U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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NOAA FISHERIES
COUNCIL COORDINATION COMMITTEE

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MEETING

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THURSDAY
May 20, 2021

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The Council Coordination Committee met via video-teleconference, at 1:15 p.m. EDT, Marc Gorelnik, Chair, presiding.

PRESENT
MARC GORELNIK, Chair
SIMON KINNEEN
CHRIS MOORE
TOM NIES
CHRIS OLIVER
BRAD PETTINGER
SAMUEL RAUCH
CARRIE REID
CARRIE SIMMONS
KITTY SIMONDS
ARCHIE SOLIAI
CHUCK TRACY
BILL TWEIT
ED WATAMURA
DAVE WITHERELL
ALSO PRESENT
BRETT ALGER
MORGAN COREY
KELLY DENIT
PAUL DOREMUS
ADAM ISSENBERG
JEN LUKENS
DAVID O’BRIEN
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P-R-O-C-E-E-D-I-N-G-S

1:31 p.m.

CHAIR GORELNIK: Well, good morning, everyone. It is 1:30 in the east, 10:30 in the west, and even earlier in the Western Pacific.

We're going to get started now with Day 3 of this CCC Meeting and in a moment we'll pick up where we left off yesterday.

I just wanted to make an announcement that for those who wish to offer public comment, there'll be several opportunities today.

What you need to do is indicate in some way that you wish to speak on an agenda item and that means either raising your hand within, as an attendee or sending a chat to the SF Webex host indicating you want to speak on an agenda item.

Because we're running late, we'll probably have to limit public comment to about three minutes a person. This is our last day. We don't have any makeup time for tomorrow.

So before I start, before we return to an Agenda Item 9, let me see if there are any announcements, either from Chuck Tracy or anyone else and I'm not seeing any hands.

So when we left last evening or morning as the case may be, we had just finished the NEPA Subcommittee report and we'll finish the last two reports and then we will have any questions from the Committee, from the CCC.

We will then have public comment and then we'll have Council discussion and action on Agenda Number 9.

So I think, Chuck, you had finished your presentation on the NEPA Subcommittee and so we will move now to Dave Witherell, the status of the SCS-7 meeting.

MR. WITHERELL: Thank you, Mr. Chairman.

I have this written briefing attached to the Agenda on this item. If you recall, in 2020, the North Pacific Council was planning to host the Scientific Coordination Subcommittee meeting in Sitka, Alaska.

And when the pandemic hit we had to cancel that meeting. And I looked into, along with the Steering Committee, the possibility of hosting the meeting virtually in 2021. We have
since been convinced or come to the realization that a virtual meeting would not necessarily result in the benefits that we tend to get from those Scientific Coordination meetings.

So I'm looking to have that meeting in person, to hold that meeting in person in Alaska in 2022 and I'm committing to do that with North Pacific Council budget funds if necessary.

But we do have a funding issue. In 2019 the National Marine Fisheries Service did supplement our budget with $60,000 which we successfully carried over in our no-cost extensions through 2021.

Now OMB released a memo in March that would authorize carrying over those funds for an additional year through 2022 if authorized by the funding agency.

Our NOAA grants person in the Alaska region has not had any guidance from OMB or NOAA grants further guidance on how to allow us to obtain funds to fund this SCS meeting.

So I'm basically requesting that NOAA Fisheries do what they can to help us secure those carryover funds and be able to have an in person meeting as envisioned for this scientific subcommittee.

Well, that's my report, Mr. Chairman. Bottom line is that we're planning to host that meeting in 2022 as opposed to 2020 as originally anticipated.

CHAIR GORELNIK: All right. Thank you very much, Dave.

And the last Committee report is the COFI report, Kitty, and I think you have a presentation?

MS. SIMONDS: Yes, I do, Mr. Chairman.

Thank you, I'm ready.

So as you all know, councils participate in the U.N. COFI which is the Committee on Fisheries meetings on U.S. delegations and we take turns. East coast, West Coast, East Coast, West Coast.

So this year while it was supposed to be the East Coast, I took it because the, you know, many of the topics deal with AMBs which is one of our biggest interests for all of the councils.

So in your briefing book there is a
one-pager on our request to the U.S. Delegation.

So may I have the first slide, please?

Okay. Second slide. Thank you, thank you.

So our request for area-based management guidelines is provided in the briefing book as well. We, the Council, held a workshop in June of last year and which included 30 experts from all over the world representing all the major RFMOS, academia and NGOs like Global Fish Watch, TNC, IUCN.

It was shared by Ray Hilborn and the FAO Fisheries Division Chief Vera Agostini. A report on that is available and linked to the documents on the WP Council Website.

So a peer, a review RFO is going to be published sometime this summer on this ABM workshop that the Council hosted and also a, well, a subcommittee on fisheries management will be developed at COFI35 which is where our needs to address these area-based management guidelines, could be enacted internationally.

Next slide, please?

So most of the focus was on improving the monitoring of small scale fisheries noting issues with IUU fishing and lack of input output controls.

The U.N. General Assembly declared 2022 the International Year of Artisanal Fisheries and Aquaculture. So obviously aquaculture was a focus specifically on the use of microbials, antibiotics, for purposes of food and ecosystem safety.

Next slide, please?

So the IMO, the International Maritime Organization and International Labor Organization’s compliance regarding IUU fishing associated with labor and other issues, compliance issues, was another focus at this meeting.

So most important to us, the issue of main streaming biodiversity was covered at length to build future agreements regarding fisheries on preparing for climate change.

Next slide?

So FAO’s work plan addresses regional issues regarding management practices to conserve biodiversity through regional learning events which was encouraged by the Canadian delegation.
These learning events allow for regional management objectives to be heard, considering priorities, defer across the many regions. So this is another opportunity for us to address our needs regarding area-based management.

Next slide, please?

So following on these, you know, learning events, exchange of ideas and experiences among the regions, they plan to hold these around the Asia-Pacific, Africa, Latin American, and the Caribbean. So this is another opportunity for councils to participate or share viewpoints, especially those of us who have international fisheries that we manage.

Next slide, please?

So lastly, the FAO work plan coincides with much of the proposal for an area-based working group that we heard yesterday.

So this is my report, Mr. Chairman.

And while the U.S. did not intervene on this matter or make a request, it did circulate information on our Council's workshop in its written statement.

And on the paper we provided, the entire COFI report which is voluminous is, there's a link there for you all. So thank you very much.

CHAIR GORELNIK: Okay. Thank you very much, Kitty.

So we've had all the reports and let's first see if there are any questions from CCC members on any of the reports and we'll take these in the order they were given.

Are there any questions on the CMOD report? Okay.

Are there any questions on either the communications report or the NEPA Subcommittee report, both given by Chuck Tracy?

Okay. Are there any questions on Dave Witherell's report on the planning for SCS7?

And finally, are there any questions on the COFI report provided by Kitty Simonds? I guess the reports were so comprehensive we don't have any questions at least from the Committee which is good.

So before we go to Council discussion and action on these various reports, let's see if
we have any requests from the public to speak.  
I'm not seeing any hands raised in the attendee  
list. 

And Nicholas, have you received any  
requests to speak? 

THE OPERATOR: No, I haven't. 
CHAIR GORELNIK: All right, great. 
So then that brings us to Council  
action on Agenda Item 9, the various reports of  
the CCC Committees. And so let's see if we have  
any hands raised. 

Brad Pettinger? 

MR. PETTINGER: Yes, thank you, Chair Gorelnik. I've got a motion for the NEPA  
Subcommittee. 

CHAIR GORELNIK: All right. Please go  
ahead. 

MR. PETTINGER: Okay. I move the CCC  
recommend that the National Fisheries Service  
consider the report of the CCC NEPA Subcommittee  
and conduct a proposed NEPA workshop to extend  
development of agency guidance on the  
implementation of the new CDQ NEPA regulations  
and procedures or functional equivalence of MSA  
actions. 

CHAIR GORELNIK: All right. Well,  
let's see if we can't get that up on the screen. 

MR. TRACY: Morgan, can you allow me  
to share my screen? This is Chuck. 

MS. COREY: No problem, Chuck. 
CHAIR GORELNIK: All right. Brad,  
that's your motion on the screen there. 

MR. PETTINGER: It is. 
CHAIR GORELNIK: All right. I will  
look for a second? A second by Tom Nies. Thank  
you, Tom. 

Brad, do you want to speak to your  
motion as necessary? 

MR. PETTINGER: I don't think it's  
necessary. I'll think Chuck's overview and  
report was really good and I think we're a little  
behind here so I think I'll just go with that  
report that's there. 

CHAIR GORELNIK: All right. Let's see  
if there's any discussion on this motion. 

MR. TRACY: Mr. Chair, I can't quite  
find my hand but I did have a question, I guess. 

CHAIR GORELNIK: Okay.
MR. TRACY: Or maybe some discussion. I guess I was just kind of curious what, if NMFS had a status update on their plans for the workshop or anything else going forward? Sorry I didn't get that out there sooner.

CHAIR GORELNIK: MR. RUNNELS: Let's see if we can get someone to respond to your question.

MR. RAUCH: Mr. Chair, if I may? This is Sam Rauch.

CHAIR GORELNIK: Please go ahead, Sam.

MR. RAUCH: Unfortunately I do not have a status update. I think as you indicated in your presentation yesterday, we are still evaluating what the overall response to the administration is going to be and still in our agenda it's something we'd like to pursue but exactly how we do that we do not currently have plans.

But I will give you a better, more directed update once I can consult with our NEPA folks about that.

CHAIR GORELNIK: Thank you. All right. Is there any further discussion, questions, comments on this motion? I'm not seeing any hands so please unmute your microphones so we can vote on this motion. All those in favor say aye?

(Chorus of aye.)

CHAIR GORELNIK: Opposed, no? Abstentions? The motion passes unanimously. Thank you, Brad, for the motion.

We have several other reports here for discussion or any action as necessary. I will pause here to see a hand go up if it does for any further discussion or action on the other reports. And I'm not seeing any hands so I believe we have concluded our business on Agenda Number 9, the Reports of the CCC Committees.

Okay. And that takes us back to today's agenda. And with that, we will start with Agenda Item Number 10, Seafood Competitiveness, Marketing and Economic Growth.

And Paul, I think you have the floor here.

DR. DOREMUS: Thank you, Mr. Chair.

It's great to see everybody again today and be able to take up a very expansive topic.
I'll just provide some framing here for just a couple of minutes before we dig in to a couple of elements of Executive Order 13921 which was landed last May and has a range of different components that are broadly oriented around approving the competitiveness of the U.S. seafood, the U.S. fishing and seafood sectors as a whole.

And we're covering two of those here today, the components under Section 4 that you all have contributed to as well as latest on aquaculture opportunity areas.

Those are two pieces of a fairly comprehensive executive order that actually developed over a very long time period and with lots of input from industry as we've discussed before.

And in many respects, those components along with the third topic that we're going to be taking up today which is Part C of our agenda item on seafood marketing.

Our Marine Fisheries Advisory Committee has spoken on that topic. We'll have a little bit of a focus on that but also a number of other aspects of the sort of demand side of the equation with education, marketing and promotion efforts that would complement a National Seafood Council type effort, workforce development, working waterfronts, a range of issues that we'll cover there.

And really, this is really an opportunity to update the CCC on the status of this set of efforts what have been several of which are in motion and really think, I think, comprehensively here about where we are in terms of the resilience, overall competitiveness of the fishing and seafood sector of the United States.

We've had an enormous shock with COVID and, you know, in many respects, it accelerated a lot of changes and revealed a lot of weaknesses in the industry, broadly speaking, that we had known about and highlighted the need for strategic initiatives to build back better as is the charge and really kind of play for the longer term strengthening.

And so strategic management of a lot of very, very significant pressures on the industry, not only the economic pressures and
sort of market disruption and change in consumer
dynamics, some positive, some negative coming out
of COVID, but also a lot of the pressures that
we've been talking about on uses of ocean space,
on the changing environmental conditions that
we're focusing on very heavily under Executive
Order 14008, among other challenges.

So this is I think a part, a snapshot
on key segments of what you could probably call a
national seafood competitive strategy.

We'll get started with an update with
Kelly Denit and on the Section 4 and David
O'Brien on aquaculture opportunity areas.

And then we'll spend a little bit more
time on the broad topic of seafood marketing,
including but not limited to MAFAC's efforts.

So thank you for the opportunity to
dig into this topic and I will turn it over to
Kelly Denit for our first piece of the discussion
here this afternoon.

MS. DENIT: Great, thanks, Paul.
CHAIR GORELNIK: Welcome, Kelly.
MS. DENIT: Thanks, Marc.

Good to see everybody this afternoon.

From what I've been told, I am extremely sad that
I missed the happy hour last evening. I look
forward to at some point seeing the video that
was shared.

So Morgan, could you please bring up
the slides for me? You're a peach. Thank you.
So quickly, I'm going to run through
a little bit of a reminder on Section 4 of 13921.

Go ahead and go to the next slide,

Morgan?

So you all recall that this was the
section of the EO that was focused on soliciting
a prioritized list of actions from you all to
reduce burdens on the domestic fishing industry.

You were asked to focus on things that
could be initiated within one year and you had a
range of topic areas that you could cover,
everything from specific regulatory actions, to
guidance documents, to others.

It has to be consistent with our
various statutory requirements. And then we were
required to review that input and as appropriate
update the unified agenda which is essentially
the regulatory calendar with that input.
Next slide, please?

So just as a quick overview, this shows you a map of the number of actions that you all submitted by Council with the Mid-Atlantic leading the charge with 18.

Go ahead to the next slide, please?

And click a couple times, we're in, because I think we, yes, thank you.

So as a reminder, you all submitted this information back in November to all of us. Since that time we've been reviewing all of the input.

And thank you all again for using the spreadsheet that we provided. That made it a lot easier for us to be able to sort through all of the input.

You'll see here in the pie graph, gives you just a general sense of how those suggestions broke down into the four different bins.

So we had one that was regulatory, actual changes to regulations which had about the 18 actions total.

Then the non-regulatory NMFS led, had about 51 actions in it and I'm going to talk a little bit more about what's included in that bucket in a second.

Then there were some recommendations for other agencies as well as we ended up with just a little bit of a catch-all other category.

Go ahead to the next slide, please, Morgan?

So we have reviewed the regulatory action inputs.

Go ahead to the next slide?

And there were a total of 18 regulatory actions received. These were proposed or considered near term rate, i.e. that there's going to be a final rule or final Council action in the next six to 12 months.

So in terms of what we needed to provide for the unified agenda, there was one action up in the North Pacific that was approved in time to make the spring UA and then there are about nine I think actions of those 18 that you all provided that we anticipate will make the fall UA.

And so our plan is as your respective
councils move through your process then you are finalizing your actions, that based on those timelines we will add those regulatory actions or those regulatory changes to the unified agenda.

