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**COUNCIL COORDINATION COMMITTEE  
TRANSCRIPTS**

**October 19-21, 2021**

Online Meeting due to the COVID-19 Pandemic

1  
2  
3 **Participants**  
4

5 Pacific Fishery Management Council:

6 Mr. Marc Gorelnik, Chair  
7 Mr. Brad Pettinger, Vice-Chair  
8 Mr. Chuck Tracy, Executive Director  
9 Mr. Mike Burner, Deputy Director

10  
11 Western Pacific Fishery Management Council:

12 Mr. Archie Taotasi Soliai, Chair  
13 Mr. John Gourley, Vice-Chair  
14 Mr. Manny Duenas, Vice Chair  
15 Mr. Will Sword, Vice-Chair  
16 Ms. Kitty Simonds, Executive Director

17  
18 Northern Pacific Fishery Management Council:

19 Mr. Simon Kinneen, Chair  
20 Mr. Bill Tweit, Vice-Chair  
21 Mr. David Witherell, Executive Director  
22 Ms. Diana Evens, Deputy Director

23  
24 New England Fishery Management Council:

25 Mr. Eric Reid, Chair  
26 Mr. Rick Bellavance, Vice-Chair  
27 Mr. Tom Nies, Executive Director

28  
29 Mid Atlantic Fishery Management Council:

30 Mr. Mike Luisi, Chair  
31 Mr. Wes Townsend, Vice-Chair  
32 Dr. Chris Moore, Executive Director

33  
34 South Atlantic Fishery Management Council:

35 Mr. Mel Bell, Chair (Oct 20 & Oct 21)  
36 Dr. Carolyn Belcher, Vice-Chair  
37 Mr. John Carmichael, Executive Director

38  
39 Gulf of Mexico Fishery Management Council:

40 Mr. Dale Diaz, Chair  
41 Ms. Martha Guyas, Vice-Chair  
42 Dr. Carrie Simmons, Executive Director  
43 Dr. John Froesche, Deputy Director

44  
45 Caribbean Fishery Management Council:

46 Mr. Marcos Hanke, Chair  
47 Mr. A. Louis Blanchard, Vice-Chair  
48 Mr. Miguel Rolón, Executive Director

1 National Marine Fisheries Service Headquarters:

2 Ms. Janet Coit, NMFS Assistant Administrator  
3 Mr. Sam Rauch, Deputy Assistant for Regulatory Programs  
4 Dr. Paul Doremus, Deputy Assistant for Operations  
5 Dr. Cisco Werner, Director of Scientific Programs and Chief Science Advisor  
6 Mr. Russell Dunn, National Policy Advisor for Recreational Fisheries  
7 Mr. Adam Issenberg, General Counsel  
8 Ms. Kate Naughten, Office of Communications  
9 Mr. Tim Sartwell, Office of Communications, National Saltwater Recreational Fisheries  
10 Program  
11 Ms. Danielle Blacklock, Office of Aquaculture  
12 Dr. Rick Methot  
13 Dr. Perry Gavaldo  
14 Ms. Karen Eason  
15 Ms. Heather Sagar, Office of Policy  
16 Mr. Steve Leathery  
17 Ms. Katie Renshaw  
18 Ms. Christi Reid  
19 Ms. Kristen Cherry, Office of Aquaculture  
20 Ms. Kristy Beard, Office of Aquaculture

21  
22 National Marine Fisheries Service Office of Sustainable Fisheries:

23 Ms. Kelly Denit, Director  
24 Ms. Jenni Wallace, Deputy Director  
25 Ms. Stephanie Hunt, Policy and Guidance Branch Chief  
26 Mr. Michael, Ruccio, Division Chief  
27 Ms. Morgan Corey, Fishery Management Specialist  
28 Ms. Deb Lambert  
29 Ms. Sarah McLaughlin

30  
31 National Marine Fisheries Service Regions:

32 Mr. Barry Thom, West Coast Regional Administrator  
33 Mr. Michael Pentony, Greater Atlantic Regional Office  
34 Mr. Michael Tosatto, Pacific Island Regional Office  
35 Mr. Jim Balsiger, Alaska Regional Office  
36 Ms. Sarah Bland, Greater Atlantic Regional Office  
37 Mr. Glenn Merrill, Alaska Regional Office  
38 Mr. John McGovern, Southeast Regional Office

39  
40 National Marine Fisheries Service Science Centers:

41 Ms. Kristen Koch, Southwest Fisheries Science Center  
42 Dr. Jason Cope, Northwest Fisheries Science Center

43  
44 Pacific Council Staff/Contractors:

45 Mr. Kris Kleinschmidt  
46 Ms. Sandra Krause  
47 Ms. Patricia Crouse  
48 Mr. Kerry Griffin  
49 Mr. Craig Hess  
50 Dr. Kit Dahl  
51 Ms. Robin Ehlke

1           Dr. Jim Seger  
2  
3   CCC Contractor  
4           Mr. Dave Whaley  
5  
6   \_\_\_\_\_

Additional Attendees by Day

**October 19, 2021**

1  
2  
3  
4  
5 Beth Hager, Gulf of Mexico, Staff  
6 Bob Dooley, Pacific FMC, Council Member  
7 Brandon Muffley  
8 Briana Brady, Pacific FMC, Council Member  
9 Carina Nichols  
10 Caroline Park  
11 Chris Kellogg  
12 Chris Oliver  
13 Dan Waldeck  
14 Deidre Boelke  
15 Derek Orner (NFMS/MB)  
16 Diana Kitiona  
17 Diana Evans  
18 Elizabeth Reed  
19 Eric Federman  
20 Erin Schnettler  
21 Floyd Masga  
22 Gib Brogan – Oceana  
23 George Lapointe  
24 Graciela Garcia-Moliner  
25 Heather Mann  
26 Ivy Fredrickson  
27 Jack McGovern  
28 Janice Plante  
29 John Bortniak  
30 Joshua DeMello  
31 Julia Singer – Oceana  
32 Justin Hospital  
33 Kara Meckley  
34 Karen Greene  
35 Katie Latanich  
36 Kelly Ames, NMFS WCR  
37 Kelly Kris – Deputy assistant Secretary  
38 Kris Lynch  
39 Leigh Habegger (Seafood Harvest)  
40 Liajay Rivera (CFMC)  
41 Liz Cerny-Chipman (Ocean Conservancy)  
42 Mara Levy  
43 Marianne Ferguson  
44 Marlowe Sabater  
45 Maria Davis  
46 Mary Sabo  
47 Mark Fitchett  
48 Matt Tinning, APA  
49 M Carnevale, WP Council  
50 Melissa K  
51 Melissa Mahoney – EDF

- 1 Michele Robinson
- 2 Michelle Lennox (NOAA Fisheries)
- 3 Michelle McGregor
- 4 Nicole Kimball
- 5 Rick Robins
- 6 Rick Marks
- 7 Ryan Rindone
- 8 Sean Roberts
- 9 Spencer Showalter (NMFS OAA)
- 10 Stacey Miller – NMFS WCR
- 11 Stephanie Bailenson
- 12 Stephanie Madsen
- 13 Steven Atran
- 14 Topher Holmes
- 15 Marysia
- 16 Will Satterthwaite
- 17

1 **October 20, 2021**  
2  
3 Alorenc  
4 Beth Hager  
5 Bob Dooley  
6 Brendan Gavin  
7 Brian McManus  
8 Briana Brady  
9 Caroline Park  
10 Carina Nichols  
11 Casey MacLean (Representative Huffman)  
12 Chris Oliver  
13 Chris Kellogg  
14 Clay Tam  
15 Connor Fagan (Oceana)  
16 Dan Waldeck  
17 Danny  
18 Deidre Boelke  
19 Derek Orner (NMFS/MB)  
20 Diana Evans – NPFMC Deputy Director  
21 Diana K  
22 Drew M  
23 Ed Case (Representative)  
24 Elizabeth Reed  
25 Erin Schnettler  
26 Floyd Masga – WPFMC  
27 Gib Brogan - Oceana  
28 Graciela Garcia-Moliner  
29 Heather Coleman  
30 Ian Lundgren  
31 Ivy Fredrickson  
32 James  
33 Janice Plante (NEFMC)  
34 Jared Huffman (Representative)  
35 Jenny  
36 Jessica Coakley  
37 Jeff Kaelin  
38 Julia Singer – Oceana  
39 Kainan Miranda – Rep. Case  
40 Kara Meckley  
41 Karen Greene  
42 Kate Swails  
43 Katie Latanich  
44 Kirk Lynn  
45 Kris Lynch  
46 Laura Keeling  
47 Laura Diederick  
48 Leigh Habegger (SHA)  
49 Liajay Rivera (CFMC)  
50 Liz Cerny-Chipman – Ocean Conservancy  
51 M Moore

1 Madeline Doten  
2 Mark Fitchett  
3 Marlowe Sabater  
4 Mary Sabo  
5 Matt Tinning (APA)  
6 MCarnevale (WP Council)  
7 Michele Robinson  
8 Michelle Lennox  
9 Michelle McGregor  
10 Molly Masterton (NRDC)  
11 Nicole Derochers (Rep Don Young)  
12 Noah Oppenheim  
13 Pauster  
14 Rachel DeWitt (Representative Huffman)  
15 Representative Don Young  
16 Rick Marks  
17 Samuel H.  
18 Sean Roberts  
19 Stacey Miller (NMFS)  
20 Stephanie Bailenson  
21 Stephanie Madsen  
22 Tara Scott  
23 Topher Holmes  
24 Zach Brown (Rep Don Young)  
25 WPRFMC Staff – Asuka Ishzaki  
26 Marysia Szymkowiak  
27  
28  
29

1 **October 21, 2021**

2  
3 Abigail Harley  
4 Alisha Falberg  
5 Andrew Richard  
6 Annika Hellweg (CLF)  
7 Ben Enticknap  
8 Beth Hager (GMFMC)  
9 Brandon Muffley  
10 Carina Nichols  
11 Caroline Park  
12 Chris McNulty  
13 Chris Kellogg  
14 Chris Oliver  
15 Christina Package-Ward  
16 Clay Tam  
17 D. Kitiona  
18 Dan Waldeck (PWCC)  
19 Diane Evans  
20 Edward Glazier  
21 Emi Melton  
22 Eric Federman  
23 Floyd Masga  
24 Graciela Garcia-Moliner  
25 Heather Coleman  
26 Janice Plante  
27 Jennifer Schultz  
28 Julia Singer (Oceana)  
29 Katie Latanich  
30 Kelly Ames  
31 Kirk Lynn  
32 Lauren Benett  
33 LH  
34 Liajay Rivera  
35 Lindsay Fullenkamp  
36 Lisa Colburn  
37 Liz Cerny- Chipman (Ocean Conservancy)  
38 Mary Sabo  
39 Michele Robinson  
40 Michelle Lennox (NOAA Fisheries)  
41 Michelle McGregor  
42 Nathan Eagle  
43 Rick Marks (ROMEA)  
44 Pauster  
45 Sean Roberts  
46 Sharon Benjamin  
47 Stacey Miller  
48 Stephanie Madsen  
49 Tara Scott  
50 Topher Holmes (NOAA OLIA)  
51 Joshua DeMello

1 Molly Masterton (NRDC)  
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1 **October 19, 2021, 10:30 a.m. PDT**

2

3 **Welcome and Introductions**

4 **Chuck Tracy:** We're getting pretty close to critical mass here, so I just want to welcome everybody to  
5 our October CCC meeting. I guess I'll just ask if the other EDs and the NMFS leadership to see if there's  
6 anybody on the participants list who, or anybody who isn't on the participant list that needs to be before  
7 we get started. So, and to look at that, click on the participants down at the bottom of your screen and  
8 on the controls and you'll get a list of folks that are on the meeting. So let's see if there's any need for  
9 us to delay for other folks and if not, I'm going to turn it over to Kris Kleinschmidt, he's our IT specialist  
10 and he's going to go over a few features of RingCentral since you all may not be all that familiar with  
11 it, although it's very similar to Zoom, but it looks like we're good to go so Kris I'm going to turn it over  
12 to you and then you can turn it over to Marc when you're done.

13

14 **Kris Kleinschmidt:** All right. Thanks everybody. I'm going to just do a really quick overview of the  
15 RingCentral interface, and this will just get us through our meeting for the next three days. So, when  
16 you first join the meeting, we highly recommend that you hit the participants button that Chuck just  
17 alluded to, that's going to be at the bottom of your screen. That will expand a list to the right. That's not  
18 only going to give you the ability to see who else is on the call, who may be currently sharing their  
19 screen or talking, but it also is where you're going to find the hand-raise function. Whether you're using  
20 the web browser to join, which is in the right in this example or the RingCentral application, the layout  
21 is nearly identical. The only things that the web browser functions do not include is breakout rooms  
22 and polling, neither of which we will be doing for this meeting, so rest assured that no matter which  
23 way you join the meeting that you should be able to participate in the same manner. As I mentioned a  
24 moment ago, at the bottom of the participants list is the hand-raise function or button. Some Mac users,  
25 depending on which version of RingCentral you are using, sometimes the hand-raise function is behind  
26 the reactions button at the bottom of the list. So, if you're not finding it at the bottom of the participants  
27 list, you may check on the reactions button as well for the hand-raise function. By clicking that you'll  
28 get a visual indicator next to your name on the participants list that you have raised your hand, and we  
29 will see it as well. And then when you're done you would want to click the lower hand button so that  
30 we can move on to the next person who may have a question. If you need to adjust your audio  
31 throughout this meeting, whether it's changing to a headset or switching to telephone audio from  
32 computer audio, which a majority of you have joined via, there is a little up arrow or tic icon next to  
33 the mute button in the lower left-hand corner of your screen. If you have multiple devices like I do in  
34 this example, you can switch between headsets or speakers on your laptop or desktop speakers as well  
35 as microphones. This is also where you can run a test microphone and speaker feature if you're running  
36 the app. Just make sure that your muted first and then beyond that you can also switch to telephone  
37 audio if you start to have computer issues, maybe your bandwidth gets limited during this meeting. We  
38 have the screen share feature, which is the button in the middle of your screen. If the host is not actively  
39 sharing their screen, you should be able to click share screen and then it'll prompt you to select either  
40 which monitor application or specific program you want to share the screen and then you'll need to hit  
41 share again, and that should get you to be able to give your presentation if you are doing that for part  
42 of this meeting. And then there's a chat functionality that we like to try to reserve for technical assistance  
43 primarily or quick responses, such as what we had from NMFS saying that they're all good to go on the  
44 attendee list this morning. Anything of any substance we ask that as part of the conversation so that it  
45 becomes part of the recording, the audio recording. However, it's a handy way to get in touch with  
46 individuals and or the group, and so just expand that using the chat button and it shows up at the bottom  
47 of the participants list. You can also reach out to me directly if you run into technical issues at  
48 [Kris.Kleinschmidt@noaa.gov](mailto:Kris.Kleinschmidt@noaa.gov). That email address is at the bottom of this slide, and I'm happy to help  
49 anybody if you do run into any issues. I'll leave it with any questions from there? So, if you want to use  
50 the hand-raise feature or feel free to just go ahead and unmute your mic if you have any questions. All

1 right. Not hearing any or seeing a hand raise I will give it back to you Chuck. Thanks. Chuck, you're  
2 muted.

3  
4 **Marc Gorelnik:** All right. I think this is.... I'll take it from here Kris.

5  
6 **Chuck Tracy:** Yep. Go ahead Marc.

7  
8 **Marc Gorelnik:** My name is Marc Gorelnik. I am Chair of the Pacific Fishery Management Council  
9 and the 2021 Chair of the Council Coordination Committee. I'm pleased to call to order this meeting of  
10 the Council Coordination Committee conducted via webinar, regrettably not in beautiful Monterey.  
11 This meeting is open to the public and copies of the meeting agenda and other documents used are  
12 available on the Regional Fishery Management Council website, which is [www.fisherycouncils.org](http://www.fisherycouncils.org),  
13 as well as the [NOAA Fisheries website](http://www.noaa.gov). Members of the public will be provided an opportunity to  
14 provide the CCC with their comments on each agenda item taken up by the CCC, and there will also  
15 be opportunities at the end of each day to testify on items not on the agenda. After presentations, the  
16 floor will be open to CCC members for questions or clarification. When all presentations are completed,  
17 public comment will be heard followed by CCC discussion and action as appropriate. Members of the  
18 CCC should use the raise-hand feature and wait until called on by the Chair to engage in questions and  
19 discussions. Please note that the webinar chat feature, as Kris mentioned, should be used for technical  
20 issues and not to make a public comment or to support or criticize policy positions. If possible, please  
21 sign in or change your name once you have connected to the webinar to your first and last name  
22 followed by your affiliation, which I have not yet done, but when I do it will read Marc Gorelnik open  
23 paren, PFMC, closed paren, or if you're with NMFS, indicate NMFS and your region or role. Let me  
24 remind CCC members and others to speak directly into their microphones, whichever that may be, so  
25 that all can hear. Lastly, I ask that all CCC members and members of the audience turn off the sound  
26 ringers on their cell phones and mute your connection while the CCC meeting is in session. Obviously,  
27 you will unmute if you have something to say. And at this point in time, I would like to have the CCC  
28 members introduce themselves and I will call it by region and maybe one person from the region can  
29 make those introductions. So, on behalf of the Pacific Council, with us we have obviously myself, my  
30 Vice Chair Brad Pettinger, Executive Director Chuck Tracy and Deputy Mike Burner. Western Pacific?

31  
32 **Kitty Simonds:** Archie?

33  
34 **Archie Soliai:** Yeah. Hi Kitty. I'm trying to look at the list here to see who all in for participation from  
35 Western Pacific. Anyways, good morning and from American Samoa and the Western Pacific. My  
36 name is Archie Soliai. I am the Chair. And with us today is Executive Director Kitty Simonds. It's 6:30  
37 in the morning here and I think it's about 3:30 in the morning in the Marianas. I'm not sure if they're on  
38 yet?

39  
40 **Kitty Simonds:** They are.

41  
42 **Archie Soliai:** Okay.

43  
44 **Marc Gorelnik:** All right any other introductions Western Pacific?

45  
46 **Archie Soliai:** Yeah, we've got Manny Duenas from Guam. John Gurley from the CNMI and Will  
47 Sword from American Samoa.

48  
49 **Marc Gorelnik:** All right. Thank you very much. Western Pacific.

50  
51 **Kitty Simonds:** That was us.

1  
2 **Archie Soliai:** That was us.  
3  
4 **Marc Gorelnik:** Northern Pacific?  
5  
6 **Dave Witherell:** Stand by and see if Simon wants to speak. I'll jump in. He might be having audio  
7 problems. With us at the North Pacific, Dave Witherell, Executive Director. Diana Evans, Deputy  
8 Director. Chairman, Simon Kinneen, and Vice Chairman Bill Tweit.  
9  
10 **Marc Gorelnik:** Thank you very much Dave. New England?  
11  
12 **Eric Reid:** Can you hear me okay Mr. Chairman?  
13  
14 **Marc Gorelnik:** I got you. And by the way if we can't hear you, we'll let you know. But I realize this  
15 platform's new to most so yeah loud and clear. Please go ahead.  
16  
17 **Eric Reid:** Okay very good. Thank you very much Mr. Chairman. My name is Eric Reid. I'm the  
18 Chairman of the New England Council and with me today is Vice Chairman Rick Bellavance and  
19 Executive Director Tom Nies.  
20  
21 **Marc Gorelnik:** Thank you very much Eric. Mid-Atlantic?  
22  
23 **Mike Luisi:** Thank you Mr. Chairman. My name is Mike Luisi. I am the Chair of the Mid Atlantic  
24 Council and with me today is my Vice Chair Wes Townsend and Executive Director Dr. Chris Moore.  
25 Thank you.  
26  
27 **Marc Gorelnik:** Thank you very much. South Atlantic Council?  
28  
29 **John Carmichael:** Thank you Mr. Chairman. I'm John Carmichael, Executive Director of the South  
30 Atlantic Council, and I'm joined by Dr. Carolyn Belcher of Georgia, our Vice Chair. Our Chairman,  
31 Mel Bell of South Carolina sends his regrets that he's unable to join us this afternoon. He's at a  
32 Menhaden board meeting with as ASMFC.  
33  
34 **Marc Gorelnik:** All right. Thank you. Caribbean Council? All right thank you very much. Caribbean  
35 Council.  
36  
37 **Marcos Hanke:** Yes, yes. Good morning, everyone. My name is Marcos Hanke. I'm the Caribbean  
38 Council Chairman and we have also online our Executive Director Miguel Rolon and our Vice Chair  
39 is trying to connect. He's having a little technical problems, but he's probably going to connect, so thank  
40 you.  
41  
42 **Marc Gorelnik:** All right, thank you very much Marcos. And last but certainly not least, the Gulf  
43 Council. Gulf Council?  
44  
45 **Carrie Simmons:** Thank you Chair. Dale Diaz, are you muted?  
46  
47 **Dale Diaz:** Here we go. How about now, can you all hear me?  
48  
49 **Carrie Simmons:** Yes.  
50  
51 **Marc Gorelnik:** Loud and clear.

1  
2 **Dale Diaz:** Thank you Mr. Chair. I'm the Chair of the Gulf Council, Dale Diaz. On the line with us  
3 today is Ms. Martha Guyas, who's the Vice Chair. Also Dr. Carrie Simmons, who is our Executive  
4 Director, and Dr. John Froeschke, who's our Deputy Director. I'm looking forward to a productive  
5 meeting. Thank you very much.  
6  
7 **Marc Gorelnik:** All right, thank you very much. And we'll come to the NMFS introductions right after  
8 we have approval of the agenda and minutes. So, we have before us and you have received, and it's  
9 been posted on the web, the agenda for this meeting and so I will look for either a motion to approve  
10 the agenda or suggestions, any changes to the agenda. Does someone want to make a motion? Just raise  
11 your hand and I'll call on you.  
12  
13 **Archie Soliai:** Western Pacific moves.  
14  
15 **Marc Gorelnik:** Chris Moore. Go ahead. You have your hand up?  
16  
17 **Chris Moore:** So moved Mr. Chair.  
18  
19 **Marc Gorelnik:** All right. Thank you very much Chris. Is there a second?  
20  
21 **Archie Soliai:** Seconded. This is Archie from Western Pacific.  
22  
23 **Marc Gorelnik:** All right, thanks very much Archie. All right. Any discussion? Not seeing any hands  
24 I'll call the motion. All those in favor of approving the agenda say 'aye'.  
25  
26 **Committee:** Aye.  
27  
28 **Marc Gorelnik:** All right. The motion passes. We have an agenda. Now posted in the materials are the  
29 minutes from our May meeting, so I will look for a motion to approve the minutes of our May meeting  
30 and please raise your hand to make the motion or to second. Tom Nies.  
31  
32 **Tom Nies:** So moved to accept this meeting transcript.  
33  
34 **Marc Gorelnik:** All right, thank you very much Tom. Is there a second?  
35  
36 **Archie Soliai:** Seconded. This is Archie from Western Pacific.  
37  
38 **Marc Gorelnik:** All right I'm going to call on Dave Witherell since he raised his hand. Archie, do you  
39 know where your raise-hand feature is?  
40  
41 **Archie Soliai:** Yeah, that's fine.  
42  
43 **Dave Witherell:** Dave Witherell second.  
44  
45 **Marc Gorelnik:** We have a motion and multiple seconds. All those in favor signify by saying 'aye'.  
46  
47 **Committee:** Aye.  
48  
49 **Marc Gorelnik:** Any opposed? All right, the motion to approve the minutes has been approved. We  
50 have that business out of the way. Thanks everyone. So, at this point I would like to turn to our Assistant  
51 Administrator Janet Coit for an introduction of, or welcome and introduction of the participants from

1 the National Marine Fisheries Service as well as moving into Agenda Item number 3. Welcome Janet.  
2  
3 **Janet Coit:** Thank you Marc very much. Can you hear me okay?  
4 **Marc Gorelnik:** You're loud and clear.  
5  
6 **Janet Coit:** Excellent. First of all, Marc, I'm so glad.....it's disappointing to have this virtual meeting,  
7 so I'm so glad I got a chance to meet you at ICAST and I know some of the other folks on here, but  
8 welcome, thrilled to be part of this meeting today. As you just introduced, I'm the new AA for fisheries  
9 and I am four months into the job and I'm very much enjoying the complexity and enormity of the work  
10 that we're doing together. I would like to turn it over to Sam to introduce all of the NOAA folks. I don't  
11 have a list in front of me and I want to make sure I don't miss anyone. So, Sam, you all know Deputy  
12 Assistant Administrator Sam Rauch. Sam, can you do the honors please?  
13  
14 **Sam Rauch:** I can start doing those. I don't have a complete list either, but if the Chair will recognize  
15 I will try to call on the regional folks just to make sure we have them introduced but I don't have a  
16 comprehensive list, so I will need to call on them directly if that's okay?  
17  
18 **Marc Gorelnik:** Absolutely.  
19  
20 **Sam Rauch:** All right. Let me let me first call on my fellow deputies. Do we have Paul Doremus?  
21  
22 **Paul Doremus:** Yes indeed. Hello everybody. Great to be here with you today. Thank you Sam.  
23  
24 **Sam Rauch:** Right. And do we have Cisco Werner, Chief Scientist? I think he'll join for parts of the  
25 meeting later on. Let me turn to our headquarters Office of Sustainable Fisheries. Kelly, do you want  
26 to introduce your folks that might be on the line?  
27  
28 **Kelly Denit:** Sure. Good afternoon and very good early morning for some of you. Kelly Denit here. I  
29 believe I've also got Jenni Wallace, who is the Deputy for the Office of Sustainable Fisheries, Mike  
30 Ruccio, who is our Domestic Fisheries Division Chief. Stephanie Hunt, who you all know already and  
31 Morgan Corey, who you all also already know. Thanks Sam.  
32  
33 **Sam Rauch:** All right. Could we have our headquarters recreational fishing team? Russ, are you on or  
34 others from your office? All right. How about other headquarters offices? I know we have aquaculture.  
35 Danielle?  
36  
37 **Danielle Blacklock:** Yes, hello Sam. Danielle Blacklock here for Office of Aquaculture.  
38  
39 **Sam Rauch:** All right. Any other headquarters folks, including from the science and technology side  
40 that I missed before I go to the regional folks?  
41  
42 **Kara Meckley:** Hi Sam. This is Kara Meckley from Office of Habitat Conservation.  
43  
44 **Sam Rauch:** Kara. Anybody else?  
45  
46 **Adam Isenberg:** Hi, this is Adam Isenberg from NOAA GC.  
47  
48 **Sam Rauch:** I was going to get to the attorneys but.....  
49  
50 **Adam Isenberg:** All right well sorry I wasn't sure where I fit in.  
51

1 **Sam Rauch:** Anybody else? Anybody else from headquarters? Okay let's go to the regional folks. Let's  
2 start with our Greater Atlantic Regional Office. Mike Pentony.  
3  
4 **Mike Pentony:** Good morning, good afternoon, everybody. Mike Pentony, RA for Greater Atlantic  
5 region, and I also have with me Sarah Bland, my ARA for sustainable fisheries.  
6  
7 **Sam Rauch:** Do we have anybody from the Science Center? Northeast Science Center? All right. Let's  
8 go to the Southeast Region, or the Southeast Science Center? Okay, how about the Alaska Region?  
9  
10 **Jim Balsiger:** Good morning, everyone. Good to see you on RingCentral. I'm Jim Balsiger, Alaska  
11 Regional Administrator.  
12  
13 **Sam Rauch:** Anybody else from the Alaska region or the Alaska Science Center?  
14  
15 **Jim Balsiger:** I didn't see anyone on the list, but it's a long list.  
16  
17 **Sam Rauch:** It is a long list. All right, how about the West Coast Region? One of our two West Coast...  
18  
19 **Barry Thom:** Yeah, good morning, good afternoon, everybody. Barry Thom, West Coast Regional  
20 Administrator, and Ryan Wulff, our Sustainable Fisheries ARA may be joining the meeting off and on  
21 over the next couple of days. And I did not see.....I know Kristen Koch was going to join for part of  
22 the time, but I don't see Kristen or Kevin Werner on at this point.  
23  
24 **Sam Rauch:** All right. How about the Pacific Islands region? Or Science Center? All right any NOAA  
25 General Counsel that I missed? Okay any other NOAA or federal people that I missed? All right. Well  
26 Mr. Chair, I know that there are some folks on the list that are maybe having trouble unmuting and  
27 connecting, but we've done as credible job as I can do trying to get a roll call of the current NMFS  
28 participants. Thank you. Turn back to Janet.  
29  
30

# 1 NOAA Fisheries Update and Upcoming Priorities

- 2 • Administration Priorities

3  
4 **Janet Coit:** Thank you. Marc, I think we're at the agenda where I give some remarks about the  
5 administration's priorities. Anything you want to say first?

6  
7 **Marc Gorelnik:** No, not at all. We're looking forward to hearing from you on this topic.

