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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COUNCIL COORDINATION COMMITTEE MEETING

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2 Overview:

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

2 MR. SOLIAI: Good morning everyone and
3 welcome to our second day of our September CCC
4 Meeting. I hope everybody had a good rest last
5 night. I know we've got a strong agenda today and
6 our next speaker up on agenda item number 7, Drew
7 Lawler has a very short time with us today, so we
8 want to spend as much time with him. So, I give
9 the opportunity to Chris for Drew's introduction.

10 MR. OLIVER: Yes, thank you. Some of
11 you know Drew, some of you don't about that Drew
12 -- Drew Lawler is a Deputy Assistant Secretary for
13 Fisheries for NOAA. He's been on the team since
14 September of 2018 and he's the Lead Commissioner
15 for several of our RFMOs and engages on other
16 issues, international fisheries negotiations, our
17 country-to-country bilaterals and multilaterals.
18 He leads many of those delegations. And when they
19 set up the Seafood Trade Task Force as part of the
20 executive order on promoting American seafood
21 competitiveness, Drew was selected on behalf of
22 the Secretary of Commerce to be co-chair of that

1 task -- task force along with the USTR. And so,
2 he -- he was very instrumental representing the
3 Secretary and the task force efforts to address
4 the issue of fair market access through trade
5 policy and negotiations. So in the interest of
6 time, I'll leave it at that and turn it back over
7 to Drew. Thank you, Drew, for joining us.

8 MR. LAWLER: My pleasure. Thanks Chris,
9 for that introduction and good morning, good
10 afternoon everybody. I appreciate the opportunity
11 to chat with you a little bit about this process
12 and to share with you how it came about and what
13 transpired and what is still to come on it. So I
14 thought what I'd do is just take maybe 5 minutes
15 and give you a little bit of history about it and
16 then save another 5 minutes where we talk about
17 and answer any questions you might have.

18 So, this was a -- initiated by the White
19 House. It was the task force with many different
20 agencies within the government. It was
21 export-oriented. So the goal was to reduce
22 passport barriers and to see where opportunities

1 existed to improve access to foreign markets for
2 exports and look for ways where we could if for
3 example there were non-trade or non-tariff
4 barriers where we might be able to address those
5 and make recommendations to -- to the -- to the
6 President for what -- what could be done. I
7 understand that all of these recommendations --
8 and by the way, there are a lot of great
9 recommendations that came in, not just from
10 different agencies within the government who had
11 left frustrated with some of the things that
12 they've had to do to -- to deregulate or to
13 improve exports. We also had a number of great
14 suggestions and recommendations that came in from
15 the commercial fishing sector. So a lot of the
16 recommendations that came in had to do with
17 imports, too, and they had to do with parity in
18 trade terms.

19 So as interesting as they were and as
20 valuable as they were, again, we have to keep in
21 mind that the task of this particular task force
22 was export-oriented. And I get it, that there's a

1 symbiotic relationship between imports and exports
2 and I totally and fully understand that. I'll
3 address that part of it in a minute. But -- so
4 getting back to the task at hand, we sort of
5 sifted it through all of the recommendations that
6 were export-oriented and say, a lot of back and
7 forth between the different agencies. They
8 included the U.S. Trade Rep Office, Department of
9 Agriculture -- there was representation from the
10 White House, NOAA of course, Department of
11 Interior. I mean, just everybody that coastguard
12 -- everybody that you could possibly think of,
13 everyone quite frankly was involved in this
14 process with the exception of maybe the Department
15 of Education or Transportation. That's about it.
16 Everybody else was in on -- was in on this. And
17 so as often happens, and I'll just be -- I'll be
18 completely transparent with you on this. My
19 suggestion was that all suggestions be included in
20 the recommendations and that if different agencies
21 had -- if different agencies had objections to it,
22 they could still note those objections as

1 footnotes. And I thought that there was -- that
2 there was benefit in letting all of the
3 recommendations, you know within reason, be formed
4 to be part of the report. That's not what
5 happened. What happened was that the different
6 agencies decided that they wanted really to weigh
7 in on topics and therefore, every recommendation
8 went through a consensus process.

9 And so when you take recommendations and
10 you run them through a consensus process, as we
11 all know what happens, is that the recommendations
12 can get watered down. And -- and that's certainly
13 what happened here. I'm not saying that they got
14 watered down just to be ineffective. I'm not
15 saying that at all. I'm just saying that they --
16 many times you have a mutual consensus process,
17 that is generally what happens is that -- is that
18 they can become watered down. So some of the
19 recommendations were not, that were adopted were
20 not as forceful as the original language of the
21 recommendations through that consensus process.
22 But nonetheless, all of the recommendations are on

1 a website. They are unaltered and you can see all
2 of the recommendations in their original format on
3 the public website. So if you're interested, I
4 encourage you to do that. It's a fair amount of
5 reading.

6 As far as the ultimate recommendations
7 that were adopted, those are deliberative and
8 still in close hold with the U.S. government, so I
9 cannot share with you unfortunately what the exact
10 recommendations were adopted, as they have now
11 gone to the U.S. Trade Rep, who is actually the
12 lead agency in this, and the U.S. Trade Rep now
13 has the ability to make these recommendations and
14 as I understand it, kind of have the final scrub
15 on them, if you will. And that might be too
16 strong of a turn, but they have the ability to I
17 think -- they have the final say for what's going
18 to get forwarded. These recommendations as I
19 understand it, they get forwarded to Kudlow's
20 office, which is the National Economic Council and
21 over at Kudlow's office we now have Stu Levenbach,
22 who was the former NOAA Chief of Staff in a fairly

1 high position there. Stu is obviously very well
2 versed on fishery issues given his experience at
3 NOAA. So I guess if I had to connect the dots, I
4 would probably say that Stu is the guy who is
5 going to then take these recommendations from the
6 U.S. Trade Rep. And that's by the way -- that's
7 the career team at the U.S. Trade Rep, okay, and
8 they will -- Stu will then disseminate the
9 recommendations back to the different agencies for
10 implementation. So, the question is then what
11 becomes of the recommendations that were -- that
12 were oriented toward parity and trade tariffs? In
13 other words, import-oriented, or (inaudible)
14 import-oriented. As I said, this -- this task
15 force was tasked with -- with the -- (inaudible).
16 I will be working with Peter Navarro's office, who
17 is the -- generally the person in the
18 administration who tackles these things like
19 parity in trade tariffs so that the
20 recommendations that came in that were
21 specifically addressing those issues won't fall on
22 deaf ears and we will be working with him separate

1 -- on a separate track outside of the Seafood
2 Trade Task Force recommendations just to make sure
3 that -- that they get ample consideration. So
4 that's about as transparent as I can be and I hope
5 that was helpful and I'm happy to answer any
6 questions you might have in the process.

7 MR. SOLIAI: All right, thank you, Drew.
8 We greatly appreciate the presentation and the
9 information. Yes, we can certainly appreciate the
10 confidentiality on some of it. So I'll open it
11 for questions to our councils.

12 MR. NIES: This is Tom Nies (phonetic).
13 I don't have any questions. I'm not sure about
14 chair or vice-chair.

15 MR. CHAIRMAN: No questions from the
16 chair.

17 MR. VICE-CHAIRMAN: Actually, the
18 vice-chair has a question. It's a comment if you
19 don't mind, Mr. Chairman.

20 MR. CHAIRMAN: Yes, go ahead.

21 MR. VICE-CHAIRMAN: Okay, thank you.

22 For those of us that are used to shipping

1 international shipments by ocean container, not
2 necessarily by (inaudible), there's a lot of fees
3 associated just to get a can on a ship and that in
4 my mind is a barrier to trade that can be pretty
5 substantial. And if we do multiple containers in
6 a year, they add up pretty quick. So if you could
7 have that fee schedule examined, that would be of
8 a help, too. Thank you.

9 MR. LAWLER: Hey, that would be great.
10 Would you mind sending me an email about that and
11 -- and just amplify that a little bit more than a
12 couple of paragraphs. And then if you could even
13 cite a specific example, even if the example is
14 not real, it's hypothetical, a hypothetical
15 example would be very helpful just to help others
16 get their mind around exactly what we want to
17 drill down on. So my email is andrew.lawler,
18 which is L-A-W-L-E-R, andrew.lawler@go.gov.

19 MR. VICE-CHAIRMAN: Well thank you. I
20 appreciate that. I'm going to pass the buck a
21 little bit to my counterparts to the south. If
22 anyone in council received a correspondence from

1 Jeff Waggle from Lund's Fisheries (phonetic), that
2 details that fee schedule pretty substantially and
3 if Chris or his staff doesn't mind doing that,
4 that would be a much more comprehensive response I
5 could give you.

6 MR. LAWLER: That sounds good. And by
7 the way, let me just add one thing. Although the
8 deadline for making the recommendations was August
9 3rd and the report was due August 5th, there is
10 nothing in the executive order that would prohibit
11 us from setting agendas, additional items if you
12 will, over to the U.S. Trade Rep office. So to
13 your point about making sure that this got -- this
14 got attention, I don't mind doing that at all and
15 we can certainly bird dog it with them to make
16 sure that they -- that they don't -- that it
17 doesn't get lost.

18 MR. SOLIAI: Well, thank you very much
19 for that, and Dr. Moore, thank you in advance for
20 helping me out. All right, thank you. We'll move
21 on to the mid-Atlantic.

22 QUESTIONER: Good seeing you, Dr.

1 Moore. Yes Eric, I'd be glad to -- to help you
2 out. Thank you Drew and thank you Mr. Chairman.
3 I don't have anything in addition to that. We'll
4 work with Eric getting that email to you some time
5 early next week at the latest.

6 MR. SOLIAI: Thanks. Okay,
7 south-Atlantic? All right, call for council.

8 QUESTIONER: Thank you for the
9 presentation. No questions.

10 MR. SOLIAI: All right, thank you.

11 QUESTIONER: No comments at this -- at
12 this time. Thank you very much.

13 MR. SOLIAI: Pacific council?

14 QUESTIONER: No questions at this time.

15 MR. SOLIAI: North pacific?

16 QUESTIONER: I have nothing from north
17 pacific. Thank you.

18 QUESTIONER: We're Westbank (phonetic).
19 Just a few -- make a few comments. Drew, I thank
20 you again for the presentation. It's rare that we
21 get to see you at our -- well any of our meetings
22 so we're thankful that Drew -- we're able to

1 connect with you. But I just have a few notes
2 from the -- from the Western Pacific Council. We
3 thank you for endorsing our letter that you had
4 signed in regard to this Seafood Task Force. But
5 we also want to ask you to please take a look, and
6 we do see the burdens of -- of a (inaudible) by
7 removing special closures that were enacted by the
8 Antiquities Act. This is a special management
9 through the MSA and we also think that it's
10 important that the goal for us to renegotiate it
11 to the stipulations are cooperating with mutual
12 U.S. (inaudible) interests and the international
13 commissions, and you know, reducing IU and track
14 shipped products in the U.S., knowing that the
15 U.S. is not responsible for any of those track
16 shipped or (inaudible). We all can agree that
17 it's all coming from the foreign fleets. And then
18 finally, we need to look at ways to reduce the
19 tailpipe tuna that's coming into the U.S. And
20 taking the place of -- of U.S. products. So you
21 could, you know, take a look at those -- those
22 issues and perhaps make that a -- one of the

1 priorities of the task force, that would be
2 greatly appreciated from our side of our -- the
3 nation. So --

4 QUESTIONER: I have a comment.

5 MR. CHAIRMAN: Yes, go ahead.

6 SPEAKER: Well, I just have a one liner
7 Drew, which is we can't export if we can't fish,
8 so --

9 MR. CHAIRMAN: Right, right. We know we
10 can't fish, so -- and we're thankful, Drew, that
11 you're still -- we're fortunate that you're still
12 the negotiator for the coming WCPFC meetings, so
13 -- that's all we have from us. Thank you.

14 MR. LAWLER: Hey Archie, can you just
15 send me the comments to the -- what you call the
16 tailpipe -- tailpipe tuna coming in at U.S. Would
17 you mind just sending me an email with just a
18 couple of paragraphs on that too?

19 MR. ARCHIE: Sure, no problem.

20 MR. LAWLER: We can bounce around that.

21 QUESTIONER: I can add to that too,
22 Drew, is that two countries, well don't allow

1 tailpipe tuna, and that's Japan and the EU. They
2 do not allow tailpipe tuna into their countries.
3 We drew a (inaudible) with FDA when Senator Inouye
4 was alive, but we -- we never were able to get
5 there. I think they are waiting for somebody to
6 die from something, then they would consider it.
7 Thanks.

8 QUESTIONER: What is tailpipe tuna?

9 MR. LAWLER: Tailpipe tuna is the next
10 question. It came from somebody in New England.
11 It's tuna that's treated with what they refer to
12 as smokeless tasteless gas, carbon monoxide.

13 QUESTIONER: Carbon monoxide, right?

14 QUESTIONER: It keeps the color while
15 the fish is aging.

16 MR. CHAIRMAN: Yes. All right, do we
17 have any input from or comments from our internet
18 transporters? Chris, anything to add?

19 MR. CHRIS: No, Mr. Chairman. Nothing
20 to add.

21 MR. CHAIRMAN: Okay. Well thank --
22 thanks again, Drew. We know you have to get off

1 pretty soon, but hopefully you can join us later
2 on. If not, have a good day then. Have a good
3 one.

4 MR. LAWLER: Thanks very much guys.
5 Appreciate being able to parachute into this
6 meeting and as always, I look forward to working
7 on the complexities of these issues and very much
8 are looking forward to the upcoming aspiring
9 tropical tuna measure in the WCUSE. So, stay
10 tuned and thanks again for all of your support and
11 I look forward to working with you any way I can.

12 MR. CHAIRMAN: Thanks again and
13 congratulations on your new appointment.

14 MR. LAWLER: Thanks very much. See you
15 guys.

16 MR. CHAIRMAN: All right, take care.
17 All right, so we'll move on to -- that was agenda
18 item A. We'll move on to our next agenda item,
19 which is item B, B, other EO issues, aquaculture
20 opportunity areas, Paul and Danielle.

21 MR. DOREMUS: Thank you, Mr. Chair. I
22 appreciate the opportunity and we're glad to be

1 able to benefit from having Drew available for a
2 bit to talk about a piece of executive order. And
3 what I'm going to do is kind of step back and put
4 the trade and things that we're going to talk
5 about in just a minute in context with a quick
6 review of aquaculture, and not just the
7 aquaculture components, but the whole game plan
8 with the executive order, and we're going to get
9 into good portions of it here today, not all of
10 it. And we have a great opportunity here to talk
11 about some of the more extensive components in
12 there in sections 6 and 10 of the executive order
13 that centered on building greater aquaculture
14 capability in the United States, and Danielle's
15 going to step through that in a formal
16 presentation. But I wanted to note that those
17 pieces, 6 through 10, are part of really the four
18 part plan focusing on the industry as a whole.
19 This is a broad long-term plan to improve the
20 competitiveness of the U.S. seafood sector as a
21 whole.

