COUNCIL COORDINATION COMMITTEE MEETING

(Via Webex)

Washington, D.C.

Wednesday, May 19, 2021
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PARTICIPANTS (CONT'D):

SAM RAUCH
ERIC REID
MIGUEL ROLÓN
CARRIE SIMMONS
KITTY SIMONDS
ARCHIE SOLIAI
CHUCK TRACY
BILL TWEIT
ED WATAMURA
DAVE WITHERELL

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P R O C E E D I N G S

(1:30 p.m.)

CHAIRMAN GORELNIK: Spring CCC Meeting.

I've got a couple of announcements here. For members of the public, that want to comment on an agenda item, and we'll have an opportunity for public comment before every -- before we take any -- have any Council discussion or action. You need to signal that to the host, which is SFWebex. You can either send chat to SFWebex, or if you can figure out how to raise your hand, so that we can call on folks and open your microphones for public comment.

Also, at the end of today's session, we'll have a happy hour, that's a nonbusiness social -- a nonbusiness time for us just to socialize and catch-up. It's something that is, obviously, much easier, and more enjoyable in person, but what can we do? I think this -- hopefully, this will be the last virtual CCC meeting, but we'll have to see how things play out. Before we get started with today's agenda,
let me just see if any -- anyone has any announcements, or anything they want to get off their chest, before we get started. Chuck Tracy?

MR. TRACY: Thanks, Mr. Chair. Yeah, just to let folks know, the way the agenda is structured, we've got the first two items. One is some discussion about the current executive orders, including 14008, and then we follow that with a discussion about Offshore development in that report from our Habitat Workgroup, and because there's some potential for some overlapping work assignments, we are going to recommend that the Council wait, and to take action on the executive order issue, until we discuss the Offshore development issue, as well. So, the action for the both of those will occur at the end of that, at the end of the Offshore development agenda item. Just to let people know, that that's how it's going to proceed, with those two items. Thank you, Mr. Chair.

CHAIRMAN GORELNIK: All right, certainly. So, as Chuck said, we'll get started
on number six. We'll flow right into seven.

We'll, then, have public comment, and then Council discussion, and action. So, Paul Doremus, I think you have the action here to talk about the update on executive orders? Paul?

MR. DOREMUS: Thank you, Mr. Chair.

And, again, a pleasure to connect with everybody.

We -- this will be a group effort. We're going to start with -- just after a short introduction here, Sam will have a look at some of the primary executive orders that we're being responsive to, and we have the great pleasure, today, of having Letise LaFeir join us, and we'll introduce her for those -- around the second piece of this, part B, on Executive Order 14008, but we have talked in the past, such as your February meeting.

We were characterizing at the time, the administration's new executive orders,

Presidential Memoranda, things -- the kind of early signs of how we were starting off on addressing those. So, this gives us an opportunity here, today, to step back, at the
outset, and review the various pieces. There's a lot to keep track of. Some of these executive orders, individually, are expansive, and collectively they're -- point to a very significant range of work, and certainly related to our Mission Equities. So, you'll see that we're in the early stages.

There's very comprehensive, very strategic, and long-term perspective, that we're being asked to bring, and that these issues, themselves, such as the climate issue and its many dimensions, and our work is really our collective work. Central to it all is the work of the Councils and our collaboration with all of you, with the Commissions, and with a broad spectrum of our stakeholders, which we have already set out and started to do. And, again, as we talked about yesterday, much appreciate all of the effort around the 216-C Provisions and the time that we have already spent discussing the -- that topic.

And we're -- as you undoubtedly know, and I just want to reconfirm that, all of these,
in our view, we're the first champion, the voice of the Councils, in the areas that tie to Marine Resource Management, and there are significant equities and we'll continue to do that, and look forward to, as we talked about yesterday, a fairly substantial workstream, over a long time period, to deal with these challenges. So, I'm going to turn it over to Sam, to kind of move us right along, and review a series of Executive Orders, that -- and where we kind of are in understanding and responding, and then we'll take it to part B, after that. So, Sam?

MR. RAUCH: Thank you, Paul, and thank you to the CCC for hearing from me, again. I believe there are some power point slides, but I will confess that I am unable to do them. So, I -- hopefully, somebody will put them up, and will run them for me, but if not, we're going to have to go without them because I cannot do them and talk at the same time. Is there anyway to do that?

MR. DOREMUS: Morgan, is pulling them up
right now.

MR. RAUCH: Morgan?

MR. DOREMUS: There you go.

MR. RAUCH: Excellent, good job, all right. Okay, all right, so, as we've discussed before, there was a number of executive orders that have been issued by this administration. I'm going to go through some of them and give an update on where we are with some of those. And then as Paul said, we're going to hand it over to Dr. LaFeir, to talk about some of the other ones that might be more substantial, but let me give this overview of these initial ones, and if I could have the next slide, please?

All right, the first one is EL-13990 Protecting Health in the Environment and Restoring Science to tackle the climate crisis. This one has, as does the other ones that we are going to talk about, a number of different provisions. One of them that is of interest to the Councils, or has been of interest to the Council, is the Monument Provision. So, this section required a
DOI, in consultation with us, to conduct a review of the Monument Boundaries and Conditions that were established by Presidential Proclamation 10049, which modified the Northeast Canyon Seamounts Marine National Monument, and then two other terrestrial monuments, so, three monuments, total, and to provide a report to the President on that.

DOI is the lead for this action and has hosted or co-hosted multiple stakeholders listening sessions, including two that we facilitated for the New England Fishing Community, in early March. DOI has not yet released any findings and we do not know when they will be made available. The other provision -- executive provision of this order, that is on interest to the Council, is the revocation of EO-13807, which revoked the One Federal Decision Process. It did not revoke the Fast 41 Process, which is a different streamline and process, and many of these Federal Actions fall under that, as well.

But you may recall both One Federal
Decision and the Fast 41 required enhanced interagency coordination for environmental reviews of infrastructure projects, set up a two-year timeframe for completing the permitting. The One Federal Decision did impact our work under ESA, MMPA, and the Magnuson-Stevens Act, particularly EFH Provisions, in terms of accelerated timeframes and potential penalties, if the target dates were missed. So, the One Federal Decision part of that, has been revoked, but the EO did charge OMB and CET with determining if a new replacement order would be issued. And it seems likely that there will, in fact, be some new replacement order, with some elements of the previous Executive Order, and we've met with them several times, and continued providing them with input, as they develop the new order.

And although some of the strict deadlines are no longer applicable to Federal Agencies, or at least working with each other in a One Federal Decision like process, for many of these ones that are not statutorily covered by
Fast 41. If I could have the next slide, please?

So, going beyond that Executive Order, there's a different Executive Order, which we'll talk about in some depth, which has numerous pieces as well, that's EO-14008, Tackling the Climate Crisis at Home and Abroad, and as I said, Dr. LaFeir is going to talk about some more targeted issues in Section 216, but I'm going to talk about some of the other provisions of it.

And if you will remember Section 203, which is not on the slide, does establish a National Climate Taskforce, of which Commerce is a member, and several other of the sections of the EO have relevance to NOAA and require that the reports be delivered to this Taskforce.

So, one of the provisions of Section 207, on renewable energy, which addresses the administration's priority of increasing renewable energy on land and in the offshore area, and calls on the Secretary of Interior, through DO Renewable Energy Siting and Permanent Processes. They are to consult with NOAA, as well as other agencies
and tribes, when conducting this review, and we've not yet received their request to consult from DOI, but I expect, at some point, we will.

The section also sets a priority of Doubling Offshore Wind, by 2030, while ensuring a robust protection of our lands, waters, and biodiversity, and creating good jobs. The EO does not define what is meant by the term doubling. However, in late March, the White House formed an Offshore Wind, which was attended by several Cabinet Secretaries, including Secretary Rimando, the Biden Administration. At this one, the Biden Administration announced a target of deploying 30 gigawatts of Offshore Wind Power, by 2030, and to meet that 2030 goal, the Bureau of Ocean Energy Management plan to advance new lease sales, and complete review of at least 16 construction and operation plans, by early 2025, which will represent more than 19 gigawatts of Offshore Wind Power. And I will note that we do have a representative from BOEM here, later, to talk about this. Can I have the next slide, please?
So, as you can see, on this slide, BOEM has already issued 17 Commercial Leases, and one Research Lease in the Atlantic, from Massachusetts to North Carolina, and one Research Lease off Oregon. Most recently, BOEM finalized identification of Wind Energy Areas in the New York Bight Region. And if I could have the next slide, please?

And this just reiterates what I said earlier about something that the White House did, plans, but BOEM has already received 14 construction and operation plans. That's an initial step in the wind starting process, for Atlantic Projects, and is developing schedules to meet the administration's goals for offshore wind. Current projects in the Atlantic have already put a strain on the existing staff, and -- but we are working actively to identify how we can meet these needs, of these protected -- projected schedules. And you'll be hearing more, directly from BOEM, in the next section, with Brian Hooker, is going to talk with you about some of these issues. So, if
we could go on to the next slide?

So, a few more issues, in these executive orders. One is Section 208, Oil and National Gas. So, once again, this is directed to that interior. They are directed to pause new oil and natural gas leases on public lands, or in offshore waters, pending completion of a comprehensive review and a reconsideration of Federal Oil and Gas Permitting, and leasing practices, in light of the Secretaries' Broad Stewardship of Responsibilities over public lands and in offshore waters, including potential climate and other impacts associated with oil and gas activities, on public lands, and in offshore waters.

That Interior is supposed to consult with NOAA, as well as other agencies, when conducting this review. It also direct -- the EO also directs Interior to consider accounting for corresponding climate costs, when extracting such resources from public lands and offshore waters.

Currently, we expect to receive a request, from
Interior, to consult this review, in the late Summer and early Fall. There's another section, 215, which talks about the Civilian Climate Core, and this requires DOI, in consultation with other agency interior -- I'm sorry -- in consultation with other agencies to submit a strategy to the Task Force, this is the Climates Task Force, that I had mentioned above, within 90 days, of the date of the order, for creating a Civilian Climate Core Initiative, with the dual goals of providing employment and training to people in need of jobs, and increasing the Nation's resilience.

The climate change impacts through implementing on the ground projects. We already have, and have had for considerable time, three successful Conservation Corps Partnership Programs, one in the Gulf of Mexico, called the Gulf Corps, we have a Vet Corps, and we have an Earth Corps, that could likely be incorporated into a broader Civilian Climate Corps effort. We are participating in an Interagency Work Group, with DOI Agriculture, I'm sorry, with Interior
Agriculture and other agencies to develop the National Civilian Climate Corps Strategy, for the Executive Order, and we had just made -- this initial strategy will publicly announced, sometime this Summer. So, if I could have the next slide?

So, this is 216, and for 216-A, I'm going to skip over that one because that is the 30 by 30 initiative. And as we've indicated, Dr. LaFeir will be speaking on that, in detail, immediately following Paul and my update here. But we have talked about 216-C, in some depth, with all the all Councils, individually. This directs NOAA to collect recommendations on how to make fisheries, including aquaculture and protective resources, more resilient to climate change, including changes in management, conservation measures, and improvements in science, monitoring, and cooperative research.

So, for the broader public, we published a Federal Notice, some time ago, on this provision, and we received a great many comments on that, and I want to thank everybody who did
that. We also, both Paul and I, held discussions at all the Council Commission's meetings, on this topic, and we received some very good input, initially, and a number of Councils have indicated that they may continue to submit input, at a later date, which is fine, and we indicated that we were willing to accept that. So, we do expect our discussion to continue on this important topic.

It's not just related to the Magnuson Act Goal. Although, that is an issue, obviously, of great importance to the Council System, but is related -- also includes other authorities that we, or our partners within NOAA, exercise, including the ESA, MMPA, the Sanctuaries Act, the CZM Coastal Zone Management Act, I'm sorry, the Endangered Species Act, the Marine Mammal Protection Act, the Sanctuaries Act, The Coastal Zone Management Act, and the others. And we'll use the input received to inform rule making policy and notably the next series of our regional action plans, under the Climate Science Strategy.

And can I go to the next slide, please?
Okay, well, I went one ahead. But let me just give you a brief summary of the comments that we've received to date. We received 163 individual written comments, 432 Webinar attendees. 432 people attended our Webinars. We -- there were two writing campaigns that gave us an additional 79 comments. We had two broad-based partitions, one, from Friends of the Earth, that was opposed to fin fish aquaculture, that had 24,000, some odd signatures, and one, from the Responsible Offshore Development Association, the RODA, regarding the communities (inaudible) and science, with an additional 62 signatures.

And, finally, we had 91 comments directed specifically at 216A, the 30 by 30, which we sent on to interior for consideration. And we are coordinating and sharing our inputs with other line offices, Ocean Service, and the Ocean and Atmospheric Research, within NOAA. The results of this effort will not be immediate. Some of the recommendations that we received, although good, might take years to develop, were we to do that,
and we are excited about trying to work on as many of these as we can. But as a complex topic, and there's a lot of uncertainty, dealing with climate change and other issues. So, some of it may require a substantial long-term commitment before we see results. But we are considering all these inputs, and we are -- as we think about management in this changing climate, both to the near and far future.

So, a couple of other ones, before I turn it back to Paul, here, that are listed here. One of them was the Presidential Memorandum, so not actually an executive order, but similar, on Travel Consultation and strengthening nation-to-nation relationships. This one affirms the importance of the Federal Government's consultation obligations to Federally recognized tribes. It directs agencies and after consulting with Federally recognized Tribes to prepare and submit, to OMB, a detailed plan to implement the policies and directive of the Obama Administration's Executive Order, 13175 on Tribal
Consultation. So, that is -- and the agency there is Commerce. It is not the way that these Executive Orders are written. When they talk about agencies, that's their main Commerce Department.

So, the Commerce Department held two consultations calls on the Commerce plan, in April. That consultation included the heads of all Commerce Bureaus, which is NOAA, and NOAA is planning a separate consultation effort on our -- on our specific tribal consultation guidance, which was issued in 2013. And one comment we have heard repeatedly, in these various forums, from the tribes, is that they would like the council meetings to be more inclusive and more accessible to tribal nations.

Related to that is EO 13985, Advancing Racial Equity in support for underserved communities, through the Federal Government. This order sets forth a policy that the Federal Government should pursue, a comprehensive approach to advancing equity for all, and equity is defined
very broadly, including people of color, and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. There are several actions for agencies to review and evaluate programs that might create or exacerbate barriers to full and equal participation, and to develop strategies that could overcome these barriers and increase investment in underserved communities.

And we talked about this a little bit yesterday, with the use of video public comments, as a potential way to increase and allow for our participation in underserved communities, in Council meetings. And I'm not going to revisit all that discussion here today, but just note that -- that is the kind of inquiry that this executive order asked us to conduct. To address these requirements, NOAA has been developing an advancing equity for all roadmap, that provides a high-level framework for this executive order of implementation. Our work builds on our internal diversity inclusion initiatives, as based on the
belief that having a more diverse and inclusive organization will allow us to be more responsive to diverse communities.

We've also created an advancing equity working group within NOAA, as well as an Equity Environmental Justice Working Group within the Fishery Service, aimed at coordinating and sharing information about our efforts to embed equity and environmental justice in our external programmatic work. And over the coming months, we will be conducting -- the fishery service will conducting an inventory of our existing efforts, and developing a strategy to ensure that our assets and services are being allocated equitably and the diverse and underserved communities are able to participate in our management and conservation work.

And, then I think, maybe, I have one more slide? Right. So, this is the last one I'm going to talk about. There was a -- this is not an executive order, but it is a Presidential Memorandum on modernizing regulatory review. It
directs the Director of OMB to work with representatives of agencies, together, that means the Commerce Department, to begin a process, as soon as practicable, that will produce recommendations to improve and modernize regulatory review. These recommendations should provide suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, for human dignity, equity, and the interest of future generations, and should be informed by the public engagement process.

And, also, specifically, it is to review how the Office of Intergovernmental and Regulatory Affairs, which is OLIRA, which is an organization within the Office of Management and Budget. They put out guidance, a longstanding guidance, called Circular A4, which lays how the agencies should be conducting cost benefit analysis and various other economic analyses, to facilitate the OMB review, and the memorandum specifically ask OLIRA to
review that circular, with the idea of ensuring
that unquantifiable benefits are not discounted,
and that they do not create unintended anti-
regulatory push.

Normally, most of the rules that the
Councils issue do not go through OMB review, but
some do, if they meet the significance
determinations in what is called Executive Order
12866. That is an Executive Order that has been
around since 1993, and says, for certain
significant rules, they have to go through OMB
review, which could create some delay, and this is
the process designed to look at that. And I know
some of the Council rules are going through that,
right now. So, that is my lengthy but brief, I
hope, overview of many of the executive orders,
and I would like to turn it back over to Paul, to
introduce Dr. LaFeir.

MR. DOREMUS: Sam, thank you very much
for that overview, and as you can see, we've got a
lot in motion and are working hard to respond to
the administration's direction. A lot of these
things will be taking place over a considerable
time period, and we will look forward to continued
interaction with you, keeping you informed, as we
work to implement these various sets of direction
that we've received.

Really very pleased to introduce Letise
LaFeir to all of you. She is the Senior Advisor
to the NOAA Administrator, and has been
representing NOAA in the interagency discussions
around the provision 216A, which is colloquially
known as 30 by 30, and this is conserving land and
water. So, there's a big land piece of that, and
Letise has just been phenomenal in representing
our interest in equities and making sure we had
the right voice, at the right time, in this whole
process, and in so doing, representing the views
of our stakeholder community and certainly helping
us in all of our efforts to do the same, and so,
well represent the stakeholder community, that we
work with, and that we serve, and we have an
opportunity to shift here, now, into part B of
this agenda item, I will turn the mic over to
Letise, and look forward to our ability to discuss where we are with this 30 by 30 effort, and the outlook going ahead. So, Letise, let me turn it over to you.

DR. LAFEIR: Thanks, Paul, and I'll ask for my files get keyed up, as well. We'll get started. And appreciate the introduction and thanks to all of you for having me, here. The purpose of this presentation, really, is just to make sure that you all have a good sense of what's included in the report that was released on May 6th, so, first, just want to go through some slides in view of -- an overview of where we stand on this work. As Paul mentioned, it's, you know, one subsection of a much larger executive order, but it does have implications across our work.

So, first this is -- I just want to emphasize the Interagency's process. It was led by Interior -- Department of Interior, but in close consultation with NOAA, USDA, and the Key White House Office of Council on Environmental Quality. Next slide, please?
The first, just highlighting the specific language, in the executive order, in that section. The key is -- I want to point out a few things here. You'll see emphasized that more than one space just need to ensure that we are doing a good job of taking into account the various stakeholder interests, that anything we were to do, per this directive, would be developed with stakeholders, and any next steps would be carried out, with stakeholders, and the effort is to conserve at least 30 percent of our landfill waters, by 2030, and it was meant to be a broader approach, not a one size fits all approach of protecting, or preserving, or no takes, but really thinking through what are the various opportunities to create this momentum of conserving at least 30 percent of landfill waters. So, that's the specific language I just wanted to highlight there. Next slide.

Before the report was released, then just before I get into some of the specifics in the report, I just wanted to make sure to
emphasize that through this interagency process, we did have several rounds of interagency listening sessions, earlier in the year, March and April, primarily, and touched all with these groups, in some way, it would be through calls, and then we were also sharing, across our agencies, any written comments that we were getting, immediately after the Executive Order was issued, to make sure that we were each being able to represent our constituencies and look through those comments, from our various agency perspectives, and then circling back, as needed. So, this is just the preliminary engagement, in advance of the report being released. Next slide.

So, the report, released on May 6th, launches the first ever National Conservation Goal of -- and really meant to be a longer-term goal, that locally led, you know, nationally scaled, really wanted to make sure it's coming up from a community perspective, and it was meant to respond, more broadly, to some of the threats that we are experiencing, a loss of nature, just
specific loss of areas, a decline of resources, natural resources, across the board, and the overarching threat of climate change, but there is also this piece, that we touched on in some of the other executive orders, that found -- described, and there's also inequity, in all of this, and we want to make sure that this campaign considers recreational opportunities, access to outdoors, reducing disparities and access to nature, and, again, emphasizing that this is a continuum. In certain communities, our conservation effort might look one way, and then, in other communities, it will look another way. So, it is really a broad continuum of approaches that's captured in the report and is meant to continue to be interagency effort. Next slide.

