

COUNCIL COORDINATION COMMITTEE

MAY 2016 MEETING

May 24-25, 2016 -- St. Thomas, USVI

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1 **1. WELCOME, NMFS UPDATE, NMFS SCIENCE UPDATE ON**
2 **CORAL WORK IN THE CARIBBEAN**

3
4 *Carlos Farchette:* Good morning to everyone. We're going to get started here. I
5 want to welcome everyone to the Council Coordination Committee
6 meeting being held at the Marriott Frenchman's Reef, St. Thomas,
7 U.S. Virgin Islands, on this 25th day of May, 2016. I will start the
8 roll call with Herb on my right.
9

10 *Herb Pollard:* Herb Pollard, Vice Chair, Pacific Council.

11
12 *Chuck Tracy:* Chuck Tracy, Acting Executive Director of the Pacific Council.

13
14 *Dorothy Lowman:* Dorothy Lowman, Chair, Pacific Council.

15
16 *Bob Turner:* Bob Turner, NOAA Fisheries, West Coast Region.

17
18 *Jim Balsiger:* Jim Balsiger, NOAA Fisheries, Alaska Region.

19
20 *Dan Hull:* Dan Hull, North Pacific Council Chair.

21
22 *Bill Tweit:* Bill Tweit, North Pacific Council Vice Chair.

23
24 *Chris Oliver:* Chris Oliver, Executive Director, North Pacific Council.

25
26 *Michelle Duval:* Michelle Duval, Chair, South Atlantic Council.

27
28 *Gregg Waugh:* Gregg Waugh, Executive Director, South Atlantic Council.

29
30 *Charlie Phillips:* Charlie Phillips, Vice Chair, South Atlantic Council.

31
32 *Mike Tosatto:* Mike Tosatto, NOAA Fisheries, Pacific Islands Region.

33
34 *McGrew Rice:* McGrew Rice, Vice Chair, Hawaii, Western Pacific Council.

35
36 *Ed Ebisui:* Ed Ebisui, Chair, Western Pacific Regional Fishery Management
37 Council, and member from Hawaii.

38
39 *Kitty Simonds:* Kitty Simonds, Executive Director for a long time.

40
41 *Alan Risenhoover:* Alan Risenhoover, NOAA Fisheries, Office of Sustainable
42 Fisheries.

43
44 *Richard Merrick:* Richard Merrick, Chief Scientist, NOAA Fisheries.

45
46 *Sam Rauch:* Sam Rauch, Deputy Assistant Administrator, NOAA Fisheries.

- 1
2 *Eileen Sobeck:* Eileen Sobeck, Assistant Administrator, NOAA Fisheries.
3
4 *Carlos Farchette:* Carlos Farchette, Caribbean Council, Chair.
5
6 *Miguel Rolon:* Miguel Rolon, Caribbean Council staff
7
8 *Marcos Hanke:* Marcos Hanke, Vice Chair, Caribbean Fishery Management
9 Council.
10
11 *Adam Issenberg:* Adam Issenberg, NOAA Office of General Counsel.
12
13 *Thomas Nies:* Thomas Nies, New England Fishery Management Council,
14 Executive Director.
15
16 *Terry Stockwell:* Terry Stockwell, New England Chair.
17
18 *John Quinn:* John Quinn, New England Vice Chair.
19
20 *John Bullard:* John Bullard, NOAA Fisheries, Greater Atlantic Region.
21
22 *Rick Robbins:* Rick Robbins, Chair, Mid-Atlantic Council.
23
24 *Chris Moore:* Chris Moore, Executive Director, Mid-Atlantic Council.
25
26 *Lee Anderson:* Lee Anderson, Vice Chair, Mid-Atlantic Council.
27
28 *Mike Luisi:* Mike Luisi, Mid-Atlantic Council, and, since we're losing both our
29 Chair and Vice Chair this year, they decided to have a second Vice
30 Chair, so all hell doesn't break loose after they leave, and so that's
31 what I am.
32
33 *Jack McGovern:* Jack McGovern, Southeast Region, NOAA Fisheries.
34
35 *Leann Bosarge:* Leann Bosarge, Vice Chair, Gulf Council.
36
37 *Doug Gregory:* Doug Gregory, Director of the Gulf of Mexico Fishery
38 Management Council. Our Chair, Kevin Anson, will be here
39 shortly.
40
41 *Graciela Garcia-Moliner:* Graciela Garcia-Moliner, Caribbean Council staff.
42
43 *Vivian Ruiz:* Vivian Ruiz, council staff.
44
45 *Terra Lederhouse:* Terra Lederhouse, NOAA Fisheries.
46

1 *Kara Meckley:* Kara Meckley, NOAA Fisheries, Habitat Office.
2
3 *Don Hansen:* Don Hansen, Pacific Fishery Management Council.
4
5 *Dave Witherell:* Dave Witherell, North Pacific Fishery Management Council staff.
6
7 *Brian Pawlak:* Brian Pawlak, Director of Office of Management and Budget,
8 NOAA Fisheries.
9
10 *Will Sword:* Will Sword, Vice Chair, American Samoa, Western Pacific
11 Council.
12
13 *Mark Mitsuyasu:* Mark Mitsuyasu, Western Pacific Council staff.
14
15 *Sylvia Spalding:* Sylvia Spalding, Western Pacific Council staff.
16
17 *Michael Duenas:* Michael Duenas, Vice Chair from Guam, Western Pacific Council.
18
19 *John Gourley:* John Gourley, Vice Chair, Northern Marianas Island, Western
20 Council.
21
22 *Alicia Reid:* Alicia Reid, NOAA Fisheries.
23
24 *Brian Fredieu:* Brian Fredieu, NOAA Fisheries, Office of Sustainable Fisheries.
25
26 *Hannah Hafey:* Hannah Hafey, Office of Sustainable Fisheries.
27
28 *Carrie Simmons:* Carrie Simmons, Gulf of Mexico Fishery Management Council.
29
30 *Russ Dunn:* Russ Dunn, NOAA Fisheries.
31
32 *Heather Sagar:* Heather Sagar, NOAA Fisheries.
33
34 *Mike Pentony:* Mike Pentony, NOAA Fisheries, Greater Atlantic Region.
35
36 *Dave Whaley:* Dave Whaley, regional councils' advisor.
37
38 *María de los A. Irizarry:* María de los A. Irizarry, council staff.
39
40 *Kim Gordon:* Kim Gordon, Fisheries Forum.
41
42 *Katie Latanich:* Katie Latanich, Fisheries Forum.
43
44 *Jane DiCosimo:* Jane DiCosimo, NOAA Fisheries, Office of Science and
45 Technology.
46

1 *Meredith Moore:* Meredith Moore, Pew Charitable Trusts.

2

3 *Diana Martino:* Diana Martino, council staff.

4

5 *Carlos Farchette:* Thank you. When the guys from the Caribbean were in D.C. in
6 February, we were in like forty-degree weather, which we're not
7 accustomed to, and we happened to be taking a walk in D.C. and
8 we ran into this food van, which had an appropriate name for us,
9 and I would like Vivian to put it up on the board, and pay close
10 attention to the name. It so happened that last night someone took
11 the cake here, and so we would like to put up one of the videos that
12 we took. Then we have the Vice Chair who happened to be called
13 out, and so we have him also. That's Kevin. Thank you, Vivian.

14

15 I hope you all enjoyed yourselves last night. I hope you enjoyed
16 the Governor's reception and a little Charlotte Amalie High School
17 jazz ensemble, young kids, up-and-coming stars. I think they did a
18 very good job, and now I will pass the helm over to Eileen Sobeck.

19

20 *Eileen Sobeck:* Great, and good morning, everybody. For those of you caught on
21 video, please don't quit your day jobs. I don't think you have a
22 future here as professionals, but thank you, Miguel and Carlos, for
23 organizing this meeting in this beautiful setting. I think the last
24 time I was here in St. Thomas was in 1983, and so it's been more
25 than enough time. I have been to St. Croix a few times since, but
26 it's a beautiful island and a beautiful setting, and I know that
27 organizing these meetings takes a lot more work than appears on
28 the surface, and so thank you so much to you and your staff and
29 everybody who puts together a successful meeting, getting our
30 presentations up on the board, et cetera.

31

32 It's good to see everybody. I think we met last February in D.C. in
33 the windowless ballroom downtown. Maybe, a little bit later, we
34 can open the curtains just a crack, so we can remind ourselves
35 where we are.

36

37 We did, at that last meeting, bid farewell to Don McIsaac, and we
38 want to make sure to welcome Chuck Tracy as the Acting
39 Executive Director. I know that the Pacific Council is
40 interviewing, is in the middle of their search for a new Executive
41 Director, but we want to thank Chuck for stepping in in the
42 interim, and there are going to more changes on the way. Rick is
43 terming out here in August, and so I guess this is his last CCC
44 meeting as well.

45

46 This is a very collegial group, at least in the time that I've had the

1 privilege to meet with you all, and it's always sad to see people go
2 who have been constructive members of our community, but it is
3 nice to see new faces and welcome new folks into this epicenter of
4 national fisheries planning.

5
6 I did want to just give you a little bit of a taste of some of the
7 policy and regulatory and research highlights that have been going
8 on in the agency the last few months and what we see coming up in
9 the next few weeks or months.

10
11 One of our major reports is going to roll out here soon, in the next
12 few weeks, the Fisheries Economics of the U.S., covering 2014.
13 This is always a little bit behind, just because it takes a while to get
14 the numbers in and get them analyzed, but some of the key
15 findings that we're going to be reporting out on -- We use these,
16 and I know that you all do as well, to explain to our friends on the
17 Hill and elsewhere how important fisheries issues are to our
18 communities and why we should care about the sustainable
19 management of fisheries.

20
21 Some of our numbers are going to be that U.S. commercial and
22 recreational fishing supported 1.83 million full and part-time jobs
23 in fishing and across the broader economy. These activities
24 generated nearly \$214 billion in sales impacts and contributed
25 \$100 billion to gross domestic product.

26
27 At the national level, the job impacts generated by commercial and
28 recreational fisheries increased 4 percent from 2013 to 2014, and
29 so I think that's an indicator that, in general, even though we have
30 some hot spots of concern, but, in general, our industry is doing
31 well.

32
33 Turning to the never-ending MSA 40 celebration, we are really
34 milking this for all it's worth. It's going to culminate in October
35 with National Seafood Month. I will say though that I think that
36 this has been a real opportunity for all of us, all of us at the agency
37 and all of us around the table and all of us in the larger fishing
38 community, to really reflect on the successes of the last forty years,
39 and I do think that often, at the federal level, our successes are not
40 measured in terms of what we did last year or the year before, but
41 in the longer horizon, and sometimes it feels like we're not making
42 that much progress and we are just revisting the same issues over
43 and over, but when you really do step back and look at where we
44 were forty years ago and where we are today, it really is
45 remarkable, the progress that's been made in the conservation of
46 domestic fisheries, and I think that we should all feel proud of

1 being leaders for the world and a model for sustainable
2 management.

3
4 It has not come without a price. I am the first to always feel as if
5 we have to qualify that, that many of these -- Much of the progress
6 for sustainable management has been on the backs of fishing
7 communities, but I think that it's always been with the goal of
8 long-term both economic benefit and responsible conservation of
9 the resource.

10
11 We are going to continue to sort of step away from any individual
12 management action or any individual accomplishment in the short
13 term to kind of focus on the long-term goals. Through October,
14 National Seafood Month, we have great links on our website and
15 we've had some great op-eds and we've had great support from
16 our partners, and so I really appreciate all of that.

17
18 Next week is Capitol Hill Oceans Week. It's a time when a lot of
19 folks come into town and visit on the Hill and make their views
20 known. We will get into the budget more. This is going to be kind
21 of a wacky budget year, but at least we have a sense of where this
22 existing Congress is sort of thinking about NOAA's budget, and so
23 it's at least a point to start the conversation.

24
25 At the actual CHOW festivities that the Fisheries Service are
26 sponsoring, we are part of several panels, including one on EM/ER
27 called Eyes on the Water: Guiding the Use of Advanced
28 Technology for Monitoring U.S. Fisheries. There is going to be an
29 IUU panel addressing tracking and enforcing IUU fishing
30 challenges and opportunities for global stewardship and a third
31 panel on aquaculture and opportunities and obstacles for American
32 marine aquaculture, and so three of our favorite topics. I hope, if
33 you are in town, that you try to catch one or all of those.

34
35 I will just touch on the fact that just last month we released our
36 regional Saltwater Recreational Fishery Implementation Plans. I
37 think Russ Dunn and Sam are maybe first up on the agenda to talk
38 through those, but this has been sort of the most recent step in our
39 campaign to really embrace and embed recreational fishing at
40 every point in the federal fisheries decision making process, when
41 and if that's applicable, and so we worked very hard with you all,
42 with our regional recreational partners, and our Regional Offices to
43 put together these specifically tailored for each region recreational
44 fishing plans, and Russ will you more about that later.

45
46 We are also going to have, in the recreational fishing category, a

1 presentation sometime during this meeting about an update on
2 where we are with MRIP and the next step in our process, our
3 continuing process, to improve recreational fishing data collection.
4

5 IUU fishing, for us, this has been a very intense year for the
6 administration's IUU initiative. There was a task force report that
7 came out last year with a very, very, very aggressive
8 implementation plan that had a number of regulatory steps for us to
9 implement the traceability program that was pledged to in the task
10 force report, and so we have been marching through the various
11 steps of that implementation process as quickly as we can, in a
12 responsible way, to make sure that we do it right and get input
13 from all interested parties.
14

15 The most recent step was, as you know, in April, we had -- We
16 opened a sixty-day comment period on a Commerce Trusted
17 Trader Program, and so we're seeking -- Before we put out a
18 specific proposal, we're seeking general input on the design and
19 implementation of a Trusted Trader Program that will be part of
20 our seafood traceability process to combat IUU fishing and
21 seafood fraud.
22

23 We want to see whether, for importers that are meeting certain
24 criteria and -- If we can create a category that will be easier for
25 trusted traders that have earned a certain degree of efficiency and
26 trust. This is going to be a multistep process. First, we are seeking
27 general input, then we will put forward a proposal, and then we
28 will go final.
29

30 We have an IUU website, and so the whole schedule for this
31 process will be on that website. There is going to be a webinar
32 sometime in June, and so if you want to know more about this
33 specifically or any of your folks in your regions want to know
34 anything more specifically, point them to the website and get them
35 to participate in the webinar. The more input, the better.
36

37 This year, on the science side of the house, as you know, we have a
38 multiyear process, where each year we look at one slice of our
39 science portfolio and we do reviews at each of our Science Centers
40 on that specific portfolio. We get outside input and we get input
41 from other parts of NOAA. We get input from other parts of the
42 Fisheries Service on those specific areas.
43

44 In the past, that has included fisheries stock assessments, protected
45 resources stock assessments. This year, the deep-dive is into our
46 ecosystem science program, and so I think we are just winding up.

1 Richard, have we finished them yet?

2

3 *Richard Merrick:* No, we have three to go.

4

5 *Eileen Sobeck:* Three to go, and so we're sort of in the middle of that process. I
6 have sat in on a couple of them. I really think that this -- I call it
7 our own self-inflicted form of review. Nobody makes us do this.
8 It's part of what we do to keep our science fresh and to impose
9 some internal rigor and review in our science. As I'm sure
10 everybody at this table knows, from time to time, our scientists are
11 challenged and the basis of our scientific decisions are challenged,
12 and this is a very significant tool that we use to enhance the
13 integrity of our science programs, and so I really commend
14 everybody who has been part of that.

15

16 These reviews are open to the public. At some of these, the public
17 participation has been pretty significant. When we were out in
18 Hawaii, there were quite a few people who attended parts of that,
19 and the same in Florida. As far as we're concerned, the more
20 people who participate and see what we do and that we are open to
21 comment and constructive criticism, the better. It's something that
22 I really want to thank Richard Merrick for, because he helped
23 design this program and implement it. Do you want to say
24 something about that, Richard?

25

26 *Richard Merrick:* Not about me, but about the councils. It's been great having the
27 councils there. I think some of the most productive dialogue we've
28 had with the panels has been when the council is there and the
29 panels can actually ask questions about how the science we're
30 providing interacts with what the council needs. We had a
31 really long discussion at the Alaska review about that, and so the
32 upcoming reviews are for the Northeast, the Northwest, and then
33 Headquarters.

34

35 The Northeast, the Mid-Atlantic, and the New England Councils, it
36 really would be valuable to have them there, and the same thing on
37 the west coast, when the Northwest has their review. Having the
38 Pacific Council there is important. Kitty's folks were there when
39 the Pacific Islands had their review. I didn't make the Southwest,
40 but I think the Pacific Council was there as well for that, and so I
41 wanted to thank you all. I mean it really makes the reviews much
42 more effective when our partners are there.

43

44 *Eileen Sobeck:* At the two reviews that I attended, there was a lot of good
45 discussion about whether the science program was meeting the
46 management needs, and you can't have that discussion if the

1 management side of the house is not there. We definitely had our
2 fisheries managers, our NMFS fisheries managers, there, but,
3 having councils, council representatives, and members of the
4 community has also been quite valuable.
5

6 I just wanted to now say just a couple of quick things about some
7 of the great work that's being done here in the Caribbean. I think
8 that you all don't necessarily -- You aren't always the squeakiest
9 wheel, and so we don't always spend the -- You need to ratchet up
10 the whining. No, but we don't always -- I don't think we always
11 recognize the really interesting work and important efforts that are
12 going on here in the Caribbean.
13

14 I feel, with the excitement and interest of being able to interact
15 with our Cuban partners now, that it's really going to help enhance
16 sort of some of the regional -- It's going to focus regional attention
17 on this region that's been sometimes lacking, and so I'm kind of
18 excited about the work that we're doing down here. I think it's a
19 great opportunity to demonstrate to folks that there is already a
20 very solid and important body of work that's going on, and we
21 have invested quite a bit at the Fisheries Service, and I know the
22 council and the territories have as well.
23

24 I am not going to touch on everything we do, obviously, but I just
25 wanted to mention a couple of things that are going on. There is
26 going to be a Caribbean Coral Reef Workshop in November. It's
27 going to convene practitioners of coral restoration and it's going to
28 bring all of the experts in coral restoration science together to
29 advance science and restoration in a changing ocean. This is
30 something that both in the Caribbean and the Pacific is a huge
31 challenge. The threat to coral reefs has accelerated just
32 astronomically. I think that nobody anticipated, ten, fifteen,
33 twenty years ago, what corals and the coral reef ecosystems --
34 What threats they were going to face and what we can or should do
35 about it, and so I think that this is extremely timely and extremely
36 important.
37

38 I think you guys have all heard about NOAA's habitat focus areas.
39 I think you're familiar with our habitat blueprint, where we have --
40 In our Office of Habitat, we have tried to focus on some more
41 limited habitat areas. Rather than doing a ton of really small
42 things, trying to focus our resources on some areas where we think
43 that we could have the greatest impact, and we have one of those
44 here in the Caribbean, Puerto Rico's Northeast Marine Corridor
45 and Culebra Island Habitat focus area.
46

1 I am very fond of this area. I was just there in November. I have
2 been there several times. Puerto Rico, the Commonwealth, has
3 made a big investment of its own in these areas, and I think it's
4 really a perfect area to highlight partnerships in the habitat area.
5

6 There is a wide array of ecosystems in a relatively small area. It
7 encompasses everything from urban areas to protected lands,
8 coastal forests, wetlands, bioluminescent lagoons, seagrass beds,
9 coral reefs, and miles of pristine beach. There are territorial
10 reserves. There is a lot of potential to do a lot of collaborative
11 good work, and we really look forward to developing those
12 partnerships in the future.
13

14 NOAA's Coral Program in the Southeast Fisheries Center and
15 U.C. Santa Barbara have been partnering to develop grazing
16 metrics for Caribbean parrotfish species, and so this is an exciting
17 area of research, looking not just at coral, but coral reef systems,
18 ecosystems, and fisheries interactions that will help us get a handle
19 on a model to figure out what the sort of -- What the rate of algae
20 removal by parrotfish around St. Croix is, so we can figure out
21 what the best management strategies are to balance fisheries and
22 maintain the ecological services of coral reefs.
23

24 There has also been some great fisheries gear work done. We have
25 done work collaboratively with the Caribbean Council to add side
26 vents on fish traps to reduce bycatch, which has resulted in
27 increased target catch retention and the average sizes of species,
28 while reducing the inadvertent bycatch of smaller fish, and so this
29 is the kind of work that we want to continue.
30

31 I usually try to just let you know about some personnel highlights
32 in the Fisheries Service, and rather than just talk to you about kind
33 of our senior statesmen, I wanted to highlight the accomplishments
34 of two NOAA Fisheries scientists who are sort of on the other end,
35 the front-end, of their careers, but received the Presidential Early
36 Career Award for Scientists and Engineers, and this is a big deal.
37

38 Folks who win this award, we bring them to Washington and they
39 have lunch with the Secretary of Commerce. They go to the White
40 House and are greeted by the President. This is sort of the Nobel
41 Prize for Science within the administration, and Fisheries was
42 really proud to have two recipients this year, Dr. Nate Bacheler of
43 our Southeast Fisheries Science Center and Dr. Jim Thorson of the
44 Northwest Fisheries Science Center. They were both honored for
45 their work this year.
46

1 Nate pioneered the use of sonar to count fish over large sampling
2 areas and is using spatially-extensive video sampling stratified by
3 habitat type as a way to partition acoustic signals and individual
4 fish species. He has worked on the production of high-quality
5 stock assessments for data-poor species. This is something that
6 we're always talking about, how to deal with data-poor species,
7 and his methodology is being used worldwide in population
8 ecology.
9

10 It's great to know, and these two aren't alone, although they were
11 singled out for this award, but it's great to know that we have high-
12 quality science in our Fisheries Science Centers at the front-end,
13 and hopefully they will be with us for quite a while and will be
14 bringing new and innovative ideas and techniques to our work and
15 will help us continue to move forward.
16

17 We do have, in the senior science area, we do have two upcoming
18 retirements, and I want to make sure to mention those folks here.
19 Dr. Bill Karp at our Northeast Science Center has announced his
20 retirement for the end of September, and Dr. John Stein in the
21 Northwest will be retiring in January. These are very significant
22 changes in leadership and some great opportunities. We look
23 forward to bringing in new, high-quality folks to replace them, but
24 transitions are hard, and it's really hard to see our colleagues that
25 have put so many years of high-quality effort into these areas, to
26 see them move on, although we will wish them well in retirement.
27

28 Bob Turner, sitting here at the table, this is his last CCC meeting,
29 he hopes. We're finding it difficult to replace Bob, but Bob is
30 going to be retiring this summer. He and Don McIsaac will be
31 fishing together somewhere, I guess. I don't know, but, Bob, we
32 will miss you and your contributions to the west coast region and
33 to the council that you support. We are going to miss John and
34 Bill. They've both had to deal with a lot of tough issues over the
35 years, and they have done it with integrity and grace.
36

37 Funding highlights, I'm really not going to go into that in any
38 detail. We're going to have our usual discussion about budget.
39 I'm looking forward to that. Some of it is a little bit of fiction
40 writing at this point, because we're really not quite sure where
41 things are going, but it's always good to make sure that we have a
42 common understanding of where we are with respect to what the
43 President's budget means and what the Hill has or has not done.
44

45 We do have some good news. We did have \$11 million in S-K
46 Funds this year, and so we'll have an update on how that process

1 went and what the process is into the future.
2

3 NFWF, the National Fish and Wildlife Foundation, is going to
4 have its annual grants this year for electronic technology for catch
5 compliance and monitoring. It's anticipating a grant amount of
6 \$3.4 million, and the proposals are due on June 13. We just want
7 to make sure that everybody knows that this is another major
8 opportunity for gear innovation funding.
9

10 I think that I will leave the rest for our specific presentations. I
11 think this group next meets in February, and things will be
12 different in February. We will have gone through a transition. I
13 think we all need to buckle our seatbelts. It's going to be a bumpy
14 ride the next few months. I'm not quite clear where things are
15 heading, but I think the reality is that, for the bulk of the work that
16 we in this room do, a campaign won't change things and who gets
17 elected won't necessarily change things. Our responsibilities
18 remain the same. The statutes that we operate under aren't going
19 anywhere in the short term, and probably not anywhere in the long
20 term either, and so that's the message that I'm trying to convey to
21 our NOAA Fisheries troops, that we have a job to do and we need
22 to keep doing it and not get distracted by all of the campaign noise.
23

24 It's going to be fun to watch, and it will affect leadership at the top,
25 but, in terms of our day-to-day responsibilities and the specifics of
26 managing individual fisheries and the science job that we have to
27 do to get the best available science and to translate it into the best
28 available management, that is our responsibility to make sure that
29 that happens and continues to move forward while the political
30 winds swirl.
31

32 Of course, we will have a -- By the time you convene in February,
33 probably without me, we will at least know who is at the top and
34 you might know some appointments, but, as you all know,
35 everything is slow, and political appointments are slow, and so a
36 transition team will have been in place since before the election,
37 but new people can't be brought in until after the inauguration in
38 January. It kind of starts at the top and trickles down, and so I
39 would say it's unlikely that there will be a new NOAA
40 Administrator in February and unlikely that there will be a new
41 Fisheries AA by then, but you never know.
42

43 I invite everybody to speculate as much as you want. Speculation
44 is fun, and it's part of -- It's the number-one sport in Washington
45 between now and whenever, but don't let the speculation distract
46 you from the job that still needs to be done.

1
2 There is some study about the productivity of federal employees
3 drops by some really kind of terrifying amount after an election,
4 like 30 or 40 percent, and it's kind of ridiculous, because, for most
5 people in the federal government, their job doesn't change, or 95
6 percent of their job, their daily jobs, doesn't change after an
7 election, and that's going to be my message to all of you and to our
8 troops, too.
9

10 Again, indulge in whatever political guesswork you want,
11 whatever side bets you want to have, but, when you're at the
12 office, keep your eye on the ball. We still have a responsibility to
13 manage fisheries and to look out for our partners and stakeholders.
14 We still have a job to do, and we can do that without knowing who
15 is going to be the next President and who is going to be the next
16 Administrator of NOAA and who is going to be the next AA of
17 Fisheries, and we do have a responsibility to the American people
18 to do our jobs, and so, with that, I will leave you, and I look
19 forward to the next two days.
20

21 *Carlos Farchette:* Thank you, Eileen. Any questions for Ms. Sobeck? Okay. I
22 forgot to mention earlier that I did notice outside that the Sahara
23 Dust is finally leaving us, and so it's getting a lot clearer.
24 Hopefully it will get clear enough that if you look forty miles to
25 the south, you will see where I live in St. Croix. Actually, if you
26 didn't know, if you go to the north end of St. Thomas and you put
27 your foot in the water, you're in the Atlantic Ocean. On the south
28 side here, it's the Caribbean Sea, and so you can step on both seas
29 at once. Now I want to have Chris Moore. I think he's got some --
30

31 *Chris Moore:* Thank you, Mr. Chairman. Speaking of transitions and people
32 leaving, as Eileen noted and as Mike indicated, both Lee and Rick
33 will be leaving the council in August. Certainly we are going to
34 miss them. They have been Chair and Vice Chair, respectively, for
35 eight years, and have served the council well. We'll be talking
36 about all of their council achievements and activities over the next
37 several months. We have several receptions and parties planned,
38 and certainly if you're in Delaware or Virginia in June or August,
39 stop by. I can't promise that we will have videos like the ones you
40 saw earlier, but I think they're going to be pretty good
41 celebrations.
42

43 I asked Miguel for a little time this morning just to acknowledge
44 Rick and Lee's work with the CCC. I am going to start with Lee.
45 Lee has served on several working groups, a number of working
46 groups and committees, and I think it's been about thirteen years

1 that you've served on the CCC, if I counted correctly, based on
2 your first tour of duty with the council and now your second one.
3

4 In those working groups and committees, he has done a number of
5 things and has served the CCC well. The most recent committees
6 that he has been on include the MSA Stock Rebuilding
7 Requirements and Allocation Review Working Groups. By my
8 count, in the thirteen years that Lee has been on the CCC, he has
9 attended about twenty-four or twenty-five in-person CCC
10 meetings. He has participated in a number of conference calls, and
11 he has a number of achievements and contributions as a result of
12 all that hard work.
13

14 In recognition of your contributions and hard work, and on behalf
15 of the CCC, I present you with this plaque. This plaque says: In
16 gratitude and appreciation, the Council Coordination Committee
17 recognizes Lee A. Anderson for his dedicated service as a member
18 of the committee, May 2016". Then it's signed by the chairmen of
19 the councils, and so this is the plaque. (*Applause*)
20

21 *Lee Anderson:* Thank you. This is just the old fart signing off.
22

23 *Chris Moore:* That's not what we're going to say in June. Now I'm going to turn
24 to Rick. Rick has been serving on the CCC for eight years.
25 During that time, he has also served on several committees and
26 working groups, including the Allocation Review Working Group
27 and the Legislative Committee. During his year as Chair of the
28 CCC, Rick played an integral part in representing the regional
29 councils' interest in MSA reauthorization discussions. He testified
30 at three congressional committee hearings, and he worked
31 collaboratively with the other councils to develop a joint position
32 proposed MSA legislation. He also spearheaded the development
33 of a working paper which describes the regional perspectives on
34 MSA reauthorization issues.
35

36 In recognition of all your contributions and hard work, and on
37 behalf of the CCC, I present you with this plaque that says: "In
38 gratitude and appreciation, the Council Coordination Committee
39 recognizes Richard B. Robbins, Jr. for his dedicated service as a
40 member of the committee, May 2016". His plaque differs from
41 Lee's, because there are only seven signatures on this plaque
42 instead of eight, and so congratulations. (*Applause*)
43

44 *Rick Robbins:* Chris, thank you, and, to all of you, thank you. I would just like to
45 quickly say what a pleasure it's been serving on the CCC and
46 working with all of you on a number of challenging issues. All of

1 our fisheries that we manage are indeed unique, and yet we face a
2 lot of common challenges.

3
4 It's easy for me to look at the work that our council has done and
5 see where it's been informed by the exchanges that we've had here
6 at the CCC. We're borrowing very heavily on the leadership of the
7 Pacific Council in our management of unmanaged forage fisheries,
8 and we're adapting some of the work that they've done as we
9 move forward.

10
11 When we were faced with the potential ESA listing of sturgeon on
12 the east coast, we pulled a page out of the playbook that we learned
13 about here at CCC about how other councils had worked very
14 closely with the regional offices and getting involved early in the
15 process, rather than later. I feel like there are a number of things
16 that we've done to really benefit from the exchanges that we've
17 had here, and this is great forum for that type of thing.

18
19 If you think about the comparative analysis that's done, it allows
20 us a lot of opportunities to glean practices and take those back to
21 our respective councils. Just thinking back to the time when we
22 were faced with the challenges of ACL and AM implementations
23 following the last reauthorization, we had a lot of great exchanges
24 about how to deal with structuring ACLs and AMs and developing
25 risk policies, and so I think this has been a forum for us where
26 we've really benefitted a lot as an individual council, in terms of
27 taking ideas back and being able to implement those. It's been a
28 real pleasure, and I have really enjoyed the opportunity to have
29 those exchanges here at the CCC, and so thank you.

30
31 *Carlos Farchette:* The paparazzi needs to take some pictures.

32
33 *Doug Gregory:* While they're taking the pictures, I would like to say that the
34 eminent Dr. Anderson is on our SSC, and we're not about to let
35 him retire.

36
37 *Carlos Farchette:* Thank you, Chris. Enjoy retirement. Next on the agenda, we have
38 Recreational Fisheries Update with Russell Dunn.

1 **2. RECREATIONAL FISHERIES UPDATE**

2
3 *Russ Dunn:* Thank you for allowing me a few minutes to give you an update
4 here. I am going to start off with a quick overview of some of the
5 activities that NOAA Fisheries has undertaken on recreational
6 fisheries issues, and then I'm going to hand it off to Dr. Merrick to
7 give a quick update on some recent events and actions undertaken
8 by our MRIP Program.

9
10 What I'm going to touch on briefly is a very quick status update on
11 implementation of the National Recreational Fisheries Policy, a
12 quick overview of the implementation plans, the regional
13 implementation plans, that Eileen mentioned, and then, as I
14 mentioned, Dr. Merrick will give a quick update on MRIP.

15
16 I did not realize that we were allowed to reveal the statistics on the
17 new Fisheries Economics of the U.S., and so I was prepared with
18 my old slides, which were that recreational fishing, as commercial
19 fishing is, is a substantial economic force and a large cultural
20 driver in most coastal communities. In 2013, we had seventy-two
21 million trips, which drove about \$52 billion in sales impacts, and it
22 supported around 370,000 jobs.

23
24 Since the cat is out of the bag, I'm going to just touch briefly on
25 the 2014 numbers, where we had a slight decrease in trips, from
26 seventy-one down to about sixty-eight million. There were about
27 \$33 billion expended, direct expenditures, on trips and durable
28 goods for the marine recreational fishing community, and that
29 drove \$68 billion in sales impacts and supported around 439,000
30 jobs. Just as commercial is, recreational is also an important driver
31 of the regional and national economies.

32
33 Just a very quick update here. To help guide our approach to this
34 large and diverse community, you may recall that we put out, in
35 2015, both a national policy and an implementation plan to help
36 move forward on that policy.

37
38 Just a quick refresher. Basically, we can boil the policy down to
39 this. It is NMFS's policy to support accessible and diverse
40 sustainable saltwater recreational fisheries. To help support that
41 goal, we developed three goals within the policy to support and
42 maintain the resources on which recreational fisheries depend, to
43 promote saltwater recreational fishing for the benefit of the nation,
44 and then, importantly, to enable enduring participation over the
45 long term, so that the next generation can enjoy it as well.

1 So where are we? Well, after a year of the implementation plan
2 being out in public, we've made at least noticeable progress.
3 There were a total of sixty-eight projects specifically identified
4 with bullet points within the national plan, and then there was one
5 more, the regional implementation plans, which were discussed in
6 some of the concluding text as a commitment. All total, there were
7 sixty-nine commitments.

8
9 To date, in the first year, we have either completed or made
10 substantial progress on thirty of them. Completed is a pretty small
11 fraction. It's about four projects that are said and done. We have
12 initiated another fifteen, and so, basically, we have made some
13 noticeable progress on about two-thirds of the commitments, and it
14 is, just a note, a four-year timeline, and so we should be in good
15 shape to complete it on time.

16
17 One of those commitments, as I mentioned, was the Regional
18 Recreational Fisheries Management Plans, and hopefully you all
19 have seen this document. This is a compendium of all the national
20 plans. There will be some here in a little bit. It turns out that our
21 printer broke in the Southeast Region, and so I couldn't print any
22 off, and so we have some being shipped down that should be here
23 this afternoon.

24
25 This commitment is actually a commitment of six different
26 projects, where each of our regions, our five regions plus our HMS
27 office, developed an implementation plan which supports NOAA
28 Fisheries' core policy as well as our mission. It was developed in
29 consultation with both the recreational community and our
30 management partners, you all and the states, and so hopefully you
31 all have seen this in the past and this is not a surprise.

32
33 They each contain specific tangible commitments that will be
34 implemented by the region, and it covers a two-year timeframe, so
35 that we can keep things moving forward and refreshed on a regular
36 basis.

37
38 What I wanted to do is not have a death by PowerPoint here, but
39 very briefly just touch on some of the objectives that are contained
40 in these, and so I just pulled out two from each region, things like,
41 in the Greater Atlantic Region, we're talking about improving
42 coordination with the states on data collection. In the Southeast,
43 down here, it's trying to collaborate with the Virgin Islands
44 territorial government to better characterize the fishery. This is a
45 significant need down here in the Caribbean.

1 In the Pacific Islands, it's trying to collaborate with the state to
2 assess fishing access infrastructure. That's shoreline
3 infrastructure, primarily, and it's a real need out there, where there
4 is substantial shore-based fishing and, as development occurs,
5 there is apparently a diminishing amount of available opportunity
6 to access or ability to access.

7
8 HMS is looking at, among other things, ways to bolster compliance
9 with regulations through education and outreach, and so sort of the
10 soft approach to improving compliance.

11
12 The West Coast Region, they have had great success in applying
13 descending devices to reduce or mitigate barotrauma. They are
14 going to continue down that path, the region is, working with the
15 states and the recreational community and the council. Alaska has
16 a number of projects focused on habitat, such as fish passage in the
17 Kenai Peninsula.

18
19 Each of these plans has dozens of specific projects. I am happy to
20 share with you the one copy I have. Like I said, there will be
21 additional copies here, and I can talk to you about more specifics,
22 if you would like, offline.

23
24 Just two other things before I turn it over to Dr. Merrick. In June,
25 on June 9 and 10, we will be cohosting with the Atlantic States
26 Marine Fisheries Commission a workshop on artificial reefs in the
27 context of recreational fisheries management or fisheries
28 management. This is something that there has been pretty intense
29 interest in by the recreational community, and this is sort of a first
30 step to exploring the potential for artificial reefs as a management
31 tool and to try and help NOAA look down the road and see what
32 might our appropriate role be with regard to artificial reefs. I think
33 all of the councils received invitations and I think Atlantic States is
34 funding travel to that, and so I'm pretty sure we have a number of
35 the councils participating.

36
37 Then just a couple of quick updates, programmatically. There
38 have been a few changes with regard to the regional recreational
39 coordinators as of late. Up in the Greater Atlantic Region, Moira
40 Kelly has been hired to backfill for Paul Perra. On the West Coast
41 Region, our coordinator is on a two-year leave of absence, and we
42 have a new contractor coming into place in the next week or two
43 by the name of Zack Schakner. Then, in our Pacific Islands
44 Region, NOAA has an announcement out, which closes on May 27
45 for a permanent replacement.

1 With that, let me take any questions you may have, and, at the
2 conclusion of that, I will turn it over to Dr. Merrick.

3
4 *McGrew Rice:* McGrew Rice from Western Pacific Fisheries. On the Pacific
5 Islands, the territories, our council has been doing most of the
6 recreational coordination, doing all the things that are
7 implemented, because our program is only for Hawaii, and so one
8 of the things is that our council has actually done a lot of the work,
9 since we haven't had a coordinator for a couple of years, and so
10 how do we get credit, the council itself get credit, for doing most
11 of the work that the coordinator would be doing?

12
13 *Russ Dunn:* I can pat you on the back. I am not quite sure what you mean in
14 terms of credit, what sort of credit you are looking for.

15
16 *Kitty Simonds:* We're talking about being recognized for the recreational work
17 that we do out there. Obviously the Region can't do everything,
18 and they haven't had a coordinator, and so, through the MRIP
19 Program and other cooperative agreements that we have, we have
20 actually -- For example, what you listed up there was for the State
21 of Hawaii only. We are doing the same thing in the territories.

22
23 *Russ Dunn:* Great.

24
25 *Kitty Simonds:* Right, and so we just want to be recognized somehow in this
26 process, because you put out all these reports that go to the world,
27 and so that is a big stickler with us, is recognition of the work that
28 we do to assist ourselves and NOAA Fisheries and the
29 government, and so I think that we need to have this discussion
30 and you need to find a way to do this in your reports.

31
32 *Russ Dunn:* Sure. Absolutely, and in no way are we trying to diminish the
33 recognition of the work of others, and so we can talk, and Mike
34 and I can talk as well, and figure out the appropriate means to do
35 that.

36
37 *Carlos Farchette:* Eileen and then Chuck.

38
39 *Eileen Sobeck:* I think that's a fair point, but I think that the reason we're doing all
40 these implementation plans was sort of a recognition that we
41 weren't doing as much as we could or should, and I think that it's
42 incremental and we would -- We have been relying on the councils
43 and the recreational community itself, and this isn't a -- I don't see
44 these as reports where we're trying to take credit. I see these as us
45 acknowledging that we haven't been doing what we needed to do
46 in the past and sort of the steps we're going to take to try to

1 remedy that.

2

3 *Kitty Simonds:* I understand that. You've done a report, and all we're saying is
4 that we've done many things out there that could be included in
5 your report, but you need to find a way, because I think the way
6 you deal with this is just what NMFS does, and so that's all I'm
7 saying. I don't know about other councils, but you just need to
8 find a way in the process. The process is missing the councils is
9 what I'm saying.

10

11 *Russ Dunn:* Kitty, one thing. What just came out was not a report, but it was
12 actually sort of a plan for activities over the next two years, and so
13 I think where we'll have a good opportunity to recognize your
14 contributions is when we do the sort of status report or rollout on
15 how we did in implementing this, and so this -- What we just rolled
16 out was a plan for action, and when we summarize what we did,
17 we certainly can include the councils' and the states' contributions.

18

19 *Carlos Farchette:* Chuck.

20

21 *Chuck Tracy:* Thank you, Russ. You mentioned the 2014 data and the fact that
22 there was quite a drop in 2014, in terms of angler trips nationwide,
23 and so I was wondering if you might tell us a little bit about why
24 you think that might have occurred or if there was any particular
25 region that was affected more than any other or any ways to
26 address that.

27

28 *Russ Dunn:* I will have to dig back into it, because, again, I didn't realize that
29 we were going to reveal some of the numbers, and so I haven't
30 gotten up to speed, and so I will dig into that and let you know.
31 Richard says the report will be out on Thursday, and so I will get
32 you an answer. With that, I will hand it over to Dr. Merrick.

33

34 *Richard Merrick:* You all may remember that MRIP is a fairly recently developed
35 body that arose out of the ashes of MRFSS, which basically was
36 reviewed in 2006 by the National Academy and found wanting,
37 and so MRIP is really our response to make a better way of
38 sampling recreational fisheries.

39

40 The original 2006 Academy review pointed out three areas that
41 needed improvement. One was the angler intercept survey, which
42 is where we interview anglers returning from recreational trips or
43 shore-based anglers to find out what they caught. The second part
44 was the effort survey, where we find out how many people are
45 actually fishing or not fishing, and then third was the process by
46 which you put all of that together to come up with estimates of

1 recreational catch.

2
3 Since the 2006 review, MRIP has developed responses to all of
4 those and has begun the implementation of all parts of that, and we
5 felt that now is a point where we needed to go back and make sure
6 that we've done it right, and so basically we've gone back to the
7 National Academy and asked them to re-review where we are now
8 and see if we've responded to the original recommendations
9 properly and whether we now are using the best sort of responses
10 to those recommendations.

11
12 Right now, we are about halfway through the panel's meeting
13 schedule. Those of you who have dealt with the National
14 Academy realize that the way they typically do these things is they
15 will have a series of -- They will constitute a panel of experts, all
16 external to the requestor, and then that panel will meet on some
17 sort of schedule, usually over about a year's period, to gather
18 information. Part of that information will come from us and part
19 of it comes from our stakeholders.

20
21 The first meeting was held in Washington, D.C., which was the
22 kickoff meeting. Basically, that was the place where we could
23 describe to them, by and large, what we have done to respond back
24 the original request and help them to redefine their terms of
25 reference and so on.

26
27 That's been followed by a series of regional meetings. The first
28 was in Charleston last month. That really focused on both the
29 intercept survey and the effort survey and then transitioned to say
30 how we're trying to move from the old methods to the new
31 methods. There is an upcoming meeting in New Orleans in May,
32 and that will focus on some of the specialized survey designs that
33 we have developed for, for example, red snapper. It will look
34 more at the for-hire electronic reporting for logbooks, and it will
35 specifically focus on LA Creel, one of the state surveys.

36
37 The final meeting will be in California, and that will focus on
38 what's happening on the west coast, in the Pacific Islands. It will
39 also focus on MRIP communications, but each one of these
40 basically consists of presentations from external technical experts,
41 and representatives from the regional partners, the councils and the
42 commissions, have been involved in most of these. Then will be
43 public comment. The goal is to have the report finished by the end
44 of the calendar year. Actually, we will probably see it very early
45 in 2017.

1 Sort of as a complement to this, this external review, is we have
2 recognition that there is a need for regionally-sensitive
3 implementation of MRIP, and so the way we do things on the west
4 coast is really sort of different than the way we do things on the
5 east coast. The Gulf is different, and so the best way, as far as
6 we're concerned, to do this is to have regional implementation
7 plans.
8

9 This is basically how we drive the Fisheries Information Networks,
10 and that's the primary place where input can come from the
11 councils, but the goal here is to have regionally-specific standards
12 for data collection, for methods of how we certify designs. For
13 example, in the Gulf of Mexico, we have three, and probably
14 eventually five, different states with their own regional designs for
15 certain parts of recreational fishing, and so how do we certify that?
16 We need to have a regional approach to that.
17

18 There are special needs for surveys. Recreational pulse fisheries
19 are really hard to sample by the larger MRIP process, and so we
20 need to come up with ways that we can focus on fisheries that are
21 only open for nine days, and that's a really different approach to
22 sampling. Then, finally, what are the resource needs? Those are
23 scheduled to be completed over this year, and so, by the end of this
24 calendar year, we should have these regional implementation
25 plans.
26

27 Then, finally, one of the key events of the past year was a review
28 by GAO, the Government Accountability Office, of MRIP.
29 Basically, their major concern was the lack of a strategic plan for
30 implementation and moving out on MRIP in the future. Our goal
31 is, basically, to develop a plan that will be informed by the regional
32 plans. Then, by the National Academy's review, to have a
33 program that can move out over the next five to ten years and meet
34 the needs for recreational fisheries. I will stop at this point and
35 take questions.
36

37 *Carlos Farchette:* Michelle.

38
39 *Michelle Duval:* Thank you, Dr. Merrick. The regional implementation plans you
40 said are scheduled to be completed by the end of this year?
41

42 *Richard Merrick:* Yes.
43

44 *Michelle Duval:* I am definitely gratified to hear that. I mean I know you all are
45 well aware of some of the challenges we face, particularly in the
46 South Atlantic, with our rarely-intercepted species, our deepwater

1 groupers, such as snowy grouper and blueline tilefish, and the way
2 some of the recent management changes that the council has put
3 into place, such as establishing a four-month season over two
4 waves of the MRIP program to manage those species, and then
5 some of our pulse fisheries, such as cobia, a little fish you might
6 have heard a little bit about recently.

7
8 That's proving to be very challenging, and certainly the
9 recreational fishing community is often unhappy with the numbers
10 that they see coming out of the survey, and it's been difficult to try
11 to explain to folks that the survey was simply not -- With all the
12 improvements that have come forward as a result of the last NAS
13 review, this survey still is simply not designed for those types of
14 short-event or rarely-intercepted species or pulse fisheries, and I
15 have to give a shout-out to the MRIP Program staff, because I feel
16 like they have been responsive to some of the questions and
17 frustrations that we've had in the South Atlantic and have given
18 presentations at our June council meeting last year, as well as to
19 our SSC in October of last year, and they have highlighted some of
20 the alternative approaches that could be used to try to provide more
21 precise estimates of harvest for those fisheries.

22
23 I think one thing I would encourage you all to consider as you
24 develop these regional implementation plans is some guidance,
25 maybe, on which of these techniques might be most appropriate for
26 which of these fisheries.

27
28 I mean certainly something like cobia, where the majority of the
29 fishery is occurring on a spawning run that is present in May and
30 June or June or July, as the case may be, depending on whether
31 you're in North Carolina or Virginia, might be different than for
32 something like snowy grouper, where it may be more consistently
33 available, but it's just rarely intercepted, because of the effort and
34 equipment that it takes to go out and fish for some of those species.

35
36 I guess just some -- I sort of feel like the council has been
37 presented with this suite of probably half-a-dozen different
38 approaches that could be taken, but I feel like we're sort of waiting
39 for a little bit of input from the agency on who makes the decision
40 as to which of these methods is most appropriate.

41
42 I mean certainly we don't want some sort of post-hoc decision,
43 where you look at the answer you get from each one of those six
44 methods and say that's the one that I want because it gives me the
45 answer that I like, and so I guess I would just put that out there as
46 something for you all the consider in the development of those

1 regional plans. Thank you.

2

3 *Richard Merrick:* I agree, and that's a really good point. We need to have some
4 business rules to select, because there are a lot of different
5 protocols to do this, and so I will go back and reinforce this with
6 the MRIP folks.

7

8 *Carlos Farchette:* Mike.

9

10 *Mike Luisi:* Thank you, Mr. Chairman. I just have a question for you regarding
11 state engagement and interaction in this process, in the
12 development of the regional implementation plans. As you know,
13 and I'm not sure how this works, but, on the east coast, the states
14 have taken over the angler intercept survey work from the
15 contractor that had been part of the process for as long as I can
16 remember.

17

18 It's been an enormous challenge to take that on, to staff up and to
19 get people hired in time to implement the MRIP program
20 beginning this year, and while these regional plans are being
21 developed and there are these meetings, are the states engaged or
22 are the states involved in those discussions, because my staff -- It's
23 my staff who are doing this work, and it may have gotten by me. It
24 may have been one of the pucks that got past the goalie, but I don't
25 have any recollection of them asking or signing any travel
26 documents for them to participate in these meetings.

27

28 *Richard Merrick:* My understanding is they are engaged through ACCSP on the east
29 coast. Whether every state is actually there at the table, I am not
30 sure, but I can get back to you, but that was the intent, particularly
31 on the east coast, where all the states are now really heavily
32 involved with the angler intercept survey.

33

34 *Mike Luisi:* Just a quick follow-up. ACCSP has a coordinator, and so I would
35 assume that that person would be involved, and I will look forward
36 to updates from ASMFC as well. Thanks.

37

38 *Carlos Farchette:* Rick.

39

40 *Rick Robbins:* Thank you, Mr. Chairman. I guess I have some concerns over the
41 fact that on the east coast there are a lot of parts in motion right
42 now and a lot of initiatives underway. We have the ongoing
43 improvements to the MRIP Program. At the same time, in the
44 Northeast Region, there is a fisheries-dependent data
45 modernization program underway, and our council is moving
46 towards requiring electronic, presumably app-based, type reporting

1 for the for-hire sector, with an objective of having it in place next
2 year.

3
4 I think the South Atlantic Council, similarly, is moving in that
5 direction, and it's not clear to me yet what the interface will be
6 between those requirements and the existing for-hire survey, for
7 example, and these other data-modernization initiatives. As we
8 look at these initiatives this year, I think it's really critical to think
9 about how those are coordinated relative to their implementation
10 over the next year or two, because I think we've got a lot of things
11 in motion, and they're all aimed at improving the estimation of
12 recreational catches.

13
14 As Michelle pointed out, there are some fisheries on the east coast
15 that are rare-event type fisheries that are almost invisible to MRIP.
16 In the case of blueline tilefish, what we just recommended for our
17 recreational fishery, including the private sector, was mandatory
18 reporting that would be electronic, and that's not in place yet, and
19 so we would anticipate a delayed implementation if that's done,
20 but there are so many things in motion right now that I do have
21 concerns about how those are effectively coordinated between the
22 councils, the regional offices on the east coast, and the agency. I
23 just wanted to lay that out there, because there is a lot going on
24 right now on the east coast in this regard.

25
26 *Richard Merrick:* It's not just the east coast. The Gulf is the same way, and the west
27 coast is coming on, and so there is a lot happening right now, and
28 having these regional implementation plans are really key to trying
29 to coordinate all of this.

30
31 *Carlos Farchette:* Kitty.

32
33 *Kitty Simonds:* Thanks. In our part of the world, we're not members of any
34 commission, and so we don't have that advantage, and we have
35 had a FIN program, but it has had a lot of issues over the years.
36 What we have done, the center, the region, and the council, is we
37 have formed a Fisheries Data and Research Coordinating
38 Committee that takes the place, and we have a strategic plan. The
39 four island areas have come up with their data and research needs.

40
41 That's just to say that we're doing things differently out there, and
42 the three of us are involved. We have an implementation plan, and
43 we just need to continue to work together, but this is the substitute
44 for the FIN program in our part of the world.

45
46 *Richard Merrick:* Similarly, in the Caribbean, there is a local initiative there as well

1 to develop their own regional plans.

2

3 *Carlos Farchette:* Gregg.