22 The first provision, the substantive

1 provision in there after overarching policy
2 statements, etc., is section 4, that focuses on
3 regulatory reform to maximize commercial fishing.
4 And that is the piece that we'll be talking about
5 in section D of our agenda item here today. Sam
6 Rauch is overseeing the implementation of that
7 component of the executive order. Section 5 is an
8 interesting short and very focused component on
9 illegal unreported and unregulated fishing. That
10 was crafted in a way to align very nicely with
11 direction that the federal government as a whole
12 has gotten, not just NOAA, but other parts of the
13 federal government, frankly close to 22 agencies
14 under the Maritime SAFE Act from Congress to stand
15 up and sort of reenergize an inter-agency IUU
16 fishing effort. We're not talking about that
17 today. If there's council interest in it in the
18 future, we can address that, but the Maritime SAFE
19 Act inter-agency working group on IUU fishing met
20 for the first time over the summer in June. It
21 has by law, a provision for a rotating Chair of
22 that working group across NOAA, the Coastguard,

1 and the Department of State, and we are starting
2 off, for the first three years in leading that
3 area in the working groups. We've got a work plan
4 online. It's available to the public and we're
5 very optimistic about the ability to kind of
6 reenergize the inter-agency community and work
7 more extensively with our external stakeholders on
8 this really big challenge to form an international
9 point of view to sustainable fishing.

10 So that's section 5. Section 6 through
11 10 are more about the part on aquaculture and the
12 piece that Drew was talking about is section 11,
13 which is the direction to stand up, in the area of
14 seafood trade, a strategy for the United States
15 that Drew was overseeing and that you just got --
16 got the briefing with where that stands. But I
17 think it's good to keep in mind that this is, at
18 this point in time a kind of drawing together of
19 some areas of focus for some time. There's been
20 interest in approaching various aspects of
21 competitive opportunity in this U.S. Seafood
22 sector. These are brought together under the

1 executive order, developed over a period of time,
2 and it was issued in May when we were already
3 fairly abundantly aware of the impacts of COVID on
4 the overall structure of demand in the industry
5 and consequently, the -- the ricochet effect that
6 it's had throughout the seafood sector.

7 So the urgency of pursuing this strategy
8 of the federal government in an inter-agency way,
9 in pursuing a holistic strategy, looking at the
10 future, and the growth opportunities for the
11 sector as a whole became all the more urgent in
12 that context. So we're approaching this with a
13 great deal of focus, energy, and enthusiasm, not
14 about -- not just recovering, but really
15 strengthening the U.S. Seafood sector as a whole
16 over time as we progress through these various
17 provisions and improve overall, or while our
18 fisheries try to build a stronger and sustainable
19 aquaculture sector and deal with these
20 international challenges with EU and -- and trade
21 strategy.

22 So, Mr. Chair, I just wanted to offer

1 those remarks as sort of context for the whole
2 section here today of sections A, B, C and D.
3 Section C is really context on the authorities
4 that stand up and itemize or cover given the
5 somewhat difficult to understand legal regulatory
6 environment that exists around aquaculture
7 authorities right now, so we'll try to get clear
8 on that in section C. Yes, but we really have
9 great pleasure today of having Danielle Blacklock
10 step through the aquaculture components of the EO
11 and I will turn it over to her and she has a
12 presentation available for that purpose.

13 MS. BLACKLOCK: Thank you so much, Paul.

14 MR. CHAIRMAN: Thank you, I'm just
15 kidding. Thank you, thank you Paul. Danielle,
16 can you just give me a second. I -- I have to
17 jump off real quick, but in my absence, Mr.
18 Jonchar (phonetic), the Vice Chair will take over,
19 but I will come back. I have an engagement I need
20 to go into. But thank you, Paul. I'll catch up
21 with you guys later.

22 MR. DOREMUS: Very good.

1 MS. BLACKLOCK: All right, thank you
2 very much. And Morgan, are you able to share the
3 presentation or should I share it?

4 MS. MORGAN: Right now, I can be the
5 presenter. Just a moment. You're all set.

6 MS. BLACKLOCK: Great. And again, thank
7 you to Chair and the Vice Chair and to Paul for
8 the introduction, and thank you, Morgan, for
9 advancing the slides for us. We can go on to the
10 next. I'm happy to be with you all here today to
11 talk about aquaculture sections of the executive
12 order. And as we've already discussed, the
13 executive order has several different components,
14 all of which you'll be discussing in your meeting
15 and I'll be focusing on my third bullet, which is
16 this.

17 One thing to keep in mind about the
18 aquaculture section of the executive order is that
19 while having this focus is new, a lot of the work
20 that underpins the activities that are to be
21 implemented with the ideals of the executive order
22 have been ongoing for a long time. It's really

1 built on work that has been happening and planning
2 for a number of years. Also although NOAA is one
3 of the main agencies forced to the executive order
4 abroad, ultra-sessions are actually spread across
5 the various aquaculture agencies and we are
6 working closely with (inaudible) as well as USDA
7 and the EPA, and that's the act -- today -- in the
8 executive order.

9 So we're going to step through the
10 different sections. The first section on
11 aquaculture is section 6, which is all about
12 moving barriers to aquaculture (inaudible). It's
13 just two main things. The first is it asks the
14 Army Corps of Engineers to evaluate whether or not
15 nationwide pertinent programs would be appropriate
16 for finfish, seaweed, and Walled Lake species
17 aquaculture. Those would all be with their
18 existing nationwide permit program for shellfish.

19 About two weeks ago I believe their
20 draft rulemaking was published and called a
21 (inaudible). In that draft rulemaking package for
22 nationwide permits, they have a new nationwide

1 proposal for finfish and seaweed with multispecies
2 woven into those two new programs, rather than a
3 third set of permits. In addition, section 6 asks
4 NOAA to be the lead agency for (inaudible) when a
5 project meets three main criteria. First, it must
6 -- the project must require environmental review
7 or authorization by two or more agencies. It also
8 must be deemed to require an environmental impact
9 statement, so no one does not become the lead for
10 EAs. And, the project must be located in federal
11 waters. So it's -- it's void if the project is in
12 state waters. Once we take on that leadership
13 role, if we were to take on that leadership role
14 for a particular project, it would have to have
15 the EIS completed within two years and all the
16 permanent agencies would need to properly issue
17 (inaudible). We're going to skip over section 7
18 at the moment because that's the aquaculture
19 opportunity areas and I'm going to dive a little
20 deeper into that one towards the end. So skipping
21 over to section 8, section 8 is really all about
22 the government open transparent communication. We

1 are asked to describe the federal regulatory
2 requirements, to gain an aquaculture permit, as
3 well as all of the relevant federal and state
4 agencies that are a part of that process, put that
5 on our website along with all of the federal grant
6 programs that are the goal to aquaculture, and
7 we're asked to keep that up to date at least once
8 every 8 tables.

9 On to section 9, so section 9 asks the
10 federal agencies to evaluate whether or not to
11 redraft the National Aquaculture Development Plan.
12 Many of you may not realize that we have a
13 National Aquaculture Development Plan because it's
14 from 1983. It follows the 1980 Aquaculture Act,
15 and I think that many of you are aware,
16 aquaculture has changed quite a bit since 1983.
17 So the federal government is going to update the
18 National Aquaculture Development Plan. I'm going
19 to take a little divergence to tell you about how
20 we're going to do that.

21 So many of you might recall that a
22 couple of years ago, what used to be the

1 inter-agencies working through aquaculture was
2 elevated to become a sub-committee under the
3 National Science and Technology Council. Paul is
4 a Co-Chair along with a representative from OSTP
5 and USDA. That new elevated committee over the
6 last couple of years has put together a couple of
7 work products. They have put together a
8 regulatory efficiency plan looking across the
9 federal agencies, how to make regulation more
10 efficient while continuing to meet all the
11 observation mandates and thresholds, looking at
12 doing things in sequence, doing things together in
13 a more collaborative way. So that is one more
14 product and it resulted in this plan. In
15 addition, we also looked across all of the
16 research assets for aquaculture across the federal
17 government and created a Science and Research
18 Coordination Plan. Those two plans are going to
19 be coming out for public comment soon in draft and
20 they again look across all of the federal agencies
21 involved in aquaculture to look at both the
22 research component and the regulatory components

1 to support aquaculture development. One of the
2 new things that the committee has started working
3 on is quite exciting, and that is an economic
4 development plan for aquaculture. That is
5 bringing in the agencies that specialize in
6 economic development rather than seafood, to the
7 aquaculture conversation, looking across economic
8 development programs, finding what might be
9 applicable for aquaculture, and incorporating that
10 into this strategy.

11 So we think that with those three plans
12 combined, a regulatory efficiency plan, a science
13 and research coordination plan, and an economic
14 development plan. That makes a really good
15 foundation for what a national aquaculture
16 development plan would be and that's sort of our
17 -- our plan ahead.

18 Last, section 10 is about promoting
19 aquatic animal health. This asks USDA to evaluate
20 whether or not they should update the 2008
21 National Aquatic Animal Health Plan. They are
22 doing so, and we anticipate seeing a draft very

1 soon, and NOAA is participating in that with teams
2 from our veterinary talent that we have on board.

3 Now on to aquaculture opportunity areas.
4 This is section 7 of the executive order. It's
5 arguably the most revolutionary, most innovative
6 piece of the executive order related to
7 aquaculture, but it's not a new concept globally.
8 It's just new to us. There are many other
9 countries that have taken this approach and we're
10 lucky that we have the opportunity and order from
11 them. So the executive order asks that within one
12 year of the signing of the executive order, which
13 was May 7th, NOAA is asked to find at least two
14 geographic areas containing locations suitable for
15 aquaculture. Following that first year, we have
16 two years to complete a programmatic EIS for each
17 of those spaces. So it takes three years to
18 create an aquaculture opportunity area. However,
19 we're asked to repeat this process every year. So
20 you can start to see how these are going to
21 overlap and it's three years from now we'll have
22 six of these in different levels of completion.

1 So how are we going to identify
2 aquaculture opportunity areas? The foundation
3 will best link everything with their sphere of
4 science. So we are partnered with the National
5 Ocean Service and their siting analysis team where
6 they use millions of data sets and they're
7 constantly looking for more, to do spatial
8 analysis that will create key maps of
9 appropriateness. That, geared with stakeholder
10 input -- stakeholder input of course is crucial.
11 We will be starting -- we are starting that
12 process already, communicating about what
13 aquaculture opportunity areas are, but a more
14 formalized process is coming which we'll get into.
15 And of course, inter-agency coordination is
16 crucial across the board.

17 So a little bit more about what an
18 aquaculture opportunity area is. So we are
19 looking for space that is appropriate for
20 aquaculture in three different ways. We want
21 space that is appropriate environmentally, so one,
22 some place where there is the appropriate amount

1 of current flow, the right depths, the right
2 biological parameters and making sure that we are
3 minimizing any potential impact that potential
4 species or special places. We're also looking for
5 areas that are appropriate socially, meaning that
6 we are not taking over shipping leads. We're lot
7 looking into the shell fishing grounds or places
8 that are used by the military. And finally, we're
9 looking for places that are appropriate
10 economically, meaning they can't be too far from
11 (inaudible) or too far from shore to make sure
12 that any venture would viable. They wouldn't just
13 be burning too much fuel. In addition, if there's
14 a dock or a processing facility nearby, that's all
15 the better.

16 Once you add up those three layers of
17 appropriateness, we end up finding small spaces.
18 We hypothesize that we are going to find spaces
19 that could hold somewhere between 3 and 5 farms.
20 So these are not large polygons in the ocean that
21 some other planning exercises have created. This
22 is more of polka dots and possibility, working in

1 between existing users. One thing that I should
2 say is that we're also not looking for finfish
3 specifically or shellfish or algae. We're looking
4 for areas that could possibly accommodate all
5 three different types of aquaculture and we could
6 see the possibly of an aquaculture opportunity
7 area building sites, a suite of sites where one
8 site might be appropriate for our finfish and two
9 of them maybe for shellfish and a couple maybe for
10 algae or some -- some mix of them.

11 So one thing that is critical to
12 understand is that this is not a partnering
13 process. This is not a regulatory process in any
14 way. It's a science-based smart growth planning
15 exercise. Aquaculture ventures looking to enter
16 into an aquaculture opportunity area would have to
17 go through the exact same probing process as one
18 looking outside as well. They will have to go
19 through all of the same consultations, potential
20 species, same order act, all of the same
21 parameters will be applied. The difference is
22 that we will have three years of investigation

1 under our belt into that water. So we'll know so
2 much more and so many more analyses will be
3 needed, that can feed into the process that we
4 think it's going to make the process more
5 efficient.

6 And I think as everyone has likely seen,
7 we announced the first two areas we are going to
8 begin our investigations to find aquaculture
9 opportunity areas. There's a little bit of a
10 miscommunication in the media. We're looking at
11 southern California and the Gulf of Mexico. Those
12 areas themselves are not aquaculture opportunity
13 areas. Those are just where we're focusing our
14 investigation. And those selections were based on
15 a couple of different things. One is making sure
16 that there's industry interest. We don't want to
17 go through this process and have NOAA wanting to
18 put a farm and a water there. In addition, how
19 much work we've already done in these places?
20 Because of existing industry interests, we have a
21 lot of spatial analysis that has already been
22 completed in southern California and the Gulf of

1 Mexico as well as good working relationships
2 across the federal government and the councils as
3 we do everywhere, but with the councils,
4 commissions, etc., there's a lot of understanding
5 about aquaculture in those spaces.

6 So I'm going to share with you two maps,
7 one of them of (inaudible) and one of southern
8 California, and this shows the study areas. So I
9 talked about that science product that's going to
10 create maps. This is the beginning of their study
11 areas. So when you look for waters that are the
12 appropriate depth, you end up with this band
13 around the Gulf of Mexico where you have to have
14 water and it's deep enough to be safe from storms,
15 to make sure that any affluent is duly taken care
16 of, and you can't be too far from shore, as I
17 mentioned, no farm will go in the middle of the
18 Gulf of Mexico because it will two expenses with
19 activity to shore. So you end up with this band
20 and in the Gulf of Mexico you end up with four
21 study areas. And in southern California we end up
22 with four study areas as well. So here you can

1 see that they're separated in (inaudible) and
2 these again are not the aquaculture opportunity
3 areas, but the areas within which we are beginning
4 our investigation.