Go ahead to the next slide, Morgan?

Okay. In addition as I mentioned, we kind of had the big buckets of non-regulatory actions that you all provided.

And so since February, we've been working with the regional offices and our headquarters offices to review all of those non-regulatory actions.

Go ahead to the next slide, Morgan?

Thank you.

So here these were just some general themes that came through in the buckets for Bins 2 through 4.

Several of you expressed support for commercial electronic reporting programs, overall improvement in data collection. I'm sure you'll all be surprised that you separately advocated for support for the surveys and monitoring and observers in your respective regions.

You also included suggestions around National Standard 1, the Modernizing Fish Act and ACL flexibility.

We're going to talk more about the domestic seafood competitiveness but several of you had specific recommendations about recommendations to work with USTR to reduce trade barriers and other actions like that.

Paul has already alluded to the support you've indicated for the national seafood marketing program.

There was also support for climate scenario planning and then a couple specifics for reclassification of squid under specific regulatory actions the Fish and Wildlife Service took and lots of work for getting the next generation of fishermen out on the water.

Thank you.

So at this point here we are in May to update you all on where we stand. As we conclude the CCC meeting, we will continue to review those non-regulatory recommendations and talk with Sam and Paul further about that and then provide those recommendations to other agencies as
appropriate and incorporate those into our
decision making as we move forward.
And so I think that's the last slide.
Be happy to answer any questions.
CHAIR GORELNIK: Are there any
questions of Kelly? Chuck Tracy, then Chris
Moore.
MR. TRACY: Thanks, Kelly. Thanks for
the presentation.
Just to make the last point I guess.
So I take it that none of the non-regulatory
items have been, there have been no results from
any of those matters? If there hasn't been any
action taken I guess I'm particularly interested
in where the squid reclassification item stands.
MS. DENIT: Sure, Chuck. Yes, so
certainly some of those recommendations have been
taken into account. For example, like I
mentioned many of you advocating for support for
surveys and other particular funding priorities
which have been considered.
But things like, yes, the Fish and
Wildlife Service and actions on Squid, we have
not forwarded that to the Fish and Wildlife
Service yet.
CHAIR GORELNIK: Chris Moore?
MR. MOORE: Thank you, Mr. Chairman.
Hi, Kelly. How are you?
MS. DENIT: Hey, Chris.
MR. MOORE: So one of the questions I
was going to ask is the one you just addressed
about squid. So that's good to hear. Can you
put that timeline graphic up, please?
MS. DENIT: I'm sure Morgan with her
magic powers can.
MR. MOORE: Oh, there you go. So the,
a couple things that strike me. I don't remember
and it could be that it wasn't asked, but you say
in March and April there was a request of
feedback from the regions.
So the councils weren't involved in
that. That was the headquarters to region
contact and we weren't involved, correct?
MS. DENIT: Correct.
MR. MOORE: It wasn't feedback from
us, it was the region, okay.
MS. DENIT: Correct.
MR. MOORE: The other thing, the last
highlighted green bullet, prepared to report, is that report something that's available or is it linked to your presentation? I didn't see a report.

MS. DENIT: I think this slide deck is our report as far as I know, Chris.
MR. MOORE: Oh, okay.
MS. DENIT: Yes.
MR. MOORE: I get it.
MS. DENIT: Sorry, probably just a little bit of poor wording choice there but the slide deck is really kind of our update for you all on where everything stands.

MR. MOORE: Got you. And the last question. So you used the term UA, Unified Agenda. I probably should know what that is but what is that and who's that for?

MS. DENIT: Awesome. Yes, Unified Agenda is essentially the federal government's list of all of the regulatory actions that it's going to take or that it plans to take, comes out of OMB.

The Office of Management and Budget is part of the White House. All federal agencies participate in it.

You've had actions listed on it for years and years, so.

MR. MOORE: Oh, okay. Yes, just never, you know, it just never struck me, I never thought of it that way so, yes, thanks. I mean, yes, appreciate it. Thank you.

MS. DENIT: Sure.

CHAIR GORELNIK: Thanks, Kelly. Any further questions for Kelly? I'm not seeing any. Thank you very much, Kelly.

Paul, back to you?

MS. DENIT: Actually, Mr. Chair, I'm sorry --

CHAIR GORELNIK: More, Kelly?

MS. DENIT: Yes, could I take us on just a minor tangent to address some of the issues that came up in the NS1 data poor conversation yesterday just while I have the floor? It'll take two minutes.

CHAIR GORELNIK: Sure.

MS. DENIT: Great, thank you so much.

So first of all, thank you all again for your participation in the conversation
yesterday on the data poor tech memo.

I heard from folks that you all requested a little bit more time to review that document so we would like to get comments back from you all by early October.

We recognize that that's not as much time as you had asked for but we think that that will give us a little bit of time to at least be prepared to have a conversation with you all at the October CCC meeting rather than waiting to get all of the comments after that.

So I just wanted to share that very brief update, Mr. Chair, and of course if people have follow-up questions we can discuss them offline. Feel free to send stuff and either Mary or I an email.

Thank you, sir.

CHAIR GORELNIK: All right. Thank you for that, Kelly. Well, thanks for that report, Kelly.

Paul?

DR. DOREMUS: Thank you, Mr. Chair. Let's turn the mic if we can over to David O'Brien who's currently acting as the director of our Office of Aquaculture for the second item here under this section.

David?

CHAIR GORELNIK: Welcome, David.

MR. O'BRIEN: Thank you, Mr. Chair. I'm happy to be here today. Thank you for the opportunity to come and speak to you today about where we stand with aquaculture opportunity areas.

And Morgan, if you're driving, great, thank you.

So I wanted to start by hopefully a brief presentation here to really do three things. One is to summarize our actions to date in the world of aquaculture opportunity areas, let you know where we stand.

Second is to talk about what comes next over the next few months. There'll be some significant steps along the way. We want to make sure that all the CCC and our councils are aware of these actions. And then also to talk about opportunities to engage in the process from the CCC as a group and also for the individual councils to engage in the process.
Morgan, next slide, please?
So as a reminder under the executive order for seafood competitiveness, Section 7 calls for the establishment of aquaculture opportunity areas.
And it called for, had some fairly aggressive timelines and to be clear, these timelines would have been highly aggressive even if we're fully resourced to do this and we're not.
So these timelines will slip but we're doing the best we can with what we have to stay as aligned with these timelines as much as possible.
It calls for within one year of the EO which by the way was signed just about a year ago today or 13 months ago it was signed, to establish two AOAs and then go through a process of establishing an EIS, programmatic EIS for each of them.
And then to have a furthermore established AOAs, a total of ten over five years. Again, we're not going to meet that timeline but that is what the executive order calls for.
Next slide, please?
And here's just graphically what the, again the timeline laid out for you. I won't go through it again except to note that Year 1 we're looking at the first two AOAs on that first row, so to speak.
We're right now about six months behind so we've not identified those first two AOAs yet but we hope to do so, well, at least the beginnings of doing so. Be prepared for the PEIS stage sometime this fall and I'll get to that a little further along the presentation.
Next slide, please?
So next few slides are a basic timeline. I'm not going to hit every one of these pieces in the interest of time but I will stop a few places along the way just for some highlights.
Back in the summer of, back in August of 2020 is when we first announced the two broad regions where we decided to establish some future AOAs in the Gulf of Mexico and in Southern California.
At that point we started doing our
outreach events with stakeholders including the
councils, our stakeholders and partners including
the councils and the Ocean Service, our partners
in this effort began a very deliberate effort to
look at all the data available to begin a spatial
planning effort to help inform the AOA
development as we move forward.

Next slide, please?

About last fall in October we
published a request for information to gather
public input and I will be going through some of
the highlights of that public input later in my
presentation.

And then we also began a very even
more dedicated outreach campaign essentially to
again working with the councils but also the
general public.

We held a number of listening sessions
mostly through November into early December as I
recall, and tried to collect all that information
to feed into the selection process for specific
areas for future ALAs.

Next slide, please?

I won't really touch on anything
particular too much right here other than to say
that this is basically where we are now.

We're merging the information we got
from the public comments as well as the
preliminary atlases that NCCOS develops just for
internal use for us to sort of digest certain
aspects of what they are looking at. And that's
all being merged at this point.

I will say also the RFI I mentioned
the last slide really had two questions. I
should have said that at the time.

One was to help us get more
information on the first two AOAs but also more
broadly to ask about looking forward as you look
to AOAs Number 3 and beyond, where should we be
looking at, any concerns, thoughts, that the
public may have to inform that next step.

Next slide, please?

So these are the next steps that are
coming down the pike. One is in the late, well,
probably late summer, early fall, or maybe mid-
fall, expect to see a draft or an atlas published
by the Ocean Service that has preliminary areas
for consideration for aquaculture opportunity
Let me say that again, it's a lot there. I think there's been some confusion on this front. The atlases themselves will not be the opportunity areas. That is the first or a key step along the way but there'll be multiple other steps between that process in the fall and the actual establishment of AOAs. And there'll be at least two or three opportunities for the Council and others to weigh in on as you move in that process.

Simultaneous or close to simultaneous with the publication of those atlases, there'll be a Notice of Intent published or to establish the EISs in the, both Gulf of Mexico and Southern California. In the meantime, we'll continue to work with the councils and others to, for outreach to continue to let them know what's going on and what to expect next.

We got 73 unique comments from the public through regulations.gov and also quite a few from the public listening sessions. A mix of federal and state agencies weighed in as well as councils, tribes, NGOs, and many individual comments. There were two write-in campaigns which is not surprising, Friends of the Earth as well as Center for Food Safety, voicing some concerns about the process. But actually when we get to the next slide, please, I'll go through some of the details about what they said.
So there was a mix of opposition and support I think is the high level way of phrasing this. In general, much of the opposition was focused on finfish aquaculture which is not surprising given you've heard that over the years in many different contexts. That's where a lot of the opposition from those two environmental groups came from.

Then we got some very specific comments which was very helpful about areas in Southern California and Gulf of Mexico where people thought we should avoid or to focus on. And in general the issues raised covered the wide gamut of things we've heard again many times, different contexts, for water quality, marine mammals, et cetera.

This is all very valuable information for us to include and we would have done it anyway but to see it in a public context, it would include these as part of the Programmatic Environmental Impact Statement.

Next slide, please?

So next steps. We will be completing PEISs for the first two AOAs. As I said a moment ago, it starts with, well, if that starts with the next steps it will be the simultaneous publication of the atlases as well as the Notice of Intent sometime this fall and that kicks off the formal EIS process.

We can solve, there's a lot of public engagement built into it as does any EIS process. These areas will be considered and the areas to be considered in PEISs will be based on the atlas but also further coordination with stakeholder input as well as from our own internal discussions with Protected Resources, Sustainable Fisheries, Habitat, et cetera.

Next slide, please?

As I said, our Notice of Intent had those two questions. One was on the first two AOAs, the second question's really on future AOAs. I did hear quite a bit on that front as well.

In general, there's been a lot of support for mariculture in Alaska, not finfish of course but shellfish and seaweed in a combination of state and federal waters.

And that's a point I wanted to
highlight. Well, the first two AOAs will be in federal waters. You think of water as agnostic as to whether they can be in state or federal waters.

We certainly are open to working with various states like Alaska if they want to establish AOAs in their waters in their state of course.

There's also support in the Western Pacific, USVI and Puerto Rico, and again in state waters off the coast of Florida.

Right now, the opposite, it's mostly the voices of opposition for AOAs in the Northeast given the things listed here, wind planning, the lobster industry, right whales. There's a lot going on up there.

That's the guidance we've received at this point is to not go to AOAs at least to the Northeast at least for the next round of AOA development. But there was some support. There's some support in favor of doing so. In the Northwest, Oregon and Washington, there's general opposition at this time anyway for AOAs in their area.

Next slide, please?

So next steps, future AOAs. We're reviewing all the comments. We're working internally with our regional offices to look at opportunities and challenges for developing AOAs in their areas.

There'll be a leadership discussion before we announce any next AOA locations but really our primary focus right now is on the first two AOAs and making progress there so I don't expect to see any real announcement on the third AOA for some time.

We'll be sure to give the councils plenty of notice before we do so.

Next slide, please?

So she takes me to Opportunities for Coordination and Engagement with the Councils. I'd say up until now we've been working very closely.

I've tried to work very closely with the councils as we've gone through the AOA process, even more broadly in longer term on aquaculture development more broadly.

We think the councils have an
incredibly important voice in this process for
aquaculture development generally and certainly
for AOA development.

We want to maintain open lines of
communication and I believe we've been through
every or if not every, then close to every
Council meeting and CCC meeting since the AOA
process started to try to keep this open dialogue
going. We want to maintain that as we move
forward.

AOAs are a national initiative.
However, for each individual AOA, it's one of the
NMFS regional offices that will be taking the
lead with headquarter support to develop the
PEISs and to really drive the AOAs development
team in their regions.

Next slide, please?

So here's some opportunities, this is
not comprehensive I don't think but it's a good
list of areas where the councils can engage, and
have engaged, and will continue to engage we hope
in this process.

Certainly when NCCOS, our partners at
Ocean Service are gathering data for spatial
analysis, during the request for public
information, when the atlas is published there'd
be a chance to weigh in at that point as well to
help us inform what subset of those areas would
be moving forward into the draft PEIS process and
then through the PEIS process itself, is
opportunities for public engagement, and in
stakeholder engagement, and in partner engagement
across the board.

So I'm saying this because I think
because this is not a management action, it's not
a fisheries management action, it's not even a
management action. It's by definition of a
planning effort.

The type of engagement may look a
little bit different from what the councils are
used to seeing but I don't want that to infer
that it's no less important.

We really want to hear your voices
loud and clear throughout the process and there's
multiple opportunities to do so.

Next slide, please?

And at the national level, certainly
meetings like this, CCC meetings, we are more
than happy to come and talk to you at any time 
about where things stand and get your thoughts as 
we continue to move forward through this process. 
With that, next slide I think and the 
last one. Yes, that's it. So as time allows, 
I'm happy to take any questions you may have. 
Thank you very much.

CHAIR GORELNIK: Thank you very much, 
David.

Let's see if there are questions from 
the Committee here.

Carrie Simmons?

MS. SIMMONS: Thank you, Mr. Chair.

Carrie Simmons, Gulf Council.

Good to see you, O'Brien.

MR. O'BRIEN: Thank you, Carrie.

MS. SIMMONS: As you know, aquaculture 
is very important to us in the Gulf. Just 
curious, you know. This is a tremendous amount 
of work for you all with establishing these AOAs. 
Have you thought about once those are 
set inside the Gulf or off in the Pacific, will 
there be any more, I guess, will there be a 
streamlined process for the other, for permits 
through the EPA and U.S. Army Corps of Engineers 
should a permitee that wants to put a facility in 
the AOA versus outside the AOA?