4

5 *Gregg Waugh:* Thank you, Mr. Chairman. To follow up on what Michelle said,
6 we certainly appreciate all the efforts to improve MRIP, and there
7 are lots of improvements in the works, but just to tell you that the
8 frontline fishermen, we're losing them. Not only don't they buy
9 the estimates now, but I have never seen the level of rejection that
10 we're seeing now from the fishermen.

11

12 They are smart enough now that they're getting into the
13 assessments and they're looking, drilling down in the data and
14 looking at the number of intercepts, and it's embarrassing when
15 we're up trying to defend a management action and you get right
16 down and look at the number of trips that have been intercepted
17 and the number of fish that have been seen and measured.

18

19 All the improvements to the MRIP Program are certainly
20 improving the statistical side of the estimates, but that's not getting
21 to the fishermen, and we're seeing now, with cobia, where we're
22 losing the fishermen. We are losing our state compliance as well,
23 and so this is really getting to a critical level, and I just wonder,
24 with an industry that's worth \$28 billion, can we find some more
25 money to increase the level of intercepts, because that's key to
26 many of these species, is actually improving the number of
27 intercepts.

28

29 With the states doing the intercept portion now, is there a way that
30 we can funnel more money to the states relatively quickly, because
31 I fear this is a beginning trend, to where we're going to have more
32 and more fishing groups putting more pressure on their states, and
33 we're going to have a lot less state compliance than we've seen in
34 the past.

35

36 *Carlos Farchette:* Michelle.

37

38 *Michelle Duval:* Thank you, Mr. Chairman. Just as a quick follow-up, if anybody is
39 interested in hearing about this firsthand, Gregg and I were
40 hammered for over four hours on the night of May 9, when we did
41 a cobia question-and-answer session up in Kitty Hawk, North
42 Carolina. It started pretty promptly 6:00 P.M., and I think it was
43 about twenty after 10:00 by the time we finished, and so that
44 would give you, I think, a flavor of the kind of feedback that we're
45 receiving from anglers, particularly with regard to some of these
46 rarely-intercepted or pulse fisheries.

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Carlos Farchette: Any more questions for Richard or more comments? Gregg.

Gregg Waugh: Just a quick follow-up. There was a question in my comments. Is there any way to funnel more money to the states to increase the level of intercepts?

Richard Merrick: I can't answer that. My suspicion though is, in the level-funded era that we're in now, there is no additional funding.

Carlos Farchette: Any more comments? Thank you, Richard. Before we continue, I want to go to Other Business for tomorrow. I forgot to do that this morning. During our meeting yesterday, Kevin brought up stock assessment and how the budget will be distributed. That's one of the topics and then NRCC. I am not sure what that acronym stands for, but somebody is going to talk about that tomorrow afternoon.

The subcommittees that we formed, we want to have a progress report on them, and, also, there was a question on the use of government credit cards for travel and S-K proposals and a comment period and also a monument resolution. I don't know if anybody else has anything else that they want to add to Other Business for tomorrow. Please feel free to do so before we go on break or tomorrow morning, if you come up with anything else. We will take a coffee break for fifteen minutes.

(Recess)

3. FY 2016/2017 BUDGET UPDATES

Carlos Farchette: We're going to get started again. Next on the agenda is FY 2016/2017 Budget Updates, but I think Kitty has a comment first.

Kitty Simonds: I suppose you're all wondering what we talked about yesterday without our dear Don McIsaac, who led our budget discussions for umpteen years, and so we didn't have much discussion, and all we really have to say to you is where's our money? That's it.

Carlos Farchette: Okay, Brian.

Brian Pawlak: Money, for folks who don't have it yet, the councils, it is on its way. We expect obligation early next week. There was, as we will talk about here, delays in getting -- The first question of where's the money, the money, next week, early next week, we expect obligation through the grant process. One of our delays, which we will talk about here, always comes in when we have an apportionment, an approved apportionment.

We get our budget appropriated, these past two years, in December. It's been three months, or longer, from our appropriation from Congress before we've got an apportionment from OMB. The apportionment is needed for us to be able to legally obligate funds, and so some of this is out of our control.

We do monitor the funds, to make sure that folks are not getting to zero, where there would be concern of not being able to pay salaries and that type of thing. That's kind of the best we can do, to make sure that folks don't kind of bottom out. I think in the first quarter, under the CR, we did get about 25 percent of the councils' funds out under our continuing resolution.

There are also some small technical pieces that our grants folks are working with your grants folks. In the Grants Online System, for example, and I don't know if it was new this year or just a new internal control this year on Grants Online, but if you had designated yourself as the Department of Commerce or the National Marine Fisheries Service, the internal control from the finance system would not awards funds to the agency that was giving funds if you had identified your organization as that under the Dun & Bradstreet Code. I don't know how many councils that affected, but that was an issue for a couple that were ready to obligate, and our grants folks are working through that with folks, and so that's an answer to the first question, Kitty, hopefully.

1 Again, I appreciate the invitation here. I know Paul Doremus has
2 done this the last couple of years in the January/February
3 timeframe. I don't know how he draws the short straw. He gives
4 the winter in D.C. and I get to come to Key West and here to talk
5 to you about the budget, and so I'm glad to do it.
6

7 I will quickly do 2016 and a 2017 update. We have new
8 information from the House and Senate just as recently as a couple
9 of days ago. I will do a little bit of an update and overview of
10 where we are with the S-K Program as well. I know there's some
11 questions and wanting some discussion on that.
12

13 I will purposely stop and land on a few slides here to allow for
14 some questions and discussion, basically kind of some things I
15 heard last night or before showing up, but a lot of this presentation
16 is similar to what you've seen in past years from Paul and even in
17 the January timeframe.
18

19 First, just a big overview of where we stand in the process. You
20 can see where we are in the different budget years. We're always
21 working in three budget years at a time, and so, right now, we're
22 obviously in FY16, in the execution, in the budget process. As I
23 just mentioned, we got our funds in December and weren't allowed
24 to start planning and doing our budget operating plans until March
25 and even into April, based on the apportionment process.
26

27 2017, which I will step through here a bit as well, we're presently
28 in the hearing and markup stage from the House and Senate
29 Budget Committees. Again, just twenty-four hours ago, we got
30 input from the House and the House mark, and I will do a broad,
31 brief, big budget overview of the House mark later on here as well.
32

33 FY18, as Eileen had mentioned, it will be a -- We don't really
34 know what will happen with 2018 yet with the presidential
35 transition coming. Right now, we have an FY18 proposed budget
36 that's going to the department. There's still a lot of discussion and
37 debate if they will even release the President's budget in the
38 typical February timeframe, but that's just where we stand. We're
39 always managing these three different budgets, and we're soon to
40 be getting ready for planning for FY19.
41

42 Just a little more detail on that. The budget planning, our internal
43 process, usually begins in August for out-year planning. For this
44 August, we will start talking about FY19. The budget formulation
45 stage, that's really where we are now for 2018. We're starting to
46 run things through the Department and starting to run things

1 through OMB, so as to have input from that level of hierarchy
2 through the organization for what we might present. Again, there's
3 lots of questions on where that might go under a transition year, an
4 election year.

5
6 Hearing markups and appropriations, that's obviously the place
7 we're at right now, literally. The House is debating and discussing
8 our bill and funding just this week. Budget execution, obviously
9 we're doing that through 2016, doing that any time of the year,
10 and, again, I already highlighted the issue of our apportionment,
11 and that's the requirement to get our funds distributed, and that's
12 an apportionment that comes from OMB.

13
14 Paul has talked to you about this before. I talked about it some last
15 year in Key West. Once we do get a budget and once we do get a
16 number from the Hill, from Congress, that budget is subject to
17 rescissions from Congress. Kind of the most reoccurring, or the
18 most consistent, one is our Hollings Rescission to pay for Hollings
19 Scholarships. Then, of course, on top of that, again, as Paul has
20 discussed with you before, is then M&A costs, our management
21 and administration costs, from NOAA Fisheries is taken off of the
22 appropriated dollars, and the numbers we will present to you here
23 on the councils, in a few more slides, is that post that rescission.

24
25 The NOAA Fisheries budget, the three different kind of years here,
26 just for comparison, I think the good news or the good trend here is
27 that between 2015, starting up the bottom, and moving up through
28 the 2017 President's budget, we are seeing increases in our enacted
29 budget. We do see a healthy requested increase in 2017, and both
30 the House and Senate marks have given us small increases, for
31 now. Again, it's a good and positive trend, but the challenge we're
32 facing, as you've already heard from some of the Q&A's here and
33 some of last night's discussion, is slight increases in the budget,
34 but we have a growing need of corporate costs and corporate bills,
35 and that's something that you're dealing with.

36
37 We have the adjustment to base issues and base salaries increasing,
38 but at least it's a trend that's upward and it's not a trend that's
39 decreasing, but, even with these slight increases, it largely leads to
40 kind of a flat budget scenario.

41
42 I think you've seen this slide before. This is the 2016 funding
43 highlights of where we've got increases against our total program,
44 and so we're in the midst of obviously executing these dollars now.
45 I think most notable here is our electronic monitoring and
46 reporting, the second item down here, where we have a \$7-million

1 increase for that. That program is currently being managed
 2 through the SF&T process. NFWF, as Eileen mentioned upfront,
 3 is doing a grant process for \$3 million of these dollars. We have a
 4 \$5-million increase in 2016 to address the Gulf of Mexico reef fish
 5 issues and to look at innovative approaches to improve stock
 6 assessments and include fishermen in that process. Again, that's
 7 \$5 million that was an increase in 2016. That has consumed a lot
 8 of Richard's and Paul's and Ned Cyr's time in figuring out how to
 9 best and appropriately spend that money.

10
 11 Again, there was some confusion last January when this slide was
 12 presented, but that's the amount in 2016 provided, the \$5 million.
 13 It's an increase for 2016 out of the total expand annual stock
 14 assessment line. That is not the total program budget line for Gulf
 15 of Mexico reef fish assessments. Against our total budgetary lines
 16 is how this is presented. Again, our 2016 focus and attention, just
 17 not going through every single one of them here, but enforcement
 18 and combating IUU, again, we have an increase there. You will
 19 see some of that carry through in 2017.

20
 21 Councils and commissions bottom line, which we'll also focus on
 22 in a little bit more detail here, is -- The increase amount was the
 23 \$700,000, which is in ATB. It's not really a program change, but
 24 it's an adjustment to base, and it's a calculated adjustment to base,
 25 which I think there's going to be some questions on that, and we
 26 can talk about that in a second.

27
 28 Again, I think this is a slide I think you guys have seen fairly
 29 regularly at these different briefings and from Paul for the last
 30 couple of years. The table here is basically the historical trends of
 31 the councils against the budget trends for NOAA Fisheries, and so
 32 you can see you've got the NOAA Fisheries budget here over the
 33 years, from 2009 up to 2016.

34
 35 What you've seen before, and I think are familiar with, is you've
 36 seen the council -- The budget line from the council, what we call
 37 PPA, program project activity line. It's the regional councils' and
 38 commissions' budget line. Again, you have seen that before,
 39 which basically tells the story of, as Fisheries' budget has gone up,
 40 that line has typically gone up. As we've gone down under the
 41 NOAA Fisheries, that line, we have tried to keep stable, and,
 42 although you've seen some decreases along with us, it's largely
 43 been a stable or slightly increasing line from your direct budget
 44 line that you will see in the budget tables, as appropriated by
 45 Congress.

1 What I have added for this presentation, based on a few requests, is
2 this top dotted dashed line and the trend, obviously, from 2009 on
3 through on your funding level, and this really, that top line, is total
4 funding provided to the councils from Fisheries. It was, again, a
5 specific request for this, just wanting to see how that compared
6 against the budget approved by Congress funding.
7

8 Really, what we have is this top line here is just a reflection of the
9 funding that you've seen from different components of Fisheries
10 over the years, and so it's the same information displayed, but just
11 displayed different graphically, and displayed also to give you an
12 understanding of just the trends of that, because this table, given
13 we have the breakout for each region, just can't fit every year in
14 there.
15

16 This is the current funding. This hasn't changed from the
17 presentation that Paul gave to you back at the CCC meeting in
18 January. Again, it shows level funding from 2015. Again, where
19 we have had decreases to our budget, where sources of this funding
20 comes from, we have been at least able to maintain, across the
21 councils, between 2015 and 2016, level funding for these activities.
22 Again, just switching back and forth here, this was intended to
23 show that we've tried to maintain those.
24

25 I will go ahead and just explicitly address it outright here. Some
26 questions have come up of what happens with ATBs and where do
27 the ATBs get applied and why not do ATBs get applied to different
28 places, and so adjustments to base come to us from the Department
29 of Commerce. They are calculated based on a labor calculation,
30 federal labor, and so you will see adjustments to base. Within
31 Fisheries, we have adjustments to base, and you will see
32 adjustments to base within the councils' budget line. The last two
33 years, 2015 and 2016, has been, just using big round numbers,
34 about \$700,000, and you will see adjustments to base within
35 Fisheries.
36

37 Those adjustments to base are a bit of a misnomer though, because
38 they're not really adjustments that cover all of your base increase.
39 They are adjustments that cover some portion of labor, but they
40 definitely do not cover all of your increases for administrative
41 costs, rent, labor, whatever it might be.
42

43 Where adjustments to base are not applied automatically is this
44 funding level or these activities, because the adjustments to base
45 are based on labor, federal dollars. They are applied at the top-line
46 budget, and these activities projects, is one way to refer to them, is

1 the budget lines not with the labor, and that's the methodology.
 2 That's the reason, and I would be glad to take questions and
 3 discussion on that as we go through here, but that was some
 4 explanation that folks had asked of me before we got here.
 5

6 Just where we are in some of our 2016 execution, I think Eileen
 7 already hit on this, but the electronic monitoring and reporting
 8 grant program with NFWF, it was released the first week of May.
 9 Proposals are due June 13. NFWF is looking at awarding \$3.4
 10 million in grants. Again, \$3 million of that is from NOAA, from
 11 our appropriation, and so the other portion is obviously a match
 12 from NFWF. If you remember, in 2015, NFWF also awarded
 13 grants in this area, again \$3 million, which \$2 million was from
 14 our appropriation.
 15

16 I won't spend a lot of time, but our Coastal Resiliency Grants is a
 17 fairly new grant program, and we've awarded \$13 million in
 18 resiliency efforts. This is things like hydrological reconnections or
 19 this could be habitat restoration. On the NOS side, the National
 20 Ocean Service side, it's some more economic components to that,
 21 more social community resilience, where Fisheries is focused on
 22 the habitat component of that. Let me stop there. Before I jump
 23 into S-K, are there any quick questions on the graphic of budget,
 24 since it's kind of a nice breaking point?
 25

26 *Carlos Farchette:* Tom.

27
 28 *Thomas Nies:* Brian, I guess I'm still struggling to understand why adjustments to
 29 base are not applied to those items like NEPA and ACL
 30 implementation and that type of thing. When we talked to Paul in
 31 February, he said that the adjustments to base were applied at the
 32 higher fisheries management program and services level, and so
 33 my first question is who and where is the decision made that these
 34 things don't reflect personnel costs of the councils or other
 35 activities that would be subject to adjustments to base and,
 36 therefore, they're not adjusted?
 37

38 If you look at the total council funding compared to the PPA over
 39 time, it's kind of hard to tell, but the difference between the two is
 40 gradually shrinking over time, and if the PPA gets adjusted and
 41 this other section doesn't get adjustments to base over time, it's
 42 going to get narrower and narrower, which is going to reflect a loss
 43 in budget amounts for us, gradual, admittedly, but I am just still
 44 struggling to understand how that decision and where that decision
 45 is made.
 46

1 *Brian Pawlak:* Good question for clarification, for sure. The way that the
 2 adjustments to base comes to us from the Department of
 3 Commerce are based on the federal labor dollar and not labor
 4 dollar through grants. For example, our money is getting to the
 5 councils through the grant process, and so the labor dollars, in
 6 deriving the adjustments to base, comes from the federal labor
 7 dollars and not our grant recipients, including councils or any other
 8 entity we might be awarding a grant to.

9
 10 It comes through that way, calculated at the top level budget line.
 11 As you mentioned, Paul said that's where it gets placed, and so it
 12 typically gets put back how we received it, and so it is
 13 discretionary at the agency level of where you can put those, but
 14 the challenge is these are -- Across the agency, across Fisheries,
 15 we would have hundred of breakouts like this for any grant
 16 program, any set of activities, and so it would become really
 17 difficult then to apply an ATB in a meaningful way, and so it gets
 18 applied to the labor to address the top line budget for the Fisheries
 19 costs.

20
 21 Even with that said, without the ATB being applied here, which
 22 we're talking, once we split and divide this \$700,000 by eight
 23 councils by all of these activities, a really small amount. We have
 24 kept this funding level between 2015 and 2016, for example, and if
 25 you just looked at what Alan and Sustainable Fisheries has to deal
 26 with at the start of this allocation, if he did the same proportion that
 27 he had from year to year, these numbers wouldn't be held level,
 28 and so we are addressing these activities without the ATB, but
 29 you're probably better off that we're not giving the ATB and what
 30 we're doing is addressing and keeping it level by avoiding the
 31 corporate costs that we're paying kind of at the Sustainable
 32 Fisheries, Alan's level, and not putting the corporate cost into this,
 33 by maintaining it level funded.

34
 35 *Alan Risenhoover:* Brian, if I can just add to that point, what he's saying there is the
 36 councils are held harmless and I get a reduction.

37
 38 *Brian Pawlak:* That's right.

39
 40 *Carlos Farchette:* Doug.

41
 42 *Doug Gregory:* Thank you, Alan. My question is when we were given advice to
 43 do our five-year budget, it was 2015 would be level funded with
 44 2014, but then we were to factor in a 10 percent increase for 2016,
 45 2017, 2018, and 2019. What we got was a 3 percent increase, and
 46 so my question, going forward, is should we plan on nothing more

1 than a 3 percent increase, because we've got positions put into our
 2 future years' budgets assuming that growth, and I would like to be
 3 able to -- I know it's unknowable what the appropriation is going
 4 to be from year to year, but it appears to me that 10 percent is too
 5 optimistic at this point. Is there any kind of reassurances that yes,
 6 we shouldn't do more than 5 percent or 3 percent? I would hate to
 7 get in a jam at the end of the five-year grant.

8
 9 *Brian Pawlak:* I am not in the detail of that council budget planning process, but I
 10 would say, generically, if anyone is talking about even a 5 or 10
 11 percent growth scenario, that is probably very optimistic. I don't
 12 know how that council-level budget planning goes, Alan, but, from
 13 a big macro perspective, that would seem like very optimistic
 14 planning.

15
 16 *Doug Gregory:* So then 3 percent is realistic?

17
 18 *Brian Pawlak:* That's more realistic, yes.

19
 20 *Carlos Farchette:* Kevin.

21
 22 *Kevin Anson:* Thank you, Mr. Chair. Brian, you mentioned a little bit about the
 23 stock assessments, the expanding stock assessments, and you
 24 mentioned that you had some discussions last night, we had
 25 discussions last night, about that, and so I had asked, at the
 26 February meeting, about seeing if there was the possibility of
 27 getting a breakout, if you will, of major categories of expenses
 28 related to stock assessments in the Southeast Science Center
 29 related to the Gulf of Mexico.

30
 31 I am just asking you, and I've tried to get that information from Dr.
 32 Doremus subsequent to the meeting that we had in February, and
 33 so you said that that would be doable, although with some caveats,
 34 and so I just want to make sure that's my understanding and that
 35 we can see those numbers soon.

36
 37 *Brian Pawlak:* Yes, and so I appreciate the conversation yesterday evening. I
 38 think, at a big macro scale, what we spend on stock assessments,
 39 that can be done by a Science Center. How that breaks out per
 40 individual stock, as we talked last night, it gets a lot more difficult.
 41 We do not do cost accounting in our recording of time and
 42 attendance and materials by a species or by stock. We do have
 43 some broad, macro-level data on that that Richard -- I was talking
 44 with Richard last night, where he was citing some work we've
 45 done on that, and so I will get back with Paul and Richard and see
 46 what we can provide.

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Kevin Anson: Thank you.

Carlos Farchette: Gregg.

Gregg Waugh: Thank you, Mr. Chairman. I have two questions. On your slide up here, it still says subject to change. Are those numbers pretty firm now? Then the second question is could you address what the long-term view is, similar to what Doug asked, for our fishery-independent data collection programs? We're seeing cuts to MARMAP and SEAMAP, and we would just like to know if that level of cut from corporate costs -- Should we plan on that continuing and to see a continuing decline in monies available for our fishery-independent sampling?

Brian Pawlak: The first question first. This should not change at this point. There should not be any decreases at this point, and so this might have been a holdover from the January discussion. We were still working with Congress on potential reprogramming and that kind of thing, and so this should not change. Obviously for 2015 it shouldn't change, and this should not change for 2016.

I don't know the details of what the reductions have been in the MARMAP and independent sampling. You mentioned corporate costs. Our corporate cost at NOAA Fisheries has remained stable. Our M&A rates have remained the same for the last couple of years, and so I would have to get with probably Richard and folks to go look at those specifically to know what -- If you're seeing a decrease, what's driving that, I don't know that level of detail without pulling out my budget table and looking at that, but if someone wants to take that as an action, we can go back and see. I will move to S-K here, to keep us moving.

Just updates on the S-K process, we started much earlier this year, to allow a more thorough and kind of robust review process. We know we heard the concerns last year of really jamming people into tight schedules and deadlines, including trying to get people to do constituent panel reviews. It's also a problem on our end, to get our Grants Office to be able to award the grants. We definitely started earlier this year. I'm sure there's still some concerns about the timeline, but, as I walk through this, we'll give a big overview and then talk about some plans for 2017 that might address some of the questions we've been getting.

We're proposing just slightly over \$11 million worth of applications be funded this year. I think Eileen just signed the

1 decision memo this week, and so we hope to have an
2 announcement in another week or so. It remains a hugely popular
3 program. We've had 325 eligible applications. Again, the money
4 requested or desired from S-K is way outstripping -- The demand
5 for proposals way outstrips the amount we have, with \$76 million
6 worth of proposals received.

7
8 We had ninety-four of those moved on to constituency panels for
9 further review, that passed the technical merits stage. I think I've
10 got breakouts here of the 2016 priorities. Just as a reminder of
11 what those were, they ran across these seven areas, from
12 aquaculture; fisheries data collection; the climate change
13 component; promotion, development, and marketing;
14 socioeconomic research; and territorial science. These seven
15 priorities are what we focused on.

16
17 Again, we received quite a decent distribution across these
18 priorities for the 2016 proposals. Again, right now, the
19 applications recommend funding -- This is the breakout. Again,
20 since we just had a decision this week, these might change by
21 small movements here and there. I'm not sure if this is the exact
22 final, since we just got a decision memo signed on this this week.

23
24 From the Alaska region, we've got about three out of seven
25 proposals for roughly \$700,000. From GARFO, we've got twenty-
26 two out of forty-two proposals. From the Pacific Islands, it was
27 seven out of twelve, for \$1.6 million. The Southeast Region is six
28 out of eighteen, and the West Coast Region is twelve out of fifteen,
29 for \$2.8 million.

30
31 If you're looking at all in comparing this to last year, these are --
32 This is roughly half of last year, but, if you remember, last year,
33 we combined the 2014 S-K and the 2015 S-K together, and so then
34 it was about double the money. It was about a \$25-million award
35 last year through this process, but, again, it's because we took the
36 2014 S-K amounts and rolled it into the 2015 S-K amounts, and so
37 it was a lot more, but that's because we didn't run an S-K program
38 in 2014. The rough breakout, distribution, among the regions is
39 roughly proportional to what it was last year as well.

40
41 By priority, again, you can see the current recommendations, at
42 least at the time of putting these slides together, across the priority
43 area, with aquaculture, gear and bycatch, climate change,
44 socioeconomic, territorial science. Again, I'm just giving you a
45 big-picture view here of the proposed breakout, and you guys
46 probably mostly saw those in your opportunity to view and

1 comment on where things sat in the proposal process, and we
 2 definitely appreciate the input the councils have given to that.

3
 4 Again, FY17, right now, we're expecting at least \$10 million
 5 available again in FY17. With the recent House and Senate mark,
 6 with might even have a little more, maybe closer to \$12 million.
 7 The decision right now is to keep the priorities, those top seven
 8 themes, those top areas, as the priority for proposals.

9
 10 One thing different we hope to do in 2017, which will reduce, I
 11 think, the workload and some of the burden on you and potential
 12 reviewers, as well as the NOAA Fisheries staff, is to conduct a pre-
 13 proposal process, and so this is like a one-page statement of idea of
 14 what you would like to work on. We hope to request those much
 15 earlier than we have in the past, and then also give some feedback
 16 on those proposals, that we encourage them to keep applying or
 17 discourage them from keep applying, and the idea here is to avoid
 18 the multiple pages, dozens of pages, of applicants.

19
 20 Again, the numbers I showed earlier, the demand for the funding
 21 way outstrips the ability to provide awards. A lot of work goes
 22 into building those proposals and writing those proposals, and, as
 23 you see, most of them don't get funded, and so it's trying to
 24 streamline this at the beginning, with this pre-proposal process to
 25 hopefully reduce workload and reduce effort where it's not needed,
 26 as well as, maybe in the exchange back and forth over the pre-
 27 proposals, to give some suggestion or thought for how folks can
 28 improve their proposals before building the full process. I am
 29 going to real quickly stop there, before I run into 2017. Any
 30 questions on S-K? I think it's probably a good place to stop.

31
 32 *Carlos Farchette:* Tom.

33
 34 *Thomas Nies:* Thank you, Mr. Chairman. Brian, I guess I've got two questions.
 35 The first is is do you anticipate the councils are going to be
 36 involved in this review of the pre-proposals?

37
 38 *Brian Pawlak:* Yes, I believe the process is intending to keep the same level of
 39 engagement that we did the past two years, at least in my two years
 40 of involvement, in which I know we've further reached out to the
 41 councils and the community to do that, and so it would be, but,
 42 again, it's an extra layer, maybe, but it's a reduced amount of
 43 work, because of the one-page pre-proposals.

44
 45 *Thomas Nies:* My next -- I don't know if it's really a question or a comment, but
 46 I know, at least from my point of view, several times during the

1 course of the process, I get an email from the agency asking me to
 2 comment on the projects and whether the proposals going forward
 3 for a full review to the panel that meets, whether those are, I guess,
 4 an appropriate mix.

5
 6 *Brian Pawlak:* Right, across the region or --

7
 8 *Thomas Nies:* Then, later, we get a list of these are the proposals that we're
 9 thinking of funding and do you think this is an appropriate mix,
 10 and, for a couple of years now, I've felt like I really don't have the
 11 information necessary to give you an informed opinion on that.

12
 13 As an example, it always strikes me, and I shouldn't say this with
 14 John Bullard next to me, but it always strikes me that when I look
 15 at Alaska or the North Pacific that they get relatively few S-K
 16 funding projects, and I'm always amazed at that, because of the
 17 size of their fisheries, but I have no way of knowing whether every
 18 project that they submitted winds up getting reviewed and half of
 19 those get funded.

20
 21 The three out of seven is just the ones that actually went to the
 22 review panel. I have no way of knowing what else got submitted
 23 that didn't make the cut to go to the review panel, and so I feel like
 24 there's a need, if you really want informed opinions or input from
 25 the Executive Directors, that we need, in many cases, to have more
 26 information.

27
 28 I also find that the first request, when you ask us about the
 29 proposals going to the review panel, the guidance in the memo and
 30 the guidance in the email for the last two years hasn't matched.
 31 One thing says to evaluate it on these criteria and the email says to
 32 evaluate it on a different criteria, and so I think you've done a good
 33 job of speeding up or improving the timeline, but I think now
 34 maybe we need to go back and look at some of the details of what
 35 information we're getting and they're asking us to comment on.

36
 37 *Brian Pawlak:* No, and I've seen your emails on this before, throughout the year,
 38 and some of those are fair comments and fair discussion. I will
 39 have to go back and talk to our Grants Office, which we've
 40 actually started the conversation of what can we share and should
 41 we share prior to asking for your input on the regional distribution
 42 or theme or the priority area of distribution.

43
 44 One issue is, in the competitive review process, once you've
 45 passed or did not pass the technical merit stage -- The review is
 46 supposed to be, of those that passed the technical merit, what do

1 you think is missing and then flagging what's not in there can
 2 really -- It potentially upsets the competitive process, where if you
 3 have something that's 110 and you can only move up to Number
 4 80, you can't really pull those that are way down there up, and so
 5 it's based on those that passed kind of the first level of review, but
 6 there might be something we can do on this kind of data.

7
 8 I mean do we have at least this for the last two years, or I'm sure
 9 that we have it for more than two years, but do we have this for the
 10 last years, and I will have to talk with the person who actually runs
 11 the program. Is there some data in advance, based on historical
 12 data, that doesn't upset the competitive panel process that could
 13 give you some insight into what's there?

14
 15 I think the numbers do reflect kind of the general proportion of the
 16 number of applicants from the different areas, and so their award is
 17 fairly consistent with that, but obviously it depends on meeting the
 18 technical merit and passing the panels.

19
 20 *Carlos Farchette:* John.

21
 22 *John Bullard:* Thanks, Brian. I am not going to make my annual comment that
 23 Leverett Saltonstall and John Kennedy were both from
 24 Massachusetts, and so all the money should go to GARFO, but,
 25 Brian, thank you for the summary.

26
 27 It may be that -- My question is about the pre-proposal idea. I
 28 haven't discussed this with anyone, and so it may be that you have
 29 this in your team, which does a remarkable job on this. The
 30 evaluation of proposals takes an incredible amount of time, and I
 31 have a little bit of an insight about how much work is involved in
 32 it. Just finding reviewers, three reviewers, for every proposal who
 33 don't have any kind of conflict is an enormous amount of work.

34
 35 *Brian Pawlak:* John, if I can interrupt you, we are talking about 900 reviews.

36
 37 *John Bullard:* I know. It's just an incredible amount of work, just that one step,
 38 and that's only one step in the process. The question I have is that
 39 my impression is that each step in the review process really does
 40 add a very different point of view or point of evaluation, and that
 41 my worry is that, in a pre-proposal and then whatever you call an
 42 after proposal, final proposal, I hope we don't get into a system
 43 where we're ending up with double the amount of work in setting
 44 up these levels of review, because each level of review is an awful
 45 lot of work for the staff reviewing these.

1 I understand the goal is to actually reduce the amount of work both
2 for people putting the applications together -- Don't go through an
3 awful lot of work if you're not going to make it anyway, and
4 perhaps one of the goals is to reduce the amount of work of the
5 reviewers, so they're not having to review the whole amount, but if
6 the three or four different levels of review have to be done twice,
7 then my worry is that there might be an increased number, because
8 each of the panels are giving you different information. At any
9 rate, you may have thought exactly how that works, but the panel
10 that Tom and others are on, does that mean that has to get
11 convened twice, just as one example?
12

13 *Brian Pawlak:*

14 I appreciate those comments, John. We haven't figured out the
15 process yet, and so we will definitely take those thoughts back and
16 make sure we structure that with those in mind. We're really just
17 at the beginning of saying -- We're hearing of the concerns of time
18 and the input, as you've just all characterized. This is a model
19 that's used in other grant proposals, other places, and so starting
20 with that, that's kind of where we are, without having fleshed out
21 the details of that yet, but we will definitely consider and take
22 those thoughts in as we build it, and I'm sure we'll be reaching out
23 to the different regional offices, where the S-K experts reside, to
24 help build that.

25 I am going to move into a quick overview of 2017. We have some
26 new information on 2017. Again, I think you've seen the FY17
27 President's budget presentation from Paul. We will quickly
28 summarize some of that here in a second, but we are starting to get
29 feedback from the Hill of what they think about our proposals in
30 2017.

31
32 Up here, just because we haven't done in time -- We just have the
33 Senate mark on our proposed budget for 2017, but we also have
34 some House numbers, and so this kind of third set of bullets down
35 here, the President's Senate mark has us below our President's
36 request and slightly above the 2016 spend plan, the 2016 enacted
37 funding. Actually, these percentages are almost the same in the
38 House, in the House mark. Again, it was just received a day or so
39 ago. The House is, again, about 5 percent below the President's
40 request, but the House mark, which is kind of a change from kind
41 of long history, is actually slightly more above the spend plan than
42 the Senate, and the House mark is looking at about 1.3 percent
43 above the current spend plan.
44

45 We're just starting to get that input in from the House today. I
46 don't have a lot of details yet on that. I think it's posted, but I

1 haven't read through it yet. My staff is just starting to read through
2 what the impacts of that will be.
3

4 Again, we will land on this slide for a little bit, because there's a
5 lot of information up here. What we have is our President's budget
6 request up and down here. Again, this is stuff you would have
7 seen in our blue book and presentations from others when you
8 were out in D.C. in January.
9

10 We've got the Senate mark, which we've had a chance to digest
11 and look at and understand a little bit more. The House mark here,
12 in the far column, again, we've literally just got that hours ago and
13 are trying to decipher what that is.
14

15 There are some definitely some big-picture things you can glean
16 from here. As you will remember from our 2017 President's
17 budget rollout, there was a big emphasis for us on addressing some
18 of our core legal mandates and requirements on our ESA and
19 MMPA requirements in our Section 7 consultations.
20

21 We continue to have large shortfalls in that area. We continue to
22 have a backlog growing in that area and being able to complete our
23 ESA requirements. Largely, the big pressure is in the Southeast.
24 From the Senate, at least we have some acknowledgement that
25 we've got concerns and issues there to be addressed, and the House
26 was actually a little more acknowledgement. It's still not what
27 we've requested. Again, it's kind of all these questions we've
28 already had and discussed, adjustments to base issues and core
29 funding. Currently, funding in this program area is not enough to
30 keep up with the workload. We have gone and made that case to
31 the Hill a couple of years in a row. At least this year it seems like
32 we've got a little bit of attention, a little bit of traction, to address
33 that.
34

35 It's a similar story with EFH consultations. Again, there's a
36 backlog in our ability not to get to all of the consultation
37 requirements under the Essential Fish Habitat mandates. Again,
38 we requested that a few years in a row and no traction. I think,
39 again, this year, finally, there's a little bit of traction.
40

41 This does say consultations. I don't think this is strictly limited to
42 consultations. It's EFH in general, which can include refining
43 EFH or other components of EFH.
44

45 Pacific salmon has gotten a lot of attention from the House this
46 year. There's a lot of language on Pacific salmon in the House

1 mark. Again, I haven't had a chance to look through it and digest
2 it yet, but I think Central Valley drought and hatchery management
3 is driving the House mark interest there.
4

5 Species recovery grants, that's an important component to us. In
6 2017, again, there was a large increase requested from the
7 President's budget here. There was a tiny bit of acknowledgement
8 from the Senate and no acknowledgement from the House on that
9 program for us.
10

11 The good news for us on the facilities side is our Mukilteo
12 Research Station, part of the Northwest Fisheries Science Center.
13 At least both the House and the Senate here have provided us
14 funding to do design, site prep, and prepare for building out and
15 replacing that building. Again, I think the last meeting -- You've
16 heard the story of how the building was literally condemned for
17 about a month or two, and so people actually had to leave the
18 building. The building sure is not a reflection of the world-class
19 science that happens there. It's been literally jury-rigged together
20 by the scientists that work there. There are slanting floors. You
21 can Google Mukilteo and see news stories of the place being really
22 in bad shape, and so this is toehold for one of our facilities issues,
23 to get a new facility built.
24

25 Again, we're not really supposed to project FY18 budgets, in out
26 years, but this is one that even within 2017 that we conveyed that
27 this toehold would allow us to build something in FY18, and so
28 we're hoping with this -- We would expect in 2018 to get full
29 funding to build a new facility just north of Seattle.
30

31 Also, what you see here is kind of big gaps in these priority areas.
32 Again, it's just a big bin of advancing fisheries science and
33 management. We have had requests for a couple of years for
34 ecosystem-based solutions to fisheries management. This is really
35 a habitat science component, which we obviously have not gained
36 traction from the Senate or the House for the last couple of years.
37

38 Aquaculture, it seems like there's some disagreement on the
39 importance of aquaculture between the House and Senate. I'm not
40 sure what statement they're trying to make there. I'm not sure
41 what that means, and, of course, the reds are negative reductions
42 from our requests.
43

44 Again, others you can see there. I won't go through each one of
45 them, but we're obviously getting some traction here on our
46 endangered species and protected species areas. It's good for us

1 that we're getting some traction on our facilities issues. As I have
2 mentioned upfront, we have a big challenge in NOAA just with
3 rising costs, flat budgets, huge infrastructure costs facing us. We
4 have decaying and old facilities in the Northwest. We have the
5 Woods Hole facility, which came online in I think the mid-1960s
6 or so. We have the Southeast Fisheries Science Center that is the
7 same thing. We have issues with a lot of our buildings.

8
9 We have corporate costs increasing at the NOAA level, the same
10 challenges you have at the council level. You've heard it from us,
11 and so the good news is we do get some traction on the facilities,
12 but some of our ability to advance things that are new to us or
13 advance science are just not gaining traction.

14
15 I guess one highlight in that is that we have gained some traction
16 on our IUU. That's the management of fair trade here, is our IUU,
17 the administration's priority on IUU, and we've got traction for
18 that in 2016, in the enforcement capacity, and then here also in
19 2017, on more of the management trade component of that.

20
21 A piece of 2017, and I think this is my last slide, which I'm sure
22 will generate some discussion here, is FY17, this is the Senate
23 language, and this is a direct cut and paste from the Senate
24 Commerce/Justice Subcommittee report language here, and so this
25 no less than \$34.25 million here, and so this is our President's
26 budget request.

27
28 This is exactly what we requested, and so there is no change there.
29 It's what you've seen. It's the request in the regional councils and
30 commissions budget lines, and so less than that amount is to be
31 provided to the regional fishery management councils,
32 commissions, international commissions. That was that budget
33 line, the PPA. That's what this funds, but all amounts provided in
34 this act are for NMFS, regional councils, and fisheries
35 commissions. That's the budget line, but the above amounts
36 provide in fiscal year -- Any amounts that are above that provided
37 in Fiscal Year 2016 shall be distributed in equal proportion
38 between the councils and the commissions. Again, a lot of that
39 upfront discussion about ATBs and Tom's question about what
40 those were and how those got applied, a lot of that discussion
41 upfront was kind of keying up for what this issue is here.

42
43 It's basically saying if this language is approved in the conference
44 mark, and so we still have to get to conference. This is the Senate
45 mark. The House was silent on this issue, and so, if this language
46 is approved, NMFS will have to spread the increase of the 2016

1 ATBs proportionally between the councils and commissions, rather
 2 than just to the councils.

3
 4 It will be a different split between the councils and the
 5 commissions than requested in the President's budget. Again,
 6 what's driving this is probably the same issues you all see in
 7 increasing costs, increased labor, increased requirements for doing
 8 business. The commissions have had the same concern, and so
 9 language is put in for any increases above 2016, which would
 10 include ATBs, that there be consideration for a spread between the
 11 councils and the commissions.

12
 13 With all that said, that's kind of the most direct piece of language
 14 in the 2017 Senate mark. Again, the House mark, no language on
 15 this. They're silent on this. We still have a way to go. This just
 16 got completed a couple of days ago. Obviously that was done
 17 roughly a month ago, and so we still have to get to conference and
 18 committee. We are likely looking at a CR, an omnibus bill, if
 19 we're lucky, and so still the process has to take place. That's the
 20 draft statement on where the House and Senate sit, and so where
 21 we end up in 2017, it will likely start with CR. The elections will
 22 drive and change probably a lot of things on just what 2017 might
 23 look like, when we might get a 2017 budget, as well as just what
 24 we might do for 2018, which is still a big unknown, and so that's
 25 it. I would be glad for a couple more questions, if the Chair still
 26 thinks there is time.

27
 28 *Carlos Farchette:* Gregg.

29
 30 *Gregg Waugh:* Thank you, Brian. Back to the slide for 2017 and the split of the
 31 increase, the way I would read the wording of the Senate language
 32 is equal proportions. That means the increase would be split 50
 33 percent to the councils and 50 percent to the commissions, but then
 34 the bullet talks about proportionally.

35
 36 I know, in our case, our states carry a heavy load. They participate
 37 in the SEDAR assessments, and they're working up a lot of the
 38 samples. Our states are running the MRIP intercept portion, and so
 39 there's a lot of support for our states getting money through the
 40 commission. On the east coast, the ACCSP is an important
 41 partner, and so I think our council would be supportive of some of
 42 that increase going to them, but could you just clarify, maybe with
 43 some percentages, but am I right that in the Senate version it's 50
 44 percent going to each and then what the proportionally means in
 45 the bullet?
 46

1 *Brian Pawlak:* I won't probably be able to clarify it, other than give some other
 2 options, but I think that's one thing we have to do. Usually in this
 3 process, meaning the budget appropriation process, we get
 4 language -- We get communication back and forth with the Hill
 5 and the appropriation staffers, definitely, if not at our level, at the
 6 NOAA budget level. We raise questions to them, so they can ask
 7 and say, what did you really mean by this?

8
 9 As you say, equal proportion could be interpreted to mean different
 10 things. Your interpretation is the 50/50 split. There could be a
 11 determination that it's equal in proportion to the budget, which
 12 would not be a 50/50 split, and so that's something we have to
 13 figure out, and figure out how we would really work that, if that
 14 language got maintained in the budget and actually enacted.

15
 16 Rather than guess and give more clarity, I would just maybe add
 17 more confusion by saying there's different ways to look at that.
 18 What we would want to do is actually get with the Hill members
 19 that put it in and see what did they really intend by that, because
 20 you could interpret it 50/50. You could interpret it by proportion
 21 of the budget. There's different ways to do that, and that would
 22 have different outcomes for, obviously, everyone.

23
 24 *Carlos Farchette:* Chris.

25
 26 *Chris Oliver:* I could be wrong, but I thought the definition of proportional -- It
 27 wouldn't be 50/50, but it would be proportional to what existed
 28 previously or what was in the original amount. Maybe I'm wrong,
 29 but I thought that was the definition of proportional.

30
 31 *Brian Pawlak:* Like I said, I think there could be different interpretations, and I
 32 think what throws us off here is when they say equal proportion
 33 versus proportion. If you did it by budget, by past budget, and you
 34 did it proportionally by budget, the \$700,000, roughly \$700,000 in
 35 ATBs that would be into the council/commission line, it would
 36 become closer to \$600,000 that would be available for the
 37 councils, and so I'm not talking huge amounts, depending on how
 38 you interpret this. Again, conference has to happen. We'll see if
 39 this stays in, and we have heard the issues of the states needing
 40 funding for the reasons you've stated as well. They've been in to
 41 talk to Paul and I about that a number of times.

42
 43 *Carlos Farchette:* Tom.

44
 45 *Thomas Nies:* Brian, there's another comment in the Senate report, and I'm not
 46 quite sure whether it means anything or not, but there's language

1 that says that no funding is provided to implement the May 5, 2015
2 MRIP report titled “Transition Plan for the Fishing Effort Survey”,
3 and then it goes on to say unless certain conditions are met. Is that
4 troublesome at all? Are those conditions likely to be met? Is that a
5 problem or what? I realize it’s a long way before we know if that
6 language survives or not.
7
8 *Brian Pawlak:* We had similar language in 2016, and that wasn’t a problem for us,
9 but I don’t know, Richard, if you want to hit that specifically,
10 because we’ve talked about that before, or Sam.
11
12 *Sam Rauch:* That transition is not supposed to happen until 2018, and so it
13 doesn’t really matter. They’re just saying don’t do it early, but we
14 hadn’t planned on doing it early, and so it doesn’t matter now. If it
15 is in 2018, by the time we get there and we haven’t met those
16 conditions, then it will become a concern, but, for right now, it’s
17 not.
18
19 *Richard Merrick:* Our hope is that the \$10 million, the \$5 million that’s in our budget
20 and the \$5 million in OAR’s Sea Grant request, would satisfy the
21 stipulations of the language that says that we need to have
22 improved stock assessments and surveys to account for fish
23 inhabiting artificial reefs and fixed offshore energy structure. By
24 the time we are ready to actually implement the new MRIP
25 protocol, we will have those surveys in place.
26
27 *Carlos Farchette:* Tom.
28
29 *Thomas Nies:* I have one other question, which is just, hopefully, real short. The
30 program that funds research vessels, where does that money come
31 from? Does that come into the NMFS budget? Does NMFS
32 provide money through there or does it come from other sources as
33 well?
34
35 *Richard Merrick:* That’s NSF.
36
37 *Brian Pawlak:* Even within NOAA, the vessel funding doesn’t come through
38 Fisheries. It comes through OMAO, our Marine Operations, and
39 so Fisheries doesn’t even -- Within NOAA, the NOAA Fisheries
40 vessels are not typically funded from Fisheries either. If that’s it, I
41 will be glad to -- I will be here through tomorrow, and I will be
42 glad to chat budget or any topic you want.
43
44 *Carlos Farchette:* We have one more from Chuck.
45
46 *Chuck Tracy:* Thank you. Maybe just backtracking a little bit and a general

1 comment about our funding for 2016, and I know we've brought
 2 this up repeatedly, and you did touch on it a little bit, about your
 3 restrictions on actually distributing funds to the councils, but, as of
 4 today, the end of May, we have received about one-sixth or one-
 5 fifth of our PPA line, which is not much for almost halfway
 6 through the year

7
 8 We brought this up the last couple of years, and, frankly, we have
 9 run out of money the last two years and had to go begging for it in
 10 either April or September. Anyway, I was just wondering if
 11 there's any thought about having a more consistent approach to
 12 allocating funds to the councils, because I know that other councils
 13 have had different experiences this year and in the years past, and
 14 so I would just like to raise that to your attention again, to see if
 15 there's some more consistent approach to that across the nation.

16
 17 *Brian Pawlak:*

18 It's a fair comment and a fair criticism. Last year, when it was the
 19 five-year award process, which, through the grants process, we
 20 have to award the full year -- The first year of any award, you have
 21 to award the full year at one time, which makes it more difficult.

22 There's not a whole lot of excuses for current year and late
 23 distribution, and we're trying to improve it, and we have definitely
 24 heard your concerns about that, but we should be able to get it out
 25 earlier, and, again, some of it is this three-month delay that we
 26 have in our apportionment and then getting through the different
 27 grants processes that are required through our Finance Assistance
 28 Legal Division and through our AGO. That's probably not
 29 acceptable, and I can go back and speak about what we can do to
 30 get it faster.

31
 32 *Chuck Tracy:*

33 Maybe just a follow-up then. Again, we did get some money in
 34 January, but it's not very much, and we're expected to last on one-
 35 sixth of our allocation for three months, which is -- We do have
 36 some carryover from the previous year, but if you could -- If the
 37 first allocation, if that was a little more substantial, that would go a
 38 long way towards meeting that.

39 *Brian Pawlak:*

40 I hear you, and we can try to go back and look at that.

41 *Carlos Farchette:*

42 I have Doug, and then I have to move forward to the next topic.
 43 Go ahead, Doug.

44 *Doug Gregory:*

45 I will try to be real quick. In the language, it reads something to
 46 the effect that none of the funds made available by this act can be
 used for reef fish amendments or plans in the Gulf of Mexico

1 unless such management is conducted beyond the seaward
 2 boundary of a coastal state, and I don't really understand what that
 3 means. Does that mean -- We manage fisheries regionally and
 4 incorporate landings and population sizes within the state and
 5 outside the state boundaries as one unit. Does this affect that in
 6 any way?

7
 8 *Brian Pawlak:* I will let Sam -- Sam knows this issue pretty well.

9
 10 *Sam Rauch:* That's all related to there are -- There was a rider in the 2016
 11 appropriations bill, and there is similar language in the Senate
 12 mark for 2017, that, in effect, extends the coastal boundary of
 13 Louisiana, Mississippi, and Alabama out to nine miles for reef fish
 14 stocks. It's already out to nine miles in Texas and Florida, and so
 15 that basically means that, through appropriations law and not
 16 through substantive law, we cannot -- We treat federal waters as
 17 nine to 200 miles.

18
 19 There are all kinds of nuances in there, but that is solely, in our
 20 view, it's solely limited to that area. It doesn't change what the
 21 council does. It doesn't change that as a matter of substantive law.
 22 Once the appropriations bill expires, those boundaries go back,
 23 unless Congress re-ups it every year, and the Senate is proposing to
 24 re-up it this year, but it is limited to reef fish in the Gulf of Mexico
 25 and those three states.

26
 27 *Carlos Farchette:* Eileen.

28
 29 *Eileen Sobeck:* I just wanted to go back to the apportionment and timeliness of
 30 payout and just sort of acknowledge that it's a horrible problem,
 31 and it's not just -- It doesn't just affect you guys. It affects other
 32 grant programs and it affects our own programs.

33
 34 I try to take this message -- I just want to make it clear that it's not
 35 Brian and it's not Paul. I mean I have tried to complain about this
 36 at the NOAA level and just say, you know, this really affects good
 37 government and planning. It gets everything all rushed and
 38 scrunched up. People kind of are living on a thread for months on
 39 end and then hurry up and rush to the finish line. We need a
 40 rationalization process, right? I mean it's not a -- It's quite
 41 aggravating to everybody.

42
 43 Everybody knows what's been appropriated, but it's -- It's kind of
 44 just -- It's a problem that didn't exist five years ago, and it's just
 45 this kind of new second and third bite at the apple, both by OMB
 46 and by the appropriating committees, and I'm not sure that they

1 really understand the backend consequences for folks like councils
2 and for our offices, and so I actually think that that should be a --
3 That could be a message that you deliver as you talk to folks on the
4 Hill, that there actually is a cost for this kind of delay, because I
5 think it's just perceived as everybody knows the money is out there
6 and it doesn't really matter when you're going to get it.

7
8 I just make that observation to make sure that you guys aren't -- I
9 mean it's good to get these comments. It gives me something to
10 carry forward. I'm not sure how much listening there is kind of at
11 the higher levels, but we definitely feel your pain, and you guys
12 aren't the only ones, and so it would be nice to figure out a
13 collective strategy about how to -- To the extent that there are any
14 relevant concerns about these spending plans, how it could be
15 condensed and really incorporated into the actual appropriations
16 process itself, rather than this separate subsequent auxiliary
17 process.

18
19 *Brian Pawlak:* Thanks, Eileen, for that. That's a good point.

20
21 *Carlos Farchette:* Okay. Thank you, Brian.

22
23 *Brian Pawlak:* Thank you.

24
25 *Carlos Farchette:* Next we have the Legislative Update and Dave Whaley.

1 **4. LEGISLATIVE UPDATE**

2
3 *Dave Whaley:* Thank you, Mr. Chairman. I have had two cups of coffee, and so
4 hopefully I'm going to go through this very quickly. If you have
5 any questions, you can either ask them now or I will be around all
6 week.

7
8 After my presentation in February and after some of the monthly
9 reports that I sent out, I had some requests earlier to kind of give a
10 brief civics lesson, because I talk about hearings and markups and
11 bills that are ordered to be reported, that have been reported, that
12 reports are being filed, and people were a little confused about
13 some of the nuances.

14
15 If what I tell you right now doesn't make any sense, then go to
16 YouTube and type in "School House Rock I am a bill on Capital
17 Hill", and there's a great little presentation on how a bill becomes
18 law, and so -- There's also a catchy little tune that goes with it.

19
20 The basic process is a bill gets introduced. Let me back up.
21 Everything I'm going to tell you right now, there's an exception,
22 and so Congress has an exception to everything. A bill gets
23 introduced and it gets a number. The House appropriations bill
24 that everybody is talking about that just got marked up yesterday
25 does not have a bill. They marked up a draft bill that has no
26 number, and so Exception Number 1.

27
28 A bill then gets referred to committee, and committee will hold a
29 hearing. Hearings on Capital Hill are different than your council
30 meetings. We don't take public comment. Testimony is only
31 given by invited witnesses, and so there is not this open-mic type
32 of thing that you guys do, and so even though it's a public hearing,
33 it's much more formal and restricted.

34
35 After a hearing is held, if the committee decides that they want the
36 bill to move forward, they have what's called a mark-up, and this
37 is an old term, because in the old days, they actually physically
38 marked up a bill. Somebody had a pen and crossed things out and
39 wrote things in, and so a mark-up is where they offer amendments
40 and the bill is modified.