5 And now a little bit about the process
6 and where we are. So we have convened our
7 implementation teams, that's at the national level
8 as well as at the regional level, so they both,
9 the west coast regional office and the southeast
10 regional office. There are teams working across
11 the different program units as well as
12 inter-agency teams that have been developed to --
13 to help with this process. COS has also started
14 their siting analysis, building, as I mentioned
15 before, on what they've done previously. They've
16 already had over 80 meetings with stakeholders
17 about data. They're constantly looking for more
18 and better data, and that's an ongoing
19 conversation, before they actually build the
20 models for those study areas.

21 We've already been doing a lot of
22 probing public stakeholder outreach, introducing

1 the concept, what is an aquaculture opportunity
2 area, what's this investigation and process going
3 to look like. And coming very soon, there's going
4 to be the beginning of the four wall public echo
5 process, and that is coming through a federal
6 register notice that will be a request for
7 information. That request for information is
8 asking two main bits of questions. The first is
9 where in the nation should we go next? As I
10 mentioned, we have to find two areas every year
11 through the next seven years until we have 10 of
12 these. So we would like to have that conversation
13 with society and see where there's industry
14 interests, where there's good will, and where
15 aquaculture may be appropriate. So that is one
16 bin of questions, is where in the nation should we
17 be look next.

18 The other bin of questions is more
19 specific to southern California on the Gulf of
20 Mexico, making sure that we have all of the
21 information. Are there particular things that we
22 should take into account as we go through this

1 process? Are we missing any data sets? Those
2 kinds of questions. During that public comment
3 period, we're also going to have four webinars as
4 a more informal way for people to get their
5 (inaudible) if they're not comfortable writing a
6 letter into the federal registrar. As well as
7 lots of local organization meetings for input and
8 of course for coming to the fishery management
9 councils. Then on the agenda for both the Pacific
10 and the Gulf Fishery Management Council, I know
11 that the (inaudible) will be taking place next
12 week through the Gulf, which (inaudible) in the
13 meeting a little bit, but that's just a start of
14 those conversations with those councils. We need
15 to stay coming back any time that we're invited to
16 talk about how the process is going, talk about
17 where we are, what we're hearing, and we're
18 welcoming other councils to have that conversation
19 as well. While we have started in the Gulf --
20 with the Gulf council and the Pacific council
21 because that's where we're looking first, we're
22 having to come to any council meeting and discuss

1 this process, what it's going to look like, as we
2 do anticipate these to go somewhat around the
3 nation, maybe not everywhere, but they're not all
4 going to be in southern California and the Gulf.

5 So all of that leads into this winter.
6 We have with us a sub-draft science product coming
7 out which is going to take the form of an
8 aquaculture opportunity atlas. It's going to be a
9 series of sheet maps of appropriateness. This is
10 a great fiasco, sort of black and white kind of
11 conversation. It's really a -- it will show up
12 more as a temperature map where we'll find areas
13 that are hopefully most appropriate. That, paired
14 with the public input that we'll get this fall
15 will help us have that conversation to find areas
16 that are most appropriate. We anticipate by next
17 May having a school of different areas in each
18 region that would have a level of appropriateness
19 for aquaculture. Those couple of different areas
20 for each region will then feed into programmatic
21 EIS process as various alternatives. We're
22 building that programmatic EIS process now, so

1 more to come on that piece, but I wanted to make
2 sure to get everyone up to speed at least on this
3 as well as the finding of appropriate space phase
4 before any more time goes by. So again, I really
5 appreciate you having us on the agenda and I'm
6 happy to take any questions, Mr. Chair, if that's
7 appropriate.

8 MR. CHAIRMAN: Thank you, Danielle.
9 Thank you, Paul. Very good. We'll go ahead and
10 check and see if there's any comments or
11 questions.

12 QUESTIONER: Thank you, Mr. Chair. I
13 have three questions for you, Danielle, and thank
14 you very much for the presentation. I think you
15 were informative. The first two are really sort
16 of process questions related to (inaudible). The
17 first two questions are process questions related
18 to slide 15, and the first one I guess is that you
19 mentioned that you'll convene implementation
20 teams. Will councils, should they want to
21 participate, be allowed to participate in the
22 implementation teams, or is there going to be a

1 FACA concern?

2 MS. BLACKLOCK: That's a very good
3 question, and I don't know that I have a clear
4 answer. We -- I will have to get back to you.
5 Currently, the implementation teams are the
6 federal government possible participation with
7 state governments. We're having that same
8 conversation right now, and internal program
9 staff, but I'll look into that and get back to the
10 committee.

11 QUESTIONER: Okay, thank you. A second
12 question also relates to that slide. Just for
13 planning purposes, do you know when the public
14 notice on the request for information will go out
15 roughly? Just trying to figure out where it might
16 fit in with our council meeting schedules.

17 MS. BLACKLOCK: So, it should be going
18 out in the next couple of weeks.

19 QUESTIONER: Okay, and how long --

20 MS. BLACKLOCK: 60 days.

21 QUESTIONER: 60 days, thanks. My -- my
22 third question is a little bit broader. How are

1 AOAs enforced? You know, as you point out, there
2 are a lot of factors that play into it, and it's
3 conceivable, at least to me, that just as far as I
4 know, the only two permanent authorities really
5 are Corps of Engineers and EPA right now. So it's
6 conceivable that there could be a site that meets
7 their property requirements, but falls short on
8 other things, and what if the facility says I want
9 to go in this other place? How do we enforce
10 people using the sites that are identified through
11 the AOA process?

12 MS. BLACKLOCK: People are welcome to go
13 outside of aquaculture opportunity areas. I think
14 that the incentive to use them is the amount of
15 analysis that will have gone in on the front end
16 that the federal government is doing instead of an
17 individual company needing to do. So it's --
18 again, it's a planning process. There is no --
19 there is no enforcement, but we're doing this
20 planning process with the EPA on one side and the
21 Army Corps on the other side, so they're a part of
22 this. So it's woven into what will be their

1 (inaudible), but it's not -- it's not an exclusive
2 zone and it doesn't mean aquaculture can't go
3 outside of that.

4 QUESTIONER: Okay, thank you very much.

5 MR. CHAIRMAN: Tom, did you get all of
6 the questions from New England?

7 VICE CHAIRMAN: I'll have to check with
8 my Chair at (inaudible) but I think so.

9 MR. CHAIRMAN: Mid-Atlantic council?

10 QUESTIONER: Thank you, Mr. Chair.

11 Thank you, Danielle for the presentation. I have
12 a quick question. I got lost a little bit in the
13 terminology. EO talks about geographic areas. Is
14 a geographic area the same as an AOA or is that
15 different?

16 MS. BLACKLOCK: It's understandable. We
17 talk a lot about different spaces, areas. So
18 geographic areas are what we're going to deal with
19 at the end of this year. So we're looking within
20 southern California or within the Gulf of Mexico
21 to find geographic areas. I wouldn't deem it an
22 aquaculture opportunity area until after that

1 programmatic EIS has happened. So while in time
2 they would be one in the same, it's understanding
3 that it's confusing. So I wouldn't call it an
4 actual area of opportunity until (inaudible).

5 QUESTIONER: Got you. So when you talk
6 about finding two AOAs per year for the next five
7 years or 20 years, you're talking about these very
8 specific locations that may be within the
9 geographic area. So if you talk about say the
10 mid-Atlantic, you may have three AOAs within the
11 Mid-Atlantic or off the Atlantic. Is that the way
12 you're --

13 MS. BLACKLOCK: That's correct. Yes.

14 QUESTIONER: All right. Thank you.

15 MR. CHAIR: Any other questions from
16 South-Atlantic?

17 QUESTIONER: (inaudible) the
18 presentation.

19 MR. CHAIR: Gulf Council?

20 QUESTIONER: Thank you, Mr. Chair.

21 Thank you, Danielle, for the presentation. I
22 think we'll have another chance to ask questions

1 next week or at least (inaudible). Just during
2 your presentation, I did have one thought that
3 came to mind and that was while you're identifying
4 these areas, these aquaculture areas, do you
5 foresee in the programmatic EIS that you're
6 developing, a review process that would be
7 included in there to assess the current AOAs
8 before you start identifying other AOAs. Do you
9 see that process occurring at all?

10 MS. BLACKLOCK: We are currently
11 developing what that programmatic EIS process will
12 work like. We're trying to make these as
13 consistent and transparent as possible from region
14 to region, which means there's a lot of work from
15 a front end to make sure that we're -- you know,
16 four years from now it will look very similar to
17 what the first year looked like. So I don't have
18 an answer yet, but it's something that we're
19 considering.

20 QUESTIONER: Thank you.

21 MR. CHAIRMAN: Any questions from the
22 Caribbean Council?

1 QUESTIONER: Yes, thank you. We have a
2 meeting in December (inaudible). We'd like to
3 invite the presenter to talk about this
4 aquaculture venture. I have also a question about
5 (inaudible). You know, the Caribbean is
6 (inaudible), the Caribbean as many times with a
7 Bolivarian. But can aquaculture through the scale
8 and in the Caribbean might be considered in the
9 next 7 years as -- for one of those areas that
10 you're talking about?

11 MS. BLACKLOCK: Thank you for the
12 invitation. I would happily take you up on that
13 and come to the next council meeting and present
14 on aquaculture opportunity areas. And absolutely,
15 the Caribbean could host an aquaculture
16 opportunity area. As I mentioned, one of the
17 questions or one bin of questions that we'll be
18 asking in this request for information is where
19 should we go next. So if we get input from the
20 Caribbean to please come here, then of course
21 we'll look at that closely.

22 MR. CHAIRMAN: Thank you, Caribbean.

1 Next question is from the Pacific Council.

2 QUESTIONER: Thanks, Danielle. I got a
3 couple of questions. First is the -- on the --
4 includes the data, where all the databases are
5 housed, one of our concerns was not just what
6 databases they are using, but how they're using
7 them, particularly in terms of the time series
8 that they're using because we have some issues
9 with reopening areas and some haven't been used.
10 This is really a blank question of California, but
11 in any event, we would be interested in having
12 some opportunity to engage with who's solving that
13 and so, I guess to the extent that you could
14 involve the council in that, that process, we
15 would appreciate it. We -- we did just have our
16 council meeting last week and we had basically the
17 same presentation from the (inaudible) so I would
18 appreciate that. With that, I do want to echo
19 Chris Moore's comments about the terminology and
20 how it was difficult for me to get through what an
21 AOA really was, but I think you did a good job
22 explaining it in your presentation. I just think

1 it would help the presentation if that was -- if
2 you know, an AOA is in southern California, then
3 an AOA is into red, blue, green, and yellow areas
4 is all about, is something else. So I think we
5 have -- it would help if it was stated more
6 clearly as you go forward.

7 Finally, I guess still not sure the
8 degree of which and how councils will be engaged
9 in the review, in the process with helping the EIS
10 and those sorts of things. So -- so I -- I guess
11 -- I guess I'm not -- if you can address that a
12 little bit here, that would be good, but you know,
13 we could -- we asked the question at our council
14 meeting and didn't get a real good answer for when
15 we should have, schedule something on our agenda,
16 so we haven't done that yet. I know your -- your
17 glance to the extent that we can get an idea when
18 and exactly what the council is going to be asked
19 to do, we would appreciate that. So those were
20 more comments I guess more than questions, but if
21 you can give some responses that would be great.
22 I don't know if my chair or vice chair might have

1 some follow ups as well.

2 MS. BLACKLOCK: Sure, I'd be happy to
3 discuss those three points. On the data, we are
4 absolutely an open door for the actively finding
5 data and I'm happy to connect you with some folks
6 over at NPOS. While they have millions, over 30
7 million data sets, they know they don't have
8 everything, and they know that it's not all
9 perfect. So we're constantly trying to improve
10 that.

11 With regard to terminology, we're
12 learning as we go to be better communicators about
13 what these are and aren't, especially trying to
14 alleviate any -- and deep seated fears that
15 aquaculture is going to maintain over hundreds of
16 square miles off of the coast. That's not what
17 this is. This is a finding exercise, finding
18 small areas where it's most appropriate and
19 interferes the least with anything else. So we're
20 -- we're learning terminology, but I agree with
21 you, it's tricky and adds a great fear, especially
22 through the media and communications.

1 And with regard to the role of the
2 councils, so the councils are inter-built in, so
3 is everything it does. We're having to talk in
4 every council meeting you have between now and
5 today with announcement is made of the
6 alternatives that will begin the programmatic EIS
7 process. We can bring everyone up to speed on how
8 the planning is going, how the mapping is going,
9 what information we're still looking for. We can
10 -- we can have a trusted conversation about what's
11 going on and we're having to do so. So I think
12 the best role of the council is that we really
13 also see you as the leaders in the (inaudible) and
14 the better our -- closer our relationship can be,
15 the better the product at the end of this will be.

16 QUESTIONER: Thanks. Maybe just a
17 follow up comment on that last -- the last issue.
18 You know, updates -- updates are great in knowing
19 where you're at. But what we really need to know
20 is you know, when and how -- when, where, and how
21 do we engage in the process. Thank you.

22 MS. BLACKLOCK: Sure. At the moment,

1 the -- the formal engagement in phase I is -- is
2 where stationed this fall. Then it will be more
3 informal engagements until May and then another
4 formal process will begin. But until we finish
5 designing it, I can't unfortunately tell you all
6 of the (inaudible) yet.

7 MR. CHAIRMAN: Any other questions from
8 the Pacific Council, Chuck?

9 MR. GORELNIK: I'll go ahead. This is
10 Marc Gorelnik, Pacific Council Chair. I'd just
11 like to follow up a little bit on Chuck's
12 questions. I guess I'm not -- it's still not
13 clear to me what the role of the councils will be
14 in the process short-term and/or long-term. Are
15 we merely stakeholders in the process to provide
16 our input, which would balance against the input
17 of others? Are we merely a convenient venue to be
18 an input for stakeholders or do we have a more
19 substantial role in the process?

20 MS. BLACKLOCK: I don't know that I
21 would call either of those roles a merely role. I
22 think that you are one of our largest constituency

1 and your input is incredibly important and as for
2 us having sort of constant conversations with you
3 all, I anticipate that you would help shape what's
4 outside of the process.

5 MR. GORELNIK: All right, thanks very
6 much. We'll see how the process develops and I
7 look forward to working with you.