Just to highlight, these are the core principles that were outlined in the report, and these principles were not predetermined. They came out of the conversations. We tried to find the things that came out of the conversations, across that broad group of stakeholder engagement,
that I highlighted a couple of slides ago, and we tried together, again, through this interagency process to distill the key principles that should guide our progress, going forward, should guide this campaign, going forward, and among them are, foremost, making sure it's collaborative and inclusive, and we want to make sure we're thinking of and considering the various perspective on this. So, that is the number one principle, and I should actually say that these aren't necessarily a priority order, but they definitely took the threat of trying to pull across the common themes that we heard.

So, we just wanted to make sure it's collaborative, and that conservation benefits all people, and especially looking through -- looking for ways to support locally led efforts. This isn't meant to be a cop down. The Federal Government is going to decide what should be conserved, and then roll it out, but the other way around, making sure that Federal Government is supporting local efforts that double up, and
within that, and again, a nod back to these other executive orders on Tribal Engagement.

We must honor tribal sovereignty, and respect tribal rights, and also consider what the tribal priorities might be, for help for pursuing this goal. And as you all know, and as we -- Paul outlined, I think it was just yesterday, all the pillars of this administration, is economic recovery, creating jobs, and there is much to be done within the conservation realm to create jobs, with a Corps principle. And in this, for example, is the climates -- the Civilian Climate Corps that Sam mentioned. We'll need people to help meet these goals, and we should create jobs that help do that. And first business is land and water, and there's a specific call out about private property rights, on land, because we do expect that some conservation ideas will come through private property owners, but as well as local, state, and tribal land. So, it's meant to capture that component and through all things, NOAA's a science agency. You know, science is a guide for
this administration, as well, and it's in any core principle that's in our direction for implementing this EO and the others, but most -- to really thinking through, particularly, what existing tools and strategies, that we already have, that are proving to be successful.

We're not necessarily trying to create new mandates, and not necessarily developing new authorities. We already have the tools in place, at NOAA and other agencies, to help meet these goals. So, let's step back and think through, as a principle, what are our existing tools and strategies. So, those are the eight core principles. There's much more detail, of course, in the report, that I welcome you to read, but those are the guiding principles for our next steps. Next slide, please.

A key question that arose during this process, and that is already mentioned in the executive order, before we developed this report, is what counts on the baseline? Where do we start? You know, how do we know what's already
being conserved, across the Nation? And so, one of the recommendations in the report was to create this American Conservation of Stewardship Atlas, to start to gather the information that we already have, so, a clean slate, so, looking at the existing databases that track protected lands, protected waters, existing databases that can track conservation and restoration efforts, those kinds of things, and bring them together, in one place, and think through the different authorities that, then, can inform what's being conserved.

And one thing I want to emphasize is that we don't expect it to be only things that will start for the purpose, the conservation, but there might be things that have proven to have conservation value, and so, the Atlas -- the process of developing the Atlas is meant to look through everything we know and try to find out -- figure out how to bring those together. That is explicitly going to be an interagency working group of experts and meant to engage with the public, and tribal nations, and stakeholders, to
help us decide, well, what, then, goes in that, and how do we start measuring progress against that baseline?

That'd still have to take some time to do, but we, as you see, I made bullets, know that we have to think more holistically, first, about what's in that baseline. And then we're on the hook to release, by the end of this year, a progress report. So, now that this report launch in the campaign is available, we want to create transparency and steady drum beat of informing our stakeholders and the public on where we are. So, I can anticipate, say by the end of the year, at the very least, we will be able to say the Interagency Working Group has been formed. Here are the representatives. Here are the initial steps we've taken. I can't -- we can't say for sure if, by then, we'll say, the baseline is finished because that'll happen very quickly, but just an update on where we are in the progress toward implementing this goal, and you'll see these other items we expect to be in the progress
reports, just what changes (inaudible) what
science can help us form next steps? Are there
any changes and conditions the (inaudible)
Habitats, those kinds of things? We anticipate
will be in the first report, and then annually,
thereafter, and all of those reports will be made
publicly available. Next slide, please.

So, building on the eight principles
that I mentioned, the report ends with six focus
areas that will, then, help us start taking some
next steps. And because of the collaborative
principle and the idea we want to make sure this
is inclusive, one of the elements about conserving
lands and waters is not only to benefit the
ecosystem, the -- they're the fish and wildlife,
but also people. We want to make sure that areas,
for instance, that our nature deprived, get green
spaces, get open spaces, and then there are all
those benefits, from that. Those green spaces,
then, attract wildlife, just as an example, or if
we identify places that are tribally by a
conservation or restoration priority. There's
still other benefits to working closely with tribes to restore those places.

So, in across these six areas of focus, we were trying to set a path for what will keep us going, based on those principles. How can we collaborate on conserving, restoring, and then connecting some of those habitats, wildlife corridors? And that's true on land and in water, so that makes sense for a prioritizing. How do we, as part of the best, recognize that there is place for sustainable use and recreation, in these lands and waters. Again, there is the key part on thinking through how to engage private land owners, so -- and in a sense of (inaudible) conservation efforts, including ones that you all have helped put forth, through the Magnuson-Stevens Act, and then finally again, landing on that. Let's make sure we're creating jobs to keep this work going. So, these were the six focus areas, that were outlined in the report, that, again, were guided by the principles that I described. Next slide, please.
This next Act, again, we had preliminary engagement before releasing the report. Now that the report is out, that is just a starting point. Now, we have to get to work. How do we start to put the baseline, and make progress, and thinking about other areas? So, the agencies began either through an interagency process, or through our own individual effort, will both formally and informally engage tribes, state territories, the stakeholders, and the American public, and that will happen through different approaches. These bullets aren't meant to be exclusive. I think there will be other ways, but there will be tribal consultation. We anticipate, at some point, there will be a public comment period, probably on very discreet issues. So, at this point the Atlas gets underway, there might be a discreet public comment period on that, as an example.

We expect that there will be some engagement through Advisory Councils or engage Governmental Working Groups. So, these are just examples of the types of ways that we expect to
formally and informally engage stakeholders. None of this is yet determined, but these are the things that are on the table, that we need to start rolling out as next steps. Next slide, please.

And in particular, I wanted to highlight our authority, so, I mentioned earlier that we first want to look at our existing tools and strategies, to prioritize those. We have many ways to achieve this goal, without creating something new, and these are examples of how we can do that. We have others, but, primarily, even there are ways to set aside places. The National Marine Sanctuaries Act, we heard through the preliminary engagement, that we should consider setting aside new extra research reserves.

So, our (inaudible) Management Act Authorities allow us to do that. It was very clear that we had to think through the habitat and conversation measures, that Fishery Management Councils already do, through the Magnuson-Stevens Act, The Stevens Fishery Conservation Act, and how
we should include that authority, very explicitly, in any next steps. And then there are others, like the Marine Mammal Protection Act, and the Endangered Species Act, and integrity backed. These are among the examples of our existing authorities, where we can now set back, and see how those tools could and should be used to help us make progress on this big campaign. Next, please.

And, finally, these questions are still being refined, but as I talk to, you know, Paul, and Sam, and the interact -- my interagency colleagues, and I see -- really think through how best to get information, that we can start to apply. These are among the questions that we expect, as we engage stakeholders, going forward. Again, top of mind, is what counts now. We can't measure progress if we don't have a baseline. So, what should we consider, as we think through existing databases? What should we consider as we pull these pieces together, in the baseline? And how do we make sure we're measuring progress, and
not just issuing progress reports?

But how are we actually measuring? Is it by acre, is it by geography, is it by a specific habitat? None of that has been determined yet. We haven't made any of those decisions, that we have to meet a specific goal state-by-state, region-by-region, or any of those things. So, we are expecting to engage stakeholders to say, how should it be measured, going forward? And then, of course, as we think about baseline and measuring progress, the next question is, well, what else? Is there -- what new areas, and are there new areas, that we should consider? Or not? Are we doing a good enough job, already?

So, what new areas, you know, should we prioritize for conservation and restoration, as we move forward, and then, finally, the key is making sure, this is going to be a locally led effort, that's scaled across the Nation. How do we, as Federal Agencies, at the Federal Government, support those communities, collaborate with those
stakeholders, keep the engagement going, and this isn't a how much can we get done by the end of the year? This really is meant to be a 10-year trajectory, building momentum toward conservation, that's longer-term and much more collaborative.

Next slide.

I think it's just -- happy to take any questions. I don't know if you want me take them right now, through this platform, or do you want key it up in another way? But thank you all, again, for having me.

CHAIRMAN GORELNIK: Thank you, Dr. LaFeir. I just want to make sure that we have concluded the NOAA Fisheries presentation, and then we can go to questions, from the CCC. So, at this point in time, we'll have questions. We'll have discussion, later. So, Dave Witherell, I see you have your hand up.

MR. WITHERELL: Thank you, Mr. Chairman. Dr. LaFeir, I have a couple of questions. The first is, can you tell me what the origin of the 30 percent of conservation goal is?
DR. LAFEIR: The broader 30 percent goal was an international purse, that really came through, like, United Nations and other international discussions, to set an international goal for at least 30 percent of lands and waters, across the world. What I will say is that this particular goal, that's outlined in the Conserving and Restoring America the Beautiful, is a different goal, but complementary. Our domestic approach is complementary.

So, from a U.S. Government prospective, we have a signal that we are in support of this broader initiative, from a scientific perspective, but that we encourage each Nation to pursue it in the way that they see fit, that we are not -- we, as the United States, we are not adhering to an international goal or international set of definitions. We are -- particularly trying to tailor our approaches to our needs, here, in the U.S. And, again, 30 percent, from our perspective, from a domestic perspective, is not a thin point. It's to build momentum for a more
strategic and more inclusive approach of
conservation, broadly. I hope that helps, Dave.

MR. WITHERELL: Thank you, that is
helpful. You mentioned on how to measure the
areas relative to the baseline. And I guess I'm
curious, how might you suggest the Councils assist
NOAA, with understanding how fishery closures
could be taken into account and meeting the 30
percent conservation goal?

DR. LAFEIR: I'm glad you asked that
because, actually, that's my question to you. I
know that, again, Paul, and Sam, and I have been
talking about this. It's -- we want to have a
conversation asking that very question. So, the
appropriate representatives from the Council say,
so, what mixture, that we have of the landscape,
of what areas are already protected, through some
MSA measure? And then, let's have a real
discussion about what do you think has the
successful to fulfill this conservation? Again,
it's not necessarily designated for the purpose of
conservation, but has had lasting conservation
benefits, has this successful.

How do we make sure that we are taking your input, as Councilmembers? Or these are the things that should "count". These are real and impactful, and had -- you know, it might have some system -- ecosystem implications, et cetera. I don't think we can -- we definitely can't answer that question on this call, but I just key that question back up to you. We're ready to have that discussion of things. Please tell us, as Councilmembers who doing this day in and day out, what should we consider, at NOAA, as implementing this, this baseline, you know, pulling in this information into the Atlas.

MR. WITHERELL: Okay, Dr. LaFeir, thank you.

CHAIRMAN GORELNIK: John Carmichael?

DR. LAFEIR: Yeah (overtalking) Paul. You're going to have me on the hook on that. I'm committing to that. I really want to have that -- ask that explicit question.

CHAIRMAN GORELNIK: Are we good?
MR. CARMICHAEL: Yeah. All right, thank you, Mr. Chair. Yeah, John Carmichael here, and thanks for the presentation. I guess reflecting on the last slide there and thinking about what guidance we can give for engaging constituents, the big questions is probably going to be how do you define conservation, and what is seen as the opportunities for our commercial constituents, within this? There's a lot of, you know, mention of parks, and sanctuaries, and reserves, and preserving recreational access, and seems to dance around the issue of commercial usage of resources, within all these different areas.

DR. LAFEIR: Yeah, I think that one of the other slides out there was an explicit mention of using the Magnuson-Stevens Act and the work of the Councils, to be included in this. There are explicit mentions, in the slides, but also in the report. Very explicitly, what we're saying is conservation does not equal no tick. That might be at some places, and this is a continuum, but are now, as part of the Atlas process, having to
define what conservation means, and then proving what goes into the baseline, based on that meaning of conservation. It is meant to be broad, it is to -- meant to consider sustainable use, and it is specifically looking through the Council process and the management processes of Habitat measures because commercial activities can't happen, and so, finding places for conservation in that.

CHAIRMAN GORELNIK: John, did that answer your question?

DR. LAFEIR: I will say -- yeah, did that answer your question, John? It's hard not to see faces.

MR. CARMICHAEL: Yeah, we'll see. Yeah, it kind of did. You know, I think that, you know, you even look at like the refuge and that type of area. There's take allowed, there's recreational take allowed, but, you know, commercial take, tends to create issues, and I bring this up because there's a big issue going on here in South Carolina, right now, and it's not affecting us Federally, but it's about Horseshoe Crab take, in
a refuge area, and there's a lot of objection to
the commercial harvesters taking the horseshoe
crabs out. They get bled, they get returned, some
of them die.

So, but that's, you know, that's being
seen as commercial removals and resources from a
refuge area and is creating a lot of consternation
in the conservation community, and so, it seems
like, you know, it's one thing to talk about take,
but the conversation often seems to shift when
people think of it as commercial take, in
commercial fishing, and you know, this example
that we're seeing here, in South Carolina, is
playing out in public opinion, and there's
editorials, every week, in the paper about it, and
it's really shining a light on this issue, of how
people think of conservation and what they see as
the allowance for any sort of commercial take to
exist along with potential recreational take.

DR. LAFEIR: I know that we're going to
have to untangle some of that, and I do think
there will be places where either recreational
takes might not be allowed, but then there are
other places, again, where I think we can make the
clear argument, and that's why I'm turning to you
all as an expert, saying, what places -- well, we
know there's commercial activity, and then there
are also places where you've satisfied the
Magnuson Act, that should be considered in this.
And, you know, not everything that has been set
aside during the Magnuson Act, will "count" in the
baseline, but, honestly, not everything that will
be set aside (audio breaks up) are broad, as you
can imagine, in some people's minds, sanctuaries
don't count because they're multi-use.

So, it -- the goal of this
administration is to cast a broad net, to be
inclusive, really think through what this makes
this, and what place is that's not one size fits
all, in each place. It won't be easy.

MR. CARMICHAEL: Sure.

DR. LAFEIR: That's why its interagency,
and that's why we're saying we're calling on the
experts, on that first question, immediately,
right, that very first question, of what counts now?

MR. CARMICHAEL: Yeah, thanks, nothing in Fisheries is easy, it seems. Thanks for that.

DR. LAFEIR: What I will say, is it should count. Some of the efforts that have happened over decades, now, during Magnuson, some of that work should count, if we're saying what our goal is, to create a conservation ethic, and to sustain certain activities, and places, and resources, longer-term. Some of those things count, right? How we decide all of those things, to be determined. We haven't made any final decisions on the sort of scale and scope at this point. But I hope you see, if you haven't read the report, I hope you see explicit callout on the Magnuson Process of Engagement by the Council, in order for us to succeed. That's the only way we're going to be able to do this.

CHAIRMAN GORELNIK: All right, we got a number of hands up. So, we're going to try to get everyone's questions in. A reminder, we'll keep
discussion for later. John Gourley?

MR. GOURLEY: Yes, good morning. I noticed the Antiquities Act was identified as one of the programs that you would possibly be considered using. And you had a caveat that said that, provided the co-management was apparently agreed to -- in the -- using the Antiquity Act, to establish monuments. Co-management is very important, and we were promised co-management for the Marianas Trench National Marine Monument, and that was a big selling point.

However, we don't have co-management. Co-management has been relegated to the term in coordination with. When you have in coordination with, that's not really co-management, not as what we were led to believe, and I am not sure, but it seems that, at least with my understanding of the Antiquities Act, since you're taking Federally Managed Waters, and you're giving them to Federally -- or Federal Resource Agencies to manage, there is no legal roadmap to actually entertain true co-management with the local
islanders, or where the state -- where the monument is actually being designated.

And so, but I just -- I really question the use of the Antiquities Act, as something that is fair, because it's basically decided by one person, and it does not reach out, like the Sanctuaries Act does. So, I just want to just kind of make a comment on the selling of the Antiquities Act, as being, you know, a good program for co-management. Thank you, that's it.

CHAIRMAN GORELNIK: All right, so, that's --

DR. LAFEIR: John, so, let me just --

CHAIRMAN GORELNIK: Go ahead, Dr. LaFeir.

DR. LAFEIR: Let me just clarify. So, first, I included the Antiquities Act, under NOAA's Authorities, and my caveat was that, if we are included in a proclamation. The Antiquities Act is exclusively and authority that the President has, and any designations fall to the Department of Interior, unless in the proclamation
we are included, we, NOAA, as a co-management entity. At that point, management plans and implementing regulations happen. So, from a co-management perspective, I meant for across the agencies. There are some monuments that -- where we do not have any management authorities, and we are not engaging.

I'll also say, there are monuments, where there are true co-management regimes happening, say, with this state, as an example. So, that's what I meant when I said co-management -- if co-management is included in the proclamation. Co-management, meaning NOAA, was written into the proclamation, but otherwise the Antiquities Act designations don't necessarily fall to NOAA to implement. I just wanted to clarify that.

MR. GOURLEY: Yes, thank you.

CHAIRMAN GORELNIK: Archie Soliai?

MR. SOLIAI: Thank you, Marc. I have a question in regards to Executive Order 13985, on advancing Racial Equities for underserved
communities. I think, you know, historically, Pacific Island Communities and indigenous fishing communities, they continue to be disadvantaged or underserved, you know, through applications of U.S. Laws and Public Policies. And some of those disadvantages appear in a way of unintended, and sometimes unintentional consequences, stemming from National Policies, or unfilled mandates, and what have you, and as an example, NS1 requires, Biomass-Based Assessment, which our region used woefully inadequate data, that led to the Artisanal Monkfish Fishery in American Samoa to be classified as overfished. The MSA, CDPP provision calls for $500,000 to be annually be provided to Pacific Island Indigenous Communities, through competitive grants, but has gone unfunded for more than 15 years.

And over the past 20 years, the Federal Government has achieved its preservation goals, basically on the backs of, you know, our Pacific Island Communities. As a region, over 70 percent of our U.S. Pacific Island DED or DEZs are closed
to commercial fishing. But as a country, the Pacific Islands account for a quarter of the ocean enclosures. The community demonstration plan is defined a MSA, under section 305, para I and para J, in order to provide the access to Federal Fisheries, for Western Pacific Communities. Now, this is another MSA Mandate, that provides for equity in Federal Fisheries, that's been difficult to get through, NMFS in the past.

The CDP is what we're looking at by our Western Pacific Council, providing communities and American Samoa relief from Federal Bottomfish Regulations. Now, my question is in lieu of serving or fulfilling the mandates in this executive order and serving these underserved communities. The Western Pacific CDPP has not been funded for over five years. And I wanted to ask, where has the funding gone, and can we expect funding to be reestablished for CDP?

CHAIRMAN GORELNIK: Go ahead, please.

MR. RAUCH: Yeah, maybe I can --

DR. LAFEIR: I think, I'm going to have
to turn to Paul or Sam for that one.

MR. RAUCH: Yes, maybe I can -- since this was my presentation, I can take some of this. Let me first say that I do completely agree with you, that many of our Island Communities easily fall within the executive order's broad-based description of underserved communities. And so, many of those, you know, the diverse constituents and stakeholders in our territories are some of the intended recipients of our efforts here, and looking at equity, and to the extent that our past practices have either unintentionally or intentionally disadvantaged them, then these are things that we do want to look at.

And so, I'm happy to hear your perspective on that, and as you may know, I think -- we do understand that to address the bottomfish issue, to begin with, that, historically, we may not have allocated our science resources, with the idea of -- where it has been hard to get a enough science of the territories. And this is something that we have been pushing, and I know Paul is --
has been supportive, as has past administrators about increasing the science commitment, and I hope to continue to do that, to direct some more science resources. Not an easy question. But we've been able to direct a little bit more, in recent years, and I hope to continue to do that.

In terms of whether or not the government will fund that particular program, that involves, to some extent, the appropriations committees, and what they choose to fund, and what they choose not to do. And the President's Budget is coming out, soon, hopefully, but it really depends on what the appropriations committees do, and they have not provided that funding in recent years. So, I do not know what the prospect is for the future, but we do continue to look for ways to address racial equity, and I would agree with you, that looking at the historic ways that island communities may or may not have been disadvantaged, is an appropriate scope of inquiry for this effort.

CHAIRMAN GORELNIK: All right, thanks
for that answer.

MR. SOLIAI: You say I'm like I -- yeah, sorry, Marc.

CHAIRMAN GORELNIK: Go ahead, Archie.

MR. SOLIAI: I certainly appreciate that. Look forward to hearing some more feedback from you, and you know, the team there, with respect to that issue. But when you talk about science and, you know, how that's being developed. I would encourage continued collaboration with local fishery agencies, in developing that science. I think it's vitally important, that you have local stakeholders participate in developing that science because, at the end of the -- they'll be managing that, on the local front.