8  
9 **Janet Coit:** Okay. Excellent. All right, well great. Thank you again everyone for getting together for  
10 the CCC meeting and again I can't wait to be together in person. It probably goes without saying, but  
11 the challenges surrounding COVID are ongoing, affecting both the economic sectors that we support  
12 and care deeply about and all of us. So, I just ask people to continue to be flexible and adaptable and  
13 let's make this the best damn virtual meeting we possibly can, okay? I wanted to start by welcoming  
14 the new CCC members and acknowledging some of the folks who may not be new members but are  
15 here in a new capacity at this particular meeting. So, I want to start with the home team. You all know  
16 I'm from Rhode Island and acknowledge Eric Reid, the new Chair of the New England Council, and  
17 Rick Bellavance, the new Vice Chair of the New England Council. Thanks, guys, for stepping up. In  
18 the South Atlantic Dr. Carolyn Belcher is the new Vice Chair. The Gulf of Mexico Dale Diaz is the  
19 new Chair, though a veteran on the CCC, and Martha Guyas is a new Vice Chair. The Western Pacific  
20 we have three new Vice Chairs, Manny Duenas, Roger Dang and Will Sword. And then I just wanted  
21 to say again a huge thank you to Chuck Tracy. Thank you, Chuck, for your incredible work at the  
22 Pacific Council. We wish you well on your retirement. We'll miss you and we so appreciate all the  
23 many ways that you've contributed on the Council and with the CCC. All the work you've done along  
24 the West Coast and all you did to put this meeting together today. From the NOAA fisheries side, I also  
25 wanted to just make three announcements. I believe Andy Strelcheck is no stranger to all of you, but  
26 since you've last met, he was named the new Regional Administrator for the Southeast Regional Office.  
27 He has more than 20 years of experience and is well acquainted, I think, with these issues and with  
28 many, many of you, and has certainly worked with three Councils in his current job. Kim Damon-  
29 Randall came over from GARFO and she is the new Director at NOAA of our Protected Resources  
30 Section. So again, I think she's a familiar face from her Deputy role, but welcome Kim to her new role.  
31 And then I don't believe she's on our, on the meeting today, but Kelly Kryc, and I know some of you  
32 have been in touch with her directly through her role with the regional fisheries management  
33 organizations, but she is the new Deputy Assistant Secretary for international fisheries here at NOAA.  
34 So, for some of the Councils your work may overlap quite a bit with some of her areas of interest and  
35 others, maybe not so much, but we welcomed Kelly to the team and are busy supporting her as she gets  
36 up to speed and engaged on some priority international fisheries issues. All done. So, for me, as you  
37 can imagine the last four months have been a whirlwind from North Atlantic right whale, which  
38 continues to be very challenging and consuming. Salmon on western drought. Red snapper issues and  
39 controversies. Offshore wind and since I've been here, we have a new report from the National  
40 Academy of Public Administration, which was called upon or funded by Congress, and that's another,  
41 that report included recommendations on our budget structure, on engagement, on allocation and  
42 transparency, and I think Paul is going to speak to it a little later. But I want to focus with my team on  
43 using that report to drive any improvements and I'm very interested in any feedback on that. I mentioned  
44 that I met Marc at ICAST. Definitely very familiar with the importance of recreational fisheries and the  
45 recreational fishing sector, but have been spending more time really learning about MREP, what it does  
46 well, what it's not intended to do and why it's controversial in some areas and other aspects of  
47 recreational fishing, and it's an area that coming from Rhode Island I'm really eager to make sure that  
48 we support and bolster the importance of recreational fishing to our economy and the jobs associated  
49 with that. Also, I did want to say that as someone who has managed a state agency for the past 10 years,  
50 I have utmost respect for our state partners, their know how. The way the state waters are and the

1 Marine Fisheries Commissions collaborate and intersect with our agenda and feel that the state  
2 members of the Councils and the scientists and the managers and the partners and the states are such  
3 an important part of our mission and we could not be successful if we didn't work closely with the  
4 states. So, with that, I wanted to just highlight a few areas. They won't be new to any of you that are  
5 foremost on my mind. Many of them are priorities of the Biden-Harris Administration as I come into  
6 this role and indeed working with the excellent team here at fisheries. I can't say enough about the  
7 caliber and the smarts of the people here at NOAA Fisheries. I've, my take on how we approach these  
8 or what we might accomplish has definitely evolved since I've gotten here, and one of the things I hope  
9 to do today and during the course of this three days is have more dialogue with all of you about how  
10 the Councils specifically intersect with these priority areas. So, starting with climate change that the  
11 focus of the Biden Administration has been around reducing greenhouse gas emissions. And I want to  
12 talk about offshore wind in a minute, but also about resilience and adaptation. And when it comes to  
13 climate change in the marine environment and fisheries, I know that all of you have already witnessed  
14 significant changes, sometimes dramatic changes, sometimes sudden changes in the environment and  
15 understanding these changes through our, our surveys, through our science, through the observations  
16 of the fishing community and what their impacts are on fish, on habitat, on protected species and on  
17 coastal communities is an area that I would like to further emphasize. It's already been very important.  
18 You've already done great work, but really charge you to take a look at what concrete steps we might  
19 take as folks involved in governance and management and policy making around fisheries to address  
20 climate change. And that's something Sam and Kelly Denit will talk more with you about, but I think  
21 the role of the Councils in taking a look at how past actions mesh with changing conditions now and  
22 thinking about how we approach climate changes and the flexibility that we might need to incorporate  
23 in the system going forward, I think that's a really dynamic and fascinating and important area for you  
24 to focus, and I ask you to do that. Cisco Werner may talk more about our Climate and Fisheries  
25 Initiative. That is across NOAA initiative. Something that's funded significantly in the president's FY  
26 22 budget, but that's one of the places that we're looking to incorporate data into modeling and decision  
27 support systems so that we can more readily predict changes and reduce impacts. So, it's a very, I think,  
28 exciting initiative at NOAA. And I know that many of you have work that's underway already looking  
29 at climate change, doing regional climate action plans. You've talked a lot about ecosystem-based  
30 fisheries management and how climate is incorporated into those models. So I think our task is to just  
31 continue that work. Better prepare for and respond to these changes and you have a central, central role.  
32 I know from the briefings and discussions I've had that you have been working on these issues and I  
33 want to highlight actually the work that the Pacific Council has undertaken on this multi-year  
34 stakeholder inclusive scenario planning for the West Coast communities and what they're likely to face.  
35 I know that all of the East Coast Councils are working together and with the Atlantic States Commission  
36 on a scenario planning process, and each of you have been thinking about how to incorporate  
37 management approaches into your thinking to address climate issues. So again, I think this is one of the  
38 central challenges that face us and climate resilient fisheries, maintaining that strategic protein reserve  
39 for food, for jobs, for the economy and being really smart and forward looking. It's complex and  
40 multifaceted and you are just the people to really take it on. Related to the climate work we're doing  
41 and incorporated into the climate executive order from the President is the America the Beautiful  
42 Initiative, and Marc and I and some others, we're on a panel and talked about that a few months ago,  
43 30 by 30, some people know it as 30 by 30. So, I know, I really respect and want to underscore that the  
44 Councils have worked very hard to protect essential fish habitat, fishery resources and that the work  
45 that you've done has been really central to much of our conservation progress in the marine areas so I'm  
46 very cognizant of that. I've heard of a lot of concerns about 30 by 30. I just want to assure folks that it's  
47 in the early stages of developing what does conservation really mean? What are we trying to protect?  
48 What are we talking about in terms of marine areas that are part of America the Beautiful? So, there is  
49 an interagency working group, myself and a few people at NOAA have been working to just get more  
50 input and are about to publish a federal register notice specifically asking for input, specific questions  
51 and I believe that you have, that some of the Councils have stood up a working group on that. Again,

1 I'm excited about being part of this effort, but I think there's no decisions that have been made. In my  
2 opinion, you know, we should focus on what we're trying to conserve and then focus on reducing risks  
3 or stressors to that objective and how that plays out in a marine area is something that I expect you to  
4 weigh in on and shape. Okay so back to on the climate agenda. One big piece of the Biden climate  
5 agenda is scaling up offshore wind dramatically. I just want to call that out. It's a critical component of  
6 reducing greenhouse gas emissions from the electric sector, and it's a commitment of this administration  
7 and Secretary Raimondo, my boss and I are working across the administration on that initiative, 30  
8 gigawatts by 2030. And there was an announcement last week by Secretary Haaland and specifically  
9 talking about some plans over the next couple of years to scale that up. So, while those of us from  
10 Southern New England have been working on offshore wind issues for quite some time and I think  
11 have experience sort of forged in fire, I think we've learned some things that maybe we don't want to  
12 repeat, and it's a tremendous stress on the staff trying to work on these issues. What I hope to do and  
13 want to talk further with the Councils about is improve the policies going forward, embracing a mutual  
14 goal of protecting habitats, supporting sustainable fisheries, having an offshore wind industry that also  
15 embraces ocean health and the importance of coastal communities, the importance of our fisheries. So,  
16 wind is here. It's here in Southern New England. It's expanding. I think that our challenge is to be  
17 proactive and solution oriented and change the rules of engagement so that when we engage with the  
18 fishing community around what is important when we talk about essential fish habitat that we have a  
19 better, more receptive partner in BOEM and the Interior Department to avoid conflicts and mitigate  
20 impacts. So that's something I'm going to be working really hard on, and I think it's an open question  
21 really, what is the role of the Councils in that process? And just my opinion and I want to hear from all  
22 of you, is that because the Councils are established and public and represent all different fisheries that  
23 you are a very logical and important player to get involved in creating a better set of policy conditions  
24 for scaling up offshore wind. So, I should mention that the surveys, and I think when we look backwards  
25 we see that some of NOAA's equities, some of the surveys that we count on as well as the habitat, were  
26 things that didn't get sufficient regard early on in the process and now we're forced to calibrate and  
27 adjust. And so again I think there's some lessons learned, and I want to work with all of you and the  
28 team at NOAA going forward on a responsible, appropriate scaling up of offshore wind. I had a meeting  
29 earlier today with the team and I think because offshore wind is here, it's a priority. It's growing. It's  
30 something we have to increase resources, increase expertise and make sure that we're set up well to  
31 work with BOEM and the Energy Department and others and the states as we move forward on offshore  
32 wind. So that will be a very keen focus for me, is now and will be in the years ahead. There's significant  
33 budgetary increase in the FY 22 budget for NOAA Fisheries to work on offshore wind, and we know  
34 that the Councils need support for working on offshore wind and the funding is critical to us. If passed  
35 right now, it's focused more on the Atlantic coast, where the kind of epicenter right now is, where the  
36 leases are already in the shoot, but we know we need to continue to expand resources to deal with the  
37 other coasts and an expansion along the Atlantic. Okay shifting gears, another real area of focus for this  
38 administration and one where I think the Councils are central and important is an emphasis on diversity  
39 and equity and inclusion, so that sometimes means different things to different people but, and actually  
40 we're still trying to figure out what it means here at NOAA Fisheries, and I think that's a journey we  
41 want to take with you. I talked to some of you earlier about trying to attract more diverse candidates to  
42 the Councils and making sure we have more representation of different demographics on the Councils,  
43 but what we are, been thinking a lot about our environmental justice and how we take the President's  
44 imperative that we take a look at overburdened communities, and a lot of coastal fishing communities  
45 are overburdened communities, or a lot of the places you represent. Our tribal partners are often part of  
46 overburdened communities the way, you know, that's another term of art. But, you know, places that  
47 have taken more than their share of hits. Places where the economic picture is not as bright. So, I want  
48 to work with all of you. Sam and his team have a lot of ideas about increasing access to fisheries,  
49 supporting subsistence fisheries, making sure that the work that we do is supporting jobs and the  
50 economy in places, rural communities, depressed communities, and that we're maintaining a lot of the  
51 fishing ports, even on the East Coast, you know that they're gentrifying or unless we support the industry

1 and the importance of the jobs and make sure that the work that we're doing touches down there, we're  
2 going to lose ground. And I think that the equity issues are exciting to me. I'm passionate about them,  
3 but I think they really have a place in the Councils' work when you're thinking about management of  
4 fisheries moving forward. And I should add we're also focused inward and looking to increase kind of  
5 a pipeline of candidates, so we have a more diverse workforce and that is definitely part of this agenda  
6 for NOAA Fisheries. And then finally an area that is very ripe with opportunity that I want to further  
7 talk about and work with you on are just the support for a seafood, our U.S. seafood as sustainable, fair  
8 and important for our food supply, for our economy and how we can both sustain wild harvests in a  
9 changing ocean with a lot of stresses from things I've talked about, offshore wind, climate change and  
10 also responsibly an increase in support aquaculture in federal waters. So, I think Paul will talk more  
11 about that. When we look at kind of low impact ways to increase food supply in the U.S., maintaining  
12 fisheries and supporting aquaculture and supporting marketing and infrastructure for the fishing  
13 community, that's an area that I know Secretary Raimondo wants to focus and I'm super, super excited  
14 about. IUU fishing and fish products are integrally related to how we support and bolster our U.S. food  
15 chain. The aquaculture opportunity areas are sort of embedded in this, and again I think Paul will speak  
16 to it, but the input from the Councils is really important, whether aquaculture is fisheries management  
17 or not in terms of any legal opinion, and we had one from the Gulf Coast. I think as we look at the  
18 ocean and conflicting uses and maintaining fisheries, we want your input on expansion of aquaculture.  
19 So, I think, let me just see, I think those were the major priority areas that I wanted to highlight, and  
20 I've said a lot. I also just want to mention, and I know you have some time on the agenda, Marc, and  
21 others that the House is considering the Magnuson-Stevens Act Reauthorization bill. The Councils... I  
22 don't know if you've all weighed in. I've seen a lot of your comments and perhaps you've all weighed  
23 in and we may have some members of Congress joining us tomorrow. I'll be testifying on that bill a  
24 month from now, you know, and I'll be talking about the importance of MSA, the work that you've  
25 done, the incredible progress that we've made in terms of rebuilding fisheries stocks and so, you know,  
26 part of what I want to do is support that we have a strong law and that we have Councils that are  
27 successful. Some of the issues I've raised, climate change, science support for changing stocks and  
28 habitat, you know, our major focal areas for some of the sponsors of the bill, and I think your input is  
29 really critical and some of the thinking and talking that we're going to be doing at this meeting I think  
30 will be helpful to me and others at NOAA as we work with Congress. Whether it's a successful  
31 reauthorization or whether it's an opportunity to continue talking about some of the policy issues, the  
32 strength of MSA or areas where we might feel we need to modernize I think it's a really, really important  
33 dialogue and one that I'll be very focused on in the months ahead. So, I hope I haven't gone on too long  
34 Marc. I would like to end by just saying I can't say enough about how important to the public and to  
35 the public benefit and to the economy of the U.S. the work that you're doing is, and I see from my own  
36 experience how much brain power and elbow grease and sleepless nights and travel that people who do  
37 this work put into it. So, I really admire and thank you and look forward to more dialogue and look  
38 forward to learning more about your perspectives at this meeting and in the months to come. So, thank  
39 you, and I, if we have time for questions now that would be great, but I'll be sticking with you over the  
40 course of the three days. So thanks.

41 **Marc Gorelnik:** All right, thank you very much for that. We, you know, perhaps could have a few  
42 questions here keeping in mind that the executive orders are on the agenda for tomorrow when we can  
43 have a more detailed discussion. So, are there any questions of Janet Coit at this point in time? Please  
44 raise your hand and I'll see it. Eric Reid, please.

45  
46 **Eric Reid:** Thank you Mr. Chairman and thank you Madam Coit. I really appreciate it. In recalling  
47 your comments at our last meeting about offshore wind and the interaction with the industry, you were  
48 very rightly said that the Councils have one set of rules and of course offshore wind has a different set  
49 of rules. You know right now the industry, the fishing industry is only advisers, just like NOAA,  
50 National Marine Fisheries Service, the Coast Guard and a few others. So how do we get a seat at the  
51 big boy table instead of the kiddy table at Thanksgiving and address things like scientific survey, safety

1 at sea, habitat and environment, cumulative effects in seafood production with some real authority. It's  
2 a big question I know, but.....

3  
4 **Janet Coit:** Yeah. Thanks Eric and....

5  
6 **Eric Reid:** It's something that we've got to move along here you know.

7  
8 **Janet Coit:** Yeah. Thanks. Well, I think there's no one way. I'm having regular meetings and  
9 conversations with BOEM and we're working on an MOU that tries to establish some more, some rules  
10 of engagement. I mean we have different legal authorities than they do, and I think that the key on some  
11 of the issues. So Amanda Lefton, the head of BOEM has asked me, you know, how do I better engage  
12 around these issues? How do I better engage with the fishing community? And my response is always  
13 well the engagement will be more fruitful if on some of these issues you raised, Eric, we know that the  
14 input that we provide will be used to shape policy and decisions. So I think we're working on a couple  
15 of different fronts, but to try to get agreements with BOEM around identifying, you know, conflicting  
16 uses and avoiding them and mitigation policies so that when you can't avoid impacts they're addressed,  
17 minimized and compensated. So, Eric, one of the things coming out of this, I mean, could be a specific  
18 engagement with BOEM around, say, their mitigation policy. Or, you know, I think Amanda has asked  
19 me multiple times whether the Councils are a good place for that interaction? But I think it requires  
20 both improving policies that give us a stronger hand and then setting up some specific engagements  
21 with the expectation that they lead to outcomes. And that's a huge area of focus for me and for a number  
22 of people here. It's a total work in progress and I think we need to go at it in several different ways. So,  
23 I'd like to help map out, we've been mapping out here at NOAA Fisheries a number of different work  
24 streams around which we know on policy, on regulatory matters, on science like monitoring and  
25 baseline information, so maybe we can share something back and get input. But I think that the crux of  
26 it, I'll just end by saying is, I don't think scaling up offshore wind can be successful if we don't also  
27 attempt to the statutes and the values in the marine world that are so important to this country. And so,  
28 you know, that's kind of what I think is the foundation for all of this, but we need to make sure everyone  
29 feels that way.

30  
31 **Eric Reid:** Well, thank you very much for that response. That was great.

32  
33 **Marc Gorelnik:** All right.

34  
35 **Janet Coit:** You need to turn your video on Eric when you speak.

36  
37 **Eric Reid:** You know what I look like. (laughter).

38

1 • Covid-19 Operations and Reintegration Plans

2  
3 **Marc Gorelnik:** All right, I sometimes have comments to make, but I will withhold them in this  
4 audience. Thank you very much Janet. And I think we'll move on next to COVID 19 operations and  
5 reintegration plans. Paul Doremus.  
6

7 **Paul Doremus:** Thank you. Thank you, Mr. Chair, and great to connect with everybody here today. I  
8 do want to give a bit of fair warning. I have been getting audio cut outs and have to reboot. It takes, it's  
9 pretty quick, so if I drop out, I'll be back up pretty fast. So just in case that happens, wanted to let you  
10 know. Great pleasure to connect with everybody here today. First, on this topic of our current operations  
11 and our reintegration plans and as the next slide shows, this is really about the way forward, the kind  
12 of path ahead for us out of COVID and wanted to have an image up here because these kind of photos  
13 tell a story and it's about the kind of mission commitment that exists not just in our organization at  
14 fisheries, but with our partners and everybody who is committed and dedicated to the work of fisheries.  
15 And here's a handful of them standing on the back, this is in July of 2020, the Southeast Alaska Coastal  
16 Monitoring Survey. They're standing on the back of a R/V Medeia with the Alaska Department of Fish  
17 and Game and these are folks who along with many, many others in our organization went to great  
18 lengths to keep our mission critical functions, our mission essential functions in our terminology  
19 moving forward, and first and foremost is our ability to get into the field to get at sea and collect the  
20 data that we need to be able to really serve that backbone function that it serves in our entire fisheries  
21 management enterprise of which you all are a central part. So that commitment has carried us through  
22 and we're continuing to modify our operating stance based on how COVID progresses and that's what  
23 I'm here to talk to you about today. But all of this is contingent on these kind of folks being able to get  
24 out there and do their work safely and maintain continuity in our data record and be able to respond to  
25 the new needs as they emerge. As always, this next slide is our mantra. I think many of you should be  
26 very familiar with our smart, steady, flexible approach since day one, when we had to in a bit of crisis  
27 mode shift to predominantly remote operations footprint and the way the pandemic has played out has  
28 varied so much around the country, our approach has always been driven by the local data where the  
29 CDC recommendations in particular point. Tracking the, really the presence of COVID transmission  
30 rates, hospitalizations, all the sort of fundamental data to give us a sense of the risk in any given  
31 community where we operate and consequently how we should be positioning our functions inside our  
32 facilities as well as in the field. So, as we look ahead, there's going to be a lot of variation in our ability  
33 to use our facilities in a more normal fashion. And the biggest thing that's probably going to affect that  
34 is the new requirement recently established by the administration that all federal workers be vaccinated  
35 to be able to return to our facilities. So, we're seeing that possibility ahead of us. We had a little bit of  
36 a false start down what we thought was a very positive path until Delta variant set the whole nation  
37 back substantially and we had a return to a phase zero operating stance. I'll talk about that in the next  
38 slide. But we are seeing right now with projections the models are showing over the next three to five  
39 months of a pretty good rate of decrease in the presence of coronavirus in the communities that we  
40 operate in across the nation, and that's already starting to play out. As of last month, we were 95 percent  
41 in phase zero after some of our operations had started to progress forward. We retrenched and already  
42 up to date now we're closer to half moving from phase zero to phase one. So, it's been a lot of, a lot of  
43 progress here but the key thing is maintaining course, implementing all the requirements around the  
44 vaccination and getting to phase 3. This is on a page our COVID return to operations map, if you will.  
45 Phase zero, where we've been for such a long time, is where we are in a mandatory telework stance, not  
46 using our facilities except for mission essential functions. And this is where we really focused on our  
47 field operations as I indicated before. And we're moving now as more and more progressively into  
48 phase one we're expecting on the order of 25 percent occupancy, and we hope to get through phase 2,  
49 50 percent occupancy into phase 3 over the next three to five months. I hope on the sooner end of that  
50 rather than the later, but there is, there's, you know, timing considerations that happen here. And we're  
51 seeing a lot of developments along the way, particularly with the higher rates of vaccination in the

1 communities that we operate in, the department and NOAA recently adopted CDC and OMB mask and  
2 social distancing guidance that allows approved on-site activities with vaccinated people to not wear a  
3 mask or social distance again if they are fully vaccinated. So, we're going through a process with NOAA  
4 right now of ensuring that our staff do by late November demonstrate full vaccination before anybody  
5 steps into our buildings, and that's a pretty big process but one that's very encouraging at the end. We  
6 continue, as the next slide indicates, to really emphasize the importance of getting out to sea of our data  
7 collection functions, our survey and downstream assessment work, and we do have an enormous  
8 amount of focus in our Office of Marine and Aviation Operations on this issue of having COVID  
9 mandates that ensure safety at sea, and that's been a focus from the beginning. We had a highly disrupted  
10 survey season last year and we have made a lot of progress with the implementation of these risk  
11 management protocols and are looking forward to continuing that, that trajectory and maintaining our  
12 at-sea presence. And we've done a lot of work to kind of even in this current operating environment, to  
13 make sure that people can get to the vessels. That we have very rapid clearance processes and that we  
14 have very strong and well executed responses to our COVID protocols across the board. So, we're  
15 optimistic about getting back on track. In our last slide that sort of conveys in images here our folks in  
16 the field and the priority first and foremost of our data collection efforts. And we've been continuing to  
17 ensure that our survey and assessment work remains first and foremost in terms of our ability to operate,  
18 but that throughout our organization we have set in place the risk management practices that allow us  
19 to continue to move back into our facilities and continue the degree of mission performance that we, to  
20 my great surprise, have been able to see throughout the course of this pandemic. We've maintained  
21 continuity of operations with, as they already noted, disruptions to our data collection efforts. In most  
22 areas we were able to maintain continuity of operations beyond the level that I think was one that you  
23 would expect on the front end of this whole pandemic. And the challenge coming ahead is to integrate  
24 the workplace back into our operating processes and to develop as needed in our different operations  
25 with our different functions in different parts of the country and the different needs all the way down  
26 to the level of the individuals and the teams that are executing our mission. We need to build in the best  
27 of both worlds. Nobody wants to continue operating the way that we did. There's great organizational  
28 risks if we do. But we're also, nobody either expects us to, and I think we're in a different world now,  
29 and no one expects us to somehow revert back to a pre-pandemic operating model. The world has  
30 changed in really fundamental ways and we are working out now and setting up the guidance and the  
31 mechanisms to allow more flexible approaches to executing our mission work around the country and  
32 putting a lot of responsibility on the individuals and the teams and the supervisors of those teams to put  
33 together the most effective way to balance how and where people and when people do their work and  
34 get a very high productivity level and a high degree of safety and assurance of commitment to our  
35 workers around that that we need to be able to operate effectively. So we're looking forward to a big  
36 year and appreciate everybody's understanding and patience and willingness to experiment with hybrid  
37 modes of operating where we can connect people in.....(background)...Mary, Mary..... and get, and keep  
38 things going even with kids in the background. So, I will pause there on this piece and see if we have  
39 any questions on this part of our discussion around our operating stance in the year ahead.

40  
41 **Marc Gorelnik:** All right, thank you very much Paul for your presentation. I will look for hands for  
42 any questions. Chuck Tracy. Chuck.

43  
44 **Chuck Tracy:** Thank you Mr. Chair. Thanks, Paul, for the update. I just had a question about.....I see  
45 you did mention the required vaccination status. I didn't see it on your slide but thank you for  
46 mentioning it. When we read the notice regarding the vaccination mandate, we noted that there was  
47 some language in there that also made reference to NMFS contractors and grant recipients being subject  
48 to the mandate. I just wondered if you had any insight into that. We did reach out to the Grants Division  
49 to Dan Namur to see if he had any thoughts about that. He has not gotten back to us but just thought I'd  
50 ask and see if you have had any discussions about extending that requirement to the Councils. Thanks.  
51

1 **Paul Doremus:** Yeah that....we are requiring, NOAA is requiring all contractors to have access to our  
2 facilities to show proof of vaccination. So that is a uniform requirement for people who need to operate  
3 in the facilities that we operate. So that has been out there for a little bit. Some of the nuances about  
4 how that requirement extends into contracts and grants are still getting worked out and NOAA will be  
5 communicating about that. We're really, at NOAA's disposal here, the way these are handled, these  
6 issues are handled, have to be handled consistently, not just across NOAA, but with the department and  
7 frankly with the executive branch generally. So, while the vaccine mandate was clear and direct in  
8 many respects, there's a lot of questions about the operationalization of that that will still need to be  
9 addressed, so a little bit more detail to come. We are clear about that requirement, though, access to our  
10 facilities. That is one thing that it is not going to change. How that factors into other aspects of our  
11 operations remains to be seen. But thanks Chuck for the question.  
12

13 **Marc Gorelnik:** All right, Carrie Simmons to be followed by Kitty Simonds.  
14

15 **Carrie Simmons:** Yes, thank you Mr. Chair. Thank you for the presentation, Paul. I think Chuck hit  
16 on a little bit of what I wanted to ask, but it sounds like you are going to have some more guidance  
17 that's going to be coming out and perhaps the Councils may want to consider that as we determine how  
18 this applies to us or not in reopening our offices, is that correct?  
19

20 **Paul Doremus:** That's correct.  
21

22 **Carrie Simmons:** I had a kind of a detailed question. So, for the federal facilities, if an individual  
23 produces a medical or religious excuse and provides a negative COVID test, are they allowed to enter?  
24

25 **Paul Doremus:** That remains to be seen. There is a.....the entering part, right? There is definitely a  
26 process that is being rapidly established right now for religious and for health exemptions for reasonable  
27 accommodations. What those reasonable accommodations are in any given instance remains to be  
28 determined. There will be a formal review process where they, there'll be local managers making a  
29 recommendation, but all of those requests are going to be reviewed by the department. So those  
30 processes are getting put into place right now. Again, part of the department and NOAA's rapid... effort  
31 to rapidly implement the direction it was provided by the administration a few weeks ago. So yes, a  
32 reasonable accommodation process will exist. What that means in terms of access to our facilities is  
33 not real clear at this stage. I would expect personally that the most logical expectation would be for an  
34 accommodation to allow people to operate outside of the workplace, but that is not clear to me at this  
35 point, and we anticipate further information from NOAA about this and we'll certainly convey that out  
36 when it does come forward. Thanks Carrie.  
37

38 **Carrie Simmons:** Thank you very much.  
39

40 **Marc Gorelnik:** Kitty, please.  
41

42 **Kitty Simonds:** Hey, how's it? Aloha Paul.  
43

44 **Paul Doremus:** Aloha Kitty.  
45

46 **Kitty Simonds:** Nice to see you again. My interest right now is in terms of, you know, maintaining all  
47 of your buildings it must be very costly, so I was thinking whichever way, whatever way you decide  
48 how things are going to be in the future and you're right that things are different. How will you deal  
49 with, like for example in Hawaii there's the NOAA facility there, if and you're maintaining all of these  
50 facilities so that's costly, you know, how will you make these decisions about people working at home?  
51 And also, is the government considering reimbursing people who work at home? I'm just curious about

1 your discussions having to do with that. Thanks.

2  
3 **Paul Doremus:** Well, thank you Kitty, and there's a... there's a lot there. The short end of a long story  
4 is the telework guidance that the department has put together allows a lot more flexibility for managers  
5 to allow telework up to eight days in a two-week pay period. And that's the upper end for a regular  
6 telework agreement where the decision is largely at the local level. What they're calling remote work  
7 is anything above that. So, if you're in effect teleworking more than 80 percent of the time that's  
8 considered remote work. And there's a whole separate set of and much more stringent operating  
9 requirements and review requirements around getting those kinds of arrangements approved. I think  
10 most people, generally speaking, there are exceptions. We do have remote work in the organization  
11 now. But generally speaking, for the bulk of the organization, we are going to be trying to take  
12 advantage of the absolutely central role of in-person work to our, to really any organization, but  
13 certainly ones that where there's a high degree of cross unit work. A lot of collaboration and high  
14 degrees of innovation as you would expect from a science driven enterprise. So, a great deal of value  
15 to in-person work. And what we'll be trying to do is blend in the availability of telework to our ability  
16 to work in-person where and when and how it's required based on particular work groups. As far as the  
17 facilities go, at this point in time across the federal government, the general guidance is let's see how  
18 things shake out before you do anything. I think, and I think it's a reasonable view for right now that  
19 we are going to continue to rely very heavily on our facilities in a way center among all, but we'll  
20 probably use them in different ways and may need to eventually make some configuration changes and  
21 things of that nature, but right now our expectation is we are where we are. We're going to continue to  
22 operate there. As we go about modernizing our facilities some of these configuration changes will come  
23 into play, but our focus first and foremost right now is getting that work environment back into play,  
24 starting to kind of refresh all of our social connections. We've been running on the stored capital with  
25 everybody over so many months and that's not sustainable and that's where our focus is right now.

26  
27 **Kitty Simonds:** Right. Thank you. Yeah, because it's a bit depressing, I think, for people out there.

28  
29 **Paul Doremus:** Yeah, no we're looking forward to getting back to phase 3 and we'll take it from there.  
30 And they, they have the good fortune of having a fabulous facility, recent vintage and very conducive  
31 to collaboration the way that it's laid out, so I think they'll likely be among the least affected by this,  
32 but we'll see as it goes. Thank you Kitty.

33  
34 **Kitty Simonds:** Thank you.

35  
36 **Paul Doremus:** Yeah.

37  
38 **Marc Gorelnik:** Manny.