8 MR. CHAIRMAN: Thank you, Pacific
9 Council. Moving on to the North Pacific Council,
10 any questions, comments?

11 MR. KINNEEN: This -- this is Simon. I
12 don't have any. I don't know if -- if our Vice
13 Chair, Bill, has anything.

14 MR. TWEIT: Bill here. I don't have any
15 questions. Thank you.

16 MR. CHAIRMAN: Thank you, North Pacific.
17 We're going to the Western Pacific Council now.
18 The Western Pacific has been working on a
19 programmatic EIS for several years now. How is
20 the work that we have done to date going to mesh
21 with the work that you're doing now? Are you --
22 are you familiar with what we have done?

1 MS. BLACKLOCK: Yes, and it remains to
2 be seen as we move through the process, how the
3 two will align, and more of that due to timing.
4 So as the programmatic EIS that you all are
5 working on now advances, if we have input that
6 says please come to (inaudible) three years from
7 now and that's already completed, that's a
8 different picture than if we're asking you to send
9 plans this year while everything's still
10 processed. So we haven't evaluated all of those
11 scenarios yet. In part, we'll wait to see what
12 comes back from that public comment period as to
13 whether we need to sort all of that out now or
14 later, but I am aware of the work that you're
15 doing. I'm excited about it. And we'll make sure
16 that we do locate (inaudible).

17 MR. CHAIRMAN: So would you recommend us
18 continuing on with development of the programmatic
19 EIS, or should we defer to you or work with you,
20 bring you aboard?

21 MS. BLACKLOCK: I recommend you continue
22 on.

1 MR. CHAIRMAN: Okay. Thank you very
2 much. Any other questions from the Western
3 Pacific, vice chairs? I'm hearing none. Thank
4 you very much, Danielle and Paul, appreciate it.

5 Let's go to the next section C,
6 aquaculture regulatory/statutory issues. Sam,
7 Adam, you all are up.

8 MR. RAUCH: Thank you, Mr. Chair, and I
9 hope Adam is on the line. I'm going to give a
10 little overview and then turn it to Adam to talk
11 about implications of the recent 5th Circuit
12 opinion, which we've talked briefly with some
13 elements to CCC about before. But just as a
14 reminder of our general view of regulatory
15 authority for aquaculture. As a baseline, there
16 is no permit required unless some statute makes it
17 required. So you can do a lot of things in the
18 ocean without needing to go get a permit. And
19 when I talk about the ocean, I recognize that
20 aquaculture happens on land and in state waters or
21 territorial waters, but I'm going to be focusing
22 on federal waters because that's what the

1 council's jurisdiction is. That's where we're
2 mostly concerned about.

3 So in federal waters, as somebody
4 mentioned, the corps and the EPA do have some
5 regulatory authority. You're putting permanent
6 structure in front of waters there, you need a
7 rivers and harbors permit for that. To the extent
8 that you are putting out affluent or other things,
9 you may need an EPA permit. There may be other
10 peripheral federal entities that are involved.
11 Our view is that the Magnuson Act gives us through
12 the council system, the authority to regulate
13 aquaculture in federal waters. Our view has been,
14 or our historic view at least has been that
15 aquaculture is fishing, a form of fishing since it
16 involves the capture and removal at some point,
17 you're removing those fish from the ocean so that
18 it is fishing, therefore, it is subject to
19 regulation. It doesn't mean it's prohibited, but
20 it means that the council could regulate it, could
21 choose to prohibit it, could choose to allow it,
22 but the council needs to do that with some

1 intention. If thus the council is somehow active,
2 it could happen. So that was our preexisting
3 view.

4 We know that we've got a number of
5 aquaculture provisions that have been vetted
6 through the councils in various jurisdictions,
7 that the broadest most significant one is the Gulf
8 aquaculture plan, which the Gulf spent many years
9 working on. It was developed and is a large scale
10 comprehensive program. It was immediately
11 challenged and we lost in the District Court and
12 we've now lost in the 5th Circuit, and I would
13 like to turn it over to Adam to give us a summary
14 of that court case and then in particular, given
15 that we have -- we have lost the case in the 5th
16 Circuit, but the litigation is not over. What
17 potentials are there for further review realizing
18 that I don't think the United States is taking a
19 new view yet, but those are still decisions the
20 United States needs to make. After, he will give
21 us the update.

22 MR. ISSENBERG: Thanks, Sam. Yes, so

1 earlier this year the 5th Circuit, which is the
2 court that has jurisdiction over much of the
3 states bordering the Gulf of Mexico, issued an
4 opinion in which it found that NOAA does not have
5 the statutory authority to issue regulations
6 governing aquaculture under the Magnuson Stevens
7 Act. The question in that is the notion that the
8 -- you know, the councils don't have the authority
9 to implement it or to adopt fishery management
10 plans to address the aquaculture. This was a
11 three judge panel and two of the three judges
12 concluded that the Magnuson Act unambiguously
13 precludes the agency from creating an aquaculture
14 regime because the MSA does not expressly
15 authorize the agency to administer management of
16 aquaculture.

17 The judges rejected the longstanding
18 position that, as Sam mentioned, we have since
19 then wasted the early 90s taking the position that
20 aquaculture is fishing and falls within the
21 definition of fishing. And the judges disagreed.
22 They concluded that the term and that position

1 relied heavily on the use of the term "harvesting"
2 in the definition of fishing. Fishing was
3 catching, taking, or harvesting, and our
4 interpretation is that harvesting could include
5 aquaculture activities. And the judges concluded
6 that the term "harvesting" should be read
7 synonymously with terms "catching" and "taking",
8 which described traditional fishing activities in
9 terms of capture.

10 One judge did descend. That judge
11 thought and Congress had given the agency a very
12 expansive granted authority to conserve and manage
13 offshore fishery resources that Congress hadn't
14 distinguished between habits of fishing or types
15 of fish, and that was ample authority for the
16 longstanding position that NOAA had taken. So the
17 next steps are for the federal government to
18 determine whether to seek further review. Unlike
19 a lower court decision where appeal is always
20 available, further review of an appellate court
21 decision is discretionary with the court and must
22 be requested from either the 5th Circuit in the

1 form of a hearing or from the Circuit Court. The
2 decision of whether to seek further review
3 ultimately lies with DOJ. They will make that
4 decision after receiving recommendations from NOAA
5 and from any other agencies that might be
6 entrusted. And that process is ongoing. No
7 decision has been made yet and that's as much as I
8 can say about that.

9 After that process is concluded and
10 depending on what the appeal decision is, we will
11 need to decide how to respond to the decision and
12 what that means for NMFS and for the councils. I
13 want to reiterate as Sam said, that you know, this
14 doesn't mean that aquaculture is prohibited in the
15 Gulf of Mexico or anywhere else. Aquaculture may
16 proceed sometimes at other applicable (inaudible)
17 like the Water Act (inaudible). And then as I
18 think Danielle alluded to, you know, the Magnuson
19 Act is not NOAA's only authority regarding
20 aquaculture. We have a number of other
21 authorities including the National Aquaculture Act
22 of 1980, which Danielle mentioned, the Fishery

1 Lobby and Coordination Act, and other authorities.

2 Really, the most significant one is the
3 National Aquaculture Act, which gives NOAA a very
4 important role in the development and the
5 promotion of aquaculture, and does not contain any
6 regulatory authority to do anything akin to you
7 know, permitting aquaculture ala the Gulf plan,
8 but does provide ample authority for the
9 activities assigned to the Secretary of Commerce
10 under the executive order. So that is my summary
11 and I'm happy to take any questions or you could
12 -- for me or for Sam.

13 MR. RAUCH: Yes, let me, before we yield
14 ground for questions, let me just expand just a
15 little bit. Recognizing that the federal
16 government has not decided what to do, may seek
17 further review in one of those venues that Adam
18 mentioned, may seek to overturn this opinion. But
19 in the meantime, what it means at least is that
20 the Gulf aquaculture plan is set aside, and we are
21 not regulating aquaculture in the Gulf of Mexico.
22 It does not on its face necessarily apply outside

1 the 5th Circuit, but that is something we would
2 have to consider if this became final, either
3 because we continue to litigate, and we ultimately
4 do not prevail, or we accept the decision. So
5 those decisions are still to be made. As Adam
6 indicated though, we still have authority,
7 nonregulatory, to do things under the Aquaculture
8 Act of 1980, which largely supports many of the
9 things that Danielle was talking about regardless
10 of whether the Magnuson Act is available or not.

11 This does also implicate some of the
12 questions that come up as to what is their role in
13 aquaculture going forward? Under the 5th Circuit
14 opinion in the Gulf, the council no longer has a
15 regulatory role. Still would have an advisory
16 role under many of these processes. It still has
17 relevant information and it is an important
18 opinion in that but does not have the same sort of
19 regulatory role as it had before. So with that, I
20 -- I understand that it is not final and so there
21 is some things we cannot answer beyond mere
22 speculation, but I'm happy to take questions or as

1 Adam indicated, he is happy as well.

2 MR. CHAIRMAN: Thank you, Sam. Adam,
3 did you have any other comments? Were you ready
4 to go to questions?

5 MR. ISSENBERG: No, no other comments.
6 I'm happy to answer any questions.

7 MR. CHAIRMAN: Thank you, guys. That
8 was great. New England Council, any questions?

9 QUESTIONER: John Quivey (phonetic) with
10 a question, quick question. My two-part question,
11 is there a -- a deadline by which the ODJ is going
12 to decide on the appeal and does the standard of
13 review change when you appeal the Appellate
14 Court's decision?

15 MR. ISSENBERG: The OJ, I'm uncertain if
16 this is whether there's a 90-day deadline for a
17 petition for Supreme Court review, and I'm fairly
18 confident, although can't promise, that the OJ
19 will you know, have the final decision before
20 then. You know, their internal process supposedly
21 takes a total of six weeks, although I can't
22 recall it ever actually happening within that six

1 weeks. In terms of standard review, it would
2 basically be the same standard of review. You
3 know, this was a -- it's basically a statutory
4 construction issue. The -- the 5th Circuit and
5 the lower court in Louisiana worked on it under
6 the Chevron framework and I expect that that's the
7 same way that any further review would reanalyze
8 the case.

9 QUESTIONER: Thanks.

10 MR. CHAIRMAN: Any other comments from
11 New England? Tom? Going on to Mid-Atlantic
12 Council, any questions?

13 QUESTIONER: Thank you, Mr. Chair. No
14 -- no additional questions at this point.

15 MR. CHAIRMAN: South Atlantic Council?

16 QUESTIONER: Thank you, no questions.

17 MR. CHAIRMAN: Gulf Council?

18 QUESTIONER: Thank you for the
19 information. No questions.

20 MR. CHAIRMAN: Caribbean Council?

21 QUESTIONER: No specific questions.

22 MR. CHAIRMAN: North Pacific Council?

1 QUESTIONER: No questions from the North
2 Pacific.

3 MR. CHAIRMAN: And we circle around to
4 the Western Pacific Council. I don't have any
5 questions at this point. Does any other members
6 -- Kitty, your add?

7 QUESTIONER: I have no questions, thanks
8 John.

9 QUESTIONER: The Pacific has no
10 questions.

11 MR. CHAIRMAN: Okay, thank you. Okay,
12 very good. Thank you, guys. We're going to head
13 to D, EO section 4, prioritized list of
14 recommended actions. Kelly Denit, you're up.

15 MS. DENIT: Great. Thanks, John. Good
16 afternoon and good morning everyone. So in this
17 session, the councils had asked to have more of an
18 information exchange around section 4 of the EO,
19 so I'm just going to give some brief overview
20 comments to get us started and then we'll jump
21 right in.

22 So, first we'll recall that section 4 is

1 the request to all of you to submit within 180
2 days a prioritized list of recommended actions to
3 reduce burdens on domestic fishing and to increase
4 production within state-owned fisheries. We sent
5 around a template, I believe it was in July, for
6 you all to complete, to provide the information
7 requested in the EO and you've been asked to
8 provide that by early November. I know that some
9 councils have at least had some preliminary
10 conversations and others haven't on their upcoming
11 schedules. So with that, just very brief context
12 setting. I would be happy acting, Mr. Chair, to
13 just call on different councils as we go around or
14 John, if you would prefer to call the different
15 councils, that's fine as well. The focus here was
16 for each of you to be able to talk about what --
17 how you have been approaching this request within
18 your respective councils and share any
19 information. Of course we're here to answer any
20 questions if you do have any. So, Chair, I'm
21 happy to kind of facilitate this part or if you
22 would prefer to, that's totally up to you.

1 MR. CHAIRMAN: Why don't you go ahead
2 and run with it.

3 MS. DENIT: Great. Well, I want to get
4 wild and crazy and not start in the northeast. So
5 now I know everybody is slightly panicked like who
6 is she going to call on first? So I want to start
7 out on the West Coast and let's start with Chuck,
8 Pacific Council.

9 MR. TRACY: All right. I got to go to
10 the -- I'm on the spot.

11 MS. DENIT: I figured you could handle
12 it, Chuck.

13 MR. TRACY: Yes, so we did -- we met
14 last week and had a discussion about this and
15 prepared a response. What -- what we did is we
16 looked at the things that were under our sort of
17 normal authority, the regulatory FMP amendment
18 type business things we normally do, and then saw
19 that as you know, what was most applicable to the
20 central or request. So we identified some items
21 for that, that we would be able to initiate prior
22 to May 1. I have to order the items there, and

1 then we'll put those on our -- on our planning
2 calendar as evidence of that. Of course, we will
3 -- we will be sending a formal response as well
4 including the spreadsheet of those provided.

5 So we also had some other issues that
6 were identified. I think Chris sort of suggested
7 it was possible for us, so we asked all our
8 advisory buddies about a number of things. So for
9 those, we identified a few things that we also
10 wanted to bring to the attention of other
11 agencies. So we kind of ended up with three
12 buckets if you will, I guess. The things I've
13 already mentioned as one bucket as sort of
14 basically essentials or requirements. And there's
15 some other items that are within NMFS purview but
16 are not regulatory in nature. That's just things
17 like funding for surveys and those sorts of
18 things. And then we also had another bucket that
19 was other statutes or other agencies, and we
20 identified one thing for that which was the
21 regulation that U.S. Fish and Wildlife Service
22 passed. Basically, it omits from the definition

1 about fishing, fish products, squid and the sea
2 urchins because they apparently don't have a
3 shell. So they are required to be certified by
4 USFWS, but other fish products for export are --
5 have a waiver on reviewing of exporting wildlife
6 products and these don't, so there's sort of a
7 redundant need to where, first of all have service
8 to evaluate those products for export for our
9 recommendations to the Gulf and to the wildlife
10 service. So probably the Seafood Task Force as
11 well, add to that, regulations be reviewed and
12 revised.