Will there be more coordination with 
that? Will that process be streamlined through 
this effort? Just curious.

MR. O'BRIEN: That's a great question 
and the short answer is we certainly hope so. 
That is the intent of these AOAs is to 
do a lot of work up front to front load the 
process so that when an individual permit 
applicant does come forward in the Gulf of Mexico 
or anywhere else, much of the analysis has 
already been done so it makes it an easier 
process. And that's just from the NEPA lens 
alone.

I'll also say, well, I didn't really 
touch on it here today, the executive order also 
calls for those other agencies to work on 
nationwide permits for example to ease things on 
that front as well.

So the intent certainly is to make it 
easier down the road. It is a big lift for us 
right now but the intent is for it to be worth
the effort down the road, for both the applicants
and for us.

  MS. SIMMONS: Thanks.
CHAIR GORELNIK: Thank you.
Eric Reid?
MR. REID: Yes, thank you, Mr. Chair.
I think my question might have just been answered
with Carrie's question but I'll ask anyway. For
entities that they want to start up an
aquaculture adventure, are they required to use
these AOAs, be within the AOAs that are going to
be developed and identified through this giant
lengthy process?

  I think the answer is no. I just want
to make sure that's right.
MR. O'BRIEN: That's accurate. Yes,
there's no, certainly if folks do want to come in
outside of AOAs they can.

  As we develop more AOAs we will be
looking for ways to incentivize people to move
into those AOAs. It should be a more streamlined
process. That alone hopefully is enough
incentive.

  But we'd like to talk about specific
incentives beyond that but hopefully people will
take advantage of the work, the preplanning work
that's already been done to say we have sites
that are selected that are suitable for
aquaculture and that'd be easier for those
applicants to go there rather than go outside
where they're starting from square one,
potentially.

  So that is the intent. But no
requirement certainly to say you must go into
these AOAs.

MR. REID: Follow-up, Mr. Chairman?
CHAIR GORELNIK: Please.
MR. REID: So my question being that
I'm on a fisheries management council. What's
the incentive for us to go through this giant
exercise that one, be all the advisors, and two,
to have it not even be required as a place these
people are going to have to go?

MR. O'BRIEN: Well, I believe the
input from the councils will be extremely
important for us to, you know, as you try to
avoid, these are conflicts including with the
fishing industry, and work through these
complimentarities, your input will be essential.

It has been essential up to this point
and will continue to be so. So I hope that that
would be some incentive to continue this
collaboration.

And again, we can't predict exactly
how things are going to play out but the intent
is I think that our anticipation is that once the
AOAs are established, that alone will be a
significant incentive for would be applicants to
try to target a permit within the AOAs, again,
which should be a streamlined process relative to
going outside.

So we do expect that to happen. We'll see how it transpires.

MR. REID: Okay. Thank you very much.

CHAIR GORELNIK: Carrie, followed by

Chuck?

MS. SIMMONS: Thank you, Mr. Chair.

Just one more question. Do you have any more information on if you guys have discussed limitations on the programmatic EIS regarding the various species that you're recommending culturing?

Is that going to be based on public comment? Is that going to be based on the literature and what we know about culture of those various, maybe domestic species versus non-native species? Do you have any more information about that?

MR. O'BRIEN: We don't have all the specifics but certainly we will be looking for public comment on a range of options within each AOA, in the NEPA parlance various alternatives that will include things like what species should be grown, what gear types. So we'll be looking for public comment there.

As far as the domestic species go, I will point out that going back to our, was it 2011 I believe, no aquaculture policy where we said for a long time since that time, that we would only as a matter of policy encourage and allow only native or naturalized species in any given area.

So we would not, you know, we're cognizant of the potential for, we don't want to have species around the country growing in places they're not suitable barring, you know, unless
there's some very good reason to believe it could be done safely.

But as a general policy statement, we would encourage only the naturalized or native species.

CHAIR GORELNIK: Chuck?

MR. TRACY: Thank you, David, for the presentation.

I wanted to explore a little bit more about the atlas that is being developed. And first of all, when you say, I think here on the West Coast we do have a very good interaction with your aquaculture office in looking at some of the maps and data used to look at some of the layers that were being used to map out some of the issues associated with assigning aquaculture facilities.

So I think that was a great first step. I'm wondering if it looks like the next step is that the atlas is going to be published. I was just wondering if there's any opportunities sort of in between that initial discussion and the publishing of the atlas for additional Council interaction or, you know, take a look at what data's being used or how the data is being used.

In particular I assume that, you know, some of the fishery effort layers will be part of that atlas in that.

So just wondering if there's another opportunity or if the atlas is sort of a living document type thing that can be modified, you know, as issues are developed and new data, if there is some. What's the story with the atlas?

Thanks.

MR. O'BRIEN: That's a great question. So the atlas won't be a living document, first of all, so we, our partners at the Ocean Service are clutching every scrap of data they can that's relevant to feed into the process of developing the atlas.

It'll be peer reviewed. It's a scientific product and the atlas will come out sometime in, again, probably the fall at this point.

But I think it's important to note, I'm glad you said this because this a point I think it's worth reiterating.
The atlas is just the start or not the start but a chief milestone along the way. So between the atlas being developed and the AOAs being identified, there's a number of steps along the way where there will be opportunity for council input.

So for example, at the Notice of Intent stage happening sometime this fall, we'll say here's the atlas, here's where are some areas we intend to move forward but for the draft programmatic EIS, give us your thoughts.

At that point if you do see any discrepancies or issues, you can flag them and that will feed into our thinking going into the actual draft EIS stage.

And then again, once the draft is published, there'll be another opportunity for the councils and others to weigh in with anything they may see of either missing data, or misinterpreted data, or anything else that may be relevant for us as we develop the final EIS.

So I think the short answer, in some ways to answer to your question is, no, there won't be an opportunity before the atlas is published but there will be several key steps along the way before the AOAs are finalized.

MR. TRACY: Thank you.

CHAIR GORELNIK: Tom Nies?

MR. NIES: Thank you, Mr. Chair.

Thank you, David, for the presentation. I'd like to follow up a little bit on Carrie's question about native or domestic species in your reply.

You know, it struck me that you referred to a policy that was developed in I think you said 2011 which would try to discourage using non-native species and encourage domestic species.

But in light of the court decision in the Fifth Circuit which says fisheries, aquacultures stopped managing the Magnuson Act, is there any enforcement mechanism to make sure that happens?

MR. O'BRIEN: Certainly through the enforcement, I'd like to defer to others to weigh in on that and we can get back to you on that specific question.

But I will say at a minimum, I expect
and during the EIS process alone, that we will use that process to highlight that same point, may come on certain different wording.

But certainly we recognize the potential risks of non-native species nor naturalized species to any given area. And I expect that will come out loud and clear in the PEIS process.

I don't want to get too far down that path but I expect we would hear that loud and clear from the public and partners repeatedly. So that'd be one way to just build it into the alternative structure, essentially. Here's the species that are allowed or not allowed.

And if they were not allowed they would not be covered by the EIS. It's really an unfortunate action but it's a way for us to influence and direct really what species could be allowed in a given area and what gear types and other things like that.

MR. NIES: So I may not be understanding this correctly. The PEIS though is for development of the aquaculture opportunity area, right? Or is it for a specific project?

MR. O'BRIEN: It would be for the area itself so any individual permit coming in under that AOA would almost certainly require some additional NEPA work associated for example with an Army Corps permit or an EPA permit that would be associated with it.

So there'd be some follow-up. Hopefully a much more streamlined process as I said a moment ago but likely some additional NEPA work would be required.

At that point just say, for example, the Army Corps is in charge of that NEPA document for the individual application.

They'd be tiering off the AOA or the EIS which again, without getting too far ahead of ourselves, I think it's fair to say, you know, non-native and non-naturalized species probably would be, I expect, I have a hard time imagining that would be allowed.

And so for the Corps for example to issue a permit for a non-native, for a truly a non-native species in that area, they'd have to go through their own EIS process.
And again, it'd be difficult for me to imagine that barring some very strict permissions, you know, a sterilized species or something like that I could see, potentially see in an area where that could be allowed.

That's hard to imagine that happening any time in the near future and even that I think would be a bit of a stretch. So anyway, the EIS process and the permitting by the Corps, by the EPA would be, will provide those side boards.

MR. NIES: Okay. Thank you.

CHAIR GORELNIK: Any further questions of David?

Thank you, David.

MR. O'BRIEN: Thank you very much.

CHAIR GORELNIK: Back to you, Paul?

DR. DOREMUS: Thank you, Mr. Chair.

And thanks to all the participants in this other two sessions, and your questions.

So, we're going to switch to a discussion now on, and close out this agenda item on seafood marketing, broadly construed.

Starting with some additional on the Marine Fisheries Advisory Committee recommendations.

As you know, they were focused in their work, which was delivered to us last summer, on improving consumer confidence and, in and consumption of U.S. seafood, and enhancing the overall resilience of the U.S. seafood supply chain.

And made a number of different recommendations, and we really do appreciate the CCC's engagement on this front, and with their particular responsiveness to MAFAC recommendations itself, in their report. And we have been seeing a range of developments that are encouraging, I think.

And this is a very significant recommendation, we're continuing to evaluate some of them. And clearly there are a lot of major steps that would need to be endorsed by the administration, and ultimately by Congress to move down this path.

But it's been interesting to see the, what I would call the building support, particularly in the context that we are currently in for the proposal that MAFAC put out.

One of the most recent pieces of
evidence of that, which many of you I'm sure are aware of, was a letter orchestrated by the Seafood Nutrition Partnership that was signed by more than 60 leading organizations in the sector overall, representing the, really the diversity of the U.S. seafood sector, endorsing the National Seafood Council.

And this was sent to Congress and really supporting this whole concept of a comprehensive, nationwide seafood marketing public education campaign. Again, all focused on elevating U.S. seafood as a sustainable and healthy protein source in the marketplace.

And we, you know, we see they made specific recommendations about how to build out a National Seafood Council, possibly updating the Fish and Seafood Promotion Act of 1986. We see a great potential in achieving these kind of objectives.

And look forward to continued work with the administration, with Congress as this topic starts to become a more central part of the policy discussion around what it takes to get to a more resilient seafood future, for the industry, as well as what it takes to get the U.S. population to have a much richer component of seafood in their overall diet, true to the federal government's dietary recommendations.

The public benefits in terms of public health, in terms of planetary health, in terms of lower carbon footprint associated with seafood production, there's lots of public benefits here. And the case that MAFAC made was very persuasive and we look forward to continuing to look at ways that could be implemented with support, again from the administration and Congress.

Meanwhile, there are lots of other educational efforts that we've been continuing to advance. Some of which are recognized in the MAFAC report itself. Consumer confidence ultimately is the ticket to achieving some of these objectives. And that all requires sort of sorting out fact from fiction.

And we continue to try to establish our organization and some of the communication outlets that we have built, such as Fish Watch, to be the trusted sources of information on sustainability of U.S. seafood.
MAFAC recognized the value of Fish Watch and its availability to help consumers make informed choices. To provide up-to-date information about everything from the status of stock to how to prepare fish. It's a very comprehensive and extremely well-done site, provides nutrition information. We're trying to draw more people to it. MAFAC recognized the value of that.

And we're certainly dedicated to using Fish Watch for this core purpose of educating consumers about the sustainability of U.S. produced seafood. In effect, kind of like the overarching goal of a National Seafood Council, in MAFAC's eyes, these are mechanisms for both demonstrating U.S. leadership when it comes to sustainability, but also increasing consumer confidence.

And if you're purchasing seafood that was produced in the United States, whether it was wild cod or farmed, you can be confident in its sustainability. And it's value to you, and to the, in terms of your health benefits and of value to our country in terms of the environmental benefits.

So, that's an important tool. We have other tools as well that we're trying to use, again within our very limited resources. We're trying to use to greater effect all around sustainable seafood content. So, we're producing web stories, industry profiles, we're highlighting videos. Some we produce and some from external partners.

We use Fish News, our kind of flagship newsletter, goes out to over 60,000 people to draw out this kind of content. Again, increasingly using videos as a -- and we're getting really quite substantial evidence through our web usage statistics that these are working well.

And we're trying to use all the contemporary techniques of search engine optimization to make sure we understand that our contact not only is relevant and useful, but it's discoverable to seafood consumers.

And that we're channeling the right kind of information and getting the right layers of information orchestrated on the sustainable
seafood section of our website.

So, if you haven't, I encourage you to do that. If you just google sustainable seafood NOAA, that pops up. And these are, these are all areas where we're continuing to advance the ball as we grapple, as a policy matter with the very broad and very comprehensive proposal for a National Seafood Council.

We're continuing to work down the path of these consumer education efforts and we certainly welcome your feedback on those efforts. As well as your continued support for the idea of the National Seafood Council.

Also, on the kind of broader marketing front, we have been actively supporting a campaign that was started by the Seafood Nutrition Partnership. And full disclosure, I am on their advisory board.

And one of the things that came forward during the early stages of the COVID crisis, was a Eat Seafood America campaign that SNP started to pull a broad community of people together and in the kind of seafood stakeholder community, broadly construed, to amplify messages around the health and planetary benefits of seafood consumption.

And we've been supporting the efforts to sort of amplify that campaign and related marketing efforts across a number of social media platforms.

We're using, you know, the tools of the trade, Twitter, Instagram, Facebook, LinkedIn to promote not just, not only for that amplification, but also promote our own content, a link to key partners to get people directed to campaigns like National Seafood Month, Show Us Your Seafood, the Eat Seafood America effort.

All of this again is driven by our interest in kind of marketing and consumer education. And we welcome your continued ideas and thoughts and input related to that.

And we're also working with the Seafood Nutrition Partnership to explore generic marketing and outreach on the importance of seafood consumption. And increasingly linking the science around nutrition, health benefits, and the science around ecological benefits, sustainably sourced seafood. And trying to look
at different ways that these sorts of positive messages can be reinforced.

In addition to marketing, there's also understanding market dynamics, and that's been a big focus of our work, particularly in the aftermath of the early stages of COVID. When we started as you know, and we've talked on a number of occasions with you about the market snapshot reports we've done, to try to assess the impacts over time on our wild capture, aquaculture, seafood processing, charter boat, fishing businesses.

To understand how, where, and in what ways the segments of the fishing and seafood sector were affected by COVID. And we've, you know, done a lot of independent surveys as we do in this very diverse sector that has very uneven information available about it.

Our own fishery economists have been doing series of surveys, primarily on the wild capture side. On the aquaculture side, we have partnered with Virginia Tech and co-sponsored work with SeaGrant. Our SeaGrant partner, all around understanding that sector. And the latest update in this whole process of trying to gage impacts and think through sustainability, long-term resilience sustainability considerations.

That next data report is going to come out, we hope early this summer. We're targeting June, but definitely this summer. Along those lines, all of that is informing our understanding of market dynamics and we are working with internal and external economists to continue to understand where and in what ways, and where the barriers are to modernization throughout the seafood supply chain.