39  
40 **Manny Duenas:** Thank you Mr. Chairman. This is Manny from the Western Pacific. I just have a few  
41 comments. With all this COVID stuff, and I don't see it going away anytime soon, are we expanding  
42 any more effort into the video monitoring program? My concern is not so much of the observers and  
43 the people that have to visit these vessels, but the crew members, because once they get COVID and  
44 they're down, you know, that's their livelihood and they're trying to keep our nation afloat. So those are  
45 my two major concerns. And also access to the vessels. You know with the COVID quarantine and all  
46 the airline problems and shipping problems I'm sure that's another issue on the table. But again, I want  
47 to emphasize on the video monitoring technology that can be placed on these vessels. Thank you.

48  
49 **Paul Doremus:** Thank you Manny. And on your last point as far as access to the vessel so far so good.  
50 We haven't had challenges there yet. On the video monitoring, you know, I think it's fair to say that  
51 across the board, and I probably should have made this comment in my general remarks, one of the

1 great lessons of the pandemic across the board, and I think something that we'll look back on as a little  
2 bit of a benefit if you will, is it really provided much more, it amplified the urgency of our effort to  
3 diversify our data collection capabilities and we can talk about, you've heard a bit on different occasions  
4 from Cisco about the things that we pushed harder, work that we had already started in many areas. I'll  
5 reference a little bit of that in my next briefing on the budget. There was a lot of areas where we  
6 accelerated deployment of capabilities, and I think there's been a strong case and remains a strong case  
7 for us to continue to progress with our video data collection efforts on board. Sam and Cisco could  
8 speak to that as well from their perspectives, but I think that that commitment will remain if not amplify  
9 as we go forward and look at ways that we can cost effectively securely and reliably collect the data  
10 that we need. Thank you Manny.  
11

1       • Post Pandemic Council Operations Discussion

2  
3 **Marc Gorelnik:** All right. Thank you Paul. Not seeing any other hands so I think we're done with  
4 questions. We're running a little behind, but that's okay. We can make up that time. Next on the agenda  
5 are post-pandemic Council operations. And so, for this, you know, maybe it might be most efficient if  
6 I were simply to call on the Councils one at a time to provide some comments on their post-pandemic,  
7 the plans for post-pandemic Council operations, and we'll start with the Gulf if that's okay? So, Carrie  
8 or your Chair?

9  
10 **Carrie Simmons:** Dale, did you want to handle that or me?

11  
12 **Dale Diaz:** If you could handle it Carrie, I'd appreciate it.

13  
14 **Carrie Simmons:** Okay. Thank you Mr. Chair. Yes, so we have had two successful hybrid meetings,  
15 meaning that people can participate in-person or they can participate on Go To Webinar. We've secured  
16 larger meeting spaces and we've distanced Council members out, and we've distanced the public out  
17 and we feel like we've have had some successful meetings. We have another one next week in Orange  
18 Beach. We had more public attend in June than we did in August, and we think some of that has to do  
19 with the location as well as the items that were on the agenda, and so it'll be interesting to see how  
20 many, you know, how much involvement we have in October at our Orange Beach, Alabama, meeting  
21 as the seasons wind down and perhaps more members of the public would be able to attend. We do  
22 allow public testimony, both in-person and virtually, and what we do is we have a signup sheet for  
23 virtual testimony. It closes one hour before testimony begins and we just go back and forth between in-  
24 person and virtual throughout the meeting when we're in the public comment period. So, we've had  
25 success so far with this and right now we are planning to continue for our meeting next week and  
26 perhaps we'll need to do it, at least to the first I would say six months, if not more of next year I'm  
27 guessing, but we'll see as things progress.

28  
29 **Marc Gorelnik:** All right, thank you very much Carrie. Caribbean Council?

30  
31 **Miguel Rolon:** This is Miguel here. We are mostly working the same way of others. All our meetings  
32 are hybrid or a hundred percent virtual this year. The first hybrid meeting for the Council would be  
33 December. And in 22 and further years we plan to continue having the hybrid meeting for Council and  
34 any other meetings that we have. We will try to have as many meetings as possible in presence but now  
35 most people are telling me that they are not going to be present at any meeting until they feel safe  
36 because of the COVID, and this is the same for everybody. We have been having hybrid meetings really  
37 since we started using Go To Meeting a long time ago, but now we are emphasizing because of the new  
38 situations that we have with the pandemic, the hybrid meetings would be an everyday thing for all the  
39 meetings that we have, and also we require vaccination proof for people coming into the office and  
40 that's something that is required by the building administration and of Puerto Rico, as well as the staff  
41 although it's mostly volunteer. All our staff are vaccinated and that's all we have so far.

42  
43 **Marc Gorelnik:** Thank you very much Miguel. We'll go to the South Atlantic Council.

44  
45 **John Carmichael:** Yes. Thank you Mr. Chairman. It's John Carmichael. I'll handle this. The pandemic  
46 really affected where we work and how we work, but overall, during this time and looking back we  
47 realize that we ended up putting on more meetings, preparing more briefing books and everything than  
48 we really ever had before. So, from a Council perspective we continue to keep up the pace and get  
49 things done, which is very encouraging, and I think a testament to the flexibility of the staff to just get  
50 the job done no matter what's going on. And we, much like the Caribbean, we had been webinaring  
51 meetings for a long time and had in certain cases allowed members to even participate and vote via

1 webinars even prior to COVID, so it wasn't a huge shift over to fully meeting in this way, but we have  
2 continued to meet fully remotely through our last meeting in September. We are looking to being in a  
3 sort of pre-pandemic meeting come December, hopefully with a full in-person participation. And as we  
4 look to post-pandemic in the future, I expect we may continue to allow more flexibility for say, staff to  
5 have flex time and avoid the office some, which will have impacts on potential what sort of resources  
6 we need so we can put things to better use in many cases. Certainly, more use of webinars for short  
7 meetings of the Council, which has been one lesson and a realization perhaps that we can have, say  
8 one-day, half-day meetings for single topics to be able to handle things more timely outside of our  
9 regular Council meeting schedule and even relieve some of the burden of those Council meetings, and  
10 I think that's certainly been helpful. And I would say an appreciation for the cost that travel imposes on  
11 productivity. People were able to get an awful lot more done because of the time that was not being  
12 spent traveling in airports, et cetera. So, I expect in a post-pandemic world that's going to be something  
13 that will affect our operations and I think we'll have more meetings, shorter meetings sprinkled around  
14 between our regular, in our case four major Council meetings a year.

15  
16 **Marc Gorelnik:** All right, thank you very much. Mid Atlantic Council?

17  
18 **Mike Luisi:** Yeah, thank you Mr. Chairman. This is Mike Luisi. Since our last call Chris and Wes and  
19 I had very high hopes that during the summer our August and October meetings that we would be able  
20 to do some form of a virtual setting, not a virtual, a hybrid-type meeting. And as we got closer to each  
21 of those meetings there was, we would reach out to our members and we started to get the sense that  
22 folks still didn't feel comfortable or right going to these meetings in person and therefore we ultimately  
23 for August and October, we went to a full virtual setting. Some of it had to do with people being  
24 uncomfortable with the vaccine just having come out and some people were vaccinated, others weren't.  
25 The other thing that I think played a role is that we had meetings scheduled for two of the major cities  
26 on the East Coast, both Philadelphia and New York City, and they're highly populated, or heavily  
27 populated as you know and, you know, I think that was another reason for our Council members feeling  
28 a little uneasy about getting together now. Our next meeting is in December in my hometown here in  
29 Annapolis, Maryland and we talked with Chris and Wes, and we are fully committed at this point to  
30 having a hybrid meeting during the meeting, for this meeting in December and we're going to keep an  
31 eye on things as always, but I really do think that this is, we're going to give it a shot. We're going to  
32 give the hybrid model a shot and see how it goes and, you know, continue that same approach into 2022  
33 until we get to the point where we can get back to the way we had things in the past, which would be  
34 a, you know, a full three- or four-days meeting in person. I think, you know we, as in leadership of our  
35 Council, feel that we would really like to get, maybe not for all the committee meetings and other  
36 smaller meetings as the South Atlantic reported out, but for at least for our six Council meetings a year,  
37 we really want to get back to full participation in person. I think it makes a big difference in, you know,  
38 the ability to communicate with Council members and with staff and with the public. So that's our hope,  
39 but it probably won't be until somewhere halfway through 2022 that we get to that point hopefully. And  
40 I'll stop there if Chris has anything to add, certainly he is welcome to, but that's where we, that's where  
41 we stand Mr. Chairman.

42  
43 **Marc Gorelnik:** Got anything to add Chris?

44  
45 **Chris Moore:** I have nothing to add Mr. Chair. Thank you.

46  
47 **Marc Gorelnik:** All right. New England Council?

48  
49 **Tom Nies:** Thank you Mr. Chair. This is Tom Nies. Our story is pretty much the same what you've  
50 heard already. All of our meeting....except for the Gulf Council perhaps, all of our meetings have been  
51 virtual for the last year-and-a-half. We're hoping to have a hybrid Council meeting in December when

1 we journey down to Rhode Island, down to Newport. I think it's dawning on us or perhaps we realize  
2 that while you can get the job done through a virtual meeting, there are some losses. There's a loss of  
3 personal interaction with the public and among Council members. We now have Council members, a  
4 number of Council members who have never met each other, except by looking at, listening to each  
5 other talk on a Zoom call. And many of them have never met the staff in person. I think you lose  
6 something without that personal interaction between the staff and the Council members. And I think  
7 the Council members become faceless to members of the public when they can't rub elbows with them  
8 during breaks or in the bar after a meeting. Most of my staff is continuing to telework. Many of them  
9 come into the office occasionally in order to take care of certain details that they need to take care of in  
10 the office. We had planned to start bringing back, people back to the office in September, but when  
11 community transmission in our area went back up to high, we put that on hold. I'm hoping that sometime  
12 either later this fall or early in the winter we'll be able to start bringing people back. Much like John  
13 Carmichael said, I expect that will relax our personnel policies a little bit afterwards to let people  
14 telework a little bit more frequently than we have in the past, but we limited it to one day a week. That's  
15 all I have Mr. Chair. I don't know if Mr. Reid would like to add anything or not.

16  
17 **Marc Gorelnik:** Thank you Tom. Eric, anything?

18  
19 **Eric Reid:** No Mr. Chair, Tom covered it. Thank you.

20  
21 **Marc Gorelnik:** All right, thanks very much. North Pacific?

22  
23 **Dave Witherell:** Thank you Mr. Chairman. The North Pacific Council has scheduled virtual meetings  
24 right from December of this year and we're hoping to have an in-person meeting in Seattle in February.  
25 There's a lot of 'ifs' about that meeting. Currently King County, where Seattle is located, has a vaccine  
26 and mask mandate and I'm not sure if all of our members of the different scientific and statistical  
27 committee and advisory panel might meet those requirements. So, we're still hoping that we can have  
28 that meeting in-person. Of course, we'd still allow the remote testimony, but at this point not remote  
29 voting in the standard hybrid type format. The staff is still mostly working in a telework situation,  
30 although we do have a few staff people that come into the office fairly late. That's our status and I don't  
31 know if Simon or Bill have anything to add.

32  
33 **Marc Gorelnik:** Anything further from the North Pacific?

34  
35 **Simon Kinneen:** Audio check.

36  
37 **Marc Gorelnik:** Yeah, I can hear you, Bill.

38  
39 **Simon Kinneen:** Okay great. I wasn't able to chat this morning. No, nothing, nothing further. I think  
40 Mr. Witherell characterized it great on our end. We continue to feel, you know, that some of the same  
41 things that Tom talked about in the New England front, I think our crew is really looking forward to  
42 getting back together and working together in person as we get closer. I know I've been suffering from  
43 technology lapses out here that have made it problematic, but just looking forward to getting to the  
44 other side.

45  
46 **Marc Gorelnik:** All right thanks very much. Western Pacific.

47  
48 **Kitty Simonds:** Yes, hi. We've all been working since.....the staff is all been in since last May 2020.  
49 We're kind of in an isolated building. We have the whole floor. Everybody has their individual offices.  
50 Everybody has been vaccinated. No one's been ill for 17 months and so we continue to work that way.  
51 With the meetings, the Honolulu Council meetings are virtual, but in the territories they're hybrid. But

1 everything else, AP, SSC, all the different advisory groups that we have, everything's virtual. So that's  
2 pretty much it. I think we're going to just continue through the end of the year. And as you know, we  
3 have a lot of international meetings and those are all virtual as well. So that's what we'll be doing  
4 through the end of the year. We have a December meeting of the advisors and the Council and the SSC.  
5 So that's our report. Well, CNMI is, the Mariana's, this is what makes it difficult for virtual meetings is  
6 that they're 20 hours ahead of us, so we have to start our Council meetings at 11 a.m. to, you know, so  
7 they don't have to wake up early in the morning like this week's meetings. So that's it.

8  
9 **Marc Gorelnik:** All right, thank you very much Kitty. And for the Pacific, Chuck Tracy.

10  
11 **Chuck Tracy:** Thanks Mr. Chair. So, the Pacific Council is continuing to meet virtually. We were  
12 hoping to have tried out our hybrid technology for our November meeting but at the September meeting,  
13 kind of at the peak of the Delta variant, we decided that, I think there was a lot of discomfort I guess  
14 with not just meeting in-person, where we're meeting, but you know... so people traveling in from, you  
15 know, from around the full region and some of those areas have better rates than others, and so I think  
16 the Council was concerned at that. I think there's also a little bit of concern with the ability of some  
17 state agencies to gain travel to attend a hybrid-type meeting. So, I think until we get those issues  
18 resolved, certainly through the end of the year, we expect to be doing virtual meetings, a hundred  
19 percent virtual. Like some of the other Councils, I think New England, we were planning on having  
20 staff come back in September on a large scale but because of the Delta variant we delayed that. So,  
21 we've got probably about a third of our staff that comes in on a fairly regular basis, maybe a little bit  
22 more than that, but we will be discussing return to office policies. As you all may be aware, we have  
23 identified the new Executive Director to take my place, so we'll be involving him with those discussions  
24 as well. So, we think we're a little, little ways off before we have a firm plan to move ahead with the  
25 return to office policies. Undoubtedly, we will, you know, embrace some more teleworking flexibility  
26 in our office staff as we've been very effective at teleworking but still recognize the value of meeting  
27 in-person and being in the office in-person and hope we can get back to that at some point, but as for  
28 our 2022 meetings, we will probably take that issue up at the November Council meeting and figure  
29 that out from there. So that's what I've got Mr. Chair.

1       • Other

2  
3 **Marc Gorelnik:** All right, thank you very much Chuck. Well, that completes Agenda Item 3.c, there  
4 is an ambiguous Agenda Item 3.d 'Other', so I'll go back to the National Marine Fisheries Service and  
5 see if there's anything further they have on a update and upcoming priorities. And if not, we'll move to  
6 public comment. Sam Rauch.

7  
8 **Sam Rauch:** Yes, Mr. Chair. I'm not sure this other or is a comment on the Council discussion that we  
9 just had, but as we all return to in-person meetings, which I think the National Marine Fisheries Service  
10 does very much support and sees the value of and we understand where we are and we look forward to  
11 that date, but one of the things we would like to see is a continued allowance of virtual public comment  
12 in some fashion. I know it's not without its problems. That has been an area where we have allowed  
13 more stakeholders to be involved in that process and so to the extent some of the Councils presented  
14 that affirmatively was going to continue, some of it I did not hear in the presentations whether it was  
15 going to continue or not. We would very much like to see that continue and would like to work with  
16 you all as you're going forward working on return to in-person meetings to figure out a function and a  
17 proper way to ensure that we can allow virtual public comment such that we can be more transparent  
18 to a broader range of stakeholders. Thank you. That was all I had to say sir.

19  
20 **Marc Gorelnik:** All right, thank you Sam. So, Barry Thom.

21  
22 **Barry Thom:** Yeah, thanks Mr. Chairman. I had a question for the Councils. I don't know, I know  
23 we're short on time, but as the Councils move to either hybrid or in-person, have they started to think  
24 about any protocols related to COVID, either vaccine requirements or testing or quarantine for either  
25 their own staff or Council members that may be attending those meetings in person? I don't know if  
26 that's been a subject to discussion yet or not.

27  
28 **Marc Gorelnik:** Comments from anyone from the Councils want to respond. Tom Nies.

29  
30 **Tom Nies:** Well, I addressed that with my staff for people coming into the office. I was going to require  
31 that they either be vaccinated or be subject to frequent testing. I think we were planning on a week. It  
32 proved to be something of a non-issue because I think all my staff is vaccinated. We haven't addressed  
33 it for Council members at Council meetings though.

34  
35 **Marc Gorelnik:** Thank you Tom. That could be touchy. Any other questions of the regional Councils?  
36 If not, we'll move to public comment. If you have a public comment, please raise your hand. I'll call on  
37 you and you'll identify yourself and any affiliation. I'm not seeing any hands. We have no public  
38 comment on this agenda item so we'll move to Council discussion and action, if any, and I will look for  
39 hands. If we have no hands, I will take that as being there's no desire for discussion or action on this  
40 agenda item. And if not, we will move directly on to Agenda Item 4 'Funding and Budget Update' and  
41 Paul Doremus.

# CCC Funding and Budget Update

- NMFS Budget Structure and Allocation Review

**Paul Doremus:** Thank you Mr. Chair. I realize we're a bit behind, so I'll press ahead quickly. I think you all know where we are in the federal budget timeline, but things are always changing on us and as the next slide indicates we're working to understand where Congress is on FY 22 and formulating FY 23. Already starting about, to talk about FY 24. Just closed out 21 and we have just received some additional information about 22 between when this presentation was put together and where we are today. So, a constantly moving environment. A general comment here, which I'll pick up on in a sec, is that, you know, these are the years where we're seeing the budget starting to come together with the administration coming on board and the full, being fully able to formulate through the normal budget process and timeline a full budget. So, FY 22 was put together very rapidly and that's been out for a bit, and we'll be talking about that today. But that came out with, you know, very early in the administration right after the folks took office and before we had terribly many people in place in most agencies, including ours. In 23, was a budget that was done when we had our new administrator, Dr. Spinrad, with Janet in place and with others. So, it represents a more full development process and that's typical in any presidential transition cycle. So next slide is covering just a quick note on one of the major things from a budget point of view that we've had to execute in 2021 in the context of the pandemic was response to Congress's very thoughtful effort to get assistance to industry to those who really were set back economically by the pandemic and we have a substantial debt of gratitude to a number of people involved in doing this, not just within our organization, but also with our partners and the three Interstate Fisheries Commission who were absolutely central to us being able to handle this responsibility, starting with the CARES Act of 2020. A 300-million-dollar grant effort. We have direct payments to date of 214 million out of that, that's all been fully awarded to the Commissions. 82 spend plans were reviewed. We dealt with 30 states and territories, 52 tribes, a big, big effort and again could not have executed without a substantial focus on this with our folks at headquarters and sustainable fisheries and our grants team and headquarters and our folks in the regions and our commission colleagues. So, it's a big effort to carry it forward into the second round that was handled by the Appropriations Act in 2021. A little bit different approach. 255 million of that was executed the same way 300 million dedicated to tribal and 15 to Great Lakes. And that is all well underway as well. So, we've received 24 of 36 anticipated spend plans. 14 have been approved, six are under revision, four are under review. So, a great deal of progress there and a big effort to execute a substantial grant program two times over in an atypical year, so much, many thanks to our commission partners in that territory in particular. So, as far as the schedule goes in our next slide, we are well along with FY 22. We received a House mark in July and our presentation that you'll see in the coming few slides was based on that House mark because until yesterday we didn't have any information from the Senate, but we just received the Senate mark and we'll be integrating that information back in and hoping that the continuing resolution in December we are able to get to a fully appropriated year and we'll see how things evolve. But before that, I do want to pick up on the priorities front on where Janet kind of indicated in our next slide all of these areas. So, I'll only focus on one area that was missed and that was on the.....not missed, but that she referenced, which was on our effort to continue working past the coronavirus relief funds that we pointed out to you and get to a longer term, those were immediate relief funds to industry and get to a longer-term game plan for seafood resilience and competitiveness. Before getting to that, everything we're talking about in 22, a big reference point is the blue book. So don't hesitate to jump to that if you want to get detail on any of the 22 issues. So, the next slide, I think, should hit our priorities because....there we go, and these were all covered by Janet, and I'm just going to focus a little bit on seafood resilience and competitiveness. This is a big focus of the Secretaries of Fisheries, of Janet's in particular, to look long term on the game plan for getting beyond this pandemic and strengthening the resilience and the overall capability of the U.S. seafood sector. We are looking at our ability in four particular areas to help do that. But the obvious one to start with is the continued strengthening of our support for our wild capture of commercial fisheries and our recreational fisheries as well, strengthening

1 our ability to collect data, to conduct the stock assessment work that we do and support our response to  
2 as we're talking about elsewhere, our response to changing conditions, changing economic conditions,  
3 but really changing ocean and coastal conditions as well that are having a huge impact, as you all know,  
4 on the abundance and distribution of commercially and recreationally valuable species. We've got to  
5 look very strategically at ways that we can improve prospects for wild capture as well to build  
6 production capability in the farm side of the House with aquaculture. We are continuing to move  
7 forward in a progressive, thoughtful, science-based way to define where there are opportunities on a  
8 regional basis for aquaculture through our aquaculture opportunity area process. Working right now on  
9 Southern California, Gulf of Mexico, and we'll soon be releasing next month Atlas's of those two  
10 regions that lay out in great detail the results of many, many months of stakeholder engagement, of  
11 scientific analysis to point to the areas that are most well-suited for aquaculture development. Very  
12 significant and among many contributions that we're making to try to improve the prospects for a  
13 stronger growth rate for our very vibrant and potentially growing aquaculture sector in the United  
14 States. We also have a big focus on trade as well as on marketing and promotion, following on from  
15 the advice that we received well over a year ago from our Marine Fisheries Advisory Committee to  
16 look at the opportunity for forming something like a National Seafood Council to respond to the broad  
17 interest and benefits of pre-competitive collaboration on marketing and promotion, both for industry  
18 growth, but also to increase consumer attention to and consumption of seafood, which is not just  
19 economically valuable, it's a public health and nutrition matter as well. So, all these other topics were  
20 touched on and I just want to point to in the science area the issues that Manny brought up about  
21 continuing to accelerate our data collection efforts across the board, and we certainly benefited from  
22 kind of the strategic pressure to accelerate those efforts and we do need to long term through our  
23 partnership opportunities and with our internal scientific capabilities to diversify our data collection  
24 assets. Other topics here well covered, and we will go ahead and move forward quickly to do some  
25 highlights on the 22 budget. It is a very strong budget as we could progress to the next slide. The FY  
26 22 we just do a simple side by side here at the top level of the President's budget. A very, very strong  
27 budget for fisheries of 134 and a half million over our FY 21 enacted. And the House mark was also  
28 very strong and not as substantial an increase, but still at approximately 80 million dollars over FY 21  
29 enacted. This is providing critically needed funds in key areas for the agency and for our fisheries in  
30 particular to execute on. Our next slide gives you a real simple column look at the different pieces of  
31 our budget and how they're moving with the Pres. bud and the House mark in that red circle there and  
32 you can see the areas where we're increasing with our protective resources, fisheries science and  
33 management holding steady and enforcement. And with the habitat, proposed for habitat conservation  
34 and restoration proposed for increases but only slightly over enacted in the House mark. We'll be adding  
35 in Senate, keeping track of this whole process we'll inform you as it goes forward. In terms of the details  
36 in these columns, our next slide focuses on the two areas where our 22 request and the enacted, the  
37 mark from the House pointed to the, an initial positive reception from Congress on our climate research  
38 work, which involves primarily our climate and foreign fisheries assessment management strategies as  
39 well as our climate vulnerable species and then close to 10 million for our core survey capacity. So key  
40 support there as well as for offshore wind. In 22 dominantly focused in the Northeast, but we're seeing  
41 obviously an incredible need in that area and a strong set of goals set by the administration that we're  
42 going to need to continue to respond to. So, this is a step in that direction and big proposals and a  
43 weaker reception on the restoration of resilient side with external grant programs and environmental  
44 justice and equity, which we will continue to address as things move forward. So, or some additional  
45 highlights quickly in the next slide from the mark in the House. Just noting here the strong support and  
46 interest in continued research and monitoring for North Atlantic right whale, a series of increases for  
47 Pacific salmon and hatcheries, and specific focus areas on IUU fishing, habitat conservation and  
48 restoration, among a number of other areas where the House is interested in seeing us expand our work.  
49 We also have in FY 22 a new feature which is highlighted in the next couple of slides for community  
50 project funding. And this is where members of Congress are invited to identify areas where projects in  
51 their communities are sorely needed, and which fit with the agency competencies that they're speaking

1 to here. All subject to strict transparency, accountability rules. That's all laid out online if you want to  
2 check that out. But the core issue is capping it at no more than one percent of discretionary spending,  
3 one year funding and for nonprofit public entities, no for-profit recipients. So, there's 4.2 million of this  
4 type of community project funding in our budget. The next slide details those areas with specific  
5 projects and funding levels in the Northeast, Northwest, California, Alaska, Washington and a range of  
6 specific needs that are highlighted here. So just wanted to point out this is a new feature and something  
7 that will be contributing to our budget discussion and the direction that we take as we go into execution  
8 later this year. The final details here. I want to just provide a couple of slides on the Regional Council  
9 Fisheries Commission funding. This is where we are right now, and I want to emphasize that the  
10 inactive columns are prior to rescissions and reprogramming so if you have been around for a bit, certainly  
11 know that that can weigh into things. So what we have seen in 21 and 22 is responsiveness to our  
12 request for adjustments to base, which we spread evenly across the components of the regional Councils  
13 and Fisheries Commissions line, but we haven't yet dealt with the rescissions and reprogrammings, and  
14 this can be significant. So, if you look at FY 21, the difference between enacted and the spend plan at  
15 that top level there, the 41.5 versus the 40.9 and the issue behind that was this line's contribution to a  
16 nearly \$10 million contribution that fisheries made to a NOAA wide reprogramming request. The  
17 Congress approved. It was required to address shortfalls in funding for some critical computational  
18 capabilities for weather, as well as some aircraft assets for our Office of Marine and Aviation  
19 Operations. So, this is not atypical. Not saying it's going to happen next year, but this type of thing can  
20 happen and there's regular rescission type things as well. So that's an initial look. The good news is that  
21 as the next slide indicates, we are positioned to move quickly, even more quickly than we originally  
22 indicated to get funds into your.....to each of you in the first quarter. So, we're expecting each Council  
23 to receive no less than 57 percent of their annual funding in the first quarter. In fact, we're confident at  
24 this point that we'll be able to do this before the CR lifts on December 3rd. It could be done by the end  
25 of this month or shortly after that, so it's moving quickly. It's a big commitment. We've been for years  
26 trying to get to a point of operating like this, so we know that these continuing resolutions and the  
27 timelines involved in moving resources can create challenges and this is the way that we've been able  
28 to move to try to forestall any complications on your part. So, we're hoping that the remainder comes  
29 shortly after that and you'll be able to have a predictable and fairly stable budget environment there.  
30 Last thing Janet mentioned, we have a new report. This was commissioned by Congress in FY 20 and  
31 the FY 20 approach they directed us to complete an independent review of our budget operations,  
32 including how we... how our budget's structured, how we allocate resources, how we communicate with  
33 external groups about that and that was conducted by the National Academy of Public Administration.  
34 Many of you probably spoke with them. They did over 90 interviews with obviously people in our  
35 organization, but folks from the Councils, folks from our commercial and recreational fishing  
36 communities, from other federal agencies, other stakeholders. So very broad sweep in terms of their  
37 interviews and their data collection activities around the three major parts of the report. The description,  
38 Part 1 is really just a description of how we operate. Part 2 is a look into how other federal science  
39 agencies organize their operations, and there is a lot of discussion here. Yes, we are a science agency,  
40 but we also are a regulatory agency, so we have some distinctive aspects of how our budget and  
41 operations function. So, there's relevance, but not a hundred percent similarity to other federal agencies  
42 there, but very, very helpful point of reference for us and one that we continue to get benefit out of.  
43 And then they have a set of recommendations that fall into these six categories noted here, three on the  
44 planning side of the picture and three on the budget side. In the strategic planning arena like good public  
45 administration people, this is an area that for decades, going back to the Government Performance and  
46 Results Act in the early 90s, there has been a long-term push to have strategic drivers informing the  
47 budget. It starts with robust strategic planning, which is inherently linked to extensive stakeholder input,  
48 and they re-emphasized that. A big focus on program management as well on the planning side of the  
49 House and an interest in seeing stronger program management at our headquarters program functions.  
50 And a, you know, what I guess you could probably call a stronger collaboration and strengthened  
51 information flows with headquarters in our regional financial management center. So, a big focus of

1 program management and analog similar to that on the functional planning side for operations and  
2 mission support and having, kind of tuning and in some cases modernizing our ability to understand  
3 our requirements, communicate them clearly and make the best possible case for where those are most  
4 urgent. One of the areas of particular note in this functional planning domain that was a separate section  
5 was on facilities and our need to holistically capture our facility requirements, not just our rate, routine,  
6 operations and maintenance, but also our very substantial recapitalization requirements. And we are  
7 well down that path already, but they felt it was important to emphasize that and made a case for a  
8 different funding architecture for handling our recapitalization requirements as well. Last two pieces,  
9 the fifth one here on communications Janet mentioned, highlighted in particular, and I think it is worth  
10 putting an asterisk by is communications in both directions, particularly with Congress, but also with  
11 our external partners and stakeholders. More effective mechanisms for understanding our budget  
12 environment, which they acknowledge is a very complex environment. We can start with a fisheries  
13 strategic plan and a fisheries informed budget that draws out of that, but then NOAA weighs in, the  
14 department weighs in, O&B weighs in, House weighs in, Senate weighs in and we get a budget a long  
15 time later and after a lot of adjustments, so a premium on understanding the complexity of that  
16 environment, of the net outcome and our efforts over time to deal with long standing, fiscally sensitive  
17 challenges, a number of which have already come up today. Along with that, they did make some  
18 recommendations around our fiscal structure, our budget structure and are interested in seeing the  
19 opportunity for Congress to in a sense simplify our budget structure, which would give us a little bit  
20 more discretion to operate within more flexibly within larger categories. And this is one of the big  
21 challenges across the board in all organizations, especially in the public sector, is the speed of  
22 adaptation to external change, and these sorts of structural conditions can have a big bearing on that.  
23 So, I commend the NAPA Report to you. It is a very valuable report for us. We think that it is going to  
24 continue to help us strengthen the organization, modernize where we need to modernize and make  
25 really substantial improvements in how we operate as a result of their guidance, and we really look  
26 forward to that. We're putting together an implementation plan and we'll be back to you. Other aspects  
27 of the recommendations that are shorter term, aspects that are the longer term, aspects that have  
28 different degrees of complexity, so we've got to figure out how best to tackle these and what order and  
29 we'll be able to report back once we put that full implementation plan together. So, the outlook end of  
30 the day is on getting ready to, in our last slide here, to execute on FY 22 when that comes forward after  
31 we get the conference and after we get past this period of our continuing resolution. And I think with  
32 23, 24 looking at alignment and driving into execution the administration's priorities as we've been  
33 talking about this in the course of this meeting so far. And then on an operational sense, handling, as a  
34 number of you observed, the continuing presence of coronavirus. It's not going to all of the sudden go  
35 away, but the conditions we hope will allow us to operate with much greater flexibility than we have  
36 in recent months, and we're positioned to take advantage of that safely, smartly, aggressively and make  
37 sure that we can continue to work with all of you and with everybody involved in executing our mission  
38 in ways that benefit from the lessons learned that embed notions of resilience and flexibility into our  
39 organization and allow us to continue to manage well, no matter what comes at us in the coming years.  
40 So, thank you Mr. Chair. I'll stop at that point and hope we get a little bit closer to your schedule. Thank  
41 you.