CHAIRMAN GORELNIK: All right, Bill Tweit?

MR. TWEIT: Welcome, Mr. Chair. And thank you, Dr. LaFeir. As I look at the areas of focus and was thinking about the -- those six areas of focus, I was thinking some about the lost of access in natured pride communities, and what
Councils can do about that, which, in a lot of cases, isn't much. But one of the things I do think about is access to nutritious and affordable seafood, as another way of people who live in nature deprived communities being able to connect with the environment and understand the importance of a healthy, productive environment.

I was wondering if that issue of nutrition, of access to seafood has been discussed at all, relative to this particular initiative. I know it comes up in other areas, but I was wondering if it's been discussed here, and certainly the Councils' roles in ensuring that U.S. residents have access to sustainably harvested, nutritious, affordable seafood?

DR. LAFEIR: It has not been a part of the conversations for this particular initiative. As you said, it has been part of other conversations, sometimes been actively engaged in other conversations, in that regard, but for this very initiative, the focus has been access to open spaces, natural places, green spaces, not the food
necessarily, as part of this.

MR. RAUCH: Mr. Chair, if I could add in a little bit on that, as well?

CHAIRMAN GORELNIK: Sure.

MR. RAUCH: So, in terms of the 30 by 30, Dr. LaFeir is right. I just didn't want to harken back to the last commentor, and indicate that, in terms of equity, and environmental justice, these issues are front and center in that forum looking to ensure open space, not just for recreational needs, but for substance fishing needs, or sometimes that concept particularly, in certain areas of the country, gets a little murky, as to whether -- you know, how much people need access to fish in our coastal waters. just as part of their normal weekly protein development.

This is something the Councils, I know, work on, when we design management measures, trying to make sure that these issues are front and center. And it is something that we are looking at, in terms of that equity and environmental justice issue. Are we adequately
taking to account, those very needs of people who
go fishing, for their weekly food budget? That
they need that, not just for recreation. So, this
is something the Agency is looking at, even if it
is not particularly in 30 by 30, but it is
something that is important to the agency.

DR. LAFEIR: But I did (coughing) from
that Substance Abuse Act, from that perspective,
that you just raised, Sam. You know, for example
as Tribal Nations and the Island, the island --
Hawaii, and others, engage in this process, that
part of what we'll have to consider, is areas that
are important to conserve, to ensure we sustain
consistent uses, from that perspective.

CHAIRMAN GORELNIK: Okay, thank you.

Markos Hanke?

MR. HANKE: Thank you for the
opportunity. Hello, Letise. Recognizing, like
you explained the origin of this initiative is
from the international community, how do you
explain how we address and explain the
displacement of recreational and U.S. Artisanal
Fleet from those the area closed, especially if
the international fleets are the ones causing the
problems? That's the question, but I want to have
-- make an observation, too. The U.S. Fishermen
are trained and forced to fish in a sustainable
way, which is part of our life nowadays, the
neighbor fleets, not really.

It's a different story on the
international arena. Trying to close because,
nowadays, probably, is very popular to do so,
doesn't make it the most beneficial action or the
benefit of all. We just need more money and more
tools, and to include all the tools on the basket,
to try to support our environment and our
community, especially once you have areas, for
example, in the Caribbean they are closed, and
when -- we don't know if this a lionfish farm
because nobody can go there, and they have the
lionfish all over, on those areas. This is what
we hear from the fishermen. And those are my
points, I'm sorry to take too long for my
question.
DR. LAFEIR: I just wanted to -- my response to that, again, is that, you know, what's happening at the international stage, as far as I know, the U.S. does still not formally endorse the international goal, as a -- you know, we haven't committed to aligning what those specific definitions and approaches, from an international perspective, and thinking through impacts on Artisanal Fisheries and other things. So, I can't fully speak to that, given that we aren't -- that this effort did start from a international perspective, by we carved out a very domestically focused want.

I do think, though, as we move forward, in our domestic goal, we will think about things like displacement. If we were to conserve certain areas, for one reason or another, how does that -- what are the implications for? Again, specific use, Artisanal Fisheries, or access by local communities, and those kinds of things, which is why we really want to make sure that the effort is locally led because those nuances we won't have at
the Federal Level. And I think those discussions
are still to come. I hope that answers your
question. I don't know if it does fully, but?

MR. HANKE: Yeah, thank you, ma'am.

CHAIRMAN GORELNIK: All right, we got a
couple more hands raised. And just a reminder,
this is for questions and not for comments or
discussion. We'll come to that later. Tom Nies?

MR. NIES: Thank you, Mr. Chair. Thank
you, Dr. LaFeir. I'm going to give you a break,
and -- for a minute here, anyway, and ask question
of Sam, on one of his presentations or comments.
But, Sam, I'm curious a little bit about the
regulatory review and the significance
determinations and the OLIRA issue. I, tongue in
cheek, want to ask you if OMB will follow their
new guidance, if they come out with it. But what
I really want to know is, do you know, I didn't
catch what the timeline is for the review, and do
you know if they will revisit the $100 million
threshold, which has basically been constant
since, I think, the Reagan Era?
MR. RAUCH: Mr. Chairman, if I may? We -- as many of those executive orders and memorandums are directed at the agency, which means the department, in that case. And so, the department is handling the discussions with OLIRA on this. I have some discussions with the department, and OLIRA -- or the Office Management and Budget, I'm to not use acronyms, the Office Management and Budget has not set out a timeline for that review. You may recall, early on, that there was some issues with who the nominee would be, and so, I think some of their planning has been delayed, now that they've got full staff on, I expect, soon, to have a better understanding of how they are going to conduct that review. But I do not know, at the moment.

In terms of the $100 million criteria, that was part of executive order 12866, from 1993, as the explicit criteria set forth, by the President, then. This memorandum, that we're currently talking about, reaffirms 12866. So, I expect that we will have a -- that similar
threshold. One of the things that we would like to talk with them about is scaling for inflation, however, but because if you leave that threshold, more and more things are going be significant now, than were in 1993. And so, while I think that that number has the baseline number, in 1993 dollars, will have to be the criteria.

I would like to have a discussion with them about scaling for inflation because nobody is really using 1993 dollars, anymore. And there are better ways to look at, that are more meaningful to the public. But we have not had that discussion yet. But I do -- at least, that is one of the issues I would like to raise with them, but as I said, I do not know how yet, they're going to take -- how that process is going to unfold.

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

CHAIRMAN GORELNIK: Eric Reid?

MR. REID: Thank you, Mr. Chairman, and thank you, Doctor. I just have three quick questions. Some are for my own clarification.
The first one is, when it comes to the 30, meaning 30 percent, is that additional to whatever the baseline is determined to be, and are you going to prorate that, since you talk about lands and oceans, which is submerged land? Is that something that's going to be prorated? Will you take an equal percentage out of whatever the percentage of each is, in any individual area?

My second question was, there a discussion about protecting property rights, and does that include leased land, whether it's submerged or not? And my last question is just about 13990. There were two listening sessions in March, before the deadline for filing, which has not been done, and then there was additional meeting in April, and I was unaware of that. But I would be interested to know what that was all about. So, those are my three questions, thank you.

DR. LAFEIR: Thank you, I'll try to answer them quickly, Eric. So, on the first question about prorating and, you know, trying to
decide what -- if it's an additional 30 percent, those kinds of things, but, first, I'll say that the idea -- the directive is to conserve at least 30 percent, by 2030, and it's not meant -- by 2030, and it's meant to be a -- an end goal that's meant to build momentum. We haven't yet made any decisions about 30 percent of a specific state, or 30 percent of specific region, or 30 percent -- so, it's not reallocated in that way.

This is the National goal, and so, as the conversations go forward on what counts in the baseline now, we might find that, as we think through all the conservation lenses, well, you know, now, what should we prioritize, based on this Atlas that we see, what's already been conserved, or what's already been restored. So, those decisions just haven't been made yet. So, I can't say if or how there will be any prorate -- prorated approach. But it is 30 percent as the basis, but -- at the -- at least to build momentum for a longer-term conservation goal.

And then, I think, the second piece, I
might have -- I might have answered them both, at the same time. Can you just repeat the second?

MR. REID: Yes, ma'am. So, my question is about protecting property rights. My question is --

DR. LAFEIR: Yeah, leased lands.

MR. REID: -- yeah, is leased land something that'll be considered, and I'm looking at that, under the context of the -- I don't know how many thousands of square miles, in the Atlantic, that are going to be leased for wind areas --

DR. LAFEIR: Yeah.

MR. REID: -- and may become de facto marine protected areas. That's my whole point behind that question.

DR. LAFEIR: No, yeah. Again, to be determined. I think there -- that is part of conversation. So, I'll -- broadly, I'll say, from an administration perspective, we're having to layer the various directives and figure out how they work in concert, and complement, and synergy,
and so, the separate directive for us to reach 30
gigawatts of offshore land, by 2030, will have to
be considered, and the overall uses of these
places. So, to be determined. And on 13990, I'll
turn it to Sam.

MR. REID: Okay.

CHAIRMAN GORELNIK: Yeah.

MR. RAUCH: Yes, Mr. Chairman, if I
could respond to that. So, the -- we had only two
listening sessions that the fishery service
facilitated specifically for the fisherman, and I
think you were -- participated in at least one of
those. There were more that interior had -- the
interior had one directed specifically at tribes.
There've been a number of issues with the two
terrestrial monuments. But the only two fishing
specific ones were the two that we mentioned, and
I just was -- Dr. LaFeir was -- answered the other
question.

I was trying to look back in my
calendar. I cannot recall the exact dates of when
the two fishery ones were, but there were a number
of other ones surrounding there, mainly hosted by interior, to get a broader participation, and it was mainly -- I recall one that was a tribal one, I think, in April, that was focused mostly on the terrestrial monuments.

MR. REID: Thank you very much, both, for your answers.

CHAIRMAN GORELNIK: All right. Archie?

You have your hand up?

MR. SOLIAI: Yeah, thanks. Thanks, Marc. I've got three questions, in regards to the Area-Based Management Working Group. Firstly, could this group be -- also be used to inform U.S. Delegations to International Fishery Management Bodies, regarding any international mandates, or area-based management in waters that are adjacent to U.S. waters?

Secondly, could the Working Group provide conservation value of area-based management, with respect to management objectives and different eco-system types, or FEPs under the FMCs? This is recognizing a one size fits all...
approach, that may not be advantageous to Management Councils, given the diversity of ecosystems?

And, lastly, I decided to ask whether the proposed journal article lead to best practices for area-based management tools under FMCs and evaluate the various existing implementation or area-based management, under Management Council waters? And how do MSA enacted area-based management implementation perform relative -- to implementation under the Antiquities Act? Thank you, Marc.

CHAIRMAN GORELNIK: So, are these question directed to the -- this agenda item?

MR. SOLIAI: Apologies, Marc. I think I was way ahead of myself here.

CHAIRMAN GORELNIK: Okay. So, we'll hold -- can we hold those questions, then? I also have hands up, Tom Frazer.

MR. FRAZER: Okay, that -- thanks, Dr. LaFeir, for being here. I'm the Chair of the Gulf Council. I got a quick question. So, one of our
Coral Amendment -- Coral Amendment Nine, we identified a number of HAPCs, or habitat areas of particular concern. Some of those have fishing regulations, and some of those do not. But it gets to John Carmichael's point, earlier. Is there an explicit definition that differentiates between conservation and sustainable use? And would those areas, for example, that do not have fishing regulations be considered, potentially, in the base?

DR. LAFEIR: So, I'll say again, that we haven't yet created a definition for what counts in conservation. What counts in the baseline? That's the process that's about to launch through the Atlas, an interagency process to develop an Atlas. So, first what counts, what authorities have already been applied, what areas have already been set aside, for one reason or another, through those authorities.

So, I think that, as part of that conversation that happens, will be discussed. But, yeah (inaudible) will be discussed, so the
habitat measures and the conservation measures that have been put in place through Magnuson and through the Councils will be discussed. What will be included in the baseline is still to be determined. So, whether or not they have use or no use fishing regulations are not is still to be determined. Those definitions haven't been set, yet. They will be part of the discussion because those were measures, through Magnuson, that are explicitly included in the report.

MR. FRAZER: Okay, thank you.

CHAIRMAN GORELNIK: Umm --

DR. LAFEIR: I'll -- can I just -- I think I said in my presentation --

CHAIRMAN GORELNIK: Yeah, please.

DR. LAFEIR: -- but I want to reiterate one more thing. What we, I anticipate, we will discuss broadly, as part of the Atlas Process, is what areas have been set aside for conservation purposes, but there might be other areas, that have conservation benefits, that weren't necessarily set aside or designated for that
purpose. So, I think, that, broadly, will be part of the conversation, as well.

CHAIRMAN GORELNIK: Thank you. John Carmichael, your hand is up, do you have a question? Or is that a --

MR. CARMICHAEL: No, I forget doesn't go down on its own.

CHAIRMAN GORELNIK: All right. I'll ask the same of Eric Reid, and Archie? Your hands are up. Eric, do you have a question?

MR. REID: Yeah, sorry Mr. Chairman, I can't seem to put my hand down. I'll keep trying.

CHAIRMAN GORELNIK: Okay, I will let on that. John Gourley, do you have a question on this agenda item?

MR. GOURLEY: Yes. I have a question to -- this time. You know, the Western Pacific Region, we have got an awful lot of so-called conservation areas, that were formed under the Antiquities Act. They have very nebulous stated objectives, and we have no idea on whether or not the objectives -- conservation objectives that
these monuments were created, have actually been met. So, I'm kind of interested, is NMFS committed to evaluate the so-called success of all these monuments in the Western Pacific? Is that part of the plan?

DR. LAFEIR: No. I'm going to jump in and take that question. I don't know if it was for me or for Sam. NMFS is not on the hook to do that. NOAA is not necessarily on the hook to do that. Broadly, this is going to be entering this new process. Monuments will be part of a discussion. I'll just be honest. As monuments will be part of the discussion, how do we consider those? The same as sanctuary, same as hatcheries because they are areas set decide.

So, how do we consider if those measures are working well? If they should be considered in the baseline? If we should continue to do those things, going forward, and, again, that's across the authority, and across the types of places set aside? So, yes, the monument is going to be, in part of the interagency discussion about what
counts in the baseline and how we measure or count.

MR. GOURLEY: Okay, thank you.

CHAIRMAN GORELNIK: All right, that's all the hands I see, but before we move to the next agenda item, I just have my own question, which I -- I wait till last. Dr. LaFeir was pretty involved in the process here, in California, where there was a considerable battle over what measures amounted to protection. So, I'm very glad to hear that the -- under the executive order, that we're going to take it to -- we're not going to align ourselves with any international standard. So, I guess my first question is, the IUCN has very specific categories for degrees of protection, and can you confirm that we're not subscribing to that, that we're going to have our own domestic definition of conservation, which is -- can be compatible with sustainable use?

DR. LAFEIR: Yes, I can confirm that.

We're developing clean slate. We're going to
consider the international goal, but this is not an international goal. This is not meant to meet the international goals. We are not starting with the IUCN definitions as our way to move forward. We're developing our own domestic definition, so to speak, of conservation. And, again, that will be continuum. There will be some places that are protected, no take, so, some places that will include the single use. Yes.

CHAIRMAN GORELNIK: So, in response to your last comment, so, you -- are you suggesting that there may be an expansion of no-take areas, in order to meet the 30 percent threshold?

DR. LAFEIR: No, I'm saying that's the continuum. What I'm saying is, and when we start this clean slate, we're going to look across the continuum of conservation, for places that have sustainable use, that've been set aside, and then crossed through the places that have been set aside, as no-take, as part of the continuum of things we'll review, to count in the baseline. What ultimately goes in that baseline won't be
meant to meet an international definition. It will be a new domestic approach.

CHAIRMAN GORELNIK: Okay. So, you will be looking at existing no-takes, not in expanding no-take?

DR. LAFEIR: In the baseline, correct. For the baseline, existing areas will be considered, existing data bases will be considered, existing approaches, state, tribal, et cetera, will be part of what we try to pull together in the Atlas, to develop a baseline, and then set the measures for how make progress toward that baseline.

CHAIRMAN GORELNIK: As we proceed past the baseline, will there be contemplation of additional no-take areas in order to meet the 30 percent threshold?

DR. LAFEIR: I think we have to even see where the baseline puts us but should -- to be transparent, the answer is, yes, because it's on a continuum. So, once we set a baseline, looking across that continuum, the next question is, what
for -- how do we make progress, and what places
are there -- are there other areas we should
consider to prioritize? And then it's not one
size fits all. There are going to be places
that'll be proposed, that will support
(inaudible). There are going to be places,
because it's a stakeholder process that will be
proposed, that are no-take areas.

We expect that that's what we'll get,
given this continuum and given the interest of the
stakeholders. We have not decided in advance,
however, what new places, and what level of
conservation they must have, in order to be a part
of the sort of the progress going forward. Those
conversations are still to be determined. But I
won't pretend that we won't hear that, and that we
won't have to consider that input anymore than,
you know, similar to we'll hear from the Councils.
Here are our areas that we set aside to Magnuson,
that you should consider. Those will also be part
of the conversation, across the continuum.

CHAIRMAN GORELNIK: All right, thank you
very much. We're going to move on to the next agenda item, agenda item seven, which is Offshore Wind Development. So, I'm not sure who at NMFS is taking that lead. Is that -- or is -- are we inviting Brian Hooker to the party here? Okay, we'll come back for public comment on both six and seven, before Council discussion and action, Committee action, Committee discussion and action. So, welcome Brian, are you -- are you ready to proceed?

   MR. HOOKER: I am. I guess I one -- maybe one question. Am I sharing, or am I getting -- just telling someone to advance slides for me?

   CHAIRMAN GORELNIK: Someone -- Morgan will take care of that for you, and you'll just give her instructions.

   MR. HOOKER: Okay. There we go. Okay, first of all, thanks for the opportunity to present to the Coordinating Committee today. My name is Brian Hooker, and I'm the Biology Team Lead, within the Bureau of Ocean Energy Management's Office of Renewable Energy Programs.
The Office of Renewable Energy Programs is a headquarters office, in the D.C. area, and -- but we have primarily oversight over projects in the Atlantic but with, you know, support to the regions for their renewable energy programs, and I'll get a little bit more into that, as we go along. Next slide. Click again please.

So, again, where do we get our authority, and you can continue to click through the -- three clicks, I think. And one more -- there we go. We would get our authority from the Outer Continental Shelf Lands Act, as amended by the Energy Policy Act of 2005, which basically allows us -- gave BOEM the authority, or the Department of the Interior, the authority be the responsible agency for energy, other than oil and gas, on the outer continental shelf.

As I briefly mentioned before, we have, you know, some primary outer continental shelf areas, including the -- Alaska Outer Continental Shelf Area, the Pacific OCS, and the Gulf of Mexico. As I mentioned the Atlantic is head --
headed out of the headquarters office. We do not have a regional office, for the Atlantic. Next, you can go to the next slide.

So, I was asked that -- you know, we just had a presentation on the 30 by 30 lands conservation initiative, that this administration has put forward, and there's a similar themed White House Factsheet and Statement, regarding all the -- all, whole, the Government approach to Offshore Wind Energy, including developing 30 gigawatts of Offshore Wind by 2030, so, again, another 30 by 30 type of initiative. BOEM is the lead on that piece of it, but there were other aspects to that announcement, including some that were assigned to NOAA National Marine Fisheries Service, including partnering with Data-on-Data Sharing. I think that was actually more NOAA than NMFS, and then there was a piece on studying offshore wind impacts that was through NOAA Sea Grant. Next slide.

So, this is just an opportunity, I know, I think, Sam walked you through a lot of the
areas, I think, so, this map looks somewhat familiar to sessions earlier on. But if you could just, kind of, click through here. We've done eight competitive lease sales. We have 17 active commercial leases. Site assessment plans, we've completed 11 of those, and those, I'll get into a little bit later in the presentation, but that's plans for assessing the wind energy resource, out on the lease area. General activities and research plans is two. That's the Coastal Virginia Offshore Wind Project, the two turbines off Virginia, and the right of way grant, that we issued for the Block Island Wind Farm, off of Block Island, Rhode Island. So, on the construction operations plan, I apologize, I have not had a chance to update this slide, since the vineyard wind. But, technically, I guess, it's still under review, we haven't sent out the term sheet yet on that, but, you know, technically, we'll be moving 14 down to 13, with one approved, and then still two more anticipated in the next two months, so. We're basically processing in the
-- 12 months, excuse me. We're processing a total of another 15 projects, underway, in the near future, with only now one approved. Next -- keep clicking a little bit.