Looking at economic market and trade analyses and trying to get, look closely at the gathering and dissemination of price and supply data -- which during this period we have learned from a lot of folks in the Investor Inc. community in particular -- are often a challenge and a little bit of a barrier to investors getting into these modernization efforts and supporting them throughout the supply chain.

And we're looking at ways to collaborate more closely with the USDA, with the Economic Development Administration, the Minority
Business Development Administration Grant
programs and tools, partly related to COVID
recovery and partly related to, kind of long-term
resilience considerations in the sector as a
whole.

And when you think about that
modernization, kind of a modernization trend, a
growth strategy, what long-term resilience looks
like. One of the things that quickly comes up in
all of our conversations with industry, are
concerns and issues around workforce development.
So, this is yet another category where we welcome
your input.

We are trying to look at issues around
training, recruitment, the sorts of areas where
modernization, innovation, new ideas are most
needed and could draw in new people. We've got
work going on.

You just heard from David O'Brien and
his sort of capacity with aquaculture, Office of
Aquaculture. He is also co-chairing an economic
development task force under the National Science
and Technology Council, Subcommittee on
Aquaculture, which is co-chaired by USDA, by me
for NOAA, and by OSTP.

And looking there at ways to pull
together strategies that can address workforce
development issues. And it's really helped
deepen our relationship with USDA in particular.
So, we're working now in that relationship on a
range of issues related to fishing and seafood,
and access to the USDA programs here at large.

And on the workforce front, we're
categorizing inventory workforce development
programs right now, training resources, trying to
look at where there's gaps. And SeaGrant is our
big partner on this and we expect to use its
inventory for a bunch of purposes including the
support for this taskforce that I just mentioned,
economic development taskforce, as well as
supporting SeaGrant's implementation role
outlined in the Young Fishermen's Development
Act.

So, we're hoping with this big need,
of drawing new talent into all facets of the
industry. We hope the councils can help us by
reviewing the inventory, identifying programs
that you know about in your states and regions.
There is really a plethora, but often not well known, communicated, or compiled. And we'd love to get, or become aware of what you know about in this category that we might not have covered.

And appreciate your views on the types of things that might be gaps, you know. Where are the needs? Where are the training needs mostly concentrated? How can we fill in those gaps?

How we can achieve other objects such as increasing access to work opportunities from diverse communities and deal with the issues of equity inclusion that are confronting all segments of the industry at this point in time. And likewise, provide assistance to underserved communities.

So, we hope to use this inventory and your input as well. That will kind of be a lens with which we look at the President's jobs plan, which as I mentioned yesterday has a big focus on infrastructure development and developing jobs programs. And that might provide additional opportunities coming up in the fishing and seafood sector as a whole.

So, that's an encouraging path and we could absolutely benefit from your assistance on this inventory gap identification and ideas around how best to advance workforce development programs nationally.

So, speaking of infrastructure, another big area to consider, and we'd love to hear your thoughts around as well, is the whole topic that has ebbed and flowed over time around working waterfronts. Also this, you know, kind of a key, a central hub in what you would call healthy resilient fisheries, at least from our perspective. And I would expect many of you would agree.

And we know that there's been a lot of pressure on working waterfronts. All of us understand that and we know that a lot has moved out over time, processing capacity, distribution capacity, storage capacity, you know, all fish auctions.

There's a lot of pressure on different points of the supply chain, but the working waterfronts are a key concern given this sort of pub nature that they serve. And so, we've got
social scientists, have been working for years
now to improve our understanding of how working
waterfronts function within the context of
coastal fishing communities. And where, what
sort of factors affect their liability?

And what kinds of things are creating
the greatest vulnerabilities? And what can you
do about it? So, these are all issues where you
all, so can provide considerable perspective and
thought and constructive suggestions on where we
could build greater economic opportunity and
bring these forward in our considerations, as
well as with our engagements with our stakeholder
community at large.

We are talking about a number of these
things, workforce development, equity, working
waterfronts, with MAFAC as we mentioned in our
meeting next week, and we'll be seeking their
advice and input similarly during that
engagement. And look forward to continued work
on these long-standing topics.

As I mentioned earlier in my opening
comments, these are strategic issues. We're
looking at major pressures on our fishing and
seafood sector as a whole, particularly in the
COVID context that we are still in.

And with substantial questions about
the pathway to long-term resilience in the sector
as a whole. And this is going to be a continued
theme of our efforts and our discussions with all
of you because it's, if you will, a front and
center for our business, our work.

So, Mr. Chair, we would love to use
the balance of our time to address questions in
these areas, broadly, around how the councils see
their role in these topics related to seafood
marketing, education, public engagement, market
dynamics, workforce development, working
waterfronts, and your ideas on those topics.

But also, what you feel we could do
more effectively with the councils and with any
other external partners that you would recommend
that we work with. And we are particularly
interested in getting your focused feedback on
our training, inventory, gap analysis as talked
about earlier.

And your thoughts on some of these
economic pressure points around working
waterfronts and around our overall concern with
workforce dynamics and recruiting into the
industry to ensure that sort of rejuvenation
process as we're looking for growth opportunities
and drawing people into the sector.

And looking for ways to increase
capacities we've talked about before, whether
it's increased efficiency that we're aiming at
under Section 4 of the EO, or whether it's
building new production capacity as we talked
about under the EO with aquaculture opportunity
areas and aquaculture development.

We're looking for strategies,
interrelated strategies and sort of
infrastructure support for the strengthening and
long-term resilience of the fishing and seafood
sector as a whole. And the central role that you
play in it is the reason for raising these
questions and I look forward to your thoughts and
suggestions in the balance of our time. Thank
you, Mr. Chair.

CHAIR GORELNIK: Thank you very much.
So, now would be the opportunity for CCC Members
to ask questions on this agenda item, either
Paul, or Kelly, or David. And then after we have
had our questions answered, we'll go to public
comment and then council discussion and action.

So, let's see if we have some
questions, clarifications, whatnot? Tom, your
hand is up but I think that may have been from
the last agenda item? Tom Nies.

(No audible response.)

CHAIR GORELNIK: All right. So, Paul,
I'm not seeing any hands with any -- well, Chris
Moore, please go ahead.

MR. MOORE: Thank you, Mr. Chairman.
Hi, Paul. Thank you.

So, I had a couple things to talk with
you about. So, ten years ago when I worked for,
we worked for ourselves and I worked for NOAA, I
knew about terms like UA, and used them
frequently.

There was close coordination with NOAA
SeaGrant that I don't see as much anymore. I'm
wondering what happened to things like a, safe
and sustainable seafood focus team? And we also
had a focus team that dealt with working
waterfronts, and I'm just curious if that stuff
I haven't looked recently to see what's going on with NOAA SeaGrant, but I do know that they've been involved in the aquaculture, they dabble in marketing, and I'm just curious about the interaction between NOAA fisheries and NOAA SeaGrant at this point?

DR. DOREMUS: Thank you, Chris. We look at SeaGrant as a really central partner in our work here. They have incredible capability both with research assistance and extension on the ground around the country. And our, it's a great two-way relationship working with them.

The complexion of the areas where we collaborated most closely has changed over time. And I do think we have extremely good interaction with them on the aquaculture front. And participated in that directly. We've been working with them and getting them a little bit more involved in, as you noted, in some of the marketing and kind of market dynamics of the industry.

They've been putting some significant grant resources into that territory. And some of the topics we've been pushing around in the last few days, have touched on a better understanding of market dynamics, particularly when you look at changing the composition of production over time.

They are also getting drawn more and more in part through Congressional direction, but also because of need in the workforce development. And we'll indeed be talking with our MAFAC Advisory Panel next week.

So, I think it's, it has, it varies over time, but I think we have a pretty strong relationship with them when we talk about a particular aquaculture in NOAA as a whole.

I am talking about the combined efforts of NOAA fisheries, our science enterprise, our folks in the region, our, obviously our Office of Aquaculture, both nationally and regionally instantiated, and as well, SeaGrant.

And the incredible capabilities that we also draw on in the National Ocean Service that support the industry as well. Partly, spatial planning, partly things like harmful algal bloom forecasts, which have a big
significance to industry.

So, I think it's a pretty strong partnership, Chris. And I appreciate your bringing our attention to that. And we can include them in some of our future engagements around these topics.

And I expect that will particularly be the case on the workforce development front as we work through some of our discussions with MAFAC and figure out a stronger pathway towards workforce support and that related infrastructure considerations in the coming years.

MR. MOORE: Thank you, Paul.

CHAIR GORELNIK: Any further questions on this agenda item of the presenters? Chris Moore, your hand's up.

MR. MOORE: Thank you again, Mr. Chairman. Yes, so since no one else is asking questions, I'll ask another question.

So, my staff is now involved with MSE certification for stock. And we've been involved with MSE certification for surfclams and quahog, squid and all those, you know, the interaction has been successful although it has taken up a lot of staff time.

So, working with them directly -- and we think from a council perspective that's important that we participate and help those folks get those, get that certification done.

We have recently, I think within the last couple of years -- or maybe this year, I can't even remember now, Paul, but the interaction related to Fish Watch, and potentially using that as some sort of label.

Have you folks experienced more sort of de facto use of the Fish Watch logo as sort of an indication of sustainability, or has anyone approached you about that? Again, you know, ten or so years ago, those folks were taking that particular logo and putting it on their packaging. They were told they couldn't use it as a particular certificate of sustainability, but we were indicating that that could be used as some sort of education tool, right?

In other words, here's the label. Go to the website and learn more about Fish Watch. So, is that still occurring? Do you guys have that interaction anymore? I'm just curious.
DR. DOREMUS: Thank you, Chris. Occasionally, that issue comes up, the issue of certification. And you're correct, Fish Watch is not designed to serve that function. And there is actually a really big difference between building a tool like that with our very lean resources, and having something function as a certification tool.

So, it hasn't been designed and we don't have the capability and right now, to turn Fish Watch into a more formal label, if you will. But its role in education and our encouragement, people pointing consumers to it, continues unabated.

So, we always look for opportunities to direct people to the site. It serves its purpose extremely well as an educational asset. And makes it very clear when you're looking at U.S. sourced seafood, what the sources of the sustainability equation are.

So, we think it serves that role very well, and I'm glad you've been able to make some use of it in that capacity.

CHAIR GORELNIK: Ed Watamura.

MR. WATAMURA: Yes, I wanted to piggyback onto Chris' comments and kind of explain some of the dynamics going on here in Hawaii.

As you're aware, the proportion of imported, foreign seafood is something like, I think 80 percent or close to it. And what we're finding is that a lot of the tuna especially coming in is frozen and gassed, with carbon monoxide.

This issue has been plaguing us because the consumer, at the consumer level, the frozen and gassed product is much cheaper. And so, the consumers tend to go with that product. That's kind of domino, the domino effect of it is that the supply and demand for the local fresh product is decreased by this factor, that they're purchasing the cheaper product.

And, you know, further along the domino effect, is that the prices, supply and demand price point, gets reduced for the local fishermen. And that even, you know, even cascades down to the fact that our commercial fishermen are basically dropping off, you know,
of the -- the list is getting smaller and smaller of the -- especially the local small boat fishermen.

There's just less and less commercial licenses being deployed. So, I just wanted to kind of bring that to your attention and hopefully, you know, U.S. is the only country that's allowing this frozen and gassed tuna in. And I would like to see that someday, that this come to a halt and we could all benefit from that. Thank you.

DR. DOREMUS: Thank you, Ed. Appreciate your bringing that to our attention and it is something that we're certainly aware of. And I do recall the last time I was at the fish auction, at the pier there. This topic came up and people were pretty animated about it.

So, I certainly understand. These are all part of that consumer education driven effort to help shape market dynamics in a way that are favorable for U.S. producers. So, that's a big one and thank you for drawing it to our attention.

We also have, hear about very often and this was my last trip pre-COVID, I was able to do a stop while we had the Aquaculture America out in Honolulu in January of last year. And prior to that on the West Coast.

And one of the things around our lab that we've been doing is working with local fishing communities around trying to build local awareness of locally-sourced species that people haven't heard of. You know, and we're out there making, making fish tacos out of grenadier and things of that nature.

And even, you know, in Hawaii while some well-known species also available on the West Coast, but not very well known to consumers. So, I would love to hear your thoughts. We see these kinds of dynamics where there are species, where we're catching under quota, or they're underutilized species we're aware, there's just not much market for.

The Section 4 topic was intended to get at some of these things, but we'd love to hear your thoughts around where the barriers are for, you know, your mission one, in terms of this type of competition?
But where there are additional barriers we could address, and should be aware of and better understand, in terms of underutilized species. So, that's one area among the others already mentioned that we'd certainly welcome your input on.

CHAIR GORELNIK: Thank you, Paul.

Archie.

MR. SOLIAI: Thank you, Mr. Chair.

Thank you, Paul. Really appreciate the presentation by Kelly and the team members on this agenda item.

If you all recall last year during our CTC meeting, Chris Oliver at the time, you know, basically instructed the councils to cast a wide net, you know, on the issues that are creating burdens on our domestic fisheries.

And I think, Ed Watamura just spoke to one of the concerns. And one of the other concerns I have is, you know, the domestic swordfish. The Hawaii market provides close to 50 percent of that consumption in the U.S. And cutting off that fishery basically results into importing, increasing imports.

One of the other challenges that we're facing in our region, as you know, is now the bottomfish. And I'm not going dwell on that, but you know, it's hard to get, be competitive and fulfill the obligations in the executive order when we're facing these challenges.

But I do have one question with regards to the recommendations from the council, looking at the numbers that Kelly had presented, it looks like there was a wide net that was cast. And one of the recommendations was, you know, how to deal with marine national monuments?

And now with the change in the administration, you know, they're pushing for more marine managed areas due to climate change. So Paul, I wanted to ask what your thoughts are in the recommendation to remove the marine national monument at PRIA, the Pacific Remote Island Areas?

DR. DOREMUS: Archie, thank you. And appreciate your comments around swordfish and bottomfish. And the whole issue around monuments and protected areas, I think is wide open now for kind of a new conversation and new input from our
council community and from our fishing community at large, as we talked about yesterday.

So, I don't have any, you know, particular solution to offer per se, because I think we're a little bit early in the process of really understanding what our options are. As all of you pointed to yesterday, we really need to think through what conservation means.

And what counts towards conservation? Where do you put different types of tools into place given the ecological functions that we're trying to ensure are sustainable and help support the sustainable management of our species over time?

So, these are very complicated questions but I'm encouraged by the steps that we've been taking forward in recent months, and certainly under the administration's new attention to this through the Executive Order 14008, which will allow for extensive stakeholder input and discussion about the options. How best to achieve these dual objectives, and where and in what ways those objectives could best be met?

