 Maybe it's not if you're living in this all the
19 time and are real familiar with it. So I don't
20 mean to be patronizing but I do want to in detail
21 here but I know at least my staff looks at these
22 tables all the time. You guys may not so I'm not

1 trying to over simplify it here.

2 MR. OLIVER: And just one other item,
3 the base is a traditional long standing formula
4 but by rolling these other times into the base, we
5 are not changing that formula, we are keeping that
6 proportion of those crumbs by each Council.

7 MR. PAWLAK: Correct.

8 MR. OLIVER: Those don't change.

9 MR. PAWLAK: Yep. That's, yeah and as
10 Alan's whispering here, some of the crumbs were
11 actually distributed by formula into separately.
12 Yeah, yeah, yeah, yeah, yeah so we shouldn't call
13 them crumbs. It's money. It's real money.

14 So what it ends up looking like in the
15 end after we do all that, those maturations, you
16 end up with your new Council stable, same table,
17 new look. You got your three key budget lines
18 rather than the detailed break out. You'll see it
19 presents in this format.

20 All the expectations that you still have
21 all those activities, you still have all that work
22 to do, but I think you know, we are probably

1 weren't being not that we didn't have integrity,
2 we weren't probably being totally honest in that,
3 you know, ACL limitation where we are actually
4 spending 51,000 in that, you know, maybe it was
5 52, maybe it was 49. You know, this implies it a
6 level of detail and accuracy that maybe wasn't
7 there. It is accurate and that's what we were
8 giving you but it's maybe not what you were
9 spending that area.

10 So it provides a little flexibility,
11 just from its your base funding, it's yours to
12 direct and figure out how to meet all your
13 requirements and all those requirements I'm sure
14 still stand but it's a summed up, rolled up way of
15 just presenting it and characterizing it.

16 Again, to Chris has kind of already
17 flagged the key reason why we are looking to
18 simply the table is just to make it consistent
19 with our base budget and what we have in our
20 tracking and our appropriation. Same level of
21 tracking for everyone. It reduces a lot of
22 tracking at that detailed level which there is no,

1 it's nothing in the system, a record for us. It's
2 just, it's our own creation.

3 It also simplifies the awards of grants
4 for each one of those individual activities, at
5 least in theory, don't know if that's was
6 happening or not. There should be a statement of
7 work or I might be using the wrong phrasing,
8 statement of activity for each one of those
9 activities that are listed. Not sure if were
10 adhering to that but again, it just simplifies
11 awards and grants because you don't have all the
12 separate accounting and speaking to every
13 accounting for every one of those six budget
14 lines. You just have to speak to the accounting
15 to the three budget lines.

16 So I'll stop there just because I, you
17 know, and Gregg was talking to me up front, making
18 sure folks understood that. Any questions on the
19 or more explanation needed as we got it up here
20 and, you know, walked through and going to --
21 hopefully I wasn't trying to imply that it was so
22 complicated that I did it three or four times but

1 I know if you're not in there every day it can be.

2 MS. MCCAWLEY: Gregg?

3 MR. WAUGH: Thanks, Brian, and thanks,
4 Chris, for your clarifying remarks too. So this,
5 these items are what we use to refer to as add ons
6 and of course you're subject to each year whether
7 you are going to get it or not.

8 And it seems like by moving them up to a
9 part of the base budget, we are in a stronger
10 position for getting those funds in the future.
11 Is that a proper interpretation?

12 MR. PAWLAK: I mean, I think so. I
13 mean, again, it's what we have called the soft
14 money. I mean, it has been 10, 15 years, hard to
15 call it soft money even. I think to me just
16 (inaudible) I think there is scrutiny with it just
17 putting the base net what you need.

18 I think every time you list one of those
19 things you potentially get scrutiny over what's
20 the dollar level, are you doing that activity
21 versus you have your base funding, that's that you
22 need to do your base operations. I think that's

1 stronger than itemizing everything. So I think it
2 makes that, your point, Gregg, more solid.

3 MS. MCCAWLEY: Anyone else? Questions,
4 comments, yes, Tom.

5 Mr. MR. NIES: Thank you for your
6 presentation, Brian. I'm going to use the term
7 add ons because Gregg pointed that out. Not all
8 of the add ons are distributed by the Council
9 percentage formula. How will that be tracked in
10 the future? If you look at it, there are several
11 of them that go to some Councils and not others
12 because for various reasons and I'm curious how we
13 will keep track of that distribution if we not
14 reporting it here?

15 MR. PAWLAK: Right. No, well, so my
16 understanding this might be something Alan needs
17 to jump in. This has been steady, meaning the
18 same, for years. So my assumption here unless
19 someone wants to correct me is that these amounts
20 then would be the similar, the same.

21 So it's not necessarily tracking these
22 individually anymore. Its tracking at that dollar

1 level at the base. Does that make sense? Yeah,
2 Alan is saying which I know you were asking what
3 happens if the base appropriation changes and
4 that?

5 MR. NIES: Well, if you look at the
6 Council peer review line for example.

7 MR. PAWLAK: Now let me go back where we
8 can see that a little more clearly even so. Yep.

9 MR. NIES: There may be another one
10 that's a better example, I don't know. But
11 anyway, if you look at the Council peer review,
12 you can see that some Councils don't get any
13 dollars for this for various reasons that are, we
14 all know now because we are familiar with it.

15 But I guess what I'm concerned about it
16 if you eliminate these lines and funding goes up
17 or goes down, how will adjustments made with these
18 lines and how will they be transparent to us as
19 per what the reasons are?

20 MR. PAWLAK: Yeah. Alan says he's going
21 to try to --

22 MR. RISENHOOVER: All right. So there

1 would be two ways to do that. One time you could
2 take those differential ones off the top. So the
3 peer review ones for example so whatever the
4 Council lines budget is, you take those off the
5 top and then what remains you split by the
6 formula.

7 The issue would be exactly what you're
8 pointing out. What if that changes? So if the
9 number goes up, do the peer review ones go up?
10 The number goes down, do those peer review ones go
11 down proportionately? So that would be a decision
12 at a later thing that I think Brian would talk to
13 you all about.

14 MR. PAWLAK: Yeah and I think we are
15 saying the same thing. The further we step away
16 from why this funding was this amount in the first
17 place, it becomes just your base funding. So I'm,
18 I don't know your business as well as obviously
19 you all do so I just make something up here.

20 If all of a sudden the Gulf of Mexico
21 needed Council peer review and they thought they
22 had to do it for whatever reason, they have their

1 base funding to make that decision. If someone in
2 mid Atlantic, I'm trying to think of someone who
3 has it now. New England has peer review and you
4 decide you don't need to do peer review anymore,
5 it's in your base fund to make that discretionary
6 decisions and that would be reflected in your
7 grant and what you planned to do is ultimately the
8 further you get away from these things there may
9 not be affinity to why it was given in the first
10 place.

11 MS. MCCAWLEY: Tom.

12 MR. NIES: Thank you I think. I'm not
13 sure I compete follow that explanation. When you
14 refer to this as being part of our base, many of
15 these add ones have been flat for a number of
16 years. So are you saying that the total dollar
17 value is something we should count on as much as
18 you can count on anything in the budget process
19 obviously.

20 MR. PAWLAK: Yes.

21 MR. NIES: Or are you saying that I
22 don't know what your total Fisheries Management

1 PPA amount is but are you saying that the Councils
2 can count on the same percentage of your Fisheries
3 Management PPA going forward? Or are you saying
4 these fixed dollars are now part of our base?

5 MR. PAWLAK: Yeah. I don't think this
6 was ever set on a percentage so I think I would be
7 fixed dollars and again, I think these dollar
8 amounts have actually been fixed for like 5, 10
9 years. It's a long time.

10 MR. NIES: Correct.

11 MR. PAWLAK: So it's, so it's not based
12 on percentage and I think even when the Fisheries
13 Management PPA, this budget line up here, that's
14 our base PPA if everyone is following along, even
15 when that has gone down, these remain the same.
16 And maybe much to your chagrin, even those have
17 gone up have remained the same. So it is fixed in
18 dollar amount is the plan.

19 But again, it would be your base fixed
20 at this place. I'm not in tune enough to know how
21 the changes are made with these things over the
22 years, although I think what our analysis shows is

1 they basically have not changed in like a decade.
2 They've been fixed in dollar amount.

3 Now this is the line that we obviously
4 are seeking changes in and getting changing it
5 because that is the quote unquote Council base,
6 you know, as seen by Congress. And that's where
7 we have been putting money in, driving resource
8 enhancements to this budget line which is your
9 truly base and that's the base support from
10 Congress rather than it these, you know, crumbs or
11 bitsy bops, whatever you want to call them and
12 that's where we have requested increases, that's
13 where Congress has put money. That's where, you
14 know, Chris has been directing and having
15 conversations with Congress about getting funds
16 into that top line.

17 MS. MCCAWLEY: Tom.

18 MR. NIES: Just one quick question. I
19 have always perhaps incorrectly thought that some
20 of these items were loosely tied, and I do mean
21 loosely tied to the Congressional justification
22 that NOAA prepares for things. Maybe that was an

1 over interpretation so I'm wondering if this will
2 have any impact on that document, this change?

3 MR. PAWLAK: No, I don't believe so. I
4 think all of these, I'll go again go back to where
5 you can read it, the bolding. I think all of
6 these activities fall within the broad
7 categorization of the Congressional justification
8 of what we do with these funding. So I don't see
9 that's an issue being as that these activities
10 will still be happening. It's just we are not
11 tracking them at this detailed level.

12 And so that, I don't see any impact or
13 concern from the Congress. I mean, Congress for
14 all I know doesn't know we even have this table or
15 pays attention to that so. Again that's why I'm
16 going back to, you know, once we get it rolled up,
17 that's what Congress pays attention to, these
18 budget lines here. I mean, obviously they pay a
19 lot more attention to them than just that but
20 that's their appropriated level of concern.

21 MS. MCCAWLEY: Other questions? Kitty.

22 MS. SIMONDS: I just want to say that

1 I'm glad that you're doing this because for years
2 we have talked about how our base funding was
3 never enough to survive. And so we have had to
4 use those crumbs, you know, really as part of our
5 base so I'm happy that this is happening. And who
6 wants to be looking at all of those separately
7 lines because we all know what we do in terms of
8 those separate lines.

9 And, you know, some of us have processes
10 that other Councils don't in terms of peer review.
11 So, you know, this has been accepted by all of us,
12 all these years and at one time Chris, do you
13 remember you and I got dumped one year and then we
14 had to like fight to get our line back.

15 So anyway, I'm glad that this is
16 happening because it's ridiculous to have to look
17 at all those line items and say well, we spent so
18 much money on this and that. Thanks.

19 MR. PAWLAK: All right. That's on the
20 record, Kitty thanked me.

21 MS. MCCAWLEY: All right. Questions,
22 comments? Yes, Carrie.

1 MS. SIMMONS: Yes. Thank you, Madame
2 Chair. I guess just a question if there were to
3 be more crumbs in the future, based on new policy
4 directives or other things that may arise in the
5 future, would it make it more difficult to
6 distribute those by collapsing these categories?

7 MR. PAWLAK: I think not. I think it
8 actually makes it easier because -- I don't want
9 to keep calling it crumbs. We will call it
10 priority activity. So it, add ons or priority
11 activity.

12 If you -- if something arises where you
13 get that or there are some other distribution
14 funding from these other budget lines, you still
15 put it right in here. Now, obviously it's through
16 a grant so your grant will document, your grant
17 process will document all, you know, the newest
18 thing in science needs to be handled by the
19 Councils and your grant will state that and it
20 will be a dollar amount with that.

21 I mean, we still keep some cuffed tables
22 and systems that hey, we want funding to go in the

1 distribution if there is a new source of funds.
2 So you, we might have a new activity that's not
3 these things, you know, for example. So it will
4 go up into these base line anyway rather than
5 creating a new thing.

6 I mean, we had the, do we even have
7 dereg, yeah we have deregulation sitting on here
8 right now so we, you know, for example we added
9 this but that's, it's really in the base. This is
10 just our own tracking. I think we can -- we in
11 fisheries will keep this to know what the
12 distribution is and if there is a new activity you
13 would have to, you know, we would have to have a
14 cuff system table to know what that is but there
15 is no reason to, for these set of things as kitty
16 was saying, this has been your base for 10 years.

17 So if there is some new activity, I
18 guess it would be question of what's the scale and
19 scope of it. Do you put it in the base and we
20 don't track it other than through the grant
21 mechanism or do you, is it big enough focus that
22 you for some reason highlight and track it and

1 obviously I think just for presentation to this
2 group you would want to demonstrate if there was
3 new money coming in on one of these non-Council
4 lines you would probably want to display that and
5 just understand what it is. I don't think it
6 makes it any more difficult than it is, the bottom
7 line what your.

8 MS. MCCAWLEY: All right. More
9 questions or comments? Yes, Dave.

10 MR. WITHERELL: Thank you, Brian. My
11 question, I think first of all rolling up all of
12 those pots of monies into one single line makes a
13 lot of sense. I think the concern is going to be
14 going back to the prior question that Alan
15 answered is are we looking at a new formula for
16 that line? Are we applying the PPA standard
17 formula for that line and then adjusting that?