13 And then we also had another comment on
14 the aquaculture-based opportunities as well in
15 terms of that, just making sure that the EFH
16 consultation is conducted prior to the decision on
17 locations. So that -- that's kind of how we
18 handle it. So if there's any questions, I'd be
19 happy to answer those.

20 MR. CHAIRMAN: Kelly, would you mind if
21 we go ahead and take control back? We're going to
22 go ahead and jump down a predetermined list that

1 we have for the various councils.

2 MS. DENIT: Totally fine, Sir.

3 MR. CHAIRMAN: Okay, thank you. Thank
4 you very much Pacific Council, Chuck. Appreciate
5 it. We're going to see if we can reserve
6 questions for later. If we can go ahead to the
7 comments. We'll get to the councils first then
8 we'll take the questions at one time. Let's go to
9 New England Council, Tom?

10 QUESTIONER: Thank you, Mr. Chair.
11 Thank you, Kelly, for giving me a little break.
12 I'll be very quick. We go through a process every
13 year where we determine what we're going to do the
14 following year. We refer to this as setting our
15 priorities. And so we rolled in our response to
16 the executive order in that process. We've worked
17 with our advisory panels and committees to bring
18 up suggestions and don't ask me what they are
19 because we're going to talk about them next week
20 and we'll make our final determination at a
21 special council meeting towards the end of
22 October.

1 MR. CHAIRMAN: Very good. Thank you,
2 Tom. Mid-Atlantic Council?

3 QUESTIONER: Thank you, Mr. Chairman.
4 This is Mike Rouici (phonetic). Chair of the
5 NOAA, I want to provide the report today. So we
6 started out with a preliminary discussion with our
7 full council back in the spring, and then staff
8 worked with our advisors and the public comment to
9 kind of boil down a list of possible actions that
10 will come from this -- this order. And we decided
11 to work those possible actions through our
12 executive committee. The executive committee met
13 earlier this week and refined that list, adding to
14 it what was -- the original list was really --
15 there was a lot of focus on commercial activity,
16 but based on some discussions that had been had in
17 the South Atlantic, our executive committee
18 decided to add some potential recreational issues
19 to the list as well. And so our plan at this
20 point will be to have that report -- we have a
21 council meeting in two weeks and the full council
22 will have an opportunity at that time to review

1 the list coming from the executive committee to
2 provide final guidance to staff on what they'd
3 like to see move forward out of council process.
4 So that's where we are. Chris and I can -- can
5 handle any questions after we get through to hear
6 what the council thinks.

7 MR. CHAIRMAN: Thank you, Mike. How
8 about the South Atlantic Council?

9 QUESTIONER: Thank you. South Atlantic
10 Council has talked about it through two council
11 meetings and an executive committee meeting. We
12 met last week and prioritized our list, refined
13 our list. We are now working on the final
14 language to port over into the spreadsheets, so
15 primarily working out the details of what we have
16 in there dealing with things like the
17 justification. So kind of like Chuck mentioned,
18 we had a couple of buckets we started in. One of
19 ours and sort of high priority for us is a broad
20 request for increasing the scientific resources
21 within our region, particularly the -- the
22 Southeast Center to encourage more independent

1 surveys and to be able to provide safe reports to
2 increase the information available to the council.

3 We also had a -- a high priority issue
4 to evaluate the shark depuration situation. We
5 heard about that yesterday and -- and that was
6 just a small, small taste of what the council's
7 been hearing about over probably the last year,
8 had many public comment opportunities. We
9 included recreational (inaudible) so we requested
10 improved (inaudible) dealing with some of the
11 ongoing issues there, one in particular being the
12 -- the working route that's underway to deal with
13 rare event species because with only 5 percent of
14 the trips to the southeast going in the EZ, most
15 of our stuff is rare.

16 We also hit on requesting support for
17 the regional climate change effort, the area
18 planning that's underway at the Northeast Region
19 Permitting Council. Addressing delays in the
20 disaster relief, I think is a hot topic with many
21 people as we look at CARES. And then we got into
22 the issues that were more council-related looking

1 at a review of our ITQ program, some changes in
2 closed area we have, commercial electronic
3 logbooks, getting those in place. We have a two
4 for one permit provision in our staff work fishery
5 to look at and then some fishery-specific things
6 that were already on our workplan, to look at King
7 Spanish and office fisheries with a few issues
8 coming up over the next year. So, thank you.

9 MR. CHAIRMAN: Thank you, John. Gulf
10 Council?

11 QUESTIONER: Thank you, Mr. Chair. We
12 have just a couple of slides. I don't know if
13 those can be shown on the screen. If not, you can
14 look at them on the website, I guess.

15 MR. CHAIRMAN: Can we get the slides put
16 up on the screen?

17 QUESTIONER: There's a few (inaudible) I
18 can share them.

19 QUESTIONER: So, thank you. I'm just
20 going to talk high level about our approach. We
21 haven't had a lot of opportunity to discuss this
22 yet. The next slide, please? We did start the

1 discussion during our June 2020 council meeting,
2 and we've received some initial feedback from a
3 council member. Next slide, please? And we came
4 up with a path forward for how we are going to
5 handle this task, which was to get some guided
6 public comment and we traded a google form to
7 collect this public comment and we used our
8 Southeast Fishery tool to do that. We asked two
9 main questions. We also asked the individual to
10 identify their association with the fishery. We
11 asked the question, are there any current
12 regulations that may be outdated or unnecessarily
13 (inaudible)? And we asked them to explain why.
14 Are there any other changes to council guidance,
15 documents, or procedures that could alleviate
16 barriers to domestic fishing? And explain the
17 issue and suggest any remedy to the problem. The
18 next slide, please?

19 So we received 93 comments and because
20 respondents were not limited to a single
21 association, you'll see that the dimple size is
22 different there for that and you can see the

1 categories of respondents that we received. This
2 may not seem like a lot of comments received, but
3 it's actually five pages of comments that the
4 council is going to have to go through next week
5 and give us feedback on. Show the next slide,
6 please.

7 So our September council meeting is next
8 week. Staff will present the summarized public
9 input and the council should -- is planning to
10 give us initial suggestions of live feedback,
11 although while continue to receive public
12 comments, and in October, we'll discuss and try to
13 finalize these and ask the council to prioritize
14 them. We will use the Excel spreadsheet that you
15 provided, and we'll submit the letter. And we
16 have very little time because our October council
17 meeting is the last week in October, so we'll be
18 turning that around quickly to meet the November
19 2nd deadline. So, that concludes my report.

20 Thank you.

21 MR. CHAIRMAN: Thank you, Karen. Nice
22 pictures. Coming up next, we have the Caribbean

1 Council.

2 QUESTIONER: Hello, this is Marcos
3 Sherma (phonetic) from the Caribbean. And the EO
4 section 4, we are collecting the -- all the inputs
5 from the advisory board that are connected to our
6 council. Tomorrow, we have a council meeting
7 which will advance those issues and follow up
8 after that, we'll create the (inaudible) to send
9 to Chris as soon as it's ready. We are at the end
10 of our process. Thank you.

11 MR. CHAIRMAN: Thank you, Marcos.
12 Pacific, we have the Pacific Council already done.
13 North Pacific Council.

14 QUESTIONER: This is Dave Witheral
15 (phonetic). Our council will make a decision on
16 that prioritized list at its October meeting. I
17 hope we can get a chance to come back with
18 questions because I have a number of them.

19 MR. CHAIRMAN: Okay, very good. Last,
20 but certainly not least, Western Pacific Council?

21 QUESTIONER: Thank you, Mr. Chair. I'm
22 Kelly. So, we've gone through meetings with all

1 of our advisors in the public and we've been
2 working on this for several months. And the
3 council did vote last week on recommendations to
4 send. I am just presenting a few of them here,
5 just examples, but I will mostly be speaking to
6 closures, consultations, and international
7 negotiations, all of which are huge burdens to us
8 out here. So, (inaudible) says the Assistant
9 Administrator for Fisheries, and as you will see
10 from our examples we have. So, these presidential
11 EOs need not have any traction if the president is
12 not reelected. But it has given us in this region
13 the opportunity to publicly discuss what works and
14 doesn't work in our region.

15 This region has four fisheries to
16 manage, Hawaii law line, mainly for reaching
17 quotas, OC, WC, PFC, and the IATTCE. (inaudible)
18 which delivered to help (inaudible). The U.S.
19 Perceived fishery, which delivers (inaudible), and
20 the bond fish fisheries in Hawaii and the
21 territories. Our tuna fisheries are healthy. A
22 lot of fish is in their current condition because

1 of chronic issues with data collection that should
2 have been resolved years ago by NMFS. The council
3 has spent millions of dollars working with and
4 around NMFS programs. We need to go fishing. We
5 can't go fishing in our region because of
6 regulations imposed on us from the White House
7 down to the NMFS region.

8 More than 50 percent of the entire U.S.
9 EEC is closed to fishing in our region. Long line
10 fishing is prohibited in 70 percent of the EEC.
11 For three years in a row, our boats were tied up
12 for as long as 65 days because of administrative
13 processing. Delayed consultations have resulted
14 in losing U.S. markets. Our swordfish fishery
15 provides 50 percent of U.S. domestic swordfish
16 concealed in the continental U.S. Our markets on
17 the East Coast have had to source foreign markets
18 like Brazil where swordfish is over-fished,
19 Ecuador where they are experiencing over-fishing.
20 Seasons have been closed. This year, our pelagic
21 FEP event at TAM, which would have helped ease
22 restrictions on the swordfish fishery, took effect

1 as if approved in April because the final rule
2 wasn't ready for publication.

3 The final rule was published on
4 September 17th, five months later. RPMs are not
5 reasonable or prudent in this fishery with the
6 no-jeopardy determination. In the 16 years that
7 this swordfish fishery has been in effect with 100
8 percent observer coverage, only two mortalities
9 have been observed in these 16 years. In recent
10 years, three reap seasons have been missed because
11 of delayed consultations and administrative
12 processing.

13 U.S. negotiations in the Western and
14 Central Pacific Commission have failed to increase
15 our bigeye quota, currently 3554 metric tons.
16 Japan's quota is 17,765 metric tons, but they are
17 all have used 11,607 metric tons, of which they
18 transferred 500 metric tons to China. China lost
19 a facility for charter agreements with small
20 island development states like our territories who
21 do not have cap status and use the fisheries to
22 further spread Chinese influence. In negotiations

1 with the Compact of Free Associations and other
2 countries who are members of this commission, the
3 United States needs to negotiate measures so that
4 these members support the U.S. in this RMFO. CFA
5 provides up to 150 million dollars annually to the
6 former trust territories. Billions of dollars are
7 also given as aid to countries who are members of
8 this commission and the total aid is 1.6 billion
9 dollars from the United States. So, hey, I mean,
10 how difficult is it to negotiate 3000 more metric
11 tons of bigeye quota for this fishery?

12 So, what we plan to do in our letter
13 with comments is to ask headquarters to meet with
14 us and the region to lift these burdens from our
15 regions. So, thank you very much from the Western
16 Pacific.

17 MR. CHAIRMAN: Thank you, Jenny. Very
18 thorough. We're going to go back down through the
19 list of the various councils. If you have any
20 questions, you'll get an opportunity to ask them.
21 So for this co-ed period, question period, we're
22 going to start off with New England Council. Did

1 you have any questions about anybody's
2 presentation on this issue?

3 QUESTIONER: I don't have any questions
4 from the Western Pacific's presentation, but I --
5 but I do have a couple of questions. The main
6 question really for Kelly or for the agency. The
7 regulatory issues that we submit will potentially
8 go on the unified regulatory agenda. What happens
9 and how are the others that we submit going to be
10 tracked? The -- you know, the broadband issues,
11 some of which may not apply to the agency at all?

12 MS. DENIT: Yes, that's a great
13 question, Tom, that we are still sorting through.
14 Obviously, the EEO and the language in there is
15 pretty specific to Secretary of Commerce and all
16 of the actions under our purview. So allow me to
17 think through how -- how what we do with
18 suggestions that go beyond either regulatory
19 actions within the agency, or well into other
20 agencies per the comments (inaudible).

21 QUESTIONER: Thank you, Kelly. I don't
22 have any questions, Mr. Chair, but my Chair and

1 Vice Chair might.

2 QUESTIONER: I have no questions.

3 QUESTIONER: Neither do I.

4 MR. CHAIRMAN: Thank you, New England
5 Council. Just to clarify, this comment period and
6 question period is for all presentations and also
7 to Kelly, so it's for the entire section here.
8 Coming up is Mid-Atlantic Council. Any
9 questions/comments?

10 QUESTIONER: Yes, thank you, Mr. Chair.
11 We do have a couple of questions and I'll turn to
12 Mike first. Mike?

13 QUESTIONER: Yes, thanks Chris. Thanks,
14 John. Yes, I have a question for Kelly. It came
15 up at our executive committee that I referenced
16 earlier this week. We had a discussion regarding
17 the list that we're generating in this exercise
18 and the setting of that list and the priority
19 setting. You know, let's say we have 15 items on
20 the list and we -- are we -- can you give me some
21 thoughts Kelly, about how the service is going to
22 view that list, whether or not it would be ideal

1 to prioritize the list or not? It would probably
2 take some time to really work through the details
3 in engaging those as a priority from 1 to 10 or
4 12, whatever the number might be, and we were
5 looking for some thoughts about how you all might
6 take that with you know, whether they're
7 prioritized or not.

8 MS. DENIT: Sure, thanks Mike. So, I
9 would recommend that you do send us some level or
10 prioritization. The reason for that being that of
11 course all of this is still going to have to get
12 fed into workload, which you guys I'm sure as part
13 of your conversations at your respective councils,
14 as well as for the agency. So even if you don't
15 end up with a 1 through 15, if you've got a high,
16 medium-low kind of bucket approach or something
17 like that would be helpful for us as we're then
18 sorting through all of the input that we're going
19 to get from everyone.

20 QUESTIONER: Double thanks, appreciate
21 it.

22 MR. CHAIRMAN: Anything else from the

1 Mid-Atlantic?

2 QUESTIONER: I have one additional
3 question, John. Thank you. Thanks, Mr. Chair.
4 Kelly, how is the agency handling (inaudible)? I
5 know that you referenced to councils, but I would
6 think that you know, there's things associated
7 with agencies that you might want to think about
8 as well, right?

9 MS. DENIT: Yes. Yes, absolutely Chris.
10 So we solicited input from our HMS advisory panel
11 at our meeting that we just had two weeks ago and
12 we will continue to seek their input here up until
13 the deadline and any priority actions that are
14 identified based on that input in our review of it
15 will be included in the list.