So, it's a, I think, an encouraging sign, the path that we're on. And I hope that that path provides opportunities in the context of the Pacific Remote Islands for the types of thoughts and considerations that you'd like to bring into bear on that process. We'll have an opportunity to do that, and see what our options are. So, thank you, Archie.

CHAIR GORELNIK: Thank you.
MR. SOLIAI: Thank you, Mr. Chair.
CHAIR GORELNIK: Tom Nies, do you have a question?
MR. NIES: It's not really a question, Mr. Chair, it's more a comment.
CHAIR GORELNIK: Well, what I'd like to do preferably, is to hold our comments to our Council discussion which will be coming up in a moment, after public comment, if that's okay.
MR. NIES: Fine by me.
CHAIR GORELNIK: All right, so let's see if there are any further questions on the presentations we've heard under Agenda Item 10. And if not, we will go to public comment, if there is any. As a reminder to the public, you need to indicate your interest in speaking by
either raising your hand, or chatting with SF Webex host.

Do we have any -- Nicholas, have we received any requests for public comment on this agenda item?

THE OPERATOR: Hi, Marc, no there are not any requests for public comment at this moment.

CHAIR GORELNIK: Okay, and I don't see any raised hands. So, Tom, right back to you. I just wanted to get things -- I just wanted to give the public an opportunity to provide comment before we go into discussion. We've done that, so please go ahead.

MR. NIES: Thank you. My comments are just directed more towards Dr. Doremus' last talk about some of the issues that are being faced. Particularly the issues of working waterfront, seafood competitiveness and marketing, and workforce development.

I think we all recognize that these are big issues for the fishing industry. But when I look at my council and my council staff, you know, not to diss anybody, but I'm not sure we're really constructed to be very informed-commenters on that information, or those issues.

And I think we can certainly serve to facilitate discussions between the fishery service and members of the industry, or members of the public who have the knowledge, and have the expertise to comment authoritatively, on those issues.

You know, I think of things like working waterfront, which is tied up very tightly with a plethora of local land use regulations and objectives. And, you know, it quite honestly between complying with our assigned functions in the Magnuson Act as well as trying to address other things that come up like wind farms and aquaculture development, you know, our council doesn't really have a whole lot of time to spend trying to untangle that issue of working waterfronts.

The same is sort of true with workforce development, I think. You know, I sometimes think that if you're interested in workforce development, you're probably better off -- you might be better off going directly to the
industry people who have face it. And you know, we can probably facilitate those conversations, but I'm not sure we can provide much meaningful information.

With respect to marketing and competitiveness, you know I, you know a lot of people in our region take a look at the council and say, a lot of you guys know nothing about marketing.

And I certainly don't, having been in government service my whole career. I don't have any idea how marketing should be pursued. So, you know, I appreciate your asking us to give input, we'd love to work with you to facilitate the conversation. But, you know, I'm not sure that we are going to have a whole lot of expertise to provide you on some of these topics.

And, you know, just one last question I guess, you know, when you were talking some of the seafood competitiveness and marketing. It wasn't clear to me whether the agency went out and hired an external marketing consultant just for that? Or is that all being done in the house through advisory committee?

So, I guess I do have one question, Mr. Chair.

CHAIR GORELNIK: All right, so there's your question maybe Paul can answer here.

DR. DOREMUS: Thank you, Mr. Chair and thank you, Tom. On the marketing, we are doing work with outside groups like the Seafood and Nutrition partnership. We have not hired external marketing consultants. We haven't taken on that role per se.

We are trying to make our information, the science and market knowledge that we have, readily available to use. Low cost but effective tools that we have at our disposal like Fish Watch to assist. And to contribute towards policy discussions as we're outlining around how the nation could really take this up in a big way, if it decides to do so.

There are other industries that are much more concentrated and have a lower barriered entry to standing up. National marketing efforts under the check-off program that USDA runs. The, I think it's well known and well described that the fragmentation and diversity in the seafood,
just characteristic of the industry as a whole, 
makes it very difficult to use those types of 
techniques.

That's why we asked MAFAC to look into 
this and they came back with that recommendation 
for a kick, a Congressional kick-started effort 
that industry as it recovers and benefits from 
this effort more over time, would assume more of 
the cost.

So, we try to facilitate and work with 
our existing, our economists, our existing stake 
holders to understand where the needs are, what 
the solutions might look like, and help make them 
happen. We're not taking on the marketing job 
directly.

That's not our expertise anymore, 
that's a Council expertise. But we all have 
expertise in the sector. And we know where the 
pressure points are and how, who could be 
involved in helping us deal with those pressure 
points.

And to that point, I will comment on 
your comment, about the facilitation role. Don't 
underestimate the valued of that, would be my 
main response. The connectivity that the 
councils provide, the distinctive role that the 
councils play in the process of, in the kind of 
world of fisheries management, provides 
perspective that I think is enormously valuable.

We're not looking to the councils to 
take on these problems and solve them, but I 
think your perspective is valuable and that's why 
we're asking for it. And your ability to 
recommend approaches and facilitate conversations 
and connect us to those you think we should be 
working with, is extraordinarily value. So, I 
did want to emphasis that point in response to 
your comment, Tom. Thank you very much.

CHAIR GORELNIK: Eric.

MR. REID: Yes, thank you, Mr. 
Chairman. You know, I really appreciate this 
conversation about marketing. And I remember the 
spokesfish years ago and how that went. But it's 
a really complicated issue.

And the way I see it, it's a great 
effort, don't get me wrong. But where the 
council's role is, you know, our job is to 
provide, sorry, to provide and support the
development of stable and sustainable supply of raw material into the start of the supply chain under the Magnuson-Stevens Act. And that's how you build demand.

You get a stable supply, which normally would lead to a stable price. And some, you know, you can't sell out of a cart. And if you want to build an underutilized species, which I can't even think of one anymore, now they're called forage fish, you have to have a stable supply at a reasonable price if it's going to compete with many things.

You know, there are other organizations, there's the FBA, the USDA, the Exim Bank, Food Export USA and similar organizations to that, that are much more capable of developing a marketing tool.

And, you know, when you talk about the barriers, the barriers in my mind, supply and demand, finance, insurance, logistics, AR and AP management, access to capital both finance and human capital, competing proteins, an aging fleet, and the cost of replacing a current vessel, or upgrading a shoreside facility, competing interest for off-shore uses.

I mean we fight every day to try to keep the ground we've had. And we're not doing very good at that -- and gentrification of the waterfront. These are not within the council's ability to control.

And so, I really appreciate the effort, but I think the council's focus should be on a sustainable supply or raw material. That's what we manage. We manage raw material and that's where we should concentrate our efforts.

And we should also be able to get some support in trying to maintain our historical access to fishing grounds that supply that raw material to the American public. So, thank you.

CHAIR GORELNIK: Bill.

MR. TWEIT: Thank you, Mr. Chair. I agree that the councils have very limited bandwidths to fully contribute to the discussion. I do though really value the kinds of presentations that we got today and would value more of those.

I think back to a time when the North Pacific Council had at least a couple members, at
least one member of our Advisory Panel, who was there largely to represent consumers and had a pretty clear understanding of the marketing challenges back then, which have changed completely since then.

But we've lost that voice in our council process. It's our own choice, but I think the -- as a result, many of the decisions that we're now making, we're making with less voice, less input, less voice from the consumer and less understanding of some of the potential marketing ramifications than I'm comfortable with anyway, as one council member.

And so, while I agree that we may not have the ability to really help shape marketing, the ability of the bandwidth or the resources. At the same time, I really appreciate the Agency's ability to contribute information, perspective, and particularly, sort of the voice of the consumer into our work as much as possible.

And I'm not quite sure where that leads in terms of a recommendation. In fact, I don't think it does. But I for one, at least I found today's walk through that you did Paul, on where you're at with this range of initiatives, I found that extremely valuable. And hopefully you'll continue to provide that not just at CCC meetings but at other times.

DR. DOREMUS: Mr. Chair, would you mind if I commented on the comments?

CHAIR GORELNIK: No, please.

DR. DOREMUS: And really a bit on the conversation thread from Tom and Eric, and Bill. And I do appreciate the perspective and want to clarify that we're not necessarily asking the councils to take on the definition or the process of defining solutions, and implementing them. But really to help serve as advisers to us on what we should be focused on.

Eric, the very pressures that you characterized, yes, the core functions of councils is sustainable seafood supply, but you in the course of describing the challenges the industry faces, are providing a very valuable perspective to us on where the pressure points are.

And if we're going to be looking at
nationally, the health and welfare of our fishing
and seafood sector, we need to understand these
pressure points. And all of you are sitting in a
very distinctive place to see them, and to advise
us on what we should be worried about, and what
your thoughts are about, if you were to recommend
solutions, we welcome them, but your thoughts on
about how we should emphasis certain kinds of
challenges more than others.

So, I do think that it's an extremely
advisory -- extremely valuable advisory role.
Don't underemphasis the resident knowledge that
you all have from your deep participation in this
sector. And that knowledge is very valuable to
us.

To push or make a fine point on that,
no one's asking the councils to take on
marketing, but you all have weighed in on MAFAC's
recommendations and have all broadly endorsed.
The endorsement from this community makes a huge
difference. If you can collectively say, this is
a problem that the United States needs to address
in some fashion, and MAFAC has made a reasonable
recommendation. That carries a lot of weight,
and your ability to develop a stronger common
voice in the industry around collective needs.

The issues we're talking about with
working waterfronts, with market dynamics, with
workforce, recruitment and retention and
development, these are things that touch the
entire fishing and seafood sector. They relate,
whatever your mode of production, whether you're
wild capture, or aquaculture, we need to look at
how the system is functioning and look at how to
strengthen it as a whole.

And I just wanted to emphasize my
particular view that the work that you do day in
and day out, we're not asking to change that.
But we're asking to benefit from your resident
knowledge as we sort of identify these problems.
Build consensus and commonality in industry's
views about what problems we need to solve and
what some of the solution paths might look like.

So, we don't want to burden you with
non-core activities, we're just trying to take
advantage of your considerable knowledge and
expertise. Thank you, again.

CHAIR GORELNIK: Well, thank you Paul,
and thank you Kelly, and thank you David, for your presentations and this discussion. If any CCC Members have any further action on this agenda item, please raise your hand or we're going to move onto our break.

And I'm not seeing any hands. Thank you very much Paul and company. We're going to take our break, our one break for the day here. Just a reminder we're running a little behind schedule here, so we'll have to make it up this afternoon or run late. And hopefully not run late.

So, we'll be back in about 15 minutes. I have 12:20 Pacific, so that'll be 12:35 Pacific or 3:35 Eastern, and we'll be back then. So, enjoy your break.

(Whereupon, the above-entitled matter went off the record at 3:20 p.m. and resumed at 3:36 p.m.)

CHAIR GORELNIK: Well, welcome back, everyone, from your first and last break of the day. And we're now on agenda item 11, electronic monitoring. And we have a presentation from Brett Alger. I don't know if Paul or Sam want to do an introduction or not, but if not, we'll go straight to Brett.

MR. RAUCH: Mr. Chair, I think you can go straight to Mr. Alger.

CHAIR GORELNIK: All right.

Brett, welcome.

MR. ALGER: Thanks, Mr. Chair. And thanks to the Committee. It looks like Morgan is pulling up my presentation. While that's being -- oh, we're good to go.

So, for those that haven't met me before, my name's Brett Alger. I'm the Electronic Technologies Coordinator for NOAA Fisheries. We've presented to this Committee a few times in the past, and I'll actually touch on a few of those issues. What I'm going to be presenting on encompasses several years of conversations and concern and feedback and things of the like around how we treat electronic monitoring data in our U.S. fisheries.

And so, even though my name is on the title slide, of course there's been a lot of people involved, and two specifically I want to make mention of before I move forward, which is
Laura Keeling works in the Offices of Sustainable Fisheries, and then Keith Hagg works in General Counsel, as well as number of other people. But those two specifically I wanted to make mention of because this has taken a lot of work to get to this point.

And lastly, I just want to say before I get started, of course, you do not have a document sitting in front of you. We are in the final stages of buttoning up that draft document and should be able to send it to the Councils within a matter of, say, a week or so.

Before I jump into the document itself -- next slide -- I just want to give you all a really quick high-level overview of where things stand in electronic monitoring right now in the U.S.

We've been starting to track projects and programs in three primary bins, projects and programs that are under regulation and have been implemented -- and right now we have seven of those, but based on our definition, which would be the six in the top left in Alaska, you'll see programs listed under regulation. And then in the bottom right, you'll see Atlantic HMS.

The next category of programs are programs that are under development by Councils that are using exempted fishing permits. And so the primary few that I would mention is on the left, in the West Coast, there are four programs under EFPs, and then up in the Northeast, groundfish and herring also are utilizing EFPs. And then through the balance of this map and even not listed are other types of pilot projects that are under development and working towards implementation.

So big takeaways here are that EM is being considered and developed in every region and just about every type of fishery and just about every primary gear type you're going to find in commercial fisheries.

Next slide.

So just a little bit of background on the procedural directive that I'm going to talk about. Back in 2013, the Agency published a National Electronic Technologies Policy Directive that was updated in 2019 that sets sort of a high-level framework for implementing
technologies for fisheries' data collection.

The next in that short list there is
what is titled an EM Cost Allocation Procedural
Directive, which we published a couple years ago.
And that set up a high-level framework around
expectations of how a program should be paid for
and the different program responsibilities, in
other words, some programs being entirely
government run and, of course, some of them being
industry funded and sort of breaking apart the
two program functions into sampling and
administrative.

And then the third in that list is a
procedural directive that we actually published
last year around this time, which are
expectations for how long data should be retained
by third parties and certain EM programs. But
this current procedural directive -- just some
high-level quick points to talk you through would
be we tried to balance some of the legal analysis
around how we would apply information a lot to
raw EM data, but also being brief in getting to
the punch line and the conclusion of some of our
work and some of our guidance, trying to find
national consistency while recognizing that
regions need to have regional flexibility.

The document is informed by many
regional and national workshops, many Council
actions and rulemakings, and of course a lot of
the feedback we've received on previous policies.
There are two primary sections in the document.
The first section are going to be the three laws
that we've been analyzing, if you will, which
would be the Magnuson-Stevens Confidentiality Act
provisions, the Federal Records Act, and the
Freedom of Information Act.

The second section of the document are
issues and questions that have arisen in sort of
more than one program; they seem to be of
national relevance. And so we are making our
best attempt to provide preemptive guidance on
some of these issues in hopes that it will draw
out feedback from Councils and others so that we
can certainly set up better expectations of how
data would be accessed and managed in different
EM programs.

And then, lastly, I think it's a
really important point, and I'll probably mention
it again somewhere along the line, is that this is guidance. It will require implementation by individual programs via rulemakings and adjustments to contracts and grants and other forms of specific and regional guidance to actually implement and see the effective change that you're going to see here.