18 I'm a little concerned that the
19 transparency is going to be lacking when more
20 money gets allocated to one Council above the
21 normal formulary line in the future. Or do we
22 have a separate, standard formula for that second

1 line? I guess that's my concern.

2 MR. PAWLAK: Yes. My understanding and
3 I don't do these break outs, there's not a formula
4 for that line. These are each individually
5 determined and Allen was saying some of these are
6 formulated or had been formulated in the past.

7 MS. MCCAWLEY: Chris.

8 MR. OLIVER: Some of those lines were
9 done by the all Council formula and some weren't.
10 But by rolling them up, I think what we are saying
11 is don't look at that new rolled up line as a
12 formulaic but rather a fixed.

13 MR. PAWLAK: Yeah.

14 MS. MCCAWLEY: Other questions? Yeah,
15 Bill.

16 MR. TWEIT: Just to continue on this and
17 again, I think this is a real step forward but it
18 does result then in a new base that no longer
19 aligns with the formula that was used to
20 distribute the original base. And that's, that's
21 the only point.

22 So are we just saying okay, because this

1 is as Kitty was articulating, because really our
2 base hasn't just been the top line with the
3 formula. Should we just say okay, we now have a
4 new base and a new formula that then handles the
5 future ups and downs for distribution. Because as
6 Dave says, there was a transparency to the
7 Councils in that formula that was a hard --

8 MR. PAWLAK: Right.

9 MR. TWEIT: -- hard thing to work out --

10 MR. PAWLAK: Yeah, so let me -- yeah
11 sorry.

12 MR. TWEIT: -- as a sharing formula.

13 MR. PAWLAK: Well, let me see if I can,
14 sorry I didn't mean to interrupt you there.

15 MR. TWEIT: So go ahead.

16 MR. PAWLAK: Yeah. So I, my
17 understanding and the Fisheries Management team
18 will have to yell at me if I say it wrong. There
19 is a formula for this, the core Regional Councils
20 line. That's formulaic, that will remain the
21 same. This is now fixed. So there is no formula
22 needed. There is no even discussion on your

1 breakout in this regard.

2 If this money is just rolled up, South
3 Atlantic if I can read from far away, does that
4 say 511? The number is rolled up. It's now 511.
5 Is not necessarily tied to these activities.
6 That's the number, it's not formulaic. It's
7 however it was derived in the historic derivation,
8 derivation of that, if I can say that word. The
9 way it was historically derived is now locked and
10 that's the base if that makes sense. Am I saying
11 that right, guys?

12 MS. MCCAWLEY: Chris?

13 MR. OLIVER: Or I will try another way
14 to say it. The roll up was not, is not intended to
15 change the long standing allocation relative to
16 what Congress appropriates to the Councils. That
17 is still the same formula. Adding this to each
18 Councils budget is not intended to change that
19 baseline formula.

20 MS. MCCAWLEY: Tom.

21 MR. NIES: I just want to make sure we
22 understand what you mean by this, these lines are

1 fixed. So example I'll use is 2018, I think it
2 was 2018, the agency gave the Councils an extra
3 million dollars for regulatory streamlining or
4 regulatory reduction, I forget what the title was.

5 MR. PAWLAK: Yes, yep, yes.

6 Deregulation. Yep.

7 MR. NIES: Deregulation, right. We
8 obviously didn't get that in 2019. Now when you
9 say these numbers are fixed, are you precluding
10 that we are ever going to get some sort of
11 addition like deregulation or happy birthday or,
12 you know, whatever it is. Or is that still a
13 possibility? Because if it's going to be fixed, I
14 want it to be fixed at the 2018 level.

15 MR. PAWLAK: Yeah. No, so fixed in this
16 distribution based on the 10 year history as your
17 base, I would call the deregulation money was not
18 your base. Because that was like you said that
19 was 2018. The other, you know, again I'll go back
20 to the, all the things in gray box here.

21 This has been categorized or basically
22 considered your base for 10 years. The

1 deregulation item which is actually flagged up
2 here, I think does that say deregulatory action?
3 I can't even read that, sorry. That was an add
4 on. I'm not -- with fixing this base, it doesn't
5 preclude additional activity that for whatever
6 reason might come up.

7 This is, this would be when Dan Namur
8 and the grants team, Dan's sitting back there by
9 the way, are producing your annual budgets for
10 your core funding for your base activities, this
11 would be the base to start from. Then if Chris
12 out of the goodness of his heart found other
13 funding or other activity he could make that
14 direction to put other funding in it.

15 MR. OLIVER: Yeah, maybe a better term
16 for that group rather than add ons or crumbs is
17 discretionary because that's really a
18 discretionary amount from NOAA fisheries to the
19 Councils.

20 MR. PAWLAK: Yes. And it wasn't
21 promised for multiple years and where this funding
22 level here has been basically promised and given

1 for multiple years.

2 MS. MCCAWLEY: Tom to follow up.

3 MR. NIES: So we pointed out at earlier
4 Council meetings, I'm sorry, early CCC meetings in
5 the past, I know we raised this issue with Mr.
6 Doremus at least once or twice that where the
7 federal budget when its produced has adjustments
8 to base, this section never got any adjustments to
9 base. So by you calling this base, does that mean
10 in the future you'll apply these ATB's to this
11 section as well so that we get some increases?

12 MR. PAWLAK: No, not necessarily.
13 Because the ATB's are sometimes directed to us,
14 they're sometimes direction from DOC or to us as
15 to how those ATB's are distributed. I'm not sure
16 exactly that there has never been an ATB here but
17 the ATB's are generally fall way below -- any
18 ATB's we get generally fall way short below any
19 true cost of living increase that we get.

20 MR. NIES: But they're bigger than zero.

21 MR. PAWLAK: Yeah, they're bigger than
22 zero.

1 MS. MCCAWLEY: All right. I have a list
2 going. Chris, did you want -- okay. Miguel, you
3 had your hand up. Are you good? Gregg.

4 MR. WAUGH: Thank you, Madame Chair. So
5 we have got our formula, long standing formula for
6 the top line. This new base it seems people are
7 concerned its fixed at a dollar amount now. If we
8 get more or less in the future if it's just left
9 fixed at a dollar amount, it's going to be up to
10 the discretion of the agency on how those amounts
11 change.

12 The other way to do it would be to
13 create a formula for that new base line using the
14 existing distribution. And then if more monies
15 came in to go up they would be allocated under
16 that formula. If it went down, it would be
17 reduced according to that formula.

18 So it seems like that's the choice here.
19 Either leave it up to the discretion of the agency
20 or suggest that we create a new allocation formula
21 for that line based on the existing dollar
22 amounts.

1 MS. MCCAWLEY: Chris.

2 MR. OLIVER: Yes, if I understand Gregg,
3 the top line if the Congressional appropriation
4 stays on the original formula, a new formula is
5 derived for the rolled up line and if that rolled
6 up line changes, it changes based on the new
7 formula for that line.

8 And I think if that's what the CCC
9 thinks is appropriate and it seems reasonable to
10 me, that you should indicate that to us.

11 MR. PAWLAK: Well, yes, and again I'm
12 not -- that's not my decision to make. I'll just
13 point out the history of that, that was not how
14 this was derived.

15 MR. OLIVER: Right.

16 MR. PAWLAK: This is a fixed number. If
17 you create a formula for then this when what we
18 are suggesting is this is fixed, I don't know, I
19 mean, someone who knows algebra much better than
20 me could probably create a formula where this
21 always equals to this but that's what we are --
22 we're basically saying let's stop the messy

1 counting here and fix this into base.

2 It doesn't preclude other money from
3 coming in. It doesn't preclude other support.
4 What we are requesting and then what our trend has
5 been and where we would like to focus where we
6 asked for increases is in the base budget line
7 rather than the, you know, going back to my slide
8 to show the whole budget structure.

9 Where we are trying to put the intention
10 to Congress is where Councils need money is in the
11 Council line. I think you, the Councils at an
12 advantage, the Council, sorry, by requesting
13 funding and seeking funding in this line for you
14 to direct your activity and the work we need done
15 in this important partnership by having funding in
16 this line.

17 I think the more you spread and I'll go
18 all the way back here. The more you spread
19 Council support among all of these lines, it
20 dilutes the power and importance of the Councils
21 contribution to the Fisheries Management process
22 and when you can go to Congress and specifically

1 say I need money for the Councils for this step in
2 the process is a, to me a stronger budget
3 strategy.

4 Again, that doesn't mean there won't be
5 odds and ends or add ones as Chris was referring
6 to them but I think as a strategy for where we are
7 looking to get increases you specifically call up
8 the Councils. The Councils need this for X, Y, Z
9 activity rather than I'm going to use the phrase
10 obviously showing my bias maybe, rather than
11 bearing the activity in all these other lines.

12 MS. MCCAWLEY: All right.

13 MR. PAWLAK: So if there is no other
14 questions the next slide might help in that there
15 is --

16 MS. MCCAWLEY: Okay, go ahead.

17 MR. PAWLAK: If there is no other, I
18 don't want to cut off the questioning. So where
19 we stand with the Council's commissions funding
20 now just to maybe demonstrate how some of this
21 goes is, you know, we have had budget requested
22 increase in president's budget for '20 of 1.3

1 million I believe. That's the Regional Council's
2 Fisheries Commission budget line. As you guys
3 know, that includes more than just the Councils.

4 The prez bud request in '20 we were able
5 to -- remember, I showed you all those decreases
6 in the President's budget. Within the President's
7 budget we got a strong initial and were able to
8 request increase among our \$100 million of
9 decrease across NOAA Fisheries budget, we were
10 able to get increased from the administration
11 approval for a Councils increase and we got that
12 in the Prez bud.

13 The House mark gives nod to that. So if
14 the House mark is in play, the Councils will see
15 that increase. Senate mark leaves it level
16 funded. So we just don't know yet. So just
17 trying to flag where we focused our attention on
18 putting increases rather than spread out through
19 those add ones is focused on the Council line. We
20 got strong support from the administration for
21 that. And the House recognized it, Senate right
22 now is as, has not.

1 MR. OLIVER: I just want to underscore
2 that, that in the face of those huge decreases in
3 the FY 2020 President's budget, the \$2 million
4 increases for the Councils is a reflection of a
5 recognition of the importance of the Council
6 process and managing our fisheries.

7 MS. MCCAWLEY: Thanks, Chris.

8 MR. PAWLAK: Then I think just a couple
9 more slides here and we will do more questions if
10 needed. Other House language or sorry,
11 Congressional language right now what I referred
12 to up front. We have a long of Congressional
13 direction. This is new. Meaning this is House
14 mark language that we have not seen before, some
15 language we have seen year after year.

16 I don't, because I'm not in the detail
17 of the programs. I don't quite know the meaning
18 and understanding of this and I think, I mean,
19 other than just the face value of what it says
20 there. We are within the funding provided, so
21 again going back, that means within the amount
22 that the House provided here, the 41.5, there have

1 an expectation of \$250,000 spent on this activity.
2 I won't read it to you and know some of you might
3 know specifically what that's about.

4 There is also this language again it's a
5 soft language, it says encourages which is not,
6 you know, what we are not bound by law for
7 producing the specific activity, of working with
8 the states on actions that affect state waters. I
9 don't know the, why that was put in there, how
10 that got derived.

11 Other Senate mark language which again
12 is same as 2019 which is encourages prioritization
13 research around high priority species, and that's
14 language we have seen before as well.

15 MS. MCCAWLEY: Bill?

16 MR. TWEIT: Brian, I know you
17 represented this on the, on one of the earlier
18 slides too, but and maybe I just wasn't paying
19 attention at the right time a year ago. But I
20 don't recall seeing this language in the
21 presentation. I'm sure it was in there, I just
22 don't recall it. Was there a reporting

1 requirement associated with that? Or is there any
2 other and what exactly does it mean do you think?

3 MR. PAWLAK: Sam was just pointing out
4 to me it does say directs. There was not a
5 reporting requirement I don't think, I'm looking
6 at Jenny here. I don't, my staff is telling me
7 there was not a reporting requirement like this.

8 Again, you don't know how some of the
9 stuff gets put in or why some of it gets in. I
10 don't know off the top of my head although we keep
11 separate track in my office of how we meet all
12 these things and some ways you might be able to
13 meet this requirement, you know, prioritize
14 research and monitoring of high priority species.
15 You might be able to argue everything we do now
16 already meets that and that's what we did is I'm
17 sure how we asserted we met that last time.

18 So it's not necessarily a report. It's
19 not necessarily a new specific activity.

20 Obviously you go back here to the House mark
21 language where I think we cut out the directs up
22 here. But this is directed activity. There is an

1 expectation that the, not an expectation, there is
2 a requirement that if this language stays in that
3 this amount will be spent on this activity.

4 Whereas here in this encourages
5 language, that's soft. I'm sure we do that all
6 the time anyway, right. In the last years Senate
7 we might not have presented it last time to you so
8 apologize for that but it was in there and how we
9 track it might just be identifying the present
10 processes we use to prioritize research and
11 address environmental conditions.

12 So no reporting requirement, not
13 necessarily a specific product or project or
14 activity outcome from that depending on how strong
15 the language is.

16 MS. MCCAWLEY: Bill.

17 MR. TWEIT: So we address research
18 priorities each year.

19 MR. PAWLAK: Yeah.

20 MR. TWEIT: And I think most Councils
21 have a similar sort of thing. So are we supposed
22 to take this into account when we revisit our

1 research priorities?