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43 **Marc Gorelnik:** Thank you very much Paul. Appreciate that help. Now if there are any questions of  
44 Paul, raise your hand and you will be called on. Okay, Chuck Tracy followed by Manny Duenas.

45  
46 **Chuck Tracy:** Thank you Mr. Chair. Thanks Paul again for the presentation. A couple of questions.  
47 One I guess, just a few, you mentioned that you had just gotten the Senate mark. I wonder if you could  
48 characterize that just in relative terms to the President's budget and the House mark if that's information  
49 that can be shared at this time. Well, maybe I'll just do them one at a time, so I'll stop there for now.

50  
51 **Paul Doremus:** I would love to be able to do that. It is so fresh that we have not been able to fully lay

1 it out. It's not that.....we'd like to get to that point and provide that information to you when we can pull  
2 it together. There's a lot of different pieces. I know about parts of it, but we need to put together a  
3 comprehensive view so we can lay out the President's budget, House mark, Senate mark and we'll be  
4 able to, I think, circulate some essentially updates to the information provided here so that you can see  
5 how it shakes out there, but not able to do that right now. It's so new that we haven't done that full  
6 analysis yet.

7  
8 **Chuck Tracy:** Okay thanks. Next question kind of relates to the roll-ups that were proposed for the  
9 various line items in the regional Council budgets. That was not approved by Congress in 2021 budget,  
10 but we did note that there's a recommendation for that in the NAPA Report, so just wondering what the  
11 status of that is in regards to the 2022 budget?  
12

13 **Paul Doremus:** Yeah, that is, again that's budget neutral and it's, you know, just a... I guess a technical  
14 adjustment for efficiency purposes and it's possible that just wasn't well understood in 2021. Not real  
15 sure if that's going to get tended to in 2022 either, so that's going to be in the details. We'll have to look  
16 for that. And NAPA did comment on it, and we can continue to draw attention to that as we go forward.  
17 But the notion behind this is just an issue of simplifying, reducing complexity and making sure we're  
18 as fast as we can be in supporting a flow of resources in that category really with all of our external  
19 grants, but certainly with our standing relationships with the Councils in particular.  
20

21 **Chuck Tracy:** Okay thanks.  
22

23 **Marc Gorelnik:** All right. Manny followed by Kitty.  
24

25 **Manny Duenas:** Thank you Mr. Chairman. Just thank you for the report. I'm still trying to figure out  
26 the numbers you're looking at, whether it's adopted or not adopted continuing resolution. But my  
27 concerns are data collection funding. We've had a life history program on Guam, and it seems the  
28 Science Center cut down or tried to get rid of the program and or reduce the program and we're very  
29 concerned about that. We have one hundred and fifty bottom fish species that are subject of contention  
30 right now for an ACL, so we're very concerned with that data. Also, under environmental justice and  
31 equity, there's a big issue with territorial fishery, the fisheries issue. 3 million dollars is not much to  
32 discuss the data program, education, building capacity for our islands. We are not readily.....we don't  
33 have readily accessible programs for our people here, so a lot of times it's very costly to send our people  
34 to the mainland or Hawaii to participate in fisheries regulated types program. And also, the alternative  
35 energy funding, a lot of this focus on wind energy from the ocean. I'm sorry, but the Marianas and most  
36 of the Pacific islands are situated on pinnacles, so we don't have a continental shelf where we can park  
37 these wind turbines. So is there another funding to provide us to look at other alternative forms of  
38 energy, especially for our islands. Right now, gas prices on Guam is at 4.95 a gallon, so when I hear  
39 the States saying that they have a problem at 3.95 I pity for you. But what I was actually looking for  
40 was getting some funding to look at geothermal energy resource as we have volcanoes out in our  
41 islands. And also, if that geothermal energy can be assessed and studied and the resolution created  
42 through executive order to put these volcanoes as protected resources by the President, former President  
43 of the United States, if we can correct that and provide our people a cheaper form of energy. Like I  
44 said, for you living in the mainland 4.95 is unheard of, for us on Guam it's a living tragedy. Thank you.  
45

46 **Paul Doremus:** Thank you Manny very much. On the first part of your question, we did in the 22  
47 budget have significant requests to deal with the types of data deficiencies that you pointed to and other  
48 needs. The House did not respond favorably to those. We're waiting to see where the Senate comes  
49 down. I haven't been able to see that detail in the budget yet. So, the administration did put in a request  
50 and acknowledge those kinds of needs. I think that will be a sustained focus and commitment based on  
51 what we.....kind of direction we have gotten from the administration and we're trying to see where

1 Congress comes out on that. So, hope to have better news than we got in the House mark in the future,  
2 but we'll see. It's always difficult to predict. On the energy front as far as wind goes, we're responding  
3 to the impact of wind on our core mission functions. That's the, you know, primarily Department of  
4 Interior is the agency dominantly focused on the permitting and the evolution of wind. We have  
5 significant equities there. Much appreciate your energy commentary. It is something that, if possible,  
6 we could maybe direct you to interior and places where those types of considerations might be able to  
7 be raised. But just want to acknowledge from your perspective that importance of that and the need to  
8 look broadly at federal government authorities and responsibilities when it comes to energy, it's well  
9 beyond our remit, if you will. So, thank you Manny.

10

11 **Marc Gorelnik:** Kitty, please.

12

13 **Kitty Simonds:** Right, thanks. So, I wanted to comment on territorial science. As you know this, when  
14 we first started this, it was something that was very badly needed out here and our godfather Sam Rauch  
15 has helped us to continue to have this program. However, I see that the House is zero for that and can  
16 you give me a hint about what the Senate mark might be?

17

18 **Paul Doremus:** I'm sorry Kitty, I have not been able to get into that detail yet, it just landed yesterday.  
19 We will be doing that evaluation. I'll get that information to you as soon as we can.

20

21 **Kitty Simonds:** Great.

22

23 **Paul Doremus:** Again, there are two separate marks, then has to go to conference so it's an indicator,  
24 but we'll certainly provide that information as soon as we can.

25

26 **Kitty Simonds:** Right. So adding to that is that in the past the Council, PIRO and PIFSC have  
27 supported a capacity building program, the only capacity building program in the territories for  
28 fisheries, and so unfortunately PIRO and PIFSC had to reduce their contribution and so we are probably  
29 not going to be able to continue this program next year, and we did write to Janet and she very nicely  
30 responded and said that there would be money from territorial science, so this is why I am asking about  
31 this because it's very, very important to us to receive the 150,000 dollars that we received every year  
32 for the last so many years. This program is where the funds are spent on students coming from the  
33 territories and supporting their degrees, and the requirement is that they go back to their territories and  
34 work in those departments of fisheries, environment or whatever. So, it's a very, very important program  
35 really in terms of environmental justice as well. So, thank you and I hope you have good news for me.

36

37 **Paul Doremus:** Well I hope so as well. Thank you Kitty.

38

39 **Marc Gorelnik:** All right. I don't see any more hands, but I'll take one more look here. But thank you  
40 Paul for that report. I will see if there are any hands up for public comment. If there is not, we will go  
41 to Council discussion and action, if any. And when we are done that, we will have our break. So, I'm  
42 not seeing any hands from the public so there is no public comment on this agenda item. And I will see  
43 we've had some comments already, but let me see if there's any further discussion or action from the  
44 CCC on this Agenda Item number 4, Funding and Budget Update. All right. Thank you very much  
45 Paul. So....

46

47 **Paul Doremus:** Thank you Mr. Chair.

48

49 **Marc Gorelnik:** ....And so that concludes Agenda Item number 4 and takes us to our well-earned  
50 break. We will break for 15 minutes. I have 12:37 so I guess that takes us to 12:52. We're still a bit  
51 behind today, but Paul got us partially caught up. Thank you and we'll see what we do for the rest of

1 the afternoon, so we'll see you in 15 minutes.

2

3 **Chuck Tracy:** Mr. Chair.

4

5 **Marc Gorelnik:** Yes sir.

6

7 **Chuck Tracy:** Just a brief, very brief announcement. Since we were unable to have this meeting in  
8 person in Monterey, the aquarium was generous enough to provide us a video, a video tour of the  
9 aquarium, which we'll play part of during each break so you can have a look at that, so I'll start that in  
10 about five minutes and if you've got the time and have the interest you can take a look at that video and  
11 enjoy what we we're missing in Monterey. Thank you.

12

# 1 NOAA Fisheries Science Update

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3 **Marc Gorelnik:** It's time for us to get started again. We will start with Agenda Item 5, which is the  
4 Science Update from the National Marine Fisheries Service and I'll turn the floor over to Cisco Werner.  
5 Dr. Werner.  
6

7 **Cisco Werner:** Yes. Thank you Mr. Chair. Appreciate the opportunity and good afternoon and good  
8 morning to everybody. It's a pleasure to give the science update. I will really just focus on two topics.  
9 One of them is the status of our surveys this year and the plans for next year, and that item should go  
10 relatively quickly. And then I wanted to spend a little time on where we are in a planning effort for  
11 what we refer to as our next generation data acquisition plan. And so, with that if I could go to the next  
12 slide please. Really the summary of where we are is on the left side here on the slide. The picture is just  
13 to show that we're back on the water in all places on the East Coast, Gulf of Mexico, West Coast,  
14 Alaska, Pacific Islands and even we were able to make it out to Guam. I'll talk a little bit more about  
15 some of the challenges that we had going to the Western Pacific, and we completed between white  
16 ships, you know, our OMAO vessels and charter vessels, about eighteen hundred days or just short of  
17 eighteen hundred days. It's a little bit fewer number of days at sea than, than we normally conduct, but  
18 you know, of course we had to balance issues having to do with sheltering in place, COVID safety  
19 protocols and a number of things that aid into our ability to complete the number of days that we would  
20 have liked. So, there were some logistical challenges that I think you're all familiar with, but we were  
21 able to complete a good number of our priority surveys in FY 21. And I just would like to acknowledge  
22 the effort of a lot of our crew, a lot of OMAO colleagues and everybody, you know, that had to  
23 overcome a number of challenges in order to be able to go out to sea and complete these. There are still  
24 some surveys out on the water right now, you know, so they'll be into FY 22, but there is just over 400  
25 days at sea of ships that are currently, or surveys that are currently underway. And we are now working  
26 on the finalization of our FY 22 fleet allocation plan, which we hope will be even a greater number of  
27 days at sea than we were able to complete in FY 21. In part, it's because we may not face the similar  
28 challenges with the shelter in place and other protocol and logistical issues, but also, you know,  
29 hopefully we'll be able to get additional support to be able to conduct some of the surveys that we  
30 weren't able to conduct in 21. The next slide, if you will please, is just in tabular form. Pretty much the  
31 information I had before. There's a breakdown by Science Center. A breakdown by white ships or white  
32 ships versus charter and small boat surveys and just gives you an indication of roughly all Science  
33 Centers, all sites were able to go back on the water with I said some still underway. I did want to touch  
34 very quickly on the question that Manny brought up earlier having to do with a life history surveys in  
35 the Western Pacific. And that indeed was something that we are going....that we tried to complete in  
36 21. It was one of our most challenging surveys and we in the end were not able to conduct it. But it is  
37 on for FY 22. This is something that is of huge importance to the Pacific islands and the broader Western  
38 Pacific, and so this is something that we've been working very closely with our colleagues in the  
39 National Ocean Service as well as with OMAO to make sure that the life history survey does take place  
40 in FY 22, and so we're hopeful that it is going to happen. So that's the brief summary on the surveys.  
41 Again, you know, with the limitations that we faced, still a remarkable step forward relative to certainly  
42 what we were not able to do in FY 20 when COVID hit us in full force. So the next slides are going to  
43 be about where we are with the data acquisition plan, and this is just a brief reminder of.....we did have  
44 a data acquisition plan in 1998. That's just over 20 years ago, and that data acquisition plan for fisheries  
45 was very important. It determined what kind of fisheries vessels we would need. It determined the kind  
46 of technology and in some cases, the acoustic quieting to reduce the noise of the vessels. It also spoke  
47 to the laboratory computer and gear capabilities that our ships would have, and arguably the data  
48 acquisition plan, you know, was a successful one, laid out the kind of data that needed to be collected  
49 to be able to prosecute our fishery management, our fishery data collection and, you know, the success  
50 that we've had in terms of our fishery management strategies and mandates. And so, you would think

1 that, you know, given that the success of how we were able to define the data collection, why revisit it?  
2 And the answer perhaps is obvious to most of us or to all of us, and the next slide, the reason we need  
3 to revisit it is because a lot of things have changed relative to where we were in 1998. We realized that  
4 under climate change, the oceans have changed, the physics, the biogeochemistry and the ecosystems  
5 are changing at accelerated rates, so understanding the new state of the ocean is something that we need  
6 to do. Similarly, there's changes in ocean use sectors, you know, whether it's offshore wind energy,  
7 aquaculture and others. The ocean is a place where we can't just sample the way we used to. We have  
8 to account for again the presence of different ocean use sectors and the question then is how do we  
9 coexist with other ocean use sectors and still be able to collect the data that we need? And then finally,  
10 perhaps the third reason is it's a new blue economy as defined by Dr. Spinrad, where he defines it as a  
11 knowledge-based economy looking at the sea and not just for extraction of material goods, but for data  
12 and information to address societal changes and inspire solutions. So, we look to the ocean and the data  
13 that we can collect in the ocean also is something that can affect our societal changes and perhaps think  
14 differently by what we're able to learn about how the ocean works and its composition. So, we need to  
15 think differently about how we collect data while still obviously keeping to our mandate of managing  
16 sustainable resources and the health of our ecosystem and protected species. So, the next slide jumps  
17 then into why the next generation data acquisition plan and have we thought about it? And the answer  
18 is, of course, in the sense that since roughly 2015 we have developed a number of plans that, you know,  
19 that we have worked with the Council, briefed the Council, received the advice of the Councils and this  
20 has resulted in the Stock Assessment Improvement Plan, our Climate Science Strategy and Regional  
21 Action Plans, ecosystem-based fishery management policies and roadmaps to climate and fisheries  
22 initiatives and a number of other programs that point to data needs, data gaps and how we need to think  
23 about moving forward in terms of how to satisfy these mission components. However, oddly we haven't,  
24 you know, despite the fact that we've thought about what it is that we need in terms of filling these data  
25 gaps, we really haven't focused on a data acquisition plan itself since 1998, and that's what this next  
26 generation data acquisition plan aims to do. It's roughly, we can say it's a high-level prospectus  
27 document that looks at data needs 10, 15, 20 years out. You know that will define the elements of this  
28 next generation data acquisition plan. And so, if I could go to the next slide, it perhaps will get a little  
29 bit more concrete. Starting at the bottom of the slide, we're working with IBSS Corporation, this is a  
30 firm that we are collaborating with, that we put out an RFP, a request for proposals and we received a  
31 number of bids, and this group was selected to work with us. It's an external group that will work with  
32 us in defining the next generation data acquisition plan, collecting the information that will form part  
33 of the data acquisition plan and obviously then analyze the data that goes into it. Very briefly, the next  
34 generation data acquisition plan will introduce the need for data collection and usage within fisheries.  
35 It'll talk about goals, gaps and priorities as described in the existing documents that I talked about  
36 earlier, the previous slide. It will describe how the data was collected, how the methodology for  
37 information was collected, not how the, you know, how did we come to the conclusions in the data  
38 acquisition plan? And I'll talk about that in a second. Recommendations in terms of how we think  
39 forward, as I said, 10, 15, 20 years ahead. And also, discussion of how we implement the  
40 recommendations to improve our science advisory process. And the last slide is, is the timeline of the  
41 data, the next generation data acquisition plan. We just started less than a month ago and we are just in  
42 conversations and planning stages with IBSS, the group that we contracted, and the first thing that we're  
43 going to be doing is defining an RFI, a request for information, and that request for information is going  
44 to be a public request for help for information where we will go to our partners, our stakeholders, as  
45 well as internally with a questionnaire that aims to gather information or at least frame the initial  
46 discussions for how we should think differently about the data that we need in, as I said, 10, 15, 20  
47 years out. Based on that request for information that we hope we're aiming to circulate our post before  
48 the end of this calendar year. And following the analysis of the response that we get for the request for  
49 information, we will have three to four public workshops, perhaps a national one and then ones on the  
50 East Coast, Atlantic, Gulf of Mexico and Pacific, and broadly where we expand and go a little bit deeper  
51 into the data needs, again through, through this public discussion and public input process. So, we view

1 this as an opportunity, not just as an opportunity, perhaps as a need to expand upon how we collect data  
2 given, as I said, you know, what we expect going forward. And so, this process will finish roughly  
3 about now, 12 months from now. So hopefully at this time next year we will have a very robust draft  
4 or a completed draft of the data acquisition plan, but we've built in a little bit of leeway in case the draft  
5 is not fully finished for perhaps another six months beyond October of next year. And the main point  
6 here, perhaps, is as this moves forward, I hope to, you know, not hope, I will communicate and keep  
7 close contact with the various Councils in terms of where we are seeking advice and input from the  
8 various bodies and Councils as appropriate and as you would allow. So, with that Mr. Chair I will  
9 conclude my presentation and turn it over to you for any questions or comments as appropriate. Thank  
10 you again.

11  
12 **Marc Gorelnik:** All right, thank you very much Cisco. Are there any questions of Cisco on the science  
13 update? And we'll have some discussion after public comment. Manny, please.

14  
15 **Manny Duenas:** Thank you Mr. Chairman. My apologies. I'm very interested in what the topic is  
16 today especially with a science update. I just want to thank the presenter for looking at continuing to  
17 visit the Marianas. We are deeply concerned with the situation regarding the mapping of the islands,  
18 and I think the military might find funding for use as they crashed two submarines into underwater  
19 seamounts already. So, I think they'll be more than generous to help fund the Science Center on these  
20 activities. I am very concerned about the life history program. When I was visited two years ago, our  
21 organization has been a major contributor to the, on almost a voluntary basis to provide information for  
22 the Science Center, but the management, new management regime decided they wanted to change the  
23 format. We wanted an expansion on the program to include all fish within our region. That way we can  
24 understand the dynamics of climate change. If there is an issue of climate change because I believe the  
25 Pacific region has been very smart about it because we discovered El Nino and La Nina 20 some years  
26 ago. So at the end of the day, we want to understand whether our fishery is also affected and we can  
27 document any issues with climate change based on our harvest and reproductive characteristics of our  
28 species, which is about maybe 250 species in our zone, but with the reduction of effort by the Science  
29 Center in Honolulu, it was a major concern because instead of getting expansion we got a reduction  
30 down to, I believe, a half a dozen species, or a dozen at least from 250 species. Again, all of this is a  
31 contributing factor as we go into EFH issues where we also have to do mapping. 90 percent of our fish  
32 are carnivores, so therefore they're going to look for their food as they travel. However, we need to  
33 understand the dynamics of the fishery as it operates on our coral reefs, and I want to remind the science  
34 group that our islands are pinnacles. We do not have a continental shelf. And lastly, we want an in-  
35 depth analysis of all these species to be continuous, because again the buzz word is climate change, but  
36 what are the true effects of climate change on these species? Are we catching less? Is our CPU greater  
37 or less? And those issues have to be addressed, especially as we're mandated to do ACLs. And on the  
38 protected species front, which I notice on the previous budget was almost one third of the budget for  
39 the National Marine Fisheries Service, we have to understand the dynamics of the protected species,  
40 MMA, ESA and all that stuff because at the end of the day the agency has failed us in actually on a  
41 recovery plan for the protected species because it's been over 40 years for the green sea turtle and we  
42 seem to be going the opposite direction, whereas the Fisheries Council are mandated by law to create a  
43 recovery plan within 10 years, so I think somebody needs to get spanked as far as my issue with ESA  
44 and MMPA, sorry I said MMA and I wasn't talking about the mixed martial arts. So, at the end of the  
45 day, I just wish the Science Center would put more effort into looking at these issues that affect us. I  
46 love the movie 'Dave'. If you guys ever, never seen the movie 'Dave'. It's Kevin Kline. There's one  
47 portion where he says, we're going to spend about 60 million dollars to make people feel good about  
48 something they already bought, and spending money on protected species and all this ESA is a great  
49 thing, but however our fisheries continue to suffer based on the lack of data and in creation of ACLs.  
50 Thank you.

51

1 **Cisco Werner:** Thank you Manny. Thank you Mr. Chair. If I may. First of all, thank you very much  
2 for the comments and as I mentioned the life history component as well as the other components of  
3 habitat EFH, as you mentioned, really is part of why we're doing everything we can to go out next year.  
4 The survey is a joint survey with NOS, the National Ocean Surveys. It does the charting and looking at  
5 the bottom and the substrate and the structure of the bottom and so we, this is one thing that Mike Seki,  
6 the Director of the Pacific Islands Fisheries Science Center is dogged about, if I could, in terms of  
7 ensuring that we collect the data that we have not been able to collect for some time. With regard to  
8 then the changes that we're saying, that we're seeing as you say, and the difference between continental  
9 shelves and pinnacles, you know, how we sample that and how we are able to track the changes is in part  
10 of what this data acquisition plan is. I think these are the kinds of questions that, you know, when we  
11 send out the questionnaires and into workshops, gives an opportunity for that conversation and that  
12 determination to happen in terms of what do we need to sample? We need to sample out there the deep  
13 ocean. I mean the deep ocean is clearly connected to the pinnacles, and you know again because the  
14 dynamics are different. So, you know, things from, you know, the kind of uncrewed systems and gliders  
15 and other capabilities that we could bring to characterizing the changes that we're seeing in habitats of  
16 the Western Pacific is something that we need to rethink and we have the opportunity to do that. And  
17 then finally with regard to the ability to keep a sustained presence in the Western Pacific is also the  
18 matter of ensuring that we have the vessels and, you know, to be able to go out there. Right now, we're  
19 a little bit hampered in terms of the number of vessels that we have, you know, covering the Pacific.  
20 And that's also something that we're looking at through the fleet recapitalization plan and other  
21 approaches to make sure that that presence, that necessary presence is provided. So, I couldn't agree  
22 with you more and if I could just reassure you that these are things that I speak to our colleague, Mike  
23 Seki, and others in the Pacific Islands almost on a weekly basis, if not more frequently. So, thank you  
24 very much for the comment.

25  
26 **Marc Gorelnik:** All right. Thank you. Thank you Manny. Thank you Cisco. Chris Moore followed by  
27 John Carmichael.

28  
29 **Chris Moore:** Thank you Mr. Chair. Hi Cisco. Hope you're doing well.

30  
31 **Cisco Werner:** Good seeing you.

32  
33 **Chris Moore:** I have two quick questions for you. So, one of your slides you mention the uncrewed  
34 surveys, so you had a slide that broke it down like 73 days and included some of these uncrewed  
35 surveys. So where are those being done? Are any done on the East Coast and what kind of data are they  
36 collecting is my first question?

37  
38 **Cisco Werner:** Most of those are happening on the West Coast and Alaska, in part because the  
39 instruments that we're using are based out of San Francisco so it's a little bit easier. They launched them  
40 from Alameda basically and we worked them from there. But, you know, we're also looking to have  
41 the uncrewed systems on the East Coast as well, at least the uncrewed systems that we're currently  
42 using, which are the sail drones, those are based out of Alameda. But we're also thinking about new  
43 systems, which are called Drix, D-R-I-X systems, which are self-propelled, they're not gliders, and  
44 we're looking to expand those in other parts of where we conduct our surveys as well, and those will  
45 hopefully make our, the intent is to make our surveys much more efficient so they will allow ships to  
46 do things that they can't do by surveying in parallel. So, for now they're West Coast and Pacific, but  
47 we're certainly moving into the Gulf of Mexico and the Atlantic as well.

48  
49 **Chris Moore:** Thank you. Mr. Chair, if I could?

50  
51 **Marc Gorelnik:** Of course.

1 **Chris Moore:** So, it's good to hear that the Councils are going to be, if I understood you correctly, the  
2 Councils are going to be involved in the development of this next generation acquisition plan and based  
3 on the timeline that you presented, it sounds like we'll have a plan sometime in 2023. Like an approved  
4 plan give or take?  
5

6 **Cisco Werner:** Yeah....Yeah sorry, go ahead.  
7

8 **Chris Moore:** Yeah, so the question is, you know, I know it's early. It's probably hard to really predict,  
9 but what years are we talking about for implementation? I can't imagine that, you know, the plan's going  
10 to get done in 2023 and you're talking about 2024, 2025. We're probably talking about, you know,  
11 what... five years out from that or what is the answer to that? Thanks.  
12

13 **Cisco Werner:** Yeah thanks. Thanks Chris. Thank you Mr. Chair. The plan itself we're looking to  
14 finish in 12 to 18 months from now. So, let's see what are we in? Calendar 21, 22, so let's say calendar  
15 23, the plan itself is finished. The implementation will probably occur over the next 5 to 10 years and  
16 as with all of these it doesn't mean that they're going to substitute the way we're doing things. There's  
17 going to be a parallel calibration component and enhancement of surveys that we currently do, so I  
18 think it's going to require, you know, essentially plussing up, if you will, the current surveys that we  
19 have until we understand, you know, the information and calibrate again the new capabilities that we  
20 have. So, in answer to your question, implementation will probably take over the 5 years after that, and  
21 then it will be a gradual process over the next 10, 15 years beyond that. But we need to begin to identify  
22 what those needs are soon and begin to work on them for the reasons that we talked about earlier,  
23 whether it's the, you know, the multiple, multi-use ocean sectors that we have and the change in  
24 conditions that we're witnessing.  
25

26 **Chris Moore:** Great. Thank you.  
27

28 **Marc Gorelnik:** All right, John Carmichael followed by Bill Tweit.  
29

30 **John Carmichael:** Okay thank you Mr. Chair and thank you, Cisco, for that update. I really  
31 appreciated that and seeing where things were going. I will say that here in the Southeast one of the  
32 problems tends to be not the plans but having the money to do the plans. And so, I'm just sort of  
33 interested in what your take is on resources to actually do some of that. We've had some significant  
34 steps backwards I'd say in recent years. You know just reflecting on life history, over the last 10 years  
35 the Southeast Center depended on the Atlantic Coastal Cooperative Statistics Program for about two  
36 hundred and some thousand dollars a year just to do the basic aging and age structure interpretation  
37 necessary to support stock assessments. That funding's dried up because of shifting in ACCSP priorities,  
38 but that resulted in about 2 million dollars that went from ACCSP to the center over 10 years. We  
39 implemented for hire electronic reporting and are told that there's no funding to support samplers to go  
40 down to the docks and get samples from the fish. You know we've had a fishery independent monitoring  
41 plan that was developed by the Council and the Commission and the Science Center jointly over 10  
42 years ago, and about 20 percent of it was funded. And as we look ahead to climate change impacts and  
43 all the demands that that puts on it, you know, there's a lot of concern about, you know, where is the  
44 resources going to come from to just catch us up, as we say to catch us up to the Sustainable Fishery  
45 Act requirements? So just curious as to, you know, what's the outlook on some more funding to support  
46 the science? I think everyone recognizes we really need to manage to the next generation.  
47

48 **Cisco Werner:** Yeah. Thank you, John, and thank you Mr. Chair. Great question and the short answer  
49 or part of the short answer is that we will find out, you know, through the marks that Paul, that we  
50 discussed with Paul earlier in terms of where some of the requests that we put into the President's  
51 budget, how they wind up, and then obviously the subsequent conferences. So, we're looking, we put

1 in requests for additional surveys, additional data collection, not just on the water but also as you said  
2 dock side survey and such. So, we're hopeful. Looking forward to seeing what those marks and  
3 conferences say, but we are looking.....we acknowledge the fact that there are these data gaps and data  
4 shortages that you mentioned and we're hoping to see relief from, you know, in the coming months or  
5 year.

6  
7 **Marc Gorelnik:** All right. Bill, followed by Tom Nies.

8  
9 **Bill Tweit:** Thank you Mr. Chair. A follow-up question then to John Carmichael's and if that funding  
10 doesn't come through, we were left wondering, for instance, what the Climate Fisheries Initiative, which  
11 looks really impressive. The North Pacific Council got a briefing on it just a little over a week ago now.  
12 Thought it had a lot of promise, particularly for our situation where we're all of the sudden seeing  
13 dramatic impacts of a changing climate on our fisheries. So, we viewed it with a lot of promise, but  
14 also the concern that was expressed in John Carmichael's question, and so I think we're left wondering  
15 if the funding comes in shorter than that will these new initiatives be scaled back or are there other  
16 sources of potential funding out there like the Department of Defense. What's the agency sort of Plan  
17 B for these initiatives?