Next slide.

So, jumping into the first section of the document, the question we often receive is what is a federal record? And so that is going to be data that is made or received by the Agency in conducting official business.

Right now, raw EM data is actually retained indefinitely. But as some of you will note or recall, the Agency published -- sorry, the Agency did not. The National Archives published a Federal Register notice last summer in taking comment on how long we should retain raw EM data.

NARA actually had a significant lawsuit, not associated with us, but it paused a lot of their actions in their record schedule publications. But we've recently been told that that has opened back up, and they will be publishing a new retention schedule for NOAA Fisheries signifying and noting that we would retain raw EM data for five years starting at the end of a given fishing year. The summary data, compliance reports, and data products like that, we expect to continue to retain indefinitely just like we do observer information.

What is not a federal record? That is going to be data made and/or retained by a third party. And I would pause here to define third party because it sometimes has different definitions. In this context, we mean EM service providers, but we also mean Commissions or other entities that are not the Agency. And so data made or retained by a third party in that context, meaning anybody that's not NOAA Fisheries. If the Agency receives a copy of a particular record, see above.

And then, lastly, just a quick reminder, going back to the data policy we published last year, raw EM data that will be stored by a third party should be guided by the procedural directive that we publish.
In terms of applying Magnuson confidentiality provisions, when the Agency is part of some type of third-party agreement, we expect to include language in the applicable contracts and grants, and also noting that there are exceptions in the Magnuson Act that allow for disclosure, one example being court orders.

However, there are going to be instances where the Agency is not part of a third-party agreement. Those are situations where the fishing industry is contracting directly with a third party. Our guidance is that those contracts should include data security and confidentiality requirements.

NMFS would -- the Fisheries Service would include this requirement as part of regulatory framework when approving third-party service providers. But the Agency would not necessarily provide or enforce specific language in those private contracts. In other words, we would review the documentation and the procedures and the policies that the third parties have set up for maintaining data security, but we would not hand over or provide direct language to put in those contracts.

And then, lastly, the Agency expects to have access to all of the raw EM data even when it's held by a third party. An example of that would be, I believe, in the West Coast rulemaking a year or so ago, there's a specific piece of language in there that says the Agency would have access to the raw EM data even though it's held by a third party.

Next slide.

Applicability of FOIA. So when does FOIA apply? If data that are created or obtained by NOAA Fisheries -- again, there is specific exceptions that allow disclosure of this raw data. If we disclose some information, we would need to obscure the submitter and the vessel info to allow disclosure of that raw data.

This process could be, actually, really costly, it definitely would be very time intensive, and in some instances may leave the image almost entirely obscured. The example I would give you all would be that some camera views in electronic monitoring programs have the
entire deck of the fishing operations in full view of crew and others. And so, in order to actually make it releasable, you may need to obscure almost everything that you see in the image.

When does FOIA not apply? Those are going to be records, again, maintained by a third party. If the Agency obtains a copy of the record, see above.

Next slide.

So this table and set of footnotes is pulled directly from the draft directive. It summarizes everything that I just walked through. Across the columns are the three applicable laws that I've walked through, and then in the rows are the different situations where different parties are maintaining the raw EM data.

So when the Agency is maintaining it -- I mean, you can see contractor and Agency grant recipient, which is that third row, and then of course the fourth situation where the industry is contracting directly with a third party.

Next slide.

So I had mentioned at the beginning there are two sections of this document. We are now on the second section. The first question I want to walk through is we've received a lot of interest and questions around how the Agency would use web portals for conducting video review. And the example I would give all of you would be something like logging on to YouTube and watching a video even though it's not necessarily on your desktop computer. You're watching video from afar, through some type of web interface.

And so the purpose of conducting a secondary video review is to monitor the EM service provider's performance and data quality to ensure that EM systems are functioning properly, to verify that there's adherence to the vessel's monitoring plan.

At this moment, there is no national standard for conducting a secondary review, but we point out in the document that there are ways to maybe prioritize secondary reviews, such as onboarding new providers into a program, the quality of the individual video reviewers employed by the company if they're bringing new
vessels into a program.

Another example not listed here is that perhaps you should consider -- a program should consider the stock status of the program and the data that are being collected on, say, a stock that's in a rebuilding plan.

Typically, how that would -- how the web portal process works, though, is somebody from the Agency would go into the system, watch the same video, and then create their own summary report so that they can make a comparison to what the third party submitted.

And so, in those situations where those mechanisms are used, we advise or our guidance is that the EM program would need a mechanism for acquiring those records. Once that occurs, we would apply the Federal Records Act to the data that we receive.

The two really quick examples that I'll give you would be, of course, we can set up a system where somebody's just putting stacks of hard drives in a box and shipping them through FedEx to the Agency. Another means would be to actually transmit it electronically, so uploading data, uploading video to the cloud, and making that available for the Agency to access and download. There's probably some derivatives in there of both of those types of options.

Next slide.

Another set of questions and concern are around what can the Agency require for third parties to report? And, really, the question gets down to, in the course of collecting the raw video and raw imagery from commercial fishing operations, there's a lot of information being collected. So the question becomes what are the lines or what are the bounds around what the third party must report?

And so the document goes through and talks about, basically, the basics of an FMP and the requirements in an FMP that are going to then drive the different types of data and the different tools for reporting. And so we talk a little bit about MSA and MPA, ESA, but make specific note that in some industry-funded EM programs -- or let me take that back.

In some industry-funded monitoring programs, not just necessarily EM, those programs
have sometimes been created specifically for just monitoring catch and discards, say of a catcher fishery. And so, in those instances, the program may only be required to submit a subset of data.

Another thing I would pause and mention is that the reporting requirements actually apply to the vessel. And the vessel has regulations that it must follow, but then the vessel contracts with a company for logbook services, VMS services, and in this case, EM services.

And so we believe that the decisions around what must be reported by the third party on behalf of the vessel should be decided as the program is developed or revisited, and making note that setting aside EM, there are other forms of collecting and reporting information in fisheries, such as vessel logbooks, MMPA mortality/injury forms, and of course we have a robust and very highly qualified set of observers deployed around the country for collecting a lot of the information as well.

A follow-on question we've received is what are the video review standards and the sampling rates that you're going to apply to these third parties? We believe that those should be driven by the FMP and the monitoring objectives, they should be driven by the third party and the vessel performance, and they should not be driven by observations, catch events, and other types of things that are witnessed coincidentally outside the scope of the program.

Next slide.

I believe this is basically my last slide here. Getting a little bit into access and use of the information, I have a couple of sections here. So the first one is around non-fishing-related events. The Agency has limited jurisdictions for what it can enforce in terms of non-fishing events.

We may refer potential violations to the Coast Guard or other enforcement partners, and in doing so, we may apply certain Magnuson Act exceptions and disclose information. Again, the example I gave you earlier is a court order.

In terms of non-EM program use of data, which is a little bit fuzzy sometimes in terms of exactly what precise data is being
collected and how it's used -- but I think the
take-home would be -- the previous slide that I
just walked through is you have some core
structure around the FMP and the requirements in
the program. What are some of the other
potential uses of the information outside of
that?

So the document goes through and talks
a little bit about the Agency may provide access
to staff and contractors, similar to other forms
of raw data that we gather and manage, such as
observer data, economic data. We expect the EM
programs to examine the nature of data requests
to determine if raw data is even necessary to be
provided versus some of the summary reports and
compliance reports and things of that nature.

Programs may include, I guess, some
type of agreement of nondisclosure. And then we
point out that access may be given to other
federal agencies, but that must be in support of
fisheries' conservation and management.

Next slide.

So this here is a section in the
document in terms of expectations on implementing
these guidelines. As I said from the beginning,
this is guidance. The Agency and Councils should
develop appropriate regulations, adjustments to
contracts and grants, guidance for EM programs to
implement this. That process should include an
opportunity for notice and comment.

In one of our previous policies, we
actually set a harder deadline on trying to
implement the guidance. In this particular case,
we are advising that programs develop regulations
as soon as practicable. Certainly, talking to a
community of folks that recognize priority
setting and timelines and agendas and things like
that, it's not always as easy to jump off into
rulemaking right away, so as soon as practicable.

And then the other thing is to examine
the current practices that are happening in these
pilot projects and these programs that are
utilizing EFPs to understand how the data are
being managed, how the laws are being applied,
and to act accordingly on those types of data.

Next slide.

So we're going to be transmitting the
draft directed to the Council shortly after this
meeting. The deadline to provide feedback listed here in this slide says July 15th of 2021. I already got a very friendly note from Tom in the Northeast that, hey, that's a pretty aggressive deadline; the Councils may push back on that. And we're happy to have that discussion.

But we're trying to find a balance between reacting to the feedback that we get in a timely manner and trying to publish this directive in the fall relative to setting a deadline that's much further back in the summer or even in the early fall, and perhaps putting a pinch on the back end of trying to publish this thing this year.

So, with that, next slide.

Thank you for your time. I've already been contacted by one Council to give basically the same or similar presentation. I'm happy to answer questions here but, of course, would like to make myself available as you hit your June Council cycles to be able to meet with your regional Councils and different constituencies.

So thank you.

CHAIR GORELNIK: Thank you, Brett.

Yeah, I expect we'll get some comments on that schedule. Let me see if there are any questions from the CCC of Brett on his presentation.

Tom, please go ahead.

MR. NIES: Thank you, Mr. Chair.

Brett already addressed one of my questions, whether we could get more time. A number of Councils meeting in June have already published their agendas and may not have included this on their agenda, which makes it difficult to bring up for discussion. So that's one question.

The other question, I think, relates to either slide 7 or 8. I believe it's slide 8. And it's establishing standards for secondary review. I guess the question I have is who establishes those standards? Is that a determination that the Council has control over, or is that one where the regional office or the Science Center establishes the standards for secondary review?

This is somewhat a contentious issue in our area because, of course, the secondary review can lead to increased cost. The level of review initially also leads to increased cost.
And I guess the question is who establishes those standards?

MR. ALGER: Good question, Tom. I would say that the Agency is responsible for establishing that. But the primary reason is there's some performance standards, data quality standards, that are established, and then we are trying to make sure that those are being followed/met.

I see it akin to observer deployments and doing debriefings to make sure that that information is gathered at a sufficient quality. We hear a lot, just like you do, Tom, in terms of, well, we need to be mindful of costs and not creating some type of burdensome, overly zealous secondary review system. And I want Sam to chime in here because I believe that we should try to set standards or set review rates that are as minimal as possible, that keep costs down both for the Agency and the industry.

MR. RAUCH: Mr. Chair, since my name was mentioned, maybe I could interject.

CHAIR GORELNIK: Please, Sam.

MR. RAUCH: Yes. Thank you.

And I do agree with what Brett said. Overall responsibility is to keep cost down. The amount of federal secondary review that is needed is going to depend in part on what the role of that secondary review plays in the process.

We do a lot of secondary review, as Brett said, of new programs, particularly under EFPs as things are getting set up, and things that may not need that later. To the extent that the federal government is expected to have a role -- and under our policy, we'd have a role -- in data quality and assurance, there needs to be some level of review.

You cannot review one hour of a video and say thousands of hours are fine. So, to the extent that the government is fulfilling that, the government is going to have to set that, and the government will have an opinion on how much it needs to review in order to do that.

But we do need to keep cost in mind. And I think we've been very forthright that we do not believe we need to view, on an ongoing program, 100 percent of all the data. I think if that is the system we're setting up, then we need
to question what the role of the federal
government really is in that situation.

But it is a discussion to have based
on the quality of the input of the data, how
novel the program is, how seasoned the initial
reviewers are, and it is a figure that could
change over time. And I expect that the amount
is ultimately a figure that the government would
decide.

CHAIR GORELNIK: Thank you.

Kitty, you have your question on this
agenda item?

THE OPERATOR: Give us -- can we take
somebody else before --


We'll come back to Kitty.

Eric, what's your question for Brett?

MR. REID: Yeah. Thank you, Mr.
Chairman.

My question is about the quantity of
video. If EM is required from the time you leave
the dock to the time you return to the dock,
there's going to be a substantial amount of
footage of nothing, a nice boat ride, hopefully.

During the review process, is there
the capability to edit out stuff that is not
relevant to anything in order to cut down on the
expense of a giant file that has to be stored for
five years? Is that a capability?

And a question I've asked before is,
if I own the cameras and I produce the data, who
owns that data? That's a different question.

MR. ALGER: Thanks, Eric. I'll take
your questions in reverse order. I would say
that the fisherman, the vessel owner, owns the
video. But the requirement in the program is to
submit some or parts or whole to the Agency,
depending on the program.

To take your second question, I think
that's where AI and machine learning is actually
starting to thankfully weave its way into our EM
programs where, in addition to some of the sensor
data and some of the GPS information is now we
are advancing towards being able to cut out large
portions of information. Only focus on when the
gear is coming out of the water, when the gear is
going in the water.

I know that folks are working on
technologies where you're focused on when there's
crew on deck, which is of course a great
indicator that there's fish on deck. So I can't
necessarily with 100 percent certainty say in
every EM program that they're not watching
transiting footage, but we share the concern of
industry of not wanting to watch all that either.

CHAIR GORELNIK: Eric, did that answer
your question?

MR. REID: Yes, it did. Thank you
very much.

CHAIR GORELNIK: Okay.

Kitty, are you with us, and your
question?

MS. SIMONDS: Yes, I am. So, for EM
data for which NMFS maintains the raw data, can
NMFS release that data to the vessel owner if
requested? And if it can be released, how would
that be done?

MR. ALGER: Thanks for the question, Kitty. I'm going to try to answer your question
a couple of ways.

The first one is that, of course, in
some of these situations, as Eric's question just
pointed out, the vessel has -- owns the data.
Now, that data might be sitting with some
company, and within that contractual
relationship, that vessel owner should be
figuring out a way to review that video through a
web portal or snippets of information or images,
that the vessel owner can get access to that.

In the situations where the Agency
owns the -- has the record -- it's a federal
record -- we would need to develop some type of
mechanism just like we do other forms of
fisheries' dependent data that the vessel has
requested, whether that's observer information,
logbook information, and other forms of data.

I don't think that's necessarily
always a technically easy thing to do, or
inexpensive, in terms of standing up large
streams of video to send back to or provide
access to the fisherman. It's also probably fair
to say, especially to this body, that that's not
always consistently done, and we're striving
towards trying to do that more consistently
across the data that we manage and providing it
back to fishermen.
So I can't say, again, at a national level exactly how each and every program is going to do that. But it certainly seems very reasonable that if fishermen want access to their information, they should be able to figure out a way to do that. We should be able to figure out a way to do that.

MS. SIMONDS: So the process would be for some arrangement to be made between the vessel owner and the National Fishery Service?

MR. ALGER: Essentially.

MS. SIMONDS: All right. Thank you.