41
42 Once the mark-up takes place, a bill is ordered to be reported.
43 That means that the committee has done its work, but until a
44 formal report is filed, it doesn't actually get transmitted from the
45 committee to the full House or the full Senate, and so if a bill says
46 -- If you're looking online and it says the bill has been ordered to

1 be reported, that means that the committee is waiting for staff to
2 write the report, and often a report won't be filed until the
3 committee is ready to move the bill to the floor, and I will give you
4 an example coming up.

5
6 If a bill is reported, that means that the committee actually marked
7 it up and they filed the report, and then it's up to the full House or
8 the full Senate to then take the next action. What a report does,
9 and we were just talking about the language in the Senate
10 Appropriations Report, but the report is intended to be an
11 explanation of what the committee intends the legislation to do.
12 It's supposed to give guidance to whatever agency they're telling
13 to do things how they want it done. Now, in the example that we
14 just talked about, that was not a very good explanation telling the
15 agency how they want it done, and so sometimes reports are not
16 very helpful.

17
18 Once a bill goes to the House or Senate floor, obviously there can
19 be amendments offered on the floor. There are different
20 procedures in each of the houses. For a bill to become law, both
21 the House and the Senate have to pass an identical bill, and so
22 there are ways of doing that. When we've done the Magnuson Act
23 in the past, you can go to a conference, which is a formal
24 conference committee, where the House and the Senate appoint
25 members, and it's like being in a committee in the House or the
26 Senate. They actually vote, they have a hearing, et cetera.

27
28 Another option is the House or the Senate will pass a bill and send
29 it to the other body. That body will amend it and send it back, and
30 it can bounce back and forth many times, but, again, until both the
31 House and the Senate pass an identical bill, it can't go to the
32 President. Then, once it goes to the President, he has the option of
33 signing it or vetoing it or whatever. That brief civics lesson
34 hopefully is helpful.

35
36 Now, moving on to some of the more interesting topics for you
37 guys, the Magnuson Act reauthorization, obviously it's a big topic
38 for everybody. The Act hasn't been reauthorized since 2007.
39 There are a lot of members of Congress who believe that laws
40 should be alive, they should be amended occasionally, that they
41 should not be like the Endangered Species Act, which hasn't been
42 amended in I think thirty-five years. They should be dynamic.

43
44 Having said that, there are only two bills that have been introduced
45 that actually reauthorize the Act. There are a lot of bills that have
46 been introduced that amend the Act, but only two that reauthorize

1 the Act. One of those is H.R. 1335, which has now passed the
2 House and is waiting to see whether the Senate wants to act on it.
3 The other is H.R. 1826, which is also a House bill, but it has not
4 moved.

5
6 There have been two hearings and two mark-ups on Magnuson
7 bills and/or bills that amend Magnuson. The most recent of those
8 was in February. The Senate Commerce Committee held a hearing
9 titled "Magnuson-Stevens Act at 40: Successes, Challenges, and
10 the Path Forward". Sam was the only one who testified at that
11 hearing, but it was an opportunity for the Senate to take some
12 action to show that they're interested in reauthorizing the Act.

13
14 The next issue I was going to talk about, and we've touched on this
15 a little bit, is appropriations. Obviously, the Senate, as we've
16 talked about, the Senate has already acted, the Senate committee.
17 The full committee has acted. Now we're waiting for the full
18 Senate to take action on that bill.

19
20 As was also noted, the House Appropriations Committee met
21 yesterday to mark-up at full committee. Generally, it takes several
22 days for the bill and the report to be online, and I was very
23 unhappy to find out -- Last night, Bob told me that the information
24 was already up online, and so I spent a little bit of time last night
25 looking at it.

26
27 There are a number of provisions in the House report that will be
28 of interest to you guys. All of you should have gotten a report
29 from me that outlined what was in the Senate bill and report. I will
30 do the same thing for the House, but I probably won't get it done
31 until I get back home, and so I will give you more details on this,
32 but some of the issues that are in the House report include hatchery
33 and genetic management plans, electronic monitoring, stock
34 assessments, Gulf of Mexico stock assessments, protection of
35 native anadromous fish in the Stanislaus River in California,
36 observers, fishery information networks, SEAMAP, highly
37 migratory species, cooperative research, horseshoe crabs, the
38 Atlantic striped bass fishery, salmon management, megafauna
39 tagging studies, and then there is some language about OAR and
40 their research activities.

41
42 All of those are paragraphs that are in the report. As I mentioned,
43 the report is supposed to explain to the agency what the committee
44 is asking them to do, and so all of these issues that have a little
45 paragraph, that means some member of Congress is interested in
46 that, and so, anyway, if you want more details on those, I can

1 provide it to you, and, like I said, I will send out a memo after we
2 get back.

3
4 Some upcoming events, as usual right before a holiday or right
5 before a congressional recess, there is a whole lot of activity. As I
6 mentioned, the House Appropriations Committee met yesterday at
7 the full committee. The Appropriations Committee has a bill
8 already scheduled for the first week that we get back for the House
9 floor. The Commerce appropriations bill is likely to be the second
10 one to go after the energy and water appropriations, and so I would
11 guess before the 4th of July recess that we will have that bill on the
12 House floor.

13
14 Last week, the House Natural Resources Subcommittee on Water,
15 Power, and Oceans had a hearing on the National Ocean Policy. It
16 was titled “The Implication of President Obama’s National Ocean
17 Policy”. There were two fisheries-related people who testified,
18 Captain Bob Zales from Mississippi and Meghan Lapp from
19 Rhode Island, and so the committee did hear a little bit about
20 fisheries concerns about the National Ocean Policy.

21
22 There was very good member turnout, which was kind of
23 surprising. The one thing to note was Beth Kerttula, who is the
24 Director of the National Ocean Council, was invited to testify but
25 did not, and so a number of members made a big deal about that,
26 how the administration was not there and how this was another
27 example of how the National Ocean Policy is not transparent, and
28 so that’s a theme that you may hear from a lot of members about
29 the National Ocean Policy.

30
31 Dungeness crab, a lot of you already know this, but the Senate
32 Commerce Committee now filed a report on Dungeness crab. As I
33 mentioned, a lot of times a bill will be reported, but the report isn’t
34 filed until later. They actually marked up the bill a long time ago,
35 but the fact that they have now filed the report indicates that they
36 may have approval to go ahead and take that to the floor, and so
37 that’s a positive step for getting the Dungeness crab bill done.

38
39 Another thing a lot of you already heard about is the Senate last
40 week, on May 17, passed a bill that includes a number of the
41 international fishery packages. It includes the North Pacific
42 Fisheries Conservation Implementation Act, the South Pacific
43 Fisheries Implementation Act, and the Northwest Atlantic
44 Fisheries Convention Amendments Act, and so three bills were
45 combined into one.

1 The House has similar legislation, but there are differences
2 between the two, and it has not yet been reported out of committee,
3 but my understanding is staff from the Senate Commerce
4 Committee and the House Natural Resources Committee are
5 meeting this week to talk about the differences and to see how we
6 can get that bill moved.

7
8 There is an upcoming hearing on June 1 that's going to be held by
9 the Natural Resources committee, by the full committee. It's going
10 to be held -- I am going to butcher the name, but in East
11 Millinocket, Maine. It's going to be looking -- It's a field hearing
12 titled "Elevating Local Voices and Promoting Transparency for a
13 Potential Monument Designation in Maine".

14
15 The hearing is going to be on a terrestrial proposed monument, but
16 full committee Chairman Bishop from Utah, at the last hearing,
17 mentioned that he wanted to get further into the issue of marine
18 monuments, and so it's very possible that the issue of marine
19 monuments will come up at that hearing.

20
21 One of the issues that's been facing the Natural Resources
22 Committee, which is why other legislation has not moved, is the
23 Puerto Rican debt crisis. The Natural Resources Committee in the
24 House has jurisdiction over a lot of territorial issues, and that
25 includes the debt issue. They tried to mark-up a bill a couple of
26 weeks ago. They got as far as opening statements and then the bill
27 was pulled, because there was so much politics involved, and so
28 they are going to try and do that again this week. They are actually
29 marking-up today, and so if that's out of committee, that will open
30 up the committee's time for some other issues.

31
32 Some other things that I've heard from Capital Hill that are
33 keeping members interested, that they're paying attention to, is the
34 Northeast Regional Planning Body is going to hold a webinar
35 actually today, and they're going to announce the availability of
36 their draft plan, and so members are keeping an eye on that.
37 Again, that's related to the National Ocean Policy that some
38 members have been paying a lot of attention to.

39
40 Also happening this week is the Marine Protected Area Advisory
41 Committee. They're meeting in Maine. They're going to be
42 having presentations, again, on the Northeast Regional Planning
43 Body's plan as well as NOAA's Office of Marine Sanctuaries is
44 going to do a presentation, and so members are paying attention to
45 that.

1 Finally, along those lines, the Department of State has announced
2 they're going to do, and I think all of you know this, another Our
3 Oceans Conference in September. There are a lot of members on
4 Capital Hill who are curious of what's going to be announced and
5 what the intention is of the Department of State on that.
6

7 Very quickly, I know all of you like the politics stuff that I put in
8 the monthly report. As far as timing goes for the rest of the 114th
9 Congress, including this week, for the House of Representatives,
10 before the election, there are forty-two days of legislative session,
11 and so there's not a whole lot of time to get things done. There are
12 also sixteen days scheduled after the election, and the reason I
13 mention that is, the last time we did Magnuson, the House flipped
14 in the election, and the chairman of the Natural Resources
15 Committee in the House actually lost his election, and so he was a
16 lame duck. He was going to be gone in January.
17

18 He was very interested in getting the Magnuson Act reauthorized
19 before the Democrats took control of the House, because he wasn't
20 sure what they were going to do, and so that put a real push to get
21 that bill done before the new Congress started, and so, with what's
22 going on with the elections, there is some concern that the Senate
23 might flip. If that were to happen, during those sixteen days after
24 election, there could be a real push by the Republicans on the
25 Senate Commerce Committee to try and get a bill done before the
26 end of the year. No matter what happens in the election, there still
27 could be action on Magnuson this year, and so don't go to sleep.
28

29 Real quickly, there are forty-nine House members who are retiring,
30 running for other office, resigning, or who have passed away.
31 That's more than a tenth of the House of Representatives. There
32 are seven members of the Senate who are running for other office
33 or have resigned. Six of those will be open seats for the election in
34 November.
35

36 Right now, as I mentioned, there is concern about what's going to
37 happen in the Senate. Currently, in the Senate, there are fifty-four
38 Republican seats and there are forty-six Democrats/Independents.
39 There are thirty-four seats up for reelection in the Senate. Twenty-
40 four of those seats are Republican seats and only ten are Democrat
41 seats, and so when you have more than two times as many seats
42 up, you could lose two times as many seats, and so the Senate
43 could flip.
44

45 I think my time is up, and so I will -- Let me just give one more
46 note. I send out the monthly report, but I'm also available if things

1 come up that any of the councils have in dealing with Congress.
2 As an example, the South Atlantic got a letter from one of the
3 members of the House Natural Resources Committee on the cobia
4 issue, that they were concerned. They were hearing from
5 constituents. Gregg talked to me and asked what we could do.
6 Gregg was going to be in town for the Atlantic States Commission
7 meeting, and so we were able to set up a meeting with that
8 member's office just so Gregg could tell them what was going on.
9

10 Gregg also let them know about the webinar, so that they could tell
11 those constituents who were writing in that they could participate
12 in the webinar and that they could go to the council's website for
13 more information. If there are things like that that come up, that
14 there are members of Congress who are sending you letters or
15 expressing interest in an issue and you want my help in reaching
16 out to them, please let me know. Are there any questions?
17

18 *Carlos Farchette:* Gregg.

19
20 *Gregg Waugh:* Thank you, Mr. Chairman. Just to thank Dave and advise the other
21 councils that it's a great resource we have and to take advantage of
22 it. He was a big help to get me in there and to be able to explain
23 and counter some of the misinformation that was going around
24 about cobia, so that at least the staffers understand what the real
25 information is, and so thanks, Dave, for your help with that.
26

27 *Dave Whaley:* No problem.

28
29 *Carlos Farchette:* Rick.

30
31 *Rick Robbins:* Thank you, Mr. Chairman. Dave, thanks for the report and for
32 your continued assistance to the CCC on these issues. You pointed
33 out that there could theoretically be a push at the end of the year,
34 depending on the results of the election. If that were to occur,
35 what do you think the most likely vehicle would be for
36 reauthorization? Would it be an existing piece of legislation on the
37 Senate side or what do you think would happen?
38

39 *Dave Whaley:* My guess is they would use an existing bill. I mean H.R. 1335 has
40 already passed the House. It's awaiting action in the Senate, and
41 so, from my point of view, if they were to amend that and send it
42 back, it sends a signal to the House that you've already passed this
43 once and so it's not a heavy lift. If it's something new that came
44 over, it would be a little bit more difficult.
45

46 The Senate also has a -- It's S. 1403, I believe, that was Mr.

1 Rubio's bill. He's chair of the subcommittee over there, and so he
2 might have an interest in moving his legislation. There have been
3 rumors that the Senate staff is putting together a staff draft of a
4 reauthorization bill. Again, I don't know whether they would try
5 and amend 1403 or whether they would introduce it separately and
6 move something new, but time is getting short. Thank you.

7
8 *Carlos Farchette:* Any more questions for Dave? Okay. I am trying to figure out
9 what happened here. We had a little snafu on the lunch thing,
10 because if we break out for lunch, it's going to be very difficult,
11 from my past experiences here at Frenchman's -- Lunch is not
12 served very fast, and we're trying to get you all back in an hour-
13 and-a-half, and so I just need a quick second. I guess it will be on
14 this floor at the Sunset Grill on this floor. There's a buffet there
15 that you can order. We will break for lunch, and we will see you at
16 1:30.

17
18 *(Recess)*

1 **5. EBFM ROAD MAP**

2
3 *Carlos Farchette:* We are going to get ready to start again. On the agenda is the
4 EBFM Road Map, the plan for implementation. This is Sam
5 Rauch and Heather Sagar.

6
7 *Sam Rauch:* Thank you, Mr. Chairman. We're going to talk about the
8 Ecosystem-Based Fisheries Policy and Roadmap. We've discussed
9 that with this group before. The policy has been out for draft for
10 some time and we took comments, and yesterday we issued the
11 final policy, and Heather will go over that with you. That's a very
12 high-level document.

13
14 Underneath that, we've talked a lot about needing a roadmap to put
15 some specifics on that document, and we released that as well for
16 an initial review by this group for forty-five days before we put it
17 out for more public comment, and we'll talk about the details of
18 that, but we really wanted to try -- We were struggling with the
19 time and trying to make sure we can get this all done, but we also
20 wanted, in particular, since we're talking about fisheries
21 management that involved both us and you and the science side all
22 getting together and figuring out what to do, we really want your
23 views on this road map before we sort of even put it out for an
24 official public draft, and so that's why it's out there, and we
25 apologize that it didn't get out in a lot of advance time, but you do
26 have this space now where we're particularly seeking input from
27 the councils.

28
29 Before we talk about that, I do want to reiterate one thing, which I
30 think I've said before, which is that there's not an awful lot new, in
31 theory, in ecosystem-based fisheries management. Most of you
32 have some sort of elements of all of this in there. Some are more
33 elaborate than others. Some of them you would do more if you
34 had more data. That's often the case.

35
36 The councils have been embracing ecosystem management for
37 years. We have never tried to put it down as clearly as we've put it
38 down here now, but every time I look at this, I am struck by how
39 it's not all that new. We're saying it now, but it is something that
40 we've embraced collectively, we've tried to do collectively.

41
42 Sometimes we were limited, as I said, in terms of what the inputs
43 can be, but I think that's getting better, and so I think that this
44 helps us set some consistency in how we're doing it, but it doesn't
45 necessarily require you to change anything. It is more trying to
46 outline where we think things should go.

1
2 That's the way I look at this, but the road map is out there. We're
3 taking comments from this group first, or your councils underneath
4 you, initially, before we put it out and seek broader public
5 comment, but I know Richard wanted to say a few things before
6 we turn it over to Heather.

7
8 *Richard Merrick:* I just wanted to elaborate on what Sam just said. When I hired
9 Jason Link to be our Ecosystem Scientist, Senior Scientist within
10 Fisheries, or within NOAA, for that matter, on ecosystem issues, I
11 charged him, basically, with moving ahead on these two fronts,
12 one being, to our surprise, there was no statement by NOAA or
13 NOAA Fisheries that EBFM was important, and so that's really
14 where the policy statements came from. This is a clear statement
15 that we think that we need to deal with this.

16
17 The other was that there had been a lot of hand-waving within the
18 agency and within the literature over the last ten years about
19 EBFM, but nobody ever really said what it was. What are the
20 things we really need to do? That's what the road map does. It
21 says these are the things that constitute what we think includes
22 EBFM, and, as far as I can tell, looking around the world, this is
23 one of the few statements that is really clear.

24
25 It was actually ultimately pretty easy for Jason to deal with this,
26 because you have been doing all of this. Not everybody is doing
27 everything, and we don't really expect that to be the case. Just like
28 I talked earlier about the regional plans for MRIP, the way we deal
29 with EBFM will vary regionally, because there are things that are
30 really important in some places and not in others.

31
32 We talked about FEPs and we talked about ecosystem indicators
33 and things like that. We're evolving towards that in all the regions,
34 but we're not saying that it has to be done today. Your Regional
35 Climate Science Action Plans are an important part of this, and
36 they will be plugged into this, and so I mean we've gone a long
37 way towards getting where we need to be, and we really saw that
38 in this past year when the NOAA Science Advisory Board went
39 through a multiyear review of EBFM within NOAA, and the report
40 came out basically saying all the things that we should be doing,
41 one way or another, we're doing. We just need to make sure that
42 our connections between the centers and the councils are strong,
43 and that's what is coming out of the ecosystem reviews as well.
44 That's what the panelists are seeing, is that we need to make sure
45 that the kind of advice from the science side that we are giving to
46 you is what you really need.

1
2 Over the next years, as we continue with this EBFM effort, that's
3 something that we need to make sure occurs, because that interface
4 between the science advice that the center is putting together and
5 what goes into your work with an FMP or an FEP is crucial, but I
6 think we've gone a long way, and you shouldn't be threatened by
7 this document. We are ahead of everybody else, and we just need
8 to keep going. I will turn it over to Heather.

9
10 *Heather Sagar:*

11 Great. Thanks. That was an excellent introduction, and thank you,
12 guys. For those that don't know me, I am Heather Sagar. I'm the
13 Senior Policy Advisor in the Fisheries Service Policy Office. With
14 that, I think I will just jump right into it. You have a copy of the
15 final policy and a copy of the draft road map, and so you may be
16 asking yourself, why are we doing this?

17 We're doing this because we want to clarify the agency's
18 commitment to EBFM. We also recognize that there are
19 challenges to fishery management right now, whether they're
20 ecological or they're due to changing climate conditions. In this
21 region here, we're seeing some coral bleaching. We have an
22 invasion of the Indo-Pacific lionfish. In other regions, we're
23 seeing shifts in distribution and also productivity changes in
24 various different species. These are all challenges that we as
25 fishery managers have to deal with.

26
27 We're also looking to build upon, as Richard said, some of the
28 great work that not only you as the councils have done, but we
29 within the Fisheries Service have done. As he said, this is not new.
30 It captures our current state of affairs and then sort of lays out
31 guidance for how we can move forward in the road map.

32
33 We also have tradeoffs that we have to address increasingly in
34 fisheries management, and we have, in fisheries, various different
35 mandates, ESA, MMPA, Magnuson, as well as when you're
36 looking at a species through bycatch of birds, marine mammals, et
37 cetera, and so there's a lot of tradeoffs that we see coming up right
38 now.

39
40 We also want to reap the benefits that come from a systemic
41 approach. We see some of our benefits within the fisheries to be
42 assessment efficiencies, and for our fishermen and also the fishing
43 community, we see that there could be some business or economic
44 stability that could come from it and some regulatory stability as
45 well.

1 What do I want you to take away today? I want you to take away
2 that we are committed to doing EBFM and that the road map aims
3 to provide you a menu of analytical options to address ecosystems
4 and that making this operational has a lot of challenges, and we
5 hope to have you as good partners in making this operational.
6

7 A quick update on the policy. As Sam said, it was released
8 yesterday. It incorporates all of the comments we heard through
9 the public comment period. Many of the comments that we
10 received were how do you plan on doing this, and that was, all
11 along, intended to be in the road map or the implementation plan,
12 however you want to look at it. What you will see in the final
13 policy is that it's slimmed down tremendously. Maybe not
14 tremendously. Maybe by a page, and a lot of those details are
15 moved into the road map.
16

17 Just a reminder that the policy had a number of components in it,
18 and the one that we're going to focus on the most today is the
19 guiding principles. That, if you remember, was the bulk of the
20 policy, and how we plan to implement the road map is a tiering of
21 actions and core components from those guiding principles.
22

23 It has been remarkable that, even through the public comment and
24 our final comment period through NOAA Fisheries Regions and
25 Science Centers, that those have largely stayed unchanged, the
26 actual guiding principle. When we developed it, we had a working
27 group across the country and from all different parts of the
28 organization, and I think that really helped us get some really good
29 guiding principles to lay the foundation for this roadmap.
30

31 Thank you for your comments. I think you will see a lot of them
32 addressed either in the policy or in the road map, the draft road
33 map that you have a copy of. This is just a list here of some of the
34 things that we heard comments through the public comment
35 period, but we have gone over those with you in the past, and so
36 I'm not going to spend much time on that.
37

38 What is the road map? It's our initial articulation of the agency's
39 priorities. It's intended to guide the implementation of EBFM
40 through the next five years and, as I said, it takes each of those
41 guiding principles and goes through some core components and
42 provides actions to move us forward.
43

44 It's intending to build on our current progress, and, in about five
45 years, we will look at it again and say we have finished these or
46 this has taken us longer than we thought it would, and we will

1 revise it and we will have another framework or road map to move
2 us forward for the next five years.

3
4 This is a reminder here of the guiding principles, 1 through 6.
5 Those were the in policy that you saw before. This includes the
6 core components that were added in the road map. This is where I
7 think the councils are going to spend the most of their time in their
8 comments. Check these out, and look at them with the eye of what
9 did we miss? Do we have the right level of detail in there? Are
10 they the correct actions, or do you think we should be working on
11 something else? Really, this, I think, is going to be where the
12 councils take the most time in reviewing the document and where
13 we're looking for some substantial comments from you guys.

14
15 The next steps, I apologize that you just got this yesterday. We
16 have this open right now for you for a forty-five-day comment
17 period. We're looking for comments by July 10 to both myself
18 and Jason Link. We are going to hold a CCC call in about a
19 month, where you can ask any detailed questions that you have,
20 since we weren't able to get this out in advance for you guys, and
21 so we'll make sure that we've got that on the calendar soon when
22 we get back.

23
24 Once we incorporate your comments into this document, it will go
25 out for a public forty-five-day comment period, which, again, you
26 can take another look, if you wish, during the public comment
27 period. We are hoping to finalize this sometime in the fall. That is
28 the update and the information that I had for you today. Are there
29 any questions?

30
31 *Carlos Farchette:* Chris.

32
33 *Chris Moore:* Heather, thank you for the presentation. How do you guys feel
34 about EAFM?

35
36 *Richard Merrick:* Yes. It's a part of this. Again, that varies. It's still going to be
37 single-species oriented, most likely, but it's an important part of
38 this.

39
40 *Chris Moore:* The reason I ask is obviously the -- Well, maybe not obviously to
41 everyone, but the Mid-Atlantic Council is focused on an EAFM
42 approach. We stole the idea from the Pacific Council, and I did
43 notice, in one of the slides, this picture of a single fish, in one of
44 the columns, and I can't remember -- Again, I just flipped through
45 it. I haven't had a chance to read it, but I think maybe you need to
46 revisit that, because we looking at multispecies approaches in an

1 EAFM approach in the Mid-Atlantic Council.

2

3 *Richard Merrick:* The way we would tend to separate that out would be ecosystem
4 something fisheries management, ecosystem assisted or whatever,
5 but you're focusing on single species, and so butterflyfish. When we
6 redid that assessment, looking at habitat, that would be an EAFM
7 measure, but when you really start looking at big interactions
8 within the system, then we're moving into something higher, but
9 EAFM is still part of EBFM, as is actually this traditional single
10 species. That's still part of it. That's not going away. We still,
11 under Magnuson, will be continuing to produce ABCs and ACLs
12 for single species for the foreseeable future, and so that has to
13 remain part of the discussion. Did I answer it, Chris?

14

15 *Chris Moore:* Yes, that helped. I have a follow-up question, if no one else has
16 any.

17

18 *Carlos Farchette:* Terry.

19

20 *Terry Stockwell:* Thank you, Mr. Chairman, and thank you, Richard and Heather
21 and your whole team, for putting this together. It's very helpful.
22 As you likely know, both the New England Council and the Mid-
23 Atlantic Council are moving slowly ahead with their own EBFM
24 programs. They are slightly, if not almost more than slightly,
25 different, and so we have had several discussions about this, how
26 we move into the future, but what I'm looking at in your guiding
27 principles is Number 5, incorporating the ecosystem considerations
28 into the management advice.

29

30 One of the issues that we're struggling with in particular is
31 governance, and what we could really use some help from your
32 shop on is thinking through the governance issues as we move
33 ahead with -- Particularly on the east coast with the New England,
34 Mid, and the ASMFC all having management on some of the same
35 stocks.

36

37 *Heather Sagar:* That's a really good point. I think that's exactly what we're
38 looking for from you guys in these comments, is to help us -- It's
39 for us to be able to add in what you need from us, and so that is a
40 great comment, and thank you.

41

42 *Richard Merrick:* Yes, there's a lot of governance issues that we have not confronted
43 and that we expect over the years will evolve, but we don't expect
44 everybody to be doing it the same way. One of the advantages of
45 this discussion, of getting this organized, is that there are things
46 going on in some of the other regions that could be helpful, and so

1 I know you're working with an FEP, trying to develop one.
2 Alaska, the North Pacific Council, is also going through the
3 development of an FEP for the Eastern Bering Sea, and so that
4 discussion between the two might be helpful.
5

6 *Carlos Farchette:* I have Michelle and then Doug.
7

8 *Michelle Duval:* Thank you, Mr. Chairman. I guess my question is sort of how do
9 you all see this dovetailing with the Lenfest Ecosystem-Based
10 Fisheries Management Task Force? I know Jason and a couple of
11 us here, as well as Doug Lipton, serve on the advisory panel, and
12 so it would just be great to get a sense of how you see those two
13 efforts complementing one another.
14

15 *Heather Sagar:* There is a figure in the back of the document, Figure 2, and I think
16 it's probably something -- It's either Figure 1 or Figure 2. I can't
17 remember where it ended up in the final, but that really tries to
18 show where all of those types of projects -- There is more than just
19 that. We have a climate adaptation plan. There is so much going
20 on right now which will feed into ecosystem-based fishery
21 management.
22

23 We don't want to reinvent the wheel everywhere. We want to use
24 what we already have, what we've already looked at, what you
25 guys have already cleared, and so use those in our ecosystem-
26 based fisheries management. The Lenfest is one of those, and we
27 see that fitting under this larger umbrella and the information that
28 comes out of that feeding into this larger effort.
29

30 *Richard Merrick:* Michelle, when they started that -- Actually, originally, they were
31 not going to have any connection to the council at all, and so we
32 suggested that might be useful. Our hope was that, through that
33 process, they may be able to come up with some good business
34 practices or best practices, from talking to the councils and looking
35 around the country. I am still waiting to see what's going to
36 happen. Apparently they've run into some roadblocks, but that's
37 still our hope, is that that could -- That, as a best practices
38 document, that that could feed into this.
39

40 *Carlos Farchette:* I have Doug and then Bill.
41

42 *Doug Gregory:* Thank you. I've got a couple of questions. I'm just a little
43 confused. One, why is this called a road map and not a strategy?
44 It seems like the same thing like we have with bycatch and with
45 climate, and they're called strategies. Was this anticipated when
46 we reviewed the policy or did our comments result in this forty-

1 five-page road map?
2

3 *Heather Sagar:* Good questions. This is actually more than a strategy. It's an
4 implementation plan, and so we called it a road map because it
5 brings us on the way to get us where we need to be. You're
6 welcome to comment on if you think we should call it something
7 different. This is a draft.
8

9 Yes, this was always intended. It was always intended to come
10 after the policy. I know that when I spoke to the Caribbean
11 Council and the Mid-Atlantic Council that I talked about this
12 coming out this spring. It was supposed to be out a little bit ago,
13 but it talked about this implementation plan that would tier off of
14 this, and so we were definitely planning on doing this. There's no
15 actions in the policy. The policy really just captures what we're
16 doing and defines EBFM and talks about the benefits. It's very
17 high-level, and so this sort of then talks about the actions that
18 we're already doing and how we want to move forward and what
19 actions those take to get us there.
20

21 *Carlos Farchette:* Bill.
22

23 *Bill Tweit:* Thanks, Carlos. What kinds of assumptions was the agency
24 making about the resources that would be available to do it over
25 the next five years when you mapped out this list?
26

27 *Heather Sagar:* That's an excellent question and one that we spent a lot of time
28 discussing, not only at our working group level, but also at our
29 leadership council meeting last week. We don't have an ability to
30 put in a budget request right now, but we're doing this work.
31 We're working on it right now, and so, right now, what's in there,
32 we'll do what we can with the budget that we have. Eileen, I don't
33 know if you want to add to that.
34

35 *Eileen Sobeck:* I think that's right. We don't know what the state of our budget
36 for next year is, but, as Sam said, all of the councils are doing
37 some of this already, and we do -- It is something that we think is
38 important, and it is going to be among our priorities to accomplish,
39 and so we wanted to articulate with more specificity what we think
40 it is and where we think we're going, but it's a priority among
41 priorities, and pace is going to depend on resources.
42

43 We have a number of these somewhat free-floating policies and
44 implementation plans, the Climate Science Strategy and -- There
45 are a bunch of them. As we look at our agency's strategic plans, as
46 we work with you guys about looking at what's on your list of

1 things to do, we're going to have to figure out where this falls
2 among all of our other priorities. I think that we think that it
3 integrates a lot of the other science and management actions that
4 we're taking and it sort of explains how some of those pieces fit
5 and why they're important, so we'll actually provide a better basis
6 for figuring out the sequencing of some of the stuff that we need to
7 work on and, in the future, might -- If we want to pick up the pace,
8 it might form the basis of future budget requests.
9

10 *Heather Sagar:* I think that we may end up seeing some efficiencies, and that
11 would be great too, but, like Richard said, we don't have to do
12 everything all at one time. Every region can be different.
13

14 *Carlos Farchette:* Bill, did you have a follow-up?
15

16 *Bill Tweit:* Yes, thank you, and thanks for that. I guess just, first, a comment.
17 It would actually help, in a way, to address at least some of those
18 assumptions that you arrived at in the document and describe at
19 least some of those assumptions in the document, just to give a
20 sense of that, but it still leads to the question of is there some sort
21 of prioritization in here, that if it turns out that we remain very
22 resource constrained for the next five years, there is a certain core
23 set of actions that are the highest priority that you think are either
24 accomplishable through the mechanisms that Eileen was talking
25 about, about just realigning without even reprioritizing, and maybe
26 some that you would actually reprioritize for, versus others that, if
27 we're very resource constrained, simply would have to wait until
28 additional resources finally came in? Is that possible to provide
29 that kind of prioritization?
30

31 *Heather Sagar:* You asked two questions there. The first is, in Section 2.0, there is
32 a budget discussion in there. It's just about a paragraph, but check
33 that out, and if you think it needs to be expanded upon, just let us
34 know.
35

36 Second, if you look at the tables that have all of the action items in
37 it, they're prioritized as short, medium, and long. If you look at
38 the way that they're prioritized, you have to do your shorts to get
39 to your mediums or your longs, and so I think what you will see
40 there is the priority is going to be based on that timing of those
41 action items.
42

43 *Richard Merrick:* Can I add to that as well?
44

45 *Heather Sagar:* Sure.
46

1 *Richard Merrick:* This is something you weren't in the conversation on Thursday
2 with the Science Board about, but I have charged all of my centers
3 to work with the councils, once this is finalized, to develop
4 basically a regional plan for how they want to move forward,
5 whether they want to stay with the status quo or whether there are
6 new things that you all feel we need to move out on, and, based on
7 that, do a prioritization. They can prioritize that within their own
8 center budgets. The difficulty is going to be that there's going to
9 be a lot of asks for money, but this one is an important one, and so,
10 with respect to prioritizing the use of funds within the center, this
11 would be important.

12
13 *Carlos Farchette:* Chris.

14
15 *Chris Oliver:* I guess I have a general comment or two, and it's back to the
16 workload issue. When I read the policy directive, and combined
17 with the implementation plan, the road map, it almost feels like we
18 have a new National Standard that we've created. I mean this
19 could be a pretty big check you're writing that somebody is going
20 to have to cash, and I've had conversations over the last couple of
21 days with some folks at our science center and region, and I sensed
22 the shared nervousness about the workload implications, but this is
23 -- Given that we're all, to various degrees and in various ways,
24 doing EBFM. It's integral to almost everything we do.

25
26 I mean I'm hopefully that this will be helpful and synergistic, but
27 when you look at, over the last two years, the number of policy
28 directives and guidelines and strategic plans and now road maps,
29 it's starting to feel a bit overwhelming, and I just fear that this is
30 going to create a new sub-bureaucracy, if you will, that's going to
31 need a lot of care and feeding and it's going to create a lot of
32 obligations and expectations that we have to do something that's
33 much more explicit than what we're already doing.

34
35 I mean there's a statement on page 6 that says the primary focus of
36 this is on the regional fishery management councils, and we all
37 have, I think, on average, fourteen staff members at each council,
38 and I really fear that the obligation to cash the check, if you will, is
39 going to fall on us, and we're starting to -- Along with everything
40 else, how does this integrate with EFH?

41
42 Hopefully it's synergistic to those things like EFH reviews, for
43 example, or I hope. I just fear that it's going to create a big, new
44 explicit expectation that the burden to fulfill may fall -- Well, it's
45 going to fall on all of us, but, disproportionately, given the staffing
46 levels that we have. It's just a general concern that we're creating

1 another beast that's going to require a lot of care and feeding,
2 when we're already doing a lot of this. That's a general comment.
3 I might have to read it more carefully to think about specific
4 comments by July 10.

5
6 *Carlos Farchette:* Eileen and then Gregg.

7
8 *Eileen Sobeck:* I get that, and I would love to hear your comments when you've
9 really had a chance to think through it. I think that overt nod to the
10 councils is partly because we want to make it clear that we're not
11 going to be doing one thing while you guys are off doing
12 something else, and so maybe it was a bad choice of words, and we
13 can wordsmith that.

14
15 I think the other counterpoint to your sort of thought that we're
16 kind of creating a monster that will need to be fed is I think that we
17 think that there's some benefit to capturing and articulating
18 something that we're already doing, so that we all collectively get
19 credit for what we're already doing, so that when we're evaluating
20 potential legislative vehicles, we can say we already have a plan
21 for that and we're making progress and we can point to it, and we
22 might not need as much legislative help as some people think we
23 need.

24
25 I think it's putting -- I think we can create a monster or we can be
26 trying to -- Maybe we're worrying too much about a monster on
27 the other side, but I think we're looking for that common ground of
28 something that is aspirational and not dictatorial and capturing
29 things that we're all moving to, recognizing that we have a system
30 that is flexible enough to accommodate the different pace of the
31 different regional needs and, frankly, the resources that are
32 available, and we have had a lot of internal discussions about
33 whether to push ourselves anew and how specific. We've kind of
34 gone with the short, medium, and long-term, as opposed to putting
35 some actual timeframes in there, because I think that the multiple
36 priorities and uncertain resources really make that a dangerous
37 thing to do, and so we've -- I think we're trying to put out our sort
38 of best effort at threading those needles, but, if we've missed the
39 mark, push us back one way or the other.

40
41 *Carlos Farchette:* Gregg and then Doug.

42
43 *Gregg Waugh:* Thank you, Mr. Chairman. We're working on our FEP II, and so
44 we're updating a lot of information, but, seeing what's happened
45 with our resources, climate changes are starting to move farther
46 north, and, in approaching this, we can't just look at each region

1 working on this.

2

3 Within the agency, have you all had discussions, for instance, for
4 our situation, in having the Southeast work with GARFO so there's
5 going to be a lot of interchange there amongst the two regions, two
6 centers, as we look at ecosystem-based management on the east
7 coast?

8

9 *Heather Sagar:* Richard, I guess I would ask you if you guys have had those types
10 of discussions, but the intent of ecosystem-based fishery
11 management in general is also to share our best practices. If we do
12 have something going on in one region, to be able to share that
13 information and how we've dealt with it in the various different
14 regions, to help management in other areas, but I don't know if that
15 specific conversation is happening.

16

17 *Richard Merrick:* Yes, that conversation is continuing, particularly for the whole east
18 coast, for example. We have been -- It's been great to see that the
19 three councils on the Atlantic coast got together and hosted a
20 workshop on climate issues. What we would like to do is to
21 stimulate more of that.

22

23 We're not going to tell you how to do your job, but if we can
24 provide a way to stimulate that conversation, that's the place where
25 I want our folks to be, and then provide you the kind of advice you
26 need. We have a joint initiative with OAR to look at climate and
27 fisheries.

28

29 Originally, it was in New England, but now OAR would like to
30 expand that, and so what we would like to try to do is start to work
31 our way around the coast, but, basically, first, to get the whole east
32 coast and be able to provide unified science advice there. Then
33 we'll work to the Gulf and the west coast, but, yes, that larger
34 picture is there, but it's sort of a delicate dance. There's a structure
35 that we don't want to interrupt. You do your job well regionally,
36 and there are some things where it overlaps. Blueline tilefish is a
37 great example of where it gets awkward, and where we can help
38 with that and where Sam can help with that, we're there to help.

39

40 *Carlos Farchette:* I have Doug and then John Bullard.

41

42 *Doug Gregory:* Thank you. I agree with what Chris is saying. In fact, it's been
43 hectic just keeping up with commenting on the various policies and
44 strategies, and I think something I said at an earlier meeting is
45 we're seldom given enough time to actually run these things by the
46 council.

1
2 Our next council meeting is in three weeks. We're not going to be
3 able to comment within forty-five days unless it's just between
4 staff and the council chair and vice chair, but we will be able to
5 comment probably, with full council input, by the end of the public
6 comment forty-five-day period, and so ninety days later.

7
8 The quick turnaround time is just problematic for us sometimes.
9 We just don't get a chance to get the full council input, but the
10 other thing is why not take a higher-level view and integrate? I
11 mean bycatch is multispecies, as much as anything. Ecosystem
12 and climate are so closely related, and climate is going to -- As you
13 saw on the east coast, the shifting of distributions is going to drive
14 our desire to learn more about ecosystems. God knows what
15 acidification is going to do the research groups. We need to know
16 what is driving recruitment for our populations. Is it the prey items
17 being affected by acidification? Is it the changes in ocean
18 circulation or water temperature or the predatory items on the
19 larvae of the fish?

20
21 I mean all our stock assessments are coming out, one after another
22 with SS3, as saying there is very little relationship between
23 spawning stock size and recruitment. There are environmental
24 factors driving recruitment, and so, to me, it would be nice if we
25 could have one strategy that encompassed EFH, climate,
26 ecosystem management, and bycatch, and kind of deal with it in an
27 integrated fashion that way. Thank you.

28
29 *Heather Sagar:*

30 I think that's a great comment, and we tried to do this in Figure 2,
31 and I would love to hear your thoughts on it, through your
32 comments, on how they're integrated, but we do see this as sort of
33 an umbrella, with all of those climate adaptation strategies and
34 such underneath it.

35 All of that information and all of those strategies will be used by
36 ecosystem-based fishery management. I think this would be a
37 really long document if we tried to do it all together, and maybe
38 not very pliable for each of the regions, but the intent is for it to be
39 sort of that umbrella, utilizing all those other documents.

40
41 As for the timeframe, I totally understand the quick turnaround
42 things. We're doing our best here to ensure that we get your input
43 before the public, because you're important partners, but also make
44 sure we have enough time to finalize it during this administration,
45 and so that's where we're sort of drawing that line for finalization.
46 Any other questions?

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Carlos Farchette: John.

John Bullard: Thanks for the presentation, Heather. A few questions ago, someone asked if road map was the right word, and it conjures up an image of a single driver and a single destination and enough fuel to get there, and I think this effort is very important, because this issue is in front of all us, and it's very demanding.

Certainly not just the two councils that I work with, but the Atlantic States Commission deals with this all the time, but the road map presents an image of one driver and one destination and enough fuel to get there that's incorrect in every sense, and I will explain that.

Notwithstanding the inaccuracies of that image, the work done by Jason and his team in pushing us along and providing the science for this is critically important, and I don't want to speak for the councils, but it's very needed for us. As Terry said, these two councils, New England and the Mid, have very different approaches. It caused our Science Center Director to pull out all his hair and decide to flee to Seattle. That's how bad it is.

One driver, there isn't one driver. If you talk about two councils and a commission, you have, as you know, better than me, councils made up of seventeen people or so, all with different ideas about what ecosystem-based or ecosystem approach, whatever it is, but different ideas about what that is.

Managing different species, which react to climate change and react to the environment in different ways, on different schedules, and so it's not one destination. Different people trying to understand how different species react to climate change and other environmental factors in different ways on different schedules and do we have enough fuel to get there? This was another question brought up. While the demands of single-species management tax us, with the amount of resource that Brian showed, barely going up and keeping up with inflation, we barely have enough resources to do our normal stuff, and so this is a tall order.

With climate change in front of us, changing the temperature and changing the chemistry, taking what thirty years ago might have been a static picture and you can adjust fishing effort and you can rebuild stocks, that's not the case anymore. Everything is moving around, the predator/prey relationships. All of those things, we need the science of ecosystems, and we need it now, and so this

1 approach and the science that this is providing us is absolutely
2 essential. While it pushes us and it may not -- The imagery may
3 not reflect the robust democracy of the management inherent in the
4 council system, but it's still really, really useful.

5
6 *Carlos Farchette:* Bill, and then I've got to move on.

7
8 *Bill Tweit:* Thanks, Mr. Chair. I guess my last question sort of follows, in a
9 way, on what both Doug and John were talking about relative to
10 thinking about this maybe more broadly. When I see this
11 concluding, and this is just my own opinion at this point, but when
12 I see this concluding with we need an EBFM coordinator position,
13 it looks like -- First off, I mean that's a great way to sort of feed
14 the monster that Chris was worried about, but it also looks like this
15 is just one more problem, one more box, that sort of fits in next to
16 all the others and we'll have an EBFM coordinator for it.

17
18 I'm just wondering, and it's not well described in here, what a
19 coordinator would do or why that's necessary or why putting the
20 resources into a coordinator instead of into just more science
21 would do, but can you give us a sense right now of is a coordinator
22 essential to making this road map or strategy or whatever work or
23 are there other ways of implementing this without having to create
24 a new position and sort of create a new box within the headquarters
25 structure to do it?

26
27 *Heather Sagar:* Sure. Since this is in Richard's chain of command, I will let him
28 follow up from this one, but we -- This is going to be a lot of
29 moving pieces, and when you look at all of the various different
30 actions, there's going to be a lot of advice that's needed, a lot of
31 documents that are going to have to be pulled together, some
32 guidance, some help with how we do some modeling, and so the
33 idea is that this person is going to coordinate all of that work and
34 help be the advisor to the implementation of this road map. I do
35 think that, at least in the beginning, that is a full-time job, but,
36 Richard, do you have anything to add to that?

37
38 *Richard Merrick:* I could be self-serving and say that Jason Link is not supposed to
39 be doing all this all the time. Basically, it's consuming his job, and
40 as his position as an ST, he's supposed to spend at least 50 percent
41 of his time doing research. He basically has no time to do that, and
42 so this would, in a sense, help that, and that's one place where it
43 could help.

44
45 The other is a lot of these things we've talked about across the
46 nation, about lessons that we can learn from each other, there is

- 1 nobody doing that now, and that, to me, would be the real goal of
2 having a national coordinator. We do that for stock assessments
3 and we do that for EFH. National coordinators are not unusual,
4 and so this is not really much different from the model we've used
5 to roll out other management and science practices.
6
- 7 *Carlos Farchette:* I've got to give Chris a real quick turn.
8
- 9 *Chris Oliver:* I can't resist John's analogy and the fact that Jason spends half of
10 his time on this, and now you're going to create another new
11 position underscores the whole point I was concerned about. I
12 mean we were getting from Point A to Point B rather well, I
13 thought, in a fuel-efficient Ford Escort, and now we've created a
14 gas-guzzling truck is my fear.
15
- 16 *Heather Sagar:* One of the reasons why we're spending so much time on this right
17 now is we want to make sure what we've got in here is correct and
18 that everybody agrees with it, and so we are spending a lot of time
19 on it. One person can write a document, but, to have the full buy-
20 in from all of the programs, all the regions, all the science centers,
21 hopefully all of you and our other partners that can help us, that
22 takes a lot of time to spend to get a good document out, and so I
23 think that's why he's working on this so much. I know that's why
24 I'm working on it so much, is we want something that everybody
25 can embrace, and that hopefully he won't have to in the future.
26
- 27 *Carlos Farchette:* Thank you, Heather.
28
- 29 *Heather Sagar:* Thank you.
30
- 31 *Carlos Farchette:* Next is Council Definition of OY and Update on NS 1.

1 **6. COUNCIL DEFINITION OF OY AND UPDATE ON NS 1**

2
3 *Sam Rauch:* I can give the update on NS 1. I'm not sure how the rest of it is
4 going to go, and so if we want to start with that. We have talked,
5 on a number of occasions, with this group and with each of your
6 individual councils about the proposed rule on National Standard
7 1. That rule went out for public comments. We had an ANPR.
8 We had public comments, and we've had a huge number of public
9 comments that we've been going through in the last year.

10
11 We recently submitted that rule to OMB for review. OMB gets a
12 ninety-day review time. They did it on the proposed rule and they
13 will do it on the final rule, and so we can't comment on where it is
14 right now, nor can we actually take new comments right now on
15 that rule, but I hope -- If OMB sticks to their schedule, it should be
16 out around the end of June or early July, and then we can talk
17 about what is in it.

18
19 We have got a lot of comments. We are responding to many of
20 them in the rule, but I can't tell you exactly right now how we are
21 responding to them, because that's the nature of the process.
22 That's the brief update. If you would like to go over what the
23 proposed rule said, I'm happy to do that, although we've done that
24 on a number of other occasions on this. Any questions on where
25 we are? I'm sorry to not be more forthcoming, but it is in the
26 midst of the process. It is at the White House, and so there's very
27 little I can say about it right now.

28
29 *Carlos Farchette:* Gregg.

30
31 *Gregg Waugh:* Thank you. We were interested in getting any guidance we could
32 from the other councils, and we've gotten a little bit back, but,
33 since the reauthorization to the Magnuson Act, we've got in the
34 position where we are setting OY equal to our ACLs, and so we
35 have a commercial OY and a recreational OY.

36
37 The box that's sort of gotten us into is, as the recreational
38 community has switched more to catch and release, they want a
39 higher abundance of fish so they can interact with them more, but
40 then, at the end of the year, you're looking at the commercial, and
41 their objective is to catch and land their portion. The recreational,
42 it's to interact with it and land some of them and release some, and
43 so the recreational is not, quote, unquote, achieving its OY as we
44 have it specified, and so that's led to a request to reallocate some
45 of the recreational ACL to the commercial.

1 We were interested in hearing from other councils on whether they
2 have dealt with it and how they've set OY. Our short discussion
3 paper outlines some of our original OY statements that are more
4 general, and we were looking for guidance, and I don't know, Sam,
5 to what extent you can comment on whether there will be some
6 additional guidance in the National Standard 1 Guidelines when
7 they come out.

8
9 I think the bottom line is we were looking to see if there is any
10 requirement for us to stay with specific numeric OYs for each
11 sector or can we back up to the way we used to do it in the past and
12 specify more general OY statements, so we're not in this box of
13 having to land and kill all the fish.

14
15 *Sam Rauch:* I can have a brief response. The proposed rule did provide a little
16 bit of guidance on two things, really. It talked about OYs and the
17 relationship between OY and ACL, but it talked about the unique
18 situation dealing with recreational fisheries, and that there might be
19 different ways of approaching some of the recreational needs than
20 the ways we traditionally did before. It didn't say that there was a
21 right way or a wrong way to go about it, but the proposed rule did
22 open the door to treating recreational fisheries differently as long
23 as the statutory mandates were met, and so I can't talk about the
24 final rule, but those kinds of statements were in the proposed rule.

25
26 *Carlos Farchette:* Gregg.

27
28 *Gregg Waugh:* I know we heard back from the Pacific that they don't have
29 separate OYs for recreational and commercial and they use more
30 general statements, and just a question for the group. Does
31 anybody else, any other councils, have separate OYs for
32 recreational versus commercial?

33
34 *Carlos Farchette:* Tom.

35
36 *Thomas Nies:* Just so you get an answer, no, we don't. We just have an overall
37 OY. I actually think we could do a lot better job in our council of
38 specifying OY, but, frankly, it's not something that we have really
39 had a lot of time to dig into.

40
41 *Carlos Farchette:* Rick.

42
43 *Rick Robbins:* Thank you, Mr. Chairman. Just to follow-up on Tom's comment,
44 our council doesn't specify separate OYs either, and, just looking
45 across our FMPs, we typically set ACLs at the ABC level, and we
46 we view OY as a derivative of that catch that results from that

1 system. We do have one fishery for golden tilefish where the
2 quota has been set lower than it could have been, and that was
3 indicated by economic considerations. While that wasn't specified
4 as OY, it was that type of thinking, that is a reduction for social,
5 economic, or ecological considerations that resulted in a lower
6 quota.

7
8 I think where this concept is going to come into play for us more is
9 as we continue to develop our EAFM document and look at
10 considerations for forage-type fisheries. We have the ongoing
11 action for protecting unmanaged forage species, and that gets into
12 the ecological considerations specifically, and while it may not be
13 defined as OY right now, I think, as we go through that, we might
14 eventually develop some control rules. If some of those species
15 moved into a stock in the fishery type of scenario, I would imagine
16 that we would develop control rules that might be specific to OY
17 that would consider ecological considerations, but, as of right now,
18 we really just view it as a derivative of the ACL system.

19
20 *Carlos Farchette:* Michelle.

21
22 *Michelle Duval:* Thank you, Mr. Chairman. Really, this issue was kind of raised for
23 us by discussions of allocation. It's been one of the items on our
24 to-do list, is to revisit our commercial and recreational allocations
25 that we have. They're based on landings, basically historical
26 landings, and so this issue of OY has come up in the context of
27 revisiting those allocations, and so it's a conversation that we want
28 to try to have jointly and not just looking at different means or
29 methods of determining allocations for the different sectors, but
30 also what does it mean to achieve OY, as Gregg said, and so that's
31 just why we're trying to hopefully glean something from our
32 fellow councils around the table.

33
34 *Carlos Farchette:* Any more comments on OY? Sam.

35
36 *Sam Rauch:* Let me just reiterate the definition, which the South Atlantic
37 provided in the materials, does talk about it in terms of yield, and I
38 think that's the question, is does yield mean the fish have to come
39 out of the water.

40
41 It is the amount of fish which will provide the greatest benefit to
42 the nation, particularly with respect to food production and
43 recreational opportunities, and so it is conceivable, and I think this
44 is the way that you deal with this now. Perhaps the recreational
45 yield will be lower, because that will be provide more recreational
46 opportunities. That's just a matter, I think, of the council setting

1 that OY, what they mean by that, but you don't have to maximize
2 the removal of fish. In fact, I think the whole issue there is you
3 can set a lower removal to achieve other purposes, and recreational
4 opportunity is clearly a purpose that is laid out, and so that would
5 be a valid reason for setting the yield lower than what you
6 theoretically could extract from the fishery, in order to provide
7 greater recreational opportunities.