16 QUESTIONER: Just a follow up, Mr.
17 Chairman, sorry. Is it a possibility we could see
18 that list before you guys compile everything? The
19 reason I'm asking is because we have -- we have
20 some HMS concerns in the NOAA, right? So you'll
21 see some HMS issues that appear on our list. But
22 I'm just curious as to whether this would be

1 overlapped as one of the things that you guys are
2 proposing or yes, just if we could see something.

3 MS. DENIT: Yes, sure Chris. We can
4 definitely make sure that we stay in touch as
5 we're getting the input from the mid and what we
6 get from HMS. We could certainly, if there is
7 overlap, we're going to want to talk about do we
8 combine that or how that looks or all that.
9 Perfect.

10 QUESTIONER: Perfect. Thank you.

11 MR. CHAIRMAN: Thank you, Mid-Atlantic.
12 South- Atlantic Council, you're on.

13 QUESTIONER: Yes, thank you. I also
14 have some questions along the lines of the others
15 just about what are the next steps with this. So
16 we've prioritized ours and then we'll go over, I
17 presume nationwide putting these into a
18 spreadsheet. Is that spreadsheet in its entirety
19 going to be something that we can see, we'll see
20 once everybody's are in there? I think as Chris
21 and I will try to have the other priorities
22 ranked, as Mike mentioned, you know, you're going

1 to have to deal with barriers across all the
2 councils as well as each individual council.
3 Those are -- you're going to think everybody's
4 number one to have you know, eight number ones,
5 and then there's a plan to you know, the -- for
6 what it was, we -- we had six months to get you a
7 list and then six months to get things initiated,
8 so I assume they'll be reporting back out about
9 what is initiated and what is -- what is not being
10 initiated. And if there are things the agency
11 decided it's not going to pursue or it's not
12 appropriate, will we be told about that? You
13 know, the main questions coming from our council
14 is really just -- okay, we did our part, now what?

15 MS. DENIT: All great questions, John,
16 which I don't have the answer to all of them. I
17 will tell you that I think our first step right
18 now will be of course getting everyone's input and
19 getting it compiled and then seeing what -- what
20 we've got. As we've already heard from the
21 presentations today, it sounds like it's going to
22 be pretty wide ranging. Some of it sounds like it

1 will definitely be in sort of the regulatory
2 bucket, which would then fall in the paragraphs of
3 the EO in terms of the unified agenda and those
4 processes which will involve the councils. Others
5 are likely to fall into kind of other buckets and
6 potentially other processes. So right now I think
7 all I can tell you is that we will compile the
8 information. I have no doubt that it will involve
9 additional consultations with each of the councils
10 into your regional administrators as we're working
11 through again, that workload question and what --
12 what it really looks like and what is going to be
13 feasible in our -- our current world to process
14 and get through in the timelines that are
15 established in the EO. That's the best I can do
16 right now, but certainly we'll keep you guys up to
17 date and as we flush things out more, I'll make
18 sure that we're communicating that to you all.

19 QUESTIONER: That sounds great. Thanks.
20 Those are the only questions.

21 MR. CHAIRMAN: Thank you, South
22 Atlantic. Moving on to the Gulf Council.

1 QUESTIONER: Go ahead Carrie.

2 QUESTIONER: Okay, this is Tom Frazier.

3 So actually I have a question for Mike Leeseey
4 (phonetic). I mean with regard to reducing
5 regulatory burden, you made reference to some
6 recreational examples, I guess, and I just
7 wondered if you would be so kind as perhaps to --
8 to share some of those with us.

9 MR. LEESEY: I'm happy to, Tom. And so
10 one of the things that we've been working on here
11 in the mid, we're calling it our recreational
12 reform initiative. Excuse me. This initiative is
13 -- is a creative way of -- of working through
14 (inaudible) to try to find some stability, add
15 some flexibility, and work to allow access to the
16 resource in ways that we have not been able to do
17 before, given the constraints of our recreational
18 harvest limits and how we manage through those
19 harvest limits based on projections from the
20 previous years, information to (inaudible). And
21 so for the last couple of years, the United States
22 Fisheries Commission along with our council have

1 actively been working on this initiative and its
2 priorities were us in the mid as well as it's been
3 very heavily supported by the Atlantic States
4 Division over the development. Now, it hasn't
5 been formally -- management actually hasn't
6 formally been initiated to this point; however, it
7 will come up at our -- our council meeting for a
8 meeting jointly with the commission in two weeks,
9 the first week of October.

10 So it's an idea. That's basically what
11 it is. But there are -- there are issues with the
12 idea and how it fits, syncs up with the Magnuson
13 Act and the rules that we have to follow there.
14 So, we wanted to put it as a -- as a high priority
15 or something to consider because the recreational
16 community has been begging for something like
17 this. So that's one example. I'm looking here to
18 see if there's another example on my list about
19 it. I believe there was the other example
20 regarding my regional districts, how they do with
21 the Modernizing Recreational Fisheries Act and
22 their request would be to evaluate National

1 Standard I guidelines relative to the object about
2 clarification or the flexibility the councils have
3 implementing alternative recreational management.
4 You know, the two things that came up at the
5 executive committee in this case kind of --
6 they're paired together. One is some information
7 about how we can be more creative and more
8 flexible based on the -- the Modernizing
9 Recreational Fisheries Act and then this
10 recreational reform initiative will be kind of the
11 follow up measure and follow up action to that.
12 So those are the two things that -- that were
13 highlighted by our executive committee and we'll
14 see where the council decides to go. Hopefully,
15 that helped to answer your question.

16 QUESTIONER: That's super helpful. So
17 that means that you have in two weeks from now,
18 will there be some type of reading materials or
19 preliminary types of materials that you might be
20 able to share, and I can access from your site to
21 look at?

22 MR. LEESEY: Absolutely. Yes, reading

1 materials. Chris knows better than I do. They
2 usually get them out very soon if they're not
3 already available. You can access them through
4 our website. You can go to our agenda for that
5 meeting and I believe it's on the October 7, is
6 when our meeting is going to be held. Materials
7 will be available for review and you can certainly
8 -- It's a webinar-based thing so you're welcome to
9 join us in this conversation.

10 QUESTIONER: Great. I'd appreciate
11 that. Thanks.

12 MR. CHAIRMAN: Thank you, Tom, Mike.
13 Tom, is there anything else from the Gulf Council?

14 QUESTIONER: I'll defer to Carrie or
15 Dale. Not for me.

16 MR. CHAIRMAN: Hearing that, we'll head
17 to the Caribbean Council.

18 QUESTIONER: Hello, and we don't have
19 any questions. Thank you.

20 MR. CHAIRMAN: Thank you. Pacific
21 Council?

22 QUESTIONER: No further questions,

1 thanks.

2 MR. CHAIRMAN: North Pacific Council?

3 QUESTIONER: Thank you. Bear with me.

4 I have a few questions for Ms. Denit. First, on
5 the scope of the recommendations, you've heard
6 from a few councils that they're sending you
7 recommendations relative to recreational
8 fisheries. I guess the way I read the rules, it
9 is looking more towards increasing production from
10 commercial fisheries. So I just wanted to a yes
11 or no relative to that question. Are recreational
12 fisheries' actions included in the prioritized
13 list?

14 MS. DENIT: Yes.

15 QUESTIONER: Okay. Again, on the scope
16 of the recommendations, would this include the
17 act, any actions to increase the value of
18 fisheries? Or to increase the U.S.
19 Competitiveness and seafood production?

20 MS. DENIT: Yes, Dave. I think that,
21 that would be fair game as well. Some of that
22 might overlap a little bit with some of the

1 actions in the other aspects of the executive
2 order, but certainly I would encourage you to err
3 on the side of including it and then we can work
4 through where it might best need to end up going
5 if it's not you know, staying in the bucket of the
6 section 4 aspects.

7 QUESTIONER: Okay. And I'm just kind of
8 curious, if there's a change in administration,
9 what happens to the unified regulatory agenda?
10 Does it go away and start all over with a new
11 administration, or is it carried over?

12 MS. DENIT: So it carries forward, Dave.
13 It's updated two times a year regardless of
14 administration. So that process would continue.
15 If there are actions that are identified here,
16 those all regulatory agenda timeframe, those would
17 carry forward and we would review now again in the
18 spring just like we currently do now.

19 QUESTIONER: Okay. Looking ahead, I
20 think you mentioned that you know by May 6, the
21 council is supposed to provide a proposal to
22 initiate each action. And given the really broad

1 scope of actions that are being discussed, a lot
2 of these do not count as authority to make any
3 changes due. How do we write that up? How do we
4 write this proposal to initiate an action for
5 example to increase funding for electronic
6 laundering?

7 MS. DENIT: So I think that in that
8 case, you know, your description is obviously not
9 going to be related to a regulatory action at the
10 council. So I think we would be looking for you
11 to describe what you see as the needed actions and
12 how you would suggest the agency address your
13 specific issues that you're finding. So to
14 continue with the EM example, it's some concern
15 that there needs to be more funding invested in
16 the electronic monitoring, then what it is that
17 you suggest the agency do? Is it we're reducing
18 funding in some other areas? Is it that we should
19 be talking with Congress to work through the
20 administration to see the funding increase in the
21 area? What is it that you would suggest that the
22 agency do to address that specific issue that

1 you're flagging? Did I help clarify that?

2 QUESTIONER: Yes. Thank you. I don't
3 have any additional questions. I do like the idea
4 of being able to share these across the council,
5 so we see -- but we've all put in the mix. Thank
6 you.

7 MR. CHAIRMAN: Thank you, North Pacific.
8 Finally, come to Western Pacific. Are there any
9 questions, Kitty?

10 QUESTIONER: No, I have no further
11 questions nor remarks, and we will certainly put
12 our recommendations up on the CCC website.

13 MR. CHAIRMAN: Okay.

14 QUESTIONER: Hey John, this is Ed.

15 MR. CHAIRMAN: Yes.

16 QUESTIONER: Vice Chair, Hawaii. First
17 of all I want to reiterate support for our
18 executive director, Kitty Simon's remarks. I hope
19 you were all able to feel her passion and her
20 frustration. My comment is looking to the future
21 a little bit, and we heard yesterday about a draft
22 legislation. Let me see if I can get the wording

1 right, to prohibit any distractive or destructive
2 human activity and minimize impact of human
3 activity on 30 percent of the ocean of the United
4 States jurisdiction by 2030. So you know, I mean,
5 we're already, we have 60 percent of our EEC taken
6 away. I mean, we're unable to fish, so you know,
7 is this talking about 30 percent more? I mean,
8 come on. This stuff that's getting heaped upon us
9 is just getting to be ridiculous, so that's my
10 comment. Thank you.

11 MR. CHAIRMAN: Thank you, Ed. Okay,
12 we've heard basically an overview of each of the
13 councils in addressing this issue. I'd like to
14 specifically ask Chris and Sam to weigh in. If
15 y'all have any questions, comments, that you would
16 like to make on what you've just heard over the
17 last 30 minutes, would Chris or Sam, could you --
18 would you mind adding to the discussion here?

19 QUESTIONER: Chris here. I'm not sure,
20 John, I have anything to add to the discussion.
21 It was a good discussion. I appreciated
22 everything I heard. The only comment I guess was

1 Dave's question, and maybe it was just the very
2 specific example that he used and that when we
3 talk about a regulatory agenda, the kind of
4 example he used didn't really fit well within the
5 -- it's not a regular action if you will. It's
6 certainly along the lines of a request councils
7 often make. So I didn't -- his answer was as good
8 as I could have given, but I'll (inaudible).

9 QUESTIONER: I don't have anything
10 specifically to add. I do look forward to seeing
11 the results that come up within both Chris and
12 Kelly and I think the councils recognize. There
13 will be two blocks of these. There will be a
14 number of actions squarely within the executive
15 order to what the executive order asks for. We'll
16 put them on the unified agenda if we think that
17 they meet that criteria. We'll follow objectives
18 accordingly. And all those in council have some
19 responsibility as well for taking their portions
20 of the action and getting that stuff initiated.
21 What's in there is the other half of it or you
22 know, half or more than half that leaves the wide

1 neck request that Chris initially put out there
2 for things that we could look at that might not
3 fall within that regulatory category. We will
4 figure out how to look into them, address them.
5 I'm not saying that we will agree with them. And
6 it's helpful for us to know so we can engage in a
7 special view about those things. They're just
8 going to be on a different list. They will go
9 through the unified agenda because they're not
10 that kind of regulatory thing, but there are
11 things to ask for. We did want to hear from you
12 about this. It's good to know what you think the
13 opportunities are, what the challenges are, and so
14 we will let those go. None of this is dropped by
15 the wayside, but they'll be in a different link.
16 That's all.

17 MR. CHARIMAN: Thank you, Sam. Thank
18 you, Chris, appreciate it. We've got a break
19 heading up and but before we go on a break, I
20 wanted to announce we have a public comment period
21 between -- 15-minute public comment period between
22 4:30 and 4:45 p.m. eastern standard time. With

1 that, why don't we go ahead and break for 15
2 minutes. It's 5:30 in the morning at the
3 Marianas. Whatever time it is where you are, why
4 don't you come back in 15 minutes and we'll see
5 you then. Okay?

6 (Recess)

7 MR. CHAIRMAN: Okay, we got everybody
8 present now. We're going to go to -- we're at
9 agenda item dealing with CCC committees. A, we
10 have electronic monitoring. Chuck, it's yours.

11 MR. TRACY: Thanks, Mr. Chairman. Not
12 really a lot of substance here. We established or
13 reestablished the electronic monitoring committee
14 in May of 2019. The initial thoughts in
15 reestablishing the committee was that there were
16 some things that were the sort of national level,
17 one of them being the procedural directive on data
18 retention, which NMFS did finalize, and the other
19 was the possible interest in establishing a
20 program like the North Pacific Observer Funds that
21 utilizes industry contributions to pay for the
22 Observer or electronic monitoring in the North

1 Pacific, which is specific to that region, so
2 there was some interest in possibly establishing
3 something like that for all of the regional
4 councils if they desired. So that was kind of the
5 reason we started the committee a year and a half
6 ago. We did draft a report on the procedural
7 directive, data retention, in November of last
8 year.

9 The interest in the funding issue is
10 sort of -- has certainly waned in our region and
11 so I'm not sensing urgency on that issue, and so
12 the committee has not met since then. There seems
13 to be no national level issues that sort of rose
14 to the level of having that need to make
15 recommendations to either the CCC. So that's kind
16 of where we're at right now so I guess the first
17 question is you know, do we foresee any need for
18 national level issues to be brought before the CCC
19 moving forward. So do you see a need for the
20 committee to meet over the course of the next --
21 prior to the next CCC meeting in May? I don't
22 know if there's any interest in hearing about

1 what's going on in each particular region
2 regarding electronic monitoring. I'd be happy to
3 give a quick overview of a specific region if
4 there's some interest in that, but maybe I'll just
5 leave those two questions out there. Is there any
6 need for the committee to meet in the interim
7 between now and the next CCC meeting and do we
8 want to have a round about what's going on in the
9 region or is that really not necessary for our
10 meeting here today?