MR. ALGER: I mean -- and just to -- I guess to belabor on it just a moment, that's one of the issues we are trying to figure out is how we access video footage that is maintained by another entity. And when you're talking about gigabytes of video, hundreds of hours, trying to stand that up on a web service is not inexpensive. It can be, actually, really expensive. And so we're endeavoring, but it's not an easy process all the time.

MS. SIMONDS: Right. So thank you.

CHAIR GORELNIK: All right. Are there any further questions of Brett on his presentation?

(Pause.)

CHAIR GORELNIK: Thank you very much, Brett. And we look forward to that draft directive sooner rather than later. Thank you.

MR. ALGER: Mr. Chair, just really briefly, so I have some -- I've got a lot of people working with the Agency trying to figure some of this stuff out. Can we come back to the comment period?

CHAIR GORELNIK: Yeah. What we'll do is we'll go to public comment, then we'll have Council discussion, and then we can have more interaction.

MR. ALGER: Fair enough.

CHAIR GORELNIK: And the CCC.

So I didn't see any other hands up, so now would be the time for public comment. Hopefully folks have indicated their interest either by chatting with SF Webex Host or raising their hand in the attendee list. I'm going to scan the attendee list. I don't see any raised hands.
Nicholas, do you have any requests for public comment?

THE OPERATOR: No requests at this moment.

CHAIR GORELNIK: All right. Well, now that brings us to Council discussion and action, if any. So who wants to get us started?

(Pause.)

CHAIR GORELNIK: Brett, did you have a question for us?

MR. ALGER: No. Well, I'll just make a comment. Back to the comment period. For the cost policy, we had set whatever the deadline was, and a few of the Councils had said, we'd like to have at least two council meetings before we provide feedback. And so we honored that and moved the deadline back preemptively.

Then, when the next directive came around, we said, oh, everybody's going to want two meetings. Let's set a deadline as appropriate. And then all the letters came in right away and we didn't need all that time. So we've done both, and I'll let you all discuss and figure out amongst the group kind of what seems reasonable relative to the tradeoffs I presented earlier.

Now, we share the urgency of the Councils in trying to get these issues resolved. These are the most important issues in the EM programs. And so moving the deadline back means pushing the final directive being published.

CHAIR GORELNIK: Thanks.

Sam?

MR. RAUCH: Yeah. I would have put a somewhat finer point on it than Brett did. We know that there are certain Councils that are waiting for this guidance, and they believe that this guidance is critical for EM programs that are coming online next year.

And so I think the Agency is unlikely to agree on any schedule that delays the finalization of this document past this year to allow those Councils and the stakeholders involved in those programs to have some certainty about how data is going to be treated.

CHAIR GORELNIK: Chuck Tracy?

MR. TRACY: Thanks, Brett. Thanks, Sam. I think I resemble that remark. And I
appreciate having an opportunity to comment on this.

If it is indeed released shortly after this meeting, I think that would be good for us in terms of getting something in our advance briefing book and getting an opportunity for people to review it and offer their comments to the Council, and then the Council could respond by July 15th.

So I think it works well for our schedule. I'm not sure about the other Councils. If they're meeting before we are, which -- we meet in late June -- then it's probably going to be tough for people to have the same opportunity. But I guess I'll see if there's any other Councils that want to comment on that.

CHAIR GORELNIK: Thanks, Chuck.

Tom?

MR. NIES: Thank you, Mr. Chair.

Well, you know, I raised the question, but to be honest, my Council is much like Chuck. We meet late June on the prospect of finalizing our agenda. So we can probably get this on the agenda. But I raised the issue more thinking about the other Councils, but if none of the other Councils see a need for a delay, then we can just move forward. I would suggest if any of them want a delay, they speak up.

CHAIR GORELNIK: That's good advice.

Simon?

MR. KINNEEN: Yeah, the North Pacific Council would need until at least October to have appropriate Committee review. So we'd at least like a little delay.

CHAIR GORELNIK: I think the date you had proposed, Brett, was in July. Is that right?

MR. ALGER: Yeah. I mean, the ingredients behind that was knowing that there's a big delay after this big June cycle of meetings. I think seven of the eight Councils meet in June, except for the Caribbean, and then they don't pick back up in August. So we figured if the June meeting cycle was adequate, then we could get the feedback in July.

If we move it back to accommodate one or more meetings in August and beyond, then we'd have to figure out a different deadline. That's also not to say that we couldn't set a deadline
for the majority of the Councils and then others try to get their feedback in as quickly as possible.

CHAIR GORELNIK: Well, the North Pacific Council does have that concern, but it seems to me, I think it's the only Council that's spoken up at this point. So I'm not sure where we leave this, other than just -- schedule it once the directive is finally available in draft, then for the Councils to respond as quickly as possible. It doesn't sound like you're going to get all your responses by July.

Folks, have any further comment on this?

Brad Pettinger?

MR. PETTINGER: Yeah. Thanks, Chair Gorelnik.

I noticed early in that presentation, you said the regions were doing -- where they're at. And I noticed that pollock trawl catcher vessels is under development. And it's my understanding at the last meeting in the North Pacific that program is going to have cost recovery paying for the video reviews with Pacific states.

And I'm kind of curious if something's changed with the policy that we talked about earlier because it's my understanding that cost recovery wasn't going to be even considered for video review. I'm curious if something's changed or if that's specific to the North Pacific and what the rationale for that is as opposed to our West Coast EM program.

MR. ALGER: Well, first, Brad, it's nice seeing you. I'm really envious of your beard. It's pretty impressive.

I'm going to try to answer your question. I think the difference or the nuance is that in that -- and I don't even know the details. I think in that particular case, it's cost recovery to implement a monitoring program versus potentially, in the catch-share fishery on the West Coast, the cost recovery is for the Agency's cost to implement the program.

That's my gut reaction. And we spelled out -- tried to spell out those differences in our cost allocation policy, that there are situations where cost recovery as
approved through Magnuson is allowed to pay for the industry's sampling cost, monitoring cost -- the Alaska fixed-year program is the perfect example.

We also note in the cost allocation policy that there are situations in a LAP, in a catcher fishery, where costs may be recovered to recoup the Agency's costs. And this is where we get into the primary review, the video review being the industry responsibility per the cost policy, the secondary video review being an Agency responsibility.

And so I think those cost-recovery mechanisms are filling the bucket of two different types of video review.

MR. PETTINGER: Okay. Well, I guess we'll get the document here in the next week or so and can dig into that. So okay. Thank you.

CHAIR GORELNIK: All right. Is there any further discussion or comments on this agenda item?

(Pause.)

CHAIR GORELNIK: Thank you very much, Brett, for your presentation, and we look forward to continued discussions.

That will conclude this agenda item 11 and will bring us to agenda item 12, which is policy and procedural directives on guidance for financial disclosures and recusals.

And with that, I'll hand the floor to Adam Issenberg.

Adam?

MR. ISSENBERG: Thank you, Mr. Chair. Hello, everyone. I think this will be pretty quick. So, as folks may recall, last September the Agency published the revisions to what we call the 235 regs, the financial disclosure and recusal regulations. We, over the preceding several years, talked quite often about the revised standards that the Agency would be using to make recusal determinations, and those regs incorporated new guidance on some aspects of that.

And I'm not really going to talk about that today. I think everybody's familiar with those issues. The other thing that the regs did, which was related, was to acquire development of a -- that each region develop a recusal
determination handbook that would describe the procedures applicable in each individual region or to each Council as necessary.

Two, (audio interference) -- I hope you can all still see and hear me. I just got some weird message about low bandwidth.

(Simultaneous speaking.)

CHAIR GORELNIK: -- for a moment.

You're --

MR. ISSENBERG: The Agency developed a draft -- okay. The Agency developed a draft revised policy directive and procedural documents on recusals and financial disclosures. That was circulated to you all at the end of March, March 30th. And we requested review and comments from you by July 5th.

Those documents provide some additional guidance on application of the standards for recusals, as we've discussed, and also provide guidance on the development of those regional recusal determination handbooks. And once we've got your comments on those two documents, we will work to finalize the policy directive and procedural document. And then, once those are finalized, there will be a two-year period for finalization of the handbooks, the regional handbooks.

So that's all I've got. That's just sort of the overview of where we are on that. I'm happy to take any questions. Otherwise, we look forward to seeing your comments and getting to work finalizing the directive. Thank you.

CHAIR GORELNIK: Thank you, Adam, for your concise report.

Let's see if there are any questions from the CCC.

Tom Nies?

MR. NIES: Thank you, Mr. Chair.

Thank you, Adam. I do have a couple questions on the policy directive, two or three. The recusal determinations can be difficult, particularly if you have a very complicated ownership in your Council or with your Council members. And not only can they be difficult, but the idea that somebody may have to recuse themselves from a vote can be a pretty fraught decision.

And I guess my question is why does
the policy directive put at least part of that onus on the Executive Directors, who officially work for the Council, to get involved in that when they don't really have the data to track down the ownership thing, and it puts them in a tough position with respect to suggesting whether or not a Council member should be allowed to vote?

So what's the reason for putting that onus on the Executive Directors? That's my first question.

MR. ISSENBERG: You know, Tom, I didn't see the directive as really putting any onus on the ED to make a substantive determination. I guess we can -- you know, we can take a look at that language and are certainly sensitive to your concerns.

I mean the goal is not to put the Executive Directors in a difficult position. I think it's more a question of making sure that NOAA GC, as the responsible official, has the information needed. So we can take a look at that.

MR. NIES: Thank you. So my second question is I think the Magnuson Act requires you guys to send a report to Congress every year on recusals and Council meetings and SSC meetings, so I understand why we have to report those things.

But the draft document says something like you're supposed to report discussions about recusals as well, which I don't think is a statutory requirement and is a pretty broad topic. And it's not clear to me what you mean by -- and I may not be quoting it exactly correctly, but there's language that says report recusals and discussions about recusals. So I don't understand what that means.

MR. ISSENBERG: Yeah. Well, we can try and provide some clarity on that point. I think the idea is -- it's not intended to encompass every discussion about recusals. I think the idea was to make sure that there's full transparency when there's a substantive issue or concern about recusals.

So, as you know, some recusal discussions are resolved informally. I think the idea is to try to capture at least the more
significant controversies around recusal. But we can try and make sure that there's some clarity on that.

MR. NIES: Thank you, Adam. Those are all my questions, Mr. Chair.

CHAIR GORELNIK: All right. Thank you, Tom. Thank you, Adam.

Are there further questions for Adam? Carrie?

MS. SIMMONS: Yes. Thank you, Mr. Chair.

I have a question on the policy, on the Objective section on page 2. It talks about the SSC there and the Council, and it talks about making the SOFI is publicly available -- or available to the public. And so we currently post our appointed Council members' SOFI is to the website, but we do not do that for the SSC. Is that the intent of what's written in this objective?

MR. ISSENBERG: I'd have to go back and look at the document, but I believe that is the intent. Yes. And, again, I think the idea is to promote transparency.

MS. SIMMONS: Mr. Chair, he cut out a little bit. Could you repeat the last part again?

MR. ISSENBERG: I'm sorry. Yes. I think that is the intent, and the idea is to promote transparency.

MS. SIMMONS: Mr. Chair, just to follow up, so that would be quite a change to the way we're currently operating. We do not post our SOFI is currently for our appointed SSC members. If someone is to ask for those, we would of course provide them. It is provided to the Council in a closed session.

So that would be fairly different way from how we're currently operating, just to let you know. Thank you.

MR. ISSENBERG: Thank you. We'll give that some thought.

CHAIR GORELNIK: Any further questions of Adam on his presentation?

(Pause.)

CHAIR GORELNIK: Okay. Then we all know the drill. We'll go from questions to public comment.
Nicholas, do we have any requests for public comment?

THE OPERATOR: There is no request for public comment.

CHAIR GORELNIK: All right. Thank you.

So we will now go to Council discussion on this agenda item. We had some really good questions posed. I don't know if there is a need for further discussion, but I want to provide that opportunity.

(Pause.)

CHAIR GORELNIK: All right. Is there anything further from the CCC on this agenda item 12?

(Pause.)

CHAIR GORELNIK: All right. So that concludes this agenda item and will take us to our general public comment for any items that are not on the agenda. So are there any requests from the public to speak to items that are not on the agenda?

And, Nicholas, I'll ask if you've received any. I think I do see one hand, a name that's all familiar to us, Chris Oliver.

So, Chris, welcome.

MR. OLIVER: Can you hear me?

CHAIR GORELNIK: I can.

MR. OLIVER: I just wanted to say hello to all of you. I was tempted to raise my hand on the last agenda item. You know it's near and dear to my heart.

But I just wanted to let you guys know I've been listening in on you the last few days. It's kind of strange that my microphone lights are a little different than they used to be. But I just want to say hi to all of you and say good luck with everything. And it's been really interesting listening in on the conversation, and miss all of you.

That's all I wanted to say. Thank you, Mr. Chairman.

CHAIR GORELNIK: Thanks, Chris. It's really great to hear from you.

Chuck Tracy?

MR. TRACY: Thanks, Mr. Chair.

Thanks, Chris, for chiming in. I'm glad you did. I just had one follow-up question,
maybe two. But just wondering where you're
calling in from these days.
MR. OLIVER: I'm in Alaska right now,
Chuck.
MR. TRACY: Okay.
(Simultaneous speaking.)
MR. OLIVER: As some of you know, I
had some fairly major surgery recently, and I'm
recovering nicely.
MR. TRACY: Good. Glad to hear it.
Okay. Well, thank you for joining us,
and it's good to hear your voice. And I hope you
continue to join in when you can.
MR. OLIVER: I will. I miss you guys.
MR. TRACY: All right. Thank you.
CHAIR GORELNIK: Hope to see you
around. Feel free to drop in on a Council
meeting.
MR. OLIVER: Will do.
CHAIR GORELNIK: Are there any
questions of Chris?
(Pause.)
CHAIR GORELNIK: Chris, be well.
MR. OLIVER: Thank you, Chair.
CHAIR GORELNIK: All right. So,
Nicholas, are there any further requests for
public comment?
THE OPERATOR: I'm not seeing any come
in, no.
CHAIR GORELNIK: All right. Thank
you.
So that concludes our last open public
comment period of the meeting and takes us to, I
guess, a break. And when we come back from the
break, we will have -- we'll wrap up and cover
any other business that we have, for example,
discussing our next meeting.
So, right now, it is 1:30 in the
Pacific. It is 4:30 Eastern, which brings us to
precisely on schedule.
Thank you, Adam.
And so we'll come back at 2:00
Pacific, 5:00 Eastern, to conclude our meeting.
So we'll see you all then.
MR. TRACY: Mr. Chair?
CHAIR GORELNIK: Yes, sir.
MR. TRACY: Just a note, I will be
putting together kind of a summary of the meeting
here over the next half hour. So if any Executive Directors or folks want to help with that, I'll be working in that Google Doc with the recommendations and going from that.