8
9 This is somewhat unique. As you said, we haven't dealt with this
10 through the council system, but, as we begin to be more responsive
11 to the needs of the recreational community, I certainly think there
12 are ways to use that structure without changing the definition, to
13 think of it in new ways, to basically leave more fish in the water
14 without penalizing the recreational fishermen for having done so. I
15 don't think that that is -- I think that there are ways to do that, and I
16 think you're thinking about that now. Other councils can be
17 thinking about that too as we continue to go down that road, but
18 that seems to be what you're talking about, and I tend to think that
19 that is well within the current statutory definition.

20
21 *Carlos Farchette:*

Any more comments on OY? If not, since we still have a half-hour
22 to go, we're going to just jump into Catch Share Update Review.
23 That will be Alan.

1 **7. CATCH SHARE UPDATE REVIEW**

2
3 *Alan Risenhoover:* Thanks, everyone, and it's just what everybody wanted, was some
4 more discussion of proposed guidance and things like that. I think
5 this is something that we have worked well with on the councils.
6 We had a good discussion about it in February, and you all
7 provided us a number of very good and also very clear comments
8 on this, and so we didn't have to do much to discern what you
9 were thinking.

10
11 On the five-year and seven-year catch share review, you all
12 submitted your comments back in February. We went through that
13 very carefully, and, at that February meeting, we agreed to slow
14 down a little bit and take a little bit more time and do a second
15 round of review. In looking at your comments and talking to my
16 staff about that document, I think we just had a little bit of a
17 miscommunication on what the intent was.

18
19 If you've had a chance to look at the document that I sent out to
20 you all I think it was two weeks ago, one thing that I thought was
21 important was that we put something right upfront on what is the
22 purpose of this document. Why are we doing this? Hopefully
23 we're doing this together, instead of doing something to you.

24
25 I think, from our staff's perspective, that was kind of implicit in the
26 document, but I thought we ought to make it explicit in the
27 document. If you look at those first few pages, you will see that
28 we tried to outline that goal much more clearly than perhaps we
29 had in the draft, and that was to provide a reference document that
30 would assist the councils and NOAA, because this is a joint
31 responsibility under the Act, and so it would help both of us, in
32 partnership, in conducting these five to seven-year reviews in a
33 comprehensive and coordinated manner.

34
35 It would also help ensure the revisions fully meet the requirements
36 of the Magnuson Act. At the end of the day, what do we need to
37 do? Then, also, it would ensure that there was good coordination
38 and transparency between the councils, the agency, and our
39 stakeholders in conducting those reviews, and so, if you've had a
40 chance to look at that document I sent out a couple of weeks ago,
41 hopefully we've hit that mark much better than we did before, and
42 what I'm going to do today is just run through quickly the major
43 changes. There were a lot of editorial clarifications and others, and
44 so hopefully the document reads a little clearer and better, but to
45 talk a minute today about what those major changes were.

1 One of the big comments we got, or the most common comments
2 we got, was the timing of the review. We had put in the document
3 within five years. We've gone back, based on your comments, and
4 yes, we have now changed that, that the Magnuson Act specifies
5 that it occurs at five years.
6

7 Another comment was what data? Should we have five years of
8 data? The Act doesn't really clarify that. In some cases, you may
9 have five years of data. In others, you may not, but you should
10 include as much data as you have in that review without delaying it
11 unnecessarily, and so, since that provision is in the Act, there's an
12 expectation among the stakeholders, which is why we are doing
13 these reviews, the management system supports the stakeholders,
14 and we don't want to delay these unnecessarily. The Act is clear
15 that it says a five-year review, and so we have modified that so it's
16 clear that it's a formal and detailed review five years after
17 implementation. Again, just to emphasize that a timely review is
18 something I think we owe to our stakeholders, and so you will see
19 a number of clarifications along the lines of that.
20

21 There were some comments on the review plan. There was a
22 concern that we had some language in there saying that the review
23 plan, or your plan to review, should be done upfront when you're
24 implementing the program and yes, I think that would be ideal, but
25 some of these programs were implemented without that, but
26 perhaps, in the future, trying to design those things upfront would
27 be very helpful. We also put in some clarifications on who would
28 be on the review team, and that review team will be determined by
29 the council, and NMFS should be, or NOAA Fisheries should be,
30 part of that.
31

32 There was some concern about what was perceived to be a
33 requirement that we need to do more interim reporting. We have
34 clarified that to say you all report throughout the year on the results
35 of those fisheries and use those reports, and so we've tried to
36 clarify it's the use of existing information, but, again, if you go
37 back and you've done a good job of constructing the program and
38 a plan that in five years we're going to review this and what do we
39 need to know and how are we going to review it, you may, in the
40 future, design some more interim reports, and so hopefully that
41 clarified that issue.
42

43 Another issue that came up was concurrence. How do we approve
44 these? Are they submitted much like an FMP amendment and the
45 Secretary has to put them out for public comment and review? We
46 don't see that that's necessary, but we do see the need for some

1 concurrence by the agency, and so, while the council may put the
2 program together, it's important that the agency concurs with that
3 review plan, to ensure that it does fully meet the requirements of
4 the Act, and I think that's going to be very important at the
5 development of the review plan, and so let's make sure that we're
6 all on the same page when we start the review, so we don't get to
7 the end of the review and discover that we're on a different page or
8 the agency believes that something else should have been reviewed
9 or perhaps, more importantly, that some of our constituents know,
10 going into the review, specifically what elements of that plan are
11 going to be reviewed and how. Again, that puts some of this
12 consistency as well as expectations in place. Again, the better
13 that's coordinated upfront, the better it will be at the end.

14
15 The next one was a little bit on the scope and approach to doing
16 these reviews. You will see that we have included that if you do
17 have a baseline period, and I think a lot of times when you're
18 implementing these programs that your goals and objectives will
19 say we have a current situation and we're going to implement a
20 LAPP and that will result in a different situation.

21
22 If you're going to measure that, you've got to have what that
23 situation was before implementation, but we did get comments that
24 some of that info may not be available, and so that will need to be
25 looked at on a case-by-case basis.

26
27 The most popular comment, I believe, was that we had some
28 language in there that this could be conducted kind of as a NEPA
29 analysis with some alternatives. Looking back at it, we don't think
30 that's necessary, and so that very popular language on NEPA or a
31 NEPA-type document has been removed, but, again, and I will talk
32 a little bit more about this on the next slide, the Magnuson Act
33 does say that the review should address progress in meeting goals
34 and objectives of the program as well as the MSA. Again, that
35 review plan on how you're going to conduct the review is very
36 important.

37
38 If you look at 303A in the Magnuson Act, there's a number of
39 elements in there that the councils have to either review or address
40 in setting up a LAPP program. It's reasonable that when you're
41 reviewing the success of that program against its goals and
42 objectives that you would also look at those, and so I've listed
43 those, and those are various sections of 303A that are up there.

44
45 There were a lot of questions about what is the scope, and we
46 believe that all of these topics need to be at least addressed in the

1 review, but they may not need to be analyzed. In the council's
2 work with the agency in setting up that review plan, again, how
3 will the review be conducted and what will be included, it seems
4 reasonable that you should at least address these. If the council
5 does not believe one of those items needs to be analyzed or
6 addressed in that review, they just need to explain why.
7

8 In other words, transferability. If the council does not believe that
9 transferability needs to be reviewed or it's something the council
10 has recently taken action on, explain that, and I think that helps
11 with the external review of these, the stakeholder review and
12 expectations, in conducting those reviews.
13

14 There was one element that I will spend a little bit more time on
15 that everybody was concerned about, how this guidance related to
16 the allocation policy that the councils had completed, I believe,
17 right around February, when we talked about this last. If you
18 remember, there was an allocation policy that the councils did that
19 included how they were going to develop triggers for looking at
20 allocations in the future.
21

22 We had that council document, and we also had a complementary
23 document that the agency did on procedures and what may be done
24 or could be looked at as part of doing that allocation review, and so
25 the councils decide if they're going to do the allocation review and
26 the agency was helping with how you would do that review once
27 your trigger has been put in place.
28

29 That policy that you all did back in February is still as it was. It
30 hasn't been changed, but we just have not finalized it. We have
31 been finalizing our side of it, the procedures and what we look at,
32 and that should be done in the next month or so. We had another
33 internal review of our document as well as your document. There
34 were no changes to your document, and so that will be finalized in
35 that policy directive system, as it was back in February, but the
36 relationship between the five and seven-year reviews is such that
37 you don't automatically have to look at your allocation in your
38 review, because you have this separate trigger document.
39

40 Some of your trigger documents may say every time we do a five
41 or seven-year review that we'll look at allocation. That's your
42 trigger. You may have other triggers that gets you outside of this
43 guidance, and so look carefully at the language we put in there, to
44 make sure it makes sense that, again, your allocation/trigger
45 document is what would generate a review of the allocation.
46 Again, we will get those documents finalized and put into our

1 policy directive system for everybody to look at.
2

3 Again, we slowed this down a little bit and did another round of
4 review. Hopefully we hit the mark on what your comments were
5 as part of that review. We would like you all, of course, to look at
6 it one more time and give us comments in the next month or so on
7 that, and then we want to go ahead and finalize this document, and
8 so, yes, we've slowed it down, but we do need to get it finalized,
9 and we all look forward to your comments and thoughts on the
10 document, and hopefully we're close. With that, Mr. Chairman, I
11 will stop and see if anybody has comments or questions or
12 concerns. I will also take applause.
13

14 *Carlos Farchette:* Chuck.

15
16 *Chuck Tracy:* Thank you, Alan, for the presentation. I don't know about
17 applause, but I will at least give you my gratitude for your
18 receptiveness to our previous round of questions to what we
19 received in February. What we see now, I think it's a great
20 improvement, and so I do appreciate that. I did have one question
21 of clarification, I guess, and then I have a few comments and
22 another broader question, but I will just start with the clarification,
23 and it's with regard to the timing on page 3 of subsequent reviews.
24

25 First of all, I think it's -- You have to do it after five years for the
26 first one and then every seven years after that, and I believe that it
27 says that the timing of the seven years starts from the beginning of
28 your previous review, as opposed to say the end of the review or
29 after implementation of the recommendations of the review, which
30 is kind of how we time some other reviews, like EFH, and so a
31 question of if that is your intent or if there's some possibility to do
32 that, and I guess the reason that that concerns me is we're doing a
33 lot of reviews, and we only have two catch share programs in the
34 Pacific.
35

36 I think the North Pacific has six. That means they're doing catch
37 share reviews an awful lot, and that becomes a burdensome
38 workload. There is also a clause in there about starting the review,
39 starting to plan the review, a year ahead of time, which essentially
40 means it's a six-year review period. Anyway, if you could clarify
41 your intent or your flexibility on that, I would appreciate that.
42

43 *Alan Risenhoover:* I think the intent is some flexibility. Again, this is a Magnuson
44 Act requirement, and so we can't say, okay, we've got enough
45 catch share programs now that we don't have to abide by the Act,
46 because we'll be too busy. I don't think you can go to that, but I

1 do think that, from the beginning of the program being
2 implemented, that should be the time that you measure those
3 reviews by.

4
5 On starting the review a year in advance, I think we say -- I don't
6 see it here right now, but ideally or hopefully or planning in
7 advance for that would be a good idea as well, and so I think there
8 is some flexibility in that, but, again, that's something to work with
9 the individual regions on, again, to get the call of, well, it says
10 seven-year reviews, but you're actually only doing it every ten
11 years, and I think that's something we owe our stakeholders, is to
12 stay closer to the seven years than continually trying to push that
13 out.

14
15 *Carlos Farchette:* A follow-up?

16
17 *Chuck Tracy:* Just to follow up, the guidance now says that the second review
18 should be initiated before the end of the program's twelfth year,
19 and so that means five years, which we understand is in the Act
20 and we have to do that. That's understood, and, in fact, our FMP
21 calls for that, and so we're fine with that. It's just the question of
22 when do you start that clock for the seventh. Based on that, you
23 would start it after the fifth.

24
25 *Alan Risenhoover:* Right. I would say approximately twelve years.

26
27 *Carlos Farchette:* Chris and then Tom.

28
29 *Chris Oliver:* A few comments, and I was very appreciative and pleased to see
30 this latest draft, Alan, and you all's receptiveness to our comments
31 was great. The first version scared the hell out of me, and this one
32 is a lot more palatable.

33
34 *Alan Risenhoover:* So you're saying that works?

35
36 *Chris Oliver:* Well, there's still some issues. I can't help but make the point that
37 you made the comment that these are required by the Magnuson
38 Act, and, in fact, the Magnuson Act requires reviews of LAPPs,
39 and while LAPPs are CSPs, not all CSPs are LAPPs, but, by
40 policy directive, you are requiring this of all CSPs, whether they're
41 a LAPP or not, and so you have, in effect, amended the Magnuson
42 Act through a policy directive.

43
44 We've debated that point before, and so I just wanted to make it
45 again, but it sort of begs a little bit of what Chuck just asked, is we
46 may need a little more clarity on what exactly constitutes a catch

1 share program, because I'm not sure that even all of the programs
2 we have in the North Pacific -- I know they're not all LAPPs, but
3 I'm not sure they're all catch share programs, but we may need
4 clarity on which programs you really do expect this to apply to.
5

6 I think there are still some issues in here that, for example, that are
7 a little too prescriptive. When you talked about changes in
8 concentration, it says reviews should analyze using the Herfindahl-
9 Hirschman Index.

10
11 *Alan Risenhoover:* That's my favorite one, by the way. What we were trying to do
12 there is list some of the -- Science and Technology has a list of
13 different methods, and we're trying to list those as a resource.
14

15 *Chris Oliver:* Yes, and, just going on, the issue of how allocations juxtapose with
16 CSP reviews, I mean, in our case, it may be that, because we have
17 these five-year triggers and basically all our allocations occur
18 within catch share programs, that the sort of allocation trigger
19 criteria that we developed, that John Henderschedt and Michelle
20 led that effort, may be moot, in the sense that our trigger is going
21 to be the five-year review, which will include the allocations.
22

23 There is sections that note -- When we talk about allocations as
24 well as concentration of market power, it acknowledges that these
25 are expected to be analytically complex, considerable time and
26 resources, and it may be appropriate to conduct a detailed analysis
27 separately. I am not sure what the point of that is, because, again,
28 three plus three still equals six. They should -- I don't know why
29 it's couched that way.
30

31 There is talk of using the effects on historical participants who
32 were previously but no longer involved, including, potentially, a
33 survey assessment. In other places, it refers to a customer
34 satisfaction survey. Some of those are going to be impossible,
35 impractical if not impossible, to do. I just wanted to make that
36 observation.
37

38 There are a couple of other specific things that still cause a little bit
39 of heartburn, but, having said all that, this is a vast improvement,
40 in my opinion, from the previous version, and so I'm very
41 appreciative of that, and I will compile my additional specific
42 comments, along with any that Bill and Dan want to bring up or
43 that our council wants to bring up between now and sometime in
44 July. We will get those to you, of course. Anyway, those were my
45 comments.
46

1 *Alan Risenhoover:* I think we can just say the end of July. That will give us time to
2 work those comments with your staff if we need some additional
3 input back and forth. We didn't do, I don't think, any specific
4 back and forth with staff during this review, because, again, the
5 comments were fairly clear, but if you have some finer details we
6 need to work out, we will certainly do that.

7
8 *Carlos Farchette:* Tom.

9
10 *Thomas Nies:* Thank you, Alan. I think you addressed almost everything, if not
11 everything, in the letter that we wrote on this one, and so I thank
12 you for that. We do still have a couple of concerns. One of them
13 relates to the allocation review and the language that's used there
14 that talks about the allocations should maximize net benefits.

15
16 At the same time, it goes on to have added a number of factors that
17 should be considered when analyzing that, including equity and
18 environmental factors and things like that. It seems like trying to
19 reconcile all those different competing and, in some cases
20 conflicting, things to determine what maximizes net national
21 benefits is going to be a difficult analytic task. I realize the
22 maximize net benefits is coming out of statutory language and
23 language in the guidelines, but it seems like if we go back to the
24 NMFS -- The original draft allocation factors that should be
25 considered, that guidance seems to give much more practical
26 examples of what sort of things should be examined when you're
27 evaluating the allocations, and we're going to suggest that you use
28 that language in this section, to make it a little more practical of
29 how we can deal with these things.

30
31 The other point that we make is that, in there, there's some
32 language -- I think this probably just needs some clarity in the way
33 it's written, rather than really a change in anything. It talks about
34 saying that if you review the catch share program and you
35 determine that there are numerous and series problems with the
36 existing program, the council should evaluate whether it should
37 still remain preferable to other alternatives.

38
39 From our point of view, that may not be a bad idea, but it should
40 be clear that that would be a process outside of the review, that the
41 council would be taking the review document and then taking a
42 look at the conclusions and then considering whether there are
43 other alternatives. Some of the people on my staff who read this
44 interpret that to mean that that should be part of the review, and I
45 don't think that was really intended.

1 *Alan Risenhoover:* That is correct. The review stands alone as a review document.
2 The agency concurs that that review is sufficient from an MSA
3 perspective, and the council then would look at that review
4 document and say, okay, the review came up with seven
5 recommendations and three of them are just very minor and don't
6 have a big impact, but the other four we need to take action on, and
7 so yes, it's more of the review sets the stage for future council
8 action. If we need to clarify that, please point that out, but that's
9 the intent.

10
11 *Carlos Farchette:* I have Dan and then Chris.

12
13 *Dan Hull:* Thank you, Carlos, and thanks, Alan, for being responsive to our
14 many different comments. I do want to see if I can get a little more
15 clarification on what NMFS concurrence is with the review and
16 whether that's a separate process from the actual review or if, by
17 virtue of Dr. Balsiger being on the council and voting to approve
18 the review and having his staff being participants in the process,
19 and I think you described during the development of the review
20 plan, if that does result in concurrence.

21
22 *Alan Risenhoover:* Yes, and so some of the comments we got on the previous draft
23 was how do we get concurrence from GC and the Regional
24 Administrator and Headquarters, and we need a single point. Since
25 we do have a Regional Administrator on all councils, that seems
26 like the point, and so, if GC has problems that the review does not
27 fully meet the Magnuson Act requirements, they need to relay
28 those to Jim. Jim needs to relay those to the council, and that
29 needs to be resolved.

30
31 Again, the document talks about doing that at the draft review plan
32 stage, and so it's not just we launch into a review and when we get
33 done we find out that we have a problem or something. It's we
34 have a nice solid plan to begin that review, and NMFS will concur
35 with that when the council tells its staff to go do the review or
36 whoever is doing the review. Then, when you get to the end, since
37 the Act does say it's the councils and the Secretary that conduct
38 these reviews, that concurrence should come naturally, unless there
39 has been some train wreck in the middle.

40
41 *Carlos Farchette:* Chris.

42
43 *Chris Oliver:* Thank you. Tom's comment made me think of one specific thing
44 that I forgot to mention that I think is important and might warrant
45 some discussion here, that, a couple of different places, it refers to
46 recommendations being contained in the review for various things,

1 program duration and allocations. I am a little concerned that,
2 when you look at a review is going to be done by the council and
3 some combination of council and NMFS staff, that
4 recommendations could be quite policy sensitive and maybe isn't
5 the place in the review, and that rather the results of the review
6 would inform the council's consideration of potential changes, but
7 I think we might be getting on a little bit of thin ice for the review
8 itself to start containing recommendations to change important
9 policy-developed changes to the program.

10
11 *Alan Risenhoover:* I think that goes back to the scope of the review plan, what we're
12 going to do, and I think those recommendations are more of did the
13 plan meet the objectives, and so, if it's outlined that one of the
14 plan's objectives was X, was X met by implementing that plan? I
15 think that's a problem you have now when you're doing your
16 reviews, and so it's all how you start and work that through in
17 where you end up, because you're right that there's going to be
18 expectations created by the review as to what the council reviews
19 as part of its plan and what it ends up with and then what it
20 subsequently acts on.

21
22 *Carlos Farchette:* Dorothy.

23
24 *Dorothy Lowman:* Thanks, Carlos, and I am going to add my voice to the appreciation
25 for all of the work you've done to incorporate the comments so far.
26 I think it's been a good process in that way. I guess I just want to
27 go a little bit back more on this concept of when you sort of are
28 doing your second review, because, as you know, we're starting a
29 fairly complex program five-year review, and it may take us a
30 couple of years to complete that review, and then we may have
31 things that we want to make regulatory amendments and change, to
32 make adjustments to the program.

33
34 That could take another couple of years, and so now you're at four
35 years from when you started your first review, and, in my mind,
36 the intent of the review is to be sure that you -- I know there's a
37 statutory review about every seven years, but you want to be sure
38 you're reviewing something that has had a chance to show that you
39 -- So you have some data to show that the changes that you made
40 have made a better program, so that the second review is reviewing
41 the revised program, should you have revised it on the basis of a
42 review and then subsequent action, and so that's just, I think, a
43 little more context in Chuck's timing issue too, is just being clear
44 that we want to maintain essentially about five years from when
45 you sort of have a -- If you've made modifications, so you've had a
46 chance to see how they've worked at meeting your objectives.

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If the first review has said we're falling short on some of our objectives and then the council decides on a course of action to modify the program, so that you can better reach the objectives, then we want to have time to have that implemented and then reviewed. That's the only question.

Alan Risenhoover: I see that, and I don't know that we can prescribe every possible or potential outcome of the review and how that impacts timing. Part of that is we'll just have to cross some bridges when we get to them maybe is the answer, but I think the closer we try to hold to that schedule in the MSA, the better that helps with the external review of what we're doing, instead of we're just kicking it along because we can. There's a balance there that I don't think I have a good answer for now.

Carlos Farchette: Chuck.

Chuck Tracy: A couple more specific comments, I guess. On page 1, the very beginning, the very first paragraph there talks about the goal, the guidance, to have a comprehensive target meeting statutory requirements and coordinating with stakeholders and carrying out transparent, efficient, and effective management and consistent across the country.

I guess I'm a little concerned with the "consistent across the country" phrase. I mean I think what we asked for in our original comments, and what largely we got, was a fair amount of flexibility, and so I guess I would just suggest that we will probably be recommending that our council consider that particular phrase and maybe thinking about something of a substitute for that that may be more something like allowing regional flexibility necessary to meet the goal or something like that, rather than requiring some national consistency.

Then maybe just to touch on another comment, and I'm not sure who brought that up, but maybe it was Chris, on some of the prescriptiveness that's on page 8 and 9. It seems like maybe -- It's talking about spillover effects to other programs and also talking about the particular references that should be incorporated into the review.

It's just some concern that that's fairly detailed and prescriptive, and I'm not sure how -- There's a risk that some of that would become outdated, particularly the references, and maybe that's not appropriate for the body of the guidance, but maybe as an appendix

1 or something like that that could be updated without having to
2 change the whole new policy, and so those two comments.

3
4 Then I guess I will get into the identification of resources
5 necessary to conduct these reviews, which is identified in here as
6 well. Again, depending on the timing of these, we could be doing
7 these -- A lot of our workload could be dedicated to this, and,
8 again, the more programs you have, the more that's the case.

9
10 I guess I would just encourage the agency to consider some sort of
11 more stable funding source for this, like some of the other omnibus
12 line items like peer review and stipends and those sorts of things,
13 that maybe could be tailored to the specific needs of various
14 councils, depending on what their needs are, but, other than having
15 each council compete for special project funds on a periodic basis
16 that may or may not work out well for everybody, hiring
17 contractors to do things and then letting them go and then hiring
18 them back or temporary employments -- Those sorts of things are
19 not conducive to good products or stability with staff, and so I
20 guess I would just encourage consideration of some sort of stable
21 funding process for programs like this that you see as an ongoing
22 continuous need rather than trying to do this on a special project
23 funding basis.

24
25 *Alan Risenhoover:* Just to address your last one first there, we try to get out some
26 funds as we can, if we have any available for these, but this is part
27 of the councils' core requirements under the Act, is to conduct
28 these, and so it's not a new requirement. It's one of those core
29 ones, but, again, the resource limitations are going to be the
30 resource limitations, and so we'll help with those as we can.

31
32 On the list of things, the reviews, the different methods, I think
33 S&T updates their site, but you may be right there. We may want
34 to have something there that says "or others, as identified later".
35 During the review, folks suggested specific other types of
36 evaluations, and the answer was yes, sure, and so I don't think
37 we're wedded to these specifically, but wedded more to these are
38 the types of analysis that should be conducted and not specific
39 methods or based on specific papers, and so we'll look at that as
40 well.

41
42 *Carlos Farchette:* Any more questions for Alan? Kitty.

43
44 *Kitty Simonds:* I don't really have a question for Alan, but I have a comment just
45 about catch shares in general. Our large fishery, the longline
46 fishery, our database is prepared to develop a catch shares

1 program. However, with all of these -- We haven't done it, but in
2 looking at all of these closures to U.S. zones for our fishery, as
3 well as those out in the PRIAs, we may end up actually developing
4 a program, because that's a way to reduce the number of fishing
5 vessels. That's what would happen. All those smaller longliners
6 that can't go beyond the EEZ, we would have to really think about
7 doing something like that.

8
9 For our smaller fisheries, we're just not going to do that, because,
10 even though they might be large companies of several small boats,
11 we're islands, and so developing a program for small boats is just
12 ridiculous. It would put them out of business and everybody needs
13 to be fishing, because we fish three or four times a week, and so
14 thank you.

15
16 *Carlos Farchette:* Any more comments? Hearing none, thank you, Alan, and we're
17 going to take a fifteen-minute break. Thank you.

18
19 *(Recess)*

1 **8. BYCATCH DISCUSSION**

2
3 *Carlos Farchette:* We are going to start back up on the agenda. We have an addition
4 to the agenda, and Sam is going to take care of that now and then
5 he's going to go right into the bycatch discussion.

6
7 *Sam Rauch:* Right, and thank you. As Brian mentioned in his presentation, we
8 just got, late last night, the House report on appropriations, and so
9 we've been looking through it. It is only the House's version.
10 There are two things in there that we thought we should share with
11 the councils that might not have been clear, because of the rapidity
12 which we had to review it.

13
14 One is we talked, a little bit earlier today, about what the equal
15 proportion language might mean or might not mean. That
16 language is not in the House report. That's in the Senate, but it is
17 not in the House. It might be in the final. We don't know, but it is
18 not in the House, just to let you know about that.

19
20 The other one is there is currently a \$10 million addition for red
21 snapper research that we are instructed to take it basically out of --
22 \$5 million of that we have to reallocate from other programs, and
23 so while your council may not enjoy red snapper as much as some
24 other councils, we might have to move money from one of these
25 other programs in order to fund the red snapper if that remains in
26 there, because it's currently not separately funded, and so we're
27 required to run a \$10 million program for which Congress only
28 appropriated \$5 million, which means, if that were to stay, that \$5
29 million comes from somebody else. That's why we should all care
30 about solving the red snapper problem. That was it on that. Any
31 questions on that?

32
33 *Carlos Farchette:* Chuck.

34
35 *Chuck Tracy:* Just a question on that last phrase. Does that come from somebody
36 or come from everybody?

37
38 *Sam Rauch:* We will have to figure that out. I will go into the bycatch
39 discussion here. The agenda calls for us to talk now about the
40 SBRM Rule Status Update, which will be short, and then to spend
41 some time talking about the Draft Bycatch Strategy, which we put
42 out.

43
44 This is, like many of the things we've been talking about, this is
45 not the first time we've talked about bycatch with this council or
46 with the CCC. We've had the lengthy discussions. We talked

1 about it in June, and we talked about it at any number of times.
2 Last June, we sort of laid out that we were going to revisit our
3 strategy, which, at the time, was about ten years old.

4
5 Reducing bycatch is key. It is a statutory mandate to minimize
6 bycatch to the extent practicable. It is something that we
7 collectively, the councils, have done a lot of work on over the
8 years and have made great strides in reducing bycatch, in meeting
9 that mandate. We have many, many success stories.

10
11 One of the things that we have rolled out is revised communication
12 tools about that, to stress all the great things the councils have
13 already done and the things that are in the works to be done about
14 bycatch.

15
16 One of the things that we did do is we kicked off a process of
17 looking at that strategy, that old strategy, with the objective of
18 improving the coordination and efforts and laying out afresh where
19 we are.

20
21 We're going to talk about that in a minute, but I just wanted to
22 reflect that a number of things have happened. We released the
23 communications, as I talked about, and we updated the National
24 Bycatch Report, which you may recall is our effort to take all the
25 SBRM data that we get, the standardized bycatch data, and actually
26 put it in one place so that you can look at where we are.

27
28 The problem with that report is not in that concept, but it is that we
29 have been running significantly behind in the data that we've used,
30 and so the first report had efforts up through, I believe, 2005, and
31 so we put it out in 2012 or so. It was quite old, and it didn't reflect
32 a lot of the progress that the councils had made between when that
33 report came out and more recent efforts.

34
35 We have updated it periodically, and I believe now it is up through
36 2014 or something like that, or 2013, and it is getting much closer.
37 As we sort of sift through all of the historic data, it is becoming
38 much more representative of where we actually are, and so you can
39 see the vast improvements that the councils and the fisheries have
40 made over time.

41
42 We have also, as we do every year, put out the Bycatch Reduction
43 Engineering Program Grants. We put out an annual report to
44 Congress. It serves as one of our annual report cards on all the
45 different things that we've done. It is a way that we use these
46 congressionally-appropriated grants to encourage new gear

1 modifications and other things to decrease bycatch.
2

3 Additionally, on the science side, we issued the Discard Action
4 Plan to help identify fisheries and some tools to help identify
5 which fisheries -- In which fisheries does it really make a
6 difference how accurate you need to be in terms of discard
7 mortality?
8

9 In very few fisheries do we have 100 percent observers, and so we
10 always have to estimate what the discard rate is, the discard
11 mortality rate is, and so there are some fisheries where if you can
12 have a little bit more improvement in accuracy that you can see
13 great savings in terms of quota and other kind of things. In other
14 fisheries, it just doesn't matter, for various reasons, and so we have
15 put out some tools to help us assess that, to help guide the science
16 as to where they want to focus their efforts, to try to get at some of
17 those questions.
18

19 At the meeting in February, we talked about, at the time, the just-
20 released bycatch strategy and the just-released SBRM proposed
21 rule. On the SBRM rule, we put that out for a public comment
22 period. That public comment period ended on April 25. We got
23 twenty-six individual comments, several of them which were
24 accompanied by thousands of signatures, but it's still the same
25 comment. We are working through that.
26

27 We have comments from a number of councils. I am not sure that
28 every council had a presentation or discussed it, but a number of
29 councils did, and we got comments from those councils and we're
30 working through those. Thank you very much for providing those.
31

32 The comments, I can't tell you at the moment how we're going to
33 address them, but I can characterize some of the comments that
34 we've gotten. They range from some individuals supporting the
35 rule and some wanting to withdraw the rule completely and things
36 in between. Some of them thought that the ideas needed better
37 support. Some of them are concerned about the explicit linkage
38 between the scope of the SBRM program and the budget and the
39 idea that we were using a lack of funds as a reason not to pursue a
40 broader SBRM goal.
41

42 There was a concern that the rule allows SBRMs which generate
43 inaccurate data. We just talked about the fact that unless you
44 monitor every -- Unless you have 100 percent observer coverage,
45 there's going to be some inaccuracies in the data, and so allowing
46 something less than 100 percent, and the scope of comments

1 varies, you might create more or less inaccurate data, and so there
2 was concerns about that.

3
4 There was concerns about the fact that we didn't require more
5 standardization. Right now, each council has their own version of
6 the SBRM, but it could look very different depending on where
7 you are. The SBRM that is in the Western Pacific is very different
8 than what is in New England, and some of the criticism that we got
9 is that we did not require them to look more uniform about that.

10
11 We're looking at all those comments. We are going to try to
12 finalize those in the coming months, and we hope to have a final
13 rule out by the end of the summer, which would provide our
14 guidance on what SBRM programs might look like as you look to
15 potentially revise or update your existing programs, and so that's
16 out there.

17
18 The bulk of what I would like to talk about is the strategy. The
19 National Bycatch Strategy, the new one, is currently out for
20 review. We explicitly extended the comment period through June
21 3, in order to have this meeting in, so that we could talk about it
22 here and take the CCC's comments as part of the formal comment
23 period.

24
25 We have talked about this. I know I personally have talked to I
26 think two councils about this. A number of councils have had
27 presentations, usually at the same time as the SBRM presentation.
28 We've got some comments from some councils, and I don't think -
29 - I think we still are awaiting comments from others, and we
30 certainly welcome any comments you would have here or through
31 the end of the comment period.

32
33 We intend the strategy to be a fairly short, high-level document,
34 and that's what the draft is, that addresses bycatch across all of our
35 mandates and not just Magnuson. Many of our bycatch mandates
36 are driven by the MMPA, Marine Mammal Protection Act, or the
37 ESA, and we want to better align and plan for future regional
38 efforts. Like many things, it calls for -- This is a high-level
39 strategy that envisions future regional-specific implementation
40 issues, so that the centers, the regions, and the councils would get
41 together about what they wanted to do and lay out their current
42 plans or any new plans they may have to address bycatch.

43
44 The goal of the strategy is to guide and coordinate NOAA
45 Fisheries' efforts under the Magnuson Act, the MMPA, the ESA
46 and other relevant mandates to reduce bycatch and bycatch

1 mortality and encourage the utilization of discards to maintain
2 sustainable fisheries while conserving and recovering protected
3 species.
4

5 That last phrase is not new, necessarily, but it is one way to
6 eliminate bycatch, is to land the fish, and we talked a lot about
7 there are two kinds of bycatch. There are prohibited species
8 bycatch, which are fish you don't want to land, and so you want to
9 minimize -- You would rather not encounter them at all, and, if you
10 do encounter them, you want to minimize the impact on those fish,
11 but there are other ones that are just economic. They're just
12 thrown overboard because it makes more economic sense, but
13 there's not a conservation reason to protect them.
14

15 For that subset, a legitimate strategy for minimizing bycatch is to
16 create new markets for that kind of product, so that it is not thrown
17 overboard, but, instead, it is landed and utilized and people can
18 achieve some benefit from it.
19

20 That was one of our proposed strategy statements there. There are
21 six national objectives related to monitoring and data collection,
22 research, discard and take estimation, management, enforcement
23 and communication, and partner engagement. Each of those
24 objectives had a series of strategies under them.
25

26 I talked a little bit about the regional implementation. Like many
27 things, this is, as I said, a high-level policy that we envision will be
28 further elaborated on by more regionally-specific plans. We are
29 mindful though of the statement we heard from a number of
30 councils that they're beginning to get a little fatigued with all the
31 engagement there. I still think it's better that we engage with the
32 regions and have that focus. We are mindful of the time that this is
33 taking and the commitment that you guys make to this process.
34

35 Our schedule is to complete this strategy this year, after which we
36 will move into that process of setting up those regional plans.
37 We'll talk with you about what that looks like and when to do that,
38 but that would not be this year. That would be in a future action.
39 We look forward to your comments. I look forward to having the
40 discussion.
41

42 I think you've all seen the strategy. Much like the other ones, did
43 we get it right? Are there ideas in there right? Are there different
44 suggestions for that or anything that we need additional
45 clarification on? What's missing? What are your thoughts on that
46 utilization piece that I talked about and what about the process for

1 developing these regional plans? That's just some of the questions
2 that we could talk about. This is the last opportunity. While open
3 until June 3, it's the last opportunity for formal council
4 engagement, and we look forward to hearing anything you have to
5 say. I will take any questions.
6

7 *Carlos Farchette:* Thank you, Sam. Are there questions for Sam?

8
9 *Chris Oliver:* On either the strategy or the SBRM? They're two different
10 subjects, really.
11

12 *Sam Rauch:* Let me just say the SBRM I would rather not take comments on,
13 because the comment period has closed, and so certainly if you
14 were to tell me anything new that you didn't tell me before, that
15 would be problematic, and so I would rather not talk about that. I
16 presented that with the idea that I was giving you an update and a
17 status report. We do have comments from various councils that
18 we're working through, and we'll see how we respond to those.
19

20 *Chris Oliver:* Okay. Let me try it differently though. I just have a general
21 question then about when -- Why you're doing a proposed rule for
22 SBRM as opposed to, for example, a guidance document, if you
23 will, and what causes it to go to different thresholds?
24

25 In other words, one of our comments was, gee, if this was issued as
26 guidance, it would be, perhaps, a lot more palatable and it would
27 ease a lot of the concerns that we did comment on, but what brings
28 it to a proposed rule level as opposed to a guidance document, for
29 example?
30

31 *Sam Rauch:* The entire National Standard 1 discussion, which we talked about,
32 is guidance that we're putting out through a proposed rule, and so a
33 proposed rule is a way -- The statute talks about giving guidance
34 through rulemaking. That's what we did with National Standard 1.
35 This is the interpreting the statute much like other things that we
36 do, and so that's why -- But it is still guidance. It is guidance to
37 the council. It is under that same general provision that says that
38 we issue guidance through rules, just like the National Standard
39 guidance.
40

41 *Chris Oliver:* Just a general comment on that. Even in cases where it's called
42 guidance, our experience has been that it does tend to get treated as
43 force of law, certainly by NOAA GC and by the broader agency
44 itself. Sometimes it feels like there is really not any difference, the
45 National Standard 1 Guidelines, for example.
46

1 On the draft National Bycatch Reduction Strategy, I mean I look at
2 it and it's a very, like you said, Sam, a high-level document. It has
3 a lot of words like "support" and "improve" and "facilitate" and
4 "strengthen". I was having trouble advising my council as to
5 whether and how to comment on it, because I feel pretty confident
6 that where the rubber is really going to meet the road is in these
7 regional implementation plans, and that's probably where the
8 councils will more effectively engage with you on that, but can you
9 give us any guidance on how --

10
11 *Sam Rauch:* We will be putting out a rule on that soon.

12
13 *Chris Oliver:* Right. A proposed rule on how we should comment. It all sounds
14 really good, and so it's hard for me to say that doesn't sound good
15 or here's another idea you might think of, because, as it's drafted,
16 it sounds really good and it's very comprehensive and sort of the
17 breadth of everything that it covers, and so if you could maybe
18 help me understand where you might be looking for comments or
19 suggestions. Maybe we don't need to say anything, because it
20 does read pretty well.

21
22 *Sam Rauch:* I think that one of the reasons you're struggling, maybe, is that this
23 is not a new concept for the councils. The councils have been
24 addressing bycatch and addressing it well for a long time. We
25 have tried, like with some of these other things, to put all of that
26 together in some sort of coherent strategy, but not necessarily with
27 the goal of saying anything new or sending the councils off in new
28 and different directions, but we don't -- Our old policy, our old
29 strategy, is old, and we needed to update it.

30
31 In reality though, it is, as I've said all along, it's not that the
32 agency thinks we are heading in the wrong direction. I think we
33 believe we have made a lot of great progress and we will continue
34 to do so, and so, if you're struggling in trying to find something to
35 comment on, I think it's because we have, hopefully, accurately
36 portrayed our collective endeavor here, which would be good.
37 That, in and of itself, is a good comment, but I am willing to take
38 others.

39
40 *Carlos Farchette:* Any other comments or questions for Sam? Dan.

41
42 *Dan Hull:* I do think it describes quite well what it is that we are trying to do
43 in the North Pacific, and, in some ways, what we do very well and
44 ways that we're trying to improve, and so I appreciate that and
45 look forward to working on regional implementation plans to
46 further refine that.

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Carlos Farchette: Tom.

Thomas Nies: Our council discussed this at the April meeting, and we -- Our comment letter kind of tap-dances around an issue a little bit, and that's that the strategy doesn't seem -- Maybe this will come in the implementation plan, but the strategy doesn't seem to really give the councils or the regions any national-level guidance on which bycatch issues are most important.

Now, I know that sounds odd coming from a region who never wants you to tell us anything, but I think the point is that everybody recognizes that we're not going to have enough of a budget or time to address every bycatch issue, and so, if there's a national perspective on the relative importance of bycatch issues or guidance on how to evaluate the relative importance, I think it might be helpful to put that forward, particularly since this issue isn't just addressing Magnuson bycatch. It's addressing bycatch across all of our statutory responsibilities.

Sam Rauch: I think that I can't give you national guidance on what nationally is the most important, because what would be most important in your region would be vastly different than what is most important in another region.

That is best articulated within the region, within the regional plans, as to what the most important -- We recognize that you can't do everything all the time. Setting those priorities are there, but there are some tools. I mentioned one of the tools earlier, about looking at the discard mortality and trying to figure out whether it makes a difference or not.

That will help us focus our science on where we really need to try to work on these kinds of issues, because if it doesn't make a difference, then we don't need to spend any more time on it. It's not going to change no matter how much we invest.

We do provide some sort of tools, but this strategy, because it is a national strategy, I can't tell you -- I mean if I were to say it is the most important thing to work on decreasing entanglements of right whale in fishing gear, that's a big bycatch problem. That's very important in your region, but not so important anywhere else, and so I really can't tell you that, at the national level, what you should focus on, but we will be discussing that with you at the regional level.

1 It's a mixture of what kind of things does the council want to work
2 on and what kinds of things does the Science Center believe we
3 should work on and what kind of things does the Regional Office
4 believe we should work on. We're going to try to get that together,
5 like all these other regional plans, and set those priorities in those
6 kinds of regional plans, rather than trying to dictate from D.C.
7 what is the most important or not, because it's impossible to do.
8

9 *Carlos Farchette:* Tom.

10
11 *Thomas Nies:* A second point is that the objective to strengthen monitoring and
12 data collection programs, which I think most of us would probably
13 support, but I guess the question is how are we going to get the
14 funding to do that? We've been wrestling -- The North Pacific, for
15 example, has a specific statutory provision which helps them fund
16 observer programs, which is not available to any of the other
17 councils, I don't believe.
18

19 We've been struggling in our region to try and get industry-funded
20 programs in place, and we're sometimes faced with the comment
21 that, well, even if your industry is able or willing to pay for the at-
22 sea portion of the monitoring effort, we can't afford to, we being
23 the agency, can't afford to pay the data-processing costs for that
24 information.
25

26 I don't know how we take this very worthwhile objective and
27 convert it into something meaningful in our implementation plans,
28 presumably, down the road, in the face of these types of funding
29 limitations. I know the Mid-Atlantic Council and New England in
30 the past have tried to encourage, when asked, some statutory
31 changes so that the North Pacific's observer funding provision
32 could be available to other councils as well, but I don't think, so
33 far, we've been able to get much traction on that.
34

35 *Sam Rauch:* I am not going to talk about the potential for legislative fixes to
36 that, but I do know -- I mean we are allocated a certain amount of
37 money for observer and monitoring coverage every year. We go
38 through a process of trying to determine how best to shift that out
39 to meet regional goals, but that fund usually doesn't increase. I
40 mean it has been a strict line item in the budget, which is -- You
41 guys have a very elaborate system for how to actually spend that
42 money. Other councils do not have it, but it is still the same thing.
43 That pool of money is basically capped.
44

45 We can look at other ways. We can look at industry funding,
46 which I do think -- We have talked about it as there are more and

1 more demands on monitoring and the ability for us to fund new
2 monitoring systems, we really have no ability, absent
3 appropriations, and so we have to use industry-funded or not do
4 that.

5
6 We are, collectively, looking at cameras as cheaper alternatives.
7 There is some money in the budget, in the current budget. There
8 might be money in out years to invest in electronic monitoring
9 systems as potentially cheaper alternatives, so that we can increase
10 our monitoring coverage.

11
12 The idea, at least, is to increase the monitoring coverage at a
13 cheaper rate by using cameras instead of human observers. That
14 might work in some fisheries and it might not work in others, but
15 that is one way that we -- That is the one place where we are
16 seeing an increasing investment in fishery observation and
17 monitoring, is the support for electronic monitoring programs, and
18 that is the one place I would recommend -- As we grow, as we're
19 looking at ways to deal with this, if we can tie it more towards
20 those electronic programs, we have a better chance of actually
21 funding what our goals are.

22
23 *Carlos Farchette:* Any more questions or comments for Sam? Leann.

24
25 *Leann Bosarge:* I just wanted to say thanks for coming back and putting a positive
26 spin on bycatch, in the sense that maybe in some fisheries there is a
27 way to create a market for some of that bycatch, if it's a fishery
28 where the bycatch is going to predominantly not survive,
29 essentially, and as long as it's not a turtle or something like that,
30 something that there's a market for, that you can take from your
31 marine environment in an environmentally-sound manner.

32
33 I think that's a good thing to bring up again. I mean fishermen are
34 entrepreneurs at heart, but one trend that we have seen is that, both
35 with regulation here in the states and also globalization, fishermen
36 have tended to become, at least in our area, more specialized.

37
38 In other words, before, where they may have done some trawl gear
39 fisheries and then more of a finfish fishery at certain times of the
40 year, or maybe even something like oystering, which is more of a
41 state-water fishery, but they have tended to specialize over the
42 years, and so sometimes that mentality of we used to operate in
43 this market and we're still catching this and we could cross back
44 over into that market -- Once they specialize, generations progress
45 and you lose a little bit of that, and so I think that's a great thing to
46 bring up and put a positive spin on bycatch, and always keep that

1 in the back of our minds. Thank you.
2

3 *Sam Rauch:* I think I don't want to put a positive spin on bycatch, but I do want
4 to say positive -- I mean the councils have done a lot of great
5 things about eliminating the sort of regulatory, the prohibited
6 species, bycatch. I do think this is a non-regulatory approach. We
7 are in the Commerce Department. One of the things the
8 Commerce Department does is try to create new markets, try to
9 sponsor new markets. It's not by prohibiting things, but by
10 bringing together potential industries, and there are elements
11 within Commerce which are fairly good at this kind of thing, and
12 we would try to do that.
13

14 This would sort of set us in that direction of trying to help
15 fishermen who have this potential product with buyers who might
16 want to use it for some purpose, and it's not something the
17 Fisheries Service really does a lot, but I think it is something that
18 we are looking at being more trade-friendly and that kind of thing,
19 and this would help set us in that direction. It's not a bad thing to
20 have this fish, particularly if somebody can use it. If you put it to a
21 good use, it's not bycatch.
22

23 *Carlos Farchette:* Chris.
24

25 *Chris Oliver:* This reminded me of a comment that I made a year or two ago. In
26 the first iteration of this strategy, an important point to keep in
27 mind was all bycatch isn't necessarily a bad thing. I think the "B
28 word" gets a bad rap, because -- A lot of it is undesirable, of
29 course, but some bycatch occurs naturally in a multispecies fishery
30 and some bycatch is necessary to allow the prosecution of major
31 fisheries and it counts against the quota. I do think it's okay to put
32 a good spin on bycatch, but to reinforce the fact -- Use this as an
33 opportunity to reinforce the fact that, in fact, not all bycatch is
34 necessarily evil.
35

36 *Sam Rauch:* Yes, and I think there's a lot of confusion between the prohibited
37 species, the prohibited bycatch, which we all want to try to avoid.
38 People conflate that with this more economic bycatch, which is not
39 necessarily bad. It's just it's a byproduct of the system, and, by
40 separating out those two concepts, I think that we're trying to
41 indicate that we really do a good job of dealing with it. It's not bad
42 and it shouldn't be evil, but there are two kinds of bycatch that
43 people just conflate all the time.
44

45 *Carlos Farchette:* Anything further? Okay. We have come to the end of the agenda
46 for today. We will meet at 8:30 tomorrow morning. This meeting

- 1
 - 2
 - 3
- is in recess.
(*Recess*)

1 **9. NEW OPERATIONAL GUIDELINES AND THE REGIONAL**
2 **OPERATION AGREEMENTS**
3

4 *Carlos Farchette:* Good morning. This is a continuation of the Council Coordination
5 Committee meeting. It's the 26th of May, 2016, at the Marriott
6 Frenchman's Reef Resort. I am going to do a roll call. I will start
7 on my left with Vivian.
8

9 *Vivian Ruiz:* Vivian Ruiz, Caribbean Council staff.
10

11 *Graciela Garcia-Moliner:* Graciela Garcia-Moliner, Caribbean Council staff.
12

13 *Doug Gregory:* Doug Gregory, Gulf Council staff.
14

15 *Leann Bosarge:* Leann Bosarge, Vice Chair, Gulf Council.
16

17 *Kevin Anson:* Kevin Anson, Chair, Gulf Council.
18

19 *Jack McGovern:* Jack McGovern, NOAA Fisheries, Southeast Region.
20

21 *Mike Luisi:* Mike Luisi, Mid-Atlantic Council, 2nd Vice Chair.
22

23 *Lee Anderson:* Lee Anderson, Mid-Atlantic Council, Vice Chair.
24

25 *Chris Moore:* Chris Moore, Executive Director, Mid-Atlantic Council.
26

27 *Rick Robbins:* Rick Robbins, Chair, Mid-Atlantic Council.
28

29 *John Bullard:* John Bullard, Regional Administrator, GARFO.
30

31 *John Quinn:* John Quinn, Vice Chair, New England.
32

33 *Terry Stockwell:* Terry Stockwell, New England, Chair.
34

35 *Thomas Nies:* Tom Nies, Executive Director, New England.
36

37 *Adam Issenberg:* Adam Issenberg, NOAA's Office of General Council.
38

39 *Carlos Farchette:* Carlos Farchette, Caribbean Council, Chair.
40

41 *Eileen Sobeck:* Eileen Sobeck, NOAA Fisheries, AA.
42

43 *Sam Rauch:* Sam Rauch, NOAA Fisheries, Deputy AA.
44

45 *Richard Merrick:* Richard Merrick, NOAA Fisheries, Chief Scientist.
46

- 1 *Alan Risenhoover:* Alan Risenhoover, Office of Sustainable Fisheries, NOAA
2 Fisheries.
3
- 4 *Kitty Simonds:* Kitty Simonds, Western Pacific Fishery Council.
5
- 6 *Ed Ebisui:* Ed Ebisui, Western Pacific Fishery Management Council, Chair.
7
- 8 *John Gourley:* John Gourley, Vice Chair, Marianas, Western Pacific.
9
- 10 *Mike Tosatto:* Mike Tosatto, NOAA Fisheries, Pacific Islands Region.
11
- 12 *Charlie Phillips:* Charlie Phillips, Vice Chair, South Atlantic.
13
- 14 *Michelle Duval:* Michelle Duval, Chair, South Atlantic Council.
15
- 16 *Chris Oliver:* Chris Oliver, Executive Director, North Pacific.
17
- 18 *Bill Tweit:* Bill Tweit, Vice Chair, North Pacific Council.
19
- 20 *Dan Hull:* Dan Hull, Chair, North Pacific Council.
21
- 22 *Jim Balsiger:* Jim Balsiger, National Marine Fisheries Service, Alaska.
23
- 24 *Bob Turner:* Bob Turner, National Marine Fisheries Service, West Coast.
25
- 26 *Dorothy Lowman:* Dorothy Lowman, Pacific Council, Chair.
27
- 28 *Chuck Tracy:* Chuck Tracy, Pacific Council, Acting Executive Director.
29
- 30 *Herb Pollard:* Herb Pollard, Pacific Council, Vice Chair.
31
- 32 *Katie Latanich:* Katie Latanich, Fisheries Forum.
33
- 34 *Terra Lederhouse:* Terra Lederhouse, NOAA Fisheries, Office of Habitat and
35 Conservation.
36
- 37 *Kara Meckley:* Kara Meckley, NOAA Fisheries, Office of Habitat and
38 Conservation.
39
- 40 *Don Hansen:* Don Hansen, Pacific Fishery Management Council.
41
- 42 *Dave Witherell:* Dave Witherell, North Pacific, staff.
43
- 44 *Brian Pawlak:* Brian Pawlak, NOAA Fisheries, Office of Management and
45 Budget.
46

- 1 *Will Sword:* Will Sword, Vice Chair, American Samoa, Western Pacific
2 Fishery Management Council.
3
- 4 *Mark Mitsuyasu:* Mark Mitsuyasu, Western Pacific Council staff.
5
- 6 *McGrew Rice:* McGrew Rice, Vice Chair, Hawaii, Western Pacific.
7
- 8 *Michael Duenas:* Michael Duenas, Vice Chair, Guam, Western Pacific.
9
- 10 *Miguel Rolon:* Miguel Rolon, council staff.
11
- 12 *Meredith Moore:* Meredith Moore, Pew Charitable Trusts.
13
- 14 *Gregg Waugh:* Gregg Waugh, South Atlantic Council, Executive Director.
15
- 16 *Mike Pentony:* Mike Pentony, NOAA Fisheries, Greater Atlantic Region.
17
- 18 *Alicia Reid:* Alicia Reid, NOAA Fisheries.
19
- 20 *Russ Dunn:* Russ Dunn, NOAA Fisheries.
21
- 22 *Jane DiCosimo:* Jane DiCosimo, NOAA Fisheries, Science and Technology.
23
- 24 *Carrie Simmons:* Carrie Simmons, Gulf of Mexico Fishery Management Council,
25 staff.
26
- 27 *Hannah Hafey:* Hannah Hafey, NOAA Fisheries.
28
- 29 *Brian Fredieu:* Brian Fredieu, NOAA Fisheries.
30
- 31 *Carlos Farchette:* Thank you. I know there was a concern about the airport wait time
32 here on St. Thomas. I think if you're doing a morning flight that it
33 shouldn't be all that bad, but two hours is good for both morning
34 and afternoon. I know the afternoon gets real crowded, because
35 the airport is kind of small and there's a lot of people trying to get
36 a flight out, but they don't have the issues like you're having in the
37 mainland, but the two-hour time would be good enough. I'm
38 almost sure of that. If you miss your flight, come to St. Croix. I
39 take the seaplane. My seaplane ride is only twenty-two minutes.
40 First on the agenda is the New Operational Guidelines and the
41 Regional Operation Agreements with Chuck.
42
- 43 *Chuck Tracy:* Thank you. I just wanted to give a quick overview of this and of
44 the new operational guidelines and some requirements for regional
45 operating agreements and then provide an opportunity for Alan to
46 answer some questions about it.