2 MR. PAWLAK: I might have to look to the
3 program and the science community to see how much
4 you think you need to take it into account other
5 acknowledging that it's there and when you do your
6 plans, do you think you meet that?

7 I mean, I don't know if that's, that's
8 really not direction to you. That's -- well that
9 is sort if I guess Councils Fishery Commission,
10 yes it is to you sorry. And that I don't know if
11 we document any of that in our grants
12 requirements. Dan, do we do anything in there?

13 MR. NAMUR: No. I know I'm not on mic
14 but the fact that --

15 MR. PAWLAK: Sorry, I pulled you in.

16 MR. NAMUR: That's all right.

17 MR. PAWLAK: This is Dan Namur if you
18 don't know Dan. He runs our grants program at the
19 national level.

20 MR. NAMUR: Good afternoon, everybody.
21 I'm Dan Namur, I work for Brian and oversee the
22 grants. To your point, you guys set your own

1 priorities so I think this language here and the
2 task that you put into your grant, specifically
3 addressed the priorities that you guys outline so
4 you're basically already meeting this mandate.

5 MR. PAWLAK: Yes. I think again, some
6 of this language, this one in particular from what
7 I know about your processes, I would think we
8 would meet that on a regular basis.

9 MR. OLIVER: I would add that I assume
10 that when the Councils put together their five
11 year research plans that implicit in that process
12 is some recognition of high priority species and
13 then I guess it's up to you to define what your
14 high priority species are.

15 MR. PAWLAK: Right. I think this is,
16 even though there is a direct switch it tends to
17 be a strong wording from Congress. I think this
18 is an easy one for all of you to meet and you
19 probably have all met it so.

20 MS. MCCAWLEY: Kitty?

21 MS. SIMONDS: Right. So, you know, we
22 are entering a new five year funding cycle and so

1 attached to our budgets is the Council program for
2 the next five years and all our priorities are in
3 there. So, I mean, we do it, you know.

4 MR. PAWLAK: Yeah, no, I again I think
5 we are probably spending more time on this than
6 maybe even the Senate did in writing it maybe I
7 don't know. (Laughter) But the, you -- why --
8 how direction enters the House and Senate marks,
9 you never know why. There could be some very
10 specific constituent interest that adds to this.
11 They might have a frustration with one Council or
12 one person or somebody in fisheries. You don't
13 know.

14 I think it's just a reminder that we,
15 you know, got to take their direction seriously.
16 And I think it's asking ourselves do we think we
17 do that? I think looking around the table at the
18 nods and Alan and Jenny here, you know, we do
19 that. All right.

20 Well, let me go the quick where we are.
21 This year obviously we are under a continuing
22 resolution. And for folks that I have been

1 talking to for the last few years know it,
2 sometimes it can be a real challenge to get you
3 money under the CR or get you your money under the
4 CR. And thanks to Dan here so glad he came up
5 because he deserves a lot of thanks for doing some
6 accounting and grant acrobatics to make sure we
7 can get you 50 percent of your projected 2020
8 amount before the end of the CR.

9 So we expect even under the CR, even
10 under the spending limitations of the CR which in
11 past years would have been real difficult to get
12 you even 50 percent of your budget, we are
13 expecting to do that by November 21. And we are
14 on track, Dan, yes?

15 MR. NAMUR: Yes, sir.

16 MR. PAWLAK: See now the table he is not
17 going to say he's not on track. So that's good
18 news on the funding status for your new awards.
19 The new five year award, the first year of your
20 new five year award should be 50 percent funded by
21 November 21. I think we are already signed or
22 close to signing all the no cost extensions for

1 the current grant you have that's closing out your
2 five year award.

3 So I, other words bottom line here, the
4 administration funding flow should be seamless for
5 your Councils for the foreseeable period of the
6 next few months and definitely through the CR.

7 And just lastly and I think it's the
8 last slide, just I think you guys got the detailed
9 update on where we are with the geographic
10 strategic plans. I think this slide is mainly
11 just to highlight where we stand with that. We
12 expect those to be out and published end of
13 calendar year, maybe start of the New Year so
14 December, January.

15 We do have a roll out plan to get those
16 out. Headquarters offices are doing their final
17 review on them and with Chris, Sam, Paul and Cisco
18 doing one last final skim of them if anything has
19 changed based on headquarters back and forth
20 review. But really what now is going to is the
21 formatting, making sure every absolute proper
22 English and wording and the editorial team is

1 looking at them. So those are near done and
2 staging, going to stage a roll out the end of
3 calendar year maybe rolling into January. It's
4 just the point of where we are at with these.

5 And I have generally heard positive
6 things from our regions and centers and from the
7 Councils that they liked the engagement on this
8 and this has gone well. And that's all I have.

9 MS. MCCAWLEY: All right. More
10 questions? Kitty?

11 MS. SIMONDS: So in our region, we
12 haven't completely ironed out our differences his
13 the region on the strategic plan. So as I said
14 earlier this week and at the Council meeting we
15 had two weeks ago, that we will be discussing, we
16 are not completely, you know, we haven't completed
17 it as far as I'm concerned and so the regional
18 administrator and I will be talking about this.

19 And our Council, our executive committee
20 is reviewing those plans. Our staffs did work
21 very well together but we still, we have
22 differences in terms of the plan, the way its laid

1 out.

2 MR. PAWLAK: Okay. Duly noted. And
3 Mike probably knows this as well so.

4 MS. MCCAWLEY: Other comments,
5 questions? Tom.

6 MR. NIES: Just a quick comment, Brian.
7 I think we have said it before, but it's worth
8 saying again I think that I know our Council
9 anyway and I'm sure all of us are deeply
10 appreciative of the agencies efforts to get us
11 funding early. It makes it far easier to manage
12 our funds within the grant cycle and I know you
13 have done it at least the last year or two, maybe
14 longer than that, I just haven't kept track and
15 you're trying to do it this year.

16 It certainly take some stress off trying
17 to figure out how much money to squirrel away to
18 cover the period when you don't have any money
19 coming in. And I don't know if you can see that
20 in the way we manage our money yet but I think you
21 will over time, you'll notice that that makes a
22 difference.

1 MR. PAWLAK: Appreciate hearing that and
2 Dan particularly since Dan does the negotiation
3 and argument with AGO and Congress and OMB and so
4 yeah, glad to try to do it and keep it, keep doing
5 it so.

6 MS. MCCAWLEY: Gregg.

7 MR. WAUGH: Thanks, Brian. Yeah, to
8 echo Tom's thanks, yeah to Dan, Brian, Paul and
9 whoever else, everyone in the grants office, its
10 much less stressful to have our money early and I
11 must say the grant extension in the 2020 budget
12 process was very smooth from our end. We
13 appreciate all that help.

14 And then coming back to this topic of
15 this line, this new base line item, I think I
16 don't know whether the CCC is ready to talk about
17 that now or want to revisit that when we get
18 though our committee report so that during the
19 break you can talk some, or whether you want to
20 defer that to a future meeting.

21 But I think, you know, as Chris has said
22 they're willing to hear from us whether we want to

1 leave that at the fixed dollar amount and let them
2 determine how any increases or reductions are
3 allocated or whether we want to create a new
4 allocation formula with the existing numbers and
5 then use that. I think at some point we should
6 decide whether we are going to weigh in on that or
7 not.

8 MR. OLIVER: Yeah, because, I think
9 barring any specific recommendations from the CCC,
10 we would likely do what you had suggested earlier
11 which is a new proportional formula for that line.

12 MS. MCCAWLEY: All right. Yes, Phil.

13 MR. ANDERSON: I think I pushed the
14 wrong button. I would like to think about that a
15 little bit more before coming to a perspective and
16 providing an opinion about that. Generally I
17 think within the categories of work that are made,
18 that make up that number, that I could see being
19 comfortable with coming up with a formula that
20 represents the proportion of the distribution
21 between the eight Councils for those activities.

22 I think where my concern is and it may

1 be misplaced, is that if there are additional
2 activities that are in that category that a, that
3 the same proportion that's used as a role up of
4 those activities may or may not be appropriate.

5 And so that's the thing that I'm
6 thinking about and I just wanted to make sure that
7 my silence wasn't misconstrued as being at
8 agreement with the proposal that has been put out
9 there for consideration.

10 MR. PAWLAK: So can I offer some input?
11 I serve at the discretion of Chris and what the
12 Council has to do. The proportion question makes
13 me a little nervous from what we just did or some
14 challenges to that based on how we were presenting
15 it.

16 So that budget line I think is about
17 \$125 million budget line. So we are talking like
18 a point zero four percent of that budget line and
19 then to figure out another, a proportional model
20 of that budget line is just my opinion,
21 potentially a tortured process. I mean, the idea
22 is we are trying to fix the base at least for the

1 discussions we at the program level, we are trying
2 to fix the base funding going in.

3 So glad to follow any direction the
4 Council or Chris asks us to do but we could also
5 then be go back and look at the pros and cons or
6 different approaches to doing formula or fixed and
7 what the challenges are to that. I just offer the
8 perspective that we are talking of a total of in
9 '19, the \$4 million out of a, you know, \$120
10 million budget line in a formal for that portion
11 is -- would be unique for how we do it in other
12 distributions. But we can go back and also do
13 some pro, cons, do some different analysis if
14 that's what the Council --

15 MR. OLIVER: I don't think there is any
16 compelling need to resolve this at this meeting
17 today.

18 MS. MCCAWLEY: More questions and
19 comments? Chris and then Kitty.

20 MR. MOORE: I'm with Chris and Phil. I
21 don't think there is any reason why we have to
22 resolve this today. There are a number of reasons

1 that I would have to go over those but I think we
2 pretty much are all in agreement. I'm just
3 looking at folks around the room. We, you know,
4 this is new to some of us, at least I think most
5 of us. So I don't think we are there yet.

6 MS. MCCAWLEY: Kitty.

7 MS. SIMONDS: Well, obviously I'm
8 against developing any new formula for anything
9 because do you think we are going to get more
10 money for those individual line items? And I
11 think the way that Chris handled the deregulation,
12 that money okay so money became available. And
13 then that was divided up among our, the way we do
14 the, our formula.

15 So, you know, he didn't change anything
16 or start looking at the line items to say well,
17 maybe this should be this or that. It's just all
18 this new money I think will continue to be
19 allocated to us with our regular formula. That
20 worked out fine. You said here is a, there's a
21 million dollars. Oh, we divided it all up and we
22 got our money and we were fine.

1 But to go in and develop another formula
2 for those items like you think we are -- somebody
3 is going to say oh well, the Councils SSC stipends
4 are going to go up or whatever. It's all
5 ridiculous I think. This is my opinion. I don't
6 want to deal with any new allocation for those
7 funds.

8 MS. MCCAWLEY: All right. Any more
9 questions, comments? Miguel?

10 MR. ROLON: We are dancing around about
11 one issue is the direction they used for
12 discretionary funding period. So we use the
13 formula for the base funding up top and we are the
14 smallest Council. I don't get, we get \$251,000.
15 I don't need a hundred thousand more for doing
16 what we do. I'd rather have that money go to
17 other Councils that will have a need for that.

18 If we have a formula based on what we
19 have this time, at least that we receive the right
20 amount, the 251 and the question is what happened
21 when you have more money for this discretionary
22 line? And some people believe that if we have

1 this formula then it will be easier for the Chris
2 in this case to allocate those monies.

3 But also we run the risk if you are too
4 formulaic, this on the discretionary, the
5 discretion for the discretionary funds goes out of
6 the window. And I believe that we want to discuss
7 this some other time and then allow the group to
8 look at the formula, look at what we have now and
9 then come back to us with the best way to approach
10 this question.

11 MR. OLIVER: I think that's a good
12 suggestion. For the moment I would say that
13 because its discretionary, the default would
14 probably be to keep it in that same proportion
15 just to not make one Council mad and another, you
16 know, another Council happy.

17 But you could look at this on a year to
18 year basis and see what that total discretionary
19 amount is and then decide whether it should be
20 adjusted or not. But just to avoid conflict, we
21 would probably not make any real changes to that
22 proportion without that direction. We would, our

1 default would probably be to keep that the same
2 portion.

3 MS. MCCAWLEY: Other comments,
4 questions, concerns? Carrie?

5 MS. SIMMONS: Yes, thank you, Madame
6 Chair. Yeah, I think we would like a little bit
7 more time to think about it. I did have a
8 question about the items, one of the items of the
9 Council peer review. That line item. Is that
10 directly related to SEDAR and the data, the stock
11 assessments and should that line item be -- go
12 below I guess or is it -- are those categories
13 correctly collapsed I guess would be my question.

14 MR. PAWLAK: I can go back just to show
15 folks what you are speaking about specifically
16 here. I think you are speaking about the Council
17 peer review here. Yeah. I don't know, is that
18 for the center for independent experts, Alan, or
19 is that?

20 The program would have to answer because
21 I'm not sure exactly. I think it's appropriately
22 categorized meaning it comes from this budget

1 line. I don't know the specific activity.

2 MR. WAUGH: That's the funding for
3 things like SEDAR. Right. And that has varied
4 over time. Right. It's been stable for a few
5 years if I remember right.