18  
19 **Cisco Werner:** Thank you Bill. Thank you Mr. Chair. You know a short, a quick answer might be yes.  
20 There would be a need to look at how to scale back. We do continue working on also how we can  
21 become more efficient through unproved systems, new technologies and so on so, and obviously you,  
22 I think you've seen that there has been some very promising and successful efforts, particularly in the  
23 North Pacific as one of the early pilot programs where we have been able to collect data very creatively  
24 through these new technologies. So, we'll continue to try to collect the data as we can. Obviously, there's  
25 other ways that we can, that we're looking at to collecting data, which is in partnership with industry,  
26 cooperative research and so on. So, we'll just keep trying to collect the data that we know we need.  
27 And, you know, you mentioned how rapidly the conditions are changing in the North Pacific and Gulf  
28 of Alaska, Bering Sea, and that's one that we're quite aware of and quite keen to make sure that we  
29 expand the coverage and collect the data that we need, whichever means we have. We'll continue to,  
30 you know, to make our request for additional support like we did through the President's budget this  
31 year, but also through other means, like I said, with new technologies and other approaches and with  
32 partnerships, as you mentioned, whether it's other departments or whether it's, as I said, partnerships  
33 with industry.

34  
35 **Bill Tweit:** Thank you. Mr. Chair, I have a second question on a different subject in the talk?

36  
37 **Marc Gorelnik:** That's fine.

38  
39 **Bill Tweit:** Thank you. Cisco, can you provide some examples of what a knowledge-based economy  
40 for the ocean looks like? I just, I saw that quote and I could not, I was just left scratching my head about  
41 what we're looking for in a knowledge-based economy from the ocean. It is...

42  
43 **Cisco Werner:** Yeah, it's understanding, you know, it's looking at what, how we might understand,  
44 you know, the ocean might work, whether it's say, for example, how we can mitigate impacts of say  
45 climate change. We can look at perhaps ways of improving, at least locally, you know, water quality if  
46 you will, or other areas where understanding how we can use, say the ecosystem services and others  
47 and understanding how the system works, improve conditions that are not just based on extraction of  
48 goods, but actually working with the ecosystem services to improve our quality of life, quality of the  
49 ocean that's next to our communities and such. So, it's broadly not just looking at the ocean as  
50 somewhere where we just get things out of, but also if we work with the ocean how do we actually  
51 improve, you know, the quality of a number of elements that contribute to the communities and the

1 economies that fuel the communities. It's a broader view of understanding how the ocean works and  
2 the benefits that we gain from that understanding.

3  
4 **Marc Gorelnik:** Tom Nies.

5  
6 **Tom Nies:** Thank you Mr. Chair. Thanks for the presentation, Cisco. I want to kind of build on the  
7 theme that John and Bill had brought up. You know data doesn't do you any good if you don't have any  
8 people to analyze it and to use it, and it seems that in our region we're seeing, starting to see some  
9 shortfalls in personnel at the Northeast Fisheries Science Center across a number of disciplines. Is this  
10 a concern? Do you have plans to back fill those positions FTE so that we can get the support we need?  
11

12 **Cisco Werner:** Thanks Tom. Good to see you and thank you Mr. Chair. Indeed. I mean whether it's  
13 the CFI, the Climate and Fisheries Initiative that was brought up earlier or other approaches, as you  
14 said we need the people that.....the infrastructure isn't just the instruments and the ships that we need,  
15 but the infrastructure is also, as you said, how do we actually translate that data into information that  
16 we can use? So, each one of these initiatives that we're talking about also very, very clearly includes  
17 the backfill if you will, or the expansion in other areas of the people that we need, and it's not just  
18 growing the number of people that we need, but it's also the training that we might provide of people  
19 we already have. So, it's also growing the capability of people who are in place, and so it's a combination  
20 of all of the above. But yes, the human element, the human capital, if you will, of the effort is front and  
21 center in our thinking.

22  
23 **Tom Nies:** Thank you.

24  
25 **Marc Gorelnik:** Chuck Tracy.

26  
27 **Chuck Tracy:** Thanks Mr. Chair. Thanks, Cisco, for the presentation. I'm going to go back to your  
28 survey slide number 3 where you had the surveys. And just checking your math here a little bit, it  
29 indicates, slide three does, that there were zero charter and small boat days for the Northwest Center  
30 and for the Southwest Center, so just kind of want to check to see if that's really true because I am pretty  
31 sure that some of those surveys occurred this year and then maybe just speak a little bit to the, just the  
32 white ship days, you know, 174 for the whole West Coast. You know relative to, you know, or almost  
33 500 for the Atlantic and Gulf I suppose but just kind of wondering about the balance there and if there's  
34 any mitigating circumstances in regards to what the West Coast received in terms of survey data this  
35 year?  
36

37 **Cisco Werner:** Yeah, thank you Chuck, and thank you Mr. Chair. No, it's a good point and those  
38 numbers haven't been filled up, haven't been filled in because they were still under way. So, I thought  
39 about, you know, we put that hard stop on September 31 for completed surveys, and that doesn't quite  
40 capture the fact that yes indeed there are charter surveys, but they hadn't quite completed their survey  
41 yet, so they're not zero like you said, they're not zero, they just haven't been completed. They're on the  
42 water and happening right now.

43  
44 **Chuck Tracy:** Okay thanks.

45  
46 **Marc Gorelnik:** All right, thank you Cisco for your presentation. I don't see any other hands, which  
47 would indicate no further questions. We'll now go to see if there's any public comment. So, if you're a  
48 member of the public that wishes to comment please raise your hand. And I'm not seeing any hands.  
49 That takes us to Council discussion and action, if any, on the NMFS science update. I'll see if there's  
50 any discussion or action. And I'm not seeing any hands, so we have concluded that agenda item. Thank  
51 you very much Cisco.

1 **Cisco Werner:** Thank you Mr. Chair. Thank you very much.

## **Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) Regulation Update**

**Marc Gorelnik:** And we'll now move to Sam Rauch for Agenda Item 6 on CEQ and NEPA Regulation Update. Sam?

**Sam Rauch:** Yes, thank you Mr. Chair. And as we get started here, I'm going to provide an update on NEPA and the various CEQ actions but let me take the opportunity to introduce some folks who might help me if there are questions. Marian McPherson and Katie Renshaw, who the CCC has heard from before, and of course our national NEPA coordinator Steve Leathery, and there may be other NEPA folks on the phone. It's hard for me to read the 109 participants and pick them all out, but I did want to particularly point out those three. So, if I could have the next slide we'll get started. So, I'm going to provide a little bit of background on the various NEPA documents short and then talk about the recent CEQ rule and where we are going from here. So, as you all are well aware, there is a unique interaction between NEPA and the Magnuson Act. Many of the Council amendments are integrated NEPA Magnuson Act documents and it's very hard to tell where one statute's requirements ends and another begins, it has been integrated into our decision making so fully. Congress reflected that, recognized that in 2007 when they amended the Magnuson Act and they put a special provision in 304i to reflect that unique relationship. And as a result of that 2007 requirement, in 2015 NMFS implemented this special NEPA procedures for Council initiated fishery management actions, and that's in a NOAA Administrative Order, a companion manual to a NOAA Administrative Order. So even before we get to more recent events, though, there has been a growing interest among the Councils and practitioners in convening a lesson among ourselves to review, convening a review amongst ourselves to look at where we are, what's been working well, where we could improve across the board, and so we've been working with that. But in 2020 we had a fairly significant change, which has caused some delay in that overall process. First in September of that year, CEQ, the Council for Environmental Quality, published a final rule that made some significant changes to the NEPA regulations and within the substantive changes they require the agencies to submit proposed procedures to comply with the new regulations by September of 2021 or last month. Among those changes of particular interest to the Council, we did talk with the Council, either the individual Councils for this group about those various changes. Among those changes was the opportunity for agencies to identify existing practices that could constitute as a functional equivalency of NEPA in order to avoid some of the NEPA specific requirements in favor of a different process. That it something that the CCC has been interested in in the past at least. In June of 2021, June of this year, however CEQ issued an interim final rule that extended the deadline for compliance from September of 21 for these agency NEPA procedures to September of 2023, a two-year extension, and it states that CEQ will initiate further rulemaking to propose amendments to the 2020 rule to revise the NEPA implementing regulations to comply with the statutes, text and goals. At the same time, or about the same time, CEQ issued informal guidance to the federal agencies advising them against spending resources and time in updating their NEPA procedures to conform to the 2020 rule given that it might change in the very near future. So that was the June 21 interim final rule. CEQ is now in the process of developing that promised proposals and are doing this in at least two phases. In October of this year, so earlier this month, October 7th, CEQ proposed a proposed rule that would implement phase one of these changes to the 2020 rule. We'll talk about that in just a moment in what was included in the phase one proposal. But they generally removed items that had been added in 2020 and went back to the prior regulations, which were 1978. CEQ has indicated that they intend to conduct another subsequent rule making, phase two, to more comprehensively revisit regulations and propose additional changes. So even if they haven't proposed a change in phase one, there may well be changes in phase two. So, for instance, functional equivalency was not proposed to be changed in phase one, but it may well be changed in phase two. So, let's go down to the next slide please. So, this is the phase one rule. This is basically what was in it in a summary fashion. It restored the purpose and need

1 provision to remove the requirement to base the purpose and need on the goals of the applicants. It  
2 removed limitations on agency specific NEPA procedures that had been in the 2020 rule. It restored the  
3 definition of effects, including the terms 'direct', 'indirect' and 'cumulative', and removed potential  
4 limitations on effects analysis that had been included in that rule. So, this rule has been published for  
5 45 days public comment period. That was starting on October 7th. During that comment period CEQ  
6 plans to hold virtual public meetings and a virtual federal NEPA context meeting. Information of the  
7 public meetings was posted or will be posted on [www.nepa.gov](http://www.nepa.gov)., and the federal NEPA context meeting  
8 is scheduled for October 28th. So, if I could have the next slide. So, what does all this mean right now  
9 for us, for you? After the 2020 rule came out, but before all this other things happened, we circulated,  
10 NMFS staff circulated interim guidance in March of 21 and that guidance is currently still in effect, and  
11 it basically did not talk about much of the substantive provisions, but provided some assistance in how  
12 we were going to continue to apply NEPA in this interim time period for actions that were initiated  
13 after that 2020 rule was in place. We still think that the interim guidance is applicable despite all of  
14 these changes at the moment. In addition, one of the things that 2020 did is it required NEPA processes  
15 to be done within a certain time page, within a certain time limit and within a certain page limit. And it  
16 is very hard to combine the NEPA documents with our Council amendments as many Councils choose  
17 to do and stay within those page limits, recognizing that we were able to seek an extension last  
18 November from the last administration for one year to allow us to continue to not comply with the page  
19 limits for Magnuson Act actions. And that exemption will expire in November, but we are seeking  
20 another waiver, so I expect that to be granted, so I do not expect the current 2020 page and time limit  
21 extensions to apply, but we do not have that yet and so I expect it to be granted, but has not yet been  
22 granted yet so still more to come on that one. In addition, as I had said before, we had been planning,  
23 even before all this, some way to have a broader discussion about NEPA documents, NEPA processes  
24 and procedures in trying to improve our message, share best practices and see where we could do things  
25 better. That changed somewhat after the 2020 rule was passed and the aggressive deadlines and we  
26 jointly agreed that we are going to need to do some joint consideration of how to apply this new  
27 landscape. And so, we had established a working group and the CCC had established a subcommittee  
28 to examine the current practices and make recommendations for how we adapt to these changes or how  
29 we could have a specific MSA NEPA procedures, which at that time had been due in September of 21.  
30 So, in the fall of 2020 we initiated planning, the planning of a workshop to be facilitated by the  
31 consultants formerly from the Fisheries Forum, whom many of you know, and to support visioning for  
32 these recommendations. But later in the light of many of these changes we just discussed, we  
33 determined to delay the further planning of that workshop pending further guidance from the new  
34 administration. And in light of that continued uncertainty as to when we may have a final resolution of  
35 the new NEPA requirements as well as the desire to assess the efficiency though, we still think we  
36 should have a discussion and we're looking for options as to how and when to move forward with the  
37 workshop, even in light of the fact that we may have changing landscapes, either new or resorting back  
38 to old requirements, but we may not know until 23 what that full scope is. So anyway, on to the next  
39 slide please. So, while we support having a workshop, the question remains as to what the timeline  
40 should be in order to best use all of our collective resources and they're all scarce, when we're currently  
41 internally deliberating this topic but we'd welcome your input in that decision as well. We have a couple  
42 of options. One is we could immediately begin scoping for a workshop bearing in mind that we don't  
43 know what, we don't want to, we don't necessarily want to get ahead of what the phase one and two  
44 CEQ rules may end up looking like and find out what the parameters are, so we are somewhat cautious  
45 about doing a lot of work only to have the ground rules changed again. But we would still start working  
46 forward and working with our consultants to do the preparatory work for an actual workshop,  
47 recognizing that some of that we may have to pause or halt the effort depending on what CEQ ends up  
48 doing, or option two is just to delay this until we get a better idea. We really do want your input on this,  
49 so if I can have the next slide, please, which is the final slide, so we are continuing to work on this. We  
50 do still think that there is value in talking about how we can jointly do NEPA, how we can jointly deal  
51 with this, but we recognize there's a great deal of uncertainty in the current status of the fundamental

1 ground rules and we don't want to waste folks time if all those are going to change. So, we'd like your  
2 perspective on that if you have anything to share. But with that, that's the presentation that gives you  
3 an update, Mr. Chairman, on where we are, where we may be, and some of the decisions that we  
4 currently are facing. And I'm happy to take questions or participate in comments.

5  
6 **Marc Gorelnik:** Let's see if there are any questions right now. There'll be an opportunity for discussion  
7 later, just questions. Chuck Tracy.

8  
9 **Chuck Tracy:** Thanks Mr. Chair. Thanks, Sam, for the presentation. Just on your previous slide, a  
10 question about whether things could get delayed or halted pending the phase two rule. I guess maybe a  
11 counterpoint to that, is there any value do you think of rescheduling in hopes that the phase two rule  
12 could be influenced by the results of the workshop and those discussions?

13  
14 **Sam Rauch:** Well, let me just say, I mean there are many federal agencies that deal with NEPA. I  
15 mean I know for us this is the most important thing that we deal with, but a lot of what's driving the  
16 NEPA decisions to seek you is other agencies other circumstances, not necessarily us. So I do not know  
17 that there's anything we could do or say that is really going to influence what is or is not in the phase  
18 two rule and the.....it is open for public comment. That is appropriate way to influence it. I'm not saying  
19 that it wouldn't influence that, but I would argue that if we are going to go and hold the scoping meeting,  
20 it is designed less to influence what CEQ does and more to influence how we can better, more efficiently  
21 implement the current state of the NEPA world to meet our needs and comply with the statute because  
22 I'm not all that optimistic that you would influence what CEQ does or not outside of the normal public  
23 comment process that they're engaged in.

24  
25 **Marc Gorelnik:** All right, any other questions on what Sam has presented so far? Okay Sam, please.  
26 You have additional material under this?

27  
28 **Sam Rauch:** I have no additional material on this topic.

29  
30 **Marc Gorelnik:** All right. Great. So, we've had an opportunity for questions. I'll see if there is any  
31 public comment. Pause for a moment to give folks an opportunity to raise their hands, but I'm not seeing  
32 any hands. So that'll take us to Council or CCC discussion and action, if any. So let me see if there are  
33 any hands here. Chuck Tracy.

34  
35 **Chuck Tracy:** Thanks Mr. Chair. Maybe just for discussion purposes. So, I guess I'm wondering if  
36 there's any desire on the part of the CCC to, you know, to weigh in on this any further at this point?  
37 Perhaps if there's any role and maybe this is something we can pick up at the end of the meeting for our  
38 NEPA Subcommittee to remain involved and if there's anything we can do to contribute to the process  
39 here. So maybe those are just some questions for the CCC to consider. Thanks.

40  
41 **Marc Gorelnik:** Carrie.

42  
43 **Carrie Simmons:** Yeah, thanks Mr. Chair. So, I got a little confused maybe with some of the dates,  
44 but on slide 3, Sam, does that mean we are going back to the 2020 rules and not following the interim  
45 rules? Could you clarify that again please?

46  
47 **Sam Rauch:** So, slide 3 was the slide where I went over the proposed changes. So, the proposed  
48 changes, right, that would mainly take us back to the pre-2020 status quo, the status quo before 2020  
49 in those three topic areas. So, this is only proposed. So, they haven't finalized it. There's public  
50 comment. The Council could weigh in on public comment if you wanted to. But for these three, purpose  
51 and need, agency specific need for procedures and then restoring the definition of effects. They're

1 restoring it back to the 1978 rule, which was the rule that existed up through 2019 before the 2020 rule.  
2 So, we're going back to the pre-2020 rules set for these three issues under this rule if that's clear. And I  
3 apologize for the various deadlines. I realize as we went through it, it gets a little confusing, but that's  
4 it. We are going back to what happened before 2020. That's what this rule does.

5  
6 **Carrie Simmons:** Okay Mr. Chair. Thank you for that. And then I guess as we think about this, do we  
7 have the right working group? And I think I am interested in us trying to, I guess in the interim as time  
8 allows, see if we can streamline some of this process as we wait for the CEQ, I guess, interim guidance,  
9 right? I think there could be value in that, but I'm interested to hear what other folks say as we move  
10 forward with this topic.

11  
12 **Marc Gorelnik:** Thank you Carrie. Well, what is the wish of the Committee? Tom Nies.

13  
14 **Tom Nies:** Thank you Mr. Chair. If I might ask Mr. Rauch a question? I don't know that he's going to  
15 know the answer, but I'll ask anyway.

16  
17 **Marc Gorelnik:** Sure.

18  
19 **Tom Nies:** Do you have any sense of how fast CEQ will move on finishing phase one and starting  
20 phase two or is that a complete unknown?

21  
22 **Sam Rauch:** I do not know. I suspect that they will move fairly quickly on finishing phase one. They've  
23 got a public comment period and it is a relatively narrow set of things that they're doing to restore the  
24 provisions back to the 1978 provisions, so I suspect that they'll move fairly quickly on that. I do not  
25 have a conception of how long that they will move on phase two other than that they've given us a two-  
26 year extension, but I think this would be a good opportunity, with your permission Mr. Chair, if I could  
27 maybe ask one of my colleagues who has been involved in this, maybe Katie, if she's on, could give  
28 some perspective on what they think CEQ's extended timeframe might be.

29  
30 **Katie Renshaw:** Sure. Hi Sam, can you hear me?

31  
32 **Sam Rauch:** Yes.

33  
34 **Katie Renshaw:** Okay great. Thank you. As Sam said, my name is Katie Renshaw. NOAA's NEPA  
35 coordinator. And to be clear it's my understanding that CEQ does not believe that the completion and  
36 the finalization of phase one is a prerequisite to start the phase two rulemaking process. They had  
37 indicated in the unified federal review an intention to publish a proposed rule sometime this calendar  
38 year for phase two. I think that's a little optimistic, but I do think they are moving with relative  
39 expediency to get to a proposed rule on the street for phase two. So not much more detail than you have  
40 Sam, but I think that it is something that's going to move relatively quickly.

41  
42 **Marc Gorelnik:** Tom, does that respond?

43  
44 **Tom Nies:** Perhaps. I was a little confused. Katie said this calendar year. Do you mean 21 or 22?

45  
46 **Katie Renshaw:** 21 for a proposed rule I think is the optimistic projection for a proposed phase two  
47 rule.

48  
49 **Marc Gorelnik:** Anything further Tom?

50  
51 **Tom Nies:** No, thank you.

- 1 **Marc Gorelnik:** All right. Further discussion on this agenda item or do folks perhaps want to revisit  
2 it during the wrap up on day three or after we've heard from the committee? All right, I'm not seeing  
3 any other hands so I will deem this agenda item complete. Sam, thank you very much.  
4  
5 **Sam Rauch:** Thank you Mr. Chair.

# NS1 Technical Memorandums

- Catch Accounting,  $F_{MSY}$ ,  $B_{MSY}$ , and Proxies

**Marc Gorelnik:** That will take us to Agenda Item 7, National Standard 1 Technical Memorandum. Rick Methot.

**Rick Methot:** Good day and thanks for the opportunity to present on this topic.

**Marc Gorelnik:** Sure.

**Rick Methot:** I'll wait for Sandra to get it cued up. First, let me apologize to all my colleagues throughout the agency for this first slide here. It really is a large number of people have been contributing to this work on updating the technical guidance for National Standard 1, and so to see only my name here does not give justice to the extent of effort going into various parts of this updated guidance. Next slide. What we're attempting to do overall is to provide an update on the technical guidance that was first produced in 1998. It has not been explicitly updated since then, even though there have been several changes to the National Standard 1 guidelines themselves, as well as substantial research on the topics contained within. So, what we've been working on within 3 subgroups is a subgroup 1 that I've been leading on reference points and we're nearing completion of a draft there. Subgroup 2, which you've heard about previously, which is carryover and phase-in provisions, and that is now completed. There's subgroup 3, which you'll hear from after I finish on data gaps and alternative approaches. We'll proceed to the next slide. So, for subgroup 1 the topic is on maximum sustainable yield reference points and various proxies for accomplishing these. There's a lot of moving parts behind this. A lot of detail. And I'm going to respond to some of the questions that have come in over the last several years and we certainly, we apologize for the long amount of time it's taken in order to get to this point. Again, there are a lot of moving parts and we've been able to move through them fairly well, but there have been questions, so today I will provide a bit more detail on the direction that we're looking into that we've been able to provide in the past. Next slide. So, an overview on this general topic of reference points. One reference point is with respect to overfishing, and that is basically how hard are we fishing? What's the fishing intensity? What fraction of the stock is being caught each year? And so, establishing limits on that that are going to be very stock specific, it also could form to overall guidelines. The second reference point is with regard the abundance of the stock. There's a reference point for below which a stock is considered to be overfished. That is the minimum stock size threshold, and it's related to being a fraction of the  $B_{MSY}$ , the biomass at maximum sustainable yield, which is basically the target population size. So, we're working on guidelines for when is it a good idea? When is it opportunity to go forward with a direct estimation of these quantities? And when is it necessary to fall back to sort of a data moderate approach where we need to invoke some proxies that come from considerations across all species or general ideas on what are good levels of fishing to be at? And so, these are what we consider proxies. We also now are providing much more complete advice on guidelines for data limited situations, and we touch upon a number of additional considerations. We have a working draft. We slowed down on our group meetings because we've been working hard on various aspects of this draft and we're about ready to get it back in front of our entire extended working group. I want to provide a bit of a fuller preview of where we're at today, and we really are working towards a draft available for that full working group review by the end of this year, this calendar year. And we will then work through internal clearance in order to get this draft available before Council review and presumably your SSCs. Next slide. So, the devil's in the details on so much of this. I mean the harder you fish, that's our  $F$  levels, the less biomass you get from each recruit that comes into their population on average. And the catch from each of those recruits, which is an asymptote, and then you just can't get any more out of an average fish, even though you're fishing harder and harder. We have a metric called SPR, or Spawner Potential Ratio, which basically is the ratio of how much biomass you

1 get if you're not fishing per recruit to how much you're getting if you are fishing. Essentially that's the  
2 average escapement from fishing. It's averaged out across all the different age groups that are in the  
3 population, and it today is the most common measure of the intensity of the fishery impact on a stock.  
4 As I mentioned at the onset, there are a number of details that we are trying to be attentive to. Fisheries  
5 selectivity for older versus younger fish. We have a section talking about more of that, and especially  
6 the degree to which discarding of fish figures into these calculations. We also point out that over the  
7 last 20 years we've become better at being able to really measure the reproductive potential of a stock  
8 of fish, not just going out and measuring the total biomass of the mature fish or the mature female fish,  
9 but actually working towards a measure of the degree of egg production by this spawning biomass.  
10 Well, that's great. It's a step forward, however our old proxies that we've been using for many, many  
11 years were all calibrated in terms of the old measure of spawning biomass. So, this is something we  
12 flag now. It's something that is in need of calibration. It's not a huge change, but it is something of a  
13 few percentage points that really can and should be taken into account. Next slide. So, when we go for  
14 direct estimation, there's really two basic approaches that you see and use. One is the situations where  
15 we have only the ability to look at the total biomass of the stock and can't really have enough data to  
16 look at the age structured details of a population. And this is a situation that certainly has and continues  
17 to be applied, and it treats the total stock in the fishery with no biological detail. It's a simple model and  
18 the result of it is a direct estimate of the MSY quantities that we need. But fortunately, it's easily biased  
19 by the ignored biological fishery details and it's hard to tell, unless you have some of those details, how  
20 much that bias might be in a particular case. So, we identified as something that is an acceptable  
21 approach, a needed approach in some circumstances, but we also recognize the much greater power we  
22 have as we move into an age structured analysis, which lets us look at this wide range of details about  
23 how the fishery is interacting with the stock of fish. In particular, the age structured models tend to  
24 include a spawner recruitment relationship, which basically as we reduce the spawning biomass of the  
25 population, how much and at what rate is the recruitment that they produce declining? We never see it  
26 declining linearly, but the degree of decline is something that is critical for how hard you can fish.  
27 Unfortunately, the details are widely varied, and they're widely varied in their application across the  
28 country, and we are trying to capture that diversity in the document so we can get a better sense of what  
29 is the collective approach that is coming forward as we look at all of these together. We also recognize  
30 that in most cases, even though we have the age structured population assessment telling us how the  
31 fishery is interacting with the stock, we can't quite get to this direct estimation because the information  
32 in order to get to the spot of recruit relationship is not good enough. Next slide. So basically, this direct  
33 estimation, it's impeded by the data's time series not covering the full stock history. Oftentimes their  
34 data collection happened long after the fishery had already been impacting the stock, potentially for  
35 decades. In some circumstances, just high year-to-year fluctuations mask the underlying signal. And  
36 the third, and it's becoming more and more apparent today that large climate signals, things that cause  
37 shifts over 10, 20 year periods or long term drift, which we also are seeing happening, that these can  
38 also overwhelm the spawner recruitment signal. So, to have a reference point that is essentially  
39 referenced to the spawner recruit curve is highly challenged in these circumstances. So where are we  
40 at today? We recognize that we need to have proxies because we can't get to the direct estimation. We  
41 recognize that a range of proxies for about 30 percent to 50 percent have been used in the various FMPs  
42 across the country. They were supported by some very early versions that were essentially management  
43 strategy evaluations from the early 1990's put us in this range and has supported this range since then.  
44 But the details of exactly where a particular stock falls is something that, again, you rarely can get there  
45 so we need to continue to rely upon these proxies. We tend to see that a proxy SPR of about 45 percent  
46 is certainly in the ballpark of what is a good proxy, a good backup approach to getting to an  $F_{MSY}$ . We  
47 recommend that there be updated management strategy evaluations in order to test performance of that  
48 SPR for the details that you have available for at least representative stocks within the various FMPs.  
49 And again, we recognize that the historical literature on what is an acceptable SPR has to some degree  
50 confounded the concept of what is a good target SPR and what's an acceptable limit for the SPR. And  
51 we see this as something that is in need of clarification, at least recognition as national strategy

1 evaluations are done, but to confuse the target with a limit when you already have the practice of a  
2 buffer between targets and limits is something that we need to be careful about as we proceed with  
3 updated analyses to understand the performance of the proxies we have in place today and any potential  
4 proposed change to a proxy. Next slide. The other aspect of it beyond the  $F$  level, which is the intensity  
5 of fishing is, you know, what are the appropriate reference points for stock biomass? In a sense this is  
6 even more challenged by the highly recognized now climate effects on productivity over time. If  $B_{MSY}$   
7 is the spawning stock biomass level that would result from fishing at  $F_{MSY}$ , it is important as the target  
8 for rebuilding, and so we need to have a proxy for it that can work across a wide range of circumstances.  
9 So essentially, this proxy is something like the SPR, which is about 45 percent, and the spawning stock  
10 biomass you get per recruit, which is something that we can calculate, but the challenge is in what level  
11 of recruitment do we expect to see in the foreseeable future? Do we use a recent average? Since when?  
12 Has there been a regime shift? Do we use some sort of a dynamic running average? Will this level of  
13 recruitment increase as the stock rebuilds? Details of this are something that play out in many analyses  
14 across the country trying to establish, you know, what are appropriately climate linked rebuilding  
15 targets for stocks? We aren't going to be able to provide answers for these kind of questions but we will  
16 flag and try to clarify the discussion around them. Next slide. So, some of the things that are new in  
17 here. We certainly have a much more well-developed section on data limited quasi-equilibrium  
18 approaches, and in some circumstances we now recognize that these type of approaches really provide  
19 a basis for both overfishing and overfished determinations. In the past we were not ready to make  
20 overfished determinations from such calculations, which essentially are based upon data that are just a  
21 snapshot of the current conditions of the stock. But if we are in a circumstance where you have a general  
22 sense that the stock has probably been stable at this point or quasi-stable at this point for say a generation  
23 of the fish, then to also be able to make overfished determinations is something that is supported by the  
24 information that has been available. So, we'll elaborate on this in the technical guidance. We also are  
25 putting more information in on measuring the degree to which a stock is approaching an overfished  
26 condition. This requirement of the National Standard 1 guidelines is something that has not received a  
27 lot of attention in our stock assessment work and in our fishery management plans. We believe that,  
28 you know, we have the tools to do this. The information is basically there in what we're providing  
29 already, but we aren't really packaging it in terms of whether or not a stock is approaching an overfished  
30 condition within two years. One of the things that we can easily recommend as a technical improvement  
31 is to document the fishing level that would drive the stock towards the overfished level. So, I put at the  
32 bottom of the slide a little figure showing what the kind of things that we could do. We can calculate  
33 the... the  $F$  level that produces  $B_{MSY}$ , and we also could calculate the higher  $F$  level that would drive  
34 the stock on average down further, down all the way to the minimum stock size threshold. These two  
35 numbers are calculatable and in this case it was a  $F$  of point one five was at  $B_{MSY}$  and about point two  
36 five for MMST. So, recognizing this range of  $F$ s that is, an  $F$  that would be in both the overfishing  
37 level, which is the  $F$  at the  $B_{MSY}$ , but not so high as to push the stock down below the minimum stock  
38 size threshold. Next slide. And there's a number of additional considerations where we have sections  
39 of the report that will touch upon it, the complexity I mentioned earlier, the fleet dynamics, spatial  
40 complexity, the units of reproductive potential, these are all things that can be cleaned up, clarified in  
41 the tactical guidance. There are two big gorillas in the room that we are not able to go very far with yet,  
42 but we certainly will have some further discussion of the implications of these issues, and one is regime  
43 shifts in general, the climate effects on populations and what does that mean for being able to have  
44 reference points that are climate ready? And the other is expanding the scope to be multi-species. You  
45 know so much of what we've done has been done in a single species context because it was accessible,  
46 because it was something that we're able to do. But it's not required in the Magnuson Act that we only  
47 report things in terms of single species. There are species interactions. Fisheries do catch fish stocks  
48 together to some degree, and so to the extent that we can expand the technical approaches to be multi-  
49 species is certainly something that we see as a direction we need to move further in but will not be able  
50 to go very far with this round of the tactical guidance. Next slide. So that completes my part of the  
51 presentation. I suppose I could take a few questions now, but then we need to leave time for Marian to

1 present on subgroup 3.