    So if you have anything you'd like to contribute to that, that would be appreciated. Thanks.

    (Pause.)
    THE OPERATOR: Marc, I think you're muted.
    CHAIR GORELNIK: Thank you.
    So we'll see you in half an hour, at 2:00 Pacific, 5:00 Eastern, or whatever time zone applies.

    (Whereupon, the above-entitled matter went off the record at 4:32 p.m. and resumed at 5:01 p.m.)
    CHAIR GORELNIK: All right. It's 2:00 here in California, 5:00 in the East. And we're on our last agenda item, which is wrap-up and other business. And I'm going to turn to Chuck Tracy to get us started here, if Chuck is available.
    MR. TRACY: Mr. Chairman, I could use about three more minutes, I think.
    CHAIR GORELNIK: All right. Why don't you take four minutes?
    MR. TRACY: Okay. Thanks.
    CHAIR GORELNIK: All right. 2:04.
    (Whereupon, the above-entitled matter went off the record at 5:02 p.m. and resumed at 5:05 p.m.)
    CHAIR GORELNIK: All right. Well, welcome back to our spring CCC meeting. We're on agenda item 13, wrap-up and other business. And I will turn to Executive Director Chuck Tracy.
    MR. TRACY: Thank you, Mr. Chair, and thanks, everybody, for a really good meeting with a lot of good information.
    I put together a quick summary of some of the discussions and outcomes of the meeting. It's far from comprehensive but just is a good reminder of what we've accomplished here and what we will be following up on as we move forward.
    So if I could share my screen. I can, apparently. Let me just run through this real quick.

    (Pause.)
MR. TRACY: Okay. So, again, far from comprehensive. But on the Fisheries update, the science update, we had a report from Dr. Werner on the survey plan for 2021 and from Dr. Howell on COVID impacts to the recreational catch estimation.

The main question the CCC had was whether potential revisions to the 2020 MRIP estimates would impact their use in ACL and status evaluations. The Agency replied then that there shouldn't be too much of an impact, that the estimates, while not as certain as they have been in the past, are considered best available science at this time and would be unlikely to change very much.

There were some concerns from the CCC about the long-term implications of these uncertain estimates that may affect things going into the future, but nothing can be done about that. The CCC did recommend resuming data collection activities should be a priority as the Agency resumes normal operations.

Now, for the legislative outlook, we did have some good discussions, and we want to say thank you to Representative Huffman and Case, who came and spoke to us in person, and Representative Stevens, who provided us a video message on the Magnuson Act reauthorization issues. And so that was very much appreciated, as well as all of the Committee staffers that came and gave us their views on the Magnuson Act and other fisheries-related legislation.

The only real business that the Council was able to, or the CCC was able to, engage in was reviewing the consensus statement on aquaculture, an updated consensus statement that the legislative work group had been working on. The CCC did approve that.

There was quite a bit of discussion on recent executive orders regarding EO 14008, attacking the climate crisis at home and abroad. There was a lot of discussion about the 30 By 30 objective of conserving 30 percent of the land and water's resources in the U.S. by the year 2030.

To that end, the CCC established an Area-Based Management Subcommittee to develop a common understanding among Councils of area-based
management measures and assist the regional
Councils in coordinating with NOAA to achieve the
goals set forth in the executive order and report
to the Climate Change Task Force. So the
Subcommittee is intended to develop a report on
ABM measures in the U.S. EEZ, including a
comprehensive evaluation of all existing EEZ
federal fishery area closures and other area-
based measures in the U.S.

Discussion of the pros and cons of
area-based management approaches -- and also
taking a look at management objectives and
expected benefits of area-based management tools
for the diversity of ecosystems under the Council
jurisdictions.

The Subcommittee will produce, or
attempt to produce, a journal article on the
conservation benefits of area-based management
measures for marine fisheries in the U.S., and
Eric Reid has agreed to chair that Subcommittee.

Regarding offshore wind development,
also a lot of discussion on this. Very good
presentations from BOEM. We appreciated that
input from them. However, the CCC and the
Habitat Group provided some ideas about how to
further that integration or that interaction with
BOEM and the Councils. They read a good report
on that.

The CCC's guidance to the Habitat Work
Group, however, was that the offshore wind issues
would become secondary to that of the Area-Based
Management Subcommittee that we just discussed,
but that in 2021, if resources are available,
they should continue to meet and focus on the
development and sharing of best management
practices related to offshore wind issues.
However, they should not plan on a Habitat
Science Forum this year, and that they can look
forward to some further guidance from the CCC at
our October meeting.

For the National Standard 1 draft
technical memorandum on managing with ACLs for
data-limited stocks, we received a presentation
from Marian MacPherson giving an overview of the
memo. CCC noted that some portions of the
document still need more work to provide
effective guidance and ensure there is clear
distinction between guidance and requirements.
They also requested an extension of the comment deadline on the draft memo to allow time to schedule, review, and develop comments. I think they asked for something in November. NMFS indicated that they would at least try to accommodate an extension into sometime in early October.

On our CCC's Subcommittee on Council Member Ongoing Development Committee, the Steering Committee reported their first CMOD workshop is scheduled to occur in person in the first week of November. I believe that's -- the plan is to have that in Denver, if I'm not mistaken. I'm not sure if that was in the report, but that's my understanding.

Scoping is underway to refine the agenda, which focuses on the theme of new approaches to ecosystem-based fishery management and ecosystem approaches to fishery management. The Steering Committee is going to be reaching out for presenters both within the Council family and elsewhere as its next step over the course of the summer as they plan for that.

The NEPA Subcommittee provided a report to the CCC which recommended NMFS consider the report, which included guidance and ideas and issues for conducting the proposed workshop to consider Council and Agency guidance on implementation of the new CDQ NEPA regulations as well as procedures for functional equivalents of MSA actions.

And then the SCS-7 Subcommittee, their seventh national meeting has been again postponed at this time until the summer of 2022 so that it can take place in person. The North Pacific Council is the host of that meeting, and they asked for assistance from NMFS to approve a no-cost extension through 2022 of existing funds intended to support that workshop. And they're looking for some feedback from Grants Division and NMFS headquarters on that, whether that could be accommodated.

Seafood competitiveness, marketing, and economic growth, Dr. Doremus requested comments and feedback from the Councils on working water fronts, workforce development, sustainability, resiliency, marketing, supply chains, and young fishermen's education programs.
The CCC and the Northeast -- New England Fishery Management Council noted that Councils may be unprepared to answer all these difficult issues at this time, and that perhaps, at least initially, the Council's focus should be on the sustainable supply of fishery resources for the American public.

Western Pacific noted that the supply chain and inferior imported tuna products was a large issue for their Council. They also requested removal of the monument closures by the executive order that were put in place by the Antiquities Act.

Regarding the electronic monitoring agenda item, Brett Alger provided an overview of the draft procedural directive on applying information law to electronic monitoring data. The directive will establish requirements for electronic monitoring programs to address data confidentiality, federal records, and FOIA issues.

The draft is not quite yet available but should be released to the Councils shortly, by early June, with comments due by July 15th. It says the NPFMC requested an extension until October. I think that's the CCC -- it's probably my typo there -- requested an extension until October 2021 for more opportunity to get that put on a new agenda and develop comments.

I think the NMFS's response was that they would prefer to get comments earlier so that they could utilize the document for implementation of programs that were scheduled to come online January 1 of next year, but that they would continue to take comments as they were provided moving forward, but that they would definitely prefer to have that sooner rather than later if possible.

And then the, finally, policy and procedural directives on guidance for financial disclosure and recusals, Adam Issenberg gave an overview of the draft policy directive and procedural directive. Both provide guidance on fishery management, Council disclosure, and recusal requirements.

There were some questions that were posed that Mr. Issenberg agreed to investigate and report back on, primarily about the role of
the Executive Directors in identifying potential recusal issues and also on reporting discussions about recusal.

So that, Mr. Chairman, is my brief and spectacular summary of our CCC meeting so far this spring. Happy to answer questions if there are any.

CHAIR GORELNIK: All right. Thank you, Chuck.

Now would be time for questions or comments.

Kitty?

MS. SIMONDS: Not so spectacular, Chuck. You missed my entire ESA and MSA integration.

MR. TRACY: Is it in -- sorry, can you --

MS. SIMONDS: And the most wonderful thing about that is that Sam Rauch agreed to look into staff receiving drafts of BiOps. So thank you.

MR. TRACY: My apologies. Like I said, far from comprehensive. But yeah, I did miss that one. I whiffed on that one completely.

MS. SIMONDS: No, but I thought your report is really good. You just forgot about me.

MR. TRACY: I didn't see it in my source document, so -- but I do recall seeing you submit something to me. So my apologies.

CHAIR GORELNIK: All right. Are there further questions or comments on the wrap-up provided by Chuck Tracy?

(Pause.)

CHAIR GORELNIK: Any further recommendations?

(Pause.)

CHAIR GORELNIK: All right. Chuck, thank you very much for that wrap-up. And I guess you can amend it to include the material Kitty mentioned.

And that brings us to our discussion of next meeting dates. So, Chuck, do you want to let everyone know about our October meeting?

MR. TRACY: Yes. Let me see if I can find that on my screen here someplace without accidentally exiting the -- I guess I'll have to do it this way.

Okay. Let's try this again. So I
just wanted to remind people that we will be having our next meeting in Monterey in October, 19th through the 21st. It will be an in-person meeting. That's our fervent hope.

There's some contact information. You can expect to see invitations by no later than August 1st. We will have opportunity to stay on or come early a few days before or after the CCC meeting based on room availability.

And then, secondly, Mid-Atlantic will be hosting next year's CCC meeting, and they've set the dates of May 17th through 19th. And it will be in Annapolis, Maryland, at the Waterfront Hotel. So that is next year's business.

CHAIR GORELNIK: All right. Thanks, Chuck.

Any questions from the CCC on plans for the October meeting? Really look forward to seeing everyone in person for a change.

Chuck, do you have anything else?

MR. TRACY: No, Mr. Chair.

CHAIR GORELNIK: All right.

Chris Moore?

MR. MOORE: Thank you, Mr. Chairman. Yeah, just to let folks know for those folks that plan way ahead, we also have a meeting date already scheduled for October, CCC meeting. It's the week of October 17th, 2022. So just to let folks know. Thank you.

CHAIR GORELNIK: I'm going to get that on my calendar.

Anything else from around the virtual table here, from the CCC, before we adjourn?

Sam Rauch?

MR. RAUCH: Given that we are likely to adjourn very soon, on behalf -- I do not see that Paul is still here, but on behalf of Paul and the rest of the National Fisheries Service, I do want to thank the CCC for participating. We always find this is very constructive, and I appreciate all of the hard work that goes into these meetings. But I did want to thank everybody for being here and joining in this good conversation. Thank you.

CHAIR GORELNIK: Thanks, Sam. And on behalf of the CCC, thank you to NMFS and all the staff that participated in making the presentations and the helpful discussion we had.
here today.

Chuck and then Kitty.

MR. TRACY: Thanks.

Yeah, one other thing that is on our agenda was kind of maybe if there's a desire to talk about the frequency of schedule for future Council check-in calls. We've been sort of having monthly calls for quite a while. And so there was some interest in maybe discussing whether to continue that schedule or modify that somehow, or if those meetings are -- if there's a desire to continue those at all.

So I'll just put that out there and see if there's any thoughts about that.

CHAIR GORELNIK: Well, I think they've been helpful, at least until we get back to a normal operating environment.

Anyone have a comment on that particular topic?

Kitty and then Sam.

MS. SIMONDS: Well, I think they are very, very, very, very, very, very useful, and I hope that the NMFS agrees to continue to have these meetings. It's just not so much bringing us, really, closer, but we have that opportunity to talk about whatever we need to talk about with headquarters. We don't have that opportunity. And so that is every month. That time is when I fully take advantage of that great opportunity. I did have something to say at the end, though, but --

CHAIR GORELNIK: I'll come right back to you, okay, Kitty?


CHAIR GORELNIK: Sam?

MR. RAUCH: Yes. I would like to remind the CCC that those are not actually CCC meetings. And so the provisions -- if you were going to have monthly CCC meetings, they'd need to be properly noticed and follow the formal rules.

Given that they are not formal CCC meetings but they're just discussions on operational issues and information with the Council, that has limited what you can do in those meetings to sharing certain background information, discussing operational issues.

So I just want to -- we've discussed
that before, but it is not correct -- and
sometimes we are even not accurate. Those have
not been CCC meetings, and they are not CCC
meetings. They're not noticed as such, and we do
not conduct CCC business in those discussions.
You could if the CCC wanted to have monthly
meetings, but you'd have to follow the proper
procedure to do that.

CHAIR GORELNIK: Thank you, Sam, for
that clarification.

Kitty, right back to you.

MS. SIMONDS: Okay. Well, they are --
I consider them informal discussions about
issues. And so, yeah -- I wouldn't like to see
formal monthly meetings, obviously, because then
we'd have to speak formally.

So, anyway, my last comment is I'm
responding to Kelly's comment at the very
beginning of this session today. She said that
she was very sorry that she missed the social
hour yesterday and was hoping to have another
opportunity.

So I was going to -- you know, I will
confer with Sam because we could put it on
YouTube, you know.

Hi, Sam.

Just joking. But Kelly, anytime,
we'll send it to you.

CHAIR GORELNIK: Sam, your hand is up.
Do you have a further comment?

Oh, it's down. All right. Thank you.
All right. Carrie?

MS. SIMMONS: Thanks, Mr. Chair.

No, I just want to say thank you all
for the materials that were provided ahead of
time and for the good conversation that we've had
here, and Chuck for all his work and his staff
have done, and you, Mr. Chair, for your hard work
and keeping us on schedule.

That being said, I do find the monthly
meetings helpful. I think as we work our way
through this pandemic issue and we start to ease
back into travel, I would prefer that we have
those monthly meetings still. I think it's very
important to understand how the travel schedule
is going to unfold for the federal staff just as
much as the other Councils.

Thank you.
CHAIR GORELNIK: Thank you, Carrie.

Anything further from the CCC before we adjourn?

(Pause.)

CHAIR GORELNIK: Would anyone like to make a motion?

(Pause.)

CHAIR GORELNIK: We need a motion.

Chris Moore?

MR. MOORE: So moved.

CHAIR GORELNIK: Is there a second?

MR. NIES: Second. Tom Nies.

CHAIR GORELNIK: Second by Brad Pettinger. All those in favor, say aye.

(Chorus of aye.)

CHAIR GORELNIK: Opposed? Can't imagine.

(Pause.)

CHAIR GORELNIK: All right. We are adjourned. Once again, thank you, everyone, for your participation and your work, and we look forward to seeing you in Monterey in October.

(Whereupon, the above-entitled matter went off the record at 5:28 p.m.)
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