11 MR. CHAIRMAN: Perhaps we can go down
12 the list and get comments on your questions you
13 posed to get some opinions and at the end of the
14 discussion we could probably hopefully have your
15 questions answered. We'll start off with -- New
16 England Council, do you have any suggestions,
17 comments, questions?

18 QUESTIONER: Just very quickly, I'm not
19 sure I see a need for any workgroup meeting before
20 the next CCC meeting. In New England, we have a
21 couple of EMEFPs going on, several different
22 fisheries, they're still in development. We are

1 not using it actively in any fishery routinely
2 right now.

3 MR. CHAIRMAN: Thank you. Mid-Atlantic?

4 QUESTIONER: Thank you, Mr. Chair. I
5 will say the same thing that Tom just said. EM
6 isn't something that we're directly involved with,
7 certainly not as much as the folks on West Coast
8 and I don't see a need for a meeting before our
9 next CCC meeting.

10 MR. CHAIRMAN: South Atlantic?

11 QUESTIONER: The same situation here. I
12 agree with Chris and Tom.

13 MR. CHAIRMAN: Gulf Council?

14 QUESTIONER: We concur.

15 MR. CHAIRMAN: Caribbean?

16 QUESTIONER: Same.

17 MR. CHAIRMAN: Pacific Council?

18 QUESTIONER: I agree. I don't see any
19 national level issues at this time.

20 MR. CHAIRMAN: North Pacific Council?

21 QUESTIONER: (inaudible) may have a
22 comment.

1 QUESTIONER: Thanks Dan. Thanks John.
2 This is Bill Twight (phonetic). Maybe there's
3 just a need then for a western, the three western
4 councils to chat because we're still increasing
5 and aggressively increasing our use of the -- and
6 what we just heard from them is that actually
7 they're really supportive at this point for a new
8 reason and that is they're hearing that we may
9 have difficulty getting inland servers given the
10 length of some of the deployments we saw last year
11 due to COVID and they're quite worried about human
12 retention and I don't know that given the several
13 of the observer companies as well as the EM
14 providers, there may be sort of an observer
15 availability EM issue that's really growing on the
16 West Coast, so we may want to talk about just
17 those three councils. It sounds like there aren't
18 any national level issues so I think I might just
19 suggest that the three councils get together and
20 see if a conversation between the three of us is
21 productive.

22 MR. CHAIRMAN: Thank you for that.

1 We'll go to Western Pacific, Kitty, did you want
2 to weigh in? We do have the Western Pacific
3 Council is concern about perhaps procedural
4 directive on data storage given that the cost is
5 \$250,000. I'm sorry?

6 QUESTIONER: Finish what you were going
7 to say because I was talking at the same time.
8 Sorry.

9 MR. CHAIRMAN: Okay. Data storage is
10 going to run about \$250,000 a year for the fishery
11 on the just the data storage alone. The amount of
12 EM footage relative to the volume attached is
13 disproportionate. In terms of the high volume
14 fisheries, I wanted -- I think we'll let Kitty
15 weigh in after that, just a brief statement.

16 QUESTIONER: Right. I just wanted to
17 say that we agree with Bill that we're happy to
18 get together with the other two councils some time
19 over the next several months. And FS is going to
20 be installing a new system, EM system in some of
21 our boats this fall, and you know, in conversation
22 with the Fishery, it's still weighed. And as you

1 pointed out, the cost is pretty high. So they're
2 -- they've been weighing out the guess of cost of
3 the (inaudible), which is (inaudible) in actual
4 fishery service. Thanks.

5 MR. CHAIRMAN: Got you, Katie. Any comments
6 from our (inaudible) partners? (inaudible) Okay,
7 hearing none, I guess we'll be meeting a little bit
8 informally about these issues. Let's go to agenda
9 item B, communications, Sylvia Spaulding.

10 MS. SPAULDING: Yes, good morning. I'm
11 going to be giving a report on the communications,
12 the Counsel of Communications Group since the May
13 meeting. Next slide. So, (inaudible), travel
14 bands, work at home orders, and other requirements
15 related to COVID-19 has had a substantial impact
16 on the communication activities of the
17 (inaudible). With the abolishment of most
18 fact-to-face meetings, closure of most counsel
19 offices has severe redemption at many fisheries.
20 The counsels have had to find innovative ways to
21 hold meetings, conduct elections, fill advisory
22 positions, and communicate with stakeholders.

1 These solutions included increased emphasis on
2 virtual meetings, social media, and other
3 electronic communications. The development of new
4 training material, updating a website, and
5 escalated (inaudible) of counsel members,
6 advisors, and stakeholders.

7 So I'd like to go over what each counsel
8 has done, just touch on some of the bios they have
9 done. Next slide. So for the Caribbean counsel,
10 they converted their newsletter to a digital
11 format and their incoming phone calls transfer to
12 staff cellphones. And they are updating their
13 websites on how to participate in virtual meetings
14 and using simultaneous interpretation services.

15 With the Gulf of Mexico, they're using
16 professional videos, extended outreach meetings to
17 inform their stakeholders about for-hire state new
18 reporting requirements, and they also solicited
19 other comments about the impacts of COVID-19 on
20 their fisheries and they are considering
21 management measures to alleviate those impacts.
22 Next slide. Josh, thanks.

1 For the Mid Atlantic Counsel, they've
2 increased their webinars, including holding public
3 hearings and an extra one day counsel meeting for
4 their mackerel, squid, and other fish in 50
5 amendment. They developed a webinar participation
6 guide, designated staff to travel shoot during
7 meetings, and developed pre-meeting training
8 sessions. And to hold their officer elections,
9 they investigated different ways to do that and
10 settled on survey (inaudible).

11 For the New England Counsel, they held
12 public hearings on important ground fish and
13 scallop and (inaudible) by webinar and they also
14 held one in-person meeting at the recommendation
15 of their counsel members and stakeholders. It was
16 held under a large tent and it took a lot of
17 effort, time, and expense to do so. And you can
18 see a photo of that there on the slide. They also
19 engaged in stakeholder training joining and
20 talking on webinars. They developed a remote
21 participation guide and a help desk, and they
22 issued additional press releases, counsel

1 round-ups, and targeted emails to keep their
2 stakeholders and counsel advisors and members in
3 the loop.

4 For the North Pacific Counsel, they held
5 multiple practice sessions for counsel members and
6 presenters before each meeting. They developed
7 participation guides, connection instructions,
8 they enhanced their e-agenda and their thinking in
9 the future of broadcasting their meetings via
10 YouTube. They're also considering switching their
11 virtual meeting program to Zoom or Ring Central as
12 limited bandwidth with platforms that are not
13 video optimized can result in frozen screens,
14 significant lag times, and overall poor
15 performance.

16 For the Pacific Counsel, they developed
17 a worker balance so that (inaudible) prohibited
18 from using Zoom or Ring Central could participate
19 in their virtual meetings. They are now
20 broadcasting their counsel meetings via YouTube
21 for easier public and general access. They held
22 multiple practice sessions for counsel members,

1 advisory body members, and presenters before each
2 meeting, and they have YouTube videos on how to
3 participate in virtual meetings.

4 For the South Atlantic Counsel, they
5 developed an instructional PowerPoint on how to
6 use Go To Webinar. They had counsel member and
7 staff pre-meeting practice sessions. They
8 developed an in house caucus agenda which outlines
9 the specific staff responsibilities during the
10 webinar. They developed a COVID-19 webpage -- go
11 back -- developed a COVID-19 webpage with
12 information and resources. They dedicated their
13 spring issue of their newsletter to COVID-19
14 impacts on data collection, counsel operations,
15 and individual advisory panel members, and they
16 have delayed their advisory panel open seat
17 appointments (inaudible) to the hardships of their
18 fishery community, as you can see on that photo
19 page. Just hold it for a second, Josh. That's
20 the (inaudible) pier there for charter boats, and
21 normally it would be filtering this number and
22 it's because that auto-in would only allow the

1 residents to come to it. Okay, next slide.

2 Okay, for the Western Pacific Counsel,
3 we didn't only switch for making protocols for the
4 counsel chair members and staff. We put -- we
5 developed a single link in our federal registrar,
6 newspaper ads, counsel website, meeting agendas,
7 our social media so that advisory panel members
8 and others, members of the public can just click
9 one link and get right signed onto the meeting.
10 We did a virtual fishers forum. We hold these
11 with our counsel meetings. We held it virtually
12 this time and it included a public (inaudible).
13 We also held a virtual international workshop on
14 area based management for blue water fisheries
15 with people participating throughout the world.
16 We developed a COVID-19 webpage with information
17 and resources, which we update. And then our
18 spring and summer newsletters pertaining to
19 COVID-19 impacts to our fisheries.

20 So just to go here, this last slide here
21 is just the various platforms that the counsels
22 are using to hold their virtual meetings. There's

1 nine different platforms and these platforms are
2 not sometimes where you just use one platform.
3 For some of these platforms, you also have to have
4 multiple things going on. You know, like you
5 might have to go to YouTube to see their virtual
6 and you might need to call in on a chat thing if
7 you want to talk because you can't raise your
8 hand. You know, so there's a lot of intricacies
9 on some of these platforms.

10 Now, not on the PowerPoint slide but in
11 the briefing material, I also have an attachment
12 that outlines all the materials that the
13 e-counsels have developed by topic area such as
14 what we have done for virtual meetings as far as
15 workshops, you know, and then what we have done as
16 far as outdoor in-person public hearings, the
17 protocols that we developed, webpages and things
18 like that. So I pull your attention to that
19 because there are a lot of things that our members
20 of our communications group could talk about,
21 about the pros and cons of each of these platforms
22 in case any of the counsels might want to change

1 what they're doing or find better ways of doing
2 things. And also since the last time we met was
3 in 2018 in May, assessments, there's other topics
4 to that, that our group has discussed. The
5 administration may or may not change but I heard
6 that the Congress will change, so we might want to
7 do outreach on that level. And also our group
8 always wanted to do more outreach discussion on
9 our community outreach to be able to discuss how
10 each one of us handle that and also how we handle
11 our outreach on data collection and on (inaudible)
12 support to both counsels. Thank you very much.

13 MR. CHAIRMAN: Thank you, Sylvia. I
14 appreciate that review. We'll go down the list
15 and see if there's any comments or questions. New
16 England Counsel?

17 QUESTIONER: I have no comments or
18 questions.

19 MR. CHAIRMAN: Mid-Atlantic?

20 QUESTIONER: Thank you, Mr. Chair. No
21 comments or questions at this point.

22 MR. CHAIRMAN: South Atlantic?

1 QUESTIONER: Presently no questions.

2 MR. CHAIRMAN: Gulf Coast Council?

3 QUESTIONER: No questions, but thank you
4 for putting that presentation together. It was
5 very good. Thank you.

6 MR. CHAIRMAN: Caribbean Council?

7 QUESTIONER: No comments, thank you.

8 MR. CHAIRMAN: Pacific Council?

9 QUESTIONER: No comments.

10 MR. CHAIRMAN: North Pacific Council?

11 QUESTIONER: No comments or questions.
12 Thank you.

13 MR. CHAIRMAN: And Western Pacific
14 Council?

15 QUESTIONER: Thank you, Sylvia.

16 SPEAKER: Thank you, Sylvia.

17 MR. CHAIRMAN: Our next partners, any
18 comments or questions? Hearing none. Thank you,
19 Sylvia. Appreciate it. We have a public comment
20 period coming up next and we're trying to find out
21 whether we can do the public comment period early
22 or we're going to have to wait until 4:30.

1 Perhaps it might be appropriate if we could maybe
2 take a break and at the same time, the EDs can
3 review the recommendations basically public
4 comment and then the CCC convene for
5 recommendations. Let's take a break for 15
6 minutes and we'll come back and do public comment
7 and hopefully the EDs and finalize the
8 recommendations.

9 QUESTIONER: So, Mr. Chair, is there any
10 advice for fishery service about this? Should we
11 wait until a time that it's listed in the federal
12 registry or should we go ahead?

13 MR. CHAIRMAN: What do you recommend?

14 QUESTIONER: Hi, this is Stephanie Hunt.
15 I noted in the chat window that the FR noted that
16 we may switch the order up sessions, so I think we
17 should be able to switch the public comment
18 period.

19 MR. CHAIRMAN: Okay, so we can go ahead
20 and move forward with the public comment period
21 now. Okay, let's go ahead and do that. It looks
22 like we do have somebody. I'm going to ask

1 Nicholas Pieper to -- the person wanted to make a
2 public comment and if I could please -- the
3 person, the people making public comments, if you
4 could please state your name and the organization
5 that you represent and try to keep your comment to
6 about three minutes and Nicholas, can you connect
7 them, unmute them?

8 MR. PIEPER: Yes. The first person we
9 have is John Cooper, unmuting now.

10 MR. COOPER: My name is Captain John
11 Cooper and I wanted to emphasize and bring
12 awareness to the major shark imbalance in my
13 region which is South Florida. From the
14 spearfishing perspective, the last 10 years have
15 been unequivocally unsafe and even the most
16 experienced diver in this region will tell you
17 that you just can't let your guard down for a
18 minute. This liability has made spearfishing
19 charters significantly less viable. As far as rod
20 and reel fishing is concerned, the recent fishery
21 adjustments such as flu seasons, increased size
22 limits and lower bag limits, appear to be working

1 well and are very commendable. But all of this
2 positive mitigation seems to be severely impacted
3 when the odds of actually landing a whole snapper
4 or grouper is only approximately 30 percent, not
5 to mention how many fish -- how many released fish
6 that didn't make the size limit fall prey to
7 sharks through their fatigue.

8 Back to the spearfishing if I may, the
9 number of shark bites have significantly increased
10 in recent years and most incidences never reach
11 the media or even public ears in general. I was
12 personally bit by a shark 11 years ago in 2009 and
13 spent 10 days in a trauma hospital. What I
14 thought then was simply bad luck turned out to be
15 the early stages of an unfortunate trend in our
16 region that appears to be spiraling out of
17 control. In closing, the sport of free diving and
18 spearfishing is growing daily and the younger
19 generations and the local dive shops clearly can't
20 keep enough gear on the shelves. Just last week
21 there were three separate shark attacks in the
22 Keys. Therefore, the time to act in my opinion,

1 is now with emergency actions before it's one of
2 our own children on the news with a life-altering
3 injury or worse. Thank you for your time and
4 opportunity to chime in on this subject.