2

3 **Marc Gorelnik:** Thank you very much Rick. Let's see if there are a couple of questions here. Try to  
4 keep them brief. We're behind schedule and then we'll hear from Marian. Manny.

5

6 **Manny Duenas:** Thank you Mr. Chairman. And I'll try and make it quick. I appreciate the presentation,  
7 Rick. You mentioned a lot about data poor areas and the Marianas we have a concern regarding the  
8 ACLs that we are a data poor area. It's like trying to figure out how many people pick flowers in the  
9 forest. You know our fishermen, it's a very small island of a purely coastal fishery, day fishery and then  
10 we're put under ACLs. A lot of the so-called high liners from the days gone by 20 years ago are gone.  
11 They're dead and gone and the new fishermen are more of the happy-go-lucky recreational fishermen  
12 and all of a sudden we have this ACL thrown at us and I think it's rather a funny exercise because in  
13 the modeling process they changed the models from the days gone by when we were okay, and a couple  
14 of years ago the Science Center decided to change the model to include other information, which to me,  
15 you know, a thousand experiments can prove you're right but when the fishing community says to the  
16 Science Center, you're wrong, I think that should be taken to consideration. And the information that is  
17 provided by the community through commercial landing through the life history study and through the  
18 krill survey should be all incorporated into the toolbox. Apparently, the Science Center only wants to  
19 look at one tool in the toolbox and that means they are lousy mechanics because they only have a  
20 screwdriver to repair a car. So just in closing I want you to understand and the rest of the folks that we  
21 need to look forward and incorporate all of the programs that are of an information readily available,  
22 and again it's quite disheartening. The Science Center to me is agenda driven on the sense that when  
23 we have our 10-year life history program demonstrating that our fish are reproducing at one pound  
24 versus in Hawai'i at seven pounds and also the growth rate compared to the Great Barrier Reef as twice  
25 the rate, our fish grow faster, reproduce faster and that information is not being incorporated in any part  
26 of the discussion. So those are basic points, and I can go more but the Chairman wants me to cut short.  
27 But, Rick, I appreciate the information and the proxies you discuss.

28

29 **Rick Methot:** Thank you Manny, and I understand your concerns and appreciate you have an  
30 opportunity to hear them. I just encourage you to have a continued dialogue with the center and through  
31 the Council so that we can understand better how to work together with the fishermen in your area to  
32 understand the fish stocks and to set appropriate limits.

33

34 **Marc Gorelnik:** All right. Are there any questions for Rick? Tom Nies.

35

36 **Tom Nies:** Thank you Mr. Chair. Thanks for the presentation, Dr. Methot. Try and be a quick question.  
37 Does this technical guidance provide any further advice on developing reference points for stocks that  
38 are assessed through empirical methods? For example, I think you're aware of a lot of our stocks. We're  
39 having difficulty finding reference points for them because of the way they're currently assessed.

40

41 **Rick Methot:** Certainly Tom. I appreciate the concerns and I recognize the challenges that you've been  
42 experiencing with some stocks in your region. We do provide a range all the way down to data limited  
43 stocks. We do have some discussion of what we could do with data limited approaches, even trend-  
44 based approaches but, you know, there's no magic bullet there, and I think the studies are showing that  
45 there's no magic bullets in the data limited approaches. We have enough information to get us in the  
46 right ballpark, but it's hard to be very precise with that, given the changes that we're seeing. We do  
47 encourage continued work on, you know, essentially management strategy evaluations to understand  
48 better just how well a particular approach might work. And I understand we had a workshop this past  
49 year trying to look at trend-based approaches and how well they might work, and I think they illustrated  
50 that again there's no magic bullet to solve the problems when we don't have complete information on  
51 what's going on. So, we're open to continued looking at the model strategy evaluation approaches to

1 understand the situations but applying proxies to that will be difficult.

2  
3 **Tom Nies:** Thank you. And if I might, Mr. Chair, just a quick question, follow-up? Do you know when  
4 you'd be asking the Councils and their SSCs for comment on the draft? Any idea when your work group  
5 will be done with it?

6  
7 **Rick Methot:** I certainly hope that it'll be as early as possible in 2022, but we've said that before. You  
8 know it's been challenging pulling together, but we really do have a draft that is a pretty complete at  
9 this point so I'm quite hopeful that we'll wrap it up internally in the next few months and then we'll be  
10 able to work on that date.

11  
12 **Tom Nies:** Thank you Rick. Thank you Chair.

13  
14 **Marc Gorelnik:** Sure. John Carmichael.

15  
16 **John Carmichael:** Thank you Mr. Chair and thank you Rick. It's great to see you and receive that  
17 update. Really appreciate it. So, I was just wondering if in doing this the group has been looking into,  
18 let's say the ability of current assessment methods to actually estimate reference points. You know of  
19 the assessments that are done and accepted and peer reviewed, how many are able to provide as a  
20 reliable measure of stock recruitment steepness, et cetera, that can support reference points and perhaps  
21 how important it is to develop methods to deal with proxies? And so, what I would say is, you know,  
22 we've sort of realized here in the South Atlantic, you know, we've got about 17 stocks that have been  
23 assessed and only about half of them are able to estimate steepness and stock recruitment, so the others  
24 fall back on various proxy assumptions. And though it would seem that, you know, as you look ahead  
25 to climate change and think about what that does to future productivity and breaks the relationship with  
26 past productivity, you know, we may now be at an all-time high of our ability of assessments to actually  
27 estimate that until we get a lot better at maybe data collection and some, you know, next advances in  
28 methods perhaps. So, I just sort of wondered if they have looked into just kind of the rubber on the road  
29 reality and how often we can estimate reference points?

30  
31 **Rick Methot:** Absolutely John. That essentially is the main focus of a large section of the report, trying  
32 to look at when do we have enough information to go for direct estimation and how are we approaching  
33 it? And in what circumstances are we doing things that may seem to work but it's not quite the right  
34 approach? In some cases, we find use of an assumed spawner recruit relationship in order to generate a  
35 reference point and sometimes it's assumed reference point that generates a proxy for the spawner  
36 recruit relationship. So, we're trying to clarify the language and the logic around those kind of questions  
37 so that we can be consistent about this approach. But what you say is very true that the information we  
38 have is basically about trends in the stock in response to fishing over decades, and if we don't have  
39 those trends and if we have essentially eliminated overfishing and stabilized stocks in a reasonable  
40 range, then we don't get any trends anymore that are caused by fishing, and that means that our ability  
41 to infer further about what are the actual degrees of steepness will be very difficult to do from that  
42 historical approach. So, it's only through a more expansive approach that we get a better understanding  
43 and only by being better at comparing across stocks across a wide range of circumstances that we could  
44 try to infer, what is this global tendency towards spawner recruit relationships and where are there  
45 particulars for this kind of fish versus that kind of fish. It's a lot of work along those lines. It's not easy.  
46 It's not crystal clear, but there's nothing else that is going to provide us that kind of approach lest we  
47 continue with that work. So, thanks for the question that very much is high on our mind.

48  
49 **Marc Gorelnik:** All right thanks for that. Carrie.

50  
51 **Carrie Simmons:** Yeah, thanks Mr. Chair. And thank you for the presentation. Yeah, I guess to kind

1 of build a little bit on what John was asking. You know in the southeast region we have, we struggle  
2 with having any good fishery independent indices, especially for recruit for many of our stocks. And  
3 so, I guess one of the things I was wondering if the working group has investigated is when your model  
4 is deriving recruitment from landed, from the landings, it's a recruitment, it's estimated by the model.  
5 Are you guys talking about or providing guidance through that process on the uncertainties for that  
6 recruitment index when you don't have good fishery independent indices to inform that model derive  
7 recruitment? And the reason I ask that is I think it's very, very important to have that information before  
8 we suggest that there's a regime shift because what could be occurring is that management is trying to  
9 react and that that model is basing that recruitment index on those landed fish. So, is it a regime shift  
10 or is it due to changes in management will be ratcheted down the landings? And so, I just think that as  
11 your group is developing that if we could get some more guidance on that, that would be very helpful  
12 because many of our stocks we don't have good fishery independent indices to inform that recruitment  
13 in the model.

14  
15 **Rick Methot:** Thank you Carrie. That's a great question and it's the kind of thing I think about, lose  
16 sleep about fairly often. But it is out of scope for this working group? We're working on reference  
17 points and their basis and not really, you know, what are potential biases in stock assessment? There's  
18 a lot of work going on, on good practices for stock assessments. NMFS has a new endeavor underway  
19 right now with participants from all of our Science Centers to develop essentially a next generation  
20 stock assessment model. We call it the Fisheries Integrated Modeling System, and you'll be hearing  
21 more about that over the next couple of years. But what you say is very true, that, you know, our models  
22 are designed to pull together a lot of different kinds of information, but they can only be as good as the  
23 information that we have coming in and we need to interpret it appropriately. So, as Manny was saying,  
24 we need to have good dialogues with the fishery participants in order to understand the data that are  
25 coming from the fishery so that we don't misinterpret it by essentially think it's better than it really is  
26 for that purpose, and keep developing our modeling so that we can take the good that comes from the  
27 data, but also recognizes where it's misleading. And that's not easy, but I appreciate your concern about  
28 that question, but it is out of scope for this working group.  
29

- Managing with Annual Catch Limits (ACLs) for Data-limited Stocks in Federal Fishery Management Plans

**Marc Gorelnik:** All right Carrie, thanks for the question and Rick, thank you for the answer. Any further questions before we move on to Marian? All right welcome Marian MacPherson.

**Marian MacPherson:** Hi. Thank you.

**Marc Gorelnik:** Welcome.

**Marian MacPherson:** Thank you, thank you Mr. Chairman. So hi, yes, I'm Marian MacPherson from Office of Sustainable Fisheries and I'm going to copy Dr. Methot and just mention that I am not alone responsible for this draft document. There's a team of many, many people who worked on it, and I'm hoping that Jason Cope might be available via phone. He's got some other obligations and he's popping in and out, but he's one of our technical experts if any technical questions should come along. But I'm here to talk to you today about our subgroup 3's draft technical memo on alternative ACLs for data limited stocks. So next slide please. So as the title of this draft document reflects, this is a very narrowly focused tech memo looking at one particular paragraph in the National Standard 1 guidelines that pertains to flexibilities for data poor stocks in setting their ACLs. And I want to point out it's still very much a draft document. This is the document that we discussed with you in May. And the goal today is really just to update you on the status of the draft, describe the comments that have been coming in and talk to you about our next steps for this. Next slide please. This is just a refresher to remind you of what's in this draft document. It covers three main topics. First, the legal context of the Magnuson Act and the National Standard 1 guidelines, and the tech memo starts out clarifying what our statutory obligations are versus where NMFS has provided guidance and also provided for flexibilities, if necessary, to still comply with the statute via another approach, and for the purposes of this memo, we're looking particularly at the standard approach for ACLs, which is set forth in the National Standard 1 guidelines. That is where they are described as being expressed as amounts of fish and so that's where that comes from and that's where the flexibilities are that we're looking at as well. So, the second main topic is a review of the methods that are out there and scientific methods for data limited assessments and we're looking at the progress in those methods that has come along in the past 10 years since we first got our ACL mandates. There are methods that do support establishment of ACLs pursuant to that standard approach expressed in terms of amounts of fish, and this tech memo describes those approaches and includes recommendations and considerations when using those approaches, particularly regarding the use of appropriate buffers and transparency about uncertainty. And then the document also discusses data poor methods that can give good management advice, but don't get you to the point of expressing ACLs in terms of the amount of fish. So those methods are described. And then the third part of the memo talks about what does this mean for management? When might we use some of these new methods to help us develop an alternative approach to ACLs when we find ourselves in a situation where it's not, maybe not as effective as we would want it to be to follow that standard approach and express the ACLs in terms of an amount of fish. So that section's talking about when is it appropriate to consider an alternative approach and then it also describes a potential alternative approach. One particular alternative that we looked at and described would be expressing your ACL as a rate rather than an amount of fish as an F level. And one of the things that I do want to emphasize, and we're finding out from some of the comments, maybe the paper is not as clear about this, but the idea would be if the Council were to use this ACL expressed as a rate, it would be as a substitute or not in addition to an ACL expressed as an amount of fish. So, you're doing the rate-based ACL, you don't then go and convert it back to an amount of fish. And then we finally talk about data limited stocks that do, are data poor and do maybe qualify for an alternative approach but they lack the data to do that rate-based approach that we discussed. So that's what's covered in the tech memo. Going to the next slide please. So just for the status update, we discussed this again with the CCC in May and requested your

1 feedback by October 1st. This summer we had six good, good discussions by invitation with Councils  
2 and SSCs. They're listed down there, and we appreciate those invitations and those opportunities to  
3 discuss our draft with you. We have started receiving some comments. We've got comments in from  
4 four Councils and a promise from another one on the way. And in addition, we received two letters of  
5 comments from Oceana and then a jointly, well one from Oceana and one a jointly signed letter from  
6 Oceana, Ocean Conservancy and Conservation Law Foundation. Next slide please. So, we're still  
7 reviewing these comments, and as I mentioned, we know there's still at least one more letter on its way,  
8 so it's sort of preliminary to talk too much about what's in there but just in general, the feedback from  
9 the Councils generally supports the flexibility and the rate-based approach. There were a lot of requests  
10 for clarifications or comments that reflect that we do need to clarify impressions that we're giving versus  
11 our intent and some of those topics relate to how to determine when your stock is eligible to use the  
12 flexibility and when it's eligible to use a rate-based approach. We definitely want to be clear about  
13 quality of information. Just because you have something labeled as a particular piece of information  
14 doesn't mean it's necessarily appropriate or of a quality that would support it being used for certain  
15 purposes, especially in data poor situations. Subgroup 3 has talked extensively about the need to really  
16 evaluate how appropriate the data that you have are for the purpose that you're trying to use it on a case-  
17 by-case basis, and it's clear from the comments that we need to flesh that part out of our guidance a  
18 little bit more. And again, we want to make it clear that if a rate-based ACL is being used, there's no  
19 need to then convert it into an amount of fish. I think there were some comments on that point. There  
20 are some, the notes of the importance of early coordination with the assessment process if the alternative  
21 ACL is going to be used, and then the letters also supported identification of additional methods,  
22 additional methods for the data poor stocks. Then coming in from the NGOs, again we're still reviewing  
23 this to go through more detail, but generally they do recognize the need to address the management of  
24 data poor fisheries. They do support the use of the new data poor methods, but they want to ensure that  
25 alternative ACLs are used sparingly. And they provided some recommendations pertaining to, you  
26 know, ensuring there are appropriate buffers and additional precaution for scientific uncertainty,  
27 limiting, making sure the approaches are limited to only stocks that are truly data poor. At removing a  
28 potential loophole by adding criteria for better determining whether management and enforcement is  
29 inadequate for the standard ACL approach, and then adding ways to facilitate data improvements for  
30 data limited stocks when the rate-based approach is being limited. And then finally recommending  
31 increasing transparency and stakeholder involvement in the development of this guidance. So next  
32 slide. So, as I said we're still reviewing and digesting these comments, but for next steps we're going to  
33 reconvene our subgroup, subgroup 3 to review the comments in more detail and then develop our plans  
34 for the next steps once we've really digested what all the feedback is. And we may, we may follow-up  
35 with some of the Councils individually if that's appropriate. So, this is where we are. We really  
36 appreciate all of your feedback and your input into this process. And that's all I have for this update.  
37 I've got, the next slide is if there are questions or comments.

38  
39 **Marc Gorelnik:** All right. Thank you very much Marian. Appreciate your presentation. Are there any  
40 questions for Marian? Manny, what's your question?

41  
42 **Manny Duenas:** It's nice to see you still working with the agency Marian.

43  
44 **Marian MacPherson:** Hi Manny. Yeah.

45  
46 **Manny Duenas:** Yeah, I just got a quick comment now. The uncertainties, the termination of effort  
47 it's really a social part of the exercise and I think just looking at data is not doing it justice. I think more  
48 community outreach has to be done by this particular participants in the exercise. An example is Guam.  
49 For example, we harvested 22,000 pounds of a certain species of bottom fish, that's just one. Our ACL  
50 for a hundred and fifty species combined is 31,000 pounds. So, you know, we're going to be missing a  
51 lot of our other fish because by determination by the powers and the exercise are using uncertainty and

1 so that doesn't do justice to our small fishery. I just want to mention also uncertainty is so great with  
2 our catch and effort estimates that we cannot infer the variability of the fishing dynamics. These are  
3 called shifts, and we don't know whether the shifts is biological or environmental, environmental in the  
4 ecosystem. We do not have, again a continuous life history program, and that we again will continue to  
5 urge the agency to incorporate into the ACL analysis because it's extremely important to find out how  
6 our fish reproduce and the timing of their reproduction. Again, I just want to add that in the Marianas,  
7 our fish reproduce year-round and we are a major spawning ground due to our water temperature for  
8 most of the Pacific-wide fishery resource. Thank you. Good job.

9  
10 **Marian MacPherson:** Thank you. Thank you. I heard Rick Methot acknowledging the importance of  
11 getting the science, getting that right as well and definitely our paper we may want to expand the  
12 importance of working with the communities and stakeholders and vetting the data that way in data  
13 poor situations.

14  
15 **Marc Gorelnik:** All right. Any other questions for Marian? Carrie please.

16  
17 **Carrie Simmons:** Thanks Mr. Chair. We were just wondering if it was possible for you to share all  
18 the comments you received on the draft guidance? We saw some in the Council's letters, but not all the  
19 comments that were provided.

20  
21 **Marian MacPherson:** Probably. I'll look into that, and I'll get back, get back to you.

22  
23 **Marc Gorelnik:** Any other questions? Thank you Marian.

24  
25 **Archie Soliai:** Mr. Chair? This is Archie. I had my hand up.

26  
27 **Marc Gorelnik:** Oh, Archie I'm sorry. Go ahead, please.

28  
29 **Archie Soliai:** Yeah, no problem. Thank you, Marian, for the presentation. We certainly appreciate  
30 that. I think overall the document provides good guidance on evaluating the available data, but now  
31 like what Rick had said earlier, if I could paraphrase what he said, data is only a snapshot of the current  
32 conditions and data availability doesn't necessarily assure quality and, you know, available data can  
33 generate MSY, but it doesn't necessarily guarantee that MSY is reflective of the stock and the fishery.  
34 So, we think that, you know, having that range of or not having that range or flexibility, having that  
35 range of flexibility is important to make sure that everything is converted back to a measure of weight,  
36 and as we apply that flexibility, and you evaluate the amendment for its consistency with MSA and  
37 NS1. You know in the proposed guidance it highlights the importance of conducting data workshops  
38 prior to developing an assessment and unfortunately in our region, you know, data workshops are not  
39 held consistently and COVID is not to blame. I think that's happened prior. It's been an issue, and, you  
40 know, these workshops are only occur when there's a stock status change for the worse, like the territory  
41 bottom fish that we're currently facing not only in American Samoa but elsewhere in Guam where those  
42 determinations are, you know, going to be impacting foods, jobs, and the economy. So, as you develop  
43 this new guidance, you know, we look forward to, you know, consideration being made for the  
44 territories not only due to the remoteness, but, you know, the continuing underserving being provided  
45 to these communities. Thank you Mr. Chair. Thank you Marian.

46  
47 **Marc Gorelnik:** Tom Nies.

48  
49 **Tom Nies:** Thank you Mr. Chair. Thanks, Marian, for the update. I was listening and you mentioned  
50 that you got a couple of letters from the NGOs. Did you get any other letters from members of the  
51 public? Was there a public solicitation for comments? I don't really remember.

1 **Marian MacPherson:** No, no. We presented it at the CCC in May, which is I guess the public forum  
2 and did not solicit comments but did receive some, so we'll consider them.

3  
4 **Tom Nies:** Okay. So, but they were only from the NGOs, not from any industry side?

5  
6 **Marian MacPherson:** Yes.

7  
8 **Tom Nies:** Thank you.

9  
10 **Marc Gorelnik:** All right. I don't see any other hands. Thanks very much Marian. Let me see now if  
11 there is any public comment on this agenda item and I'll wrap into that also any public, well actually  
12 any public comment on this agenda item? And I'm not seeing any hands. So, let's see, there's been a fair  
13 amount of discussion during the question period. Let me see if there's any discussion, any further  
14 discussion or committee action on Agenda Item 7? All right. That will conclude Agenda Item 7. We're  
15 almost at the end of our day. Let me see if there's any.....Dave Witherell. Yes.

16  
17 **Dave Witherell:** Thank you Mr. Chairman. If the timing is right I'd like.....

18  
19 **Marc Gorelnik:** Hold off a second, let me just see if there's any public comment on.....I was going to  
20 do this right after public comment, Dave. So, I'm not seeing any hands. I apologize Dave. I just wanted  
21 to follow.....my brain works very linearly, so I apologize for that. So, I'm not seeing any public comment  
22 and before we break for the day, I'll call on Dave Witherell.

23  
24 **Dave Witherell:** Thank you Mr. Chairman. I know it's late, but before we break for the day, I did want  
25 to take a few minutes to recognize Mr. Chuck Tracy, the Executive Director of the Pacific Fishery  
26 Management Council who's retiring this year. As many of you know, the Executive Directors frequently  
27 work together to exchange information ideas, discuss approaches to various initiatives, and, frankly,  
28 commiserate on the difficulties and challenges of the job. Chuck's always contributed to those  
29 discussions in a thorough and professional manner and he's highly respected by all the Executive  
30 Directors for his straightforward approach, for dealing with the various challenges and, frankly, for his  
31 good humor that he maintains throughout these discussions. Chuck's been attentive to the CCC letters  
32 that we write on any topic. He provides extensive input on the wording. He's polished a lot of those  
33 letters to make sure that they were concise and consistent and reflected well on the CCC. And that's not  
34 an easy task when you've got eight Executive Directors and eight Chairmen to work through to get that  
35 letter finalized. He's also been very active in following the CCC budget process, and he provides input  
36 to headquarters and to the other Executive Directors, and that must be a Pacific Council thing and  
37 hopefully that will continue on past Chuck's time. Lastly, I wanted to note that Chuck really has  
38 advocated for the CCC Electronic Monitoring Working Group. He chaired the CCC NEPA Group  
39 Workgroup. And with all that, Mr. Chairman, on behalf of the CCC representing the eight regional  
40 Fishery Management Councils, I do want to present him with the plaque from the CCC and it states  
41 'Presented to Chuck Tracy in recognition and appreciation of his distinguished service to the Council  
42 Coordination Committee, representing the U.S. Regional Fishery Management Councils, and for his  
43 dedication in the conservation and management of Pacific fisheries'. And so, I'd ask you all now to  
44 please unmute your computers and join me in congratulating Chuck on his retirement. Congratulations  
45 Chuck.....(applause)....

46  
47 **Chuck Tracy:** Thank you everybody. Well, obviously it's been an extreme honor to work with all of  
48 you and to be part of this CCC group. It's, you know, it's definitely been one of the highlights of being  
49 Executive Director. It's one thing that you know your own Council well and to be able to guide that  
50 process, but the CCCs unique and it takes a different, it's a different set of challenges and that's  
51 something that I really appreciated getting to address in my career. So, thank you all. You know just on

1 the individual basis, all the Executive Directors in particular, I personally consider them my close  
2 friends and I wouldn't have any problem knocking on their door when I'm in their neighborhood, and I  
3 hope they don't have any problem doing the same when they're in Portland. So, but also, you know, I  
4 think the relationships we've built with National Marine Fisheries Service through this process, you  
5 know, at headquarters, this is our best way to get to know them and for them to know us and be able to  
6 communicate our issues and problems and solutions. So, I do also very much appreciate all the people  
7 that I've worked with over the years, and I think Janet's going to be a great leader for National Marine  
8 Fisheries Service in her tenure and I'm really pleased with her attention to fishery issues. And I just  
9 want to just say thanks for everybody and thank you for your consideration of me so with that, don't  
10 forget there's a happy hour immediately following this.

11  
12 **Marc Gorelnik:** Yeah, and I should mention to all the folks that Chuck plans to do a lot more fishing  
13 after retirement. So, to the extent you have fishing opportunities in your region, I encourage you to  
14 invite Chuck to participate. All right. So that will conclude day one of this CCC meeting. We will begin  
15 tomorrow with legislative and as Chuck mentioned, there is a happy hour later. So, thanks everyone  
16 and if I don't see you at the happy hour, I will see you tomorrow.

17

1 **October 20, 2021, 10:30 a.m. PDT**

2  
3 **Legislative Outlook**

- 4  
5 • MSA reauthorization

6  
7 **Marc Gorelnik:** Welcome back to day two of the CCC meeting. We're going to start with legislative  
8 outlook, but I am first going to turn to NOAA General Counsel, Caroline Park to, for some comments.

9  
10 **Caroline Park:** Thank you very much. I'm just trying to get my camera.....the camera is not working.  
11 Sorry. Can you hear me?

12  
13 **Chuck Tracy:** We can.

14  
15 **Marc Gorelnik:** Yeah.

16  
17 **Caroline Park:** Okay. I don't know why it's not letting me undo my camera, but let me just go ahead.  
18 Hi everybody. For those who I have not met yet, I'm with NOAA Office of General Counsel in Silver  
19 Spring. Adam Issenberg, who many of you probably have interfaced with a lot is my section chief and  
20 I'm his deputy for fisheries. I wanted to give you a quick reminder on.....ah, here I am. I going to give  
21 you a quick reminder on lobbying issues as we start this legislative session. Just a basic reminder is that  
22 the Council should not engage in lobbying. The Councils are funded by NMFS grants and the Office  
23 of Management Budget Regulations prohibit use of grant funds for lobbying Congress with the  
24 Executive Branch. Lobbying, as many of you know, is attempting to directly or indirectly influence  
25 introduction, enactment or modification of legislation. It is okay for the Councils to provide technical  
26 or factual presentations directly related to the performance of their grants in response to a documented  
27 request. So, if there's a request made, for example during the CCC I see we're being recorded. It might  
28 also be documented in the minutes. That would be fine for documented requests and then just some  
29 parameters or guidance as you're considering providing that technical factual presentation. If you  
30 receive a request for information, it's important to be specific about how a draft legislative proposal  
31 would affect the Councils' work under the Magnuson-Stevens Act. You know, for example, this  
32 proposal would affect our FMPs by X, Y and Z. It's important to avoid phrasing wording that suggests  
33 advocacy, things like we support, we recommend, we oppose. You want to stay away from that. And  
34 it's also important to avoid high level policy language, such as the ten-year rebuilding requirement is  
35 insufficiently flexible. Instead, what's helpful and what's going to keep us within these parameters is to  
36 describe the impacts of that requirement on the Councils' ability to develop rational plans. What are  
37 the issues in your particular region? Those are the types of things that are totally fine for a tactical,  
38 factual presentation. And that's just my reminder. I'm looking forward to the session. Thanks.

39  
40 **Marc Gorelnik:** Thank you very much Caroline. Are there any questions of Caroline? Is that clear to  
41 everyone? And it sounds like it is. So, we're going to get started straight away with the legislative  
42 outlook, and we have congressional members with us, but first I'll let Dave Whaley introduce the topic.

43  
44 **Dave Whaley:** Thank you Mr. Chairman. I'll be very brief so that we can get to the members, but as  
45 you know the Magnuson-Stevens Act has not been reauthorized for a number of years. There are  
46 currently two bills that would reauthorize the act. Both have been introduced in the House. And we  
47 have both of the authors of the bills here today so let's, let's hear a little bit from them and then I'll talk  
48 a little bit about other bills that are pending that might be of interest to Councils after that.