And then as I mentioned, there's some -- we do have regulatory guidance that we issue to the lessees, and we have other leasing areas under consideration, seven areas, and I'll get into that a little bit, but that that includes, like, New York Bight, and some of the areas off of the West Coast. And as I mentioned, the only steel in the water, in Federal waters, is the two turbines off Virginia. That's the -- that was approved in 2020. Next slide.

Okay, so, just include two clicks, and that should run itself. So, what's the timing on some of this. So, we -- in 2020, we had the Coastal Virginia Offshore Wind Pilot Project, two turbines. Click again. And then, although South Fork gets behind Vineyard Wind, as far as approval process, I think, their construction schedule might still have them beginning construction
slightly before Vineyard Winds. That's why, it's kind of ahead of it in the order there. Vineyard Wine anticipates construction beginning in 2023. And then roughly there, these might change, they're not necessarily the order that things will remain in. Obviously, I think there is shifting in this, that has already occurred, but it gives you just a rough estimate of the timing and the number of projects and where on the Atlantic, that some of these may occur. Okay, next slide.

Turning to the West Coast. You can do a click, two clicks again, it might just run itself, yeah. So, we have several call areas along -- from California and then also some areas -- call areas off of Hawaiian Islands as well, to Oahu. Okay, next slide.

So, on the horizon, obviously, I've mentioned we haven't quite updated yet, Vineyard Wind. I guess it's still on the horizon, in terms of they haven't started construction yet. We don't anticipate construction till 2023. Next slide. In South Fork, there's the South Fork area
-- continue. New York Bight -- there's another slide right after this. I'll talk a little bit about New York Bight. Gulf of Maine, these are new lease areas, that I'm talking about. The New York Bight and the Gulf of Maine, there's interest in leasing these areas, although no areas have been identified by BOEM yet, for the Gulf of Maine. I know the state of Maine is working on identifying some areas. The next slide.

And in Virginia, there is -- the State of Virginia has indicated some more interest in additional lease areas off their coast. And, also, there's some planning areas that exist off the Carolina's, that we're considering, as well. And then as I mentioned, before, the call areas off of California. Okay, the recent -- maybe more recently, the Gulf of Mexico has gotten interest. I think it's the State of Louisiana has expressed an interest in, you know, putting together a task force to explore real energy leasing in the Gulf of Mexico Region. That's just still in its fairly early stages, and then again, in the call area
(inaudible) Hawaii. Okay, next slide.

As I mentioned, the New York Bight Area is -- I think I just included this as just kind of a case study on, you know, how the process works, generally. BOEM, you know, works with -- through these intergovernmental task forces to identify areas. These areas are, then, you know, go through realms of public -- opportunities for public comment, and then it will refine down from the initial proposed areas. So, what the -- the outlying area is the areas that we put in our call for information and nominations. And then, the green areas are the wind energy areas, and even just recently, as of the New York Bight Task Force Meeting, I think we've eliminated what's termed the Fairways North and Fairways South areas, to really focus on the Central Bight, Hudson North and Hudson South areas, for the next proposed sale notice. And then, unfortunately, I didn't have a chance to update this slide, but we do have a slide that kind of shows some of the -- how those different lease areas might work, in our future
proposed sale notice, but that's even a further refinement of the wind energy areas. Okay, next slide.

So, what is our price list. We don't -- we have the planning analysis, I think, if you click on it, it -- yep. It's about a two-year process with, like I mentioned, the intergovernmental task force. We do the call for information, nominations, the area identification, and then environmental reviews for the issuance of a lease. Next slide, or next click.

In the leasing phase, that's the pro-sale notice, all the way up to an auction. And that's considered about a two-year -- another two-year process. Site assessment, click. That's -- in the lease itself, it's a five-year term, for site assessment, and the lessees do not have to, you know, take up that whole full five years to do site characterization and site assessment work. When I termed -- I say site characterization and site assessment, it's like characterization is a lot of these surveys, the geophysical surveys done
to try to understand the geology of the area,
where areas are potentially buildable, as well as wind resource assessments.

So, we're seeing that period shortened for many. And then we have the construction and operations term of the lease, and that's -- we're at that point for several of our leases now, looking at, you know, a roughly 25-to-30-year operational term, and about a two-year review time, well, two-year environmental review time, from the time we determine that a construction operations plan is sufficient for that level of analysis.

There is some additional reports that are included in the analytic construction operations plan, but then, a little bit further on, there is a facility design report. That's -- these are in the fabrication and installation report. Those are more of our -- from our engineering perspective, more engineering type reports, and then lastly, decommissioning.

There's a requirement of regulations for
decommissioning application. So, while the construction operations planned in the EIS, do consider a conceptional decommissioning at the end of that, you know, 25-to-30 year life term.

There is a separate decommissioning application that will have to be evaluated in the future. One question I always get is, you know, regarding financial assurance. Yes, there is financial assurance that is required from the lessees, for that decommissioning, in the case that, for some reason there are no longer capable of decommissioning it themselves, that financial assurance is there for the government to obtain that money to do it. Okay, next slide.

Just a little bit, again, on kind of these challenges and opportunities. The challenges and opportunities slide, I think, was the end of the presentation for the Council, new members, earlier in the year, and that was kind of the theme there. But the technology has shifted, a lot, over the years. Can you click once or twice for more? And we're seeing, you know,
larger and larger turbines. That means less and less turbines that are needed on the facility, on the foot print to meet the power purchase agreements, that they, individual lessees, have with the states.

So, it's -- less turbines means, you know, less construction cost, and, you know, it's more efficient. But, of course, more -- these larger turbines require wider spacing between them to generate that electricity. Okay, next. And I think Sam had a similar slide here, just showing -- I'm talking about the challenges and opportunity, the different technology types. As you can see, where we have it on the east coast, a nice wide shelf, we're looking at the three foundation types to the left, a monopile being the most common jacket, being what was done at Block Island Wind Farm, and then a twisted jacket design, that we haven't implemented yet, on the east coast or the anywhere.

And then on the west coast, and potentially in the Gulf of Maine, where waters are
deeper and more off the shelf, we're looking at the different types of, you know, floating platforms, whether a tension platform, which is the middle, catenary cables, or a spar type buoy, which is the one on the far right. Next slide.

And the challenges and opportunities there are just because, you know, different -- each one has its own challenges. There's, obviously, no piledriving noise associated with floating, or you have with the fixed, but the floating will, obviously, have a larger footprint that may be issues for fisheries conflict, as one of the larger -- largest challenges, I think, we have is on this slide. Just talking about, just trying to give you image of, you know, some of the issues that we have, regarding the human dimension, and I think, something the Council is very familiar with, and, you know, how we have to look at the areas, and how it's -- how it's used as a fishery, when carrying out the program, and as Council is aware, you know, well, all those is used as a fishery. Okay, next slide.
I did -- I didn't want to wrap up by mentioning that we do have an environmental studies program, that we partner with the National Marine Fisheries Service, to a large extent, and another -- other groups, in academic institutions, to look at in data gaps, that we identify through our environmental review process, and through annual solicitations for study ideas, and the results of that, that we do incorporate in our decision making. And I just wanted to flag, on the next slide, where some of that information, some of the studies, are located. All right 3:15, it looks like I'm right on time, so, I'll -- that's my contact information there, and I'm happy to take questions, although it might -- Carrie might present next and then do all the questions, or we can -- I'd be happy to take questions now.

CHAIRMAN GORELNIK: Well, I prefer to wait, but let's see if anyone has a question now?

Ed Watamura?

MR. WATAMURA: Yeah, I just wanted to stress -- and the effect, that the wind energy
would have on fishing and fishermen, and I would hope that that would be a large part of your research, before deciding whether or not to have wind energy placed in Hawaiian Islands, especially. We've met with Progression Energy, and they are very thorough. They've -- the two areas that you had called out, actually, have been changed to the Windward side because of the interference with Military Operations, at the original callout sites.

This new Windward Area has some potential problems, as far as protected species and birds and the effects on the reefs, as the lines are -- the energy is being run to land. And also, consideration, as you know, Hawaii is visually a paradise, and we would hope that it wouldn't be a blight on that visual. And I would also hope that if and when the Wind Energy Program is being considered in the Territories and the Commonwealth, that all of these considerations and -- will be taken in, and, also, you know, we would hope that the consultation with the communities,
just as they have here with us, in Hawaii, and the
fishing community and in other affected
communities will be considered also. So, yeah,
can -- I just wanted to make those statements.

Thank you.

MR. HOOKER: No, thank you, and I think
just to -- and I think, as you're likely very
aware, the -- there been different legislation
introduced into Congress, regarding the
Territories. I don't think, right now, we have
that authority to lease in the Territories, but, I
think, I forget, I think it was the Congresswomen
from Guam, and different sessions ago, I think got
introduced, some language, in that regard, but I
don't believe that has ever been, you know,
forwarded all the way to allow these things in the
Territories, at this point. Thank you. And your
comments on the Island, the Hawaii Islands are --
I'll definitely pass that on to Nessie, in the
Pacific Office.

MR. WATAMURA: Thank you.

CHAIRMAN GORELNIK: All right, let's see
if there are any questions, specifically, questions for Brian. Otherwise, we'll come back to questions after this Workgroup Report. Chuck Tracy?

MR. TRACY: Thanks, Mr. Chair. Thanks, Brian, for the presentation. I did have a question on your slide six, which is kind of the process. I know that there's -- you know, one of the, I guess, maybe the final eggs to fall in place, perhaps, for Vineyard Wind, was some mitigation resolution. And I guess I was just kind of curious what BOEM's role is in that, and what sorts of mitigation processes or what sort of things are being considered for mitigation to affected parties like fishermen, or for others?

MR. HOOKER: Sure, I think, for Vineyard Wind, the primary measures that we took are in regard to the actual design. The initial design, the proposed action from the lessee, had an orientation that didn't reflect all the different uses, throughout that whole lease area. Through discussions with fishermen, and the lessees, and
the Coast Guard, they adopt a -- throughout the -- all of southern New England, they adopted a uniform, east, west, north, south, one by one, nautical mile spacing, you know, for all that, just for, you know, navigation, and potentially, you know, fishing, as well, to occur. The east-west orientation was meant to reflect some traditional fishing patterns in part of the area.

We also did evaluate an alternative for fishing transit routes, that was submitted by the Responsible Offshore Development Alliance. Ultimately, though, that alternative was not selected in the final decision. But that was something that we gave serious consideration to, in the -- through the EIS process. As far as, like, a more specific mitigation, there is compensatory mitigation, that is available to fishing interests, and to define very broadly about who -- which fishing interests are there. And it is open to -- although, the -- a lot of the measures were directly negotiated between two states, being Rhode Island and Massachusetts.
There are funds available for, you know, fishermen from other states, who are negatively impacted by the build out of the facility.

And then, additionally, on the science side, there is, you know, preconstruction surveys, both troll surveys, you know, dimples traps, lobster traps surveys, and I think the Habitat surveys that are occurring, you know, preconstruction, and then post-construction, as well. And then, again, some very broad things, for -- all just navigational purposes. There are, you know, navigation, lighting, marking, you know, guidance, AIS requirements, and so forth, that are all included in that final package.

MR. TRACY: Thanks, Brian. And then just a quick follow up, so, does most of that occur in the planning and analysis stage, or where is that?

MR. HOOKER: Yeah, that's a good question. Some of it did, you know, early on, thing were identified. But it didn't -- doesn't really become a true tangible proposal, until we
receive a construction and operations plan, and that's when the lessee then puts before us, like, okay, you know, this is what we're really thinking. But, you know, there were definitely conversations about some of the aspects of it, well before the construction operations plan came before BOEM.

I think, you know, just -- you may hear from many people that there wasn't enough of that, before the construction operations plans is submitted to BOEM, and that is something that BOEM is really trying to take a hard look at, is how do we really try to ensure that that -- there's that meaningful engagement prior to ever, you know, not only this middle of the construction operations plan, but before even surveys even occur on the lease. And that is something that we're still looking into, is sort of how to really facilitate that meaningful engagement.

MR, TRACY: Great, thank you.

CHAIRMAN GORELNIK: All right. Let's move on to the Workgroup report. Kerry Griffin?
MR. GRIFFIN: Yes, thank you, Mr. Chair.

I think that Morgan is going to let me share my screen, and it looks like that's happening. Okay, so, you should see my PowerPoint.

CHAIRMAN GORELNIK: We do.

MR. GRIFFIN: Okay, great, thank you.

Okay, good afternoon. My name is Kerry Griffin. I'm a Staff Officer with Pacific Fishery Management Council. Today, I'd like to give a brief summary of the Habitat Workgroup activities, in 2020, and then share some ideas for potential priorities, in 2021. I'm sure if this power point is in the briefing book materials or not. There is an abstract that I did submit, so, that should be in your briefing book materials, and we'll -- if not already, we'll make sure that this PowerPoint does get added, afterwards.

Just as a reminder, that the Habitat Workgroup's purpose is to provide a forum for habitat focused staff of the region -- of the Regional Councils and NMFS Regional Offices, to address National Habitat issues, policies, and
needs, under the offices of the CCC. The entire Habitat Workgroup has met twice, in 2021, to discuss and identify priorities, and then we've also had smaller subgroup calls to focus on specific topics.

In 2020, we focused on two areas. One was a Habitat Partner's Letter, and the other was a Science Center Forum, that we held. For the Habitat Partner's Letter, we drafted a generic letter that describes how the Councils coordinate with NMFS and other agencies on the designation and conservation of EFH. It describes the consultation requirements for both fishing and non-fishing activities and provides a list of regional contacts, among other things. There's a screenshot of the letter that went out.

The idea was that this letter could be tailored as appropriate for individual regions. And then, the other area of focus was the Science Center Forum. We developed and implemented, in October, a Webinar Forum, in which Science Center scientists shared their research and information.
on issues related to climate science, species shift, habitat suitability models, and lots of other really interesting habitat focused science topics.

The forum went well, it was well run, and well received, and stimulated good suggestion, and I think that it created links, also, among the habitat science, you know, researchers in the different regions and the Science Centers around the country. The person who really spearheaded that was Peg Brady, with NMFS Office of Science and Technology. So, they were instrumental on making that happen, and then just here's a few screenshots of some of the presentations that were delivered during that forum. You can just give a quick read of some of the slide titles and see that it was very interesting and compelling information and research that was shared.

Now, we'll go through some of the potential priorities for 2021. As I mentioned, the Habitat Workgroup met twice already and formulated some ideas to address and support
Council and NMFS engagement in offshore development. Obviously, offshore wind energy is a very prominent issue with the administration's priority on renewable energy projects, the first commercial windfarm just getting approval, that sort of thing. The products that the Habitat Workgroup could develop could be centered around best practices.

It could develop a written report or some sort of a roadshow, that could be virtual or in person. We're getting pretty good at these virtual roadshows, these days, that kind of thing, whatever would be the best tool, you know, to help support, you know, the regions and the Councils in handling offshore energy development. We're focused on energy, of course, offshore wind, primarily, but, really, a lot of these lessons and guidance can be applied to aquaculture, as you see here, and, you know, telecommunications cables, and other types of offshore development, and development activities.

We could also narrow the focus to
specific topics, well, which I really just
mentioned, such as transmission cables, EFH
consultations, and then, also, you know, you hear
a lot about potential commercial or recreational
fishing, inside wind farms, you know, these
windmills are spaced far apart, can you still fish
inside, and, you know, there's sort of a mixed
bag, around the world, but these are all topics
that I think are important, and, you know, the
Habitat Workgroup could help, you know, generate
some guidance in how to identify or focus or, you
know, provide comment on those kind of things.

Then, oops, sorry, this could also
include support for regions to develop information
pages, which would or could be in a sort of
information clearinghouse, as some have already
done that, including the Pacific Council, and you
know, it would include updated leasing and call
information, and of the comment notices, and
things like this, sort of a go to clearinghouse
for information. A few thoughts to keep in mind,
as we move we forward, are just, in general, that,
you know, offshore development, especially wind, is complex and fast moving.

There is a lot of expertise, both among the councils and of course, the regions, and in BOEM, as well, you know, to help share concerns and develop best practices. There are different levels of experience with offshore development, obviously, with offshore wind. It's been very prominent off the east coast, but not yet around all the regions. And the Habitat Workgroup thinks it would be helpful to be work collaboratively and share experiences from those who are further along the offshore wind, you know, pipeline, so to speak.

The next few slides are examples of focus areas and issues that would likely to be part and parcel to the guidance that the Habitat Workgroup would develop. You know, a lot of these we're already familiar with. But with regard to siting and planning, you know, the early phases are important, the timing, the information, sharing, convening opportunities, to meet and
discuss and comment, identify National and Regional resources that are available. And then, obviously, focusing on Council managed species, you know, under the -- that are included in the FMUs of our FMPs. Environmental effects and habitat consultations kind of gets to the part of our EFH Consultation Requirements. Some of the questions are, you know, how can we stay up to date, and engaged? How best can the Councils contribute to planning for research programs? And monitoring, you know pre, post, and long-term monitoring, and then, also, communications with agencies and stakeholders.

We all know that there's a wide variety, or, you know, or a range of capabilities and technology, and some of our constituents are out on the water, or, you know, don't have good Wi-Fi and internet access, and all sorts of those logistical complications, and it's important to make sure that, you know, we have an effective way of communicating with both agencies and the stakeholders.
The, you know, the compatibility with fishing, I already mentioned that once, is important, and it's not just within wind farms, but it's, also, you know, obviously, you know, the importance of mitigating impacts, for both current and future fishing. This is something that we're struggling with, out on the West Coast, a bit, is, you know, there could be certain areas that are important now, but this is where paying attention and learning about, you know, climate change, climate shifts, species shifts, things like that. These are very important in considering when you're, you know, when you're looking at important fishing areas, transit routes, things like that.

And, of course, the Councils can contribute a lot to, you know, this type of information on current and potentially future fishing. And some of the tools that we have -- or what tools do we have available? Some of them are HAPCs, habitat areas of particular concern, under the EFH provisions. And there's also science and monitoring, you know, what are the impacts to
fishery independent surveys, you know, we do -- if you have ever looked at the acoustic troll transects on the west coast, they are, you know, coastwide, from Canada to Mexico, and they go out, from the very near shore, out to 20 or 40, sometimes more, miles out, and so, you know, we really depend on these fishery independent surveys, not just the acoustic troll one, but all the other surveys that are happening, and so, you know, it's not just necessarily fishing grounds, that we need to pay attention to, and, you know, how they might affect the monitoring and data streams. Then, another question that we've talked about is, you know, can you use these installations to help, you know, benefit the Library of Science and Research, and use them to -- for monitoring purposes. And then this is just a example bullet list of some of the resources and information that, you know, could be included in these clearinghouses, you know, on individual Council web pages or regional web pages.
And then jumping to the Science Center Engagement, this is just a screenshot of one of the presentations from last year. Again, we saw a great value in last year's forum and are very interesting in pulling another one together. I know that Peg Brady is -- also sees value in it and is interested and willing. And, yeah, she's with us at Office of Science and Technology, and we could hone in on specific topics, some of those that I mentioned before, you know, like the transmission cables, or, you know, or EFH consultation, specifically, or that kind of thing.

So, in summary, the Habitat Workgroup sees these initiatives of -- as items that can contribute to the ability of Councils and the regions to further our shared expertise, and the ability to participate in offshore wind, and other development activities. The Habitat Workgroup has expertise, and they have energy. It's full of some go-getters, and if you cut them lose, they would probably do all of the things that I have mentioned here. But at the same time, we want to
make sure that the priorities are reasonable, achievable, and, also, consistent with what would best benefit, you know, the CCC and the NMFS regions, in general.

SO, we're looking for feedback from the CCC on this. What sort of speaks to you about what I presented here today? Do you have some ideas? You know, it can be today, or, you know, afterwards, but we do want you to think about what, you know, what would best benefit the CCC, on one or all of these areas, you know, wind, aquaculture, telecom cables, et cetera, et cetera, and then, also, just to make sure, that we are the Habitat Workgroup, and so, you know, woven throughout all this is to, you know, the importance of maintaining a focus on the Habitat responsibilities and the science related to offshore development.

So, I'm looking for that feedback, and then what we would like to do is come back in October and report on, you know, the progress that we've made. If we do this Fishery Science Center
Engagement Webinar, it would probably happen somewhere around that time. I don't know if it would be before or after the CCC Meeting, probably after. So, we wouldn't be able to report on that, but we would be able to report that we are going to have it. So, anyway, that's what we have today, and there's your very handsome Habitat Workgroup, and thank you very much. I can take questions.