6 MS. MCCAWLEY: Carrie?

7 MS. SIMMONS: So I could be missing
8 something here because I don't look at this like
9 your saying every day. But I believe the other
10 activities for SEDAR and facilitating the stock
11 assessment process are in the section below.

12 So I guess, if we could just look
13 closely at that item to see if it's appropriate to
14 collapse it within that category or if its more
15 appropriate to go to the one below based on how
16 the Councils divide up the stock assessment review
17 process?

18 MR. PAWLAK: Yeah. I can look at that.
19 But you could have within these, this budget
20 structure you could have similar activity, I'm
21 going to call this an activity. You could have
22 Council peer review funded from here and here. I

1 mean, obviously I don't, I think by definition of
2 this table it doesn't look like the Councils do.

3 But you could have it funded in both
4 places depending on how, depending on what the
5 activity is. But we can go see if there's a
6 Council peer review component that has been to the
7 Councils funded out of here.

8 MS. MCCAWLEY: Gregg --

9 MR. PAWLAK: I'm not -- obviously from
10 the base there hasn't been or it would be
11 presented here.

12 MR. WAUGH: Yeah, I know in our case,
13 that the total that we expend for SEDAR, that
14 portion comes, part of it comes from the fisheries
15 data collection and the other portion comes from
16 that Council peer review.

17 So those two numbers together for us
18 equal what we spend to run SEDAR. It's just that
19 they're coming from two different line items
20 within the NMFS budget.

21 MS. MCCAWLEY: Other questions and
22 comments? Dave.

1 MR. WITHERELL: I am going to suggest
2 that the executive directors meet and work this
3 out and provide a recommendation at our next
4 meeting. I have a slightly different take on this
5 and I would like to see all the pieces that are
6 allocated by the formula continue to be allocated
7 by the formula and then subset of that, for
8 example the SSC stipend and Council peer review
9 still broken out based on need.

10 So I, but everybody, I expect the other
11 Councils all have a different opinion so I think
12 the ED's could meet, come back to you with a
13 recommendation.

14 MS. MCCAWLEY: All right. Are folks
15 okay with that? I see heads nodding. All right.
16 Other questions, comments, concerns? All right.
17 Thank you very much for that budget update, Brian.

18 MR. PAWLAK: Okay, thank you. And if
19 you need, through the program if you need input
20 from MB on numbers and such, just let I don't know
21 if its Jennie or Brian Fredieu know and we are
22 glad to help. So, thank you.

1 MS. MCCAWLEY: Thank you so much. Let's
2 go ahead and take our 15 minute break and then we
3 will come back and keep going through the agenda.

4 (Recess)

5 MR. PUGLIESE: Yes, I can hear you.

6 MS. IVERSON: Yes.

7 MS. MCCAWLEY: All right. If folks
8 could come on back to the table. All right. We
9 are going to get going here again. So we are
10 moving on to the committees and the work groups
11 and first up we have Roger on the phone and he is
12 going to give us a report on the Habitat Work
13 Group.

14 MS. RILEY: And, Roger, this is
15 Anjanette. I have your slides up and am ready to
16 advance them.

17 MR. PUGLIESE: Okay, thank you,
18 Anjanette, and thank you for doing that. This is
19 Roger Pugliese, Senior Fishery Biologist with the
20 South Atlantic Council and work group chair and I
21 wanted to provide you a report of the Habitat Work
22 Group activities which is really focusing on the

1 work shop that was just held.

2 We had staff from the eight Councils,
3 the five regional offices and select NOAA
4 Fisheries headquarter staff meet in Portland in
5 August to advance our collective work toward
6 effective essential fish habitat consultations on
7 non- fishing activities. And really we are
8 looking at shared current practices, challenges
9 across regions, and really, we are looking at
10 brainstorming ways to improve our collaborations
11 with our partners into the future.

12 During the work shop, one of the key
13 things too was that while we are calling it EFH
14 consultation, it really addressed the broader view
15 of all non-fishing activities because the Councils
16 were noted to have the opportunities to outside of
17 the formal EFH consultation process provide input
18 on policy or review activities.

19 So with that, I wanted to walk through
20 our work group met in the sessions and I wanted to
21 last least touch on some of the components of what
22 happened during the workshop on the sessions, a

1 very brief overview. The report was provided to
2 participants so everybody has a hard copy and even
3 the presentation.

4 So given that, the opening of the
5 overall workshop provided a contextual bridge
6 between the 2016 EFH summit and the activities
7 that were held to advance our understanding and
8 coordination across within regions and across
9 regions nationally.

10 The first core session addressed the EFH
11 consultant process itself and one of the outcomes
12 of that was the opportunity of the Council
13 developing habitat goals to really kind of
14 articulate core standing guidance and clear
15 direction and on what areas Councils would address
16 relative to non-fishing activities.

17 The next session had to deal with
18 focusing on how articulating those habitat goals
19 really assess an effective use of the EFH
20 authorities and the mandates under Magnuson. It
21 provides the habitat goals provided and served to
22 form the action agencies, developers about the

1 roles of habitat and fisheries and then provides a
2 better understanding of early coordination will
3 really reduce potential impact as well as to help
4 prioritize restoration, conservation activities
5 and really encourage any opportunities for
6 resources such as through grants to refine our
7 understanding of the complex systems.

8 And the next session was pertaining to
9 development of Council policy statements to
10 provide standing guidance on EFH consultant and
11 habitat conservation efforts. A lot of discussion
12 and focus on this session because what it was
13 highlighted is that the statements would provide
14 the opportunity to provide standing policies to
15 articulating concerns about non fishing
16 activities, how they affect fish habitats.

17 And also they're easily sharable and
18 they can constitute best practices for habitation
19 conservation, habitat protection, operation
20 policies for the Council's engagement relative to
21 the areas that better benefits Council as well as
22 NOAA.

1 Next area addressed the offshore marine
2 planning and the broader regional issues that are
3 becoming bigger issues that the Council has been
4 -- Councils have been addressing in the near
5 terms. Some focused and some across multiple
6 Council areas.

7 Providing the opportunity to understand
8 how the groups intersect and coordinate and cross
9 cut between the regional wide issues, what
10 practices may be useful in enhancing the Councils
11 contributions and the consultant process either
12 directly in the system or indirectly. And
13 understanding given the limited availability what
14 some of the mechanisms would be to be able to
15 enhance how those coordination efforts get various
16 levels of participation and creation of tools or
17 capabilities to do this and these were highlighted
18 through the sessions.

19 The next area was really trying to look
20 at the opportunity to reach beyond existing
21 operations and further work with the Fishery
22 Science Centers, engage them potentially in short

1 term activities such as highlighting just the
2 entire suite of individuals involved in habitat
3 information or habitat activities or planning and
4 also their participation on regional plan teams or
5 advisory committees or panels. And that was a key
6 opportunity to provide that direct connection with
7 the science centers.

8 A longer term ones had to look at the
9 opportunities to have the refined understanding of
10 the consultation process and kind of looked back
11 to the information that they can create and
12 provide to refine that information that is
13 supporting the consultation.

14 Also how that could also help elevate
15 this up into national science initiatives,
16 aligning with regional prioritizations and how the
17 strategic plans feed into the overall work plans
18 that we have been discussing and I'll highlight
19 that at the end of here that's in the report.

20 Also identifying funding opportunities.
21 There is some times when you have the EFH
22 resources that may be available directly to the

1 Councils or Council priorities that either can
2 enhance some of this capability to have some
3 specific input on a habitat type or a species
4 related habitat activity.

5 The next area was focusing kind of
6 getting to that second part of the name of this
7 whole work shop, the tools and technology to add
8 Councils and regional office and provide the
9 access to the use of EFH information and
10 consultation.

11 And this was really getting to the point
12 of making sure that the information was available
13 to individuals that would be using in consultation
14 or have access to both the Council, the regional
15 offices, science centers and then partners in the
16 regions.

17 One of the mechanisms that was
18 highlighted to make sure that a lot of these
19 different pieces were easily accessible and
20 quickly queriable online through existing systems
21 through the Council or the regional offices or the
22 center and one of these ways to make sure that

1 kind of a lot of it would be there is the
2 opportunity to look at development of regional
3 user guides which would collapse a lot of the core
4 information on the EFH designations by species or
5 complexes within those areas and then linkages to
6 key information that could be useful for
7 individuals looking at non fishing activities
8 impact or specifically EFH consultation.

9 That moves us to the last session
10 dealing with the approaches and best practices for
11 obtaining and sharing data to refine EFH. An
12 opportunity to share experiences on the need for
13 data collection, how we can identify the
14 challenges in getting the level of information
15 that would enhance the ability to respond to
16 impasse or to activities relative to EFH
17 consultation on non-fishing activities.

18 And one of those things was there is
19 that real opportunity to look and maybe this would
20 be way to do it is across regions where those are
21 comparable is beginning to share some of that type
22 of information to capability.

1 And it really focused on how important
2 even the core distributional initial level
3 information is absolutely critical to complete
4 those types of things so that they can really
5 provide the foundation from which us to understand
6 the habitat use. But also that the issue that's
7 become more relevant to all of our regions is some
8 of the issues relative to change over time and
9 some of the shifting populations in species and
10 habitats and prey.

11 Those are going to be critical to know
12 and understand and how we advance that is going to
13 be important. And this also supports the broader
14 understanding of our ecosystem based spatial
15 models.

16 That brings us to a discussion that ends
17 in the focus of the areas, the opportunities to
18 cross between our regions and provide the
19 capabilities or understanding of how we can
20 advance some of this information, build on what we
21 know, and coordinate between us.

22 And this toolkit discussion really is

1 what I envision this is going to be an interactive
2 between our staffs in areas where this information
3 would be available and we can highlight things
4 that provide the ability for Councils to
5 understand and be informed of specific information
6 relative to activities or consultation, to
7 identify key issues within the concern by the
8 Councils, the opportunities on how to provide
9 comments or capabilities that can, you know, each
10 individual area has used or can use. So it
11 provides some guidance on other areas and other
12 capabilities.

13 And also, is it provides enough
14 information where the Councils can actually take
15 some of that and be able to use information in
16 their comments as I mentioned earlier that maybe
17 outside of the formal consultation process
18 abilities to just build on information that
19 supports their mandate but may not be in a formal
20 review.

21 And then it also (inaudible) to the
22 springboard from which to address things and with

1 constrained timeframes. So having the ability to
2 see how other Councils have developed policies or
3 capabilities really advances that and that cross
4 walk between staff and our regions are going to be
5 critical to allow the real opportunity to build on
6 all the good work that has been done in all
7 different levels throughout our area.

8 And that really brings us to kind of the
9 core, the foundation and conclusions and where we
10 go from here. The workshop itself created the
11 workshop report which I have provided to members.
12 There is some final tweaks so this is still
13 somewhat of a draft so by I think within a week
14 that will be the final, final version. But it
15 also sets forward potential tasks into the future
16 that are going to be undertaken.

17 The near term initiatives are really
18 looking at exchanging communication which we
19 absolutely did with just by holding this at the
20 staff level it was so critical, it's one of the
21 really benefits of having it done this way. But
22 it also provides a foundation for longer term

1 organizational planning with this.

2 And during 2020 and beyond, what we are
3 hoping to do is have the work group build on what
4 came out of this report and as focused, it has
5 regional next steps or action work plans, however
6 you want to state it but what they're doing is
7 reaching back to some of the discussions that were
8 held in the workshop and then how do we begin to
9 look at some of those within our individual
10 regions.

11 So the discussions between the Council
12 staff and the regional offices and beyond and the
13 partners within the region would advance those
14 work plans. So that really with additional
15 guidance from the CCC would provide kind of the
16 next steps beyond where we go here. So this is
17 kind of a springboard from which kind of that even
18 closer coordination between our Councils and
19 regions can happen.

20 And so that really leads us to what were
21 identified as opportunities for the CCC to
22 actually weigh in on to support the broader term

1 concept and really there were kind of some big
2 picture activities.

3 One was really to look at an outreach
4 action agencies and remind them of the, about the
5 role of the Councils and how the role in fisheries
6 management as well as addressing essential fish
7 habitat designated by the Councils. And while the
8 NOAA fisheries conducts the consultations, the
9 actions agencies are encouraged to coordinate
10 around actions that impact EFH designated by the
11 Councils.

12 And also the CCC could identify habitat
13 science priorities that are shared across regions
14 and Councils and can communicate them to NOAA
15 fisheries leadership, both at the regional offices
16 and science centers so that the shared science
17 objectives can really provide the foundation for
18 work into the future and benefit multiple Councils
19 in the activities.

20 And that's my quick synopsis of what was
21 a very productive, very eye opening effort. I
22 think this was one of the first times of that type

1 of and it needed to happen at that level, at the
2 staff (inaudible) level to see some of the
3 challenges, some of the focuses, the different
4 ways the Councils can reach a deal with some of
5 these different issues and how we can all learn
6 from each other and also build on that to enhance
7 the entire directive under Magnuson to address EFH
8 consultation and non-fishing activity impacts.