1
2 I took a quick look at this and kind of detailed what I saw in the
3 operational guidelines, and so you've all hopefully had a chance to
4 take a look at this. There's a lot of information here. I am not
5 going to spend a lot of time on each slide, but I just want to kind of
6 hit some highlights and then open it up for discussion.
7

8 The operational guidelines were released in September of 2015. I
9 thought they were rather general in nature as opposed to
10 prescriptive, which was a concern that the council had, that CCC
11 had, when we started the revision process. There was concern that
12 the 2005 draft guidelines were fairly prescriptive, and there's some
13 desire to have some more general and flexible guidelines, and so I
14 think that was achieved with these.
15

16 Again, they're general in nature, and so those components were the
17 goals and objectives, some guiding principles, some discussion
18 about what an operating agreement is, and then there's some
19 appendices with some more detail.
20

21 The goals were to promote and continually improve the quality of
22 fishery management decisions and documentation and to promote a
23 timely, effective, and transparent public process for development
24 and implementation of fishery management measures pursuant to
25 the Magnuson Act.
26

27 The objectives were to simplify this and to speed the flow of work,
28 and so I'm just going to highlight the verbs here, but it's to
29 promote efforts, and, again, you've all had a chance to read these
30 and so I'm not going to read them for you.
31

32 The next objective was to increase transparency. Again, it's to
33 promote transparency, foster effective and constructive public
34 input, provide mechanisms for people to track things. The third
35 objective was to achieve appropriate standardization, where
36 appropriate, recognizing regional variability, and to seek ways to
37 standardize compliance, and so, again, lots of flexibility in the
38 language here.
39

40 There were seven guiding principles to achieve those objectives,
41 the first being that NMFS and the councils are partners. The
42 second is to define roles and responsibilities, as I will go into in a
43 little bit more detail, and an emphasis on frontloading. Fishery
44 management decisions must be supported by the record, and so
45 that's some information about the administrative record process.
46

1 Coordination between NMFS and regions and headquarters, which
2 we will not go into much here, and clear and concise information
3 and analytical products, and so that's a new guiding principle
4 relative to the initial draft of the guidance, and then promoting
5 meaningful public participation.
6

7 Going, again, a little bit more into detail on roles and
8 responsibilities, again, it's that NMFS and councils should describe
9 specific roles and responsibilities through the operating
10 agreements. Each council and region pair may develop its own
11 system for working cooperatively to achieve fishery management
12 missions and document such processes in a regional operating
13 agreement, and there may be variation in how tasks are assigned
14 and completed for each pair, and, so, again, some flexibility
15 regionally and within each ROA.
16

17 The regional operating agreements are a documentation of how the
18 guiding principles are applied and specified in the regional
19 agreements, except for the principle on coordination between
20 regions and headquarters. That's an internal NMFS issue. The
21 ROA should maximize frontloading during each phase of the
22 fishery management process.
23

24 They talk about the scope and use of ROAs, and so the ROAs are
25 living documents that describe planning tools and processes,
26 products, roles, and responsibilities. Again, it's not intended to
27 limit devising alternative processes on an ad hoc basis, and they
28 are assigned by the councils and the NMFS regional offices.
29 Individual ROAs may include other agency signatories, and so
30 that's something for you to consider, and there is, again, some
31 regional variability in the existing ROAs on that. Again, we were
32 glad to see that there is no limitation on devising alternative
33 processes.
34

35 The only real requirement in the guidelines, other than having
36 ROAs, are to update them. Within one year of the effective date,
37 each council/region pair must review its ROA, to ensure that it
38 addresses the guiding principles. Then they should be reviewed at
39 least every three to five years thereafter. It should be available to
40 council members, staff, and the public, and they should be updated
41 as necessary and by approval of all signed parties to the ROA, as
42 necessary. Some examples of that were cited, such as improved
43 best practices, changing management needs and conditions, or new
44 statutory requirements.
45

46 There is a set of appendices in the operating guidelines. The first

1 one is definitions and acronyms. The second one is recommended
2 content of ROAs, and so we'll go into a little bit of background on
3 that. It's sort of a general overview and background, and, again,
4 some more information on roles and responsibilities and a
5 description of the action plans or phases for FMP and rule
6 development.

7
8 The processes and the phases include scoping, document
9 development, public review, and council action to recommend a
10 measure. Then some information on post-council action, such as
11 preparation for transmittal, tying up loose ends, like other
12 applicable laws, which is the area of emphasis in the operational
13 guidelines, and then secretarial review and implementation and
14 then some discussion about ongoing management, and so
15 additional regulatory activity, monitoring, need identification, and
16 response.

17
18 There is, again, an emphasis on the role of other applicable laws
19 and how the council and the regions deal with those, and so
20 compliance with those laws are most effective if the councils
21 coordinate closely, and so the ROA should explain how these
22 relationships work for each council/region pair.

23
24 Appendix 2 also has a good summary of a whole bunch of other
25 applicable laws, a description of the key laws and executive orders,
26 and a description of the rulemaking authorities and processes, and
27 so it's a good resource for council operations and good to have as a
28 backdrop for your ROAs. Other applicable law compliance is
29 necessary for transmittal and secretarial review.

30
31 Appendix 3 talks about the administrative record, and it talks about
32 the agency requirements for litigation, a rational explanation of the
33 decision process, the documents necessary to complete that.
34 Again, there's information on relevant data and information to
35 support the decision, explaining how different points of view were
36 considered and why the action was chosen. Again, it's to
37 demonstrate that substantive and procedural requirements for the
38 Magnuson Act and other applicable law and Executive Orders
39 were followed.

40
41 There were some suggestions for efficiencies in developing your
42 administrative record, including document templates,
43 frameworking, consolidated FMPs, and some information on
44 NEPA procedures, including the use of programmatic EISs and
45 tiering off of those.

1 Then there's a fourth appendix that talks about other content.
2 Again, these are suggestions, and so it talks about process,
3 products roles and responsibility for council staff. Just as an
4 example here, to coordinate and review work of the
5 interdisciplinary plan teams, to ensure review by council staff and
6 key responsibilities and ensure the final documents reflect council
7 discussion, the administrative record, and addresses public
8 comments. The box up there is just an example out of the
9 Caribbean's ROA that talks about -- It lists out some of the
10 documents that they are responsible for, a description of it, who the
11 leader is, and who the contributors are. These sorts of tables and
12 descriptions have proven effective and helpful in understanding the
13 process, and so we've been encouraged to use those.

14
15 Another thing that people seem to find useful is sort of a
16 description for each council of the relationship between the
17 council, their advisory bodies, and the council staff, and some of
18 the various descriptions of responsibilities for each of those bodies.

19
20 Then, finally, there is a link to the ROAs and some other relevant
21 resources. There's a list there of ROAs, policy directives, the
22 councils SOPPs, et cetera, and so, again, that's just a useful list for
23 people to have. That's sort of my take on what the operational
24 guidelines included. Again, I think the purpose for having this on
25 the CCC agenda was largely to just see if there's any additional
26 guidance that NMFS can give us in regards to developing and
27 particularly reviewing ROAs, since that is a requirement that we
28 have to comply with this year. With that, I will answer any
29 questions or clarifications or I will turn it over to Alan for him to
30 provide some additional guidance to the CCC.

31
32 *Carlos Farchette:* Alan.

33
34 *Alan Risenhoover:* I would just like to say thanks, Chuck. That's a great overview to
35 remind us what we were working on last summer. I don't see these
36 as the agency's operational guidelines. These are, collectively, the
37 partnerships' operational guidelines, and I think that's important
38 that we both agree on those, so, again, the public, the stakeholders,
39 the council members and the agency know who is responsible for
40 what and when and that important part of frontloading it.

41
42 Again, I would like to hear if anybody has any thoughts on how the
43 operational guidelines have been working and how your ROAs,
44 your regional operating agreements, are working and some
45 indication that you are looking at revising those ROAs and keeping
46 them up to date, based on the new operational guidelines or other

1 things that the councils and the regions feel like they need to be in
2 there.

3

4 *Carlos Farchette:* Kitty.

5

6 *Kitty Simonds:* I would just like to say that we're done revising our ROA and that
7 it's signed off. For us, we've included the Science Center Director
8 signature on our ROA. We're done with the ESA integration, and
9 I think we're just waiting to complete what we agree on on habitat,
10 and that's it.

11

12 *Carlos Farchette:* Bill.

13

14 *Bill Tweit:* Thanks, Mr. Chair. I have a question. First off, I think certainly I
15 have seen in my tenure, of just even as we were entering into
16 discussions about our initial ROA, I have seen the transition
17 towards a lot more frontloading, and I think it really has improved
18 the quality of our products a lot and as well as I think the -- I've
19 seen a substantive improvement in teamwork as well between our
20 regional office and council staff.

21

22 As a result of deliberately thinking through some of these issues, I
23 think even before we had our first ROA signed, I think we were
24 already working with that, and so I think there definitely have been
25 some improvements in efficiencies, and it really leaves me
26 wondering at this point about the role of NOAA GC in these
27 operating agreements, and so I have a question either for Chuck or
28 maybe for Adam, because particularly with the frontloading, I am
29 not seeing the same level of frontloading in terms of how we
30 interact with GC, and I think that's probably the biggest drawback,
31 in terms of our ability to really effectively implement frontloading
32 and really making it clear to stakeholders what all the issues are at
33 the beginning of working on issues, as opposed to having things
34 come up late in the process.

35

36 I'm still seeing some of that, and that's primarily through the GC
37 review, and so, I'm wondering, is there some thought, after we've
38 got this up and running well, and all councils have it up and
39 running well, that we will have maybe the next round include
40 NOAA GC as another signatory and rethink some of those
41 processes?

42

43 *Carlos Farchette:* Chuck.

44

45 *Chuck Tracy:* Thanks, Bill. Well, I don't know. I can speak for our council a
46 little bit. We actually did have NOAA GC involved in our ROA,

1 and they are signatories. I think we are the only council that that's
2 the case, and, of course, it's -- It took some iterations in order to
3 get to a level of comfort with our regional GC folks, that they
4 would be willing to sign it. Of course, there is lots of caveats, but I
5 think it was a good process, and it has come into play a time or two
6 over the last couple of years that we've had our ROA, our
7 discussions about how things are done with GC.

8
9 We have cited our ROAs, that this is what we agreed to, and so I
10 think it's good. Certainly, just like the councils, we appreciate
11 having the flexibility, and they do too, and so we don't want to
12 make things, and we would probably never be able to make things
13 too stringent on them, but I think it's good to have that agreement
14 and that discussion and that participation and development of the
15 process, and so it's been good for us, but I will let Adam speak to
16 the broader question of that.

17
18 *Carlos Farchette:* Adam.

19
20 *Adam Issenberg:* Thank you. I know that the only -- I believe the only ROA to
21 which NOAA GC is actually a signatory is the ROA with the
22 Pacific Council. My understanding is, and I could be wrong on
23 this, that frankly they're the only ones that asked. It may be that
24 other councils asked to have NOAA GC or regions asked to have
25 NOAA GC sign on to the ROAs. I'm not sure.

26
27 You know, the prior version, the 2005 version, NOAA GC had a
28 lot of concerns with that, because of the very regimented,
29 prescriptive nature of the frontloading. In this version, where it's
30 much more general, where frontloading is certainly the goal, but
31 it's not spelled out with all the same types of check-ins that we had
32 in the 2005 ROA, I think there's a lot more flexibility to involve
33 NOAA GC in the ROAs.

34
35 I think some of the underlying concerns remain about staffing and
36 budget and our ability to fully participate in frontloading, but, from
37 a headquarters perspective, I think we're leaving it to each regional
38 GC section to respond as appropriate to requests to either engage
39 in frontloading, generally, or specifically be participants in the
40 ROA itself, and so I think my response would be, if it's something
41 you're interested in, in terms of actually having NOAA GC sign on
42 to the ROAs, I think you should discuss that with the relevant GC
43 section, but, again, I know when the Southwest and Northwest GC
44 signed on to the Pacific Council ROA, as Chuck said, there was a
45 lot of concern about kind of getting the commitments right so that
46 we didn't overcommit within what GC could do, in terms of

1 staffing and budget.

2
3 *Carlos Farchette:* Gregg and then Tom.

4
5 *Gregg Waugh:* Thank you, Mr. Chairman. We have excellent participation on
6 NOAA GC's part on the IPTs. They sit and attend meetings and
7 give us guidance throughout the process. Where we run into a
8 bottleneck, and Adam touched on it, is resources. When there are
9 multiple amendments coming in at the same time, it's just a
10 resource-limited issue if you've got one attorney looking at that
11 and there are other responsibilities.

12
13 In the past, when we were developing our regional operating
14 agreement, we were told that NOAA GC couldn't sign it at that
15 time, just given the limitations of resources, and so that's certainly
16 something we will pursue this time around, is to talk with them and
17 see, with the added flexibility, if there's enough there so that they
18 can sign, but I know in our region that it's a resource issue.
19 You've got three councils' work funneling into one office, and so
20 that's our big challenge.

21
22 *Carlos Farchette:* Tom.

23
24 *Thomas Nies:* I will try to answer Alan's question. We have a regional operating
25 agreement. I think we actually signed it -- I think we were the last
26 council to sign one, and I believe we signed it in 2014, if I
27 remember correctly.

28
29 It seems to have -- I don't want to say streamlined. I'm not sure
30 that's the right word, but it has standardized our process for review
31 and preparation of plans, and there are some things that we are still
32 working to try and integrate a little bit better. Planning of the
33 documents through development of action plans and things like
34 that is something that we've been a little slow to get up to speed,
35 but we're working on it now.

36
37 We're not, at present, planning to revisit that agreement. It's only
38 been in place for about two years, and so we're going to let it run
39 for a little while at least and see how it works. I was a little
40 surprised to hear Adam's comment, because, when we negotiated
41 that agreement, we started with a version, I think, provided by the
42 Regional Office and then we edited it, and the Regional Office
43 originally included NOAA GC in the agreement, and NOAA GC
44 and our region told us that they were not allowed to sign those
45 operating agreements, and so it wasn't a question of resources.
46 They indicated that they had direction, I believe from NOAA

1 can dot an I there for the IG review.
2

3 The other thing I will bring up is we've been revising our NEPA
4 processes, and the Office of PPI, they don't exist anymore, and so
5 we're revising some of our internal work. I don't know that that
6 will affect the ROAs with the councils. I think that may be
7 something that's more of an effect on the NOAA side, but that's
8 something that I would encourage the Regional Administrators and
9 their staff to look at, to make sure we don't need to have some
10 updates there. Hopefully the new revisions to that NEPA guidance
11 and NOA will speed the process up even more once things come
12 through for clearances, and so that's something to keep in mind
13 there, but definitely let us know how you're doing on whether
14 those need to be updated or revised, but at least reviewed by
15 September. Let us know, so we can continue to track that for the
16 IG.
17

18 *Carlos Farchette:* Chuck.
19

20 *Chuck Tracy:* Thank you, Alan. In regards to the new NEPA guidance, is there
21 any timeline that you can elaborate on with that in regards to the
22 chances of integrating that into a review beginning in September?
23

24 *Alan Risenhoover:* We don't think that will be completed by September, but we
25 believe it will be by the end of year, and, again, depending on what
26 is in that new NOAA administrative order and their practice
27 manual or guide, it may not affect the ROAs specifically. It may
28 be something that just NOAA needs to make sure, when we run
29 your documents through for review, that we're considering that,
30 and so that's still something that is forming. I was just glancing
31 over there at Brian. He's been tracking this closer than I, and so I
32 think he said we've covered everything. Yes.
33

34 *Carlos Farchette:* Any more comments on this subject? Hearing none, we will move
35 to the EM & ER Regional Implementation Update. I have Jane.

1 **10. EM & ER REGIONAL IMPLEMENTATION UPDATE**

2
3 *Jane DiCosimo:* Good morning. Thank you for the opportunity to provide a follow-
4 up to my last presentation at your earlier 2016 meeting on the
5 electronic technologies. I am here today to follow up on my earlier
6 presentation at your last CCC meeting on the congressional
7 appropriations for Fiscal Year 2016. At the time of that
8 presentation, we hadn't yet received the funding and we hadn't yet
9 finalized how we were going to distribute and allocate the funds.

10
11 This presentation is posted on your CCC website, and hopefully
12 you've had a chance to take a look at it. This one slide is
13 summarizing a lot of information, divided by electronic
14 monitoring, which is labeled "EM", and electronic reporting across
15 the different regions.

16
17 The top box of numbers is the FY2016 congressional appropriation.
18 You may recall that Congress appropriated \$7,046,000 to be used
19 to advance implementation of EM and ER. From that \$7,046,000,
20 it identified that \$3 million would be provided in grants to be
21 awarded by the National Fish and Wildlife Foundation, and that
22 request for proposals is open as I speak. The deadline for
23 proposals is June 13, and the plan is to get the money out the door
24 as quickly as those proposals can be finalized and awarded, so that
25 the work could be done during the remainder of the summer and
26 the rest of 2016.

27
28 Looking at what we had to distribute internally, you will see that,
29 for electronic monitoring, across the various regions and including
30 headquarters, and I will talk about how we are spending the money
31 that we're holding at HQ, but the total for electronic monitoring is
32 \$2.663 million. The \$180,000 for headquarters is primarily
33 devoted to two meetings, and I will talk about them in a little bit
34 more detail in a moment.

35
36 We are holding back approximately \$75,000 to support the Second
37 National EM Workshop, and I will talk about that in more detail in
38 a minute, and about \$80,000 to support sessions on EM and ER, as
39 well as overall conference needs for the International Fisheries and
40 Observer Monitoring Conference that's going to be held in late
41 August and early September.

42
43 I do have a little bit of unallocated funds. We are also in the
44 process of advertising for an Electronic Technologies Coordinator
45 to be an FTE housed in Silver Spring. You all are familiar with
46 George LaPointe, who is our ET Coordinator as a contractor, but

1 we're bringing that position into the agency. In the event that in
2 the balance of FY16 that we actually can hire someone and get
3 them onboard, we need some funds to do that.

4
5 In terms of electronic reporting, you see we have \$537,000 going,
6 spread across four of the six areas, and then, for funds that are
7 going -- I should say that EM and ER funds, these two rows, are
8 the funds that came to Science & Technology, and we did an
9 internal funding allocation process to competitively review
10 proposals from around the different regions to identify those that
11 met most of the goals that we're looking for.

12
13 The funds that went to Sustainable Fisheries out of this
14 congressional appropriation, and that was specifically identified as
15 such, the total funds were \$800,000. The \$800,000 was divided up
16 equally across the five regions and not identified for how they
17 would be spent, and so it's up to the region/center combination to
18 identify the best use of those funds, and so, in total, the Northeast
19 Region is getting approximately \$660,000; the Southeast is
20 approximately \$770,000; the West Coast is \$669,000; Alaska is
21 \$1,447,000; the Pacific Islands is \$277,000. I have identified how
22 the HQ money is being spent.

23
24 You will see we have a lot of activity in the EM implementation
25 phase in the Northeast and the West Coast and in Alaska, and the
26 distribution of these funds reflects that. We also have activity in
27 the ER arena, more widely distributed across the regions, but you
28 can see the Southeast has a lot going on with ER, and that's, to a
29 great degree, the for-hire sector, the snapper for-hire sector.

30
31 Base funding is the next three rows, and those are S&T and SF
32 funds that we distribute across the different regions. For EM,
33 we're spending approximately \$3.4 million, and, for ER, we're
34 spending approximately \$1.2, for a total of \$4.6 million. In total,
35 we're spending \$8.6 million of a combination of the congressional
36 funds and base funding.

37
38 That's what I have, in terms of this slide, but let me just quickly
39 shoot through the two conferences that Headquarters is
40 coordinating, and, if there's questions about this table, we can
41 come back to them.

42
43 The 2nd National EM Workshop is scheduled for November 30 to
44 December 1. We're hoping to keep the participation to a
45 reasonable number that we can actually engage in conversations
46 and work our way through an agenda that's focused primarily on

1 best practices, to try to get the folks in one room that are actively
2 implementing EM and talk about the aspects of those programs
3 that are working well and what aspects are not working as well and
4 we can learn from each other.
5

6 We know we have a number of outstanding operational issues, data
7 storage, how long do we hold the data, enforcement and
8 compliance issues, and continuing to advance the technologies, the
9 actual cameras and so forth. The meeting location is very close to
10 the Seattle airport, at Cedar Brook Lodge, I believe. It looks like a
11 pretty nice venue. The Steering Committee is still finalizing the
12 agenda and the participant list, and we're working with a number
13 of people. It's an expanding Steering Committee. We have added
14 a number of commercial and recreational fishing interests to help
15 us with outreach as well as timing, location, and the agenda, of
16 course.
17

18 Then I also have mentioned the 8th International Fisheries and
19 Observer Monitoring Conference. This is going to be held in San
20 Diego on August 29 to September 2. This is a periodic conference
21 that is held. The last one was three years ago in Chile, and we are
22 hoping that the councils, the centers, and the regions will
23 participate in the meeting, attend the meeting, and support your
24 staff. We recognize that this is towards the end of most of
25 everybody's budget year, but we hope that there's still sufficient
26 funding to have good attendance and participation.
27

28 We are currently calling for abstracts to be submitted. It's a great
29 opportunity for everyone from the fishery managers to the observer
30 program managers, and it's an active opportunity for observers to
31 have their voices heard. We've had a number of mishaps related to
32 observers in the very recent past, the last six months. We've lost
33 three observers, and so there are some safety and training issues
34 related to that. If there are questions, I am happy to do my best.
35

36 *Carlos Farchette:* Doug.

37
38 *Doug Gregory:* Would it be possible to get from you how some of this money is
39 considered to be allocated within each region? Of course, I'm
40 interested in the Southeast Region.
41

42 *Jane DiCosimo:* In terms of what the projects are? Is that what you mean?
43

44 *Doug Gregory:* Right.
45

46 *Jane DiCosimo:* Certainly, yes.

1
2 *Doug Gregory:* Maybe there are no projects in the works now, but if there's money
3 there that's available for project proposals, I assume this is all
4 being done internally within NMFS?
5
6 *Jane DiCosimo:* Yes, and pretty much the funding for FY16 is set, but this is now
7 base. We're expecting to get another \$7,046,000 in FY17, and so
8 now is an excellent time for the councils to identify their priorities
9 with the centers and the regions, to make sure that your priorities
10 are being addressed.
11
12 I can tell you, from the reviewer standpoint, we're looking at the
13 regional electronic technology implementation plans as a way to
14 prioritize the proposals that come in, and so if it's something
15 outside of that range, it doesn't get ranked as high, because we're
16 using those regional plans. If there are changes in your priorities,
17 you should work with the center and the regions to update your
18 plans, because those are what we use to decide on funding.
19
20 *Carlos Farchette:* Gregg.
21
22 *Gregg Waugh:* Thank you, Mr. Chairman. Thanks, Jane, for that presentation.
23 I've got two questions. The first is following up on Doug's
24 question. I guess, to find out what specifically the FY16 monies
25 are being spent on, we should talk with our region and center,
26 because they are the ones that would have put proposals together to
27 be reviewed and are or are not being funded out of the FY16
28 monies.
29
30 *Jane DiCosimo:* Yes, that would be the best way, certainly.
31
32 *Gregg Waugh:* Okay, and then, Mr. Chairman, if I could, the second question is
33 you've got \$3 million going to NFWF and \$4 million here from the
34 congressional money, and I thought you said there was a total of
35 \$7.4 million available. I may have missed that.
36
37 *Jane DiCosimo:* \$7,046,000, and so this is just not reflecting that \$46,000, just by
38 rounding.
39
40 *Gregg Waugh:* Thank you.
41
42 *Carlos Farchette:* Kitty.
43
44 *Kitty Simonds:* At our winter meeting, I asked George the question about whether
45 e-log transmissions are required to be encrypted or not and whether
46 there was a NOAA IT policy that addresses this issue, and I should

1 have followed up with him, because he said he was going to follow
2 up with me, and so I wondered if you know about this. Is there a
3 response that you can give me? It's like who owns the electronic
4 logbook data?

5
6 *Jane DiCosimo:* That's exactly one of the issues that we are still attempting to
7 address and will be part of the discussion that we have at the EM
8 workshop.

9
10 *Kitty Simonds:* So you're still talking about it?

11
12 *Jane DiCosimo:* Yes.

13
14 *Kitty Simonds:* It makes a difference, because of the contract, I believe, that we
15 and the Center -- We had a contract with a company, and so there
16 is a difference of opinion about what's encrypted and what isn't,
17 and they feel that the data should be encrypted, but there are
18 similar projects around the country with the same contractor, and
19 they're saying that that's not a requirement, and so it would be
20 good for us to know, and only because it might require more
21 money going into this contract, and so I would appreciate it if
22 somebody would get back to me. Thank you.

23
24 *Jane DiCosimo:* Of course, and the likely explanation for why George didn't is that
25 we're still talking about this issue.

26
27 *Carlos Farchette:* Bill.

28
29 *Bill Tweit:* Thanks, Mr. Chair. Jane, I was wondering if there were any
30 thoughts you had about the kinds of things, the kinds of messages,
31 that you would like to have delivered at the San Diego conference
32 about what we're doing on the national scale for EM
33 implementation, if you have put in any thought to what NMFS is
34 going to be saying at that conference and just what you would like
35 to see emphasized, in terms of our work.

36
37 *Jane DiCosimo:* We have been having numerous internal discussions with our
38 electronic technologies experts, and we're continuing to meet. We
39 just had a meeting a week or so ago. We're having another kind of
40 workshop exchange across the different regions and centers that
41 are actively implementing EM to further advance some of these
42 outstanding issues that we still have to resolve in terms of
43 encryption, archiving, storage, who, quote, unquote, owns the data,
44 how would it be used for enforcement and issues like that, and so I
45 don't think we're ready. I'm not ready to identify for you what
46 NMFS advises or recommends or identifies as best practices. I

1 think that that's what we're hoping to come out of the conference.

2

3 *Carlos Farchette:* Tom.

4

5 *Thomas Nies:* Thank you, Jane. I'm going to ask a question. I'm not sure you
6 can answer it without putting people on report, but is it your sense
7 that all of the regions are relatively at the same level of
8 development with respect to EM and ER? If not, can you identify
9 for us, in general terms, what we need to do to get up to where
10 we're all at the same place?

11

12 I can't track every region. Occasionally, when I look at other
13 regions, it's difficult for me to tell whether we're proceeding at the
14 same pace or lagging behind, and I can't tell whether that's
15 because of the council hasn't taken the right steps or what. From a
16 national level, can you sort of identify what things we need to do to
17 move more quickly on this?

18

19 *Jane DiCosimo:* I can give you my perspective from that national seat, but I think
20 the purpose of this agenda item is to have the councils, regions,
21 and centers identify, in this forum, what they're actively working
22 on. I can tell you, from my perspective, that New England, the
23 Pacific Council, and the North Pacific Council are leading in terms
24 of EM implementation. They are actively implementing,
25 approving, and analyzing, et cetera, programs for specific fisheries
26 for implementation, but they're doing it in a variety of different
27 ways.

28

29 The West Coast, the Pacific Council, is doing it through EFPs.
30 The North Pacific Council is doing it in a phased-in
31 implementation cycle, through an amendment, regulatory package,
32 and you can speak better than I can about what you're doing for
33 the mackerel and herring fisheries.

34

35 In terms of ER, I think the focus has been in the Gulf of Mexico.
36 We have congressional language that identifies the direction in
37 which some of the money should be spent, but we also -- At the
38 Northeast Center, there's an active data visioning project where
39 there is a lot of reorganization of the data collection, electronic
40 data collection programs.

41

42 I think councils and centers are well advised to incorporate ER in
43 their EM implementation programs. That's one generalization that
44 could be made, but I think, for those councils that could be
45 characterized as, as you did, lagging behind, I think it's one thing
46 for councils to identify interest in moving for EM or ER, but it has

1 to also -- It has to be buy-in from the fleet, and until you get that,
2 as is happening in the Northeast -- You know we can build the
3 bridge, but you can't make people cross it if they don't want to,
4 and so we often are in a situation where vessels owners or captains
5 say that yes, they will participate, even in the pre-implementation
6 phase of a program, and then, when the time comes to put the
7 cameras on the boat, they're not there.

8
9 *Carlos Farchette:* Sam.

10
11 *Sam Rauch:* I want to follow up a little bit about that. In terms of EM cameras,
12 the Atlantic HMS is fully operational. The Pacific just finalized
13 their regulatory program. Alaska has it in some parts and is
14 working on a plan to put it in other places. New England has a
15 series of EFPs, but what is different in New England from those
16 others is the council has not said they're going to do this. There is
17 no mandatory backstop.

18
19 In Alaska and the Pacific, both of those councils said we are going
20 to transition, as a regulatory matter, to cameras, and then there was
21 a lot of incentive to get that done. My concern in New England is
22 there's no incentive and the EFPs are not really working, because
23 they're a voluntary program and they're not providing anything. I
24 think, if it continues on that path, we will not have cameras in New
25 England, and so I think you need to have some sort of statement
26 like Alaska did, like the Pacific did, some sort of intention on the
27 council's part that you're actually going to do this and get out of
28 this sort of voluntary EFP and we'll see whether it can be
29 designed, because I don't think it's actually adding anything.

30
31 But, in terms of your questions, where you grade out amongst
32 other councils, those are it really for the cameras. I mean other
33 councils are looking at it. Nowhere else is as far along as even
34 that.

35
36 Electronic logbooks and other things are more prevalent, and there
37 are a number of degrees of sophistication amongst the councils
38 about trying to incorporate those things, and not necessarily for
39 monitoring, but for quicker reporting, more accurate reporting,
40 those kinds of things, and we see councils at various degrees of
41 maturity in that, but, in terms of the monitoring, that's where I
42 think New England falls out, and I think, until the council says
43 they're going to have a mandatory program, it's not really going to
44 go very much further.

45
46 *Carlos Farchette:* Any more questions for Jane? Okay.

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Jack McGovern: Am I next, Mr. Chairman?

Carlos Farchette: Yes.

Jack McGovern: Okay. I'm just going to give a brief overview of electronic monitoring and electronic reporting activities in the Southeast Region. Basically, I'm going to cover three aspects, ongoing electronic monitoring and electronic reporting, some pilot projects that have been completed, and our ongoing EM and ER that's under consideration.

Ongoing EM and ER in the Southeast, in both the Gulf of Mexico and the South Atlantic, we have commercial dealer reporting, and that's been ongoing since 2014. Additionally, there is a web-based system used to report commercial dealer landings and conduct share and allocation transfers for the two IFQ programs in the Gulf of Mexico.

There is also electronic reporting in the for-hire headboat sector in both the Gulf of Mexico and the South Atlantic, and that's been in place since 2014 as well. In the Gulf of Mexico, there is electronic monitoring with VMS in the commercial reef fish fishery and also electronic monitoring with VMS in the rock shrimp fishery in the South Atlantic.

There have been a number of pilot projects that have been going on in the Southeast. The Southeast Fisheries Science Center has an ongoing pilot project right now to develop a system where port samplers could use electronic fish measuring boards interfaced to tablets to process fish that are brought in by fishermen.

In the Caribbean, there was a pilot electronic reporting program that was based on smartphone technology that was conducted with commercial fishermen from the U.S. Virgin Islands and Puerto Rico.

The Southeast Fisheries Science Center has also been conducting a shrimp trawl electronic video monitoring program, and it tested it, in 2014 and 2015, on shrimp trawls, turtle and sawfish interactions, and Jane has indicated that they have additional funding to continue that.

There was a pilot study in the headboat sector in the Gulf of Mexico in 2014 and 2015 that consisted of seventeen vessels that -
- They were allowed to harvest red snapper and gag based on quota

1 allocation, and this was a -- They had a hail-in and hail-out VMS,
2 and a subset of those headboat vessels, we had funding to test
3 electronic VMS logbooks this past year.
4

5 The National Fish and Wildlife Foundation has funded a project to
6 test VMS and electronic logbooks on up to 275 charter vessels, and
7 that is ongoing, and there is also a camera-based system. The Gulf
8 of Mexico Reef Fish Shareholder's Alliance, in cooperation with
9 Ocean Conservancy and Mote Marine Lab, has installed cameras,
10 video monitoring cameras, on seven reef fish vessels in the Gulf of
11 Mexico.
12

13 In the South Atlantic, a few years back, a similar project, a video
14 monitoring project, was conducted on snapper grouper vessels, and
15 the South Atlantic Council is working with ACCSP to test the
16 feasibility of tablet-based electronic reporting in the Southeast.
17

18 Some EM/ER under consideration, MRIP is coordinating with
19 SERO, the Science Center, and the Caribbean Council to develop
20 an implementation plan for recreational data collection. Both the
21 Gulf of Mexico and the South Atlantic are developing amendments
22 independently to require electronic reporting by for-hire charter
23 vessels and also to modify reporting by the headboat sector, and
24 the Gulf Council is also developing amendments that consider
25 IFQs in the for-hire, charter, and headboat sectors, and that would
26 require electronic reporting.
27

28 The South Atlantic Council will also be developing an amendment
29 to establish electronic logbooks for the commercial sector. There's
30 a pilot study going on right now by the Science Center to test
31 electronic logbooks throughout the South Atlantic and the Gulf of
32 Mexico. That's a brief summary. If I haven't covered anything,
33 I'm sure the councils here will add to that.
34

35 *Carlos Farchette:* Gregg.

36
37 *Gregg Waugh:* Thank you, Mr. Chairman, and, Jack, thanks for that overview.
38 Just to provide a little more detail on that project we're working on
39 with ACCSP funding, this is an example of where money going to
40 the commission can benefit the councils. We tried NFWF funding
41 to get this work done, but the bulk of the money last year went to
42 the Gulf, and so we weren't successful there.
43

44 We were able to get ACCSP to fund this, and they fund a lot of
45 work that the states are doing for fishery-dependent programs, and
46 our intent here, recognizing the resource limitations, was to build

1 on the work that was done up in Rhode Island in developing a
2 tablet-based system that was developed by the fishermen and really
3 meets their needs in terms of large buttons, colors that you can see
4 on the water, and so forth.
5

6 The idea was to have this operational. It was to be done this year,
7 but the timing on getting the funding took a little longer, and so it's
8 going to transition into next year too, but one of the things we'll be
9 working on in our amendment that will require reporting by the
10 charter vessels is when this becomes mandatory, because we want
11 to complete this work on a sampling basis, and then, once it
12 becomes mandatory, a particular vehicle for them reporting will be
13 available.
14

15 The data flow to ACCSP will already be established, and so it will
16 really reduce the amount of work on the Center to get this program
17 going, and so I just wanted to give that little bit of additional detail
18 and also to point out where some of these benefits are, if we can
19 get more funding going to the commissions, and, in our case, on
20 the east coast, to ACCSP. Thank you, Mr. Chairman.
21

22 *Carlos Farchette:* Chuck.

23
24 *Chuck Tracy:* Thank you, Gregg, for that. Actually, that was one of my
25 questions, was what sector was using that tablet-based, and you
26 mentioned that it was charter boat, but I guess I have the same
27 question for the Caribbean Council about the smartphone-based
28 electronic reporting. What fishery sector is that? Is it commercial
29 or recreational or charter?
30

31 *Carlos Farchette:* That's commercial. I think it was Point 97 who was working that
32 out for us. We also plan to expand it to the recreational charter
33 sector. That hasn't happened as yet though. Anything further on
34 ER or EM? Dorothy.
35

36 *Dorothy Lowman:* Mr. Chairman, did you want to have reports of what's going on in
37 other areas, also?
38

39 *Carlos Farchette:* Yes.
40

41 *Dorothy Lowman:* I am happy to give an update on the Pacific Council and West
42 Coast Region work. We have a PowerPoint that was put out. We
43 have focused a lot on EM, as Sam indicated, and we have a
44 particularly strong driver in our region, in that our groundfish catch
45 share program has a requirement of 100 percent at-sea monitoring.
46 Currently, it's all observers, and so there's been a lot of interest as

1 the cost, the at-sea cost, the per-day cost, has transitioned to the
2 industry. They've had a lot of incentive to want to look for
3 alternatives to maintain that 100 percent monitoring, but use other
4 technologies.

5
6 We did have a red-letter day at our April council meeting, where
7 we made the final -- We confirmed our final alternatives and
8 deemed regulations for our mid-water whiting fishery and our
9 fixed-gear portion for those folks who gear switch in the trawl
10 fishery and use fixed gear, so that that is now moved out of the
11 council. It's in the review and approval process, and it's scheduled
12 for implementation on January 1 of 2017.

13
14 We're also continuing to work on the IFQ for bottom trawl and
15 non-whiting mid-water trawl portions of that fishery, and we hope
16 to have that ready for implementation by 2018, and we are also
17 looking at a much more preliminary phase of HMS drift gillnet
18 fisheries. It's really in more of a planning phase.

19
20 In other EM and ER, we are expanding state and tribal electronic
21 fish ticket capabilities and exploring some of the electronic
22 logbooks, to improve in-season management for a number of these
23 fisheries.

24
25 As we've been working on this, there are a number of cross-cutting
26 implementation issues that I think are also being confronted in
27 other regions and are probably good topics for the National EM
28 Workshop later, and so we are still looking at standards and type
29 approval rulemaking for third-party providers, especially for
30 review, and we're still working on -- We've come to some
31 conclusions on cost responsibilities of government, industry, and
32 other parties, but that will continue as we move to third-party
33 review. For a while, Pacific State is doing the review, and that is
34 to transition to third-party in 2020, I believe.

35
36 There is a lot of issues of updating, confidentially, IT security, the
37 data storage and data-sharing policies, and I think those will be
38 evolving over time, and, again, integrating some of these
39 technologies, again, under the state and federal reporting and
40 permitting systems.

41
42 Just to review why we're doing EM and we wanted to have a
43 regulatory program, we do want to find ways to reduce the total
44 fleet monitoring costs, particularly for small vessels. The \$500 a
45 day for every day that you're out fishing is a significant cost. In
46 some of the smaller ports, it's been challenging even to have

1 consistent availability of observers, and we do have the objectives
2 of trying to then, by having reduced costs, have an increased
3 economic value.
4

5 We want to decrease the incentives to feel like you're paying for
6 that observer if he's sitting on the shore, and so we want to
7 increase the -- We want to decrease the incentives for fishing in
8 unsafe conditions because you want to get out there and not have
9 to be paying extra money, and we want to just be sure that we're
10 using the most cost-effective technology. For some of the smaller
11 vessels, also there's a sense of a little bit of intrusiveness for the
12 observers.
13

14 I think it's important to note that in our program that it's about
15 compliance monitoring. We are monitoring discard events for the
16 IFQ species and being able to use it to account for their catch
17 allocations, but it's an audit program, an audit of a logbook
18 program, and it's not using EM to estimate the total mortality.
19 We're using observers still and through the observer program for
20 that.
21

22 This just sort of shows that there's a variety of different
23 components to our trawl fishery. We do have the mid-water
24 whiting fishery that's a single sort of target. We have sort of an
25 emerging non-whiting mid-water fishery that had been traditional,
26 but it had been, because of some overfished species fisheries, had
27 been less prevalent, but now is increasing.
28

29 We have the bottom trawl fishery, and then, as I said, we have
30 these gear switch, and I think the main point here is that each of
31 these have different operational characteristics and different
32 challenges or opportunities in using EM. Just to review, we sort of
33 started working on this in 2013, shortly after the EM workshop.
34 We established both the policy and technical committees, and we
35 had some enforcement consultants, who started to develop
36 alternatives.
37

38 In about 2014, we started to modify the alternatives, and we
39 decided that, while we could pick some final alternatives, we
40 wanted to be sure they were right, and so we decided to use the
41 EFPs as a way to kind of test this out and also -- We didn't want to
42 get into the position of putting in regulations immediately and
43 having to spend time revising them, and so that was our sort of
44 pathway, but, as we were doing it, it was a little bit of a hard
45 decision for some, because we didn't want to get into the position
46 that we were never getting to implementation.

1
2 We wanted to maintain our commitment to have a regulatory
3 program, but it's turned out -- I think it was very helpful and to
4 have people have a chance to get familiar with it, work out some of
5 these problems, and actually help to create a way of writing the
6 regulations too, to where you could put some of it more hardwired
7 and others could be part of a fisheries vessel monitoring plan, so
8 that as technology changed and as we learned more, you could
9 make some changes without having to go through a whole
10 regulatory amendment process.

11
12 As I said, we have deemed regulations for two components of this
13 fishery, and we are continuing to work on some issues related to
14 the bottom trawl fishery, which has more species, more discards, et
15 cetera, and it's a little more challenging.

16
17 Some of the impacts, our estimated costs is about \$10,000 to
18 \$12,000 to install and maintain the camera system and, then, of
19 course, there's the issue of storage and review and all of that, but
20 there does appear to be certainly a cost savings, and we do have
21 some -- It says no estimates, but we do have some estimates from
22 the 2015 EFPs, and I did -- I don't know if it's up on the website
23 yet, but I did put in a table that sort of tabulates some of these for
24 the different types of fisheries.

25
26 There is a little added cost to the agency, and some of that will be
27 recovered through the cost recovery program, since this is a catch
28 share program, and there is an increased cost to the west coast
29 groundfish observer program, in that since they are doing this
30 mortality -- They will be paying for about a 20 percent coverage
31 rate, and that had been -- Before, when everyone was required to
32 have an observer, it was fully covered by the fleet, in terms of the
33 at-sea costs, but we don't expect any biological impacts.

34
35 Some of our lessons learned, and I think we've sort of talked about
36 the EFPs. They can be helpful, but don't get into the trap of
37 deciding to just -- If we just could do them a little better and never
38 kind of getting to implementation, because, in one way -- I mean
39 there's a lot of work in managing EFPs too and not necessarily,
40 since you have to have an applicant and someone being the partner
41 in the EFP with the agency -- Not everyone necessarily has access
42 to that ability to use it through the EFP process.

43
44 There are some technology limitations. That's why I think it's a
45 little more challenging for bottom trawl, because some of the
46 species are hard to identify, and so some of them that they would

1 like to discard, they must retain at this time. Again, as that
2 improves, that could be changed. Another challenge for us is that
3 halibut has to be discarded, and, with an observer, you have the
4 ability to give some viability credit, but, with the cameras right
5 now, it's all considered 100 percent mortality, and that's sort of a
6 show-stopper for some of our bottom trawl guys, who need to have
7 the individual bycatch quota to cover their halibut. They need to
8 have some credit for live fish going away, and so that's something
9 we're still working on.

10
11 As I said, it isn't for everyone. Some of the issues I just talked
12 about, at this time, may be problematic for some, and also, some
13 vessels that participate in a number of fisheries, and this is just part
14 of them, but when you take the cost that it takes for Archipelago
15 and everything, if you don't have enough number of trips, it
16 doesn't really pencil out. It might be cheaper to take an observer
17 on the trips that you are going on.

18
19 I think we have covered most of that. We are still working on
20 these species identification and catch handling issues regarding
21 bottom trawl, and we are looking at ways that we can look at some
22 of the shore-side monitoring.

23
24 Are there applications for EM there, because one of the other
25 challenges in our program is that we have both dockside
26 monitoring and at-sea monitoring, and, with an observer, often the
27 observer would step off the boat and become the dockside monitor.
28 If you don't have that same person, that means you have to have
29 that personnel there, and that's an extra -- That can raise the cost of
30 the dockside monitoring, because you have to get those folks there.
31 That's about it. I would be happy to answer any questions.

32
33 *Carlos Farchette:* Chris.

34
35 *Chris Moore:* Thanks for the presentation, Dorothy. As you know, we like to
36 hear from the Pacific Council, because we steal all of your ideas,
37 and one of the things that I'm curious about and I didn't quite
38 understand is the slide you had on lessons learned. You said EFPs
39 can help and hinder, and I didn't quite understand the hinder part.

40
41 *Dorothy Lowman:* There is a little push/pull on our council about whether we should
42 do EFPs, because I think, in part, it comes from a history that our
43 whiting fishery was managed as an EFP fishery for a number of
44 years. We never could quite get it out of the EFP, and there were
45 people who were afraid that we would just kind of get comfortable
46 with that and we would never move to implementation and that

1 would be a tendency to say, well, we could just get it a little better
2 and then not kind of take that leap to allow it for everyone, and so
3 that's the hinder part, but the -- I personally believe it was very
4 useful the time that we used it, in kind of working out some of the
5 glitches and realizing -- Helping some of the industry people to
6 understand more about some of the handling techniques that they
7 had to do and the ways they had to change their fishing behavior
8 too, and so I think it's worked out well for us in the time that we
9 have used it.

10
11 This year, I think there's about 60 to 70 percent of the whiting --
12 The volume is about 70 percent, and it's about 60 percent of the
13 vessels are working under the EFP now. The nice thing about that
14 is the fixed gear started with less people and they have more now,
15 and I think the same with the bottom trawl, and so it also gives a
16 chance to kind of, as you're getting the regulatory process through,
17 allow more people to start using it before it is finally fully
18 implemented.

19
20 *Carlos Farchette:* Tom.

21
22 *Thomas Nies:* Thank you, Dorothy. I wanted to -- I think I may have
23 misunderstood something in your presentation, and I wanted to
24 make sure that I get it cleared up. Did you say that -- I am not sure
25 which fishery it is, but in the Pacific groundfish fishery that you're
26 going to have 100 percent EM and 20 percent observer coverage?
27

28 *Dorothy Lowman:* No, the way for us is that we have a 100 percent monitoring
29 requirement. It's a 100 percent observer requirement, but we're
30 using the -- It is a catch monitoring, and so we want to still be sure,
31 even if everyone went to EM -- It's actually a voluntary thing. I
32 mean you have to be able to have a vessel monitoring plan
33 approved and everything, even under when it's a regulation, and
34 then you have to comply with it. If you don't, the fallback is
35 you're back to an observer, and so there's always 100 percent
36 monitoring, and this is an option to use EM.
37

38 It is a catch monitoring part. It's not about the total estimation of
39 total morality, and so, at least at this point, we want to maintain
40 that they have the randomness of the 25 percent coverage across
41 the fleet for biological sampling and stuff too, and so we're not --
42 It's monitoring discards, but it's not doing the biological sampling,
43 and we don't want to lose that, even if everyone chose to do EM.
44

45 *Thomas Nies:* So you do have 100 percent monitoring requirement plus 20
46 percent or 25 percent observer coverage to do biological sampling?