5 MR. CHAIRMAN: Thank you Captain Cooper
6 for those comments. Nicholas, do you have any
7 other public comments?

8 MR. PIEPER: Yes, let me unmute it a
9 second again.

10 QUESTIONER: Hello, can you hear me?

11 MR. PIEPER: Yes, we can.

12 QUESTIONER: Yes, thank you for this
13 opportunity. My name is Clay Tai (phonetic), I'm
14 a research coordinator. Also, I am the Chair of
15 the West Pacific Fishery Council Advisory Panel.
16 The issues raised with the priorities in response
17 to EO 13921 American Seafood, we have hurdles to
18 overcome and our fisheries have lack of data.
19 Example, Americans have prioritized fisheries and
20 lack closure monuments. Many hurdles for us out
21 here are specific to deal with that we're only
22 surviving out here and when you look at the

1 overall quota for the U.S., they're only taking 6
2 percent of the contribution and I think it's very
3 small to the global landings here in the Pacific.
4 It is quite a surmountable task that we have to
5 deal with. There are currently some contracted to
6 do the whole antibody fish survey. We've been
7 involved in this since its conception in 2010.
8 The fisheries have brought fisherman together just
9 sharing knowledge and understanding and one of our
10 most important cultural and traditional rich
11 resources in the islands. We're wanting to see
12 the true stakeholders of this fishery become
13 agreeing to the management of this resource and I
14 say that not only that the fisherman have
15 highlighted fisherman that have participated in a
16 survey, but also they have participated in
17 analysis, review, workshops and data review. Much
18 of that time these fisherman have participated on
19 their own time and dime, and you may ask why?
20 Well, because it's killing fish and it's deeply
21 rooted in our tradition and culture in the
22 islands,, and respect to this represents a

1 sustenance of our islands and who we are as
2 people, which is priceless. But there's one small
3 downfall with our project and that is for us
4 fishermen, it's finding compensation for
5 participating in the survey. These fishermen go
6 out, catch fish, get paid same day if not next day
7 for their catch, but this project unfortunately
8 make -- we don't get compensated. It takes quite
9 a while just to -- a simple management of funds
10 from the government. They may wait one month to
11 six weeks to get paid. It's kind of unfortunate.
12 And that seems to be kind of, in the 10 years of
13 working on the project, it seems to be the way the
14 attitude has been, so there are (inaudible)
15 particularly, and that's pretty touch, you know.
16 Particularly now with COVID and (inaudible) to the
17 nation, we know that there's not very many profits
18 going on, you know, and some of the surveying we
19 are one of the few, but we still get the same
20 similar answer and it's quite unfortunately.
21 Hopefully, that will change. You know, money
22 getting to the fishermen, getting on the water is

1 very important. Like I said, we're very small out
2 here in the pacific and in the territories.

3 And finally, you know, (inaudible) as a
4 nonprofit, small business, minority business, and
5 now that the government now has changed its
6 policies and it's not awarding contracts, which
7 only goes to a select few entities nationwide.
8 All of it's fair. This is an added layer for
9 overhead that increases our costs and diminishes
10 the actual funds that go to research. So just
11 with that said, I think that I'm fortunate to be
12 here to have your time and allowing for us this
13 comment. Thank you.

14 MR. CHAIRMAN: Thank you, Mr. Tam
15 (phonetic). Nicholas, any other public
16 commenters?

17 MR. PIEPER: No, that's everyone.

18 MR. CHAIRMAN: Okay, with that we're
19 going to end the public comment period and we're
20 going to move on to the CCC Convenes for
21 Recommendations. It's a closed session. We're
22 going to take a break and come back at 5 p.m.

1 eastern standard time. So that should give the
2 EDs enough time to finalize the language and we
3 should be able to move through the wrap up and
4 other business fairly smoothly. So we will see
5 y'all back at 5 p.m. eastern standard time. Yes?

6 QUESTIONER: John, do we -- are we
7 supposed to exit the webinar here or stay on? How
8 does that --

9 MR. CHAIRMAN: Let me -- stay on. So
10 you can stay connected.

11 QUESTIONER: Okay, thank you.

12 MR. CHAIRMAN: Okay, so we'll see y'all
13 back at 5 p.m. Thank you.

14 (Recess)

15 MR. CHAIRMAN: Ask Josh if he would
16 please read the recommendation.

17 QUESTIONER: Thank you, sir. The first
18 one regarding the potential National Seafood
19 Council, the motion is the Council Coordination
20 Committee requests that National Fishery Service
21 evaluate NOAA fish watch criteria for the purpose
22 of serving as an equivalent and third party

1 certification deeming U.S. fishery products as
2 sustainable. The CCC further requests NMFS report
3 back on the utility of fish watch for this purpose
4 and any possible alternatives by the May 2021 CCC
5 meeting.

6 MR. CHAIRMAN: Okay. We'll go to the
7 motion and second. Would you please state your
8 name and the council that you represent? Do I
9 hear a motion?

10 MOTION: It's so moved. Chris Moore,
11 Atlantic Council.

12 MR. CHAIRMAN: Moved by Chris Moore,
13 seconded, do I hear a second?

14 SECOND: Second, Michael Hurt, the
15 Caribbean.

16 MR. CHAIRMAN: Seconded by the
17 Caribbean. Any discussion, comments, questions?
18 Hearing none, call for the question. All in favor
19 say I. All opposed, nay. Any abstentions?
20 Motion passes. Can we hear the next motion,
21 please, Josh?

22 MOTION: The next one is regarding

1 aquaculture executive order due to the recent
2 court ruling on the Gulf Aquaculture FMP. Motion
3 1, The CCC recommends that the legislative
4 committee revise the consensus statement on
5 aquaculture and provide a draft for review at the
6 May 2021 meeting. Motion 2, To allow ample time
7 for review, the CCC recommendations we meet as
8 appropriate where regional management councils to
9 release the aquaculture programmatic environmental
10 impact statement that assesses the impacts of
11 setting aquaculture facilities for public comment
12 while considering council meeting schedules.

13 MR. CHAIRMAN: Thank you, Josh. We'll
14 go ahead and since he went on and read these two,
15 we can take these two together unless anybody has
16 any objections. So we've got two motions on the
17 screen. Do I hear a motion -- do I hear a motion?

18 MOTION: This is Tom Frazier from the
19 Gulf Council, I make a Motion 1 and 2.

20 MR. CHAIRMAN: Do we have a second for
21 Motion 1 and 2?

22 SECOND: Second, Dewey Blanchard.

1 MR. CHAIRMAN: Okay, thank you. Thank
2 you. Okay, do we have a second? Oh, we've got --
3 I'm sorry, we got a second. Do we have any
4 discussion, questions, comments? Hearing none,
5 call for the question. All in favor, say I.
6 Those opposed, nay. Any abstentions? Motion
7 passes. Let's go ahead Josh. Let's go ahead and
8 do aquaculture number 3 and 4.

9 MOTION: Sorry, Sir. Motion 3, the CCC
10 recommendations that prior to identification of
11 aquaculture opportunity areas, NMFS provide the
12 spatial reference including coordinates of
13 symmetry, habitat type, oil and gas locations,
14 renewable energy and other applicable data sources
15 that were used to identify the AOA. The
16 information provided should encompass the same
17 variables, resolution, and geographic scope used
18 to identify the applicable AOA. And Motion 4, the
19 CCC recommendations that NOAA include reviewing
20 all fishery management consult budgets for
21 placement on the AOA implementation teams.

22 MOVED: Moved, Chuck Tracy, to the

1 Council. Both Motions 3 and 4.

2 MR. CHAIRMAN: Moved by Chuck Tracy,
3 Pacific. Do I hear a second?

4 SECOND: Duey Blanchard.

5 MR. CHAIRMAN: From the Caribbean?

6 MR. BLANCHARD: Yes.

7 MR. CHAIRMAN: Okay, thank you. We've
8 got a Motion and a Second. Is there any
9 discussion, questions, comments? Hearing none,
10 call for the question. All in favor, say I. All
11 opposed, nay. Any abstentions? Motions 3 and 4
12 are passed. Josh, can we go to the last
13 recommendation, please?

14 MOTION: Regarding a ticket of Order
15 13921, the Motion is that CCC request NMFS
16 continue to brief the CCC and Regional Fishery
17 Management Councils on the review and
18 implementation planning of recommendations
19 provided by the councils regarding all aspect of
20 executive order 13921, for example, changes to
21 regulations over guidance documents or other
22 similar agency actions.

1 MR. CHAIRMAN: Thank you, Josh. I would
2 like to move that this be accepted. I'd like to
3 make this a motion. Do I hear a second?

4 SECOND: Second, Simon Kinney, North
5 Pacific.

6 MR. CHAIRMAN: Okay, thank you, Simon.
7 Any questions, comments, discussion? Hearing
8 none, we'll call for the question. All in favor
9 say I. All opposed, nay. Any abstentions?
10 Motion passes.

11 Well that wraps up our recommendations
12 and motions. I appreciate everybody's efforts on
13 that. That went pretty smooth. I would like at
14 this time, we're going to move to agenda item 11B,
15 discussion of next chair and meeting date for 2021
16 frequency of schedule of future CCC calls. And I
17 would like to turn the meeting over to Marc
18 Gorenik (phonetic) of the Pacific Council. Marc,
19 the meeting is yours.

20 MR. GORELNIK: All right, thank you very
21 much, John. I think that with regard to the next
22 meeting dates, I'm going to actually pass to my

1 Executive Director, Chuck Tracy, to review the
2 dates for 2021. I think they were discussed
3 yesterday. Chuck?

4 MR. TRACY: Thank you, Mr. Chairman. So
5 the dates that are on the calendar right now are
6 both assuming in-person meetings, so the main
7 dates were May 18 to 20, we're changing things up
8 in that, asking now for NMFS to host that meeting.
9 With sort of the anticipation that there are still
10 a reasonably good change that will be a
11 webinar-based meeting, and so perhaps those dates
12 may need to be altered, but that is the timeframe
13 we're looking at. And then the October, the fall
14 meeting, would be October 19 to 21, on the West
15 Coast, and we are very much hoping that would be
16 in person and we'd be able to host that. So the
17 travel dates will be Monday the 18th and Friday
18 the 22nd. So that's what's on our calendars and I
19 believe we can have place holders for those.

20 MR. GORELNIK: All right, thanks very
21 much, Chuck. And as far as the schedule of
22 monthly calls, it seems to me that provided we're

1 still in these circumstances, which we probably
2 will weigh well into next year, hopefully not for
3 the entire year, I would expect that we would
4 continue those monthly calls and I think they have
5 been scheduled -- I'm not sure who's been doing
6 the scheduling of those, whether it's been the CCC
7 Chair or it has been NMFS. So I'll ask for some
8 help there.

9 QUESTIONER: I believe that we've been
10 doing that.

11 MR. GORELNIK: So, if -- I think it's
12 the -- let me first ask if it's the will of the
13 CCC to continue these monthly calls to see if
14 there's any objection to that. And not seeing
15 any, I guess Chris, is there any issue with
16 continuing these monthly calls?

17 MR. TRACY: No, I think it's a good idea
18 for us to touch base once a month and, you know,
19 if something comes up in between we'll -- we'll
20 get together as necessary, but yes, I think we
21 should. This is Chuck. Just a question on
22 schedule. I think we've been doing the last

1 Tuesday in the month as our usual get together
2 time. If we want to continue that, I don't know
3 if we want to make any considerations for the
4 December timeframe on that.

5 MR. GORELNIK: Well, do we look for a
6 calendar to come out?

7 QUESTIONER: Chris, is that okay to
8 continue the same way as we have in the past?

9 MR. GORELNIK: Yes, I mean we'll have to
10 alter some of it due to holidays and such, but we
11 -- we can work on the -- we can work out a
12 schedule.

13 QUESTIONER: Right, just send it to us.

14 MR. GORELNIK: Yes. All right, I guess
15 that takes care of the discussion of the next
16 meeting dates for 2021 and as well as the schedule
17 of future CCC calls, we will get something from
18 NMFS on the times, we'll put those dates on a
19 calendar, but I think that the regularity of the
20 meetings I guess we'll in terms of the time of the
21 month, we'll continue. Let me see if there's any
22 other discussion under this agenda item 11B. I'm

1 not hearing any voices. We don't have a hand
2 raise feature like we have in our Pacific Council
3 meetings. So let me see if there's any other
4 business for this meeting.

5 QUESTIONER: Mr. Chairman, this is New
6 England. I'd like to make a comment before we
7 end, but it's not necessarily new business.

8 MR. GORELNIK: Okay, fair enough. Let
9 me -- let me see if there's anything else and if
10 now, well, I'll ask Tom to go forward. Tom, the
11 floor is yours.

12 QUESTIONER: Thank you. Anyway, thank
13 you, Mr. Chair. So I just would like to say that
14 on behalf of the New England Council, I'd like to
15 thank Director Kitty, Chairman Soliai, Vice
16 Chairman Gourley, and their competent staff and
17 all of their very early risers on your council for
18 hosting a seamless and efficient virtual meeting.
19 There's no small feat in these trying times and
20 time zones, so thank you.

21 QUESTIONER: Hey, thank you. That was
22 wonderful, very good pronunciation.

1 QUESTIONER: Thanks very much.

2 MR. CHAIRMAN: Thank you very much.

3 Appreciate it. I guess we can -- was there any
4 other comments from New England? Was that it?

5 QUESTIONER: That was it.

6 MR. CHAIRMAN: You could do some more if
7 you want. We got a little bit of time. Never
8 mind. With that said, the meeting is adjourned.
9 The CCC members will move into social hour and New
10 England is buying beer for everybody.

11 (Whereupon, the PROCEEDINGS were
12 adjourned.)

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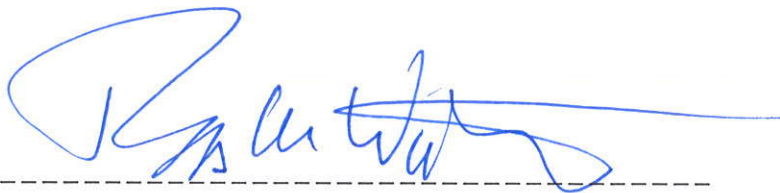
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I, Thomas Watson, notary public in and for the District of Columbia, do hereby certify that the forgoing PROCEEDING was duly recorded and thereafter reduced to print under my direction; that the witnesses were sworn to tell the truth under penalty 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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