9 And with that I'll conclude my
10 presentation and open it up for any questions.

11 MS. MCCAWLEY: Thank you, Roger. I'm
12 looking around the room to see if we have
13 questions or comments. Yes, Bill.

14 MR. TWEIT: Thank you, Madame Chair.
15 Thank you. Roger. Can you, can we go back to
16 the, this one. Yeah. The future actions. The
17 first bullet talks about the Councils themselves
18 becoming included in the EFH consultation process
19 which and I only really know about the EFH process
20 in Alaska because we get annual reports of the
21 agency on what that's like. And they do a ton of
22 consultations, a lot of --

1 MR. PUGLIESE: Right.

2 MR. TWEIT: -- pretty small things. So
3 I'm really wondering what was meant by that
4 because I'm assuming you're not just thinking that
5 Councils should be essentially --

6 MR. PUGLIESE: No.

7 MR. TWEIT: -- acting in parallel with
8 the agency on all EFH applications.

9 MR. PUGLIESE: And to respond to you,
10 absolutely not. I mean, that's, that I think we
11 all going into this know that the day to day
12 consultation effort is really what NOAA is doing
13 and the habitat conservation as they prosecute how
14 you protect the designated EFH by the Councils.
15 So no, that wasn't intended.

16 It was more to have that ability to
17 ensure that the actions agency understand the
18 Councils are part of this process and actually
19 designated the EFH and that there is opportunities
20 to coordinate with them. And I think really want
21 you look at like the second sentence, really what
22 it is is getting to is that that encouraged to

1 coordinate and there is opportunities that they
2 can reach back and forth so it doesn't have to be
3 part of the formal consultation processes. It can
4 be just inform.

5 And in our region a lot of times we will
6 get the some of the report outs on the bigger
7 activities, essentially those are farmed back to
8 us sometimes so that we can see some of these as
9 they are developing for issues that come up. So
10 it is definitely not intended to do that because
11 that would be an overwhelming -- if anything this
12 whole effort here was to figure out a way to
13 advance Councils perspectives on habitat within
14 their regions, how that can be brought to the
15 forefront with some of these different other
16 action agencies or partners and have available
17 online or whatever so that it can -- and then even
18 at the Council level, some of those where we do it
19 is with like habitat policies.

20 The Council over a period of time has
21 developed positions on activities and it
22 ultimately through our coordination with our

1 habitat and ecosystem advisory panel create a
2 policy then that is something that can be used by
3 the NOAA Fisheries in their consultation review or
4 by the Council if they want to provide that
5 directly to an agency.

6 So that does not, you know, set the
7 stage for having to be involved in every single,
8 you know, micro consultation or EFH permit review.

9 MS. MCCAWLEY: Thanks, Roger. Looking
10 around. Are there more questions or comments
11 here? Bill.

12 MR. TWEIT: Thank you. Just to follow
13 up, so as I was listening to Rogers answer, he was
14 talking about language that doesn't appear on the
15 screen here. And when I look back at my version
16 from the website it is in there so it looks like
17 this might not be the most current language? The,
18 what's on the screen right now? Or might not be
19 the most current version?

20 MR. PUGLIESE: Okay. You're talking
21 about the future actions?

22 MR. TWEIT: Yeah. The language that you

1 talked about they are encouraged to coordinate,
2 I'm seeing that on the file that I opened up on my
3 computer but I wasn't seeing that on our screen.

4 MR. PUGLIESE: Oh, in the version that
5 was there. Okay. Well, that may -- I don't know
6 if there was an iteration probably with that but
7 that's the intent regardless of what you're seeing
8 and I'm not sure how that there, this went through
9 a number of iterations so hopeful that didn't get,
10 you know, that's the intent.

11 The one you are looking at is the one
12 that was distributed to the CCC so that is what
13 the intent encouraged to coordinate across.

14 MR. TWEIT: Okay, yeah. Now they have
15 got the one that you were talking about up on the
16 screen. Thank you.

17 MR. PUGLIESE: Okay.

18 MS. MCCAWLEY: Thanks, Roger. Other
19 questions or comments?

20 MR. PUGLIESE: Okay.

21 MS. MCCAWLEY: All right. Thank you,
22 Roger.

1 MR. PUGLIESE: Are we good? Thank you.

2 MS. MCCAWLEY: All right. Next up since
3 we have another person that's going to be on the
4 webinar, we are going to move into to the Council
5 Communications Group and move into Kim Iverson's
6 report.

7 MS. IVERSON: Okay. Good morning. Can
8 everyone hear me?

9 MS. MCCAWLEY: Yes.

10 MS. IVERSON: Thank you. This is Kim
11 Iverson. I am the public information officer with
12 the South Atlantic Fishery Management Council and
13 I appreciate the opportunity to review the Council
14 Communication Work group report this morning.

15 I hope that you've all had a productive
16 meeting week and I understand that you're wrapping
17 things up so I'd like to just quickly give an
18 overview of the report that is in your briefing
19 book.

20 As you know, our Council Communication
21 Group is made up of our staff members from each of
22 the Councils and we last met formally in 2018 and

1 at the May CCC meeting here in Charleston. You
2 were provided with a report from that meeting.

3 So the briefing book update or report
4 that for this meeting serves as an update on some
5 of the activities that we have been doing and
6 collaborating on via email. We do stay in touch
7 on a regular basis as a communications group and
8 share various information on various topics.

9 In the report that you have in your
10 briefing book, there is a number of noteworthy
11 projects. We also, I also noted in the report
12 some issues that were addressed at our May CCC
13 meeting including the request that Dave Whaley had
14 made for fact sheets on just as a reminder on
15 forage fish, climate change, and timing of
16 amendments.

17 It was discussed at the May CCC meeting
18 that in order to expedite that that the executive
19 directors would provide Dave with some updates on
20 the activities that each of the Councils have done
21 on those topics and there was some discussion that
22 the communication work group may want to continue

1 to develop maybe a more comprehensive and
2 collaborative effort on producing some fact sheets
3 a little bit more formally on those topics.

4 At the May CCC meeting, if you recall we
5 also had presentations from the South Atlantic
6 Council staff and had some informal discussions
7 during your breaks and that format was well
8 received.

9 Some of the projects and I won't go
10 through these individually. You have the
11 information in your briefing book but I will
12 highlight that we have been busy as the
13 communication group and working at our individual
14 Councils on such things as website updates and
15 development.

16 Kitty will, can answer any questions
17 that you may have on the Western Pacific but it
18 just recently launched their, a really nice, new
19 website back in October. The Pacific Council is
20 updating its website and the New England and
21 Mid-Atlantic Councils have partnered to develop a
22 new page to address offshore wind issues in the

1 northeast.

2 This new site keeps fishermen and
3 constituents updated on the status of ongoing
4 offshore wind projects and if you have been
5 following that topic, that's quite a challenge.
6 So kudos to those two Councils for creating that
7 webpage.

8 As a group we have been busy exchanging
9 information on in house topics such as upgrades to
10 our AV tools, teleconferencing equipment, use of
11 wireless microphones, things that help us improve
12 our communications with our Council members as
13 well as our constituents.

14 I will note that the North Pacific
15 Council, we have been sharing or has been sharing
16 a lot of information on its new community outreach
17 effort on introducing the Council process. I
18 understand that they launched that effort at their
19 last Council meeting.

20 There have been fact sheets and other
21 outreach tools that have been developed as part of
22 that effort and I'm sure that the ED's there can

1 help and deputies can help explain that in more
2 detail.

3 There is a list of several communication
4 efforts in the report. Everyone has been very
5 busy as you can see. We do stay in touch with
6 each other via email on a fairly regular basis and
7 I would encourage you to take a look at some of
8 the links that are included in the report and look
9 at some of the activities that have been underway.

10 As a group we continue to coordinate
11 with Mary Sabo at the Mid-Atlantic Council to
12 update the all Council webpage and we continue to
13 update our individual sections as needed.

14 Information about this meeting is posted on that
15 website as well as past information on previous
16 CCC and other working group meetings.

17 We have in -- we have been discussing
18 informally the need to meet in person and would
19 welcome the input from the CCC on that and any
20 other ideas that you may have or direction that
21 you may want to provide to the work group as we
22 continue to work together.

1 So that concludes my overview of the
2 report and I'll be glad to answer any questions.

3 MS. MCCAWLEY: Thank you, Kim. Are
4 there questions or comments for Kim? All right.
5 I don't see any hands. I appreciate you joining
6 us via webinar for that presentation, Kim.

7 MS. IVERSON: Thank you.

8 MS. RILEY: And, Kim and Roger, we are
9 going to go ahead and mute you now. You are
10 welcome to stay on of course but you will be muted
11 and you can let me know if you need to weigh in, I
12 can unmute you.

13 MS. MCCAWLEY: All right. Now we are
14 going to go back to the Electronic Monitoring Work
15 Group report and, Mike, I believe you prepared
16 some slides for us. I'm going to turn it back
17 over to you.

18 MR. BURNER: Thank you, Madame Chair.
19 Yes, per our discussion on Tuesday, I took the
20 bolded recommendations that were in the
21 subcommittee workgroup and put them in a power
22 point and sent those out yesterday afternoon. Tom

1 and Phil have provided some comments on those as
2 well and you'll see those in strike out and
3 colored text to those recommendations.

4 Again I guess just in short overview,
5 the focus of the workgroup discussion and our
6 discussions on Tuesday were this policy directive
7 from National Marine Fisheries Service regarding
8 data retention and how long stored data collected
9 through an EM program needs to be retained for the
10 purposes -- for a variety of purposes including
11 enforcement and log book verification and the
12 like.

13 I had shown these graphics that I pulled
14 from the directive earlier on the second one in
15 the lower right I didn't put on the screen earlier
16 but it's just simply shows the possibility or the
17 likelihood that as fishing years continue, the
18 retention period from the previous fishing years
19 likely is going to overlap with the following
20 fishing period which is going to create additional
21 data storage requirements.

22 But the graphic is just in here for

1 reference if we need to go back to it for
2 discussion purposes. I won't go through it again
3 in detail but in short, I think as we go through
4 the five recommendations that I have highlighted
5 in this power point, I think the main message from
6 the work group and the discussions I have heard
7 since Tuesday was that the main idea here would be
8 to try to minimize the overall data retention
9 period with a primary focus on the cost of that.

10 Again, not trying to take away from the
11 need or the importance of this data but there is
12 growing concern at least on the West Coast and I
13 would imagine in other regions that based on the
14 cost allocation directive and the burden on
15 industry for -- to take on most of those costs,
16 the concern again primarily is housing all this
17 data for a minimum amount of time is desired to
18 keep costs down and to make this program as
19 effective as possible as a potential replacement
20 for traditional observer programs.

21 So with that said, oops. Wrong button.
22 These are the first three recommendations that I

1 pulled out of the submits report that was in your
2 briefing materials. The text in black is the text
3 that was from that original report. Some of that
4 has been in strike out as suggested by some of the
5 reviewers I mentioned earlier and the colored text
6 is new.

7 So item number one focuses on what I
8 emphasized a minute ago, minimizing EM storage
9 costs is a primary concern of the CCC. It's one
10 of the recommendations that the work group focused
11 on. And again I guess I should step back for a
12 second.

13 The directive on storage is out for
14 review through the end of the year and so the work
15 group subcommittee's recommendations here are
16 intended for CCC consideration for potential
17 inclusion in a letter from the CCC to National
18 Marine Fishery Service on this directive that
19 would be sent out after this meeting if that's the
20 will of the group.

21 So again the work group and the edits
22 that you see here on that first bullet are just

1 focusing on the desire to minimize costs through
2 adapting a maximum retention period that applies
3 to all programs but that maximum retention period
4 be minimized and the justification for it
5 clarified.

6 The second bullet speaks to some
7 flexibility. The draft identifies multiple
8 reasons for establishing a minimum retention
9 period as associated with a potential use of the
10 EM data and the video collected with a
11 recommendation from the sub group. And some of
12 the other edits here is that the activity should
13 be accomplished as simply as possible allowing
14 some flexibility but again, with the overarching
15 message to keep things as cost effective as
16 possible.

17 We talked a bit about on Tuesday this
18 interim period. I guess just to be clear when we
19 say interim period, we are talking about that
20 period between the black and the orange boxes
21 here, that period of the extended monitoring
22 timeframe between those two. That has not been

1 defined in the directive and it's sort of been
2 some of the concern of the subgroup.

3 So the idea of being again, the length
4 of this period should be minimized to accomplish
5 the tasks of things like adding up total
6 mortalities against an annual catch limit or for
7 the needs of holding on to EM data for the
8 purposes of potential enforcement or logbook,
9 what's the word I'm looking for, verification
10 processes.

11 So again, an underlying theme here is to
12 make sure the EM program is as effective as
13 possible that would minimize the storage periods.
14 I guess I'll stop there while those are on the
15 screen and see if there's any questions on those
16 three recommendations. Oh, sorry.

17 MS. MCCAWLEY: All right, questions? It
18 looks like people are taking the time to read
19 that. All right. I don't see any hands in the
20 air. Do you want to keep going, Mike --

21 MR. BURNER: Yes.

22 MS. MCCAWLEY: -- and then maybe we

1 could get one motion at the end to --

2 MR. BURNER: Sure. And we can --

3 MS. MCCAWLEY: -- accept this.

4 MR. BURNER: We can certainly step back
5 to that. So the final two recommendations that
6 I've highlighted from the subcommittees report
7 talks about a couple of different options here.