- 1
2 *Dorothy Lowman:* Yes.
3
- 4 *Thomas Nies:* The total cost of those two programs is cheaper than -- You think
5 it's still going to be cheaper than relying solely on observers? I am
6 struggling to -- Because you have a higher monitoring requirement.
7
- 8 *Dorothy Lowman:* I think that is probably a question within the agency, and I might
9 turn to Bob Turner, but the fishermen are not paying the biological
10 part under the new system. Right now, they are, because it's 100
11 percent observers and they're doing the biological and the
12 fishermen are paying the at-sea part, and so they're getting
13 relieved, in a sense, but there is an extra cost, I will say, to the
14 agency on that.
15
- 16 *Thomas Nies:* What's interesting about that is that, I think in our region -- I'm not
17 sure what the numbers are this year, but, typically, the NEFOP
18 program, which does biological sampling and is funded, the
19 coverage level is typically down around 4 or 5 percent. It's not
20 anywhere near 20 or 25 percent for biological sampling.
21
22 When you start with that, when you start looking at the cost
23 comparisons, whether EM is advantageous, from a cost
24 perspective, to the existing observer program, it's a big hurdle
25 there to get over that, which is part of the reason, I think, that Sam
26 is right. As long as it remains a voluntary program, you don't get a
27 lot of progress in New England.
28
- 29 *Carlos Farchette:* Sam.
30
- 31 *Sam Rauch:* I also think you have to realize the kind of monitoring they're
32 doing there. It is not the -- For the whiting fishery in particular, it
33 is much more like the herring fishery, where you're not trying to
34 characterize each individual fish in a trawl net. We know, in your
35 region, the herring fishery, we believe, can be monitored a lot
36 cheaper than the groundfish fishery, and that's more of the model,
37 at least in the first phase, the first ones that they've done, but I
38 think, as you go towards the later ones, it's going to look a lot
39 more like some of the issues in your groundfish fishery, in terms of
40 the cost model breakout.
41
- 42 *Thomas Nies:* If I might, I mean our herring fishery is probably lucky to get 6
43 percent observer coverage now, and I'm not saying that's good.
44 I'm just saying that's because of the funding requirements.
45
- 46 *Sam Rauch:* I'm just saying it's easier to monitor discards in that fishery, and

1 you can do cameras a lot cheaper, because you're not trying to
2 characterize all the species that are involved and other things.
3 You're just looking for discard events.
4

5 *Dorothy Lowman:* Right. I mean the -- For example, just as an example, reviewing
6 100 percent of it for discards in the whiting fishery, the cost per sea
7 day for that review is eleven-dollars for the whiting fishery, which
8 doesn't have that many discard events, and so they can run it fairly
9 fast. They look at all of the review. The cost per sea day is \$11.23
10 for doing the review of all that video, to review the video.
11

12 *Thomas Nies:* To review 100 percent of the discard events is whatever that
13 number was?
14

15 *Dorothy Lowman:* Yes.
16

17 *Sam Rauch:* They are just looking for that discard event. They're not trying to
18 characterize what was discarded.
19

20 *Carlos Farchette:* Bill.
21

22 *Bill Tweit:* Thanks, Mr. Chair. If there's no more questions of Dorothy, I can
23 provide a short update on what the North Pacific Council is doing.
24

25 *Carlos Farchette:* Sure.
26

27 *Bill Tweit:* Thank you. Again, my name is Bill Tweit. I head up our
28 Electronic Monitoring Working Group, which is our sort of
29 cooperative research arm. We are making steady progress towards
30 the council's established goals of being able to implement
31 electronic monitoring as a part of our existing observer program,
32 paid for out of the fees that are collected from the fishermen to
33 support our current observer program, to be able to implement that
34 by January 1 of 2018.
35

36 We are getting towards the point where we're sweating a little bit
37 about whether we can make it, but it's still, at least on paper, that
38 we can make it, and we're pleased with that. As I think we've
39 described before, the only reason -- We feel the only reason that
40 we're being successful at keeping this online is because we have
41 adopted a cooperative research approach.
42

43 Industry are absolutely essential partners in this. They actually
44 have been obtaining some of the funding, and they helped design
45 the research that we're using to rely on to make choices about how
46 we're going to implement in the long term. They work hand-in-

1 hand with our scientists from Alaska Fisheries Science Center as
2 well as managers from the Alaska Regional Office in order to do
3 that, and, without that sort of bottom-up approach, I think we
4 would still be floundering.
5

6 We have chosen, so far, and we haven't made a final choice, but,
7 so far, we have chosen to really emphasize using electronic
8 monitoring for catch accounting instead of for auditing, and so it is
9 going to be an expensive program, from that standpoint. We're not
10 looking at any eleven-dollar-a-day video review costs. We're
11 looking at significantly more, and we're still struggling a little bit
12 with -- Because we had initially hoped to be able to use some of
13 the newest-generation technology for our initial implementation
14 and get fairly fine-grain information out of that, about species as
15 well as sizes, but it looks like we're not going to be able to do that.
16 We will have to implement using the electronic packages that are
17 currently available and in use fairly broadly, and so it clearly will
18 be a more coarsely-grained sampling strata than what we're able to
19 accomplish with a human on the same kinds of boats.
20

21 We're figuring out how to interweave that, but it still seems, to us,
22 again, even though we haven't made the final choice to use catch
23 accounting instead of simply an audit, logbook audit, program, but
24 it still seems, to us, that we can blend those two well enough to
25 give us the kind of data we need, and it will definitely eliminate
26 some of the biases that we currently have, because we're focused
27 on -- Our biases in our current catch sampling arise from the fact
28 that some of the smaller boats in our fleet really just -- It's
29 extremely difficult to regularly put human observers on them, even
30 at the fairly low sampling rates that we look at, and that does
31 introduce some level of bias.
32

33 The cameras will really help get at that level, removing that source
34 of bias, and so that's our primary objective. At this point, it's not
35 necessarily to have a cheaper way of doing it, but it's a way of
36 doing catch accounting and addressing those biases. I think,
37 ultimately, it will also be cheaper as well, but we recognize that
38 achieving those kinds of economies of scale takes some time, and
39 so, finally, our specific objectives that we're continuing to work on
40 are largely our fixed-gear boats, particularly longliners that are in
41 the forty to fifty-seven-and-a-half-foot size category.
42

43 As I say, we've been struggling to get human observers evenly
44 across the fleet on that. The fleet, at this point, is quite interested.
45 A segment of the fleet is quite interested and very supportive, and
46 so we think, when we're ready to go, that we'll essentially be able

1 to offer individual vessels their choice of whether they want to
2 accommodate a human observer or whether they want to take an
3 EM package, but they will be sampled one way or the other, and
4 there is broad recognition now of that.
5

6 Meanwhile, the pot fleet, primarily targeting cod, has stepped
7 forward and said that they want to be incorporated as quickly as
8 possible into the same program, and, since the sampling needs are
9 relatively simple with that, we may well be able to do that.
10

11 Then the current longline fixed gear that are under forty-feet, that
12 right now are exempted from observer coverage, and we have
13 long-recognized that as only a short-term fix to exempt them, we
14 are beginning now to do the initial sort of assessment of what it's
15 going to take to begin to expand the program to those. That will
16 take another few years before we're able to move that into
17 regulation, but we're far enough along with the others that we're
18 able to start scoping that.
19

20 Dorothy mentioned the issue of halibut discards at sea and whether
21 or not we can use electronic technology. That is proceeding on a
22 parallel path. It's primarily still being led by the Alaska Fisheries
23 Science Center, and that's where development of the new
24 technology will be key to doing that, but it does look like there's a
25 few promising applications of technology for actually assessing
26 length and maybe even viability of live halibut as they're discarded
27 at sea.
28

29 That's definitely several years out though as well, but we're very
30 much looking forward to that, because, as Dorothy mentioned, the
31 difference to the individual vessel operators between having all
32 their halibut counted as dead versus actually having a real
33 assessment of the actual survival probabilities of those is
34 absolutely critical to the vessel operators. It makes a huge
35 difference in their business plans, and it's a choke species for us as
36 well, and so I'm happy to take any questions.
37

38 *Carlos Farchette:* Any questions? South Atlantic, do you have any updates?
39

40 *Gregg Waugh:* No, Mr. Chairman. I think Jack covered ours pretty well.
41

42 *Carlos Farchette:* Thank you. Western Pacific?
43

44 *Kitty Simonds:* As I said earlier, there were questions about who owns the data,
45 and so the project has been delayed a bit. We do have ten or
46 twelve of these tablets out there, and so I don't really have

1 anything more to report than the project is going on, but we don't
2 know when it's going to be completed. We're sort of hung up on
3 this who owns the data and the encryption. Unless we get through
4 that, and if we have to wait to hear at the next workshop what the
5 decisions are, we're just sort of hung up.

6
7 *Carlos Farchette:* Gregg

8
9 *Gregg Waugh:* Thank you, Mr. Chairman. One additional point that I meant to
10 make was that we have slowed down our timing on our charter
11 boat amendment, and that will change the requirements for
12 headboats as well, but what we're doing is coordinating with the
13 Mid-Atlantic Council and trying to coordinate with the work that's
14 going on in the Northeast as well and get all of the different groups
15 that have reporting requirements, HMS, and get everybody to
16 agree on a core set of data elements.

17
18 In that way, then whatever platform the fishermen want to use, as
19 long as it's providing those core data elements, then they can hit
20 the send button one time and satisfy everybody's reporting
21 requirements. The intent is to have that data flow to a central
22 location, like ACCSP, and then each organization can pull the data
23 they want for their specific purposes, and this minimizes any
24 duplicative reporting on the fishermen's side.

25
26 *Carlos Farchette:* Northeast?

27
28 *Thomas Nies:* I guess I will be quick. The Greater Atlantic Region just issued an
29 EFP to do an electronic monitoring. I hate to call it an experiment.
30 It's more of a project with a number of groundfish boats this year.
31 There's also plans to try and do the same with the mid-water trawl
32 fleet for herring, for electronic monitoring.

33
34 I guess one of the things that's interesting in this discussion is
35 hearing the wide range of cost estimates. We heard Dorothy say
36 that monitoring their whiting fishery is estimated to cost, I think,
37 eleven-dollars a day. The estimate for our herring fishery is close
38 to \$200 a day, and so it seems like the estimates are all over the
39 place, and so it will be interesting, as these projects go forward, to
40 see how those really get settled out.

41
42 *Carlos Farchette:* Terry.

43
44 *Terry Stockwell:* A little follow-up to Tom. The New England Council has been
45 working on an omnibus industry-funded monitoring amendment
46 together with the Mid, and we're partway through it. To make it

1 live, we need to address the EM component, and, as Tom said,
2 we've been waiting for the funding for this pilot mid-water trawl
3 herring project, but the industry has been fighting us all the way
4 through, and so, to Sam's point about the EFPs, we've been lucky
5 to get that far, and hopefully the council will be able to move it to
6 the next direction and move EM ahead as a viable monitoring
7 alternative.
8

9 *Carlos Farchette:* Dorothy, did you want to --

10
11 *Dorothy Lowman:* I just wanted to clarify, for Tom, that when I said eleven-dollars,
12 that was for the review part, but when you add in the video storage
13 and the fee from Archipelago, the total cost for the EFPs in 2015
14 for whiting was about \$147 per day. For the pot gear, it was \$205.
15 For the small number of bottom trawl that were participating, it
16 was about \$305.
17

18 *Carlos Farchette:* Thanks, Dorothy. Mid-Atlantic?

19
20 *Chris Moore:* Thank you, Mr. Chairman. The Mid-Atlantic hasn't had a lot of
21 focus on EM, because we're more interested in eVTR, and so our
22 focus on been on ERs, and a concern that we've had for a number
23 of years is that we continue to fill out VTRs with pencil and paper.
24

25 One of the things that the Mid-Atlantic Council is doing this year
26 is moving forward with a framework. Our first framework
27 meeting is going to be in June. Basically, the framework would
28 implement, if it goes through a second framework meeting and is
29 approved by the agency, it would implement electronic vessel trip
30 reports for party/charter folks in the Mid-Atlantic, and so we're
31 going to move forward with that. That first framework meeting is
32 in June. The second one would be in August.
33

34 *Carlos Farchette:* Thanks. Gulf?

35
36 *Doug Gregory:* The big project in the Gulf is the one being funded through NFWF,
37 and we have very little information on that. We're expecting to get
38 some reports from them at our For-Hire Data Committee meeting
39 in a couple of weeks and also at our council meeting in August.
40 Like Jack McGovern said, we're really pushing hard to try to get a
41 charter boat electronic reporting system in place.
42

43 *Carlos Farchette:* Thanks, Doug. Okay. We are kind of in the same boat. We've
44 had only a pilot project, and most of these old fishermen, they
45 don't want a phone smarter than they are. That's what they tell us,
46 and so we're trying to get over that hump, but we're going to take

1 a break time, a ten-minute break. Thanks.
2
3 (*Recess*)

11. EFH SUMMIT UPDATE

1
2
3 *Carlos Farchette:* We will start off with EFH Summit Update and Bill.

4
5 *Bill Tweit:* Good morning. I am just going to make a couple of quick remarks
6 and then turn it over to Katie Latanich, who is going to actually
7 walk through a quick summary of the results of the summit, and
8 then Terra is going to walk through a little bit about what the
9 agency is starting to think about next steps, and then I think we can
10 all have some discussion about we, the CCC, think about for next
11 steps regarding that.

12
13 I attended two of the three days. I meant to attend all three, but
14 every once in a while things come up, and I found it extremely
15 rewarding. First off, I was very gratified that the structure and the
16 intent of the summit was to really do a good job of addressing
17 those terms of reference and staying focused, and, from where I
18 sat, we actually achieved that really well.

19
20 Given that it's the first national-level conversation about EFH that
21 we've been able to have in a long time, as the CCC noted, it could
22 be pretty easy to get off track and lose focus, and I don't think we
23 did. I'm very happy to report that it, I think, provided a lot of food
24 for thought in a lot of different areas, as well as one of the other
25 major objectives for this was simply to encourage more
26 networking.

27
28 This was not designed to try to come up with a uniform approach,
29 but it was very much designed to make sure that a lot of the
30 individual work that's being done at the regions, a lot of the
31 innovative work that's being done at the regions, is being
32 communicated, so there can be a good networking and learning
33 experience off of that, so we can all be -- As we move forward on
34 EFH, and particularly as we move forward, as was referenced a
35 couple of times yesterday, as we move forward into a world where
36 we are thinking more from an ecosystem-based perspective, where
37 we are really responding to the climate change challenges, that our
38 EFH strategies both fit within our transition to ecosystem-based,
39 but are also appropriate to what we're seeing in terms of shifts in
40 fish distribution and shifts in habitat quality and availability, that
41 our EFH tools are actually capable of handling that.

42
43 I think that's going to be a huge challenge, and so having the kind
44 of, first off, just networking that the summit encouraged, but,
45 secondly, some of the forward thinking that I think the summit also
46 encouraged is going to be essential. With that, I would like to turn

1 it over to Katie to walk us through kind of a structured walk-
2 through of both the terms of reference and what it looks like the
3 outputs from the summit are.
4

5 *Katie Latanich:*

6 Thank you, Bill. Again, my name is Katie Latanich. I'm a co-
7 director at the Fisheries Leadership and Sustainability Forum. Our
8 role in planning the EFH summit was to really work with the
9 Steering Committee and the Advisory Group to take the terms of
10 reference and turn them into the agenda and then to facilitate the
11 discussions at the meeting, and so thank you all for the opportunity
12 to share a quick update. This was just last week, and so it's kind of
13 fresh, hot off the press.

14 I want to start off by saying a bit about how the EFH summit was
15 intended to create value, both within the EFH and habitat
16 community and also for the council community, and so the first
17 point was networking and information sharing to create a stronger
18 community of practice.
19

20 The core group of participants was about seventy-five council and
21 agency staff. There was representation from every science center,
22 regional office, and from headquarters, and there was council
23 participation from around the country. The council participants
24 were a really diverse group. There were council members and
25 council leadership, council staff, SSC members, and advisory
26 panel members.
27

28 We also had about twenty members of the public, and that included
29 NGOs, industry, and other management partners, like BOEM. All
30 together, it was a very, very diverse cross-section of people who
31 interact with EFH in very different ways, from conducting habitat
32 science to identifying and reviewing EFH to conducting EFH
33 consultations.
34

35 Second, the EFH summit included multiple recipients and layers of
36 value, and I think this is really important to communicate to all of
37 you. At the individual level, I think people took away ideas, new
38 contacts, and information they can apply to their own work. At the
39 regional level, new ideas, opportunities, questions, and things
40 people want to take back to their regions to discuss with their
41 colleagues. Then, at the cross-regional level, the value is really
42 about identifying shared questions and challenges and also
43 opportunities for ongoing conversation.
44

45 Finally, the planning of the EFH summit itself was a long process.
46 It took about nine months, and this was a really valuable

1 investment. I think the work we did to take those terms of
2 reference and turn them into an agenda was really an investment in
3 identifying some key questions that will shape the use of EFH
4 authorities for the years to come.

5
6 These terms of reference are the same that we shared in February.
7 They haven't changed since then, and so I just want to share a few
8 highlights of how we approached those discussions, and I want to
9 emphasize what I'm going to share is really just a quick overview,
10 and this definitely isn't comprehensive of everything that we
11 discussed in those three days.

12
13 The first day of the summit was very focused on establishing
14 context and a shared frame of reference, and so really where are
15 we now and who is doing what. Then we focused more in-depth
16 on the topics of practicability and effectiveness.

17
18 In order to set the context sufficiently for this meeting, we invested
19 in a lot of work beforehand. Last year, the Fisheries Forum
20 worked with the Mid-Atlantic Council to put together a regional
21 report on the use of habitat area of particular concern designation,
22 and these were a series of short profiles about how each region
23 approaches the use of HAPCs.

24
25 Specifically, for this meeting, we took the same approach with the
26 use of EFH authorities and we compiled short documents, mostly
27 in the realm of about three to five pages, that focused on
28 information inputs, approach, roles and responsibilities, and the
29 review process. All of these were developed and reviewed with
30 input from council and agency staff, and so all of this is available
31 online, and I think these will continue to be really useful resources
32 for a while to come.

33
34 Because we could provide this really detailed background
35 separately, it allowed us to really focus in on sharing highlights at
36 the summit, and so we began the meeting with an EFH regional
37 roundtable. We asked each region, and most of our speakers were
38 council staff, to share some highlights of your region's approach to
39 identifying and reviewing EFH. This was kind of like the speed-
40 dating version. We asked them to focus on what do you think is
41 most important for your colleagues to know about your region's
42 approach to EFH.

43
44 This was just a quick list of some of the topics that came up, and
45 these were framed as things your region is currently doing, things
46 you might do differently, or things you would like to do in the

1 future, questions you would like to answer, and also a handful of
2 questions that may not really have answers, but are useful for
3 framing how we think about EFH.
4

5 We noticed in this discussion that a lot of these circled back to
6 goals, objectives, purpose, and intent. I think the take-away is that
7 a lot of questions about how we identify EFH and how we use
8 EFH depends on why.
9

10 After that, we spent some time looking at some of the most
11 challenging EFH-related questions, and we asked how does your
12 region approach the topics of practicability and effectiveness in the
13 context of your region's fisheries, your information, your
14 ecosystems, and, also, how do you approach the handoff from
15 habitat science to making management decisions?
16

17 These are complicated, really challenging discussions to have. The
18 questions on the slide are the questions that we talked through in
19 our breakout sessions. Some regions focus more on minimizing
20 adverse impacts than others, but effectiveness is really the common
21 thread, and so is what we're doing effective?
22

23 At some points, we focused more on habitat science, and so what
24 information and tools would be needed to evaluate effectiveness,
25 and, at others, we focused more on goals, objectives, and metrics,
26 and so what's effective and what practicable depends on what
27 you're trying to accomplish.
28

29 For day two, we focused on the remaining three terms of reference,
30 and I just put together this little schematic, because it's really
31 important to understand that, in a lot of ways, the agenda for this
32 meeting wasn't linear. In order to make sure we spent some time
33 on all of these terms of reference, it was more of a kind of focused
34 approach.
35

36 Day two focused on EFH authorities in a changing environment,
37 and so acknowledging that the world is becoming a busier and
38 more connected place and that use of EFH authority is going to
39 probably need to adapt. Again, day two was not linear, and so it
40 was more like four topics under this broader umbrella of change.
41 We talked about advances in habitat science, climate change, EFH
42 consultations with a focus on council/agency communication, and
43 also emerging issues, and then partnerships and collaborations.
44

45 Just, in the interest of time, we'll focus a bit more on the climate
46 change and consultation discussions. Our climate change

1 discussion was something we talked through in a breakout session.
2 This was a really interesting conversation that people felt was
3 really important to have, but they didn't quite know how to get it
4 started, and so we thought a breakout discussion was the best way
5 to go about this.
6

7 These conversations focused around a few questions that our staff
8 asked as facilitators. First, how will climate change affect your
9 work and how you use EFH authorities? What's at risk if we don't
10 consider climate change, and then is adapting to climate change
11 about catching up or thinking ahead and being proactive?
12

13 These conversations covered a lot of ground. I will just highlight a
14 few broad themes. One was that we began with mechanisms, and
15 so really thinking about how climate change affects EFH and the
16 decisions we make. As you can anticipate, it's not just where
17 habitat is, but it's the function and the properties of habitat that
18 make it essential and how we assign this to a geographic location.
19 Of course, climate change is about thinking ahead to changes we
20 can anticipate, but also some we can't predict.
21

22 Another interesting point was that timeframe is very important.
23 The timeframe for identifying and describing EFH is fairly short,
24 and so more on the order of five to ten years, where the timeframe
25 for the consultation process and conservation recommendations is
26 much longer term, more on the order of decades.
27

28 Another interesting theme was that of shared ownership. It's
29 difficult, but also really important, to kind of contextualize EFH in
30 the broader conversation about fisheries and climate adaptation and
31 be specific about what responsibilities, but also what opportunities,
32 fall to the EFH community.
33

34 For our conversation about EFH consultations, this discussion had
35 three different parts. We started with an overview of the EFH
36 consultation process, and then we talked about council/agency
37 communication. We talked about everything from formal
38 communications amongst staff to formal mechanisms like habitat
39 policies, and then we spent a lot of time talking about emerging
40 issues and what happens when a new activity ramps up in your
41 region.
42

43 We explored a pretty broad range of topics between the five
44 regions, and these presentations were given by the five EFH
45 coordinators. Our discussion focused on information needs,
46 understanding fishery-level impacts of new activities, thinking

1 about cumulative impacts, building relationships with action
2 agencies, and also identifying opportunities for council
3 engagement.
4

5 Finally, day three was about putting it all together and looking
6 ahead. We focused on the intersection of EFH with ecosystem-
7 based fishery management and then identifying and sharing take-
8 aways from the meeting.
9

10 I think one of the most important ideas that our speakers shared for
11 framing this discussion about EFH and EBFM was really that it's a
12 two-way street. EFH can help support and complement EBFM
13 approaches and ecosystem information can help inform how we
14 use EFH authorities, and the nexus between the two is really about
15 maintaining productivity.
16

17 Another interesting topic that came up is that EFH consultation
18 authorities are really a way to think about activities that are outside
19 of the fisheries realm. That was a big take-away from that
20 conversation.
21

22 For our final discussion on Thursday, we revisited these three
23 questions, and, again, this goes back to thinking about take-aways
24 in terms of three different levels: individual, regional, and cross-
25 regional. These conversations involved a lot of brainstorming and
26 discussion, and I think the individual and regional take-aways are
27 more individual to participants and to your region, and, so in
28 turning this over to others to share some thoughts and discussion, I
29 think we may want to focus on Number 1, which should be
30 Number 3, which is what topics discussed at the summit are good
31 opportunities for ongoing conversation?
32

33 In closing, we really appreciate the opportunity to work with all of
34 you and your staff, and I just want to give them credit, because it
35 was really their ideas and their questions that helped take these
36 terms of reference and bring them to life, and so thanks again to all
37 of you where were there and to the members of our Advisory
38 Group and our Steering Committee. I will turn it over to Terra to
39 share some thoughts.
40

41 *Terra Lederhouse:* Thank you, Katie. Thanks for the great summary of the meeting
42 and then also, thank you, Katie and Kim and Caitlin, who is not
43 here, all from the Fisheries Forum, who did a really excellent job
44 planning the meeting and then facilitating all of the discussions.
45 Also, I wanted to thank all of you for sending staff to the summit,
46 both the regional offices and the councils, and also to the CCC

1 members who served on our advisory group, Bill, Michelle, Tom
2 Nies, and Carlos. Your input helped us have a really successful
3 meeting.
4

5 Building on this last question that Katie posed to the regional
6 breakout groups on the last day about topics for continued
7 conversation, I just wanted to note that I found the conversations
8 last week extremely valuable, especially the information exchange
9 across regions. As Bill and Katie mentioned, we also heard from
10 several council staff members and the NMFS participants how
11 much they appreciated learning about how other regions
12 implement their EFH authorities.
13

14 I had the opportunity to meet with the five NMFS Regional EFH
15 Coordinators right after the summit, and we collectively identified
16 a few things that resonated with us that we would like to continue
17 conversations on with all of the councils.
18

19 First, we had heard about the Alaska model and how the council,
20 the regional office, and the Science Center worked together to
21 identify EFH research priorities and how it's been a really
22 successful approach for getting research completed to inform the
23 council's EFH process, and so several of the other regions are
24 interested in implementing a similar model to identify EFH
25 research priorities within their regions.
26

27 We would also like to continue cross-regional conversations on
28 new and emerging threats from non-fishing activities, so that both
29 NMFS and the councils can be prepared to respond to them. Then,
30 along those lines, we also heard from some councils that they are
31 interested in developing habitat policies, like the Mid-Atlantic and
32 the South Atlantic Councils have done, or in establishing a process,
33 like Alaska has, for engaging in non-fishing activities, with NMFS.
34 We are happy to assist in those efforts with any interested councils.
35

36 I think the cross-council habitat workgroup that we had over the
37 last couple of years is a great forum to continue these
38 conversations, and I would like to gauge your support for
39 continuing that group, and I also appreciate your feedback on these
40 EFH issues that I just mentioned. Are they the right topics for
41 continued cross-regional conversations? Are there any additional
42 EFH or habitat topics you would like to see us discuss across the
43 councils, and are there other issues that you heard about from your
44 staff or members that attended the summit that you would like to
45 raise here or would like for us to continue conversations on?
46 Maybe, Bill, do you want to lead the discussion here?

1
2 *Bill Tweit:* Yes, but not by myself. I am hoping both you and Katie can come
3 up and contribute, because I imagine there will be both questions
4 as well as you've got some thoughts, but I thought that the
5 question that Terra put out there -- First off, I just appreciate the
6 agency working with us that way and sort of giving us a sense of,
7 okay, here's what we're thinking we might want to walk away
8 from and what are you thinking about, and hopefully we can do
9 this sort of collaboratively for next steps, and I think that would be
10 great. Mr. Chair, I will turn it back over to you to recognize either
11 questions or input, and then we can respond as we hear.
12

13 *Carlos Farchette:* Sure. Thank you. Marcos.
14

15 *Marcos Hanke:* Good morning. I don't know if in any way it was discussed during
16 your meeting, but here in the Caribbean, we have some habitat
17 degradation and transformation on the habitat, for example places
18 where you had corals, sponges, and gorgonians typically in the
19 past, and now it's covered with macroalgae. Most of the data
20 coming from ecologists is just assuming that that area is damaged
21 and there is nothing in there. As a fisherman, I can say that that's
22 not true. There is a lot of commercial fishes that go there, and it's
23 a component that is changing. My question is, is there any effort
24 to identify those changes and how important they are and how
25 significant they will support recruitment and other things on
26 commercial species?
27

28 *Bill Tweit:* We may all want to weigh in on that, to some extent, from slightly
29 different perspectives. What I can tell you is that one of the things
30 I heard was a sort of a level of frustration in our inability to have
31 the kind of scientific information, updated and recent scientific
32 information, that's able to sort of keep up with these changes, and
33 that what we knew as EFH twenty years ago may well be
34 substantially different, and the need for the kind of scientific
35 information to keep up with that.
36

37 I heard a fairly high level of frustration with our lack of resources
38 to do that, but I think the beginnings of some thinking about are
39 there some other ways to deal with that, but no firm conclusions on
40 that. It was more just the beginning of a conversation about that. I
41 would look to either Katie or Terra to see if they would want to
42 add anything.
43

44 *Terra Lederhouse:* I would just add that I think that that's a great topic to bring up
45 with your regional office and science center, especially if you are
46 interested in working together to identify EFH research priorities,

1 like you mentioned before, but another important thing to keep in
 2 mind is things are changing faster than we can respond with our
 3 science and then with the management aspect of updating EFH
 4 identifications, but really the important thing is how we use the
 5 information we do have.

6
 7 Even if EFH can't be updated more frequently than every five to
 8 ten years, that doesn't change how the agency uses the information
 9 that we do have in the consultation process, and so we can be much
 10 more adaptable in that process than just what's in the FMP for
 11 identifying EFH.

12
 13 *Carlos Farchette:* Doug.

14
 15 *Doug Gregory:* That's an interesting observation. I have kind of make a similar
 16 one in the Keys, and I think it's specific to corals and not just EFH
 17 in general, but we're all doing a lot to protect corals because of the
 18 threats they're under, primarily through climate change, and
 19 sometimes also pollution, but there's a supposition in the literature,
 20 and among I think most of the ecology types, that fishing hurts
 21 corals and fish need corals.

22
 23 What I have observed in the Florida Keys is that most of our fished
 24 populations are healthy, while the coral reef is deteriorating year
 25 after year, and so I'm not familiar with all of the literature, but it
 26 seems clear that there is something else in the ecosystem that is
 27 sustaining and supporting our fisheries, and I think it's the seagrass
 28 and the mangroves, which are thriving in the Florida Keys, and not
 29 necessarily the corals.

30
 31 There is this dogma that corals and fisheries go hand-in-hand that I
 32 think should be looked at, and so that's interesting that that's been
 33 observed here as well, what I thought I was seeing in the Keys.
 34 Even our spiny lobster program, that lives in the coral reef, as well
 35 as the seagrass and other areas, is doing fairly well.

36
 37 *Carlos Farchette:* John.

38
 39 *John Gourley:* Other than starting the conversation on EFH, was there any other
 40 specific goal that you had identified for applying EFH across the
 41 board?

42
 43 *Terra Lederhouse:* I think we were really cautious to not try to come out with any
 44 national one-size approach or next steps from the summit, and
 45 really the goal was to share information across regions, so that
 46 somebody from the Caribbean could share an approach that might

1 be useful and similar to an issue that's coming up in the Western
2 Pacific and just provide that forum for sharing information.

3
4 On the last day, we did have regional breakout groups, where there
5 was some more focused discussion about any next steps that
6 NMFS and the councils would want to take within their region,
7 but, overall, it was sort of one national outcome from the summit.
8 The main goal was just sharing information.

9
10 *Bill Tweit:* I would like to add to that, just really briefly. I think Terra is
11 exactly right, but I did hear a couple of across-the-board thoughts.
12 One is that, particularly as the pressures on EFH accelerate, both in
13 terms of non-fishing activities, but also in terms of climate change
14 impacts, there is a strong need for the councils to more clearly
15 understand EFH as a tool and how EFH really fits in. There is a
16 need for councils to engage more in the EFH discussions as part of
17 their regular order of business and there's a need for the councils to
18 really begin to think about how, within their ecosystems and within
19 their regions, they will help facilitate how we adapt EFH to
20 respond to those increasing challenges.

21
22 There weren't any real answers to that, per se, although I think the
23 networking facilitated, I think, the beginnings of some pretty
24 creative thinking, and so I would expect the outcomes of this
25 summit to continue to evolve, and I think that's a question then for
26 the CCC, is how do we want to be part of that discussion about
27 how the councils will use EFH and how we'll shape EFH to
28 respond to new challenges.

29
30 I think the CCC needs to put some thought into that, whether it's,
31 as Terra suggested, maybe through our habitat workgroup or if we
32 want to keep EFH on our agenda at each meeting, because I think
33 there was a pretty clear consensus of the councils that there is room
34 for the councils to do more and that it would be useful for the
35 councils to be paying more attention and that it's an area that's --
36 There is going to be a lot of evolution. I don't know if that directly
37 got at your question, but that was the truly cross-regional message
38 that I heard sort of gathering steam out of that.

39
40 *John Gourley:* So what kind of participation did you have from the stakeholders,
41 say from the regulatory agencies, like the Corps of Engineers,
42 stakeholders that have to go through EFH, other than the councils?

43
44 *Katie Latanich:* We had about twenty additional members of the public, and we
45 have the list of participants somewhere. I think there were a
46 handful from other agencies. I think most of our other agency

1 participants were with BOEM. I think we had two or three
2 participants. I think we did reach out to the Corps of Engineers,
3 but they weren't able to send someone. Other than that, it was
4 industry and NGO participants.
5

6 *John Gourley:*

7 You had mentioned there were NGOs. I didn't know if it was
8 mostly NGOs representing the public. As somebody who works in
9 the trenches with EFH and has to deal with EFH consultations, I,
10 unfortunately, have seen a slow movement toward using EFH as
11 punitive toward anybody that wants to submit an application, a
12 Corps of Engineers application.

13 I certainly support EFH. However, it seems, in certain cases, to be
14 getting a little bit out of hand, and I was kind of trying to figure out
15 how this particular conference was going to possibly address or
16 reign in say unreasonable regulatory requirements towards EFH. I
17 guess that's not a question and it's more of a comment. Thank
18 you.
19

20 *Bill Tweit:*

21 The discussion that Katie sort of portrayed about the tension
22 between what's practicable and what's effective I think reflected
23 some of that. The idea that if you're making EFH
24 recommendations that aren't practical, that can't be supported,
25 they're probably not effective as well, and there was some
26 discussion about that.

27 Again, there was a recognition that maybe that's a place where the
28 councils have some role, because the councils are used to
29 balancing -- As we address most of the National Standards, we
30 often think a lot about what's practical versus what's effective, and
31 so it's something we are fairly used to balancing.
32

33 There was some discussion, and, again, no conclusion, but that the
34 councils could have a role in terms of advising their regional
35 offices about some of those balances at times. Because it's a
36 public process, it's a transparent process, I think it's a little easier
37 for the affected stakeholders to -- By the EFH regulations, they can
38 sort of see how the EFH recommendations address that tension
39 between those two. Obviously each region and each council might
40 want to approach that differently, but there was some discussion,
41 but, again, no firm conclusions or recommendations at this point.
42

43 *Terra Lederhouse:*

44 I will just add that we did have a discussion on partnerships with
45 other agencies and with other industry stakeholders. As part of
46 that, we talked about how it's really important to build
relationships, and some of our regional offices have better

1 relationships with various other agencies than other offices.
2

3 The longer that we work together and the better relationship we
4 have, the easier it is to get through the consultation process,
5 because we don't have to have strict conservation
6 recommendations, because those agencies start to recognize
7 upfront the kinds of things that they should be doing to make sure
8 that their project is going to have a minimal effect on fish habitat.
9 That was definitely part of the conversation, how to improve
10 relationships with federal agencies, so that we can work in
11 partnership better to conserve habitat.
12

13 *Carlos Farchette:* Lee.

14
15 *Lee Anderson:* Thank you, Mr. Chairman. I had the pleasure of representing the
16 Mid-Atlantic Council as one of its representatives there, and I
17 would like to say that it was an excellently-planned affair. Kim
18 and Katie and Terra, you guys did a great job. I enjoyed myself, I
19 learned a lot, and I think one of the interesting things that I got
20 was, although it sounded silly at first, is you've got to have
21 objectives.
22

23 Of course you want to have objectives. You want good habitat, but
24 what does that mean? They forced us into thinking about that, and
25 it really got me thinking, from a two-pronged effect. The other
26 thing we reviewed is that there's fishing effects and non-fishing
27 effects.
28

29 Our council has worked on that, and we just finished our non-
30 fishing effects part of our policy, and we're going back in to look
31 at the fishing effects, and one of the things that I've found as we
32 went in there is why do you want to have this? What's the
33 objective? The objective is to have a healthy ecosystem so it can
34 produce things. What can it produce? Access to fisheries.
35

36 One thing I think we really have to balance, and maybe it was
37 slightly underrepresented explicitly at the meeting, is that there is a
38 balance between protecting a habitat and allowing access of our
39 guys to it. That's why we're protecting it, and both are important.
40 There is no doubt about it, that if we didn't have anything like this
41 that the common property aspects of resource use would have a
42 tendency to destroy that, but, while protecting it, I think we still
43 have to look at and make sure that we have access, and there were
44 a number of industry representatives from our region there who
45 made that point, and I certainly support it. All in all, I enjoyed it,
46 and I learned a lot. Thank you very much.

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Carlos Farchette: Michael.

Mike Luisi: Thank you, Carlos. I too also had the opportunity to spend the week there. It was nice. It was about a mile away from my office in Annapolis, and so it was an easy trip, and anytime you ever want to have meetings in Annapolis, I would be thankful for that, for not having to spend another week away from home.

I learned a ton of information, and you guys did a fantastic job in pulling a group of seventy-five to eighty people together to stimulate conversation. A couple of things that I took away from the meeting was that there is a true passion out there for the science and for the work that goes into essential fish habitat.

I mean some of the scientists that were there are just -- They live and breathe it. They are so passionate about it, and I think we can go a long way if we are to use the information right and we use it in a way that's going to help benefit the ecosystem.

Something you've already mentioned that I have been thinking about since the meeting has to do with change, and you mentioned climate change as being something that we're all going to have to be thinking about.

As species move from one place to another, the habitat that they're going to occupy may be different, and this is kind of to Doug's point a few minutes ago about coral serving as maybe the essential habitat for a certain species, but, as coral is degraded, those fish in those areas, if the water parameters are still what they prefer, they're going to need to find some other place to find food and to be productive.

We really need to stay on top of the fact that the climate is changing. Habitats are changing, and we need to keep in mind that essential fish habitat today for a particular species might be completely different five to ten years from now.

As these centers, as these species, move, whether they're from the Mid-Atlantic to New England or the South Atlantic to the Mid-Atlantic, we're going to need to make sure that we have the flexibility in our understanding and taking in the science to make sure that we get this right.

Secondly, having to do with relationships, and I may have missed it when you guys were presenting a minute ago, but something that

1 I thought that was awfully important, and me being in state
2 government, working for the State of Maryland, I wanted to take
3 this home to my coastal zone folks, but there was a lot of
4 discussion about understanding and the science in federal waters;
5 however, there is a real significance to the coastal zone, the area
6 with near-shore, back bays and estuaries, and how those areas
7 influence the production on the species we manage at the council
8 level.

9
10 I think the relationship between the federal government and the
11 state governments is also a critically important connection to keep
12 in mind, and I hope that, through this summit, that we can start to
13 get some life going with those conversations.

14
15 Lastly, I will just say that I think it's critical as well that the CCC
16 maintain or keep their thumb on the pulse here and make sure that
17 we stay engaged in this and, again, thank you very much. It was a
18 wonderful summit, and I learned a ton. Thank you.

19
20 *Carlos Farchette:* John.

21
22 *John Quinn:* Not to be redundant, and so I will keep it very brief, but I was
23 fortunate as well to spend the entire three days there, and as a
24 relatively new Chairman of the Habitat Committee in New
25 England, there was something there for everyone, people relatively
26 new to the topic as well as the real passionate people who have
27 been working on this, several of them, for all twenty years of its
28 being in place, and so two particular points I want to make.

29
30 One is, as we just said, this climate change issue and what is
31 essential fish habitat for these migrating fish, but the other one,
32 particularly on the east coast, which I see that we should monitor,
33 is the offshore wind issue. One of the charts that was put up, there
34 were five areas zoned by BOEM for these leases, and it was
35 probably no accident that there were three or four people from
36 BOEM there in the audience, and so I think that's something that
37 we can work on collaboratively, cross-council, particularly on the
38 east coast, where it's a relatively new topic, but, as I said, it was
39 great. I think the CCC should continue to monitor this and
40 continue to be involved with this.

41
42 *Carlos Farchette:* Kitty.

43
44 *Kitty Simonds:* Obviously there is always great value in everybody getting
45 together and exchanging ideas. I think that our staff -- They were
46 very, very pleased about that, but I'm interested in how we're

1 monitoring the non-fishing impacts, because I think in our part of
2 the world that the region probably gets hundreds of these requests
3 from the Corps of Engineers to review impacts that aren't fisheries,
4 but they're impacts to the fisheries.

5
6 I think we're in discussion on one of the kinds of things that the
7 region would be sending over to us to review, and, of course, I
8 would like to review everything, and so we're in that discussion
9 about what should we be reviewing that aren't fishing impacts, but
10 impact fishing. That's very important.

11
12 About BOEM, yes, they've agreed to a company to come out and
13 place one of those wind farm things about ten miles from
14 Maunalua Bay, and so we are in conversation with that contractor,
15 and we also arranged for meetings with our fishermen to meet with
16 them, because they're the ones who are very concerned about what
17 that device will attract and will fishermen be allowed to fish -- If it
18 becomes a FAD, can they fish around it? How far away do they
19 have to be? It's all those kinds of worries that are going on in our
20 part of the world, plus it's ugly to begin with, and you know
21 people come to Hawaii for its beauty, and so to have this -- How
22 much energy is that going to produce? That's all part of the
23 discussion. Thanks.

24
25 *Carlos Farchette:* Sam.

26
27 *Sam Rauch:* I just wanted to reiterate a few things that Terra said. One is that,
28 from our perspective, the agency's perspective, we really
29 appreciate the time and effort that people spent sending their staff
30 to this. We do think that it was good to share these ideas. It's not
31 clear to me exactly whether we need some sort of national
32 approach to this. I don't know if that's what the council chairs
33 want to do about that, but clearly there are these issues in the
34 various regions.

35
36 Either it's a region-specific issue or maybe it's like an Atlantic
37 Coast issue, but our habitat people are very enthused and willing
38 and want to work with you guys to meet that need. My view of
39 EFH is when we first did it in the 1990s, it was too generic to be
40 really useful, in many cases. We have a lot better data now. We
41 have a lot better understanding about what it really needs -- What
42 we really need to do to increase or to protect the productivity.

43
44 Over time, we have a done a great job of trying to use that new
45 science, new data, to craft meaningful EFH policies that actually
46 people can react to in a meaningful way.

1
2 Working with the councils to identify what other research
3 questions that we need to get to do even better with that, because I
4 think we still have a long way to go, and what are the industries
5 that are of concern? What is the relationship, because the councils
6 clearly have a role, by statute, in commenting on third-party
7 actions, and how do we do that? I think all of these are good
8 discussions to have. We can either have them here at the CCC, or
9 we certainly can have them at the regional level.

10
11 We want to work. I do think that there is still some more work
12 from the CCC working group to sort of clarify how big the issue is
13 that we want to tackle, but I just wanted to reiterate what the
14 habitat people said. They're willing to help, and they would love
15 to help work on these issues, because it's important to all of us.

16
17 *Carlos Farchette:* Thanks. Michelle.

18
19 *Michelle Duval:* Thank you, Mr. Chairman. Unfortunately, I was only able to
20 attend the first day of the EFH Summit, but I will just add to all of
21 the kudos that my fellow council members around the table have
22 articulated, and I think, as -- I think one of the major things for me
23 is that the changes in habitat are inextricably linked with changes
24 in climate, and I thought the slide that Katie presented that had that
25 two-way arrow was very effective in capturing that concept.

26
27 I think, based on the discussions that I was able to participate in on
28 the first day, that's going to play a big role in the issue of
29 determining practicability and effectiveness and how we evaluate
30 those things, and it was pretty clear, from some of those
31 conversations, that practicability changes depending on the
32 situation that you might be in, and I think Bill articulated that well,
33 that the councils are, I think, uniquely suited to evaluating those
34 trade-offs that you have to do in terms of practicability.

35
36 I mean if something is practicable, you assume that there is some
37 measure of success associated with that, and so I think that's going
38 to be one of the larger questions as we continue to sort of keep our
39 thumb on the pulses.

40
41 Mike said on the pulse of EFH, and I think some of the big
42 questions that we tried to get to on the first day about how do we
43 evaluate effectiveness and what is essential, and this speaks to
44 Sam's comments about maybe the broadness of some of the initial
45 EFH designations, and so I was gratified to hear Terra say that the
46 agency has the ability to be a little bit more flexible during the

1 consultation process, to maybe try to bring in some of that
2 information that may not necessarily be captured in the EFH
3 designations or the documents that we are using right now, just due
4 to the workload associated with updating and reviewing those in a
5 timely manner. There's always, hopefully, going to be new
6 science that we can apply, and hopefully the agency can continue
7 to bring that to bear in those consultations.
8

9 *Carlos Farchette:* Eileen.

10
11 *Eileen Sobeck:* Just one small point in response to, John, your observation that
12 there were a few BOEM people there. I actually think that's a
13 good sign. I think that means that they're aware. It worries me if
14 it turns out that they don't feel like it's relevant to them. Then
15 that's bad, because at least -- That's good that they think that they
16 need to know about fish and fish habitat before making their
17 offshore wind designs. I think they've learned, from their initial
18 ill-fitting foray, that maybe talking to everybody upfront was a
19 better idea than not.
20

21 *Carlos Farchette:* Okay. Anyone else? Thank you, Bill and Katie.
22

23 *Bill Tweit:* Mr. Chair, if I might, just to conclude, I would request then that the
24 CCC specifically direct our Habitat Working Group to work with
25 the habitat program with the agency and report back to us at one of
26 our two next meetings next year on sort of how we're taking the
27 results from this summit and what kinds of next steps are being
28 considered that are responsive to both the terms of reference of the
29 summit, but also the diverse set of recommendations that are
30 coming out.
31

32 We'll obviously have the summit report to review too, but I think
33 if we could request that our Habitat Working Group stay engaged
34 with the agency on this, in terms of follow through, I think that
35 would be very useful to us for thinking about this next year, and it
36 keeps the partnership going. I think that's the most direct request I
37 have.
38

39 Then I think the agency has sort of heard loud and clear the
40 suggestions that continuing to weave EFH into other things, like,
41 for instance, development of the climate actions plans and
42 continuing to think deliberately and consciously about how EFH
43 and the new EBFM Policy and whatever we're calling the next
44 steps on EBFM implementation -- I think the agency will do that
45 anyway, but, again, our Habitat Working Group can kind of keep
46 tabs on how that's going and report back to us next year on that

1 too, and so that would be my suggestion for a direction coming out
2 of this.
3
4 *Carlos Farchette:* Okay. Thank you, Bill. Thank you, Katie and Terra. Chris.
5
6 *Chris Moore:* To that point, Mr. Chairman, do you need a motion, or do you have
7 the sense that the CCC wants to continue the Habitat Working
8 Group and adopt Bill's proposal?
9
10 *Carlos Farchette:* I agree. I think we should look to do a motion.
11
12 *Chris Moore:* **So moved.**
13
14 *Carlos Farchette:* We need a second.
15
16 *Bill Tweit:* Second.
17
18 *Carlos Farchette:* It's seconded by Bill. **All in favor say aye. Okay.** Next on the
19 agenda is Update on Conflict of Interest Regulations Project and
20 Adam.

1 **12. UPDATE ON CONFLICT OF INTEREST REGULATIONS**
2 **PROJECT**

3
4 *Adam Issenberg:* Recall that in February that I gave a presentation on this issue and
5 talked about the recent interest in recusals resulting from a couple
6 of recusals in I think a couple of instances involving a couple of
7 recusals each in the North Pacific Council arising mainly from an
8 interpretation that, where a council member is either employed or
9 owns a business with an interest, a partial interest, in other
10 businesses that harvest in the particular fishery, we attribute the
11 full amount of harvest by the subsidiary to the parent.
12

13 In February, I reported that we were taking a look -- In response to
14 the interest in those decisions, we were taking a look at a couple of
15 things. We were taking a look both at the substantive standards
16 that had been applied as well as the procedures that were used to
17 make recusal determinations.
18

19 I also reported that we had formed a working group that consisted
20 of both NOAA GC and NMFS personnel and we had been giving a
21 lot of thought to a number of options in both of those areas, the
22 substantive and the procedural areas.
23

24 I wanted to report back on where we are with that. I know the
25 greatest interest is in the substantive issue, the question of how we
26 calculate whether there is a significant and predictable effect on a
27 council member's interest, and the bottom line on that particular
28 question is that, after a lot of discussion and deliberation,
29 consulting within NOAA GC and consulting with the Fisheries
30 Service, we have concluded that the current interpretation, the
31 interpretation that reflects what we call the full attribution
32 approach, best reflects the intent of the Magnuson Act conflict of
33 interest provisions.
34

35 It is not our plan at this point to make any changes in terms of that
36 approach. We think it's a predictable metric and it reflects the
37 intent of the Magnuson Act. Then, in terms of the procedural
38 issues, we are planning to undertake some actions to try and
39 enhance the transparency and the timeliness of the decisions, the
40 recusal decisions.
41

42 There is currently a procedural directive on review of fishery
43 management council financial disclosures. We're going to develop
44 some national guidance to update those procedures, and what the
45 national guidance will do will be to instruct each region to come up
46 with a set of regional procedures relevant to that region.

1
2 I want to make clear that the standards that are applied will be the
3 same across all regions and all councils, but because of the
4 different natures of the fisheries involved and the actions involved,
5 there are differences in when and how the decisions are made, and
6 we think having a clear set of written procedures that explain that
7 and identify that and are publicly available will enhance
8 transparency and predictability.
9

10 Once we've got the national guidance in place, we will be asking
11 each region to develop their regional procedures. Those will be
12 shared with the relevant councils before they're finalized.
13 Additionally, we will be developing a webpage on the NOAA GC
14 website that will hold all the recusal decisions, and so those will be
15 available for reference, and that is the current plan, and I'm happy
16 to take any comments or questions.
17

18 *Carlos Farchette:* Dan.

19
20 *Dan Hull:* Thank you, Mr. Chairman. Thanks, Adam, for the information and
21 the update. I guess, starting with the bottom line on the 10 percent
22 attribution ruling, I wonder if you can elaborate a little bit more
23 about that. Do you think it best reflects Magnuson because of the
24 uncertainty doing it any other way? Are there other potential
25 examples or hypothetical scenarios that just make it too difficult or
26 uncertain to interpret it any other way or is it the specific language
27 in Magnuson that is very clear that that's the way to do it? Can
28 you elaborate?
29

30 *Adam Issenberg:* As to the first part, we did talk a lot about the types of information
31 that would be needed, the burden of different alternatives, and you
32 know I do think that this is the simplest, most straightforward,
33 easiest to make determination, but that wasn't the driving factor.
34

35 We talked a lot about ways to deal with alternatives that would
36 require a deeper dive into kind of the holdings of individual
37 council members and such, and there were potentially solutions for
38 a lot of those problems.
39

40 The Magnuson Act is general on this. It simply speaks to a
41 significant and predictable financial interest, but conflict of interest
42 provisions are designed to address both real and perceived
43 conflicts of interest. The NOAA GC appeal decisions spell out the
44 reasons for the conclusion that this interpretation is most consistent
45 with the intent of the conflict of interest provisions.
46

1 I think the basic point is that it reflects the likely interest in a
2 particular interest, and I am using a word to define another word,
3 but the likely interest in a particular financial interest, where, if
4 you've got a piece of a business, you're not hoping that 20 percent
5 of that business is going to do well. You're hoping that all of that
6 business is going to do well, and the full performance of that
7 subsidiary reflects the value of that subsidiary to your total
8 holdings, and so that's the bottom line.

9
10 As with anything, the Magnuson Act doesn't spell this out. The
11 regulations don't spell this out. There is always a need to interpret
12 in these situations, and we think, and we've discussed this with the
13 Fisheries Service, but I think this is both a legal and a policy
14 conclusion that this best reflects the intent of the Act.

15
16 The other thing I want to point out is that this is a fundamental
17 tension in the Magnuson Act, that it's designed to give people who
18 have an interest in the regulated activities a voice in the
19 management of those activities. At the same time, there's a need
20 to constrain or to ensure that votes are exercised in the public
21 interest, or the greater interest.

22
23 One other thing I want to point out is that, in most conflict of
24 interest situations, if you've got a conflict of interest, you're out
25 completely, and Congress recognized that and dealt with that by
26 providing that even if you need to recuse that you can still
27 participate in deliberations and you can still indicate how you
28 would have voted, and that is not the typical mechanism in a
29 conflict of interest situation, and I think that was one of the ways
30 that Congress tried to walk that line about how are we going to
31 ensure that the people with an interest can participate while
32 avoiding inappropriate conflicts of interest.

33
34 *Carlos Farchette:* I have Terry, Gregg, and then Bill.

35
36 *Terry Stockwell:* Thank you, Adam, for continuing to look into this issue. New
37 England does have one council member who routinely asks to
38 recuse herself on two of our primary FMPs, and so I am wondering
39 what your timeline is for developing the national guidelines, so
40 that we can advise her when we get home.

41
42 *Adam Issenberg:* We don't have a specific timeline at this point. We've gotten
43 started, we're getting started, on developing that national guidance.
44 We're going to work on it hard through the summer. I'm not ready
45 to make a commitment as to when that will be ready, but our goal
46 is to get those regional procedures out to you, because I think

1 that's the thing that will be relevant to the individual councils.
2
3 *Carlos Farchette:* Gregg.
4
5 *Gregg Waugh:* Thank you, Mr. Chairman. In terms of explaining this to a council
6 member, even though they might own 10 percent of a corporation,
7 only be eligible for 10 percent of the profit, they're still having all
8 of the ownership of that corporation attributed to them.
9
10 *Adam Issenberg:* All of the harvest or landings, however the -- Whatever the
11 denominator for the determination is, which is typically landings,
12 is attributed to them, yes.
13
14 *Carlos Farchette:* Gregg, a follow-up?
15
16 *Gregg Waugh:* So the determination is landings and not value or number of
17 permits? It would be landings of a species?
18
19 *Adam Issenberg:* I believe it's in terms of landings as compared to the overall
20 landings in the particular fishery or sector.
21
22 *Carlos Farchette:* I have Bill and then Dan.
23
24 *Bill Tweit:* Thanks, Mr. Chair. Thanks, Adam. When we discussed this last,
25 one of the issues that we raised, that we recognized, was specific to
26 the North Pacific Council with this is that the interpretation that
27 you just affirmed seems, to us, to in particular affect one of the
28 members of the council who represents -- Although it's not a
29 formal position, but he represents the CDQ Corporations from
30 western Alaska, and we pointed out that program is a specific
31 objective. Having that program succeed is a specific objective of
32 the Magnuson Act, and it seemed to us to be creating an awkward
33 tension between the more successful the program, the more likely
34 that member was to be recused, and suggesting that was one of the
35 reasons why we had concerns about this interpretation.
36
37 Given that you're reaffirming your initial interpretation, I'm
38 wondering if you have suggestions, at least for us, about how we
39 can handle that fairly unique situation. We all obviously want to
40 see the CDQ Program continue to grow and succeed, but, the more
41 that happens, that more that particular member is going to be
42 sitting on his or her hands.
43
44 *Adam Issenberg:* We did talk about that issue, and we are aware of that issue as we
45 engage in the deliberations. I don't have a specific suggestion at
46 this point. That's something that we can continue to explore with

1 the lawyers in Juno. You know I think they're in the best position
2 to -- They have the best understanding of that program.

3
4 I think this will provide some predictability, and that's cold
5 comfort I understand, but at least at this point that problem will be
6 recognized and, as I said, that person can continue to participate in
7 the deliberations and indicate how they would vote and provide
8 input and their expertise.

9
10 *Carlos Farchette:* Dan and then Charles.