CHAIRMAN GORELNIK: All right, thank you very much, Kerry, for the presentation. So, what we'll do now, is we will take questions on offshore wind development, either questions of Brian Hooker or questions of Kerry Griffin. And we'll have our Council discussion and comments later. So, I am not seeing any hands. So, we'll come back to Council -- oh, Tom Nies?

MR. NIES: Thank you, Mr. Chair. I have a question for Brian Hooker, he's a frequent attendee at our Council meetings, so, it's good to see you again, Brian. You know, one of the issues we're struggling with, when we do these, when we
comment on the KOPS is that it seems like some of the KOPS are now coming in with a pretty wide range of potential output, which gets even more confusing because if you have a 8-megawatt turbine, it's one size. If you have 12-megawatt turbines, it's another size. Before making any attempt to have the developers try and narrow down what their alternatives really are, so we can provide more meaningful comment?

MR. HOOKER: Yeah, no, thank you, Tom, for that question. And that is a challenge, not only for other people reviewing the construction operations, but even internally. Our regulations do allow for this project design envelope. So, the -- as the project is developed, or when they first submit the construction and operations plan, they're still making decisions on, well, do I want a gravity-based foundation, or do I want to monopile foundation, and, oh, it might be this size turbine or that, and, you know, they want that flexibility within that construction and operations plan, so that it can be refined down,
at the end.

We do strongly encourage them to keep that envelope as narrow as possible. There is a lot of back and forth, and even, often times, between the submission of the construction and operations plan, and by the time we that we get to a notice of intent to prepare an EIS, it has narrowed, and I think, even you have saw with Vineyard Wind, it, again, can narrow between the DEIS and the FEIS. But that doesn't help you or anybody when we're first, you know, beginning that first review of the construction and operations plan.

So, bottom line, we do encourage it, but our regulations do allow for that concept, do allow for that project design envelope to be part of the construction and operations plan.

MR. NIES: Thank you.

CHAIRMAN GORELNIK: All right, is there any further questions on this agenda item? Brad Pettinger?

MR. PETTINGER: Yeah, Mr. Gorelnik.
Hey, Brian, I'm quite curious that I didn't see it in your presentation, that (inaudible) are people, or the project leaders, or whoever put these projects together, are they being upfront about the cost of the -- any of the projects, as far as taxpayer dollars going into it? And also, what the actual rates -- the kilowatt rates would be to the people on shore, who are going to be purchasing this? It seems to me that any project of this magnitude, I think we need to get at the cost associated with that, before moving forward?

Thank you.

MR. HOOKER: Yeah, yeah, thanks for that question. BOEM doesn't -- is not involved with the utilities, at all, and those are all part of the agreements, as far as the power purchase agreement, between the different utilities. I've seen -- I think there's some projects where that information is very well known, and there's other projects where that information is not well known. So, but BOEM's not involved in that direct part of, you know, the power purchase agreement, that
causes the construction operations plan to eventually be submitted.

You know, they do look at, broadly, you know, their economic impact, both the beneficially impact, and we look at some of the negative impact. But I don't know if it's -- gets at maybe what your trying to get at, is a true, like, kind of cost benefit with, you know, all of the different factors that go into it. So, the answer to your question is, sort of -- but, again, a lot of those, you know, really detailed rate paired information is not part of, you know, BOEM's purview, so.

MR. PETTINGER: (inaudible)?

MR. HOOKER: Sure.

MR. PETTINGER: And my concern, I guess, is, like, there's probably a better understanding of what's going -- on the cost associated with the (inaudible) are actually planted in the sea bed because those are, you know, in solar water areas, but off this coast, on the west coast obviously, we're looking at the buoy system, and that is a
whole different animal and I don't know if those
costs have been quite explored, or at least
understood, as well, and that's my main concern
because the space -- spatial aspect, because of
the anchoring system, in depth, and just the --
it's all associated with that big of a exposure
platform. So, thank you.

MR. HOOKER: Yeah, no, I know there are
some, obviously, some cost estimates out there.
I'm not, you know, as familiar with them. I'll
sometimes hear that there is some cost savings
because you can tow it out there, and do a lot of
your, you know, fabrications shore side, and then
just tow it into place, whereas you're assembling
it in a fixed structure offshore, which has, you
know, increased costs. But, again, that's very
broad though, I don't -- I'm sure there are some
technical experts out there, that can give you
answers on that, but, unfortunately, I can't.

CHAIRMAN GORELNIK: All right, well,
that, I guess, concludes the questions we have.
What we're going to do is take public comment now.
We'll take our break and then we'll come back for Council -- for committee discussion and action on both agenda items, six and seven. As I mentioned, at the beginning of our meeting, if you wish to make public comment, you need to either raise your hand, or send a chat to the host, SFWebEx. I don't see any hands up, so, I'll ask our host if he has received any public comment requests.

NICHOLAS: No, there haven't been any public comment requests.

CHAIRMAN GORELNİK: All right. Thank you. So, it is 3:45 in the east, and 12:45, here, on the Pacific coast. We'll take our 15-minute break now, and we'll be back at 4:00 Eastern, 1:00 Pacific.

(15-minute break)

CHAIRMAN GORELNİK: Okay, welcome back, everyone. We are on Council discussion -- rather committee discussion, for agenda items six and seven, relating to executive orders and offshore wind development. We've already had a fair amount of comment, during those agenda items. And now is
the time for us to have any further comment, discussion, and any action the CCC wishes on these Agenda items. So, Brad, your hand is up, and I think that's from before the break. And if I'm mistaken, okay, there is goes. So, who wants to start us off here, with discussion? Let's not be shy. Tom Nies, please?

MR. NIES: I'm just trying to help you out here, Marc. I -- you know, I'm not sure exactly where we're at, on this discussion. Obviously, it's been part of -- you know, in my opinion, you know, I look at the 14008, if that's the right number, 216A, and the presentations we had, all found very interesting, and you know, I wonder if there is going to be interest in trying to figure out a way that we can contribute to the development of the Atlas. Now, the reason I bring it up is because I found the Habitat Workgroup report, also, interesting, but I think there needs to be a little bit of a balancing of resources here because, speaking for my Council, it would be difficult for us to be heavily involved in both of
those initiatives at the same time, but I think both are important. Now, I don't know if any of the other councils have an idea about how we could, perhaps, wrestle with this problem with trying to balance two important issues. From my point of view, the terry -- the issue of the Atlas is probably more important in the near future, but, to habitat workers and stuff, could have some long-range implications for all of us. So, I'd be curious to hear what other people think.


MR. WATAMURA: Yeah, I'm okay now. Yeah, so, you know, I just wanted to reiterate that, you know, all of the appropriate agencies and the communities, the fishing community, the indigenous communities, you know, that all of those are being consulted as the process goes on, as far as, you know, offshore wind development is concerned. That's it.

CHAIRMAN GORELNIK: Okay. Okay, fair
point. No, absolutely. Chris Moore?

MR. MOORE: Thank you, Mr. Chairman, and thank you, Tom, for your comments, as well, because I -- we are in a bit of a quandary, in the sense that, and then I think folks know this, I've always been a strong supporter of the Habitat Working Group, and I'm still a strong supporter of the Habitat Working Group, and I appreciated Carrie's presentation today and all the priorities that they'd like to address and have started to address in 2021. So, like Tom, I would like them to continue to work on those things. But at the same time, we do have this other priority associated with area-based management, the Atlas, as Tom indicated. So, I'm not sure what the answer is, except to say that the Atlas may take priority over those Habitat priorities, and we'd like the Habitat Working Group to continue to work on those 2021 priorities, noting that this Atlas may delay some progress on some of the things they'd like to address.

CHAIRMAN GORELNIK: Thank you, Chris.
Louie Blanchard? And you're muted. Still muted. There you go. Oh, now, you're muted again. We're not hearing you. I'm going to go to Bill, while you're working on that.

MR. TWEIT: Thank you, Mr. Chair. I wanted to respond a little bit to Chris Moore's thoughts, in particular, and sort of chime in more along the lines of Tom Nies's thinking. I -- for me, this issue isn't just a Habitat issue. For me, this issue is equally a fishery management issue, a subject really broader than that, sort of a ecosystem-based approach issue, in some ways, as well, and I think it's -- putting it just on the Habitat Working Group, I think, would be a mistake for that reason. And so, I've actually been thinking about what the approach should look like, and at some point, I would like to offer a motion on that, but I'll wait until we're done with discussion. But my thought is that it deserves a separate emphasis.

CHAIRMAN GORELNIK: I'm sensing a theme here. Chuck Tracy?
MR. TRACY: Thanks. And, Bill, just to clarify, you're talking about the Atlas, the 14008216A issue, as needing the emphasis, as opposed to the Offshore Wind Energy?

MR. TWEIT: That's correct, John, yes.

CHAIRMAN GORELNIK: Okay.

MR. TRACY: Okay, thanks. Yeah, and I guess I will note that -- well, I guess -- I'm not sure our Council is going to get away from not doing -- dealing with those, but I tend to agree with what I've heard before, here, that the 14008 does have a more time sensitive issue, and or it was probably worth -- worthy of prioritizing. It -- you know, and given the fact that I think there's again going to be a staff or our Council, it's likely that the same staff working on one would be working on the other.

So, for that reason, I would support just recognizing our staff capacity, and, like I say, the fact that we are likely to be working with the -- and if they are working with that Offshore Wind Energy Development that I hear in
the Pacific Council, on a regular basis, and it's been a point of emphasis hearing recently. But I think, in terms of the CCC, priority, something that affects every single Council, right now. I think the Atlas and the 14008 30-30 conservation issue is paramount, so.

So, I would -- I guess I would -- I do also agree that I think the Habitat Working Group -- I think I would like to see them continue working on the Offshore Wind Business, but given the staff overlap, I might recommend that there's just a delay in that, or that maybe we reconsider their role, perhaps at our fall meeting, and then, in the meantime, sort of prioritize a -- the effort towards the 14008 issues.

CHAIRMAN GORELNIK: Thanks, Chuck. Mr. Blanchard, if you -- your hand is down, but you -- would you like to offer some discussion or comment here? All right. Not hearing. Miguel, followed by Kitty.

MR. ROLON: Thank you, Mr. Chairman. We were along the lines of the discussion, now, is
whether we should make a decision or consider the
decision of creating another CC subcommittee to
deal with the 14008, the things that have more
priority at this time, and allow the Habitat Group
to continue working with the Offshore Windmill
Areas and the regular work that they do, or to
change the charter or the tasks they are behind
and prioritize for them. So, this is a question
for the group, which will the -- what is the
preference of the CCC to create another
subcommittee for specific tasks to deal with the
14008 or modifies on how the Habitat Group that we
have at this time?

CHAIRMAN GORELNIK:  Good questions.

Maybe it'll get -- that will get addressed at a
motion. Kitty, followed by Chuck.

MS. SIMONDS:  Right. It -- I mean, as
everybody recalls, BOEM did go around the country,
oh, well, at least out our way, and to actually do
this, to develop an Atlas, but it's six years old,
and at the time, what really was lack from that,
from that report, is that fishermen didn't want to
reveal where they fished. And, you know, we're islanders, so, as islands, the fishermen actually use the land to decide where to fish. It's just the way it's been for centuries. So, this -- so, you know, the spots are -- I mean, they're actually on the land, and then that's where they find it's that directional type thing. But anyway, but that's what's lacking, is that -- and I don't know if our fishermen are going to want to reveal anything, anyway. So, we'll see what happens. But there is an Atlas, at least for the Pacific Region, and it's six years old. So, as far as the Habitat Working Group, it's about -- right, I agree with the others, that what is important for the Habitat Group to work on now, you know, and if it's a conflict with developing the Atlas, then, I mean, you know, we'll see what Bill comes up with.

CHAIRMAN GORELNIK: Thank you, Kitty.
Ed Watamura, followed -- then, Miguel, if you want to speak again, that's fine. Ed?

MR. WATAMURA: Yeah. Thanks for the
opportunity, again, to interject. You know, I was thinking of -- in a large overall picture type of view and this focus on Wind Energy, you know, in some areas, especially in our islands, we are turning towards other types of energies, solar, and, you know, H power is using refuse and garbage to incinerate for energy. You know, and kind of an overall question would be what is a necessity in some areas of going this route, at all? You know, that's something that I haven't heard anybody talk about. I know that in Hawaii, the solar energy is a huge seek because we have a lot of sun, as you can imagine. And so, as just kind of a broader picture type of outlook on this whole thing. Thanks.

CHAIRMAN GORELNIK: Thank you, Ed.

Let's see if there's any further discussion. If not, if someone has a motion to move us along, that would be fine, as well. Bill?

MR. TWEIT: With your leave, Mr. Chair, I will allow for a motion. And I look to Chuck to see if he could display the -- my proposal on the
screen. The motion is quite simple. I move that the CCC establish an area-based management workgroup, as detailed in my proposal. And the proposal is the proposal that's just been displayed on the screen. If you'd like, I can read the proposal, but I think everybody can read through it. Mr. Chairman, are you on mute?

CHAIRMAN GORELNIK: Okay, thank you for that. Most -- I guess we don't have any lipreaders out there. And if there's someone who cannot see this because they're on the phone or whatnot, please speak up and we'll have it read. Otherwise, it's -- it is displayed and on our webinar. And, Chris Moore, you have your hand up.

MR. MOORE: Yeah, thank you, Mr. Chairman. I had a point of clarification for Bill. You said a working group. This says subcommittee. Is it subcommittee or working group? Not that it matters that much, but --

MR. TWEIT: That's -- you caught me, Chris, in my tendency to use language a little loosely. Yeah, it is meant to be a subcommittee.
MR. MOORE: Thank you for that.

MR. TWEIT: And my motion should reflect that, as well.

CHAIRMAN GORELNIK: Yeah.

MR. MOORE: Yeah.

CHAIRMAN GORELNIK: It does say that.

MR. MOORE: Thank you.

CHAIRMAN GORELNIK: All right.

MR. TWEIT: So, with the second, I can then speak to it.

CHAIRMAN GORELNIK: All right, well, let's see if we have a second. Archie, are you -- is your hand up to second, or do you have a question?

MR. SOLIAI: Yeah, thank you, Mr. Chair. I'd like to second the motion and provide some discussion, if it's approved.

CHAIRMAN GORELNIK: All right, so, Archie has seconded. So, now, I'll go back to you, Bill, to speak to your motion.

MR. TWEIT: Thank you, Mr. Chair. I already indicated, in earlier discussion, I
thought that a separate entity was important because I thought that has -- this has a pretty strong fishery management component to it, as well as a Habitat component, and so, how we, as a CCC, actually choose to house it is certainly a CCC decision but being clear that we're establishing a separate group of the CCC to work on this issue with a clear timeline, I think, is important, at this point. We spent a lot of time on discussion on it, today, after that excellent presentation, both from the Agency and from Dr. LaFeir, from NOAA, and so, I want to -- just to refer back to that, in terms of -- it's clear there's -- that we're being asked, as a CCC and as Regional Councils, to provide guidance to that initiative for the -- one of the two 30s. I prefer to think of the first 30 as the Marine and the second as Terrestrial, but because -- in comparison with the Terrestrial, there really is the one overarching act, and that's the Magnuson-Stevens Act. There were others, as well, but it's Magnuson-Stevens that covers the -- much of the breadth of the
activities in the Marine portion of the 30, and,

obviously, our role there is central.

This initiative has the potential to
greatly impact fisheries and fisheries' management
in the U.S., and in addition to the Federal
government's -- the Biden administration's
interest in getting our input, it's in our own
self-interest because of that, the impact, to also
be engaged in the planning and implementation of
this goal. We need to elevate our position as the
Regional Fishery Management Councils, in terms of
Agency decisions about area-based management for
conservation, fisheries management, and ecosystem
protection. The Conserving and Restoring America
the Beautiful Report directs that, as well.

This new CCC workgroup subcommittee that
I'm proposing should develop a common
understanding among the Councils of area-based
management measures and assist the Councils in
coordinating with NOAA to achieve these goals.
Our subcommittee should assist the CCC with
tracking and reacting to the 30 by 30 Initiative
and the associated America the Beautiful Annual Reports, that we heard about today. We can assist the CCC by providing a report on area-based fishery management measures. This report would include a comprehensive list and evaluation of all existing fishery management area closures in the EBZ, relative to the IUCN criteria, for Marine-protected areas.

Our MPAs, as well as the international other effective area-based conservation measures, the OECM acronym, this will assist each Council in ensuring that the American Conservation and Stewardship Atlas includes all of their appropriate and accurate information in their database. While the MPA Center has developed a database of Marine Management protected areas, the protected areas database, our experience has shown that this database is incomplete, and in some cases incorrectly describes the fishery management measures and objectives for Council developed areas.

I envision that the subcommittee would
focus on developing and evaluating a list of the Council developed fishery management areas, at least to start. The workgroup may -- the subcommittee may later need to consider the cumulative impacts of areas conserved or managed by states, other entities, or other Federal agencies. But the first priority is what we've done. The list of areas should also include objectives for each area, to the extent they can be identified, and other attributes, such as size, date implemented, et cetera. I envision this group using the list to sort and evaluate the areas, using both the IUCN and the FAO criteria. This evaluation will be essential for the CCC to be able to state with authority how much of the EBZ is conserved through fishery management efforts.

The report could also include a discussion of the pros and cons of area-based management, particularly with respect to adaptation, to climate change, and shifting stocks. Based on this report, the CCC would be in
a position to offer advice to the Taskforce on how
to approach and incorporate area-based fishery
measures to achieve the 30 percent conservation
threshold.

Further, I think a journal article on
U.S. Fishery Conservation Areas would be an
important contribution to the scientific
discussion of Marine Conservation and become the
authoritative reference from which we can base all
future CCC letters on monuments, sanctuaries, and
other area designations. I envision this journal
article could discuss how different types of areas
are designed to achieve different objectives,
discuss overall utility as a tool for fisheries' management, and Marine Ecosystem Conservation, as
well as the factors that tend to make them
successful or not. The journal article can also
provide incentive for staff to actively
participate in the workgroup.

And, finally, just a couple quick
thoughts on membership process and timeline. I
propose that the subcommittee membership include
only Council staff. We may want to include staff from NOAA fisheries, in the future, to ensure timely coordination with their actions, relative to the 30 by 30. I acknowledge that this subcommittee will require staff resources from each of the Councils. However, I believe that the effort will assist each Council with planning and reacting to area-based actions within their own region, such as siting of wind farms and aquaculture farms, so some cross-coordination, as well as responding to the 30 by 30 Initiative.

The terms of reference in the proposal do not specify leadership, and I leave that open for further CCC discussion. I know that North Pacific Council staff is willing to take on a lead role in this, at least to start, if that is the will of the CCC. But we may as well want to discuss having a Councilmember actually lead the work -- the subcommittee. The timeline I proposed might be a little bit ambitious, but I think we need to get out in front of this issue, as soon as possible, to ensure that we are part of the
discussion.

Like other workgroups, we may need to be flexible to react to the activities initiated, as mentioned, and the presentations we got today, as well as in the America the Beautiful Report. Mr. Chair, that -- those are my remarks. I apologize a bit for the length of the remarks, but I think this is an extremely important issue, one that we need to thoughtfully engage in, as Councils would quickly engage. It's very much my sense that if we're not part of this initiative, from the beginning, that decisions are going to be made without us, and that will prove problematic for us, as Councils, and I think it'll prove problematic for the initiative, as a whole, as well. So, thank you for the opportunity to speak to it.

CHAIRMAN GORELNIK: Thank you very much, Bill. Right now, let's see if there are any questions for Bill on the motion because that may --

MR. TWEIT: Mr. Chair, I do think my
second indicated that he'd like to make a couple of remarks, as well.

CHAIRMAN GORELNIK: Go ahead. Is that Archie? Yeah, Archie. And -- but what I'd like to do now is just make sure we're all on the same page, and make sure there are any -- see if there are any questions, and then we can have discussion on the motion. Sam Rauch?

MR. RAUCH: Yes, Mr. Chair. The only question I would have on your motion is, if you go to the timeline, as you heard from Dr. LaFeir, we have a progress report that is due at the end of the year, and I do not know what the overall schedule for more determinative findings. Dr. LaFeir outlined there's a number of determinations we still need to make. And so, I do not know that those findings that the Federal government's going to be doing comports with these findings, here, and I do not know whether the maker believes when you call it tentative. I know you said it's ambitious, which may mean it takes longer, but it may need to take shorter, if you are going to
achieve the objective of trying to participate in
the Federal process, which, at this point, we
don't exactly know what that will look like. And
I'm wondering whether or not that is contemplated
by being tentative, whether it could also shorten,
because we may need it to.