8 Number four we spoke to a bit on
9 Tuesday. Again it talks about the maximum
10 duration of the interim period and how it affects
11 the overall retention period. We had talked a bit
12 about Tuesday the group had given a recommendation
13 here that you see in strike out about that being a
14 three month period. Again, I can't speak for the
15 subgroup but I was on that webinar. I think the
16 idea was, the three month idea was an example.

17 Again, I think the concern there was
18 that of the mix, of the data retention program and
19 requirements that the undefined portion was the
20 monitoring period. The idea of limiting that to a
21 maximum so that the overall retention period could
22 be known as it was the desire of the group.

1 I think there is also some need for some
2 flexibility region to region but the, again with
3 costs in mind, the subgroups concern wasn't so
4 much that it be three months as a maximum for the
5 interim period but that the interim period be
6 defined so that it can't be longer than X and that
7 could probably be regionally defined.

8 So as you see here, number four, the
9 specifics of whether that should be a three month
10 period, whether the 12 month minimum retention
11 period should start right at the end of fishing or
12 it should be something longer than three months, I
13 don't know as the subcommittee had a strong
14 recommendation there but again, the overall
15 message here is so that everyone knows what the
16 maximum sidebars are that the monitoring period be
17 defined in the directive with some sort of a
18 maximum.

19 This fifth point we had talked about on
20 Tuesday as well it's concerned about the federal
21 records data confidentiality access and ownership
22 of the stored data. There was concerns on the

1 subcommittee's discussion about those items and
2 how once EM data particularly becomes a federal
3 record, how that information is going to be kept
4 confidential was a concern. And the subgroup
5 recommended for this committees consideration that
6 the recommendations at NMFS be that the final
7 directive speak to that which it doesn't
8 currently.

9 So those are the recommendation that the
10 subcommittee forwarded on to you for consideration
11 and happy to take any questions. Again, the
12 comment period on the storage directive ends at
13 the end of the year.

14 MS. MCCAWLEY: All right. Questions or
15 comments? Yes, Phil.

16 MR. ANDERSON: Thank you, Madame Chair.
17 I think one of the things we were struggling with
18 is we have the data collection period which is the
19 fishing year and then we have the data storage
20 period which is at least in part needed for
21 enforcement and other purposes.

22 And then in between those two, we have

1 this interim period where the video review occurs
2 to ensure that the logbook information and other
3 information match up with what is seen in the
4 video. And that timeframe, the way it was
5 constructed at the end of that timeframe was when
6 the clock starts for the data retention period.

7 And, you know, I think what we were
8 struggling with is how do we define that interim
9 period so that it is as short as possible while
10 giving sufficient time to do the review. And also
11 provides the necessary flexibility that may be
12 needed between regions to accomplish that task.
13 Because at the end of that task is when the start
14 of the clock is from the retention period.

15 And I, that's what we were -- well, at
16 least I don't know about we, that was one of the
17 things I was struggling with in terms of trying to
18 construct the potential feedback that we give to
19 National Marine Fisheries Service on their storage
20 retention directive. And I'm not sure we're there
21 yet, but I think the five points that are written
22 up there address the major topics that I thought

1 needed to come from the CCC to National Marine
2 Fisheries Service.

3 MS. MCCAWLEY: Thanks, Phil. Other
4 comments, questions, concerns? Tom.

5 MR. NIES: Well, I just want to I think
6 echo most of Phil's comments. I know I raised a
7 couple questions the other day and I think the way
8 these have been rewritten address most of my
9 concerns.

10 MS. MCCAWLEY: Thanks, Tom. Other
11 folks, concerns, comments? I will entertain a
12 motion if we are ready to approve this. Tom.

13 MR. NIES: Thank you, Madame Chair. I
14 would like to make, offer a motion the CCC should
15 forward to the National Marine Fisheries Service
16 the comments on the draft EM video data retention
17 directive as presented.

18 MS. MCCAWLEY: All right. Motioned by
19 Tom. Do we have a second? Seconded by Bill.
20 Anymore discussion on this? Is there any
21 objection to this motion? All right. Seeing
22 none, the motion carries.

1 Mike, do you have anything else that you
2 need or want to discuss relative to that
3 workgroup?

4 MR. BURNER: No, thank you, Madame
5 Chair. The Pacific Council will take the lead on
6 drafting this on into a formal letter and get that
7 distributed for everyone's look before it goes
8 out.

9 MS. MCCAWLEY: Thank you, Mike.

10 MR. BURNER: Mm-hm.

11 MS. MCCAWLEY: All right. Then we are
12 going to move into our final workgroup. It's the
13 Regional Fishery Management Forum group and, Bill,
14 I think you have some updates for us.

15 MR. TWEIT: Sorry, I, before I turn the
16 microphone over to Diana on that, I did have one
17 last thought on the previous agenda item. And
18 that is that if -- that we -- the CCC send the
19 same set of recommendations if the National
20 Archives undergoes rule making relative to the
21 federal records part of this that we would be
22 prepared to voice the same thoughts to the

1 National Archives for a portion of these that
2 might become federal records.

3 And I don't know what the timing on that
4 would be or anything else but (inaudible) it seems
5 like it would be consistent with our directive to
6 the service on their policy directive.

7 MS. MCCAWLEY: All right. Good point.
8 Is everyone okay with that? More comments on
9 that? Sam?

10 MR. ALGER: Brett Alger, NOAA Fisheries
11 Electronic Technologies Coordinator. So we in
12 fact have a call this afternoon or a meeting with
13 National Archives to hopefully once and for all
14 button up this hand off that we are going to give
15 to them for them to start the process of doing the
16 federal registrar notice.

17 All along they've said it takes about
18 six months, sometimes it can take much shorter
19 than that. And there will be a 45 day comment
20 period. So once we get sort of notification on
21 when in fact that would start, we would
22 communicate that out to you all.

1 MS. MCCAWLEY: That sounds great.
2 Everybody okay with sending the same comments? I
3 see heads nodding yes. All right, Bill. You
4 ready to move into the Regional Fishery Management
5 forums?

6 MR. TWEIT: I am. But I did, sorry, I
7 had one additional question and that was just
8 about whether you would entertain at the end of
9 this going back to the EFH recommendations because
10 the habitat committee did have a couple
11 recommendations and I don't think we gave them any
12 feedback at all on that.

13 MS. MCCAWLEY: Of course.

14 MR. TWEIT: Okay. But right now let me
15 just turn it over to Diana to walk through this so
16 you don't have to listen to my cough.

17 MS. MCCAWLEY: Okay. Diana.

18 MS. EVANS: Good morning, members of the
19 CCC. My name is Diana Evans, deputy director for
20 the North Pacific and I helped coordinate the work
21 of the committee that you created last May to look
22 into this proposal of a, we are calling it Council

1 member ongoing development but that same idea that
2 you have IT listed on the agenda as a regional
3 forum for trading for Council members.

4 And we had a proposal about this or a
5 discussion about this at the CCC in May that
6 initiated this committee work to look at an idea
7 for how to establish some kind of ongoing Council
8 member training, recognizing that there is an
9 existing obviously need for all appointed members,
10 new Council members to go to training at the
11 beginning of their Council tenure but that
12 particularly with the ending of the Fisheries
13 Leadership and Sustainability forum which has been
14 providing some of the opportunities for ongoing
15 Council members to continue to meet in a regional
16 forum and discuss issues that are cross
17 jurisdictional for fishery management. It's a
18 small community that does this kind of fishery
19 management work and having that opportunity to
20 develop a network of people who are most possibly
21 dealing with similar issues, but applied in
22 different regions of the U.S. is beneficial for

1 our Council management process in general.

2 So there is a proposal that is, that I
3 believe realized was posted to the CCC agenda but
4 not nearly to the NMFS version for the CCC agenda.
5 It's posted in both places now and it's available.
6 It's a five page proposal and this slide up here
7 really just highlights the synopsis that is at the
8 front of the proposal.

9 The committee had met and talked about
10 at the request of the CCC to talk about how would
11 we go about doing, setting up this kind of
12 training program if the CCC is interested in going
13 that direction to work out some of the logistics.

14 In the longer proposal, talks about the
15 purpose. I think I have talked about that a
16 little bit already but just generally to explore
17 issues and topics that are common to all Councils.
18 Have opportunities for training and developing
19 skill sets for Council members beyond that first
20 year that new member training.

21 The and also to do that in a policy
22 neutral environment where you're not necessarily

1 doing it with respect to an issue that you might
2 be advocating in some way for but just generally
3 be able to work through some of these issues big
4 picture, national issues and changes and how they
5 can be best be addressed at fisheries management
6 best practices.

7 So if you look through the five page
8 proposal we talked about generally the structure.
9 We were thinking along the lines of what had been
10 held through the fisheries forum workshop so a
11 facilitated two to three day workshop for Council
12 members, Council and NMFS staff.

13 In terms of the understanding the
14 workload that would be involved in putting that
15 together, our proposal was to do that biannually,
16 potentially alternating it with the scientific
17 SCS, the National SSC workshop that happens every
18 two years maybe in the intervening years you could
19 have this organized as Council training workshop.

20 And so the committee definitely
21 recommends moving forward with that training
22 program. The committee proposes that the CCC

1 create a steering committee to manage that
2 training program and that's the responsibilities
3 of that steering committee would be to basically
4 to have oversight over the program as it goes
5 forward, liaising with the host Council and with
6 the facilitator specifically to help to develop a
7 contract with the facilitator so it's some
8 logistical work to figure out a cost structure.

9 And then also to come back to the CCC
10 and provide some guidance on the type of topics
11 that would be taken up at each training session
12 and that would be something that the steering
13 committee could bring to the CCC in the annual
14 meeting proceeding, you know, a year out from when
15 that training workshop would happen.

16 Generally, in terms of structure, what's
17 being proposed in this is a participation that
18 would include four seats from each Council for a
19 total of 32 members that could be a mix of Council
20 members and staff at the discretion of each
21 Council but with the idea of generally trying to
22 ensure that, you know, if you are having this

1 every two years that over the course of a Council
2 members nine year tenure on the Council they could
3 attend at least once. That would be ideal.

4 Ten seats reserved for NMFS personnel,
5 NMFS staff to participate and then with the hired
6 facilitators and the three to five presenters, you
7 are talking about just a little under 40, excuse
8 me, a little under 50 attendees per session.

9 We also spoke on the calls, the planning
10 calls for this to talk about the fact that this is
11 going to be most effective if it can be held by
12 invitation only. And so looking at the Magnuson
13 Act requirements for meetings being in public, it
14 seems like this is not one of the requirements.
15 This would not meet those requirements so it
16 should be possible to do that by invitation only.

17 The, in terms for saving some cost
18 information, the proposal talks about the host
19 Council basically doing the arranging for the
20 venue and doing the staffing for the meeting.
21 That's something that obviously as Councils we are
22 all used to and that's something that can create

1 quite a lot of expense for farming that out to a
2 facilitator.

3 And so to keep costs down if a host
4 Councils volunteer to take on that logistic role
5 and then the facilitator would be in charge of
6 planning and organizing the agenda under the
7 oversight of the committee and working with the
8 host Council, contacting presenters and then
9 facilitating at the meeting and providing a
10 summary.

11 We talked quite a lot on our couple of
12 teleconferences about how to do the logistics of
13 looking at different cost sharing options and we
14 talked about a little bit, excuse me, a little bit
15 about that in May as well.

16 But cost sharing between the Council and
17 NMFS, just the mechanics of changing, of arranging
18 for money is not so complicated for NMFS to
19 provide money to the host Council if the host
20 Councils organizing this event but a little bit
21 more complicated for Councils to pay each other so
22 there is some recommendations in the paper on page

1 four about how to look at those different
2 mechanisms.

3 I'm not going to go into those in detail
4 here. That would be something that the steering
5 committee could move forward. Unless you have
6 question on that, I'm happy to talk about that
7 more, there is a particular recommendation.

8 So jumping ahead to the question of cost
9 and that comes to the final point here. We've put
10 together a cost estimate or I think actually Tom
11 from New England put that together for us.

12 Looking at a total cost for one of these
13 events being in the nature of \$120,000. So the
14 shared costs would come to a total of 110,000, you
15 know, approximating for Councils participating
16 with the traveler for facilitators and facilitator
17 contract and then arranging for a meeting room and
18 then Councils and NMFS paying their own travel.

19 So if you look on the final page of the
20 proposal, there is various different options for
21 how we could fund this. There is an option where
22 the Councils pay that entirely. This is entirely

1 funded by individual Councils. There is an option
2 for NMFS to pay it entirely. And then there is an
3 option for cost sharing.

4 And while we didn't necessarily feel
5 confident enough to put this forward as an actual
6 recommendation from the committee, the discussion
7 around the not all members were able to make our
8 final meeting. But the committee was certainly
9 leaning towards this idea of a cost sharing
10 proposal and some of the advantages for that are
11 that it gives both NMFS and the Council some
12 ownership over the training program but especially
13 for the Councils having that balance to be able to
14 design a program that is really useful for
15 Councils members and the training that we think
16 that we are looking for.

17 We circled around the option which is
18 listed in the paper as option 3A but that
19 individual Councils would pay their travel for
20 their own members, NMFS would obviously pay their
21 own travel and then the shared costs would be
22 split between the Councils and NMFS 50/50. So

1 that works out to I think I put that on here,
2 maybe based on the example that we illustrated
3 about \$55,000 per event for National Marine
4 Fisheries Service and then that \$55,000 would be
5 split amongst the eight Councils for the Councils
6 shared costs plus the additional cost for -- of
7 travel for their members to wherever the venue is.