11
12 *Dan Hull:* Thank you, Carlos. My other question, I think, gets more to the
13 process options. In fact, I think it relates somewhat to the front
14 loading of NOAA GC participation with the councils in terms of
15 process, because I recall some of our conversations at the North
16 Pacific Council about having concerns that the way an analytical
17 package is structured could have an effect on a recusal
18 determination, and I don't think we ever clearly understood, in the
19 end, whether that was in fact the case.

20
21 Going forward, with the development of guidance, I'm wondering
22 if that might be one of the topics that you will be taking up as a
23 workgroup. I think we were left, as the North Pacific Council,
24 with some uncertainty about a variety of agenda items that might
25 end up being subject to recusal determinations in the future that we
26 weren't aware of in the past or just the way they were structured or
27 a fresh look at how recusals are being determined. That's a broad
28 question, but maybe you can help me with an answer on that.

29
30 *Adam Issenberg:* I can give a broad answer. I know that one of those two recusal
31 determinations touched on that issue, on what was the relevant
32 action, and I think it also touched on what was the relevant fishery
33 or sector, and we definitely recognize that that's an issue that
34 would benefit from additional guidance. I can't really speak to the
35 details of that at this point, but that is something that we've been
36 talking about and we'll take a look at in the context of the
37 guidance.

38
39 *Carlos Farchette:* Charles.

40
41 *Charlie Phillips:* Thank you. Adam, you said that you wouldn't use the number of
42 permits, but you would use landings. We have some endorsements
43 in the South Atlantic that have relatively low participants, and so
44 there could be a person that might have a couple of endorsements
45 or could possibly reach 10 percent of the endorsements, but their
46 landings for the previous year was less than 10 percent, and so are

1 we talking landings the previous year or projected landings on
2 what they may get? I'm unclear on how this would work.

3
4 *Adam Issenberg:* I don't know enough about that situation to give a specific answer
5 to that. That's something we can work with GC Southeast on. The
6 specific recusal situations that I'm aware of have looked at
7 landings, but, like I said, we do have differences among fisheries
8 based on their makeup, and that's one of the things that these
9 regional procedures will reflect. I don't know if that's something
10 appropriate to take into consideration, but that's helpful as
11 something we should look at as we're developing the guidance.

12
13 *Carlos Farchette:* Tom.

14
15 *Thomas Nies:* Adam, this question is related to the development of guidance, and,
16 really, I guess it's probably not directly with respect to conflict of
17 interest, but more on the financial disclosure forms. It seems that
18 the financial disclosure forms seem to focus on fishing industry
19 issues, and I've seen some examples in the past where there are
20 council members who have significant financial support to argue
21 for specific management programs or objectives that are not
22 declared on their financial disclosure forms, because they're not
23 related to the fishing industry.

24
25 I think you should consider whether that should be expanded. I'm
26 not suggesting that that necessarily means there's a conflict of
27 interest that would disqualify them, but it seems like, in the context
28 of Magnuson, the public should be aware of the financial interests
29 that may be influencing a council member's behavior, and it seems
30 like the financial disclosure form should reflect that information.

31
32 We've seen groups that are -- You would look at them and you
33 would say they're a fishing industry group, but they have large
34 amounts, and I'm talking about dollar values of approaching \$1
35 million dollars, granted to them to advocate for a specific
36 management program, and it seems like the public deserves to
37 know that when a council member is sitting at a table, in my
38 opinion anyway.

39
40 *Adam Issenberg:* Thanks, Tom. We can take a look at that.

41
42 *Carlos Farchette:* Alan.

43
44 *Alan Risenhoover:* To that point, Tom, Brian just let me know that our forms do
45 request information on advocacy and lobbying as part of that and
46 that those forms are coming up for review in approximately the

1 next year or so, and so that might be something that we can include
2 as kind of a public notice, but, again, the Act limits it to a direct
3 benefit on fisheries stuff, and so we are probably limited a little bit
4 about statute.

5
6 *Carlos Farchette:* Thank you. We are going to move forward to the Communications
7 Group Report and Kitty.

1 **13. COMMUNICATIONS GROUP REPORT**

2
3 *Sylvia Spalding:* Good morning, Mr. Chair and members of the CCC. I'm going to
4 do the report for Kitty. My name is Sylvia Spaulding, and I am the
5 Communications Officer for the Western Pacific Fishery
6 Management Council. The documents are in Tab 13, and what I'm
7 just going to review for you is the outcomes of the
8 communications leads for all eight councils, and we met from
9 February 17 to 19 in Hawaii, and what we were about to
10 accomplish during that meeting.

11
12 If you look on Tab 13, there is a report of the meeting. We were
13 able to discuss best practices, share ways that we run meetings
14 from the communications perspective, the different technologies
15 that we use. There's a table in the back of that report which shows
16 the variations in what web platforms we use and what WebEx
17 teleconference systems we use and things like that.

18
19 I am not going to go too much into the report, because we're still
20 talking amongst ourselves about how we might want to move
21 forward on some of those findings, but I did want to talk to you
22 today about the outcomes from that meeting, which was forwarded
23 to you at your February CCC meeting, in regards to the 40th
24 anniversary of the MSA.

25
26 You all approved what we had recommended doing, and, as you
27 can see from this conference here, we have made the logo for the
28 40th anniversary, an all-council logo, which is back there on the
29 banner. We also, as we said we were going to do, made a new all-
30 council brochure, which Miguel introduced at the beginning of the
31 conference yesterday.

32
33 Then the other thing we were doing was to make an updated,
34 revised all-council website, and so the councils run two websites.
35 We have a Managing our Nation's Fisheries website for when we
36 have the MONF conferences, and then we also have this website,
37 which is fisherycouncils.org.

38
39 What you're seeing here is the new version that we're working on,
40 and so, right now, all the councils are adding their parts to it, and
41 so what you see is not the final, final. Like we might update that
42 map, but I just thought we would give you a preview. When we
43 complete everything, we're planning to, with your agreement,
44 announce it publicly through a press release, and so this is, right
45 now, how the new site would look, and this is how the old site
46 looked, and so it's a cleaner look.

1
2 Besides looking cleaner, we're using a new platform. This was an
3 HTML. The North Pacific Council kept it up, and so everything
4 had to go through them. With the new website, we're going
5 through SquareSpace, so each council can go in there and update
6 it.

7
8 On the top tabs, the viewer can go to links to the individual
9 councils, and so each council is updating those individual sites
10 themselves. If the viewer clicks on one of those pictures, they
11 would go to that council's details, and so this is for the Mid-
12 Atlantic Council. There is also, up on that top tab, a place to go
13 directly to the Magnuson Act, and then, the next tab over, people
14 can go to the meetings. Right now, the CCC meetings are only on
15 the NOAA website, and so we're going to start putting that on the
16 council website also. If you click on one of the meetings, then you
17 will get all the documents from that meeting.

18
19 Up on the top tab is the resources and links that the councils have
20 done together, and so the publications up there, and we will be
21 adding this publication, are ones that all eight councils jointly put
22 together. I think what's missing on there is the CCC reports.
23 Those will be up there, and then we have the contact tab. Then
24 another feature of this website is it's mobile. People can access it
25 on their phone, and so that's the presentation, and I don't know if
26 there's any questions or comments.

27
28 *Carlos Farchette:* Any comments? I think that's pretty cool. Tom.

29
30 *Thomas Nies:* Thanks. It looks like a really interesting website. Are there any
31 plans to do any web analytics to track its use, to make sure that we
32 can improve it over time?

33
34 *Sylvia Spalding:* That can be easily done through Google Analytics, and so yes, I
35 will put that down as something that you would like us to do, and
36 we can do that.

37
38 *Carlos Farchette:* Gregg.

39
40 *Gregg Waugh:* Thank you, Mr. Chairman. I would just like to express our
41 gratitude to the whole Communications Group for all their efforts
42 in putting together the logo, the new brochure, and the website. I
43 particularly like how it's being laid out, so that then each council
44 can put their materials on there and sort of manage their own part
45 of that. Just kudos to all involved. Thank you.

- 1 *Sylvia Spalding:* Thank you. David Witherell and Diana Martino are on that group,
2 and so I'm going to have to run off after this, but they can also
3 answer any questions you might have about what the
4 Communications Group is doing and what we plan to do as we
5 move forward.
6
- 7 *Carlos Farchette:* Anything else? Kudos the Communications Group. That's an
8 excellent job you all did.
9
- 10 *Sylvia Spalding:* Thank you.
11
- 12 *Carlos Farchette:* Okay. We're going to go ahead and break for lunch a little early.
13 It's going to be the same situation as yesterday, where you can use
14 the Sunset Grill or another restaurant, and so we will come back at
15 1:15.
16
- 17 *(Recess)*

1 **14. OTHER BUSINESS: DISCUSSION OF NATIONAL MONUMENT**

2
3 *Carlos Farchette:* Welcome back, everyone. Before we continue with the regular
4 agenda, we had a special request from Edwin, because he has to
5 step out of here a little later, and so he asked to go first on one of
6 the Other Business issues, which is the monument, and so, Edwin,
7 it's all yours.
8

9 *Ed Ebisui:* Thank you, Mr. Chairman, and good afternoon, everybody. I
10 would like to report to this body on our council's recent experience
11 with a request to expand the National Monument in the State of
12 Hawaii. It is what was formerly known as the Northwestern
13 Hawaiian Islands, and a recent request was received by the
14 President by seven individuals purportedly native Hawaiians,
15 purportedly speaking on behalf of native Hawaiians, but requesting
16 expansion of the current monument.
17

18 Now, this first slide is the Pew's Global Ocean Legacy, and it
19 shows Pew's goals in achieving monuments and preservation areas
20 throughout the Pacific. This slide shows the western Pacific region
21 and all of the monuments and areas that are closed to fishing
22 within the EEZ of the Western Pacific Management Council, and
23 so up at the north, that long area, that's the State of Hawaii,
24 including the Northwestern Hawaiian Islands. Below that, in the
25 circular region, are the monument areas within the PRIA, also in
26 the two square boxes.
27

28 To the south is American Samoa and their protected areas. To the
29 west is the Marianas Islands, Guam and Saipan, that you will see the
30 large red areas which are closed. Now, the Hawaii area currently
31 is -- The dimensions are fifty nautical miles from the center of each
32 island, and so, in effect, this red swatch here is a hundred miles
33 wide. Because it's an island, it's a fifty radius on one side and a
34 fifty radius on the other side. It's a hundred miles.
35

36 The proposal seeks to expand this fifty-mile radius out to 200, over
37 this entire area. We'll see that on the next slide, but I think, for
38 purposes of proportion, I think this gives a better perspective.
39 Then, if the monument is expanded out to the limits of the EEZ,
40 we are speaking of an area that's 700 miles long by 400 miles
41 wide. It's huge. Huge.
42

43 Where we are at currently with this area, this pinkish area being
44 the existing monument boundaries, and this striped area to the
45 south being what we call the Southern Exclusion Zone, this area
46 will be closed to fishing if and when there are two false killer

1 whale takes, and so it's sitting there. It's ready to be closed, but
2 it's not yet closed.

3
4 The rest is the entire EEZ, and so just including the current
5 boundaries and this Southern Exclusion Zone here, that takes out
6 37 percent of Hawaii's EEZ. That's a large number as it stands
7 right now. If the expansion is approved by the President, it would
8 take out 85 percent of our EEZ. Can you imagine any state in this
9 country having 85 percent of its EEZ shut down to fishing?

10
11 On top of all this, internationally, there is a movement towards
12 closing fishing on the high seas. We shoot ourselves in the foot or
13 higher with this, plus an international high seas closure. Our entire
14 fleet will be confined to this area, and that's it. We've lost
15 everything else.

16
17 Now, what I would like to do is to -- One of my favorite animals is
18 the seabird. They're incredible. They fly from Point A to Point B
19 in a direct line. They fly in the air and they fly underwater, and
20 what they do very often is to fly high, and when they fly high, they
21 get the perspective and fully understand what they are engaged in.

22
23 I would like to take us on one of these trips. Let's fly high and
24 let's take a look at it, because I think the council -- Not I think, but
25 the council fully evaluated this proposal to expand it, and, really,
26 the bottom line, for me at least, is that this is nothing. The request
27 is nothing but symbolic futility that is so detrimental to the
28 economy, to food production, food security. I mean you name it.

29
30 Throughout the entire analysis, we saw no conservation benefit,
31 absolutely zero gain. Within this fifty-mile radius area are all of
32 the species that I think require protection. This boundary here, this
33 fifty-mile boundary, the depth at that point is three miles deep.
34 Any fishing vessel or any vessel wouldn't even cast a shadow at
35 that depth.

36
37 This is a snapshot of the fishery in here. This is the shallow set,
38 which is swordfish. This is the deep set, which is tuna, principally
39 bigeye tuna. If you look at the depths in which our fleets operate
40 in, it's 400 meters on the deep set. That's 200 fathoms, compared
41 to three miles in depth. It just boggles your mind, because you
42 come to the conclusion of what are we trying to do? What are we
43 hoping to accomplish with the expansion of the monument? What
44 are we trying to save?

45
46 The response has been, well, there's probably sponges at that depth

1 and there are shipwrecks. A fishery doesn't even come close to
2 interacting with sponges and shipwrecks at that depth. Yes, like
3 anywhere else in the world, there are pinnacles that come up off
4 the bottom, but they're not densely packed. They're sporadic
5 throughout the region, but that's no reason to shut down the entire
6 EEZ.

7
8 The whole process has been mind-boggling, like I said. Two
9 weeks ago, we met with members from CEQ, the Council on
10 Environmental Quality. That's the White House attached CEQ,
11 and one of the questions that I asked was to please tell me that
12 there is a point in this entire process where rational thought,
13 science, and facts are analyzed and come into play. The silence
14 was deafening. I mean there was absolutely no response, and the
15 message was clear. Science and facts, under the Antiquities Act,
16 has no place in the process. That's scary.

17
18 With that, you have before you a draft of a statement and
19 recommendation, outcomes statement and recommendation. I
20 would ask all the councils to have their Chairs join me in signing
21 this statement and recommendation and let us stand together and
22 promote Magnuson over the Antiquities Act or any other act that
23 would come into play in this process. It's kind of a crazy process.
24 It's like I remember the Twilight Zone. This is it, man. It's mind-
25 boggling.

26
27 *Kitty Simonds:*

28 In terms of Magnuson, the fifty-mile closure was actually put on
29 top of the council's closure for a protected species zone that we
30 initiated and it was implemented by the National Marine Fisheries
31 Service in 1991. In that, as Ed says, is the protection of the monk
32 seals, the seabirds, turtles, and corals. Then, in 2006, is when that
33 monument was laid over our protected species zone, and I was
34 waiting for a thank-you, but I never got it, of course.

35 We're doing our job. We've all done our job in terms of closures
36 to protect species, especially protected species, because that's been
37 our biggest issue in our part of the world, and so we've been doing
38 this for twenty-five years, protecting these animals, and so it's
39 really time for our President to think about supporting people, and
40 so that's what I have to say.

41
42 Maybe what would be useful is for us to go around the table and to
43 see if there are any other edits. What we did is we took into
44 consideration comments from everybody, and I shared the draft
45 with Adam, who reviewed it and made a small change. I think we
46 used the term of "full utilization" in the letter, and Adam thought it

1 would be better to use “achieve optimum yield”, and so you will
2 see that. It’s on the second page, and so why don’t we go around
3 the table, starting with New England.
4

5 *Carlos Farchette:* Eileen.

6
7 *Eileen Sobeck:* I just wanted to make a general comment, not about the resolution.
8 Obviously, the government folks, we abstain. This is going to be a
9 decision by the President, and so you guys are, of course, entitled
10 to do this.
11

12 I guess I do feel compelled to say that the Antiquities Act has been
13 around for a long time, and it’s done some really good things, and
14 there are a lot of places that most people think are absolutely iconic
15 and 100 percent deserve protection today, and, at the time they
16 were designated as national monuments, people didn’t feel that
17 way about them, places like Death Valley in the Grand Canyon and
18 places like that.
19

20 It is an old statute, and the process is really different, and it is very
21 un-process laden, and it doesn’t have a lot of required input and
22 analysis the way more modern conservation statutes do. On the
23 other hand, it’s been upheld many, many times by the court, and
24 while it’s an abbreviated process and it has a lot less input than
25 we’re used to, it has been determined to be legal, and so I
26 completely understand that you’re not happy with the process and
27 that you don’t feel as if you were heard.
28

29 On the other hand, we have been trying to provide a lot of
30 information on this and other potential monuments, just to make
31 sure that the facts are out there and that the statutory and regulatory
32 frameworks that are involved are known to the decision makers,
33 and so I just -- I am not taking a point of view. You’re entitled to
34 yours, clearly, but I guess I don’t consider it to be a crazy process,
35 even if it’s an attenuated process, but it is different than what we’re
36 used to, and it is a lot different and a lot less rigorous compared to
37 what we have to do under the Endangered Species Act or the
38 Magnuson Act, and so there are definitely different standards in
39 play.
40

41 *Ed Ebisui:* Thank you. To my way of thinking, the terrestrial monuments
42 don’t ban human use within the monuments. I think hunting and
43 fishing and those things are still allowed. People can actually visit
44 the monuments. Marine monuments, however, have totally banned
45 any extraction, any use. It even restricts access, and that’s one of
46 the issues that I have with this particular request, is I can’t see any

1 benefit that is brought to the native Hawaiians by the monument.

2
3 It certainly doesn't facilitate or preserve cultural heritage, because
4 I think the Hawaiians firmly believed in use and exploitation of
5 resources, ocean resources. They did not believe in widespread
6 closures of huge swaths of the ocean, and so I think there does
7 seem to be a difference between terrestrial and marine monuments
8 that I have difficulty with.

9
10 *McGrew Rice:* To look at Hawaii, we're an island, and our main resource is the
11 ocean. You've got diving and fishing. We're an island, just the
12 Caribbean, and number one is tourists. It's because of the ocean.
13 Fishing is because of the ocean, and so if you shut off 85 percent
14 of our ocean from fishing or use, then what do we have? We have
15 nothing. We have welfare.

16
17 I mean it's a process where you have 140 boats that are fishing,
18 that bring their fish in. You've got the wholesalers, you've got the
19 restaurants, and you've got the people that work at the restaurants.
20 Nowadays, you look at all the restaurants that advertise fresh-
21 grown, and so when the restaurants have to bring tuna in from
22 Indonesia and the Philippines, how does their fresh-grown
23 vegetables go with Philippine tuna? I mean there's a lot more to
24 think about than just closing a piece of water because some people
25 think that it's a good idea.

26
27 Like Ed said earlier, people are a concern. It's time for them to
28 think about the people that live there and work there. Fishermen
29 don't make a lot of money. They fish because they love to fish and
30 make a decent living.

31
32 Our longline and tuna packers have been -- Since the turn of the
33 century, it's part of the culture of Hawaii. If this happens, you will
34 lose at least half of that fleet, and it may destroy the whole thing,
35 and so it's really something for all of us to think about, because
36 you're next.

37
38 *Carlos Farchette:* Terry.

39
40 *Terry Stockwell:* Thank you, Carlos, and thank you, Ed and Kitty. I'm extremely
41 sympathetic to the issues you've raised. New England is looking
42 at least one monument proposal at this time, and I made some
43 comments yesterday with some discomfort for the original draft,
44 but I'm very comfortable with the edited draft, particularly because
45 it underscores the comments that we made in our comments earlier
46 this year of using the public, transparent process and the best

1 scientific information. It's a give-and-take between all parties, and
2 I think there's a way to balance the needs of the fisheries and that
3 of protecting the environment. Using the council process is
4 something I'm embedded with, and so I will be happy to sign the
5 letter.
6
7 *Carlos Farchette:* Rick.
8
9 *Rick Robbins:* Thank you, Mr. Chairman. I appreciate the fact that our proposed
10 edits have been taken into consideration, and I would just suggest
11 that you may be able to just approve this by consent, if there aren't
12 any objections.
13
14 *Carlos Farchette:* I'm sorry, but I didn't get that last one, Rick.
15
16 *Rick Robbins:* I was just suggesting, if there aren't any objections, you could
17 consider approving it by consent, but that's up to you.
18
19 *Carlos Farchette:* Is there any objection to Rick's suggestion? If not, then all the
20 Chairs will go ahead and sign off on the document.
21
22 *Ed Ebisui:* Thank you very much, Mr. Chair. We will continue the fight.
23
24 *Carlos Farchette:* Thank you, Ed. Sam.
25
26 *Sam Rauch:* Since this is a public meeting, this document, I don't believe, has
27 been on the board or anything. Can you make sure that it is
28 available for the members of the public who are here? I take it that
29 you've agreed to sign off on it, but just if you could put it up on the
30 website. Thank you.
31
32 *Carlos Farchette:* Okay. By consensus, the letter will be signed by all the Chairs.
33 Thank you. Next on the agenda is Compliance with NS 2 and Tom
34 Nies.

1 **15. COMPLIANCE WITH NS 2: BSIA USED BY COUNCILS/NMFS**
2 **FOR STOCK STATUS DETERMINATION, SPECIFICATIONS**
3 **(OFL/ABC/ACL) AND MODEL SELECTION**
4

5 *Thomas Nies:* Thank you, Mr. Chairman. I appreciate you putting this on the
6 agenda to address an issue that Gregg Waugh with the South
7 Atlantic and I raised in February. We have a short combined
8 presentation that we're going to go through. Rather than get up
9 and walk over to the table, we're going to ask Graciela to page
10 through it for us, so we can sit comfortably here and not worry
11 about the rum punch we had at lunch making us a little shaky.
12

13 The point of this discussion I think is pretty much captured in the
14 title. It's to try and get at the issue of how does the agency comply
15 with National Standard 2 while reviewing council actions. We all
16 submit management actions that generally are supported by
17 scientific analyses. While each council is unique, all the councils
18 have established some sort of process to ensure that they are using
19 the best scientific information available to support our decisions.
20

21 Particularly with the setting of OFLs and ABCs, a key part of that
22 process in every council is the use of the Scientific and Statistical
23 Committee, which, of course, is required by the Magnuson Act.
24 What isn't real clear to us, and the reason Gregg and I raised this
25 issue, is what happens after we submit a document. That's really
26 what we want to focus on during this discussion, and that is how
27 does that agency meet the requirements of National Standard 2
28 while reviewing council actions?
29

30 We all know that we've got a ton of laws that we're supposed to
31 comply with. This discussion is primarily going to hinge around
32 the Magnuson-Stevens requirement to use the best scientific
33 information available and the guidance provided by the NSGs on
34 how to meet this requirement.
35

36 We acknowledge though that it overlaps with NEPA, of course,
37 and with the Administrative Procedures Act, because both of these
38 statutes provide requirements and different steps for public
39 participation in the regulatory process, but Gregg and I are really
40 going to focus on the National Standard 2 issue in this discussion.
41

42 Throughout the development of a management action, councils
43 develop and analyze alternatives. The public has access to all of
44 these analyses. Indeed, Section 302(i)(6) of the Act requires that
45 interested parties shall have a reasonable opportunity to respond to
46 new data or information before the council takes final action on

1 conservation and management measures.
2

3 Often, the analyses used to support management actions are
4 conducted by technical teams that include council staff, federal and
5 state scientists, sometimes university scientists or people from
6 research institutions. By the time the council votes, there has
7 usually been an extensive discussion and debate and often a review
8 of the supporting analyses at various levels. It ranges from
9 interactive reviews by plan development teams or fishery
10 management action teams, whatever you're called in your council,
11 to full-blown external peer reviews. There's a lot of different ways
12 that most of the analyses are reviewed.
13

14 It is true that often there are additional analyses that may be
15 completed after the council vote, before submission of the final
16 document, perhaps to address any changes made by the council at
17 the last meeting on the action or to fill in work that isn't quite
18 completed.
19

20 NMFS has published guidelines for ensuring that best scientific
21 information is used. I'm not going to go into the guidelines.
22 They're quite lengthy, but there are six key principles highlighted
23 on the slide, most of which, and I think maybe all of which, grew
24 out of a 2004 study by the National Research Council on the use of
25 best scientific information in management decisions.
26

27 I think it's worth noting one of the statements in this report, and I
28 will quote it: The Secretary of Commerce should determine
29 whether a plan adheres to National Standard 2 by the extent to
30 which the guidelines have been followed as part of the review for
31 compliance with the Magnuson Act.
32

33 For the setting of catch specifications, particularly OFLs and
34 ABCs, the councils rely heavily on their SSCs, because we have to,
35 in a very public and transparent process. The scientific issues are
36 debated and examined and a formal fishing level, or ABC,
37 recommendation is developed. The SSC membership often
38 includes federal, state, and academic scientists.
39

40 SSC members, I think in every council, are appointed for their
41 scientific expertise, and I know this is true at least on the east
42 coast, and I'm not too sure about the west coast, but SSC members
43 who may be may be members of federal agencies are not
44 considered representatives of their respective agencies. They're
45 there for their expertise.
46

1 That all takes place at the SSC, but what happens after a council
2 considers and makes an ABC recommendation? How does NMFS
3 meet the requirements of National Standard 2 when reviewing the
4 council submission? Gregg and I don't think this is really an idle
5 question. We want to show two recent examples just to illustrate
6 what brought this forward, where NMFS appeared to reach a
7 different conclusion than the SSC on what the appropriate ABC
8 was.

9
10 We really don't want to focus too much on the details of these.
11 These are just intended to be illustrations of why we think -- We
12 think these illustrations highlight that there may be a process
13 shortfall here that needs to be addressed, because it's not really
14 clear what process the agency used to make the determinations.
15 Now I'm going to turn it over to Gregg.

16
17 *Gregg Waugh:*

18 Thanks, Tom. The example we have is gag, where the SSC
19 determined it was undergoing overfishing and then NMFS
20 determined that it was not, and so gag were assessed in 2013/2014
21 with data through 2012. Our SSC, again, determined there was
22 overfishing and not overfished. They have a standard approach
23 that they use that looks at using a three-year average of the F
24 values to deal with the uncertainty.

25 The fishing mortality trajectory in the terminal years was
26 downward. Their consensus was that management action that we
27 took, and we had a closure in 2012, kept the F below the F limit in
28 2012, and so we were below the limit, but, when you average
29 them, it was above the limit, and so their conclusion was that it
30 was overfishing, in order to account for the uncertainty.

31
32 The NMFS position was that the acceptable fishing mortality rate
33 in 2012, the projections showing that the fishing mortality would
34 be below the F limit in 2013 if landings were not exceeded, and
35 then looking at what happened in 2012, showing that landings
36 could be limited, justified a determination that overfishing was not
37 occurring in 2012 and 2013, and there was also concern expressed
38 because the recommended OFL and ABC allowed for increases in
39 2014, when the determination was that overfishing was taking
40 place, and so that was a concern that the agency had.

41
42 The SSC raised some concerns about this, and we did get NMFS to
43 come and give a presentation to the SSC. Their main concern on
44 the SSC's part was stock status as a part of the ABC control rule,
45 and so, in accounting for uncertainty, they take that into
46 consideration. When they made their ABC recommendation, they

1 took into account that it was overfishing, and that gave us an ABC.
2 Then it creates inconsistencies, when afterwards a determination is
3 that, well, it's not overfishing, but then we kept the existing ABC,
4 and so it's a little bit of a timing issue, and it left some on the SSC
5 feeling like this was just a way to avoid an overfishing
6 determination.

7
8 The period of time when you make that conclusion about stock
9 status is critical, and so we've asked our SSC to go back and look
10 at modifying the control rule to consider removing status
11 determination so we don't run into this opposition again, but, in
12 terms of looking at when this determination is going to be made, if
13 it's after the SSC has reviewed it, then it's got to be made before
14 the council begins deliberations on where to set the ACL. That's
15 the example that we have from our area.

16
17 *Thomas Nies:*

18 Thank you. We will go to the next slide, and we'll look at a
19 different example from New England which occurred in 2016, and
20 this is kind of in the opposite direction of the incident that Gregg
21 talked about.

22 This happened with the setting of witch flounder, which is one of
23 twenty stocks managed in the multispecies fishery. The stock is
24 overfished and overfishing is occurring. I would point out that the
25 quota has not been exceeded for close to twelve years, I think, and
26 so there's an issue of scientific uncertainty, obviously, in the
27 setting of the quota.

28
29 For this stock, the OFL is generally set at the catch where
30 overfishing is expected to occur. It's set with the F that provides a
31 median probability of overfishing, and so any quota less than that
32 would be expected to prevent overfishing and would comply with
33 legal requirements.

34
35 The specific example here is using a peer-reviewed assessment.
36 The SSC recommended an ABC based on the control rule. The
37 council asked the SSC to advise on the risks of an ABC closer to
38 the OFL for one year, to mitigate economic impacts. This is pretty
39 consistent with a lot of the underlying advice. Any quota less than
40 the OFL is really a management decision that determines how
41 much uncertainty -- It's based on how much uncertainty the
42 managers are willing to accept.

43
44 If you go back and look at the journal article that talks about the
45 P*, for example, the authors point out that managers may choose
46 the level of risk that they consider acceptable. This could reflect

1 socioeconomic condition. In some cases, higher risks of
2 overfishing may be desired, for example if short-term loss of yield
3 outweighs long-term benefits.
4

5 This was kind of the logic that the New England Council was using
6 when they asked the SSC to advise them on the other risks, and so
7 the SSC went back and took a look at it and concluded that there
8 was the ability to have a higher ABC and the risks, both biological
9 and in some cases economic, depending on how you looked at it,
10 were very similar between the two ABCs, that there was
11 essentially no difference. This was also intended to be an ABC for
12 one year, because a new assessment was planned within a year,
13 which would allow a chance to revisit this.
14

15 When the information came to the council with the SSC's new
16 ABC, the Regional Office raised concerns at the council meeting
17 that the ABC may not be approvable, because they were concerned
18 that it didn't end overfishing.
19

20 The question that comes up, with the comments at the council
21 meeting, is that there's the implication here that somehow the
22 agency has concluded that the recommendation of the SSC is
23 wrong, and so the question is how did the agency reach that
24 conclusion? What process did they use to conclude that the SSC
25 recommendation was incorrect? If the agency had information that
26 was germane to the determination of ABC that's different than
27 what the SSC looked at, why didn't they bring that forward during
28 the SSC discussion, so it could be considered and debated in
29 public?
30

31 Some of these questions were asked by council members at the
32 council meeting, but there really wasn't an answer, and so, to some
33 council members, it appeared that the agency is willing to accept
34 the SSC recommendation as best scientific information only when
35 the agency agrees with it.
36

37 What we were kind of hoping here is to have kind of a general
38 discussion of this issue. I don't know if we're really going to come
39 to a solution, though, after a conversation the other night, maybe
40 we will, but we suggested a couple of questions here that we may
41 want to at least think about to foster some discussion or dialogue
42 on this issue.
43

44 When reviewing a council action, the big one is what process does
45 the agency use to comply with all of those six steps that are needed
46 to comply with National Standard 2, the issues of transparency and

1 considering different viewpoints and all that other stuff? How is
2 the public involved in that step? What sort of documentation is
3 provided that's there?
4

5 This leads to a point that I think is germane to both examples, is
6 that should the agency be an active participant in the SSC
7 discussions, so that if they have information like stock status or
8 other information that it can be considered by the SSC?
9

10 Finally, shouldn't the council have the benefit of all the agency
11 analyses when making its decisions and shouldn't the public have
12 the benefit of all of those analyses when making those decisions,
13 when those decisions are made, so they can adequately comment
14 on the information that's presented? With that, I will turn it back
15 to you, Mr. Chair.
16

17 *Carlos Farchette:* Thank you. Any questions or comments? Sam.

18
19 *Sam Rauch:* I don't want to cut off debate on this, but we do have a
20 presentation to talk about how we're dealing with this more
21 holistically and not about the answers to the specific questions in
22 the two regions, and so whenever you're ready, Mr. Chairman, we
23 can do that, but if you want to address Tom's specific questions
24 first, we're happy to do that as well, however you want to do that.
25

26 *Carlos Farchette:* Tom.

27
28 *Thomas Nies:* It might be useful to hear the agency's presentation first. It might
29 make for a more informed discussion, rather than have us discuss
30 something that you're answering in your presentation.
31

32 *Carlos Farchette:* Good point.
33

34 *Sam Rauch:* Then we've got Jane prepared to give a presentation. Rick Methot
35 has been working on this a lot. We've been thinking about some
36 of the same questions holistically, and Jane can go through what
37 our current thinking on this is.
38

39 *Jane DiCosimo:* Thank you. This is another opportunity for the agency to follow
40 up on an issue that's been before the councils individually and
41 collectively before. Dr. Methot extends his apologies. He is at an
42 international meeting in South Korea, coordinating a symposium
43 on stock assessments, and so I'm stepping in for him.
44

45 Dr. Methot has been working with the councils and the SSCs and
46 the coordinating body of SSC members on National Standard 1 and

1 National Standard 2 issues over the last several years, collectively
2 addressing the issues that are before you now for your discussion,
3 and so NOAA Fisheries recognizes that the councils are interested
4 in the topic of best scientific information available and how the
5 agency meets the requirements to use BSIA.
6

7 National Standard 1 and 2 Guidelines provide the broad framework
8 for the necessary steps in meeting the BSIA requirement. NOAA
9 Fisheries, the councils, and the SSCs all have a role in ensuring
10 that BSIA is used in fisheries management.
11

12 Yesterday, Sam Rauch updated you on the status of the National
13 Standard 1 final rule, and we are in the process of finalizing the FR
14 notice on peer review under National Standard 2. We expect that
15 notice to be published in the June/July period.
16

17 Through that work, we recognize that there remains some
18 ambiguity regarding the relative roles in the BSIA determination
19 process, and Rick Methot and Patrick Lynch in the Office of
20 Science & Technology, working with stock assessment scientists at
21 the centers, have developed a draft white paper on this topic that
22 after this meeting, when we hear your comments on what we are
23 just generally providing an outline for, whether you have
24 comments now or you have comments subsequent to the end of
25 this CCC meeting, we'll revise that draft white paper and distribute
26 it to you for your individual and/or collective comments, and then
27 we will finalize that white paper that hopefully will capture the
28 process that we're identifying for you now.
29

30 I will kind of hit the summary points before even going into the
31 presentation, but NMFS is delegating the heavy lifting on BSIA
32 work to the peer review process that the councils individually have
33 designed that works at the regional level, in cooperation with the
34 region and the centers, but, ultimately, the BSIA determination is
35 NMFS's responsibility.
36

37 This is intended to identify the process that each
38 council/center/region peer review process uses from getting from
39 the assessment science through the peer review process, as outlined
40 under National Standard 2, to a NMFS status determination that
41 informs the SSC process for identifying and recommending the
42 overfishing level and acceptable biological catch
43 recommendations, which also feed into the council annual catch
44 limit recommendations, which then are formed into the regulatory
45 package that is forwarded to the National Marine Fisheries Service
46 for its BSIA determination and ultimately the secretarial approval

1 process.

2
3 The building blocks for best scientific information available are on
4 the screen. It's the basis for the assessments, the science that goes
5 into the assessments. There have been numerous efforts at
6 improving the process at each of these building blocks through the
7 National Marine Fisheries Service Stock Assessment Improvement
8 Plan, through the National SSC Workshops, particularly those
9 addressing National Standards 1 and 2, the individual regional
10 reviews of hundreds of assessments through the SSC process as
11 well as through the Center for Independent Expert reviews and
12 other processes that the council/region/center process has
13 identified, revisions to the National Standard 2 Guidelines, the
14 workshops, and the Federal Register notice on National Standard 2
15 and, ultimately, the final rulemaking for National Standard 1, but
16 how do all of these individual building blocks lead us to the
17 determination for best scientific information available?
18

19 What we have here is the pathway for leading to that BSIA
20 determination. It's all under the National Standard 2 peer review
21 process, which may involve the council's SSC and other
22 committees, which evaluate the technical merits of the assessment.
23

24 NMFS makes the status determination on the basis of the
25 assessment and informs the council of changes in stock status. The
26 next step is that the SSCs use the reviewed assessment and other
27 information to provide fishing level recommendations, that is the
28 OFL and the ABC, to their councils. The councils adopt the
29 annual catch limits that cannot exceed ABC based on those SSC
30 recommendations, and then, ultimately, at the end of that process,
31 NMFS ascertains that it is acting on the basis of BSIA when
32 making status determinations and when signing off on the council
33 ACL recommendations.
34

35 The areas in which this presentation, as well as the white paper that
36 will follow, identify some key clarifications that we are seeking
37 your regional and collective input on, and that is when is the
38 science process completed? Is it at the draft assessment level, after
39 the peer review, or after the SSC accepts the information as best
40 scientific information available that ultimately leads to the NMFS
41 determination?
42

43 How should the SSCs state their acceptance of the quality of the
44 science product before NMFS has made its BSIA determination?
45 How do SSC deliberations of the status of the stocks and BSIA
46 contribute to NMFS making a status determination change and a

1 BSIA determination?
2

3 The questions and the comments are not limited to those that we're
4 posing on the screen. The entire white paper is subject for your
5 review and comment, and so the outline of that white paper calls
6 for an amendment of whatever type of regional agreement you
7 have between the councils, the centers, and the regions for
8 implementation of these guidelines. It might be your regional
9 operating agreement or it might be your standard operating
10 policies, your SOPPs, or a new document that identifies the steps
11 in which this BSIA issue plays out in your region.
12

13 The white paper covers a summary and description of the
14 assessments of the peer review, of the NMFS status determination,
15 the SSC fishing level recommendations, the council management
16 actions, whether it's ACLs or rebuilding plans, the NMFS review
17 and implementation, and the SAFE documentation.
18

19 The scope of the document is limited to the BSIA issue, including
20 the assessments, the status determination, and the harvest levels for
21 fish and shellfish in FMPs. It is not expansive enough to include
22 other fisheries science and management issues, nor does it include
23 internationally-managed stocks.
24

25 Ultimately, the draft document provides a series of
26 recommendations that we also seek your comment on. The
27 assessment should include fallback alternatives to the most
28 advanced interpretations considered, so that rejection is never all or
29 nothing.
30

31 Under this one, if the stock assessment is including either a new
32 approach, a new assessment approach, new statistical design or
33 new data, we're looking to develop a way so that a rejection of a
34 piece of that assessment doesn't reject the entire document, so that
35 acceptance of portions of the assessments is acceptable, but that
36 you have something in place in the event that one element of it is
37 deemed unacceptable by your SSC.
38

39 Where assessments contain multiple scenarios accepted as
40 plausible through the review process, documentation of rationale
41 for recommendations is especially important. Building the record
42 and just being clear and identifying the evidence that was used in a
43 decision is critical.
44

45 The peer review process needs to clearly conclude before
46 management recommendations are made, especially where the

1 SSC is highly involved in their review, and that goes back to the
2 slides I showed earlier, where the yellow boxes kind of showed the
3 steps in the process for when things happen.
4

5 The SSC post-peer review deliberations on stock status and science
6 quality contribute to the NMFS final BSIA determination, and this
7 one is highlighted so that -- I'm trying to make sure that I'm not
8 conveying that the -- Let me tell you what I am trying to convey. I
9 am trying to convey that the SSC is an important component in the
10 overall determination of best science, and so even though I'm
11 emphasizing that ultimately the decision for "capital" BSIA is with
12 the agency, the SSC's and their councils have a role.
13

14 I'm on Slide Number 6 now. Council action on the annual catch
15 limits and other management actions can proceed in parallel with
16 NMFS documentation of the status changes after the science
17 process has concluded. This recognizes the short timeframe in
18 which a lot of these decisions are being made within a council
19 meeting. You may have your SSC meeting in conjunction with
20 your council meeting, and so the communication between the
21 center to the region to the council is happening in a relatively short
22 timeline.
23

24 We are also recommending that this process for that
25 communication is documented somehow, whether it's your
26 regional operating agreement, your SOPPs, or some other
27 document. It might be better if the councils select the same venue,
28 but that's not necessarily essential. Ultimately, what we're doing
29 right now is we're at the still early stage of developing the white
30 paper. We're seeking your comment. We're trying to emphasize
31 this is not a one-size-fits-all. This allows flexibility at the regional
32 level and that it allows substantial regional diversity. That's what I
33 have, Mr. Chair.
34

35 *Carlos Farchette:* Sam.

36
37 *Sam Rauch:* Let me try to take this back a little bit, to the more theoretical
38 prospect. We know that we both have roles in this determination.
39 We know that the councils do the initial stock determination
40 criteria against which we judge things. That's done in an FMP.
41

42 We know that the councils, when they pass management measures,
43 have to, on their own, determine that they've complied with
44 National Standard 2. That's part of when you pass it. You make a
45 determination, but we also know that the statute says that the final
46 determination is ours, because we have to determine that you have

1 complied with National Standard 2, and so, even though we've
2 talked about the NMFS final determination, everybody in the chain
3 makes a determination. We just have the last one.
4

5 We have to make it both at the preliminary stage, when we propose
6 to do it, we take public comment, and then we do it again. The
7 idea that there is one final determination at any point before the
8 Secretary's final view doesn't really exist, but there are things you
9 can do about that. The statute also creates an elaborate SSC
10 process, creates a peer review process, and what I think we all
11 don't want to have happen is we don't want to invest in that
12 process collectively only, at the end of the day -- As you get
13 further and further down that decision structure, you want it to be
14 less and less likely that there's going to be some unknown coming
15 in the process.
16

17 If we design the process well, then, as you get closer and closer to
18 the final secretarial decision, it will become less and less likely that
19 the Secretary would reject it. I don't think you can ever say the
20 Secretary will never reject it, because there's always new
21 information. You have to have that statutory role for the public in
22 there and all those kinds of things, but you can create more and
23 more of a presumption that we would rely on that system, and I
24 think this is what we're talking about.
25

26 We've got a peer review system that is in various places. If it's
27 designed properly, if nothing untoward happened in the system, if
28 they're making the decisions that we all jointly agree they should
29 be making, and if there's no new information, we should be -- It
30 should be presumed that that's the best science available.
31

32 What we're talking about here is clarifying all of that. It doesn't
33 have to be that way. Right now, there's not a -- Much like when
34 we had these discussions with various councils about when is the
35 science done, when is it available for management, this is a similar
36 one. When is it the best available?
37

38 I don't think it really matters -- I don't think we can say who
39 makes that determination, because we all make it at various places.
40 We make it last, but you make it, too. Everybody else makes it as
41 well, and there are all these inputs for it to change, but what we can
42 talk about is at what point have we designed and invested in the
43 system so that we should be expected to defer to it, so that, absent
44 one of these off ramps, we will presume that whatever comes out
45 of that process is the best scientific information available and the
46 council can just rely on that, we'll rely on that, and we won't

1 question, absent some new information that comes up through like
2 the required public process at the end.

3
4 That's what we would like to get at. We're trying to create that
5 structure there. It does require us to work with you to set that out,
6 to write that down, that who is involved where and what is that
7 process. We're at the early stage. That's what the white paper is
8 going to talk about.

9
10 We want your input, but I think that that would go to resolve some
11 of these questions that Tom and Gregg had about this decision,
12 because it won't prevent us from second-guessing you. There will
13 always be an option where the Secretary might say, for various
14 reasons, that process was flawed. There was new information that
15 process didn't consider, something like that, but it would create a
16 presumption and an impetus behind the process so that it would be
17 less and less likely that the Secretary would ever do that, and it
18 would be clear on what grounds the Secretary might do that, and so
19 that does require that you guys do some work on outlining the
20 process.

21
22 We have to agree that that process meets sort of our goals that we
23 laid out there, and we're working on that, but that's where it is. I
24 think that we're trying to address your concerns. We do agree
25 there is vagueness in the system. I do think that -- I mean we are
26 comfortable relying on the system to produce the best science
27 available as long as we can make sure things like that public input
28 process, that that role is there, but nobody wants to invest in a
29 system as much as we do, only to come out at the end of the day
30 and say no.

31
32 It's the same reason with council amendments. We don't want to
33 reject those either, because why would we spend all that time if
34 we're going to do that? We want to get involved early and we
35 want to do those kinds of things. It's a process. We can turn it
36 back to your questions now, if you would like.

37
38 *Carlos Farchette:* Gregg and then Chris Oliver.

39
40 *Gregg Waugh:* Thank you to all of you for -- You have really addressed our
41 concerns, and I can see we're laying out a process. If we could get
42 Slide Number 2 back up there, please. I have just a couple of
43 questions to help understand the timing here.

44
45 If we get a benchmark assessment that's reviewed by the CIE
46 reviewers, is that the level of peer review that we're talking about

1 in the second circle there, before NMFS makes the status
2 determination criteria?

3

4 *Sam Rauch:* I think that, if you look at our National Standard 2 Guidelines, it
5 talks about the various levels of peer review for various
6 documents, and not all stock assessments need that CIE peer
7 review, nor would we say you have to do that to get this. I mean
8 we should identify what kinds of peer review, if we haven't, and I
9 think many of you have, the kinds of peer reviews that go to the
10 kinds of assessments. A full benchmark might want more peer
11 review. An update assessment may not need that much peer
12 review, and so it's not -- We said peer review, because there are
13 requirements that indicate some degree of peer review in some of
14 this stuff, but that doesn't necessarily tell you how much it is, nor
15 does it require a CIE before it gets deference.

16

17 *Carlos Farchette:* Follow-up?

18

19 *Gregg Waugh:* Just to follow up, I guess we have two situations, one where we
20 use the CIE and the other where we use the SSC, and so I guess the
21 question is, when NMFS makes that status determination criteria
22 for a benchmark that's gone to the CIE, would you make that
23 determination after the CIE review, before it goes to the SSC or
24 after, because I see some real timing issues here. Our SSC meets
25 twice a year, and it becomes even more critical for an assessment
26 that the SSC is reviewing, because they will, many times, do that at
27 the same meeting. They will review the assessment and give us
28 our fishing level recommendations at the same meeting, and so I
29 can see some situations here where we may not get the final
30 determinations until after two SSC meetings.

31

32 *Richard Merrick:* I think our preference would be that if you have a benchmark
33 assessment that's gone through a CIE review or a SARC in the
34 Northeast, that should be the best scientific information available
35 for that assessment. For a status update, it would be great to, even
36 though the model has been checked and the data has been checked
37 going into there, to have the SSC sort of be the last line, just to
38 clear that.

39

40 *Gregg Waugh:* Would NMFS make its status determination after the CIE review
41 and before the SSC looks at it?

42

43 *Sam Rauch:* The statute does not dictate that level of detail. Our National
44 Standard 2 Guidelines, as I read them, don't dictate that level of
45 detail. What it talks about is designing this peer review process to
46 work with the Magnuson schedule, and so, ideally, we would make

1 that then. I should mention this is one of the things that we have to
2 do by statute. We have to make that determination.

3
4 It is based on our application of the council's status determination
5 criteria, and so even though we're doing it, we are applying the
6 criteria that you guys have set out. I don't think we have to wait
7 for the peer review. The guidelines do not say you have to wait for
8 the peer review if it's going to create management problems.
9 Working this through, so that all of this could happen in a way and
10 we could still manage in a timely fashion is something that we
11 need to do. I don't think we're precluded from making it work.

12
13 *Carlos Farchette:* I have Chris and then Charles and Doug and Chuck.

14
15 *Chris Oliver:* A thought occurred to me, and it may or may not be relevant, but I
16 guess I'm wondering if there is any relevance to this issue of the
17 clause in the Magnuson Act that was added in the 2006
18 reauthorization that refers to the council's SSC review process
19 constituting compliance with the Data Quality Act requirements,
20 and it may or may not be directly relevant, or it may not be
21 relevant at all, but that occurred to me, and I was wondering if it
22 was relevant to this discussion.

23
24 *Sam Rauch:* I think it is. I mean this gets back to the point where I think that
25 we have good grounds, for lots of reasons, for relying on that
26 process to produce the best scientific information available. I think
27 Congress clearly envisioned that that process had some strength to
28 it and was designed to do that, and so we should figure out a way
29 to give it the full credit that it is due.

30
31 We still cannot avoid that, at the end-of-the-day, NMFS has to
32 make the final determination, but I think that some degree of
33 deference to that process was envisioned by Congress, as
34 witnessed by there is other kinds of things like that, which would
35 argue that, if we design that system correctly, we should be able to
36 largely defer to it.

37
38 *Richard Merrick:* In my understanding of the IQA, as well as the OMB peer review
39 standards, and really a big benchmark, like for pollock, would be
40 an OMB peer review level. This process should meet that.

41
42 *Carlos Farchette:* Charles.

43
44 *Charlie Phillips:* Thank you. I'm reading back from the draft recommendations, and
45 it says assessments should include fallback alternatives to the most
46 advanced interpretations considered so rejection is never all or

1 nothing. I'm wondering if that also might include so acceptance is
2 never all or nothing, because sometimes we have our SSC --
3 They're divided, and they're going to fall on one side of the fence
4 or the other. You've got stakeholders and others that are bringing
5 up issues that are valid, and so I'm just wondering what happens
6 then. Do you have wiggle room the other way?
7

8 *Richard Merrick:* If you establish a process such that your CIE review is your
9 standard for establishing BSIA, it's got to come up before then.
10 They can't be bringing it in afterwards, and you know that
11 happens. Similarly, with the status update, where the model has
12 been through a CIE review and all you're doing is changing the
13 data, it's probably inappropriate to bring up, after the process has
14 worked its way through, other opinions.
15

16 If the SSC thinks that what they're hearing is insufficient, that it
17 would cause doubt that the model itself is appropriate, then we
18 need to start the process over again, back to the beginning, but
19 that's a high standard, because you've already had an independent
20 peer review that's looked at the model and said it's appropriate.
21 To have the industry come in and say they don't like the model,
22 they need to establish why, and it's got to be balanced against what
23 those independent reviewers said.
24

25 *Carlos Farchette:* Okay. I have Doug, Chuck, and then Michelle.
26

27 *Doug Gregory:* Thank you, Mr. Chairman. A couple of things. One, I don't think
28 this does address the South Atlantic Council situation, and the
29 problem is, and it needs to be addressed, is assessments, by
30 definition, are averaging. It's an averaging process.
31

32 Beginning in 2008, the SEDAR people, and I was involved in that
33 review workshop, were noting how terminal F was difficult to
34 estimate, and they decided to do a geometric mean of the last three
35 years of F in a model to get what they thought was a reasonably
36 stable F level.
37

38 That's what the South Atlantic Council situation is, but then the
39 agency defines OFL as the overfishing level, and that's an annual
40 thing. That contradiction between what comes out of stock
41 assessment decision and what that annual catch level is needs to be
42 resolved. The other thing is it seems to me, and that slide you had
43 up there earlier is good, but NMFS needs to be at the SSC meeting,
44 and the SSC needs to know that NMFS has made its decisions
45 while the SSC is deliberating, because the SSC makes ABC
46 recommendations based on its own evaluation of what's the best

1 scientific information available without a determination from
2 NMFS on status or BSIA.

3
4 Without that input, and we've never had it. We've never had a
5 determination of status before an SSC meeting. We run a big risk
6 of the second-guessing or us having to go back to the SSC and
7 reevaluate and redo everything if the NMFS scientists weren't
8 there or didn't express concerns that they might have.

9
10 That's a real complicating thing. I think our SSC has always made
11 determinations on what they thought was the best scientific
12 information available, and they thought that they were the arbiter
13 of that, and this raised another question. If NMFS does an
14 analysis, is it automatically best scientific information available?
15 The one thing I've done, and I was on the SSC for the Gulf
16 Council for a number of years, was to try to get NMFS to run its
17 analyses by the SSC for that peer review determination of best
18 available science. I got a lot of pushback from that.

19
20 There was another instance where some analyses were questioned,
21 I guess done by the agency, and the General Counsel person said,
22 well, the stock assessment was accepted by whoever, and I think
23 he said the SSC at the time, as best available data, best available
24 science. Therefore, all derived analyses are automatically best
25 available science, and so these are some comments that I want to
26 make when we get to the white paper part.

27
28 I don't necessarily expect answers to all of that today, but it's just
29 thoughts that are coming to mind with this, and I think part of what
30 New England was complaining about is probably because the
31 council process, the way it's established, is so atypical in
32 government.