49  
50 **Marc Gorelnik:** All right, thanks very much Dave. So, we have three congressional members with us

1 today. I'll make some brief introductions. Representative Jared Huffman represents California's 2nd  
2 Congressional District and was first elected to Congress in November 2012. He currently serves on a  
3 number of committees, including the Committee on Natural Resources and Chairs, its Subcommittee  
4 on Water, Oceans and Wildlife with jurisdiction over federal water projects, fisheries management,  
5 coastal zone and oceans policy and wildlife and endangered species. And along with Representative Ed  
6 Case of Hawaii, Representative Huffman introduced H.R. 4690 to reauthorize Magnuson.  
7 Representative Don Young is the current Dean of the House of Representatives. He's the longest serving  
8 member. He was one of the original sponsors of the Fisheries Conservation and Management Act of  
9 1976, now known of course as the Magnuson-Stevens Act, and has been involved in each  
10 reauthorization since. Representative Young also serves on the House Natural Resources Committee,  
11 where he's a former Chair and he serves on its Subcommittee on Water, Oceans and Wildlife. He has  
12 introduced legislation to reauthorize Magnuson in the last four Congresses, including this Congress  
13 with H.R. 59, and he, of course having served so long as the only member of the House still serving  
14 that voted on the original Fisheries Conservation and Management Act. And Representative Ed Case  
15 represents Hawaii's 1st Congressional District, having previously represented its 2nd Congressional  
16 District. He was born and raised in Hilo, Hawaii. Representative Case serves on the Committee on  
17 Natural Resources and its Subcommittee on Water, Oceans and Wildlife, and along with Representative  
18 Jared Huffman, Representative Case introduced H.R. 4690 to reauthorize Magnuson. And with those  
19 introductions I'd like to ask each in turn to offer their comments. So Representative Huffman, welcome.  
20

21 **Representative Jared Huffman:** Well thanks very much Marc. And let me just thank all of your  
22 colleagues from the various Councils. We appreciate the work you do. We understand that the  
23 Magnuson Act has really been the bedrock of a lot of that work, and we understand also that it's been a  
24 really effective piece of legislation. No one wants to reinvent it. We want to build on its success. That's  
25 what this effort is all about. And getting your technical input and feedback is just hugely important for  
26 our efforts going forward so thank you for making some time for us. I won't go into an exhaustive  
27 description of the process that we've gone through, but you've probably heard about the national  
28 listening tour that Congressman Case and I have done over the past nearly two years. It included  
29 consultations with 80 different experts and stakeholders. We had eight separate stops on this listening  
30 tour. We were interrupted of course by the pandemic, but we continued the last leg of the tour virtually  
31 and we really haven't stopped reaching out and hearing from people. The reason for all of that, of course,  
32 as Chairman Emeritus Don Young will confirm, is that historically marine fisheries management used  
33 to be something that wasn't wildly controversial, wasn't partisan, it was something where people got  
34 together and solved problems. And unfortunately, it hasn't been that way in recent years and so what  
35 we're trying to do, frankly, is reset the process, get it back to science and facts and bipartisan problem-  
36 solving if we can. And I'm grateful to Chairman Young for being part of those communications and for  
37 collaborating with us. So as part of that, you know, that Congressman Case and I have introduced the  
38 Sustaining America's Fisheries for the Future Act, and thanks all of you so far for reading through all  
39 the materials, the discussion, draft, and everything else that we've produced and for continuing to work  
40 with us I hope to make this a really good piece of legislation. We'll be soon holding a public hearing  
41 on the bill in my Subcommittee on Water, Oceans and Wildlife. And of course, we're going to discuss  
42 Representative Don Young's bill at that hearing as well. I look forward to working with all of my  
43 colleagues to find agreement where we can and to address the most important needs on fisheries  
44 management. The MSA bill that Representative Case and I have developed includes what we think are  
45 important and timely updates on fisheries management, as well as provisions to strengthen fishing  
46 communities. That's a big deal for all of us. We made several changes to the bill from its discussion  
47 draft start. Many of those changes came from concerns that we've heard from some of you. Our bill  
48 includes provisions to further prepare fisheries and communities for climate change. We're talking  
49 about modernizing and updating the MSA, you just have to include that, and that's been made loud and  
50 clear really in all of the stops we've had in the listening tour. We've made improvements to sport fishing  
51 communities like the Fishery Disaster Relief Program. We have included provisions to increase

1 transparency and public participation in the work of the Council. Advancements for electronic  
2 technologies and improved data. These are things that almost everyone agrees needs to be included in  
3 this type of legislation. And we've included provisions to strengthen sustainability, such as essential  
4 fish habitat consultation. We also incorporated several bipartisan bills that includes Representative  
5 Chellie Pingree's Working Waterfronts Act, Representative Suzanne Bonamici's NOAA Sexual Assault  
6 and....Sexual Assault Prevention and Improvement Act and others. I know the potential new  
7 requirements under, are coming under already strained budgets. Resources are thin. This is a concern  
8 for everyone and certainly for our Councils. In the introduced version of our bill, we increased  
9 authorization levels by 50 percent accounting for inflation, and we will continue to push for more  
10 funding from appropriators as we go forward. So, in closing, I just want to reiterate I'm committed to a  
11 collaborative, transparent, and open process. There's still time to make changes in this legislation, and  
12 I intend to keep working with stakeholders, experts, and colleagues in a collaborative manner to get  
13 that done. So, thanks for inviting me. Happy to speak to your questions when we get to that point.

14  
15 **Marc Gorelnik:** All right, thank you very much Representative Huffman. We do have some questions,  
16 but I'd like to give each of our honored guests an opportunity for comments. Representative Young.

17  
18 **Representative Don Young:** Thank you, and I echo some of Congressman Huffman's statements.  
19 We're in the process of dealing with a issue that should be dealt with, but with I think stakeholders  
20 really involvement. My H.R. 49 really was written by the fishing industry, including the fishermen, the  
21 sports, et cetera, et cetera. It's a good bill and Mr. Huffman has some ideas in his bill are good. Some  
22 of them are not so good. The one I have the biggest difference is the Councils. I definitely want to make  
23 sure that the Council retain their power. It's worked and I do not want to go into one secretary. If we  
24 start doing that then it becomes politicized. And I think the Councils lose their clout and we will not  
25 manage because when you politicize some of one person having control with all the different fisheries,  
26 you have a problem. The guy may not even be a fisherman, or the gal might not be a fisherman, but in  
27 the meantime, we're dealing with management of fishing. This is what this is all about. I am the original  
28 sponsor of the Magnuson-Stevens Act who used to be the Young-Studds Act, and it came out of the  
29 House, went to the Senate and they changed. That's the Senate for you. And we have to deal with the  
30 Senate too. Congressmen Huffman knows that, and we have to work with that side. But let's write a bill  
31 that's really comes from the industry and the Councils, and the people involved with it so we have a bill  
32 that will solve what problems we have and make sure we have a sustainable yield was the intent and  
33 that's what I'm going to be seeking for it. Mr. Huffman has gone to the state of Alaska with me this  
34 summer with his brother, and I learned how to take and run beehives. Can you believe that from a guy  
35 from Alaska? We had a great time. We caught a few fish and got to be able to talk about the bill. And  
36 so there will be a big bill coming out. I hope maybe they'll consider... will change the number to 49  
37 after the 49th state. I think that'd be sort of good, but we probably won't be able to do that. We'll see  
38 what happens. I'm making an amendment to do that. But this is a process dealing with the shareholders  
39 and how to make it work for sustainable yield forever and ever and ever. And we have some other  
40 additions to this bill about, you know, the environment et cetera et cetera. Let's combine it together.  
41 Let's make sure it works and that's what I'm about and we'll see what happens. As I said before, I've  
42 been through this for a long time. There's nobody that knows this bill better than Dave Whaley. He  
43 helped me write it and I want you to listen to what he has to say, and we'll go forward from there. We  
44 will try to do what you wish us to do. That's our job to make sure we have a fisheries, sport, commercial,  
45 nature, whatever you want to call it, forever and ever. And thanks a million, I got a vote on, and I think  
46 Jared has one too, so we'll probably have to go and come back if we have time. This is one of the worst  
47 things about this Congress. We have eight silly votes. None of them mean anything. They're on  
48 suspension bills but we have to be there, or they say you're not doing your job. So, if I have to excuse  
49 myself it's because I'm doing what I'm supposed to do according to the book. So, thank you very much  
50 and congratulations to all of you. Let's get this Young-Studds bill done.

51

1 **Marc Gorelnik:** Thank you very much Representative Young, and Representative Case is back with  
2 us I think from voting. So please offer your opening comments.

3  
4 **Representative Ed Case:** Well, thank you so much. Good morning and aloha to Kitty. I think I saw  
5 you there, Kitty, as well as to all of our other friends across the country. I don't have much to say here  
6 in opening. I just want to say that I think this has just been the kind of process that all legislation should  
7 occur from. The listening sessions that our Chair set out to do last year were invaluable to listen to  
8 folks. I went to several of them, including of course one for West Pac in Hawaii. I learned a ton that I  
9 didn't know. I, you know, was able to identify areas where I thought the law was working just great.  
10 We shouldn't muck around with it. Areas where perhaps they could use improving across the board in  
11 areas where there were differences in terms of how the law was applied from one part of the country to  
12 the other and we had to think through how exactly we address those questions and concerns without  
13 throwing the baby out with the bath water, so to speak, and so we've come up with the best effort we  
14 can at this stage. It is legislation that's proposed to the House. It's going to go through a hearing.  
15 Everybody gets to comment on it all over again. And then we need to do what we need to do here,  
16 which is make decisions. But I just want to observe that I think, you know, so far it's been a model in  
17 terms of how, how we should go about things and I hope you feel the same way that you've had, you  
18 know, your own input as we've gone through this process. So, we've got a ways to go yet but when we  
19 go through this kind of process up front, I think it probably gets everybody to a level of trust and  
20 confidence to try to put through a major reauthorization of a major bill, which on balance has worked  
21 well.

22  
23 **Marc Gorelnik:** Thank you very much Representative Case. So there have been a number of questions.  
24 I'm going to ask the first three and then I know others have been put forward and I'll call upon folks  
25 after these three questions to raise their hand and ask their own. So, I'm just going to ask these three  
26 questions. They're all related and whomever wishes to answer is welcome. First, will there be more  
27 than one hearing on MSA authorization in the House? Two, will the CCC be invited to speak for the  
28 Councils at the hearing? And lastly, what are the next steps after a hearing?

29  
30 **Representative Jared Huffman:** Marc, I can jump in on that if that's appropriate, and the answer is  
31 the plan right now is certainly for one hearing at the subcommittee level. Will include as many witnesses  
32 in that hearing as the schedule will allow for, so I appreciate knowing that the CCC is interested in  
33 being one of those witnesses and I'll just work with my team, you know, to figure out the exact line up.  
34 But I think CCC would be an important, obviously an important voice to hear from so we'll, let's keep  
35 in touch and figure that out. Then the bill would go to a markup hearing, which is a second hearing, but  
36 it's a little bit different. There's not testimony. And then in regular order the bill would go to the House  
37 floor after that. So that's the process. Before I get to any other questions let me just say I do need to cut  
38 away because of votes and other unfortunate commitments that have come up, but Casey MacLean is  
39 my staffer on the subcommittee, or sorry in my office on this bill, and she is here online and can totally  
40 speak for me and answer any technical questions about the bill. So, if I disappear, please just send  
41 anything that you intend to ask us over to Casey and we'll get your questions answered. Thank you.

42  
43 **Marc Gorelnik:** Thank you very much Representative Huffman. Represented Case do you have  
44 anything to add?

45  
46 **Representative Ed Case:** No.

47  
48 **Marc Gorelnik:** Okay great. So let me see if there are some hands raised. I know there were, folks  
49 had other questions about this bill or Representative Young's bill. Let's look for some hands. Chuck  
50 Tracy.

1 **Chuck Tracy:** Thank you Mr. Chair. Thanks Representative Huffman and Case and Young for coming  
2 and speaking to us today. So, my questions about H.R. 4690. So, the first question is that section 302(f)  
3 would amend the act to deem Council staff as federal employees with respect to requirements that apply  
4 to federal employees. So, my question is, was this provision meant to apply only to ethics guideline or  
5 does it meant to apply more broadly to all federal personnel practices?  
6

7 **Representative Jared Huffman:** Yeah Chuck. I appreciate that question. It certainly is meant to apply  
8 on ethics. I think we're also concerned about making sure that Councils are safe. I mentioned ethical  
9 but ethical and accountable environment for all employees and stakeholders. That is the intent behind  
10 that provision. We are happy to continue hearing from you and working on the bill to make sure that  
11 there are no unintended consequences from that provision. So, I will leave it to Casey and my team to  
12 make sure that we get that right.  
13

14 **Chuck Tracy:** Thanks.

15 **Marc Gorelnik:** All right, thank you. Go ahead Chuck.

16 **Chuck Tracy:** Thank you. Next question. So, on sections 502 and 503 would modify the requirements  
17 to minimize adverse effects on EFH and to reduce bycatch by removing the phrase 'to the extent  
18 practicable'. So just kind of curious what your objective of this, of those changes to those provisions of  
19 the Magnuson Act are?  
20  
21  
22

23 **Representative Jared Huffman:** Yeah, thanks for that question as well. So look... this provision, to  
24 the extent practicable, has been a powerful disclaimer that has been used to really seriously undermine  
25 attempts to reduce bycatch, and this has huge impacts on all kinds of people, including equity issues.  
26 We've heard from indigenous people, Native American Tribes that the fish that they have counted on  
27 for millennia are not available to them, and in fact their share of what should be a well-managed fishery  
28 is entirely going to bycatch in some cases. That's not fair. That's not right. So, the intent here is to I  
29 think force a better reckoning with bycatch. It doesn't mean we're shutting down fishing. It doesn't mean  
30 we don't understand that there is likely to always be some bycatch. But I think we're trying to address  
31 the fact that that particular provision has seriously impeded efforts to address bycatch and has had some,  
32 some really unfortunate impacts on Native American communities, as well as smaller fishing groups as  
33 well.  
34

35 **Chuck Tracy:** Thank you.

36 **Marc Gorelnik:** John Gourley, you have your hand up, please.

37 **John Gourley:** Yes, thank you. Welcome Congressman Huffman. Do you have a timeline by any  
38 chance when your legislative subcommittee hearing will be held?  
39  
40  
41

42 **Representative Jared Huffman:** Casey, we have a date for that hearing now don't we?  
43

44 **Casey MacLean:** Yes, we do. We're looking at next month. So yeah, it hasn't been announced yet,  
45 but.....(inaudible).....  
46

47 **Representative Jared Huffman:** All right. You cut out a little bit, but that hearing is going to be in  
48 November, and we will post the exact date as soon as we can. The other parts of the process that I  
49 mentioned, a markup at the full committee and, you know, obviously floor votes, we don't know the  
50 dates for those yet, but the 'ledge' hearing, the first step is going to be next month. We'll get the exact  
51 date out as soon as we can.

1  
2 **John Gourley:** Okay. Thank you very much. Do you know if the CCC will be invited or any of the  
3 individual Councils?  
4

5 **Representative Jared Huffman:** Well, I mentioned earlier we're still working on the exact witness  
6 lineup, so I can't commit for sure that CCC would be a witness, but I will say we want to hear from  
7 you. Of course, you're invited. This is a public hearing. It's going to be available for everybody to  
8 participate but I just can't quite say, given that we have time constraints and other things exactly what  
9 the witness lineup will be, but I take from the earlier question from Marc that you're interested and that  
10 you would like to be considered as a potential witness and that makes good sense to me. So, let's just  
11 keep working out those details.  
12

13 **John Gourley:** Excellent. Thank you Congressman.  
14

15 **Marc Gorelnik:** All right. Thank you John. Tom Nies.  
16

17 **John Gourley:** Thank you Mr. Chair. Thank you, Congressmen, for coming today. I've got a question  
18 on H.R. 4690. I think section 305(b)(3) would amend the Magnuson Act, the section that talks about  
19 appointments by Governors to remove the requirement that the Governor consult with representatives  
20 of the commercial and recreational fishing interests in the state when making appointments to the  
21 Council. What's the intent of this requirement and rather than remove that requirement, could the same  
22 goal be achieved by broadening the requirement to ensure consultation with other groups?  
23

24 **Representative Ed Case:** I'm sorry I can take that Chair if you want.  
25

26 **Representative Jared Huffman:** Yeah, I'm going to let Ed Case answer the question, but I missed the  
27 last part of it, if you could just restate it.  
28

29 **John Gourley:** Sure.  
30

31 **Representative Ed Case:** He was basically saying can you get to the same place by simply broadening  
32 the required consultation to beyond the commercial interest? You know, I think this is one of the overall  
33 themes that we are trying to deal with in this reauthorization proposal. Certainly, recreational and  
34 commercial fishing interests have a major stake in administering the Councils and fulfilling its duties,  
35 but there are obviously a lot of other groups that want to weigh in equally, and what we heard in the  
36 listening sessions was that oftentimes some of those groups didn't feel like they were really had an equal  
37 seat at the table, so to speak. We're talking about, you know, conservancy organizations and other  
38 people that may not be in the business of commercial fishing or for that matter recreational fishing. And  
39 so what we did try to do is to go through and ask ourselves, well, where are the places in this bill where  
40 at least the appearance of the Councils being run exclusively for, you know, commercial fishing  
41 interests are expressed in here and what do we do about that? And this is just one of those situations  
42 where it seemed like there was consultation directed only to one aspect of the people that cared about  
43 our ocean. Now I suppose we could simply say that the Governor shall consult with, you know,  
44 everybody, including these interests and maybe we'd get to the same place by doing that. But the intent  
45 was not to single out any one particular part of the constituency.  
46

47 **Marc Gorelnik:** Thank you for that answer. Other questions were submitted. Chuck Tracy. Chuck.  
48

49 **Chuck Tracy:** Thank you. One more question on 4690. Section 305(b)(3) requires the Secretary to  
50 appoint at least one individual in each Council who does not have a financial interest in matters before  
51 the Council, so I was just wondering if you could sort of help clarify the term 'no financial interest',

1 how that would be defined? You know so I'm not sure how to interpret that phrase.

2  
3 **Representative Jared Huffman:** Ed, do you want to take a stab at that? I think the general intent is  
4 to make it meant people that don't make their living from the fishing industry basically. But Ed, why  
5 don't you expand on that?

6  
7 **Representative Ed Case:** Yeah, I mean, you know, we're trying to find the right balance again. This  
8 arises out of comments during the listening sessions by some that felt, rightly or wrongly, that the  
9 financial int....people that had a direct financial interest in the fisheries were running the show. And the  
10 bottom line is that that's part of what Magnuson-Stevens is all about is that the folks that have a lot to  
11 gain or lose by, why is administration of our fisheries are part of running, a major part of running that  
12 show. So, to go to the extent of saying, you know, you can't, you cannot serve on a Council if you have  
13 any financial interests is not the right way to go here, and yet I think we felt that there needs to be some  
14 people that were truly independent of any kind of a financial interest. That was a general concept. Now,  
15 you know, lots of paper has been spilled on how to define whether you have a financial interest or not,  
16 including former members of Congress for that matter, and so I think on this one we probably will leave  
17 it to the agency with a certain degree of congressional direction to really get into the weeds on it. But  
18 we're happy to talk about the issues and to see how far we can get in terms of the language in the  
19 legislation itself.

20  
21 **Representative Jared Huffman:** Yeah, important to emphasize this is just one member of each  
22 Council that we're talking about, so the industry obviously will continue to be well represented on the  
23 Councils.

24  
25 **Chuck Tracy:** So maybe just a quick follow-up then. So, for example, would a private recreational  
26 fisherman qualify under that no financial interest?

27  
28 **Representative Jared Huffman:** You know, Ed, feel free to explain, but I'm going to agree with  
29 something he just said, sometimes on the front end in the legislation it's better to be less prescriptive  
30 and to give those folks who are going to be implementing the law really the discretion and the authority  
31 to determine the details.

32  
33 **Chuck Tracy:** Thank you.

34  
35 **Marc Gorelnik:** Yeah, I guess I would still like an answer to that as being a private recreational angler  
36 with no financial interest in any fishery. I'd be curious to, since this language is coming out of Congress,  
37 I'm just curious what Congress's intent is?

38  
39 **Representative Jared Huffman:** I don't see how someone who just recreates and doesn't earn a  
40 livelihood from that would have a financial interest that I can't imagine any construction of this  
41 language that would include that, Marc.

42  
43 **Marc Gorelnik:** All right, thank you. All right, we have some other hands up. John Gourley.

44  
45 **John Gourley:** Thank you Chair. I had a question on the section 502 of 4690. Have you all had any  
46 further discussion concerning the impact? I mean, I'm sorry concerning the definition for adverse effect  
47 when it's in reference to essential fish habitat? I believe you're working on a definition that states any  
48 impact that reduces the quality or quantity of EFH. I work in the regulatory field on a daily basis and  
49 having a definition that is so broad and so subjective that any impact, you know, in five years from now  
50 if this is passed, you could have somebody in the agency say, well running an outboard boat through  
51 EFH will impact the water column. It seems that there....I was just curious about if there's any further

1 discussion about maybe refining it or looking at building a threshold that would kick in adverse impact,  
2 adverse effect.

3  
4 **Representative Jared Huffman:** John, I think we're happy to hear suggestions and keep working on  
5 the details here. The situation we have now, though, is we have this essential fish habitat framework  
6 without any teeth at all and so, you know, we hear from our salmon fishermen and others that even  
7 projects that have just a horrible impact on essential fish habitat, there's nothing at all we can do about  
8 it. There's not even a consultation that has to occur when someone proposes, let's say, you know, the  
9 Pebble Mine in Bristol Bay. So, what we're trying to do is at least require a meaningful consultation, so  
10 we have some chance of protecting essential fish habitat. We obviously don't want to create, you know  
11 extreme and absurd unintended consequences for, you know, every time someone inhales a breath of  
12 air there has to be a consultation, but no that is not our intention, but we're happy to keep working with  
13 you and others to make sure that unintended consequences are not created.

14  
15 **John Gourley:** Thank you Congressman. Interestingly what the thing, the very issue that you talked  
16 about seems to have swung that way out in the Western Pacific, where we have to deal with essential  
17 fish habitat using definitions that are so broad that basically everything is essential fish habitat, which  
18 means that our harbors, and I have personally done permits where I have taken a section of Saipan  
19 Harbor, which has the worst water quality that is in all of the CNMI and I've got the agency saying, ah,  
20 it's essential fish habitat. And there's something wrong with the system. I would think we would, I'd  
21 like to be able to set up a system where we could.....essential fish habitat actually does something for  
22 the habitat rather than become a regulatory burden.

23  
24 **Representative Jared Huffman:** Yeah, I appreciate that. That's of course a different issue. How  
25 NOAA designates essential fish habitat. That's current law. That is not something that we're currently  
26 reopening in this legislation, but, you know, I appreciate hearing from you on that. We're just talking  
27 about, you know, once it's designated, hopefully it's designated in a good way and in a defensible way,  
28 but once it is there needs to be some meaning behind it, and that's what we're attempting to provide  
29 with this provision.

30  
31 **John Gourley:** All right. Thank you.

32  
33 **Marc Gorelnik:** Manny followed by Eric Reid.

34  
35 **Manny Duenas:** .....Make comments. One great.....

36  
37 **Marc Gorelnik:** A question for the representatives?

38  
39 **Manny Duenas:** Yeah well, it's not a question. I just want them to look at these issues that we have  
40 on the table. The word of depletion, staffing of our Council members into a federal program, you know,  
41 I mean our Council staff, I'm very concerned about that because for every one of our staff they actually  
42 perform maybe 20 positions in the federal agency so they work hard. A sustainable fisheries fund for  
43 the Western Pacific. I don't feel it should be divorced from the current process. Cultural exchange. I've  
44 never heard of federalization of a culture, cultural practice, so I'm kind of concerned about that because  
45 how we do things in Alaska and how people do things in the Pacific is not exactly the same. And I think  
46 the basic premise behind the concern from the indigenous people is that the federal government has a  
47 law that says you sell one fish, you fall under the federal requirements of selling one fish, and in that  
48 sense it kind of hinders a lot of our movement forward. Representation and the input. You know the  
49 indigenous island people, we, we are more indignant that now than were indigenous because at the  
50 same time this is being divorced from us and we feel that there should be more inclusion. And honestly,  
51 you guys are looking at, gentlemen are looking at the wrong group as far as the Council. I think you

1 really look, should look at your federal agencies that deal with our regulations, our proposed action.  
2 We do our work in two or three months. It takes your federal agencies almost a year or sometimes two  
3 years to work on the regulatory requirement that we are required to do. So, I think you're looking at the  
4 wrong place. Instead of trying to fix something that isn't broken, I think you should look at your  
5 agencies and audit them and figure out that they are the broken part of the whole action. Thank you.  
6 Thank you Mr. Chairman.

7  
8 **Representative Jared Huffman:** Marc, we talked about some of those concerns that Manny just raised  
9 previously, but on the issue of 'depletion' and 'overfished', he did raise that. Let me just clarify. The  
10 intention is to just do a clean switch of those terms, not to create any new legal effect with that term. It  
11 would mean exactly what overfished has always meant. So, you know, for those that are questioning,  
12 you know, how would it be implemented? What would the ramifications? There would be no  
13 ramification other than to take away a term that many in the fishing community felt was disparaging  
14 and, frankly, can be highly inaccurate as we've seen with the Pacific salmon, for example. We've had  
15 fisheries closed for reasons that had nothing whatsoever to do with fishing. And so, to continue to call  
16 it overfished I think is disparaging and unfair and I agreed with those who shared that feedback in our  
17 listening sessions. So, other though than other than taking away their disparagement, there is no legal  
18 effect of that change.

19  
20 **Marc Gorelnik:** Yeah, thanks for that clarification. Eric Reid.

21  
22 **Eric Reid:** Thank you Mr. Chairman and thank you Congressmen all. I appreciate your being with us  
23 today. My question is about what is proposed on how liaisons between Councils are selected. I believe  
24 it's section 303 on Page 90. I mean currently the Councils themselves pick from among sitting Council  
25 members, mostly border states so they have a good relationship and good understanding of what goes  
26 on, on the other side of the border from us, but what is proposed is that the Secretary of Commerce will  
27 now pick those liaisons? And it's unclear to me exactly how that would work and whether or not that's  
28 actually an additional seat to the Council? So maybe you could give me a little clarity on that if you  
29 don't mind. Thank you.

30  
31 **Representative Jared Huffman:** Eric, I'm going to turn to Casey for this. I know it's not creating an  
32 additional seat on the Council, but I'm going to let her describe the mechanics of how that works and  
33 obviously I'll defer to, well it looks like Ed Case has to go with me. So, we're both going to drop off  
34 here. I'm going to leave you in the very capable hands of Casey MacLean for the answer to that question.

35  
36 **Marc Gorelnik:** Before you depart, I want to, and you may be back with us I'm not sure but thank you  
37 very much for participating in our meeting, both Congressman Huffman and Congressman Case.

38  
39 **Representative Jared Huffman:** Appreciate that very much Marc, and we will keep in touch. We  
40 want to keep hearing from you. We want to keep working with you, so thank you.

41  
42 **Marc Gorelnik:** Hopefully Congressman Young moved back with us but go ahead, Casey, with your  
43 response.

44  
45 **Casey MacLean:** Yeah, no thanks for the question. And so this question.....

46  
47 **Marc Gorelnik:** Casey, your audio is unintelligible. It's there but it's very, very soft so if there's any  
48 way for you to increase the audio that'd be great.

49  
50 **Casey MacLean:** One second. Let me see if I can.....is that better? Can you hear me now?  
51

1 **Marc Gorelnik:** So much better.

2  
3 **Casey MacLean:** Okay great. Thank you. Yeah, this is the first time downloading this platform,  
4 sometimes microphone issues. Anyway, so that section does add a voting seat for a Mid Atlantic  
5 Council member on the New England Council and a voting seat for a New England Council member  
6 on the Mid Atlantic Council. And so that's just, you know, representing the interests of both sides and,  
7 you know, these liaisons have existed, but this actually gives us members, you know, the voting  
8 privileges. But, you know, if there's anything more, I can clarify I'm happy to continue a conversation  
9 and writing off I hear your concerns about that.

10  
11 **Marc Gorelnik:** Eric, do you have a follow-up there? You're muted Eric.

12  
13 **Eric Reid:** Sorry. How about now?

14  
15 **Marc Gorelnik:** I gotcha.

16  
17 **Eric Reid:** Okay, yeah sorry. Casey, I appreciate your comments. I am the liaison from New England  
18 to the mid-Atlantic and having a vote is not the worst thing in my life for sure, but my question is more  
19 how are they selected? In the proposed bill it says that the Secretary will select the liaisons. Currently  
20 each Council picks their own liaison to the other respective Council, and I'm just trying to figure out  
21 what that means and how the mechanics of that are going to work. I mean obviously the Councils know  
22 who their representatives are and try to get the best person.....

23  
24 **Casey MacLean:** Yeah, thanks for clarifying the question. Yeah, no, I think that that change was made  
25 just in terms of it would, you know, remove a level of bias if the Secretary is doing it. However, you  
26 know, we're open to hearing what your opinions on that and, you know, potentially changing things if  
27 that's, you know, what makes the most sense once we dig through all the information. But yeah, I think  
28 the intention there was to, you know, try and have a third party looking at it. But, you know, open to  
29 hearing more.

30  
31 **Eric Reid:** Okay, thank you.

32  
33 **Marc Gorelnik:** All right. Tom Nies. Well, let me go to Caroline Park first. Caroline.

34  
35 **Caroline Park:** Sure. Just a quick reminder again to everybody. I think we're doing pretty well today,  
36 but again for the Council to be careful with its, with the lobbying restrictions to make sure that we are  
37 providing factual and technical presentations in response to the questions. That's totally fine. I think we  
38 want to watch out for opinions like policy level opinions and that kind of thing. So just a reminder on  
39 that. Thanks.

40  
41 **Marc Gorelnik:** Thank you Caroline. All right, now back to you Tom. Sorry.

42  
43 **Tom Nies:** Thank you Mr. Chair. Casey, I've got a question about section 305(c) of H.R. 4690. It adds  
44 detailed requirements regarding the prohibitions on lobbying for Council members, advisory body  
45 members, staff, contractors, et cetera, including extensive requirements for documentation of contact  
46 between, I believe, it's the executive branch as well as federal and state legislators. I guess I have two  
47 questions there. Are there perceived, you know, what are the reasons that would be prompting the  
48 extensive requirements? Are there perceived violations of the constraints on lobbying? And are there  
49 other federal advisory committees or panels that have similar requirements in posts?

50  
51 **Casey MacLean:** Yeah, thanks for the question. And so, this section is trying to clarify the lobbying

1 prohibitions that apply to the Councils and Council members. The entities receiving federal grant  
2 funding shouldn't be using money to lobby Congress, so that's an existing lobbying prohibition as we  
3 just heard and so it doesn't just apply to the Councils, it applies to any grant recipients. And so, you  
4 know, we just want to make sure that, you know, the Regional Fishery Management Council's advisory  
5 bodies and committees are prohibited from lobbying Congress and showing support or opposition to  
6 bills. So just like, you know, any group that receives funding from the federal government that's  
7 supposed to be the case. And so, I think that, you know, over the years there have been instances of the  
8 sorts of violations that we've seen so it's just, you know, we want to make sure that that's clear and I  
9 guess that is the intention there.

10  
11 **Tom Nies:** If I might ask a follow-up. Are there other, do you know if this applies to other people who  
12 receive grants? Are there similar reporting requirements imposed on other agencies or other advisory  
13 bodies?

14  
15 **Casey MacLean:** I will have to get back to you on that. I believe that that is fairly standard for federal  
16 funds, but I'll have to get back to you on that. Thank you.

17  
18 **Marc Gorelnik:** Thank you Tom. Do you have another question? Any further....

19  
20 **Tom Nies:** I do but I can wait....sorry my mic was off. I do but I can wait and see if anybody else has  
21 one if you prefer.

22  
23 **Marc Gorelnik:** Yours is the only hand up so in the interest of time, please go ahead and then we'll  
24 go to Kitty.

25  
26 **Tom Nies:** I have got another question in section 102(a). It would require FMPs promote the resilience  
27 of fish stocks. Could you explain what this means a little bit? I mean Councils are already required to  
28 manage stocks for optimum yield. We have limited authority to protect fish habitat. We have numerous  
29 other requirements for FMPs already, including minimizing bycatch and et cetera, et cetera. And so, I  
30 guess I'm a little confused what it means to improve resilience in light of all these other requirements  
31 which are designed to promote the sustainability of fish stocks.