8 We also identified some potential topics
9 for that first meeting but I think the first step
10 here is to look to the CCC to see whether or not
11 you are interested in establishing this program.

12 I think our tentative thought was that
13 if you were to do that then we would be looking at
14 trying to hold the first training in 2021 given
15 that 2020 will be the National SSC workshop. We
16 have that planned so it would be in that next
17 intervening year. Happy to answer any questions.

18 MS. MCCAWLEY: All right. Questions for
19 Bill or Diane? Yes, Adam.

20 MR. ISSENBERG: So I just want to kind
21 of throw a yellow flag, not a red flat, just a
22 yellow flag about the invitation only question. I

1 mean, I think it kind of warmed my heart when you
2 said, you know, policy neutral. But I, you know,
3 I think any time you are getting feds together
4 with Council folk and other folk then, you know,
5 there is potentially a FACA (phonetic) issue.

6 I think there is definitely a way to get
7 at this but I think, you know, it's just going to
8 require some, you know, careful thinking about
9 sort of, you know, what the terms of reference
10 are, what terms of reference are, what the, you
11 know, kind of characterization of the
12 communication -- of the discussions are.

13 I'm looking at the page on potential
14 topics. You know, some of those I think are, you
15 know, the skill development type things, I think
16 those things don't necessarily raise any types of
17 concerns. You know, the fishery management topics
18 for exploration.

19 I think you just need to be careful to
20 ensure that the -- its understood and communicated
21 that the purpose isn't to recommend -- to make
22 recommendations to the agency and I think with

1 some careful drafting we can handle those issues.

2 MS. MCCAWLEY: All right. Other
3 questions or comments? Phil.

4 MR. ANDERSON: Thanks, Madame Chair.
5 Under the second bullet there, the sub bullet
6 about hosting the training and their region on a
7 rotating basis, was there any discussion about
8 maybe trying to look for some central location
9 that regardless of who the host was that it would
10 be held in a location that was more central to the
11 extent that that's possible rather than having it
12 may be held on some of the extremes in terms of
13 distances that a large portion of the members
14 would have to travel to attend the session?

15 MS. MCCAWLEY: Go ahead, Diane.

16 MS. EVANS: So we did have the example
17 that was the cost example that we used as a basis
18 for this was I believe citing the workshop in
19 Denver, Colorado. And certainly understanding,
20 our conversation on the group was noting that one
21 of the disadvantages of the cost sharing option
22 that we were leaning towards is that some members,

1 some Councils rather may have different travel
2 restrictions or, you know, travel budgets in order
3 to attend these workshops.

4 So I think certainly in terms of the
5 fact that there is cognizance of the cost of
6 travel that would be incurred by members and
7 trying to make that as reasonable as possible.
8 There is definitely interest in trying to get
9 participation by all Councils, that was definitely
10 one of the principles that was discussed in terms
11 of the benefit of creating this type of workshop
12 so I think that's consistent with what the types
13 of things that have talked about and then as we
14 plan that first meeting, particularly we could
15 talk more specifically about how to best address
16 that issue.

17 MS. MCCAWLEY: All right. Other
18 questions or comments? Yes, Carrie.

19 MS. SIMMONS: Yes, thank you, Madame
20 Chair. No, I think this is a great proposal. I
21 think we would be in support of it in the Gulf. I
22 still would like us to look at the numbers of

1 people that we're proposing to send.

2 I think we should look at reducing it to
3 three per Council and that is based on three
4 representatives per Council. Just our experience
5 with MREP, the Marine Resource Education Program.
6 I think I have mentioned this earlier in our
7 Council only session.

8 We heard back from Council members that
9 when there were 40 individuals there that they
10 felt that was too many so I think if we are
11 butting up against 50 that's going to be way too
12 many. So I would suggest we reduce that or at
13 least look closely at what the MREP program has
14 done and think about numbers of people we are
15 sending.

16 The other issue is, you know, I think
17 it's going to -- we are going to be hard pressed
18 depending on time of year, the other meetings we
19 have going on to find that many people that can
20 devote time to this. So, I think we need to think
21 about that as well so I would suggest three folks
22 from each Council but other than that I think we

1 are in full support of this.

2 MS. MCCAWLEY: Thanks, Carrie. Tom.

3 MR. NIES: Thank you, Madame Chair.

4 Yeah, I think we should -- we can clearly look at
5 the number of people who attend. I would point
6 out that this model is not exactly the same as the
7 MREP model for what's going on. And it's really
8 modeled after the fisheries forum which did not
9 have 50 people usually but did have usually
10 between 35 to 45 attendees including presenters.

11 So, you know, we are probably a little
12 high but I don't know if we need to really push,
13 but I think the steering committee can discuss
14 that. And one of the problems I see is if we cut
15 it down to three attendees per Council, some of
16 the larger Councils like the mid I think would
17 have difficulty getting everybody an opportunity
18 to get to one of these in a somewhat typical three
19 year term -- three term cycle. And it would
20 probably constrain the number of staff members
21 that would be able to attend as well. So that's
22 the trade off when you do that.

1 MS. MCCAWLEY: Thanks, Tom. Gregg.

2 MR. WAUGH: And we have had, I think Mel
3 has attended one of those sessions. Two of them.
4 So from our perspective, we see a lot of utility
5 in keeping this going. It's also a way for
6 Council members to share experiences, get to know
7 the NMFS folks that are participating as well.
8 And a way for the NMFS folks to gain some
9 experience in issues we're facing as well so we
10 are fully supportive of the approach.

11 MS. MCCAWLEY: Any other folks want to
12 weigh in or have questions? Ultimately I think we
13 would be looking for a motion here. Yes, Chris.

14 MR. MOORE: So moved.

15 MS. MCCAWLEY: So I'm assuming Chris
16 that that's to accept the recommendations on the
17 board?

18 MR. MOORE: I move the recommendations
19 on the board.

20 MS. MCCAWLEY: All right. Is there a
21 second?

22 MR. BELL: Seconded.

1 MS. MCCAWLEY: Seconded by Mel. Any
2 more discussion? Any objection to approval of
3 that motion? All right. Seeing none, that motion
4 carries.

5 So now we are going to go back as Bill
6 mentioned to the Habitat Work Group report.
7 Apparently there were some items in there that we
8 need to give some feedback on. Maybe Anjanette
9 can pull up the presentation.

10 MS. RILEY: Yes, can we also have them
11 unmuted please.

12 MS. MCCAWLEY: Okay. Carrie.

13 MS. SIMMONS: Just sorry, before we
14 leave this topic, so will we review this again, we
15 will get the steering committee together, we will
16 talk about numbers more, we will talk about
17 locations and topics and in May and then make the
18 final approval. Is that the next step for this?

19 MS. MCCAWLEY: Diane, Bill.

20 MR. TWEIT: I think we also need to know
21 what the agency thinks about it too. So give them
22 some time to think about the recommendation and

1 get back to us. So and maybe have that occur,
2 then the steering group can get back together and
3 have all that in time for May. Does that work?

4 MS. MCCAWLEY: I see thumbs up over here
5 so sounds like it is coming back to May. So we
6 are getting the presentation pulled up. I'm going
7 to assume that this is the more updated one from
8 the website. Okay. I see Anjanette says yes.

9 All right. So these are some possible
10 future CCC actions suggested by the work group.
11 Discussion on this. Bill.

12 MR. TWEIT: Thank you, Madame Chair.
13 The first item, the coordinated outreach to action
14 agencies will probably engender then some addition
15 discussions at the Council level and I guess I --
16 I think this is something the CCC should consider
17 but I think that we should have a clearer
18 understanding of what the potential workload and
19 results from this sort of thing might be, the kind
20 of effort while I think it might be fairly simple
21 to do some initial outreach, that's the sort of
22 thing that probably has to be repeated

1 periodically as people change at the various
2 action agencies.

3 But then secondly, the final line about
4 action agencies being encouraged to coordinate
5 around actions that will impact EFH designated by
6 the Councils. Even though I think Rogers answer
7 described that the Councils wouldn't have a big
8 role in that, I can still see more of a workload
9 for Councils and Council staff in particular
10 coming out of this.

11 And I guess I would before I would be
12 comfortable moving this I think I would actually
13 just request that the habitat, the CCC habitat
14 committee provide us maybe with some more detail
15 about how this might work and a sense of what this
16 might do to Council workload to Council staff
17 workload.

18 I mean, I think it's an interesting
19 idea. I think the committee should be encouraged
20 to maybe flesh it out further and describe in more
21 detail exactly what this would look like.

22 MS. MCCAWLEY: All right. Thanks, Bill.

1 Other discussions? Okay, Tom.

2 MR. NIES: I actually think and perhaps
3 we could get the same thing on the second
4 paragraph as well. I'm not at, we are not -- I
5 don't believe we're all actually on the same cycle
6 for research priorities. Some of us are doing
7 manually, some of us are not. I am not sure
8 whether the coordinated approach is better or not
9 because I'm not sure what that involves.

10 I mean, is their idea that the habitat
11 work group would identify these priorities and
12 bring them to us and we would write a letter?
13 Well, okay, that's one thing. But is it something
14 else that they're intending? So maybe they could
15 flesh that one out a little bit too.

16 MS. MCCAWLEY: Bill?

17 MR. TWEIT: Yes. I completely agree
18 with Tom. I would also as part of that just it
19 would benefit me at least to see some examples of
20 the kinds of habitat science priorities that they
21 think are shared across the regions that they
22 might be bringing to us as part of that further

1 exploration.

2 MR. PUGLIESE: Am I online? This is
3 Roger, am I online?

4 MS. MCCAWLEY: Yes.

5 MR. PUGLIESE: Okay. I just, I thought
6 it probably worthwhile jumping in. I think what
7 we tried to do was capture what at the highest
8 level the CCC could really provide. And I think
9 what I anticipated and I am almost positive of
10 what the group anticipated is that by identifying
11 these as moving forward, of course that's going to
12 take some work by the work group to kind of frame
13 this a little further.

14 I think some for the simpler ones on the
15 beginning in terms of educating action agencies,
16 those could be at a very high level in the
17 association with a CCC meeting or something very
18 differently. I think the operational side of that
19 is you will have and it was kind of focused at the
20 across Councils type of coordination that those
21 higher levels.

22 Because in reality, I think we have a

1 number of different levels and it is really tied
2 to the level the Councils want to engage. The
3 regional partners in agencies, in other areas to
4 address these types of things.

5 So you have a whole spectrum of the way
6 the Councils do address and coordinate with
7 regional partners but that's something that's
8 going to happen individually and that definitely
9 would be scoped out as part of the work plan
10 discussion.

11 So it almost goes back to number one,
12 the work group encouraged the CCC habitat work
13 group to advance what we were talking about the
14 next steps and work plans because that really does
15 kind of set the stage for providing the additional
16 guidance and input to address, you know, kind of
17 the guts of some of these things beyond the higher
18 level input and the higher level, yes we want to,
19 you know, highlight these for action agencies and
20 yes, we would like to see the opportunities to,
21 excuse me, I'm looking at -- to identify science
22 priorities.

1 One of the things that we discussed and
2 you can only go through so much detail within
3 these types of personations within this material
4 is some of the different types of tools where some
5 of these priorities have been actually integrated
6 into online system and can crosswalk between these
7 and look between them. Those are some
8 capabilities that I think are into the future.

9 And you're right, absolutely that was
10 highlighted at the meeting that the Councils are
11 all in different stages, have different aspects
12 for habitats integrated to the overall priorities,
13 to the individual priorities. So, you know, this
14 was at least to acknowledge that there may be
15 value to do this from a broader standpoint but
16 then some of the nuts and bolts I think would be
17 as we look at how we either coordinate within
18 regions or can feed up and say well, this may be
19 something that's common between the different
20 areas then that gets advanced.

21 So I think it's a progression of where
22 we started with this, how we framed it and then at

1 a high level these are the kind of core areas that
2 the CCC as an overall group could endorse but of
3 course that there would be opportunities to the
4 work group itself to be tasked.

5 And I actually was going to, I was
6 really going to wait till we kind of went to the
7 next step of actually doing some of the follow up
8 from here so that when we come to the work group
9 next time, some of these different, more details
10 of what's happened in the different regions to
11 facilitate things that were outcomes from this
12 workgroup. Then I think it would have almost, you
13 know, highlighted the benefits across these
14 different types of capabilities.

15 So I was going to suggest that you
16 probably do need to have an in person, just the
17 core work group meet some time next year to be
18 able to kind of hammer out more details. But that
19 was -- I didn't, I really wasn't going to raise
20 that till we kind of got to some of this being
21 actually accomplished. Because we want to build
22 some interactive capability between our different

1 staff so that we can just be able to access a lot
2 of this information and follow up.

3 So hopefully I can at least get a little
4 more frame for what we were thinking and what the
5 opportunities for the CCC overall as well as what
6 kind for in the weeds type of activities that are
7 going to happen through the habitat work group.

8 MS. MCCAWLEY: Thank you, Roger. It
9 sounds like that the committee needs to do a
10 little more work and then bring this back maybe to
11 the May meeting if they can. But before we leave
12 this topic, any more discussion, questions,
13 concerns on this item?