And while I have the floor, I know this
is not a question, I do -- I will say, Dr. LaFeir
was very clear that we do appreciate the Council
trying to work with us, and we want to interact
with the Council constructively in this, and so,
why you won't be voting on the motions because we
don't, I do appreciate, very much, the Council's
thoughts on how to constructively engage in this
process. I -- you were explicitly invited to, and
we will take you up on that, whether it's this
motion or however else you want to engage.

CHAIRMAN GORELNIK: Bill, do you have a
response to the question about timing?

MR. TWEIT: I do. Sam, thank you for
both expression of support, as well as for raising
that issue. I was listening to her this morning
and thinking, yeah, I -- we probably do need to speed it up a bit. I wanted to structure it around the CCC meetings because those are useful milestones, in terms of providing feedback to the subcommittee. But I think you're right, I think we'll need to -- I think we'll need to request that the subcommittee do even more prior to the fall meeting. But I think we still need to digest exactly what Dr. LaFeir was laying out this morning, and so, maybe that's the first task for the subcommittee, is to -- if we make a clear statement of intent, that we want to be able to meet the timelines, the -- as we currently understand them for the initiative, in order for us to have effective participation, that we may need the subcommittee, first, to scope out what else might need to happen before the fall CCC meeting. So, thank you for flagging that.

CHAIRMAN GORELNIK: So, Bill, let me ask you a question. Do you think that your motion is fine as it stands, or do you think that we should -- it should be revised in some way?
MR. TWEIT: I think if the CCC understands that we will look to the subcommittee to determine whether the timeline needs to be sped up that it is -- we're putting it out as tentative, and that if they need to make it more aggressive, that that's within their purview, and that we're expecting them to -- I think if CCC members understand that we're expecting the subcommittee to define their workload and their timeline, in a way that's responsive to the presentations that we heard today, and any further changes to the timeline, then I don't think it needs amending, as long as CCC members understand that's the intent.

CHAIRMAN GORELNIK: All right. Thanks very much, Bill. Let me see if there are any other questions for Bill on the motion, and if there are not, then we can entertain discussions. So, I'll see if any hands go up for discussion. Eric Reid, followed by Carrie Simmons.

MR. REID: Yes, thank you, Mr. Chair. I fully support this motion, and the rationale put
forth by the maker is really well done. And I would also support, if this should pass, some prior comments about prioritizing this effort over Habitat, and that's through my own cost benefit analysis, over one versus the other, and that's based on experience with Offshore Wind in New England.

And I'm not saying anything about ignoring Offshore Wind, but we cannot -- we should not ignore or fail to engage at every opportunity for Offshore Wind projects, but our role, which is the same as the Coast Guard in National Marine Fisheries, we're only advisors. And although our input is solicited and valued, that value may have an exchange rate similar to the U.S. dollar and the Mexican peso, at least that's my experience. And I think there's a much more better bang for the buck by prioritizing this group over Habitat.

I'm not throwing Habitat under the bus, by any means. Thank you.

CHAIRMAN GORELNIK: Thank you, Eric.

Carrie, you're up.
MS. SIMMONS: Yes, thank you, Mr. Chair. We are very much in support of this, and we think that this probably is going to be a more aggressive timeline, based on the discussions. And even though there's only one staff member necessary to participate in this working group, it may involve multiple staff members to help prepare the materials and assist with the very important work that this group is going to be tasked with.

So, that being said, based on that Habitat -- other Habitat Subcommittee, CCC Working Group, I would suggest we consider postponing any of their efforts, perhaps until next Spring, or perhaps revisit it in the Fall, when we have a better idea of exactly how much work this is going to take. Thank you, Mr. Chair.

CHAIRMAN GORELNIK: Thank you. Tom Nies?

MR. NIES: Thank you, Mr. Chair. I think this is going to be a great project. It could take a lot of work because we may have to do it quickly. I support prioritizing this over some
of the other Habitat things, but we don't want those Habitat things to fall by the wayside, completely. One comment I would make is, you know, I think we should all recognize that if we do form this subcommittee, that we'd need to give them some flexibility to adjust.

You know, what we know, just as a simple example, this proposal for just using the IUCN criteria, this morning, we heard that the -- apparently, we are not going to use the IUCN criteria in the Atlas that's being developed. And I suspect as the committee -- subcommittee meets, they're going to have to make some other adjustments. And I would hope that we can all just sort of acknowledge that the subcommittee that's formed, if we vote this through, is going to have to think on the fly because we don't meet every week. And they're not going to be able to come back to us and get guidance at every step of the way.

CHAIRMAN GORELNIK: Thank you, Tom. I -- I'm glad you raised the issue of the IUCN
criteria. I think that it's -- it was made rather clear that the Willinghurst Conservation, not protection per say, which is really what the focus of the IUCN criteria are. Archie?

MR. SOLIAI: Yeah, thank you, Mr. Chair. I fully support this motion, and I think the maker did a very eloquent job in proposing it. And I do apologize, Mr. Chair, for jumping the gun earlier, in regards to this subject matter. It was very early for us here, and I was just having my first cup of coffee. But I just wanted to refer CCC back to the questions that I'd asked earlier. I won't repeat them here, unless you, Mr. Chair, you want me to ask them again. But in the even that this motion is passed, perhaps this is something that the working group could consider. Thank you.

CHAIRMAN GORELNIK: But I think those points -- well raised, and I would hope that the working group or the subcommittee here would consider them. Is there any further discussion on this motion? I will call the question. So, unmute your microphones. All those in favor, say,
aye. (all respond, saying, aye) Opposed, no.
Abstentions? The motion passes. Thanks very
much, Bill, for the motion and moving us along
here. So --

MR. TWEIT: Mr. Chair, I just -- one, sir, final item. I say just as -- that it would be useful to have a Councilmember as, you know, a -- in a lead position for this subcommittee. And I was -- I just wanted to remind the CCC that it might be a good idea to suggest to somebody, see if there's any nominations, at this point, for that effort, if I may, or if I'm out of order, I'll be happy to bring at another point.

CHAIRMAN GORELNIK: Well, I think, since we're on the topic, let's get that taken care of. John Quinn?

MR. QUINN: Yeah, I'd like to nominate Eric Reid as the chairman of the subcommittee. He's the current chairman of the Habitat Committee in New England. He's got a lot of experience, and I think he'd do a great job leading this subcommittee.
CHAIRMAN GORELNIK: All right. Thank you, John. Are there any other nominations? Are there any objections to Eric being appointed the lead on this subcommittee? Does Eric accept the nomination? I'm not hearing any objections. So, there you have it.

MR. REID: And I don't object. And I appreciate the confidence you're showing in me.

CHAIRMAN GORELNIK: Great. All right. So, is there further discussion here? We've just -- we talked about priorities here, but do we want to offer any specific guidance, in terms of, for example, the fall meeting, for the Habitat Workgroup? John Quinn, your hand is up.

MR. QUINN: No, I'm trying to get it down (inaudible).

CHAIRMAN GORELNIK: All right. Chris Moore?

MR. MOORE: Thank you, Mr. Chairman. That was the point that I was going to make, the -- your last point, which is we heard the presentation with Carrie today, and he asked very
specifically for some guidance or input from the group, as to their 2021 priorities and next steps. So, I think we do need to do or need to have that discussion and provide them with some input today. I -- yeah, I want to have our cake and eat it, too. I don't want the Habitat Working Group to go away. I do support, obviously support, this subcommittee that we just all voted on, but I don't want to wait until next year to establish priorities for the Habitat Working Group. And I think that we should definitely revisit the topic in October, but at the same time, I don't want the momentum of some of the projects that they've already started to sort of dissipate.

So, as we move through the rest of the year -- I think that I'm getting some feedback. I don't know why. Hey, John, I think, John Quinn, your mic's open. There you go. So, I'm not sure how to handle it, truly. I mean, if we established this last subcommittee as a priority, then that's where the work is going to be, but we want the working group, the Habitat Working Group,
to continue, as well, right? So, I think we need
to work through some things, and see where we're
at in October, and tell the Habitat Working Group
that there's still value, that we still want them
to exist, and, yeah, basically provide whatever
input we can, today, for them.

CHAIRMAN GORELNIK: Thank you, Chris.

Carrie, followed by Tom Nies.

MS. SIMMONS: Thank you, Mr. Chair. I
guess my hesitancy with providing priorities is
that means that they're going to be working on
them between now and the next meeting in October,
and I just feel like that's a heavy workload, with
everything we've just heard regarding the timeline
for the 30 by 30 effort. So, is it possible to
revisit those priorities and just ask them to sit
tight until October, we're not disbanding them?
That would make me feel much more comfortable,
until we have a better idea of exactly how much
work is going to be necessary to the previous
effort.

CHAIRMAN GORELNIK: Tom?
MR. NIES:  So, I'm going to suggest --

MS. SIMMONS:  Well --

MR. NIES:  -- perhaps a middle ground

between Chris and Carrie, but I could support

Carrie's proposal, as well. But what about if we
suggest to the Habitat Working Group that they
continue to share information on how -- on best
practices on how to coordinate on Offshore Wind,
but perhaps do it a little bit more informally
between now and the end of this year or the -- or
our next CCC meeting, and that they, you know, I'm
looking at their report rather than the
presentation, and that they not work on a forum
for sharing Habitat science and research with the
NIMS Office of Science and Technology, at least
not until the end of the year or until our next
CCC meeting.

But I'm basically suggesting, again, in
a nutshell, that they informally continue to share
best practices, but perhaps not put as much
attention into, you know, formal presentations and
that sort of thing that would require them to
actually put these things to paper, and that they
not work on another forum for Habitat science and
research, for the next few months, until we get a
better sense of how this area-based management
workgroup proceed because I -- I'm kind of in the
same boat, where the staffer who is likely to work
on this area-based management proposal is also my
staffer who does all the Habitat and Offshore Wind
work for us.

CHAIRMAN GORELNIK: Thank you, Tom.

Kitty?

MS. SIMONDS: Well, I just wanted to
say, it's not like they're sitting tight and
waiting to be told. I mean, they are working on a
number of things, as they report. And so, I would
think that they would continue to work on what
they're working on. You know? They have a lot of
things that they're working on. So, they should
continue to work on them.

CHAIRMAN GORELNIK: John Quinn, your
hand is up.

MR. QUINN: Sorry about that.
CHAIRMAN GORELNIK: So, it sounds like you probably have multiple audio streams going, which is why we're getting feedback. So, you might choose one over the other. So, we've got a variety of perspectives on what to do with the Habitat Workgroup, and -- including a middle ground. Chuck Tracy?

MR. TRACY: Here we go. I think I'm unmuted now.

CHAIRMAN GORELNIK: You are.

MR. TRACY: Yeah, I tend to fall into the Tom Nies camp of sort of a middle ground. I think some of these people are, like Kitty says, continuing to work on things, but I don't think -- I don't think all of them will be able to, for example, Weingarten. So, the Council staff that's on the Habitat Workgroup, I think that would, you know, be a bridge too far, I guess, for them to do both, or for staff to work on both the, you know, some best practices for Offshore Wind and the subcommittee. So, I'm a little -- I think I'm a little bit in that -- in the middle ground. Those
that can should continue to pursue this, and I think some informal communication amongst the Habitat Workgroup is fine and appropriate, and then we can, you know, identify our priorities for them, come October.

CHAIRMAN GORELNIK: Chris Moore, followed by Kitty.

MR. MOORE: Thank you, Mr. Chairman. I also support the way that Tom presented it, and taking the middle ground, I think, is the appropriate way to think about it, and with the focus on those BMPs and certainly not having that particular forum scheduled for the Fall, it -- the reference. So, I think -- I think, yeah, Tom's proposal is the one that I would support, and I think that's the one we need to move forward with. Thanks.

CHAIRMAN GORELNIK: Kitty?

MS. SIMONDS: Well, yes, I agree with that, as well, but I just want to say that it's up to the Executive Directors on what they direct their staffs to do. So, really, that's what it
ends up being. What is the priority for that Council? If they all accept it, that the subcommittee is a priority, then that's what people work on. And if they don't, and prefer their staff to work on something else, then it really is up to them. So, thank you.

CHAIRMAN GORELNIK: Carrie?

MS. SIMMONS: Yes, thank you, Mr. Chair. I liked the proposal that Tom Nies had, a middle ground, and then perhaps a more in-depth discussion of the priorities for the following year, in 2022.

CHAIRMAN GORELNIK: I'm comparing. I see -- Chuck, your hand is up, as well as Chris Moore.

MR. TRACY: Yeah, I just wanted to respond real quick to Kitty, and, you know, I don't think we were proposing any direction to individual Councils, in terms of what their priorities are and what their staff is working on, on behalf of their specific Council, because I know that we are going to be working on Wind
Energy in our Council, as well. I think all we're talking about is whatever work, as it relates to the -- to this Habitat Workgroup, specifically.

CHAIRMAN GORELNIK: All right, so, is there a consensus here around that middle ground? I didn't take any notes, but I'm sure someone captured that in detail. Is there anyone who thinks we should be taking a different approach with regard to the Habitat Workgroup? I'm not seeing any hands. So, I think we've got -- we have a consensus there. Let's see, is there any other committee action on either agenda items six or seven? And I'm not seeing any hands. So, that will conclude those agenda items and will take us to agenda item eight, which is the National Standard 1 Draft Technical Memo. And I think we have something from Kelly.

MS. DENIT: Yes, thank you, Mr. Chair. Morgan's going to bring up the slides, and myself and Marian -- actually, Marian's the star of the show today. I'm just here as, like, your warm-up lap, before we get into -- to the real deal.
CHAIRMAN GORELNIK: Welcome to both of you.

MS. DENIT: Great, thank you. All right, great. So, you can go ahead and go to the next slide, Morgan, once you get it squared away there. Yeah, thank you. So, oh, very briefly, you guys know that we've established -- oh, oh, thank you -- that we establish several workgroups to work on National Standard 1 Guidance, which apparently is, like, on auto move, and there were three subgroups that were established.

The first, subgroup one, was specific to reference points. That draft is in progress, and, in a second, I will go through the slide that is up. But there was also subgroup two, who did work on carryover and phase-in of eight changes to ABCs. That work has been completed, and that was shared COVID time warp, but I think it was two years ago, with you all, and has been finalized. And then, of course, as I just mentioned, the main star of the show today is the conversation around the work of subgroup three and the technical
guidance for data-limited situations.

So, moving here to subgroup one, just to briefly update you all, this is the group that was focused on reference points, and we know how fundamental reference points are to our fishery management system, and they have been working their way through creating some guidance for everyone on those reference points. So, here, you see, very briefly, at that 10,000 foot level, what's going to be included in their draft. It will be guidelines around the direct estimation of F and BMSY discussion around proxies and the use of proxies, what are appropriate methods for that, and then they will also, in a limited way, address some additional considerations, including, in particular, I know several of you have asked about adjusting reference points to changing conditions. That topic is a very big and meaty one, as you all know from your experiences so far. So, that's likely to take a lot more time and probably going to be something that we deal with separately, but there will be some considerations around that, in
this draft.

So, right now, the working group, or that subgroup I should say, is planning to have a -- a working draft is out, right now, for input, internally. We expect to have something for you all to look at, later this Fall, and at that point, we will be welcoming your input and suggestions on that. And so, with that, I will pass it over to Marian. I will also note that, unfortunately, since we're a little behind schedule, I have to bounce out of here to go coach some kids in softball. So, if you have questions following Marian's presentation, on the other subgroups, Stephanie Hunt will be more than capable of answering your questions. And with that, Chair, I'd like to hand it over to Marian.

CHAIRMAN GORELNIK: Welcome, Marian, and go bounce to Kelly. Are you unmuted?

MS. MACPHERSON: Sorry about that. Can you hear me now?

CHAIRMAN GORELNIK: I hear you now, loud and clear.
MS. MACPHERSON: Great. So, I'm here today to talk with you about subgroup three's draft technical memo on managing with ACLs and data-limited stocks. Let's go to the next slide.

Just an overview of today's session. You've got the draft memo in your hand, and the point here today is to go through the main points of that memo with you all and to request your feedback.

We hope to save some time for questions and comments at the end today, but we'd also like you to feel free to follow up with additional comments by August 27th. And the last slide's got my address and Stephanie Hunt's address, and we'd request that you send us both whatever additional comments you may have after today.

I want to focus on the fact that this is a draft. We do anticipate additional changes after today. I've included the title of the draft on this slide for you to see that this is a very specific product. It's very narrowly focused on data-limited stocks and implementation of one specific narrow paragraph pertaining to
flexibilities in the National Standard 1 Guidelines, and that's the citation to it right there, 600-310-H2. We'll be referring to H2 flexibilities throughout this presentation and also in the memo. Okay, next slide.

Just as background to this project, we've had a lot of success with ACLs and preventing overfishing, but there are challenges to the approach, our standard approach for data-limit fisheries. Since we implemented the MSRA requirements in our 2009 rule, there have been advances, both in the science and regulatory departments. So, there have been advancements in the assessment methods that we have for data-limited stocks, and we've explicitly extended some flexibilities to the approach, the standard approach for ACLs to data-limited stocks, in the 2016 updates to National Standard 1. Subgroup three consists of staff from each of the Science Centers, some staff from headquarters, SNT, and then just a few of us, SF program staff. Next slide.
So, then here's the draft of the Tech Memo, itself, its main three areas that it addresses. It provides the legal context kind of distinguishing between what are the statutory mandates of the Magnuson Act and then what are NMFS's interpretive guidance that we have. And that's what we're going to talk about, NMFS's standard approach to ACLs and then how these H2 flexibilities could come into play. Then, we've got the science section, where we talk about the data-limited methods that we have, today, that can support the development of standard ACLs, pursuant to NMFS's approach and the guidelines, and then recommendations for using those methods, and then also information about additional methods that provide good, science-based advice, but might not get us to the traditional standard ACL. And then there's the management section, which is guided from how we use paragraph H2's flexibilities in context of data-limited stocks. And we'll talk about which of the data-limited stocks might qualify to use those flexibilities. We'll talk
about one potential alternative the subgroup has identified, which is expressing the ACL in terms of rate, instead of amount of fish. We'll be talking about the fishing mortality rate. We use the letter F to stand for that. You'll see that in some of our slides. And then we'll also talk about what about stocks that are super data-poor, but we don't even have rate data for them. Next slide, please.

So, here's the legal context. I just want to point out that nothing in the Tech Memo is going to give you any exemption for any of the statutory requirements of Magnuson Act, and relevant to this paper and this discussion are the requirements that an FNP include a mechanism for specifying an annual catch limit that prevents overfishing and that it include accountability measures. So, I just want to point out, the Magnuson Act does not define annual catch limit. It does not define catch.

So, the tricky part of ACLs pertain to how we define the ACL, in terms of amount of fish,
and that comes from the National Standard Guidelines. NMFS, in the National Standard Guidelines, has put forth what is referred to as the standard approach to ACLs, and that is our interpretation of the best way to comply with the Magnuson Act requirements, and that -- that is where the requirement to express your ACL, in terms of an amount of fish, comes from.

At the time that we put this interpretation forward, in 2009, we included a flexibility. We recognized there would be certain limited circumstances, where Councils might not be able to effectively manage, pursuant to that standard approach. And this paragraph, which is now H2, provides that in these cases. A Council may recommend an alternative approach, but the alternative approach must comply with those statutory mandates in Magnuson, which means an annual catch limit that prevents overfishing, and any alternative approach must be included in an FNP. Okay, that's the legal context. Let's go to the next slide.
Now, we're going to talk about the science aspects. So, as I said, since 2009, we have had advances in development of data-limited methods for assessing our stocks that have limited data, and advances in these methods have given us new tools for more effectively using the data that we have and increasing our understanding about uncertainties. We are going to the next slide.

This is a flowchart that maps out some of the different data-limited assessment methods that are available to you, depending on what data you have to put into the method. So, I'm going to spend a little bit on this slide, breaking it down for you, what it means. And if you have detailed questions, I'm going to refer you to our Science Team. But, basically, starting at the top, the brown box and then the brown circles, but the brown items here refer to what data inputs you have. That brown box, at the top, those are the data that you need to go down the path of the standard ACL that's going to be able to be expressed, in terms of an amount of fish. You
need data on records of removals, you need data on abundance, and you need the ability to monitor your removals.

And when you have the right amount of data on those topics, you can go down the path on the left side of the slide, which goes -- proceeds to the purple box, that tells you you're able to use those methods to generate or to support development of an annual catch limit, expressed in terms of an amount of fish. And then this is really a decision tree of what model you're going to -- what method you're going to use to get to that amount of fish. And the more information you have, the more developed -- the less uncertainty you're going to have.

So, the brown circles here are all the different types of data you can input into your method. The biological composition refers to things like lengths in ages. The index refers to abundance, and that -- that can refer to things like surveys and catch per unit effort data. So, you -- do you have that? Do you not? It points
you down to the blue boxes, which are going to be
the types of methods that will be available, if
you have the -- if that's the data that you have,
if the answers are yes.