33
34 We are excessively transparent, whereas the typical government
35 process is not. You publish a proposed rule, you get comments,
36 and you make up your final mind and make a decision and that's it.
37 I mean that's the limited transparency, whereas, with the councils,
38 it's debated by the industry and by the advisory panel and by the
39 scientific and by the council itself and at public hearings, and so I
40 think that's part of that, but we do need clarification as to
41 interpretation of some of these things, like what is overfishing? Is
42 it OFL strictly or is it what the stock assessment determines and
43 some of these other matters?

44
45 I look forward to helping work with the white paper, because these
46 are critically important issues, particularly now that we're making

1 these firm statements that it's the agency's decision and it's always
2 been the agency's decision, and we would like to have that
3 decision in a timely enough manner that we don't have to go
4 through an iteration of decision making. Thank you.

5
6 *Carlos Farchette:* Sam.

7
8 *Sam Rauch:* On that last point, the final decision has to come after the council
9 has completely acted. That's the statute. When we talk about our
10 final BSIA determination, we're talking about when the
11 management measure has been given to us to approve. One of the
12 things we have to find is if was based on the best scientific
13 information available, and so that's after the process has
14 concluded.

15
16 That doesn't mean that we can't talk about more preliminary
17 views. Those could always change. When we put out that
18 proposed final determination on approval of the management
19 measure, we put it out for public comment, and the public has a
20 right to give us views and input that we didn't have, even despite
21 all the public processes you go through. That's the way the statute
22 is set up.

23
24 That's the final determination. That will come at the end. That's
25 what we're talking about here. There are other preliminary
26 determinations that we make throughout the process that feed into
27 that, and we can talk about making those in a more timely fashion.
28 I just want to be clear that when we talk about the final
29 determination, that's what I'm talking about, is that's the one that
30 we statutorily have to do.

31
32 *Carlos Farchette:* Doug, a follow-up?

33
34 *Doug Gregory:* This might be a question for General Counsel, but I was a part of
35 this in the early years, and I always thought that as long as the
36 council considered the science, and maybe this changed in 1996
37 with the emphasis on NEPA, but I always thought that if the
38 council considered all the facts and then made a decision that was
39 more based on optimum yield or less tangible inputs that didn't
40 seem to be supported by the facts, it still would be acceptable. Is
41 that not the case?

42
43 *Sam Rauch:* If you make a decision that is not supported by the facts, then I
44 think that might violate the Administrative Procedures Act. We
45 operate a very limited review. We have to make sure that it
46 complies with the National Standards and it complies with

1 applicable law. Our general view is that policy choices, to the
2 extent that you've met the minimum legal standard and they're
3 policy choices, we defer to the councils on policy choices.
4

5 Science is a little bit different, in terms of there are -- One of the
6 things that we've struggled with jointly, the councils and NMFS, is
7 separating out what are the scientific determinations from what are
8 the policy choices. A number of councils have risk policies.
9 That's a policy determination about how you're going to deal with
10 uncertainty. That's a policy determination.
11

12 How many fish that were observed on a trawl survey, that's not a
13 policy determination, and so separating that out is sometimes
14 difficult as to what is policy and what is science, but we do not
15 necessarily defer on science, but what I'm talking about is creating
16 a system where we would. I think we have that. We're creating a
17 system where we're at least recognizing that the current system is
18 dealing with the science, and so the output of that is something we
19 jointly say is the best available, and, barring one of these off
20 ramps, the agency will accept that and defer to it.
21

22 *Carlos Farchette:* Chuck.

23
24 *Chuck Tracy:* Thank you. I will be brief, because most of what this last
25 discussion between Doug and Sam have been talking about is what
26 I was going to address, but I guess I will acknowledge that the final
27 say is that of the Secretary, but it is that interim step that's critical
28 to streamlining or making the council process work well, and I
29 guess if I could get Slide 2 and 4 up there, that would be great. I
30 wish they could get up there together, but let's start with 2.
31

32 In this one, we see the third bubble there, NMFS status
33 determination, coming before SSC fishing level recommendations
34 and council ACL recommendations, which is a good process, in
35 that that provides that input into the SSC that helps them to make
36 sure that they are doing their job as best they can.
37

38 If you go to Slide 4, you see that, on the left side, the second
39 bubble there, NMFS decision memo, coming in after the SSC has
40 made its recommendations, coming into the council process, and
41 so that's the one where I think we risk getting in trouble, with that
42 determination being made after the SSC has concluded its
43 discussions and its determinations, and so I think that's basically
44 getting to what you guys were talking about, but that's just sort of
45 an illustration that we're kind of seeing a little bit of a mixed
46 message here, just in this presentation about where that comes.

1 That's all.

2

3 *Carlos Farchette:* Sam.

4

5 *Sam Rauch:* I think the whole point of this is so that we and you can get on the
6 same page about how all of this is supposed to happen. What
7 we've talked about are some proposals that we're laying out there,
8 but we want to work on this together, so that we all understand and
9 so that it works, so that the decisions are made in a timely fashion,
10 they feed into management in a timely fashion. You get what you
11 need and we're satisfied in the process, and so whether these
12 pictures create confusion or not, we want to start that discussion.

13

14 *Carlos Farchette:* Michelle.

15

16 *Michelle Duval:* Thank you, Mr. Chairman. My question kind of goes back to
17 Charlie's, where we were looking at the draft recommendations
18 and looking at Number 2, where acceptance of portions of
19 assessments was acceptable, and, if you have a benchmark
20 assessment that has gone through CIE review and then the SSC is
21 reviewing it to make its determination as to whether it is best
22 scientific information and appropriate for management use, what if
23 they have questions about pieces of the assessment?

24

25 Dr. Merrick was saying, in response to Charlie's question, that if
26 something has gone through a CIE review that it's too late to bring
27 in new information, but if it's gone through a CIE review and your
28 SSC is questioning a piece of the assessment or a decision made
29 during the assessment, how does that play into this? Ultimately,
30 we don't go forward with using an assessment until our SSC has
31 blessed it.

32

33 *Richard Merrick:* If we've had a benchmark assessment that's gone through a CIE
34 review, I would say the opportunity for the SSC to comment was
35 before the CIE review or in the CIE review, but to come back
36 again afterwards and comment again, it sounds like it may be
37 inappropriate, unless there's new information that has come up that
38 wasn't available at the time the assessment was done or it wasn't
39 available to the CIE.

40

41 *Michelle Duval:* Then I guess just a secondary question I had, which had to do with
42 the slide on the key regional clarifications sought, was how should
43 SSCs state their acceptance of the quality of the science product
44 before NMFS has made a BSIA determination? Are you all
45 looking for input from us on what kind of statement we think our
46 SSCs should be making or do you all have an idea of how the

1 SSCs should be stating that?

2

3 Just as an example, in our SSC summary reports, there are very
4 clear consensus statements that the SSC has determined that this
5 particular assessment represents best scientific information
6 available and is appropriate for management use and makes the
7 following catch level recommendations, and so I mean it is very
8 clearly specified in there that they have -- To me, that's acceptance
9 of the quality of the science product. I'm just looking for a little
10 clarification from you all in terms of how that is stated, or is that
11 an acceptable way to state acceptance?
12

13 *Richard Merrick:* I think, in part, that's what we're trying to resolve here in this
14 discussion and what comes out of the white paper, so that we're all
15 in agreement as to how this occurs, because, right now, it sounds
16 like -- As I look around the country and how assessments are
17 incorporated into management advice, there are some real
18 differences, and it's awkward. What I'm hearing like from the
19 Gulf, that situation is really different than what happens in Alaska,
20 and so trying to provide uniform management advice is difficult
21 when we're doing it eight different ways. If we could get, through
22 this discussion, some common ground, so we're all doing it pretty
23 much the same way, the process would probably work better.
24

25 I'm not trying to reject what you're saying, Michelle. I mean I
26 have my vision of how the process could work. That doesn't mean
27 it's the right one. We need to come up with a process that we all
28 agree with. This is a gray area. It's not specified in Magnuson.
29 There's various ways we can get through this so we'll satisfy OMB
30 and IQA.
31

32 *Carlos Farchette:* A follow-up?

33

34 *Jane DiCosimo:* If I might add to Dr. Merrick, we have looked at the statements in
35 the individual SSC reports, and we have developed some draft
36 language, but we wanted to hear your comments first. Again,
37 we're emphasizing that everything is flexible, and so we didn't
38 want to put up here's the statement that your SSC should make.
39

40 If the councils are interested in having some standardized
41 language, we're open to suggesting some text that you could
42 comment on, but, if you would rather have your individual
43 flexibility, let us know that, too.
44

45 *Michelle Duval:* My follow-up question was just really simple. Remind me again
46 the timeframe in which the white paper will be coming out.

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Jane DiCosimo: I think we're also looking for feedback from you in terms of when, collectively and individually, the councils can provide those comments, and so, if you have additional comments subsequent to this meeting, let us know and we will wait for those. Otherwise, as a result of this discussion, we will revise that white paper and send it out for comment. We're looking to you for the timing.

Carlos Farchette: I have Tom and then Doug.

Thomas Nies: Thank you, Mr. Chairman. If I might, I would like to comment on something Michelle said, which might be helpful or maybe not. We're sort of in the same situation as the South Atlantic, where generally the peer review is not actually done by the SSC, generally. When we have a benchmark assessment, it's done by the CIE, and then other updates are done by some other panel of assessment scientists.

When we construct our TORs for the SSC in those situations, we try and make it very clear that they're not to peer review the peer review. Now, that's not always successful, because of the personalities of the SSC members, but one of the things we've tried to do, in order to reduce that possibility, is to have more SSC involvement in the actual peer reviews.

When we do a benchmark, which generally has CIE reviewers, it's usually one of our SSC members who chairs that meeting, and then, for many of the update assessments or operational assessments, whatever you want to call them, almost always all of the reviewers are -- Well, usually all the reviewers are from our SSC, and so the hope is that it's less likely that something is going to show up in front of them that they're all going to have major heartburn over. Again, we try and make it clear that their job is not to peer review the peer review. If it's been peer reviewed, they are supposed to accept it and then move forward from that. It doesn't always work.

I did have a question with regard to the white paper and what might be in it, and I guess I will use Sam's metaphor. Will it give us a roadmap to the off ramps? Is the idea of the white paper that it will -- Will it say these are the sort of things that could lead us to disagreeing with the council or the SSC's determination of best scientific information?

One of them might be easy, which is the new information that dramatically changes your view. That one, I understand, but what

1 are some of the other elements, and how would the agency
2 communicate that? I could see some of them would be process
3 oriented. For example, it might be that -- I can't envision the SSC
4 doing this, but suppose the SSC didn't use the assessment at all
5 that was peer reviewed, but are there other things that -- Is the plan
6 for the white paper to describe those, at least with some specificity,
7 so we know what to watch out for and not so we know how to tap
8 dance around them?
9

10 *Richard Merrick:* It's hard to see how they couldn't be discussed within the white
11 paper, because that has to be part of the outcome, but whether
12 that's a comprehensive discussion, I'm not sure. If you've got
13 thoughts, send them to us. Those off ramps are ones that are kind
14 of hard to anticipate. You've seen them more, since you've been
15 in the council so long, and so some advice on that would be
16 helpful.
17

18 *Chuck Tracy:* Okay. Thanks. I guess, with respect to timeline that Jane asked
19 about, I think that we would like a couple of weeks, at least, to
20 think about this and maybe share it at least with our SSC Chair and
21 Vice Chair, to get some feedback from them on what sort of
22 preliminary comments might move this along before you start
23 distributing it to a wider audience, and so I'm going to say mid-
24 June maybe would be how much time we would need, at least.
25

26 *Carlos Farchette:* Doug.
27

28 *Doug Gregory:* I haven't seen a white paper, and two weeks is a pretty quick
29 turnaround time for us to review a white paper when we've got a
30 council meeting in two weeks, but if there's a draft white paper
31 available now, that would help us provide input, if we could get
32 that ASAP.
33

34 *Jane DiCosimo:* If I might, just to clarify the timing issue, we have a draft. We
35 haven't released it, because we wanted to hear if there was some
36 direction or issue that we haven't already considered that we would
37 put into the paper. We can do it either way. We can send out what
38 we have right now and get your comment, or, if you have some
39 preliminary comments, based on this general outline, we could
40 incorporate those. For instance, Tom just suggested incorporation
41 of exceptions. We're willing to go either way.
42

43 *Carlos Farchette:* Sam.
44

45 *Sam Rauch:* I think there's been a lot of comments raised here, and, frankly, I
46 would like the opportunity to go revisit the white paper ourselves,

1 in light of this, before we circulate it around. I think it would
2 improve the process if we had that opportunity. Give us any other
3 comments on this presentation, but then let us try to take some of
4 that and make sure that we've addressed it in the white paper
5 before we circulate that around, because I worry right now that we
6 might not have addressed everything that you've said, and I think
7 we want to do that. Then you can look at it.
8

9 *Doug Gregory:*

Okay, and I have a follow-up comment. With reference to
10 benchmarks and CIE-reviewed stock assessments, from the
11 beginning, which I think was 2002 of SEDAR in the Southeast, our
12 SSC regularly questions some of the decisions of the CIE
13 reviewers and has even rejected some benchmark assessments as
14 not being the best available science.
15

16 Part of it is the CIE reviewers are from other countries or other
17 regions and may not be familiar with the fishery itself and get the
18 wrong interpretation. We have an SSC person who chairs the
19 review workshop, and we have another SSC person that
20 participates, but not all of our SSC people are stock assessment
21 people, and so we will sometimes get an anthropologist sitting in
22 on there, and our SSC has always -- When it gets to the people
23 who are the stock assessment scientists, they, by nature, just want
24 to question things and look at things again, and so that's the
25 process we've been following, and so that's important to consider
26 also.
27

28 *Carlos Farchette:*

Michelle.

29
30 *Michelle Duval:*

Thank you, Mr. Chairman, and so I'm with Tom, and I agree that it
31 would be great for you guys to go back and process this and
32 incorporate what we've said, but if we -- I mean we're going to be
33 seeing our SSC Chair and Vice Chair in a couple of weeks. If they
34 do have any additional comments, can we get those to you within a
35 couple of weeks, so you can incorporate that into the revisions?
36 Would that be acceptable?
37

38 *Sam Rauch:*

Yes, that's fine.

39
40 *Carlos Farchette:*

Chuck.

41
42 *Chuck Tracy:*

Thanks. Just the broken record here. When the white paper does
43 finally get released, if you could make sure that it's available in
44 time for each council to have in their briefing book, advance
45 briefing book, so that our council and our SSCs can all have a shot
46 at it and a chance to discuss it, that would be great.

1
2 *Carlos Farchette:* Anyone else? No? Okay. We will wait for the white paper. We
3 have SSC Subcommittees, and we will still have time. Chuck.

16. SSC SUBCOMMITTEE

1
2
3 *Chuck Tracy:* Thank you. The last SCS meeting, Scientific Coordination
4 Subcommittee meeting, was in Hawaii in 2015, February of 2015,
5 hosted by the Western Pacific. We had volunteered to host the
6 next one, and so I believe, at the last regular meeting in Key West
7 of the CCC, there was some discussion about bringing, at this
8 meeting, topics for discussion at that next meeting, so that this
9 body could set the agenda, or more or less set the agenda, at any
10 rate, and so that's kind of why we're here.

11
12 The timing of the meeting, if we are to host it, based on
13 discussions with our SSC and our council's schedule, we would be
14 able to do that in 2017, but probably not until late in the year,
15 maybe November or December. That's just based on our stock
16 assessment process that's ongoing early in the year, but we would
17 certainly be happy to do that.

18
19 The report from the previous SCS V meeting is not out yet. I did
20 have my staff check to see what the likelihood of that report being
21 completed here before we had this discussion, and I was informed
22 that that was not possible, and so I did ask my staff to draft a
23 summary of the recommendations regarding planning for the next
24 meeting, based on the SCS V, and so I did ask to have that posted,
25 and so that is on the website, I believe.

26
27 Again, this is something from our staff. It's not something that has
28 been approved by the SES. It's not the official report, but it's just
29 enough material to sort of stimulate discussion here and give you a
30 general flavor of what their discussions were.

31
32 I will just read a little bit of it. At the end of the last meeting, the
33 group discussed proposed focus of the next meeting. Members of
34 the Pacific Council SSC recommended the theme should be
35 management strategy evaluations. Specifically, the rationale
36 expressed for the recommendation was the need for more MSEs to
37 evaluate risk with respect to management advice, depending on
38 data-limited assessments.

39
40 We have a good framework for policy decisions, but not the risk
41 assessment that supports the policy. More MSEs are needed to
42 evaluate the risk. Capturing scientific uncertainty is really
43 incomplete, particularly for data-poor species. The Pacific Council
44 has a good framework set up for the policy side, although the
45 science to support it is not fully developed. In further discussion,
46 the Pacific Council SSC members stated that part of the MSE

1 theme could focus on how MSEs could be used to evaluate or
2 modify harvest control rules.

3
4 While most of the participants at the SES V recommended MSE as
5 the single topic of focus, there were other participants that
6 recommended consideration for other topics, including more
7 effective SSC communication, recreational fishery management,
8 and protected species.

9
10 Again, we have volunteered to host the next one, and timing is fall
11 or winter of 2017, and just to quickly recap some of the candidate
12 topics that were mentioned, the Mid-Atlantic recommended to
13 limit it to one topic, MSEs. The South Atlantic recommended that
14 it could include social scientists in this discussion. The Gulf
15 Council said that interaction between SSCs, the council, and
16 stakeholders would be a good topic, and the South Atlantic agreed
17 that there should be a communication emphasis. There was some
18 talk about recreational fisheries.

19
20 The Western Pacific recommended discussion of protected species
21 and a discussion of how SSC discusses this. The North Pacific
22 talked about improving processes for setting harvest specifications.
23 Dr. Methot mentioned defining OY in a way that brings ecosystem
24 and economics into play.

25
26 Luiz Barbieri agreed and recommended that the clarity of
27 communication from SSCs should be part of this focus. Kai
28 Lorenzen recommended reviewing the process of communicating
29 SSC recommendations.

30
31 The Pacific Council talked about modifying harvest control rules
32 using MSEs, as part of the MSE theme, and Dr. Methot, again,
33 agreed with focusing on a single topic, MSA reauthorization will
34 compel the topic, and so that's a very rough summary of the
35 discussion regarding planning for the next meeting, and so that's
36 all I have, and I guess at this point I would encourage a discussion
37 amongst the CCC here to talk about what appropriate topics should
38 be on the agenda, recognizing that we don't want to get too broad,
39 at the risk of not having sufficient in-depth discussion opportunity
40 for the most important topics.

41
42 *Carlos Farchette:* Okay. Tom.

43
44 *Thomas Nies:* Mr. Chairman, are we going to try and decide that today, or was
45 the idea that we would take Chuck's report back and talk about it
46 with our SSCs and maybe have a call or something later this

1 summer?

2

3 *Carlos Farchette:* I think that's a pretty good idea. Unless anybody is ready to have
4 an agenda item now, I would rather wait. Okay. We will go with
5 Tom's recommendation and get back to the SSCs to get agenda
6 items back to Chuck.

7

8 *Chuck Tracy:* Thank you, and so if we could -- Again, I'm not sure how much
9 planning time we will need for that, and so I guess the question is
10 if something informal back to us, as potential hosts, informally to
11 set the agenda, or do we need to carry this over to the February
12 meeting to set something more formally? I guess I will leave that
13 up to the CCC.

14

15 *Carlos Farchette:* Miguel.

16

17 *Miguel Rolon:* As we mentioned before, it all depends on when you want to have
18 that meeting next year. The sooner, the better when you get that
19 information from the other councils, and so maybe we could set a
20 date that we could forward it to you and the rest of the councils
21 around the table and we shoot for that one. Official or unofficial,
22 at least we should have a deadline by which we will be able to
23 submit our comments. That will give time to all the councils to at
24 least consult with the Chairs of the SSCs and then send you their
25 suggestions, rather than waiting until February.

26

27 *Carlos Farchette:* Dorothy.

28

29 *Dorothy Lowman:* Thanks. What I think I heard is that everyone is going to talk to
30 their SSCs and get some ideas back to Chuck, who could then
31 compile it, but then have the list, but then we should have a
32 conference call, because there may be a number of different --
33 Again, I think -- At least I believe the intent is to have the CCC as
34 a whole determine what the topic will be, and so I think that would
35 require a conference call of the CCC. I would suggest, if we want
36 to have a year to plan that, it should be at least by fall.

37

38 *Carlos Farchette:* Chuck.

39

40 *Chuck Tracy:* I had forgotten we had talked about that earlier, about using one of
41 the CCC conference calls as a mechanism to complete that process.
42 I'm not sure what the -- We normally have a call or two in the
43 interim period, between the regular meeting and the February
44 meeting, and so I don't know if we have anything like that planned
45 at this point, but perhaps we could schedule that for early -- Maybe
46 sometime in September and make a decision by October, if that

1 would give people enough time to address their -- Bring this to the
2 attention of their SSCs and put it on the agenda and have the
3 discussion, if we could tentatively schedule a conference call for
4 October, early October.
5
6 *Carlos Farchette:* Doug.
7
8 *Doug Gregory:* We're going to talk to our Chair and Vice Chair pretty quickly and
9 get something back to you in July, or through the group in July. I
10 think the only other thing that might come up would be stock-
11 recruit relationships, what kind of relationships really exist and that
12 sort of thing, but we'll do that. We've got an SSC meeting next
13 week, and so it will be easy for us to follow up on that.
14
15 *Carlos Farchette:* So everyone is good with that, with Chuck's recommendation for
16 September or October? Gregg.
17
18 *Gregg Waugh:* Just so we have it straight, everybody would talk with their SSCs
19 and get information back to Chuck by the end of July and then
20 perhaps the SSC Subcommittee could work on combining that and
21 putting together a draft agenda. Then we would have a conference
22 call by October? Is that the timing we're looking at, so we know?
23
24 *Carlos Farchette:* Chuck.
25
26 *Chuck Tracy:* Yes, I think that certainly -- We would want to have the agenda put
27 together by the October conference call. Again, I'm not sure what
28 everybody's SSC and council meeting schedule and process is in
29 terms of getting that on there. I mean our SSC is meeting in June
30 too, but their agenda is already set and this isn't on their agenda.
31 Not that they won't probably talk about it, but whether they will
32 have a chance to vet it with the council -- That's not on the agenda,
33 and so they will probably not do that officially until September,
34 and so that will give people as much time as they need, but just as
35 long as they have their recommendations to us by say the end of
36 September, so we can schedule that for the October conference
37 call.
38
39 *Carlos Farchette:* Okay. Is everyone good with that? Then it sounds like a plan. We
40 have a couple of Other Business items. One of them was stock
41 assessments and how the budget would be distributed and Kevin.

1 **17. OTHER BUSINESS**

2
3 *Kevin Anson:* Thank you, Mr. Chair. I had an opportunity, during Brian's
4 presentation yesterday, to address that item, and I think it will be
5 dealt with, and so I don't need to bring it up or discuss it any more.
6 Thank you.

7
8 *Carlos Farchette:* Okay. Great. Thanks. Government credit cards, there was an
9 issue about using them for travel again. That was Gregg.

10
11 *Gregg Waugh:* This was an issue that Chuck and we have, and I talked with Adam
12 about it and provided him a detailed response we got from Florida,
13 and Adam is going to work it up the chain and see what can be
14 done. It seems to me that what appears to have happened is, in
15 making the determination that the councils are not eligible for the
16 government travel, they revised the numerical sequence on the
17 government card. In doing so, they inadvertently, hopefully,
18 missed the digits that are needed to indicate that we're tax exempt,
19 and so what we need to have happen is those cards to have that
20 digit, and there's a specific digit that has to be at a specific location
21 in order for us to be able to get that tax exempt status.

22
23 For us, it amounts to roughly about \$40,000 a year, and, for Chuck,
24 it was approximately \$75,000 to \$80,000, and so it's not
25 insignificant, and so Adam is going to work on it, and we hope that
26 that can be resolved.

27
28 *Carlos Farchette:* Adam.

29
30 *Adam Issenberg:* Thank you, Mr. Chairman. Yes, just to make clear, this is an issue
31 I think that's going to need to be resolved by GSA. I have
32 contacted the folks at the Department of Commerce that we
33 interact with, who interact with GSA, and we're going to follow
34 through on it and we'll try and get an answer for you. I, frankly,
35 wouldn't know where to begin in answering the question, but we'll
36 find the people who can and try and sort it out and hopefully get it
37 sorted out in your favor.

38
39 *Carlos Farchette:* I know we had one for the subcommittees. I think Dan had a
40 request on that.

41
42 *Dan Hull:* Thank you, Mr. Chairman. I know that there's not a need at this
43 meeting to review our committees. At the last meeting, we
44 identified which ones we're keeping and which ones we're no
45 longer needing. Just in anticipation of potential work by any of
46 them in the future, it would be good to, again, identify which ones

1 we have and who is on them, so that, in the event, for example, that
2 there is some work on Magnuson-Stevens reauthorization that our -
3 - I don't know if it's the Legislative Committee or the MSA
4 Committee, but we know who is on it and who is going to be
5 prepared to work.
6

7 I think we left it in February that the host region for the CCC
8 meeting would be the one to I guess organize that group or bring
9 them together, but it seems more effective for an individual on that
10 committee to actually do that as needed. I'm not sure what the best
11 way is, but I just thought, at the end of this meeting, it would be a
12 good idea to at least identify again what committees we have, in
13 the event that we may need to enact them, and I think we have the
14 Habitat Committee that we already know is going to continue
15 working.
16

17 *Carlos Farchette:* Miguel.

18
19 *Miguel Rolon:* We decided to stay with the SSC Subcommittee, the Habitat
20 Subcommittee, and the Legislative Subcommittee. When we
21 discussed the Legislative Subcommittee, and you can see that in
22 the minutes of the February meeting, we have Mr. Hull, Kitty
23 Simonds, Mr. Stockwell, Michelle Duval, and Rick Robbins,
24 although he is going to be retiring from the CCC, he offered his
25 brain for this subcommittee, and so those are the people that we
26 have.
27

28 In this case, if any of you would like to add your name to this
29 committee, this is the time for it. Regarding your question of who
30 will be the leader to call for these meetings, in previous years --
31 For example, in this case, it's me until December 31, or you can
32 have any of these people be appointed Chair. That person, through
33 us, can call for meetings and decide how to proceed. Then we will
34 coordinate the meeting accordingly.
35

36 In the case of the Habitat, Bill Tweit is the logical Chair for that
37 meeting. You were the volunteer for the big congregation the
38 other day, and so this is the time, if you have people around the
39 table that would like to be part of the Habitat Committee, if you
40 have activities. You have one motion, and actually it's the only
41 motion that you have, and it's regarding what the CCC would like
42 to see in the case of the habitat activities during the year and next
43 year.
44

45 Then the SSC Subcommittee, Chuck is the leader of the group, and
46 he will be working with the -- Just with everything he said before,

1 the agenda and so forth and the schedule of that meeting next year.
2 Also, the question now is, first, what will be your pleasure
3 regarding the convening of these committees? You don't have to
4 do it all at once, but I would like to have some indication as to who
5 could be the convener, because, remember -- By the way, Dave
6 Whaley will be an ex-officio member of the Legislative Committee
7 as always. With his ear in Washington, he can tell us this is
8 coming or not. That way, we will not waste anybody's time, but, if
9 any of the members of the CCC finds something that should be
10 addressed by the Legislative Committee between here and the next
11 session of the CCC, then please let us know, so we can start the
12 process of consulting with everybody.
13
14 *Carlos Farchette:* Kitty.
15
16 *Kitty Simonds:* Obviously we need to be on that committee.
17
18 *Miguel Rolon:* The Legislative Committee?
19
20 *Kitty Simonds:* Yes.
21
22 *Miguel Rolon:* You are.
23
24 *Kitty Simonds:* Okay. I didn't hear my name.
25
26 *Miguel Rolon:* Actually, do you want to be the the Chair?
27
28 *Kitty Simonds:* It always ends up in my lap. For like thirty years now, I have had
29 to be on this committee. If nobody else on the committee wants to
30 chair it, I can do it, but let people volunteer to chair.
31
32 *Miguel Rolon:* That's what you said the last time, and so you're consistent.
33
34 *Carlos Farchette:* Gregg.
35
36 *Gregg Waugh:* Miguel, again, who is on the Legislative Committee, please?
37
38 *Miguel Rolon:* So far, and hopefully I haven't missed anybody, but Mr. Hull,
39 Kitty Simonds, Mr. Stockwell, Michelle Duval, and Rick Robbins.
40 You can check on page 70 of the February minutes, and you will
41 have the list of the people there, more or less. Do you want to be
42 on the committee too, Gregg?
43
44 *Gregg Waugh:* Sure. I will volunteer to help with that.
45
46 *Miguel Rolon:* Do you want to chair it?

1
2 *Gregg Waugh:* Nice trap I walked into there. Sure, I will chair it.
3
4 *Miguel Rolon:* Gregg is the Chair. Okay. The next one is the Habitat Committee,
5 and Bill graciously offered to be the Chair, but we need volunteers
6 for that subcommittee. Michelle. Chris Moore.
7
8 *Chris Moore:* Miguel, are you talking about the Habitat Working Group or are
9 you talking about the establishment of another --
10
11 *Miguel Rolon:* Sorry. We only have one subcommittee at this time. These are
12 working groups.
13
14 *Chris Moore:* Right, and so we have an existing Habitat Working Group that
15 includes staff from each of the councils, I think, except for the
16 Pacific. We passed a motion that said basically we want to keep
17 that working group working, and so I think we're okay with that. I
18 don't think we need to establish another subcommittee.
19
20 *Miguel Rolon:* There are two things, but I yield to Mr. Tweit.
21
22 *Mr. Tweit:* Thanks, Miguel. Actually, I am interested in hearing your thought,
23 but I think I am following Chris's logic.
24
25 *Miguel Rolon:* So we will keep it the way it is, the status of it. Just to repeat
26 ourselves, we have a staff member on that group, and they have
27 been working very well so far, and so we will keep it that way.
28
29 *Carlos Farchette:* Yes.
30
31 *Miguel Rolon:* Please let me know if you have any, besides what we have
32 approved today, any items that you want the Habitat Working
33 Group to address between here and the next session. We can do
34 that.
35
36 *Carlos Farchette:* Bill.
37
38 *Bill Tweit:* Thank you, Mr. Chair. I think I agree with Chris's thought that
39 we've got a good working Habitat Working Group, but there was -
40 - As Miguel was talking about it, he was suggesting the one thing
41 we haven't really addressed well is sort of the concept of who is
42 the convener or who is sort of responsible. I think, by and large,
43 the Habitat Working Group has been a pretty good self-starting
44 group, but I think part of what I was hearing maybe in Miguel's
45 thinking was the idea that you might want to have one sort of CCC
46 convener or maybe one person currently on the Habitat Working

1 Group designated as the lead for at least a couple of years.
2
3 *Carlos Farchette:* Chris and then Doug.
4
5 *Chris Moore:* It's my understanding that the working group, the Chair of the
6 working group, is the person, the staffer, for the lead council for
7 that year, and so when the Mid-Atlantic Council was doing it,
8 Jessica was the lead for that working group, and so this year it
9 would be the folks from the Caribbean. Next year, it would be
10 folks from New England, or the person from New England.
11
12 *Bill Tweit:* Maybe that's working well, or maybe, and, again, what I thought I
13 heard Miguel suggesting was this might be the time to begin to
14 consider whether we want to have, for each of these, a duration or
15 a tenure for a leader that would go past simply the rolling chair of
16 the entire CCC. If it's working well in most people's judgment,
17 then I certainly am not advocating for a change at that point, but if
18 it's proving to reduce the effectiveness of our working groups by
19 having sort of a rotating chair, then we might want to think about
20 having a somewhat different structure for the chairs of those.
21 Obviously not for who is chairing the whole CCC. I think
22 everybody agrees that rolling is working pretty well, but, to me,
23 that's the discussion.
24
25 *Carlos Farchette:* A follow-up, Chris?
26
27 *Chris Moore:* My opinion is we leave it alone, because I think it's working fine.
28 I think if we find out next year that we have an issue for some
29 reason that maybe we revisit the topic, but I think, again, this
30 working group is working well together. I don't think we need to
31 do anything to change the dynamics or how they choose their chair
32 and just let it go.
33
34 *Carlos Farchette:* Okay. Doug.
35
36 *Doug Gregory:* I think one of the concerns might be if -- Some years, you will get
37 a weak leader, and other people are scrambling to try to do
38 something on the Habitat Committee. The thing I wanted to ask is,
39 Miguel, if you will take the lead in -- You may have said
40 something earlier, but in working with the different EDs to
41 continue the relationship we have with Mr. Whaley for another
42 year, for 2017. We need to do that before our February meeting.
43
44 *Miguel Rolon:* Let's take one at a time. Let's finish with the Habitat. In this case,
45 if we follow what we have so far, Graciela will be the Chair of
46 Habitat until December 31. Her first task will be to consult with

1 the other members of the group and make sure there is nothing that
2 we need to address between here and February or between here
3 and the next meeting of the CCC.
4

5 Now, Doug, that other part, maybe now is the time, because we
6 won't meet until next spring. I personally believe that having Mr.
7 Dave Whaley addressing the issues every time that we meet here
8 and reporting to the councils about the activities that are legal in
9 nature, in Congress, has served the purpose of keeping the councils
10 abreast of all these developments.
11

12 At this time, maybe we should ask the question to the group of do
13 you want to continue that for another year? The status quo, as we
14 all know, but to explain it to the people who are new, we decided
15 to hire Mr. Whaley for a year. Each council will pay his salary for
16 a period of time. We divided the year into eight, and that's what
17 we have done.
18

19 Then the lead council pays for his travel to the meeting or any
20 other meeting that is necessary. If you need him to address any of
21 your councils particularly, then you cover that travel and he
22 graciously will go and inform anything that you need to hear about
23 what is going on in Congress.
24

25 If we all agree to continue that, then please set some money aside
26 for 2017, and probably we can use the same rotation that we have
27 this year, so there is not another parameter that we have to change,
28 another variable, and so we will keep the -- My suggestion is, if
29 you agree, we hire him for another year in 2017, provided that he
30 agrees, and then we will have the same schedule for the council to
31 issue, accordingly, the purchase order and all of that.
32

33 *Carlos Farchette:* Chuck.

34
35 *Chuck Tracy:* Thank you. I've got comments on both the habitat and the
36 legislative situation. I'm really glad to hear that we've got five
37 years to figure out if we're going to be on the Habitat Working
38 Group, because that will be our turn to be Chair, but, actually, I
39 would propose that the next Executive Director of the Pacific
40 Council should be given the opportunity to decide whether to
41 commit on that position. That decision will be made, the executive
42 director decision, will be made fairly soon, and I think there's been
43 some interest expressed in our council in participating in that, but I
44 would reserve a final decision on that for a little bit, and so maybe
45 that's something that we could comment on in the October
46 conference call, to let you guys know what our council's decision

1 on participating in that body is.

2

3 Then I'm starting to really like the October conference call,
4 because I think that will give us an opportunity to, again, talk to
5 our budget committee in our council about committing funds to
6 Mr. Whaley's contract, which I think everybody has been very
7 pleased with the results of that, and I'm glad that we were able to
8 contribute to that this year, and, again, I think there's been a very
9 positive feeling amongst all the council members that what Dave
10 has been providing to the CCC -- His services have been excellent
11 and well worth the investment, but, again, I can't commit to that
12 without having our council, our budget committee in our council,
13 approve that, and so we will put that on our next budget committee
14 agenda and report to the council in October about our participation
15 in continuing with that contract.

16

17 *Miguel Rolon:* I hope I can hear your voice in October at that conference call.
18 Good luck.

19

20 *Carlos Farchette:* Gregg.

21

22 *Gregg Waugh:* Thank you, Mr. Chairman. We are very supportive of continuing
23 that contract, and we're willing to renew it.

24

25 *Carlos Farchette:* If there is no opposition, we will go ahead with Mr. Whaley's
26 contract. That sounds good. All right. That's all we had for Other
27 Business. Next CCC Meeting and Tom.

1 **18. NEXT CCC MEETING**

2
3 *Thomas Nies:* Thank you, Mr. Chairman. We're going to struggle next year to
4 try and host as nice an event as you guys held down here. I can
5 guarantee that it won't be as warm. I'm pretty sure of that, climate
6 change or not, but there's a couple of issues with respect to
7 meetings that probably need to be talked about.
8

9 I know I circulated some suggested dates for the May meeting, and
10 I will get to those in a minute, but I did not circulate any suggested
11 dates for the February meeting, and it could be kind of
12 problematic, and so we may need to talk about it a little bit.
13 Presidents Day next year is February 20, which is pretty late in the
14 month, and I know, generally, I think that's a holiday for the
15 legislators, so that the western councils generally don't like to
16 come to Washington, D.C. that week.
17

18 Our choice is either we meet before that week or we meet after that
19 week. The problem with meeting after that week is we have a
20 fairly important fisheries event in Maine called the Maine
21 Fishermen's Forum that presumably my Chair will want to attend.
22 That's March 2, 3, and 4, and so we either do it very early in the
23 week after Presidents Day, I think February 27 through March 1,
24 very early in that week, or we do it the week before Presidents
25 Day, and I'm a little concerned about doing it the week before
26 Presidents Day, because we always complain that we don't get the
27 budget info. We've got an election going on, and so it won't
28 surprise me if the budget info is even harder to get to than usual,
29 but maybe the agency can comment on that.
30

31 The question is do people want to hold the February meeting
32 before Presidents Day or very early in the week immediately after
33 Presidents Day? By after Presidents Day, I think that week starts
34 on February 27. I believe that's a Monday, and so we would
35 probably be looking at holding it no later than Tuesday or
36 Wednesday, because we need to be in Maine by Thursday, and so I
37 don't know what your preference is.
38

39 *Kitty Simonds:* I think it works out better after that week. It's Presidents Day the
40 week that they're gone, right, the week before?
41

42 *Thomas Nies:* You lost me, Kitty.
43

44 *Kitty Simonds:* The Congress is out the week before the actual day of Presidents
45 Day, right?
46

1 *Thomas Nies:* I don't know. I don't track that.
2
3 *Kitty Simonds:* That's what happened this year. That's what you have to find out.
4 Dave, do you know this far in advance? Sometimes they don't
5 have their schedule up.
6
7 *Dave Whaley:* With the election, there's going to be a whole new House and
8 Senate leadership, and so they won't set the schedule of when
9 they're going to be in session until probably mid-January.
10
11 *Kitty Simonds:* Usually it's either the week before the actual Presidents Day or
12 that Monday that they celebrate Presidents Day, and so it's either
13 or that they're out. This year, we made sure that they were back
14 there when we had our meeting, and so why don't you check?
15
16 *Thomas Nies:* I take it then that your preference would be to do it February 27 or
17 28?
18
19 *Kitty Simonds:* I think so.
20
21 *Thomas Nies:* Presumably, that might mean a Monday/Tuesday meeting or
22 maybe a Tuesday/Wednesday meeting, and that's people's
23 preference.
24
25 *Kitty Simonds:* That will be great.
26
27 *Carlos Farchette:* I have Eileen and then Chris.
28
29 *Eileen Sobeck:* I was just going to say that I think it's really unpredictable, given
30 the change of Congress and change of administration, to plan
31 around the budget, and so I think we just pick a good meeting date
32 and then we give you the best we can and then we give you an
33 update if we need to, because I just think there's just too much
34 uncertainty.
35
36 *Carlos Farchette:* Chris.
37
38 *Chris Moore:* Those dates work for us.
39
40 *Carlos Farchette:* Dan.
41
42 *Dan Hull:* Thank you, Carlos. Sorry, but I didn't hear a summer date, or did
43 you cover that?
44
45 *Thomas Nies:* No, that's next. I will work with Brian, and we'll look at a
46 February meeting date somewhere on February 27 and 28,

1 whatever those dates are, the Monday, Tuesday, or Wednesday.
2 We're looking at a two-day meeting with probably an afternoon
3 meeting for the CCC members beforehand.
4

5 *Kitty Simonds:* Right, and normally we advise NMFS, as they make the
6 arrangement, to do it as early in advance as possible, because
7 there's always a cancellation date if something happens, but the
8 thing is to nail down the dates, because those are very busy weeks
9 in Washington, D.C.

10
11 *Thomas Nies:* Moving on to the May meeting, the dates we're suggesting, and
12 some of this is a little vague because we wouldn't know exactly
13 how many days we need until we get the agenda figured out, but
14 we would be looking at May 15, 16, 17, and 18 as possible days.
15 These are the dates that I think I checked with most of the EDs
16 already and they didn't have a conflict.

17
18 Tentatively, the idea would be May 15, which is the Monday,
19 would probably be a travel day. May 16, morning or afternoon,
20 would be the pre-meeting, and then the 17 and 18, which would be
21 Wednesday and Thursday, would be the actual meeting, just like
22 now. That would give us the option, if we have a bigger agenda or
23 a longer agenda, that we could start the meeting earlier on the 16th,
24 and, if necessary, we could have a full three-day meeting and do
25 the pre-meeting on the afternoon of the 15th, but we would narrow
26 that down.

27
28 We have not selected a location yet, but we're tentatively
29 considering Maine. In deference to Miguel and his dress code, the
30 Chair has announced that it's going to be blue jeans and flannel
31 shirts, and so anyone who wears a tie will not be allowed in the
32 room. That's what we're looking at for those days, and we hope to
33 settle on a location fairly soon. The one thing I will note is that
34 travel to Maine can be a little convoluted, depending on where
35 you're flying into, and so we want to make sure that you have time
36 to plan for that.

37
38 *Carlos Farchette:* Doug.

39
40 *Doug Gregory:* I know this will generate some laughter, but this is not a joke, but,
41 on behalf of my southern colleagues, is there any possibility of
42 moving that meeting to July? I mean you mentioned flannel shirts
43 and does it snow in Maine in May? I mean it was easier for me to
44 get coat and tie than I think it will be to dress for Maine.

45
46 *Thomas Nies:* No.

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Carlos Farchette: Kitty.

Kitty Simonds: I was just going to say that that's a great choice, because there were other meetings -- We were in Boston and we were in Newport, and so a new place.

Thomas Nies: I think that's it for us, Mr. Chair.

Carlos Farchette: Thank you. Miguel.

Miguel Rolon: I just want to say thank you to all of you for accepting our invitation to come to the Virgin Islands for this meeting. I want to apologize for the longest five-minute speech last night that I have ever seen in my life. Anyway, never give a mic to a politician when you are having these things. He's our friend, and so I can say that.

Also, I would like to thank the people involved. I will start with the farthest-away person, Brian Fredieu. He is a crazy guy. He is always pestering his people to get their documents on time. Unfortunately for him, when a council decides to have a document, it's the Executive Director and the Chair and that's it. In his case, he has to consult with Sam and Eileen and everybody and his brother, and so it's very difficult, but we thank you, Brian, for all your efforts and everything that you did. (*Applause*)

The rest of my staff, I have here almost everybody. There is Angie, our Fiscal Officer, and Graciela, Dr. Graciela Garcia-Moliner, in the back. She is a jack-of-all-trades. She is a golfer and she is a scientist and she does everything that needs to be done, and so I really appreciate her help all the time.

Vivian had to leave, but she is our accountant, but she also plays many, many positions. Back at the office, I have Iris, one lady who is battling cancer at this time, and she was -- She came to the office after seeing the doctor, when the doctor told her that she had cancer, and she said, Miguel, I have to do this, because I won't be able to help you, and so she put together all the electronics and stuff that we have, all the software. Fortunately, she will be receiving treatment and the cancer will be removed from her body, and we will wish her the best.

There is a blond lady going around here, Diana. She is the one who puts up with me all the time, and she is the one who really helped me put all of this together. We came here several times and

1 negotiated everything, and she's the one who gets mad at me
2 whenever she sees something that is going wrong. She was mad at
3 the people at the banquet because the flowers were not in time, but,
4 finally, she did it. Also, I would like to thank -- This type of
5 meeting, and I hate to be parochial, but I didn't have enough
6 people around, and that's why we did what we did, but the surprise
7 I got was really a surprise.
8

9 My daughter flew overnight from L.A. to here. When I saw her, I
10 forgot about all of you guys. Sorry, but I only saw her, and so,
11 anyway, I hope that you enjoyed your time here. I hope that this
12 meeting was as productive as you expected, and I guess I will see
13 you in New England somewhere in February and then sometime in
14 the fall.
15

16 Eileen, you told us yesterday that you may not be around if we
17 don't have a female President, and so we thank you for all the
18 things that you have done, all the support that you have given to
19 the councils, and the way that you operate with your staff. I have
20 known some of your staff for many years, like Alan Risenhoover,
21 who promised me a helicopter, and I'm still waiting for it, and Sam
22 Rauch and the other member of your staff, and so, for that, we are
23 really grateful. We wish you the best in your new endeavors if it
24 happens that after January 1 you are with other people. Thank you
25 very much. *(Applause)*
26

27 *Carlos Farchette:* Thank you, Miguel. Actually, Miguel's staff was hiding his
28 daughter in one of the staff's room, and he didn't know she was
29 here until last night when she walked up with the plaque, and so
30 that was a shocking surprise. On Monday, when he calls his staff
31 into his office to debrief about this meeting, some heads are going
32 to roll for what they did to him, but, since I live on St. Croix, I
33 won't be involved in that one.
34

35 I also want to commend Miguel's staff. They're incredible. They
36 worked really hard to get this together, and, like I said, I live on St.
37 Croix, and so my involvement was very limited, which is good,
38 and I just helped out with some of the logistic stuff for St. Thomas,
39 but Diana Martino is an unbelievable and amazing logistician and
40 coordinator. My hat is off to her, and kudos to the whole staff.
41 Also, for Russell over there, who had to move all this equipment to
42 the room next door last night and move it back in this morning, I
43 thank you. *(Applause)* McGrew.
44

45 *McGrew Rice:* We would like to thank you for the hospitality that you gave us
46 here. Being from the islands, we enjoy the islands just as much,

1 even though we're on the other side of the ocean, but we also have
2 one of our members -- Our Vice Chair is leaving us. He has
3 termed out. Will Sword from American Samoa has been a council
4 member from 2007 to 2016. He was the Vice Chair from 2010 to
5 2013 and then to 2016. He was an AP member before that. He's a
6 recreational fisherman from American Samoa. He runs the fishing
7 tournaments and the community-based programs that help the
8 American Samoan people with their fisheries and sustaining their
9 fisheries. We would like to just recognize Will for all of his
10 commitment to the council. This will be his last CCC. (*Applause*)
11

12 *Carlos Farchette:* I almost forgot. Rick and Kevin, I heard you guys are also leaving,
13 and Lee. Just when you make new friends, they leave. That's the
14 story of my life, but I really appreciate it and enjoyed the
15 friendship and the camaraderie with you guys. Thank you.
16 Dorothy, I don't know what I'm going to do without you. While
17 I've got the mic, I want you to convey to Don McIsaac that I miss
18 his soothing voice. Thanks.
19

20 *Eileen Sobeck:* Thank you, and I just wanted to echo everybody else's thanks to
21 Carlos and Miguel. With my tenure at OAA at Interior and the
22 Coral Reef Task Force, I have a real soft spot for the islands and
23 the territories, and so I love every opportunity to come down, and
24 this was a very well-run meeting. Please give my thanks and all of
25 our thanks to the Commissioner for attending and welcoming us at
26 the reception and thank you for the awards last night.
27

28 I just wanted to say that I have enjoyed these meetings. I know
29 that I don't get out to the council meetings as much as maybe I
30 should or would like to, but I do have my eyes and ears, although
31 my eyes are somewhere else, but Alan can be my ears, who do
32 report back regularly. We take council meetings extremely
33 seriously. We do have briefings before every single council
34 meeting, and those of us in Washington, me included, usually sit
35 through those and then debrief as well, and so nothing is hidden.
36 We know everything, and just remember that.
37

38 These meetings, I think that we've had -- This is a great example.
39 We had a meaty agenda. Some items, there was a lot of good
40 discussion, and we really appreciate that, or at least I do. Even on
41 ones where there isn't a ton of discussion, it's about sharing
42 information and making sure that we have kind of a shared
43 understanding of each other's positions, even if we don't always
44 agree, and I think we're always -- I know that we're collectively
45 always looking for that right mix to keep us on our toes and make
46 sure that we share the stuff that just has to be shared.

1
2 I mean I will be, undoubtedly, like everybody else in the
3 administration, tendering my resignation, but, at the moment, I
4 intend to stay through the end of the administration. Generally,
5 political appointees are not asked to stay on, and so I'm certainly
6 not assuming that I will. I will be looking for a paycheck
7 somehow, somewhere. I do have one more kid left in college, but
8 there are so many interesting and important things here at
9 Fisheries.

10
11 I have really enjoyed this job, and so I really want to stay until the
12 end to -- I don't have an independent agenda that I want to get
13 through. I just want to help you all work on what we have
14 collectively set as some of our goals. Then, when the time comes,
15 I will then happily walk out the door, and so I have really enjoyed
16 getting to know all of you, and, again, thank you, Carlos and
17 Miguel and your staff, your very able staff, for a very good
18 meeting. Thank you. (*Applause*)

19
20 *Carlos Farchette:* Kitty.

21
22 *Kitty Simonds:* I wanted to say goodbye to especially Rick. I have to say that
23 we'll miss you, Rick. In the forty years that I've been around, you
24 have been one of the most outstanding Chairs that we have had,
25 and so I wanted to thank you especially. Of course, for the older
26 man over there, I have known him forever, too. He used to come
27 to our council meetings to give us economic advice. Also, to you,
28 Eileen. For those of you, we left you something from Hawaii for
29 you to enjoy, and, Chris, I -- You got one, too. It's not that you're
30 leaving, but it's just that you're the next one in line in terms of the
31 longest-serving executive director after Miguel and me, and so I
32 thought you would get something, too. I wanted to say thank you
33 especially to all of you.

34
35 *Rick Robbins:* Kitty, thank you very much. As I said yesterday, it's been a real
36 pleasure serving on the CCC, and I feel like we've learned a great
37 deal from all of our interactions with you all. We've been able to
38 bring a lot back to our council that has improved our operations,
39 and so thank you very much.

40
41 *Lee Anderson:* Thanks, Kitty, and thanks, everybody.

42
43 *Alan Risenhoover:* Just one final thanks to the Caribbean staff as well, but Brian and
44 Hannah, I just wanted to mention them. They herded all the
45 NOAA cats, and so thanks especially to them for making us look
46 bearable up here.

1
2 *Carlos Farchette:* Thank you. Anything else? Chuck.
3
4 *Chuck Tracy:* Thanks. As the rookie here, I did want to also extend my thanks to
5 the Caribbean Council for a very memorable CCC meeting, in
6 more than one way, since this was personally memorable, but also
7 to thank Dorothy and Herb and Don Hansen for helping me to be
8 here, and I will definitely miss Dorothy next year. The good news
9 is that we will not miss Don Hansen. He has committed to helping
10 the next executive director next year.
11
12 *Don Hansen:* Forty-one years.
13
14 *Chuck Tracy:* There is some longevity and some institutional knowledge that we
15 will continue to benefit from, and so thank you, Don, and thank
16 you, Dorothy. Thank you, Herb, and thank you, Caribbean
17 Council, for all you've done for the meeting. It's been fantastic.
18 Thank you.
19
20 *Carlos Farchette:* Thank you. This Council Coordination Committee is adjourned.
21 Not yet? Kitty.
22
23 *Kitty Simonds:* If you all have ten minutes of your time, we have a short video that
24 we would like to show. It's about fish. It's not cocktail time, and
25 so I think you guys should just stick around for ten minutes.
26
27 *Carlos Farchette:* I want to thank Kitty for your gift of candies here from the Big
28 Island. We live so far apart, but, since St. Croix is the biggest of
29 these three islands, we call St. Croix the Big Island, also.
30
31 *(A video was presented by the Western Pacific Fishery Management Council.)*
32
33 *Carlos Farchette:* We are adjourned.