14 All right. I think that concludes the
15 various workgroup report outs. And, Gregg, I
16 think that you're up with the terms of reference.

17 MR. WAUGH: Thank you, Madame Chair. We
18 will get this projected in a few minutes. It's
19 also available via the website and we are just
20 making a few relatively minor changes to the terms
21 of reference.

22 We changed our meeting schedule so we

1 don't hold one early in the calendar year anymore
2 so we are striking that language.

3 Under item D, just an attempt to try and
4 get presentations and handouts posted on the
5 website two weeks ahead of time. This gives folks
6 a chance to prep a little better. We know
7 everybody is deadline driven. A process for the
8 CCC Chair to approve the distribution of late
9 materials. But again, trying to get all materials
10 at least one week prior so that we have a chance
11 to prep for the meeting.

12 Under Roman Numeral II, dropping, making
13 hard copy stuff available. Anything that is late
14 is posted to the website and it's available to
15 everybody attending the meeting. Shoring up the
16 public participation a little more indicating that
17 it would occur after the assistant administrator's
18 presentation and make sure it's shown on the
19 agenda.

20 And it right now we just have had one
21 spot, but I think just being flexible like we were
22 here at this meeting -- if there is an indication

1 of more, then we can accommodate that.

2 And clarifying that the scientific
3 coordination subcommittee function in conjunction
4 with -- or inserting in conjunction with Council
5 staff is the plan and conduct meetings and work
6 stops. So just indicating that they're doing that
7 in conjunction with the Council staff.

8 And all of those changes we had before
9 us at the May meeting we, I just neglected to
10 raise this at the end. The one new item is number
11 four.

12 We get quite a few items sent to the CCC
13 for review and we are asking if we can be allowed
14 95 day comment period so that it gives the CCC a
15 chance to circulate comments. Some Councils need
16 to weigh in before they can commit to a CCC
17 letter.

18 So those are the changes and I would be
19 glad to answer any questions.

20 MS. MCCAWLEY: Questions? Chris.

21 MR. MOORE: Thank you, Madame Chair.

22 Thanks, Gregg. So if you look at DI and it says

1 all presentation and handouts should be posted two
2 weeks and there is this week disclaimer after
3 that. Seems confusing to me at least. So is it
4 two weeks everything needs to be posted or is it
5 one week that everything needs to be posted?

6 MR. WAUGH: The intent is to have things
7 two weeks but in recognition that there are going
8 to be exceptions to that, trying to build in a
9 provision where the chair has the option of
10 approving late materials and just sort of
11 reiterating that any late materials should be no
12 later than one week before the meeting.

13 So this is generally how we have
14 operated with our Councils to try and get
15 everything in there two weeks ahead of time. If
16 somebody can't meet that deadline, sort of a
17 harder cut off is a week before the meeting so
18 that people have a chance to look at stuff rather
19 than getting it handed to them at the meeting.

20 MS. MCCAWLEY: Any more questions,
21 comments? We need a motion to approve these
22 changes to the terms of reference. All right.

1 Bill?

2 MR. TWEIT: Madame Chair, I'll move the
3 amended terms of reference.

4 MS. MCCAWLEY: All right. Is there a
5 second?

6 MR. BELL: Seconded.

7 MS. MCCAWLEY: Seconded by Mel. Any
8 more discussion? Any objection to approval of
9 these changes? All right. Seeing none, that
10 motion carries.

11 Dave, I'm going to turn it over to you.

12 MR. WITHERELL: Thank you, Madame Chair.
13 I would just like to take a moment to recognize
14 Gregg Waugh's contributions to the CCC over the
15 years. As most of you know, Gregg is retiring
16 next month. And if you don't know his career, he
17 started with the Council as a what were you a
18 temporary, Gregg. In 1980.

19 So I don't know if you're -- where was
20 your office in a closet or in the basement or
21 something like that. But eventually he was picked
22 up as a full time tech support assistant and a

1 fishery biologist starting in 1982 and was
2 promoted to deputy director in 1990 and then
3 executive director in 2016.

4 I had the pleasure of working with
5 Gregg. We overlapped as deputies for about 14
6 years and shared quite a bit of information and
7 got together when we could to share a few laughs
8 and exchange other information.

9 So I just wanted to thank you, Gregg,
10 personally but we also have a plaque for you from
11 the Council Coordination Committee and I would
12 like to read what's written on that plaque right
13 now. I have to take my glasses off.

14 U.S. Regional Fishery Management
15 Councils presented to Gregg Waugh in recognition
16 and appreciation of his distinguished service to
17 the Council Coordination Committee representing
18 the U.S. Regional Fishery Management Councils and
19 for his dedication to the conservation and
20 management of South Atlantic fisheries.

21 So on behalf of all the Councils and the
22 CCC, I want to thank you, Gregg. Thank you very

1 much. (Applause)

2 MR. NIES: Can we get a picture?

3 (Picture taken)

4 MS. MCCAWLEY: All right. Now we are to
5 the actions wrap up and next meeting. I'm going
6 to turn it back to Gregg to talk a little bit
7 about the actions that we have done this week.

8 MR. WAUGH: Thank you, Madame Chair.
9 And we have got the draft report up, the ED's have
10 been sending me materials. Just going to touch on
11 the motions part so if Anjanette will scroll down
12 and pick up the motions.

13 Just remind you what we have
14 accomplished here and we use this to track what we
15 are supposed to be doing in the interim period.
16 And you, the motions we approved this morning are
17 fresh in your mind so I'm not going to go over
18 those.

19 But motion number one we approved
20 changes to the CCC legislative working paper.
21 Revised the introduction, added a new topic,
22 organized into three groups that are not in

1 priority order.

2 We also conditionally approved
3 introductory language for the working paper. And
4 we also conditionally approved new language for a
5 consensus statement for forage fish. So these
6 changes will go into the working paper.

7 One last bit on the working document
8 right now, scroll to the end please, is a draft
9 agenda. We usually take a few minutes here. I've
10 added a few items that were suggested along the
11 way and this will help Kitty look at this. Keep
12 going, it's towards the very end of the document.
13 Past that. There we go.

14 So just if there is and maybe if you can
15 enlarge that a little bit. So we have got the
16 usual NMFS update in 2020, priorities, public
17 comment, legislative outlook and MSA
18 reauthorization and legislative work group.

19 Another update on the national standard
20 one technical guidance, the COFI input, the BBNJ.
21 Question here on SOPP's. I think we have got that
22 pretty much resolved so I don't think we need to

1 have any more discussions about that.

2 Is there anybody that's interested in
3 keeping that on the agenda? Not seeing anybody so
4 we will strike that.

5 And then the geographic strategic plans
6 update and then one of the items that were
7 suggested here, the Modern Fish Act and the
8 Section 102 report. And a presentation from NOAA
9 GC on that legal case NOAA v. Pritzker. Okay.

10 MR. RAUCH: I don't know if that case is
11 Pritzker was the Secretary of Commerce. So I
12 don't think that's probably right. If this is --
13 so you know what -- this is the case you were
14 referring to the other day. Okay.

15 MR. WAUGH: So NOAA v. Oceana. Is that?

16 MR. ANDERSON: Oceana v. Pritzker.

17 MR. WAUGH: Just making sure you're
18 paying attention, Sam. And then management and
19 budget, the work groups, other business, action
20 and wrap up. Is there any, are there any other
21 topics right now that we want to add to provide to
22 Kitty?

1 MS. MCCAWLEY: Carrie then Dale.

2 MS. SIMMONS: Thank you Madame Chair. I
3 just had a question on the SOPP's update wrap up.
4 Could you remind us what the decision or
5 conclusion was again because I can't remember
6 right now.

7 MR. WAUGH: Yes. It was left up to each
8 Council to do their SOPP's and handbooks however
9 they choose. Some of us like the South Atlantic
10 only include what's legally mandated in the SOPP's
11 and then all the other stuff is in the hand book
12 and the SOPP's is what we send up to get approved.
13 Some Councils want to use one document together.

14 So that's left up to each Council and
15 then Brian is working on the review process, a new
16 review process so that when there are changes to
17 the SOPP's that they get through the review
18 process in a timely fashion.

19 MS. MCCAWLEY: Carrie.

20 MS. SIMMONS: Yeah, thank you. So I
21 think we were more interested in that review
22 process. I mean, is that still necessary and

1 trying to simplify that process. Are we sure we
2 don't want an update on that in May or is that
3 something we want to handle by email? I'm still
4 kind of confused on that part of it.

5 MR. WAUGH: Yeah, I mean, in my
6 discussions with Brian and I don't know if he
7 wants to weigh in on it, it's a process they're
8 working on and I'm sure he will inform the
9 Councils when they get something worked out. I
10 don't know that that needs to be an agenda item.
11 It's up to the CCC.

12 MS. MCCAWLEY: Dale?

13 MR. DIAZ: Thank you. I believe in May
14 we had some discussion about unique trip
15 identifiers and I know at our Council we had some
16 discussions about how that would be beneficial if
17 that was ever put in, implemented. And I was just
18 wondering either where we are at on that or if we
19 want to continue that discussion at this May
20 meeting.

21 MR. WAUGH: That may be a good one to
22 get an update on where we are. Yes.

1 MS. MCCAWLEY: Anything else?

2 MR. RAUCH: Carrie has got one.

3 MS. MCCAWLEY: Carrie.

4 MS. SIMMONS: Yes, thank you, Madame
5 Chair. Just a something to consider perhaps maybe
6 in an update or report on the IUU report to
7 Congress perhaps, I don't know if that's possible
8 or appropriate but I think that's something we
9 would be interested in.

10 MS. MCCAWLEY: Anything else?

11 MR. WAUGH: I think, Kitty, did you have
12 an agenda item or are you going to --

13 MS. SIMONDS: No, no, I was just going
14 to say that I plan to work with all the executive
15 directors as well as Brian. There might be some
16 other topics.

17 I was thinking that we should have maybe
18 a large general topic about where the feds and all
19 of us think we are going to be, where are we
20 going? Is there going to be large issue, I mean,
21 you know, we will think about this and have
22 something other than updates on things but I will

1 be working with the executive directors and with
2 Brian and company over the next several months.

3 MR. WAUGH: Okay. If there is nothing
4 else on the agenda, the -- not seeing any. The
5 last part is just I would like to express my
6 thanks to Brian and Anjanette and Diane for all
7 their help with this meeting.

8 And those of you who might have
9 forgotten, this was rescheduled due to the
10 government closure so they had the pleasure of
11 negotiating I guess two rounds of contracts which
12 is never fun. And to all the presenters, and to
13 Alan and Stephanie for the suggestion for that
14 Modern Fish Act session, I think that that came
15 off well and I think the South Atlantic and Gulf
16 work group that will further some efforts on that
17 will be very productive.

18 And thanks to all the ED's for your help
19 over the years. It's been really fun working with
20 you all and the CCC. And Chris, Sam, Alan and all
21 the other folks in NMFS and NOAA GC.

22 I'll really miss the people, the

1 comradery, not some of the process so much but
2 it's been great and thank you very much. It has
3 been an honor to work with you.

4 MS. MCCAWLEY: Thank you, Gregg. So
5 before we wrap up, Kitty, did you want to talk to
6 us a little bit about the location of our next
7 meeting?

8 MS. SIMONDS: Sure. So we have
9 circulated a memo to all of you about -- with the
10 information on the May 2020 meeting. It's going
11 to be held at Turtle Bay on Oahu May 26 to 29. We
12 all agreed on the dates several meetings ago.

13 And so the block is through, is from
14 Saturday, May through Saturday May 30. We have
15 the tentative schedule is for us to meet
16 separately on Tuesday the 26th and then in the
17 afternoon and then Wednesday, Thursday, and half a
18 day Friday.

19 The memo includes instructions on how to
20 get your hotel reservations and tells you how far
21 away you are from the airport. And then how we
22 are going to be dealing with the documents.

1 And as I said, I'll be in touch with the
2 executive directors soonest about the agenda and
3 any other things that you all would like to
4 discuss about the meeting.

5 So if you have any questions, you have
6 my email and you also have the memo.

7 MS. MCCAWLEY: Thank you, Kitty. Any
8 questions for Kitty?

9 MS. SIMONDS: I think we have a, don't
10 us have some kind of a bet on the weather? Where
11 are you? Yes. Okay. Well, cross your fingers
12 that there will be no hurricanes, no nothing
13 happening at that time.

14 MS. MCCAWLEY: All right. Yes, go
15 ahead, Chris.

16 MR. OLIVER: Before you adjourn, Madame
17 Chair, I just wanted to say I have worked with
18 Gregg since 1990, almost 30 years when I first
19 came on board the North Pacific Council as a
20 fishery management plan coordinator. I just
21 wanted to echo all the good things that David said
22 and congratulate you, Gregg, on an awesome career.

1 We will miss you.

2 MR. WAUGH: Thanks, Chris.

3 MS. MCCAWLEY: All right. Any other
4 business to come before the CCC this week? All
5 right. I want to thank everybody for their
6 attention and participation this week. Great work
7 and safe travels going home. Thank you.

8 (Whereupon, at 4:46 p.m., the
9 PROCEEDINGS were adjourned.)

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



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