And I just want to point out, if you
enter the -- this side of this -- the slide, and
you enter the purple B, or number-based catch
limits, but everything else is no, no, no, you end
up down here, at the bottom, in the blue box that
says, catch estimator approaches. I want you all
to remember that little catch approach section.
We're going to talk about that more, in few
minutes, when we get to recommendations. So, this
is an approach when the only data you have is
basically recent catch and you apply some kind of
percentage multiplier to it to come up to your
reference limit advice, and there's a lot of
uncertainty with that approach, although,
sometimes, it's all you can do. But I wanted to
flag that for you, before we move on. So, that's
-- that's when you can. Those are the
data-limited methods that we now have for
producing rate numbers-based ACLs.

On the other side of the slide, if you do not have the data set forth in that top brown box, you'd go down the no side. There's still stuff you can do. We still have methods that can get you to science-based limits and reference points. And, again, depending on how much information you can plug in and the -- the more advice you're going to get. But it -- you know, if you've got this biological composition information as an index, you can get to these two approaches, length-based approaches or multiple indicator approaches, that can get you to, like, as I said, scientifically based limits that may be expressed, in terms of the rate, the F rate, rather than an amount of fish. So, when we start talking about alternative approaches for complying with Magnuson ACL requirements and when we get to that page two discussion, I want you to keep in mind this right-hand side of this slide right here, talking about these methods that we have.

Okay. Next slide, please. So, the Tech
Memo sets forth these data-limited methods that we have, and then it includes recommendations for the methods that were on the left-hand side, the methods that you would use if you had the biomass information to get the rate -- weight number, amount of fish, ACL. And these are the recommendations that I have for those data-limited methods. Identify the data gaps, improve -- try to improve the data, explore your uncertainty, be explicit about uncertainty, make sure that your buffers between OFL and ABC increase as uncertainty increases. And then, at times, there are points, if you're really uncertain or you're using one of these catch scaler methods, you might want to consider whether the other methods would get you -- would be more appropriate for your situation. Catch scalers methods, the recommendation here is that if you're still using that catch scaler, look around, see if there's anything else you can do, if any of these other methods could help you out because there's just so much uncertainty with the catch scalers. Make
sure, especially, you double check buffers when
using catch scalers, and try to make a plan to
transition to another approach. Lots of caveats.
We recognize sometimes, literally, that's all you
can do, but try to improve. That's the
recommendation. Okay, next slide.

So, this slide is really about the
methods that were on the right-hand side of that
flowchart, and when you have (inaudible) based
information or indicator-based information, you do
have limited ability to define your targets, in
terms of an amount of fish, but you can have
science-based metrics and reference points
expressed, in terms of different metrics, just not
amounts of fish. So, these can support compliance
with Magnuson Act. So, next slide.

So, so, back to H2, just to remind you,
limited circumstances that may not fit the
standard approach to specifying reference points,
the limit to the H2, itself, in the National
Standard 1 Guidelines, specifies the limited
situation that it applies to include, among other
things, stocks for which data are not available, either to set reference points or manage to reference points, pursuant to this standard approach and based on MSY. So, in those situations, a Council may propose alternative approaches for satisfying the Magnuson Act requirements. Okay, next slide.

So, when -- who can do this? Who can use this flexibility in H2? The focus of this Memo, there are other situations that may apply, but this Memo provides guidance on the data-limited stocks that, that we just read from the last slide, that lack the data needed to express the ACL or manage with the ACL, as an amount of fish, based on MSY and pursuant to that standard approach, using the amount of fish. So, and again, this would need to be proposed in an FNP. Okay. So, yeah, I just want to emphasize, again, that this a very narrowly focused Tech Memo, just on this one particular issue, on -- in the H2 paragraph. Okay, next slide.

So, this is an overview, really, of the
whole thought process of the Tech Memo merging the available science, the best available science that you have, and with management requirements to really do the best you can with what you have, in complying with Magnuson. So, as the data-limited methods flowchart did, this decision tree starts with the questions, at the top, about what are -- what information about biomass do you have? And that's going to point you in the direction of whether you can effectively establish an ACL expressed, in terms of amount of fish. So, yes, you have the necessarily -- necessary biomass data. Again, you go down the left side of the slide, yes. But H2 contemplates both establishing the ACL and managing successfully with the ACL, which means you need to be able to monitor and enforce that ACL.

So, there's a second question, and if the answer is no to either the top box or that second question, on the left, which is their inability to monitor and enforce, that punts you over into this big box in the middle of the
right-hand part of the slide. And this is where we sort of segue into talking about an alternative ACL. So, again, if you're on the left-hand side of the slide, yes, you have the biological data, yes, you have the management and enforcement abilities, then, yes, you need to be using an ACL, pursuant to NMFS's standard approach, which is the best interpretation of managing with ACLs. But if you have a no to either of those answers, then H2 applies to you, and a Council can consider an alternative.

So, I'm going to segue into the alternative that's discussed in this Tech Memo, which is to express the ACL, in terms of the F rate, rather than as an amount of fish. And this flowchart shows you the buck doesn't stop at can you get into H2, if you're going to use a rate-based ACL? You need additional information. You need enough information to come up with a -- an F limit, a limit expressed in terms of F, that is based on MSY and allows for monitoring. Okay, so, I'm going to go onto the next slide.
And I do want to point out that I don't want to oversimplify this discussion. I mean, when we're talking about these data-limited stocks, saying that use what you have, use what you can measure, it's not really that simple. I mean, you may have some data. You may have a program that collects samples of linked data. Just having that doesn't automatically mean, oh, we can do rate-based ACLs. When you're that data limited, there needs to be a lot of discussion with your Science Center, and your SSC, and probably constituents about whether what you have is really adequate and appropriate for taking this sort of approach. So, I don't want to skip over that detail. There -- the devil is in the details, but, conceptually, this is what we're talking about.

So, Magnuson defines overfishing as a rate or a level of fishing mortality. So, while weight and numbers- based ACLs are our standard approach, expressing an ACL, in terms of fishing mortality rate and monitoring the actual fishing
mortality rate, against the referenced mortality rate, can provide an alternative approach to ACLs. And then the same management tools would be available to control the effort around those limits that we're currently using, area closures, gear restrictions, all of that sort of stuff. So, then, the SSC and the Council could apply buffers, just like we do for weight-based ACLs, but they would just be -- they would be modifying the limit, in terms of just -- be expressed in a different metric, in terms of rate instead of weight.

So, we go onto the next slide, and just to give you an example, and -- of what this might look like. So, we put the letter F, the big letter F, in front of these reference points, that you're all familiar with already, just to clarify that we're following the same framework, the same buffer approach to go stepwise from FMSY, or MFMT, or down to the FACL. How this would work would be the method, the data-limited method, used would produce the FMSY proxy, and just, for instance,
say that is F, at 30 percent SPR, this is your maximum fishing mortality threshold, this is your MFMT. Your MFMT would be the rate equivalent of your overfishing limit. So, it is your FOFL. And then the SSC could apply a buffer for scientific uncertainty, to the FOFL, to give you your FABC, and, similarly, a Council could apply a management uncertainty buffer to get you your FACL. Okay, next slide.

So, in some cases, particularly if you're using lengths, it might be possible for the Science Center and the SSC to correlate indicators to the rates that you've identified. So, for instance, your mean length might -- you might be able to correlate different mean lengths to particular rates. For instance, if your FOFL is correlated to 9.4 inches, the F -- SSC could recommend, perhaps, a 10-inch mean length for the FABC, and the Council could recommend a 10.2 to an FACL, and this just gives you more ability to manage using these indicators and keeping your stock within your targets. The same management
options are available that we have for keeping within amounts of fish targets, size limits, timing, area closures, et cetera. Okay, next slide.

So, just as a reminder, FNP -- the FNP would need to describe how the monitoring would ensure compliance with the Magnuson Act, and the Tech Memo identified a couple of options for monitoring the rate. One would be, once you get your data-limited method up and running, in some cases, it's not too difficult to plug in new data, annually, and compare your FT or MFT, or your FT or FACL, or if you're comfortable using your length indicators, that would be another thing that you could monitor, just on an annual level. And, again, the accountability measures could be -- they'd be triggered by the rate, rather than the weight, and, you know, just be a regularly available management tools for that. Okay, so, next slide.

So, if you think back to our flowchart, down at the bottom, we had a box for stocks that
qualify for H2, but they're so data-poor they
don't even have data to do the rate-based ACL.
These stocks still have to comply with Magnuson.
They still have to do the best they can with
whatever information is out there and come up with
some sort of an ACL. For these stocks, we would
courage people to consider whether some sort of
cost-effective data collection program could be
set up to start them, in a stepwise way, towards
sort of towards improved management. It might be
easy, relatively easy, to start collecting
information on lengths, maybe, a smaller sample
than you would need, compared to counting every
fish that is removed. So, that's something that's
recommended to explore, and, of course, with the
ultimate goal of making progress, starting to
build management capacity and records, and move
your way towards the goal of everyone using the
standard approach of ACL expressed, as an amount
of fish. Okay, next slide.
So, to wrap up, this Tech Memo is
focused on providing guidance for this limited
category of stocks, these data-limited stocks that
don't -- can't be managed effectively using our
standard approach to ACLs. The Tech Memo
distinguishes the MSA mandates from the NS1
Guidance, and it reviews the various capabilities
of the data-limited assessment methods and
provides recommendations and considerations for
their use, and it links -- the Tech Memo links the
data availability and assessment capability to
considering whether an alternative approach may be
appropriate.

So, again, the key message is do the
best you can with the data available for these
stocks. And it's also important to remember that
just because you think you have certain data
doesn't mean they're necessarily adequate for
managing this way. It's going to require vetting,
extensively. And, finally, the draft describes
what an ACL expressed, in terms of an F rate,
might look like and offers considerations for the
data-limited stocks. So, again, it's just a draft
document. We're welcoming your input, and we
anticipate changes after today. And I can pause here and take questions or comments. And this slide has the address where we'd love for you to submit any follow up written comments to both me and Stephanie.

CHAIRMAN GORELNIK: All right. Thank you very much for that presentation. Let's see if there are any questions on the presentation, on the draft memo, and keeping in mind that we'll have Council discussion after public comment. Is there any questions? I'm not seeing any hands. So, you're good for now, but I think that when we come back to Council discussion -- well, I do see a hand now. John Gourley?

MR. GOURLEY: Hi, Mary. I have a question, bear with me. This is a little -- this is a complex issue for me, not for you guys. As we've mentioned several times in the Western Pacific, we're famous for data-poor fishery stocks. And even for some of the stocks that we have data, the data may not actually be appropriate to do fishery management analysis.
And so, how much flexibility do we have, using the H2 for developing management strategies? For example, can we use length-based SPRs and or go to L50s --

MS. MACPHERSON: Yeah.

MR. GOURLEY: -- to manage fisheries and move away from catch numbers? Is -- my question is so broad (inaudible) how much flexibility we have. But I just threw out a couple of examples, where we don't have very good accurate catch data. And I think a prime example could be -- is our bottomfish. Our recent bottomfish stock assessments, there seems to be a very wide division between what the scientists say is out there and what the fishermen say is out there. And even though the data used for the stock assessment was considered BSIA, other people think it's just BS. So, you know, I kind of wanted to ask you -- well, how much flexibility do we have for this?

MS. MACPHERSON: Okay, so, I'll start out with the caveat that I'm the Policy Staffer on
this committee, and when you start talking about
specific methodologies, I'll probably have to
reserve and take those specific questions back to
the science folks on our team. Generally, you --
maybe those -- that is a stock that you would want
to explore, if the -- as I said, the test for
using the H2 flexibility is whether you're able to
effectively specify the ACL expresses, in the
amount of fish, based on MSY, pursuant to our
standard approach, or -- and manage with an ACL,
expresses an amount of fish, that's based on MSY.
And if you're struggling with that, then I would
definitely recommend that you talk with your
Science Center and SSC about the potential use of
this flexibility. Does that answer your question?

MR. GOURLEY: It helps. It seems like
the technical guidance is providing advice on the
flexibility on how to do the assessment, rather
than flexibility in the management of a
data-limited stock. Can you comment on that, that
statement?

MS. MACPHerson: So, it is -- the
document is a merger of policy and manage --

science and management considerations, and it does

attempt to link the assessment method with the

available data, and then it attempts to link the

choice of the best -- the most appropriate method

for a data-limited stock to get the most -- the

best advice. And if that -- all that advice can

be, if the best advice that you're going to get is

one of the data-limited methods that does not

include the information on biomass, the adequate

history of catch, of removals, and the -- or

abundance index and in monitoring, if you don't

have those pieces of information, then you should

be looking at the -- slide 10, the right-hand side

of that slide, that talks about the alternative

methods, and that's when you can think about

whether setting an ACL, expressed in terms of

rate, might be a better management approach for

that stock.

MR. GOURLEY: Okay. Let's see. How

about if -- for now, let's see, we've got bottom

-- we have a MSY reference point for bottomfish,
but the management is not equipped to manage the fishery to that MSY because we can get the -- because we can get the catch within the fishing season. Does that complicate what you just said?

MS. MACPHERSON: I'm not sure I understand --

MR. GOURLEY: Outside the fishing season, I'm sorry, I misspoke.

MS. MACPHERSON: So, what is happening? Can you say that again?

MR. GOURLEY: If we have an MSY reference point for bottomfish, but the management is not equipped to manage the fishery to that MSY because we can't do in-season monitoring, so, we -- we really don't know what is -- what's going to be the catch until after the season.

MS. MACPHERSON: So, yeah, I don't think that I can answer what's going to be right for your fishery. But if you're having these types of problems, I would -- you might want to explore this approach, and I would recommend that you do it with the folks on your SSC and also in
communication with your Science Center.

    MR. GOURLEY: Yeah, I think maybe another venue might be a little bit better to resolve these issues, but we do have some serious problems in the Western Pacific, and we do have -- we still need to get some of the problems ironed out. Thank you, Mary. Appreciate it.

    MS. MACPHERSON: Mm-hmm.

    CHAIRMAN GORELNIK: All right, are there further questions on the presentation? All right, so, we'll come back to discussion in a moment and any guidance, but, now, I think it is time for any public comment. I'm going to take a quick look at the attendees and see if I see any hands, and I do not, and then I'll go to our host, Nicholas, and see if there have been any -- he received any requests for public comment.

    NICHOLAS: Hi, Marc. No, I have not.

    CHAIRMAN GORELNIK: Okay, great. All right, so, that takes us now to Council discussion and any guidance, and so, John, your hand is up. Do you have some discussion or guidance for us, or
is that an artifact?

    MR. QUINN: That is me being lazy at
    7:00 in the morning, after a very long night.

    CHAIRMAN GORELNIK: Wow. I apologize.

At some point, we'll all meet in person, and we'll
be in the same time zone, but, so, I apologize.

John Carmichael, followed by Tom Nies.

    MR. CARMICHAEL: Yeah, thank you, Mr.
    Chair, and thanks for that presentation, Marian.

It looks like you had your hands full with a lot
of technical stuff, so, appreciate your being able
to provide this for us. And, you know, I have a
lot of questions about some of the guidance and
how our stocks here, in the South Atlantic, will
fit in, you know, and in a lot of cases, for us,
data-limited can be -- we don't even have reliable
landings.

    Folks who recall the ORCS thing, I think
we had about 15 stocks that the SSC didn't even
consider the landings reliable enough to make
their way to ORCS, so, not quite sure how we're
going to navigate all this. In most cases, you
know, having all the indices and things of that are really a stretch. We're most likely to have landings, if we have anything. But, you know, that's all stuff we've worked out because we have time to look at this through our SOCs and through our Councils, and that's -- that's really the gist of my request, is to ask that we be given some more time to review this, through our Councils and our SOCs.

This has been in progress for quite a long time, and I would like a chance to say -- provide comments more in line with November 1st, to give it chance to get it through the Council and the SSC, in our -- under the requirements of our timing and meetings and everything else, we don't get to just schedule meetings on the fly and tend to have agendas pretty well loaded up well in advance. So, I think it would help most of our Councils if we could have till sometime in the Fall, such as, perhaps, November 1st, to make sure everybody can have an SSC meeting, to get our SOCs to review this. It is such an important topic,
and, you know, how they set ACLs, and related to that, ABCs, is just so critical to the SSC and the Council process.

MS. MACPHERSON: Well, I will definitely take that back and see what we can do about getting you a little more time.

CHAIRMAN GORELNIK: All right. Tom Nies? Or unless -- John, do you have another question?

MR. CARMICHAEL: Nope, that was it for me. Thank you, Mr. Chair.

CHAIRMAN GORELNIK: All right, okay. Tom?

MR. NIES: Thank you, Mr. Chair. Thank you for the presentation, Marian. I second John's request for more time. Anyway, sort of a broader question. I'm a little confused reading the draft Tech Memo because it seems to say to the Council that they shall do some things. For example, it says, you shall make these changes in an amendment. And I -- I guess I don't view technical memorandums as being policy directives.
Is that a mistake on my part? I -- it just seems like an odd mix of technical advice and direction to the Council on how to do things, and I've never really interpreted technical memorandums that way.

Ms. MacPherson: Well, like I said, this is a draft, and you could certainly catch us on some wording that might need to be revisited. That particular example that you just gave me about the form of the H2 alternative, that comes straight out of National Standard 1 Guidelines, where the exception is, if not -- not is not an exception, where the flexibilities are. If you're going to use the H2 flexibilities, then they -- the H2 paragraph says the way you do that is through an FNP amendment.

So, this -- this particular Technical Memo has been a little tricky for all of us because it does merge the worlds of science and policy, and we decided to embody it in a Tech Memo, but that encompasses some legal statements and some policy advice, as well.

Mr. Nies: Of course, we all know the
guidelines don't have the force or effect of law and are not regulatory. I guess my point is that some of us have intentionally crafted faster ways to get things incorporated than an amendment. And, you know, the requirement to, you know, should you get down to the flowchart where you have to do these things, the requirement to do that in amendment is going to lengthen the timeline, whereas, you know, maybe we could do it in a framework adjustment, which amends the FNP, essentially. You can do it much more quickly. That's the only thing we would be concerned about.

MS. MACPHERSON: Okay, well, I hear you, but that is -- that's taking it straight from the current National Standard 1 Guidelines, so, which, you know, that's -- it's a discussion of the paragraph, H2, and it's part of -- that is part of H2.

CHAIRMAN GORELNIK: Louis, Louis Blanchard?

MR. BLANCHARD: Yes. I am -- so, I'm the same page with Tom and John. I think we need
a little extra time, hopefully, to bring this to
the Council meeting in December and hear what the
other members have to say, as well as the input of
our SSC and the DAP. So, I think we need some
time to review this and get their input.

CHAIRMAN GORELNIK: Carrie?

MS. SIMMONS: Yeah, thank you, Mr.
Chair. Thank you for the presentation, Marian.
Yeah, I agree, it would be great if we could have
a little bit more time and if we could have a
staff -- a technical staff member that's available
to present some of this information to our SSC and
can answer some questions. I think that would be
ideal. I have several questions about it. I just
feel like we're running out of time, and this is
not really the appropriate place, but I do think
that, to make this work, it's a great start, but I
think we need to flush out a few of these ideas a
little bit further. Thank you. Oh, I did have
one other question. Did the Science Center review
this? Did Science Centers review this, at all?

MS. MACPHERSON: Yes, but the -- yes,
the subgroup is mainly composed of Science Center staff, and we have briefed it up the chain, on both the SNT side and the (inaudible) side.

CHAIRMAN GORELNIK: Further discussion?

Marcos? And --

MR. HANKE: Thanks for the opportunity to ask here. Thanks for the opportunity. I just want to say that this is a step in the right direction. There is a lot of things that we have to trim -- learn on the process and trim out. I just want to say that our SSC and the Council have been working on an incentive related to just basically what you were saying, but, for sure, we need to consult with our SSC. Thank you very much. You're going to hear from us soon.

CHAIRMAN GORELNIK: Further discussion?

Well, it seems what I'm hearing is that the Councils need more time. CCC needs more time. Councils need to go back and consult with their SOCs and perhaps the -- each Council will want, and members, will want to discuss this. Is it possible to get more time?
MS. MACPHERSON: Yeah, I think so. I'd like to go back to my leadership, and review what that is, and then, hopefully, make -- get you an answer by, you know, tomorrow, or whatever, or what we could do.

CHAIRMAN GORELNIK: Okay. I mean, we -- we meet again in October, and, ideally, we could come back, each Council will have had an opportunity to consult with its SSC, as well as the Council, each Council, as a whole, and then feedback to the CCC, and then we could provide a more comprehensive, thoughtful input, at our next meeting, next CCC meeting. I think that would be ideal. Kitty?

MS. SIMONDS: Oh, yes. Well, I'm not going to describe our situation out here, but to say that, I guess, we need to make decisions out here. And by the way, we've been working with our Science Center and the SSC, for years, and years, and years, about territory bottom fishing. There's no way for -- to -- when do you decide, you know, that you really can't do a stock
assessment for these fisheries because you can apply the information to a surplus protection production model. What do you get? You get 200 pieces of fish that the American Samoans can catch in the Federal Zone, that's what we have.

So, so, one of the questions is, is it -- do we have to not wait -- excuse me. The -- would the territory have to go to the Congress to remove themselves from ACLs, or is it a policy call? Because it is ridiculous, okay, what they can catch all, it's ridiculous.

MS. MACPHERSON: So, in -- to the extent that, you know, they're -- they're covered by the Magnuson requirement to do your ACLs, then, yeah, they would -- to get out of that, they would have to go to Congress. This would -- this Tech Memo just provides an alternative way of expressing the ACL not as a number of fish, but as a fishing mortality rate.

MS. SIMONDS: Right, okay, because I believe that. The two governors are thinking about that, and, of course, we're hoping that we
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1. don't have to do that. And that is why, you know, exploring other ways to deal with things. But you end up with having to do an ACL, anyway, so. Okay, so, thanks. We'll be talking more about these things, within the Council.

CHAIRMAN GORELNIK: All right. Is there further discussion or was anyone -- I provided somewhat of a summary. Stephanie?

MS. HUNT: Thank you, Mr. Chairman. I wanted to note, as Marian said, I'm sure we can provide more time. We'll just talk about what that looks like. I wanted to let you know the reason we chose the deadline is for the CCC Terms of Reference, which ask for 95 days, so, we went a little bit above that. So, that's what was driving it, and, of course, just the need to get it done, but we do have flexibility. So, it sounds like you might be suggesting, Mr. Chairman, maybe a early October deadline, so that we could kind of get the comments compiled and then discuss at the Fall CCC meeting? And I heard John mention November 1st, so, can you provide us a little bit
more clarity on what would be the CCC's recommendation for a new deadline?

CHAIRMAN GORELNIK: Well, I guess, you know, what I was thinking is that we would have an opportunity, among the Councils, and then we could come back, at the CCC, and provide a CCC position, and, typically, that would be adopted at a CCC meeting. More time, I'm sure, would be better, but I understand things need to get done. Part of the challenge, here, is that those Councils with near-term meetings, it's too late to put them on the agenda.

There are not a lot of Council meetings over the Summer, there are a few, but not a lot because that tends to be a time -- a busy fishing time. So, the Councils don't come back until the Fall, really, to have an adequate opportunity to consider this. So, that's -- that's why I was suggesting giving the Councils and the CCC an opportunity to provide that input, and, you know, probably, extending it to November 1st would be sensible because that would give you an
opportunity to take the input from the Mid-October CCC meeting.

MS. HUNT: Thank you. And I would just encourage -- it would be great to have a CCC consensus statement, but, really, individual Council comments kind of coming in, when they're ready, is really good for us because as complex issues come up, we can start working on them, rather than waiting for a consensus statement, but however it works for you, we would certainly accept them, however we get them. And we'll get back to you, very soon, about when we think we can extend the deadline to, but the Fall sounds fine.

CHAIRMAN GORELNIK: All right, thank you very much. Anything else from the CCC on this agenda item? All right, thank you very much, Marian and Stephanie.

MS. HUNT: Thanks.

CHAIRMAN GORELNIK: So, we're running about an hour behind, just in case, for those of you who are watching the clock. We still have to get through the CCC committee reports, and so,
we'll start with CMOD, Councilmember Ongoing Development, that Tom Nies has been working on that, but I think Diana Evans is going to provide the presentation, or the report.

SPEAKER: Diana, you're muted.

MS. EVANS: The double muting thing got me.

CHAIRMAN GORELNIK: There you go.

MS. EVANS: Let me start again. Thank you for -- thank you, Morgan, for bringing up the slides. My name is Diana Evans. I'm Deputy Director for the North Pacific. And I'll be just giving a short informational update for the CCC, here, on progress of the CCC Councilmember Ongoing Development, CMOD, Steering Committee. There is no action required. This is only an informational update for the CCC today.

So, to give you a little bit of background, just to remind you, in 2019, you adopted a proposal that we had put together, through this Steering Committee, to develop a program for Councilmember Ongoing Development, a
successor to the Fisheries Forum, which provided that role, for many years, an opportunity, and we developed the terms of reference for that. And the purpose of this group is to provide a policy-neutral setting, to -- excuse me -- to promote exchange of information on fishery management, among the eight Councils and National Marine Fisheries Service, to educate attendees on developing fishery science and management issues and also to improve skills important for effective public decision making, in the Fishery Management Council setting. And so, we outlined that as a process, to hold this -- facilitate a two-to-three-day workshop, every other year, for Councilmembers and for Council Admin Staff, focusing on a particular topic that was relevant to fishery management. The cost for that would be shared between National Marine Fisheries Service and the Council.

So, last CCC meeting, last May, I believe, we gave you an update on progress with that, that training, development for this first
meeting, planning for the first meeting. You endorsed the topic, for this first meeting, to be exploring new approaches to ecosystem-based fishery management, with a skills development focus on developing successful motions. And since that time, New England Fishery Management Council volunteered to host that first training for the CMOD group. They have been working to put out a request for proposals.

After going through that process, they have hired a facilitator that kept it a joint bid, from Resource Logic and Katie Latanich Consulting. And they have, then, developed a contractual agreement, that has now been signed by all eight Councils, money's received -- been received from National Marine Fisheries Service. So, basically, they have done all of the legwork in order to put this training in place, and, now, we're at the stage where we're ready to engage in actually preparing for the meeting. The dates selected are November 2nd and 3rd of this year, and the location selected is in Denver. That's partially
responsive to the request from the CCC to provide
the meeting and a location that was central and
easy to get to, as much as possible, for all the
Councils. If you could advance to the next slide,
I'd appreciate it. Thanks.

So, the stage that we're in, now, is to
develop the -- to go through the scoping process
and start getting prepared for that meeting, later
this year. And, again, the topic is EBFM and
ecosystem approaches to fishery management. We --
the Steering Committee had a meeting with the
facilitators, the selected facilitators, Kim
Gordon and Katie Latanich, in March, where they
discussed their approach to prepping for that
meeting, as part of the development of the request
for proposals and working through the contract to
select those facilitators.

One of the advantages, or the appeal of
this particular bid, is that they intend to do a
lot of scoping in advance to talk, specifically,
with members of all of the eight regions, Council
regions, and try to scope out what are going to be
the key issues that will be relevant for each of
the Councils, and how to structure that into a
workshop that will be effective, across all of the
regions. So, expect to hear that you -- some of
the persons in your region may be getting
contacted, between now and in the next couple of
months, by the facilitators. They're focusing on
contacting staff, ecosystem leads, if you have an
Ecosystem Committee, the Chairs of that Committee,
and then the NMFS leads, particularly for the
ecosystem status reports.

And when they have completed that
scoping, they will come back and we'll talk --
meet, once again, at the Steering Committee, to
select three or four crosscutting themes, so, to
-- trying to narrow down the broad topic of
ecosystem-based management, fishery management,
into something that can be addressed in a two-day
workshop, in a productive way, that's going to be
-- have useful outcomes and really focus on
interactive discussions amongst the different
Councils.
The Council Executive Directors will be asked, come the Fall, probably early Fall, late Summer, to identify participants, and the -- each Council, based on the way that we set out these proposals is able to send four persons to the workshop. The suggestion was to send three Councilmembers and one staff person. As part of our discussion of how we set this group up, we asked that the terms of reference -- they had to be eligible to go to this training, that you should have served at least one year on the Council, already.

But the Steering Committee had a further recommendation, when we met in March. Given the topic and the limited time to maximize use of that time, it was really suggested by the group that if EDs could send Councilmembers that have at least some basic exposure to EBFM concepts, EAFM concepts, then that would allow the focus to be left on kind of bringing everyone up to speed on introduction to the material and could really focus on those discussions about where do we go
from here? What are productive steps that we can take, as Councils, and really allow the focus to be on one of the key benefits that we see out of this training, which is for council members to have direct connections and opportunities to talk with their counterparts in this very small group of fishery management Councilmembers, across the nation, and be able to share those experiences and form those connections, as we tackle similar issues from different regional perspectives.

So, I think that's the primary messages to send today. That's where we're at, in terms of development of the topic. I'd say the Steering Committee -- it brings either, you know, various Executive Directors, Councilmembers, staff from all of the different regions, and Stephanie Hunt, who is our Representative from National Marine Fisheries Service, Chaired by Bill Tweit, who's the North Pacific Council Vice Chair. So, I would perhaps give an opportunity to either he or to Tom Nies of the New England Council, if they want to add any additional words, but this is primarily an
update to let you know where we're at with the planning of this upcoming CMOD training. Thank you.

CHAIRMAN GORELNIK: Thank you, Diana.

Tom Nies?

MR. NIES: Very quickly, Mr. Chair. I know I've said that before, but I would like to thank the Agency, once again, for providing a pretty big chunk of money that's helping us put this on, while keeping the cost reasonable for the Council.

CHAIRMAN GORELNIK: All right. Any questions on the report? We'll come to discussion later, if there will -- if there is any. Chuck Tracy?

MR. TRACY: Thanks. Thanks for the report, Diana. Just a question. You gave some pretty good guidance on attendees, in terms of Councilmembers, but didn't hear much on staff. So, I'm kind of curious as to what you think would be appropriate for the staff person being sent. You know, are you looking to have some staff
expertise there to help the process along, or are you looking for, again, for more of an opportunity for staff that maybe aren't, you know, directly responsible or involved in the EBFM or EAFM (inaudible) Council to come and learn about that?

MS. EVANS: I'm sure the Chair -- that's a good question. We didn't talk specifically at the Steering Committee level about what we were looking for out of staff, but in this Councilmember context, at least, it was (inaudible) to allow the right people to be in the room, so that the focus could be on discussing solutions or perhaps ways forward for the Councils to be prepared for ecosystem-based fishery management changes and be -- and for those Councilmembers to be able to kind of lead the -- lead those initiatives back at their home Councils. And so, I think the same idea would apply to staff. There will likely be some keynote speakers, as part of -- invited, as part of the preparation or the layout for the workshop. So, if the -- if expertise is needed, I think that we
will probably get at that through the keynote speakers, and for the staff that are invited, perhaps people who would be likely to work on or lead these initiatives at their home Council, who would also make notes.

CHAIRMAN GORELNIK: Any further questions on this committee report? All right, thank you, Diana. And just to let you folks know, we're going to keep going, but we'll have a hard stop at 6:00. So, if we don't finish, we will just have to pick it up first thing in the morning or afternoon, as the case may be. I realize it's coming up on 6:00 in the East. So, we'll now move to the Communications Report. Chuck Tracy?

MR. TRACY: Thanks, Mr. Chair. Just real briefly, the Communications Group has not been real active over the last year or so. They have kind of upped their game a little bit with the -- with this meeting. Yeah, they've been instrumental in updating the OFMC website, the Fishery Council's.org website, particularly with a new brochure and in describing the overall Council
process and then a number of factsheets that were -- the CCC directed each Council to develop on some topics, like Forage Commission, in minimum timelines, and climate resiliency, and ecosystem management, that were targeted -- well, there are one or two page factsheets that were initially targeted for the legislative staff, so that the -- they'll interview some resources for those folks, when they're developing legislation and seeing what the Councils have already done.

So, that's primarily what the group's been involved with. So, other than that, nothing is planned for them, at this time. So, with that, I will pause. I don't know if there's any, you know, guidance for folks or not, but --

CHAIRMAN GORELNIK: So, are there any questions on Chuck's report? Any additions from any members? All right, thanks, Chuck, but don't go too far away because the next report is the NEPA Subcommittee, and that's you, as well.

MR. TRACY: Okay, great. Yeah, so, so, real quickly, I'm going to share my screen here.
I can remember how to do that. Here it is. Oops.
I'm not going to share the wrong one. I'm sure I -- I'm right again. There we go. Okay, yeah, so, the NEPA -- CCC NEPA Subcommittee was formed at our last Council meeting, in response to the new CDQ regulations. Let's see if I can make this a little bigger here. So, the group was formed. It's primarily the CCC or the NEPA Coordinators from each Councilmember, and I was the Chair. Let me just, first, say that it was a really great group to work with. Everybody was very productive, very interested and energetic, and I think we were able to do a lot of really good business. So, I really appreciate everybody's contributions to that, to this effort.

And so, a little background. Again, the new NEPA regulations came out last September. They included things like time, limited some page limits and changes to the cumulative facts and reasonable alternatives. We also addressed the possibility of looking at functional equivalency for other statutes, relative to NEPA. And the --
they also require Agency compliance procedures -- revisions to be completed within one year, so, that would be September 14th of this year.

NMFS and NOAA responded by providing some interim guidance, with some waivers for some of -- page limits. And then they also proposed a workshop with CCC participation, in order to look at some of the revisions to the guidelines and the potential -- if there's any need for revisions to the regulations, as well as to look at functional equivalence, since that's been a big issue for the CCC, for a number of years.

They noted, at the time, that there was a possibility that the regulations would be reviewed, if a new administration came in. That has, in fact, occurred. So, some of the implementation has been delayed for that. But NOAA did note that the functional equivalence aspect is really not necessarily dependent upon -- on the CEQ regulations, that that is a doctrine that's got some support outside of that process, so. And as a result of that, they issued a NEPA
-- a memo from the NEPA Coordinator on guidance on NEPA functional equivalence and substitute procedures and documents. So, that was appreciated and very useful.

As I said, the new administration has delayed the implementation of the -- they are still reviewing the new regs to see if they -- what they want to do with them, I guess. And as a result, the workshop, that was proposed, originally, for last Winter, was delayed a couple times, and, now, it's sort of delayed indefinitely. So, that did slow the process down a little bit on our end, as well. But the subcommittee did continue to work on those issues. Their charge was to develop a list of issues, of questions that could be addressed in a workshop. So, we continue to do that. And because of the -- putting the CEQ regulations on hold, the focus of the group shifted towards functional equivalency, which I think was always, you know, probably a higher priority, anyway. But we did continue to work on both aspects.
We had several meetings between October and April and developed a report for consideration of this meeting. The report is in your -- in the briefing materials on the fisherycouncils.org website. It assumes that the workshop will still occur. So, that was the format that it was in.

So, we did develop a list of issues and questions for NMFS consideration, both on the regulations and Agency guidelines, as well as functional equivalency and substitute procedures. The report also contains a brief history of sort of a CCC interaction with NMFS on revising the -- or aligning NEPA and Magnuson Act, that it was originally proposed in the most recent MSA reauthorization, and so, the events that is most current in there. So, if you're not up to speed on this, you can go and take a quick look at the report. I think that's Appendix 2 in the report, and you can get some back -- some background, just on that.

In regards to functional equivalency, again, the NEPA Coordinator provided a memo with
guidance on that. The priority, it identified five criteria, I guess, for consideration of functional equivalency, one, that it involves management, conservation permitting, or authorization related to environmental resources. It requires consideration of the core NEPA issues, such as effects of actions on given environment, adverse effects, alternatives, the relationship between the long and the short-term use, and also irreversible limited resources, a loss providing meeting, for a meeting for public participation, in the decision making process, ensure documentation is considered in a record presented to and evaluated by a decision maker before a final decision and requires documentation, the reasons for a final decision.

And so, all of those criteria, the subcommittee found that the Magnuson Act met those. There's a sort of a checklist of those and how the Magnuson Act addresses each of these in the report, in Appendix 1. So, that -- given those criteria, and the fact the Magnuson Act can
be -- the committee -- subcommittee felt that Magnuson Act meets them. We've developed our list of issues and questions, and the objective that the subcommittee identified was to develop a workable, functional equivalence rationale, and it related procedures that we agreed to, by both Council and NMFS participants in the workshop, recognizing that that will not be the end of it, that that was the workshop objectives, and all the number of questions can be addressed in the workshop, as well.

For the sake of time, I'm not going to go through all of them. But I would just note that these are questions that we would hope to be explored, in a workshop environment. They also developed questions and issues to be explored, regarding the NEPA procedures and the CEQ regulations. So, the objective there was to develop clear and useful guidelines, and NMFS NEPA procedures.

They identified a number of topics to explore in the workshop environment or framework,
including the issue about what constitutes a major Federal action and if the threshold of NEPA, relative to the Magnuson Act actions, criteria for determining significance, is clarification on a couple of new things in the rules, like the term reasonable alternatives and technically and economically feasible, as well as some of the issues associated with changes to (inaudible) analysis, such as reasonably foreseeable, the terms reasonably foreseeable and having a reasonably close (inaudible) relationship to the proposed actions. And so, that -- those are identified in the report, and Appendix 3A provides some additional details on the issues and questions. So, I can go there, if you want some more detail.

The bottom line is that CCC NEPA subcommittee did have some recommendations for the CCC to consider. We requested that they urge NMFS to hold the proposed workshop, with the aim of producing the revised NEPA procedures, that approve transparency, allow greater flexibility
and result in more concise documents, that are easier for stakeholders and managers to understand and use for decision making. The revised procedures should reduce the time between Council final action, in its implementation, reduce complexity of processes and products, and reduce duplication of analysis required under different mandates. I, secondly, urge NMFS to clarify how and whether its NEPA procedures will be updated, particularly in relation to the impending September 14, 2021 deadline, imposed by the CEQ regulations, request that they plan for training Council staff on application of NEPA, under the new regulations and Agency procedures.

And, lastly, if it comes about that no workshop is held, that that process is delayed, that the CCC should request NMFS to continue dialogue on the application of functional equivalence doctrine, in relation to Magnuson Act and recognize and adopt (inaudible) caselaw or failing to have the development of alternative procedures and documents. So, that's -- those are
the recommendations from the workgroup. And with
that, I will answer questions.

CHAIRMAN GORELNIK: Well, thanks, Chuck.

And I think that we're going to give folks
overnight to think about questions, inasmuch as
it's 6:00 in the East and 3:00 here, and we'll
probably have some discussion, as well. We have a
few other reports. So, unless anyone objects, can
we pick this up, on this page, tomorrow morning,
when we resume. We'll -- committee can answer any
questions that come up, and then we'll conclude
with the rest of our committee reports. Would
anyone object to that?

SPEAKER: No.

CHAIRMAN GORELNIK: All right. It's --
I know it's late in the East, still early in the
far West. So, thanks everyone for your work
today. We will break now, and we'll come back
tomorrow morning, finish up committee reports,
have a public comment, and any discussion, and
when we conclude that, we will start on our day
three agenda.
MS. SIMONDS: I'm just going to butt in.

Can you put my hand up?

CHAIRMAN GORELNIK: You have something, Kitty?

MS. SIMONDS: Mr. Chairman, I just want to remind people of the social hour --

CHAIRMAN GORELNIK: Oh, yes.

MS. SIMONDS: -- after the meeting is over.

CHAIRMAN GORELNIK: Right.

MS. SIMONDS: We have a one-minute video. Thank you.

CHAIRMAN GORELNIK: Thank you for -- yes, so, the -- while this concludes our day's business, we do have our social hour. So, folks can just hang out, at this point --

MS. SIMONDS: Certainly.

CHAIRMAN GORELNIK: -- for nonbusiness discussions and chatter. So, happy hour now commences. Be happy. And you can just -- your video going to run, Kitty?

MS. SIMONDS: Yes, it's just one minute.
CHAIRMAN GORELNIK: Okay.

MS. SIMONDS: But are you --

CHAIRMAN GORELNIK: (overtalking)?

MS. SIMONDS: -- but it -- it's after the -- we've concluded the public part of the meeting.

CHAIRMAN GORELNIK: The -- yeah, we're breaking now.

MS. SIMONDS: Okay.

CHAIRMAN GORELNIK: We're breaking now.

The business meeting of the CCC for day two has concluded. We'll conclude that agenda -- we'll pick up that agenda tomorrow morning. So, the business session has ended, and, now, as what we discussed earlier, we have a happy hour. I see you are getting happy already.

MS. SIMONDS: All right.

(Whereupon, at 6:02 p.m., the PROCEEDINGS were continued.)

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CERTIFICATE OF NOTARY PUBLIC

DISTRICT OF COLUMBIA

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

______________________________
Mark Mahoney

Notary Public, in and for the District of Columbia
My Commission Expires: March 31, 2022