32  
33 **Casey MacLean:** Yeah, thank you for the question. And yeah, no, that is the whole point, and we want  
34 to make sure that we're doing that, particularly in the face of climate change. You know that just, I  
35 think, one of the greatest threats facing fisheries today so managing for resilience is really important  
36 for my boss and just we want to make sure that fishing management plans promote resilience and, you  
37 know, identifying what data needs we need for climate change, looking at the vulnerability of a fishery  
38 and its participants and then assessing anticipated impacts of climate change and things like that. So,  
39 the intent is to make it clear that the Councils should be managing fisheries for the long-term benefit of  
40 the nation by prioritizing resilience in the face of growing climate change. So, you know, we know that  
41 there are all sorts of things that Councils can do to support resilience, you know, managing, maintaining  
42 adequate stock abundance, considering stock and age structure, protecting EFH, reducing bycatch, all  
43 sorts of things, managing forage species, things like that. So, you know, I know we have gotten  
44 feedback that this is potentially burdensome to be doing more so we did increase authorization levels  
45 overall. So, we're hoping that that helps reduce any anxiety about being overburdensome. But yeah,  
46 hope that this can help with climate change and promote resilience because we know that that's so  
47 important.

48  
49 **Tom Nies:** Thank you.

50  
51 **Marc Gorelnik:** All right, thank you for that. Kitty.

1  
2 **Casey MacLean:** And I do unfortunately, I do have a hard stop, so I have to head out, but we greatly  
3 appreciate all of the feedback and, you know, I think everyone has my contact information. Feel free to  
4 share that and feel free to head to our website as well to provide more feedback to, you know, we're  
5 happy to be working with you all on this and really appreciate all the feedback and happy to answer  
6 any more questions you might have.

7  
8 **Marc Gorelnik:** Could you stay for one more question from Kitty?

9  
10 **Casey MacLean:** Yes.

11  
12 **Kitty Simonds:** Well, you did not answer Tom's question, lobbying question regarding lobbying the  
13 administration. That was his question. We all know about lobbying the Congress and all of those kinds  
14 of things. So that's the question that we all have is why this insertion of, you know, not lobbying the  
15 administration, which doesn't make sense to us because we work with the administration and we talk  
16 to them about what works, what doesn't work. That's the role between us and the administration. So, I  
17 would appreciate, I think we all would appreciate a response to Tom's question.

18  
19 **Casey MacLean:** You know I am going to have to get back to you on that. I want to make sure I have  
20 the most thorough and detailed answer for you possible. So, I'm happy to get back to you in writing  
21 after the fact. Yeah just, you know, understanding, you know, that federal grant recipients aren't  
22 supposed to be lobbying is, I think, the intent there. So, thanks for voicing the concern and, you know,  
23 we'll get back to you.

24  
25 **Marc Gorelnik:** All right thank you Casey. We look forward to getting that answer. And I guess once  
26 you drop off, we will be without any congressional representatives. So, thank you for participating.

27  
28 **Casey MacLean:** Thank you. Greatly appreciate it.

29  
30 **Marc Gorelnik:** All right. We are still on legislative outlook and I'm going to go back to Dave Whaley.

31  
32 **Dave Whaley:** Thank you Mr. Chairman. I also wanted to thank all the congressmen for participating  
33 and also for the staff. It's a big deal getting the members to sit down at a desk for a little while and talk  
34 to us so I'm really glad that they were able to put this together. And I want to thank Chairman Young  
35 for the shout out and just for the record, not only did I have hair, but it was brown when I started  
36 working for him, and you can draw your own conclusions from that. As I've noted before, in respect to  
37 the Magnuson-Stevens Act reauthorization, so far this Congress there have only been two bills that  
38 have been introduced to reauthorize the Act. Both are in the House as you noted. It's unclear at this  
39 point whether the Senate intends to take up the reauthorization or not. We'll see as time goes on, but at  
40 our May meeting we had a couple of Senate staffers who were participating and they kind of indicated  
41 that it was not a priority for the Senate at this point. So, the House is going to go ahead and do what  
42 they do and we'll see if the Senate takes anything up. I don't want folks to think that the Magnuson-  
43 Stevens Act reauthorization is the only legislation that Congress is working on that will affect domestic  
44 fisheries, but before I get into those, let me tell you about some of the big picture things that Congress  
45 is working on and some of the hurdles that we're going to see in trying to get this bill to the floor. Not  
46 surprisingly, most of the fights that Congress has been having so far deal with money. Yesterday, Paul  
47 talked a little bit about appropriations, as he noted the continuing resolution has funded all the federal  
48 agencies through December 3rd. Congress was also dealing with lifting the debt limit. That issue has  
49 been taken care of also until December 3rd. So, within the next little over a month Congress is going  
50 to have to figure out how to fund all the federal agencies for the next fiscal year and raise the debt limit.  
51 Those two are going to be difficult discussions, as you may have already seen. A couple other big issues

1 that Congress is working on, also funding issues. One is an infrastructure package. You may remember  
2 the Senate passed a 1.5 trillion-dollar infrastructure package. The House is looking at that bill. They  
3 may do their own bill and have a little discussion with the Senate about how to do that. Also,  
4 reconciliation is moving forward. Reconciliation is generally a large package where the budget  
5 committees in both the House and the Senate send instructions to individual committees on how much  
6 money they need to raise in order to reconcile the budget. This year in the Senate in particular, there  
7 was a package of some of the priorities of the Biden Administration that were put together. It was a  
8 large ticket item or a large ticket items that were added to it. As you may note, as if you've been  
9 watching the news, it's been kind of controversial. The house has also been working on a reconciliation  
10 package, and the House Natural Resources Committee has marked up a bill. They met several days in  
11 September to consider the legislative package. There are some fishery related items in the package,  
12 including funding for Pacific salmon, NOAA stock assessments, NOAA vessel recapitalization, NOAA  
13 hatcheries, electronic monitoring, working waterfront grants, marine sanctuaries, seafood monitoring  
14 program expansion, ESA interagency consultations, NEPA implementation and a provision dealing  
15 with offshore wind for the territories. As I mentioned, the budget committees in both the House and the  
16 Senate have given instructions to multiple committees, so the resources package is only one part of that.  
17 My understanding is all the committees will be reporting their packages back to the Budget Committee,  
18 and the Budget Committee is going to put all those together into one big bill. The House has not taken  
19 that up yet. I don't know if the Budget Committee has actually reported the package out yet. Turning  
20 back to fisheries related bills, there are a couple of big bills that you guys might want to keep an eye on  
21 that either affect the way domestic fisheries are conducted or managed. The first is the Illegal Fishing  
22 and Forced Labor Prevention Act that was introduced by Chairman Huffman. That bill was referred to  
23 five different House committees, which makes it a little more difficult for that bill to move but the  
24 WOW Subcommittee has already held a hearing, and in mid-October, the House Natural Resources  
25 Committee voted that bill out. There is no Senate provision, or version of this bill, but a couple of the  
26 big issues that are included in that bill are possible changes to the Seafood Import Monitoring Program,  
27 changes to data requirements for both wild capture and aquaculture fish products, new traceability and  
28 labeling requirements for seafood products, changes to the Automatic Identification System and  
29 changes for how that data might be used. As I noted, the bill was marked up by the House Natural  
30 Resources Committee just a couple weeks ago. I have not seen the amended version yet, so some of  
31 those provisions may have changed a little bit. Another big bill that we've talked about a little bit before,  
32 I think we talked about it in May a little bit, it's the Ocean-Based Climate Solutions Act of 2021. It was  
33 introduced by Chairman Grijalva, the chair of the Full House Natural Resources Committee. It's 290  
34 pages long so there's a lot in it, including a lot of fisheries provisions. It was referred to seven different  
35 House committees. Again, that makes it more difficult to move. The House Natural Resources  
36 Committee held a hearing on it in June, and in July they actually reported the bill out of the committee.  
37 As I noted, because it goes to so many committees, it may be difficult to move as a freestanding bill.  
38 My understanding from some of the House staff is that different pieces of the bill will be moved either  
39 separately or put on other packages that are moving. And I'll come back to some of the provisions if I  
40 have time. Another bill that folks have expressed an interest in is the Drift Net Bill. You may remember  
41 that a bill was introduced in both the House and the Senate last Congress, and it passed both Houses  
42 last Congress, but in the waning days of the last Congress it was vetoed by President Trump. Now that  
43 we're in a new Congress, the bill has been introduced in both the House and the Senate. The bill in the  
44 Senate has now passed the Senate, but there hasn't been any action in the House yet. Just one other  
45 quick note, there is a difference between the House and Senate versions. The Senate version includes a  
46 provision that affects the North Pacific Fishery Management Council and would allow the Council to  
47 take up regulations to require charter operators in the halibut fishery to charge fees which could then  
48 be used to fund the purchase of commercial halibut quota to be used by the charter sector. That provision  
49 is not in the House bill. Another bill that you might be interested in is the Fishery Resource Disasters  
50 Improvement Act. There's a bill that's been introduced in both the House and the Senate, and the Senate  
51 bill has now passed the Senate. Basically, this bill would change how disaster assistance programs are,

1 are managed by the agency. It would clarify some provisions and hopefully expedite the Disaster  
2 Assistance Program. It would repeal the current programs in both Magnuson-Stevens Act and the  
3 Interjurisdictional Fisheries Act. There are five bills dealing with coral reefs. Two deal with foreign  
4 coral reef programs and the other three to deal with domestic. The first is H.R. 160, the Restoring  
5 Resilient Reef.....excuse me, Restoring Resilient Reefs Act of 2021. That bill was just recently marked  
6 up by the House Natural Resources Committee. Another bill is called the Offshore Wind for Territories  
7 Act. There's a hearing that's been held on that. And the Ocean-Based Climate Solutions Act, which I  
8 noted earlier, also contains some coral reef provisions and that has been reported by the Natural  
9 Resources Committee. On the aquaculture front, you may remember last Congress there were bills in  
10 both the House and the Senate that would have authorized aquaculture permitting and created a program  
11 for that permitting. Those bills have not been introduced in the 117th Congress. When we met in May,  
12 I was told that Senator Wicker was close to reintroducing his bill. Apparently, he has not done that yet  
13 so we'll see what happens. Real quickly on sharks, there are five bills that have been introduced dealing  
14 with sharks. Of the five, only one has shown movement so far. Senate Bill 1106, the Shark Fin Sales  
15 Elimination Act was added as an amendment to another bill which has now passed the Senate, so keep  
16 an eye on that. We talked a little bit in May about forage fish. There was a bill in the House last year as  
17 well as the Senate, so far this year the only bill to have been reintroduced is a Senate bill that was  
18 introduced by Senator Blumenthal from Connecticut. We talked a little bit about working waterfronts  
19 in May. We still only have one bill that has been introduced that was introduced by Representative  
20 Pingree from Maine. And lastly, there are two bills dealing with the American Fisheries Advisory  
21 Committee Act, which would establish committees to deal with funding through the SK program. If I  
22 have time I will go back and talk a little bit about the Ocean-Based Climate Act, but before I do that, I  
23 wanted to note that yesterday Janet talked a little about offshore wind and noted that there's a lot of  
24 interest in the administration in promoting offshore wind. There's also a lot of interest in Congress. So  
25 far, four different committees have held hearings on offshore wind. So, there's a lot of interest in both  
26 the House and the Senate in looking at offshore wind. Mr. Chairman, do you want me to go ahead and  
27 talk a little bit about the Ocean-Based Climate Solution Act or would you like to open things up for  
28 questions?  
29

30 **Marc Gorelnik:** Let's see if, because we're covering so many topics here, so this might be an  
31 appropriate time for any questions on the bills you have discussed thus far, and once we've exhausted  
32 those questions you can move on to H.R. 3764. So, let's see if there are any hands. Well, I think that  
33 the sense of the committee is to continue, so please.

1 • Ocean-Based Climate Solutions Act H.R. 3764

2  
3 **Dave Whaley:** Okay, I guess I've overwhelmed you. As I mentioned, the Ocean-Based Climate  
4 Solutions Act was introduced by Chairman Grijalva from Arizona, who is the chair of the Full House  
5 Natural Resources Committee. It has a lot of provisions dealing with the oceans and in particular with  
6 fisheries and I've got a two-page list of all the things that are in the bill that might be of interest to the  
7 Councils. Let me just go through the list very quickly. I know we've talked about this. Several of the  
8 Councils have talked about it. I know we talked about it a little bit in May, but there's a title called the  
9 Marine and Coastal Blue Carbon Program. It would create a new blue carbon program, require a map  
10 of coastal and marine blue carbon ecosystems, and create two new marine designations, the Blue  
11 Carbon Ecosystems and the Blue Carbon Areas of Significance. The reason I bring that up is I've never  
12 seen legislation that created an ocean designation that at some point then didn't include restrictions on  
13 activities in those designated areas. So, while the blue carbon areas don't particularly apply to fisheries  
14 yet, it's potential that fishing activities could be restricted in those areas once they're mapped and  
15 designated. Excuse me. So, there's a provision dealing with offshore energy, both dealing with  
16 prohibitions on energy production in offshore areas, but also promoting offshore wind. Again, this is  
17 another area where legislation is pushing offshore wind. So where offshore wind conflicts with fisheries  
18 we may want to keep an eye on that. There's a title called Climate Ready Fisheries, Efficient Fishing  
19 Vessels and Buy American Seafood. That title would include promotion of U.S. seafood, elimination  
20 of fish subsidies, requirement for fuel-efficient, fuel-efficient fishing vessels. There's a provision that  
21 would require promotion of precautionary approach and increased resilience in fisheries management.  
22 A provision dealing with Climate Ready Fisheries Innovation Program. A report on shifting stocks. A  
23 provision dealing with essential fish habitat consultations, which is similar but not the same as what is  
24 in the Huffman-Magnuson Act. There's also a provision dealing with ocean aquaculture, research, and  
25 policy programs. Title 5, there's a provision in there dealing with Working Waterfront Grant Program,  
26 which we've discussed previously. Title 6 deals with insular areas and one of the things I wanted to  
27 highlight there is there is a coral reef prize competition. Title 7 is titled Strengthening Marine Mammal  
28 Conservation. I highlight that because there is a program or a requirement for the conservation of marine  
29 mammals which are adversely affected by climate change. The provision would require a  
30 comprehensive conservation and recovery strategy to monitor, reduce, and prevent interactions with  
31 fisheries and other human activities. So, we need to keep an eye on that. Another requirement would  
32 require the Secretary, when calculating PBR, to consider the adverse impacts of climate change, which  
33 could affect fisheries which interact with marine mammals. Another provision would amend the  
34 MMPA to require the Secretary with the Coast Guard and Marine Mammal Commission to identify  
35 areas of importance to marine mammals, and those areas would be areas which are known to experience  
36 vessel strikes. It would require the establishment of seasonal or year-round mandatory vessel  
37 requirements for these areas. It would also create a new program for monitoring ocean noise for marine  
38 mammal protection. This one Kitty will pay attention to, I'm sure. In Title 8 there is a provision dealing  
39 with marine protected areas in areas beyond national jurisdiction. In Title 9 there's a provision dealing  
40 with shovel ready restoration grants. And there's also a program to initiate designation processes for  
41 successful sanctuary nominations. Title 11, the Ocean Data and Collaborative Efforts Act would deal  
42 with the Automatic Identification System. We talked about this in the context of Mr. Huffman's  
43 Magnuson reauthorization bill. This provision is similar but a little bit different in that it requires all  
44 commercial vessels over 49 feet, and any vessel carrying passengers for hire to be equipped with and  
45 operate AIS when they're operating in either the navigable waters, the EEZ, or on the high seas. This  
46 provision would also require the establishment of a Quiet Seas and Clear Skies Program to reduce  
47 harmful underwater vessel noise and reduce air pollution. Title 13 might be of interest to some of you,  
48 it would require a tax on virgin plastic, so any production of new plastic there would be an excise tax,  
49 in theory, to reduce the use of plastics and reduce marine plastic pollution. And finally, in Title 14 there  
50 are a number of studies and reports that might be of interest to the Councils. There's a requirement for  
51 a report on the ecological and economic effects of high sea fishing in the areas beyond national

1 jurisdiction. There's a requirement for a marine protected areas inventory. A requirement for marine  
2 biodiversity census. A requirement for a marine biodiversity gap analysis and a study, and some action  
3 required on derelict fishing gear. So, Mr. Chairman, as I mentioned a 290-page bill, there's a lot in there  
4 that affects domestic fisheries and domestic fisheries management. As I mentioned, it did get referred  
5 to seven committees so it will be difficult to move as a package, but as I mentioned staff have also  
6 noted that they're going to peel pieces off and move and put on different other bills that are moving, in  
7 particular the marine mammal provisions. My understanding is they have been put on the National  
8 Defense Authorization Act, which is moving through Congress now. I don't know if it's exactly the  
9 same provisions as in this bill or not. We haven't seen the text language yet, but I'll keep you up to  
10 speed. So, is that overwhelming everybody again?  
11

12 **Marc Gorelnik:** I think we're all suitably overwhelmed. You did a great job trying to separate a very  
13 complex bill, but I'm hopeful that there are some questions for you. I see Janet Coit has her hand up.  
14 Janet, please.  
15

16 **Janet Coit:** Yeah. I just wanted to make.... This isn't a question so pardon me, Mr. Chairman. I just  
17 wanted to make one point that I think is so obvious so forgive me. But way back on the MSA, they  
18 made a point of saying that the authorization was being increased by 50 percent, but we all know that  
19 authorizing committees don't allocate money, and so I just wanted to point out to everyone because  
20 we're working on our testimony so I can't tell you exactly what we'll be saying at the hearing, but I am  
21 almost positive we'll be expressing a concern about all these additional reports and responsibilities and  
22 burdens and how much that would need an increase in resources. And it's always easy, I used to work  
23 on an authorizing committee to say, "Well great, we're giving you this, but in the end you fight dollar  
24 for dollar with the Appropriations Committee" and I just wanted to flag that for folks because I think  
25 we all share a concern about a whole bunch of additional requirements that might either further stretch  
26 thin our fabric or divert funds from something else or not come with any additional funding.  
27

28 **Dave Whaley:** Mr. Chairman, if I might follow-up on that and since there aren't any congressional  
29 folks on maybe I can say this without lobbying. Anytime you add mandates to the agency, whether you  
30 authorize new funding or not, as Janet mentioned, until you get the money for all those new mandates,  
31 if you require mandates with no funding, the mandates are still there but you've got to find the funding  
32 somewhere else so current programs get cut. So, that's a concern that we need to keep in mind as this  
33 moves forward.  
34

35 **Marc Gorelnik:** Dave, I've got a question for you.  
36

37 **Dave Whaley:** Uh oh.  
38

39 **Marc Gorelnik:** Just to demonstrate my ignorance of the legislative process. When these new  
40 mandates are put forward in bills, is it possible for them to be qualified based upon future  
41 appropriations?  
42

43 **Dave Whaley:** Yes, they rarely are, but there's a phrase that we used to put in bills quite a bit that says  
44 subject to appropriation, the Secretary is required to do X, Y and Z. I don't think any of the provisions  
45 in either the Huffman or the Young bill are couched that way.  
46

47 **Marc Gorelnik:** All right, thanks. Questions from the Committee on legislative outlook? We'll come  
48 to discussion. You know maybe.....well, Chuck Tracy go ahead. I've got a thought after Chuck.  
49

50 **Chuck Tracy:** Thanks Mr. Chair. Thanks Dave for that excellent rundown. This isn't really a question,  
51 it's just a request that unless you are, if you weren't speaking off the top of your head for that entire

1 summary of the 3764, I'd really appreciate seeing that two-pager. Could you send that around to the  
2 EDs? I think they'd be an excellent reference just to keep us aware of what's going on in that bill.

3

4 **Dave Whaley:** Sure, I'd be happy to.

5

6 **Chuck Tracy:** Thanks.

7

8 **Marc Gorelnik:** All right. What I'm going to do here, even though we're in the middle of Agenda Item  
9 9, I'm going to see if there's any public comment on the topics we've discussed so far, to give the public  
10 an opportunity. We'll have a separate opportunity after the workgroup report after our break. And I'm  
11 not seeing any hands, so I guess there's no public comment there. I'm reticent to have committee  
12 discussion until we've completed this agenda item, so we might just take our break, whether it's a  
13 morning, afternoon, or an evening break for you, I guess it depends on where you are. But we'll take  
14 our break here. We'll come back in 15 minutes to pick up the Legislative Workgroup Report and Tom  
15 Nies. So, we'll see you back here 15 minutes, which I guess I could use Greenwich Mean Time so we  
16 could all be on the same scale, but 15 minutes wherever you are. We'll see you then.

17

18 **Janet Coit:** Five after the hour.

19

20 **Marc Gorelnik:** Oh, I apologize. So, we don't have any public comment at this point. We will come  
21 back for Council discussion when we're done with the Workgroup Report, which is an after-break  
22 activity, so we'll take our 15-minute break here and we'll see everyone back in 15 minutes and we'll  
23 pick it up with Tom Nies.

24

1 • CCC Legislative Workgroup Report  
2

3 **Marc Gorelnik:** Thank you for playing that, Chuck. It just shows us what we all are missing this week  
4 because we're meeting virtually just like we missed Hawaii last year, right Kitty? So, we'll get started  
5 again here. We're still on Agenda Item number 9, Legislative Outlook, and we have the CCC Legislative  
6 Workgroup Report and Tom Nies, so Tom.  
7

8 **Tom Nies:** Thank you Mr. Chair. I believe somebody is going to run the presentation for me, so I'll  
9 wait 'til that gets up. Oh, there it is. That was quick. Thanks Sandra. Good afternoon. I'd like to warn  
10 everybody that today's workgroup report is a little bit longer than usual. The workgroup has been very  
11 active for the last couple of months and the CCC will be asked to take at least two actions, in reality  
12 two categories of actions. I recommend, you got handed two files that are in the meeting package, one  
13 is the workgroup's draft consensus statements, and the second is to draft reply to Congressman Huffman  
14 and Case in response to their request asking for feedback on H.R. 4690. Next slide please. I'd like to  
15 begin by highlighting the contributions of all the members of the workgroup. The members here worked  
16 pretty quickly in order to get ready for this meeting. Now many of the documents that we wanted to  
17 look at really weren't available until the end of August. I think all of... you know that Council schedules  
18 get very complicated beginning in September, and this group was able to put everything together pretty  
19 quickly. The members listed here prepared the draft consensus statements and the draft feedback letter.  
20 Many of them, in fact I think most of them if not all of them are on the call today. And if there are  
21 questions on specific topics with the consensus statements or the feedback letter, with the Chair's  
22 permission, I may ask a few of them to help me explain our recommendations. Next slide please. As  
23 you can no doubt tell from Dave Whaley's presentation and monthly reports, there's been a lot of  
24 legislative activity this year. In preparation for this meeting the working group decided to focus really  
25 on MSA reauthorization. We do recognize, however, that there is other legislation that we're probably  
26 going to need to review as well. As Dave pointed out in his last presentation the oceans climate space,  
27 the Oceans-Based Climate Solution Act is one of these. So, one of the first things we did is we tried to  
28 identify issues in new reauthorization legislation that were not addressed in our current MSA  
29 reauthorization working paper. So that's what we started on in August with our first meeting and then  
30 in late August we got the request for feedback on H.R. 4690, so our plan was to use these statements to  
31 help us draft our reply on 4690. Next slide please. So typically, when we come to a CCC meeting we  
32 ask the CCC to approve one consensus statement. At this meeting we're asking you to approve eight.  
33 Some of these are new. Some of these are replacements or authorizations and consensus statements that  
34 are already in our working paper. Most of these, quite honestly, address issues raised in new legislation,  
35 primarily H.R. 4690. So as long as you understand that it helps to put the statements in context.  
36 However, as we usually do with the CCC working paper, we try not to refer to any specific legislation  
37 and so we just try and talk to the issues that are raised. We do that in part because as bills do or do not  
38 get passed or get combined into others, the numbers may be out of date, so this way the issues are still  
39 in the paper, and we can focus on that. I'm going to try and walk through these consensus statements  
40 here fairly quickly just so you can get a sense of what's in them. You may want to follow along in the  
41 draft because most of them are too long to put on the screen. After my presentation, eventually the CCC  
42 will be asked to pass a motion for each statement. I recommend we hold off any detailed discussion on  
43 any of the statements until then, as the motions get offered, and that way we can stay focused on one  
44 particular topic. So, to go through these in relatively quick order so you can get a sense of what we'll  
45 be talking about later, I'll just start and work through the list. This first consensus statement on climate  
46 change and regional action plans. This is sort of a... overall statement that points out that our ability to  
47 respond and account and adapt to the impacts of climate change can be affected by a number of other  
48 activities that are going on and are also competing for the ocean space. We also note that there are in a  
49 number of regions the data simply is not available to make any decisions on how to react to climate  
50 change. The second one is also a new one, and it addresses bycatch. As you heard with some of the  
51 questions, there's some bycatch elements in H.R. 4690 and some of the other bills. A big one being the

1 removal of a language of practicability, that bycatch must be reduced to the extent practicable. So, we  
2 identified some of the impacts of that and how it will affect our abilities to operate. There's also some  
3 discussion of the national SPRM program. This seems to be over and above the standards that have  
4 been established by the agency and regulations over the last year or two, and we highlight the concerns  
5 and the possible impacts of having a national program that can't adopt for regional changes. The next  
6 issue is Council jurisdiction, and this relates to how Councils adapt, how Council management adapts  
7 when species distribution shifts. Now this is a large issue on the East Coast where there are at least  
8 three regional Councils that are immediately affected, another two that can be affected and then the  
9 Atlantic States Marine Fisheries Commission as well, but this is not to say that this could not be a  
10 problem in other regions. The Councils are already wrestling with this. There are some suggestions on  
11 a formal process to change management authority and jurisdiction. And while the process may help in  
12 some cases, there are some concerns that it could be overly bureaucratic, that frequent changes could  
13 disrupt our ability to manage. Another new topic talks about essential fish habitat. This is another  
14 section where the practicability statement has been removed, so we're concerned about that. This next  
15 section is on transparency requirements. This is a little bit, there's already a section on transparency  
16 requirements, but we've expanded this to address some new issues related to their proposed  
17 requirements to keep video or audio available online forever, as well as requiring roll call votes for all  
18 non-procedural matters. This last one, the next one, I'm sorry not the last one, on ethics standards  
19 behavior relates to some of the questions that were asked during the previous section. You know one  
20 of these is the question on what does it mean? You know, why should Council employees be considered  
21 subject to federal regulations and what exactly does that mean and what the impacts might be for us?  
22 Another which I think everyone in general supports but has some questions about how it will be  
23 implemented, is the expansion of the applicability of regulations and federal policies on sexual  
24 harassment and other types of behavior to Council members, advisory panel members, and staff. We  
25 talked about the new restrictions on lobbying and the reporting requirements that would require detailed  
26 reporting of any contact with federal or state legislatures or federal agencies on anything other than  
27 routine fishery management matters, as well as a prohibition to interact with the administration on any  
28 Presidential order proclamation or Presidential decree. Secretarial plans is a new issue that comes up,  
29 this is sort of a....this is a concern that the impact will result in taking management authority away from  
30 Councils. There are a number of provisions in the Act where the Secretary currently may take action,  
31 but there have been suggestions that some of those 'mays' should be turned to 'must' and very strict  
32 timelines on when the action must be completed. Much of our comment in the consensus statement  
33 here discusses the concern that the timelines are unrealistic, that, you know, it's impossible for a Council  
34 to act within 9 months or 180 days in order to address issues that may come up given our need to comply  
35 with NEPA, the APA or the public process, schedule our meetings, et cetera. The final one is a little bit  
36 different. This one is perhaps tangentially came about because of the Ocean-Based Climate Solutions  
37 Act. This points out that there has been some discussion in the international arena, and I may need help  
38 on this one, but there is some discussion in international arenas that there be a legally binding instrument  
39 that would address management of marine resources in areas beyond national jurisdiction. And this  
40 would seem to weaken or interfere with the regional fishery management organizations that many of  
41 the Councils participate in and would complicate our ability to operate effectively in those areas and  
42 have effective management in these international areas through the RFMOs. So, this is a, that's a very  
43 quick summary of the draft consensus statements. As I said, we can get into more details later as we go  
44 into some of the discussions on individual motions. If you will, we can move on to the next slide. We've  
45 drafted a proposed CCC feedback letter in response to a specific request from Congressman Huffman  
46 and Case. That specific request is included in the meeting package so if you want to check it, you can  
47 see it there. We recognize that all of the eight Councils have provided detailed comments on H.R. 4690  
48 directly to Congressman Huffman and Case, so we didn't felt it was terribly productive to go through  
49 and itemize all of those individual issues that were raised, and so our letter really focuses on a couple  
50 of broad themes, more than a couple I suppose. The challenges caused by environmental change and  
51 the impacts of some of the measures in there in the bill on our ability to adapt to environmental change.

1 Reinforcement of our system, high ethical standards and those elements in H.R. 4690. Concern that the  
2 number of reports and other requirements that are in H.R. 4690 are going to place increasing demands  
3 on Council and agency time, and may be severe enough that we may not be able to complete what we  
4 consider perhaps routine management actions but that are essential for fisheries to operate. The concern  
5 over increased litigation risk, this is related to the practicability standard for bycatch in habitat. Related  
6 to our consensus statement on Council jurisdiction, the perhaps inadvertent reduction in the role of the  
7 RFMCs. And finally, the concern that the version of our currently limited resources to new requirements  
8 will inhibit our ability from completing other tasks. Next slide please. So that is admittedly a broad  
9 overview of what the Legislative Workgroup has been going on, working on. The Councils are going  
10 to be, the CCC is going to be asked to approve eight consensus statements. We felt it was best to have  
11 an individual motion for each consensus statement, so that's the way we've structured this. And then an  
12 additional motion to approve the H.R. 4690 feedback letter. And of course, it's possible that during the  
13 discussion of these we'll make some modifications, or we may have to make some edits. I would point  
14 out that I'm sure we can take a look at the H.R. 4690 feedback letter and do some wordsmithing for a  
15 few sentences that are rather awkward, but hopefully we won't get tied up with that type of  
16 wordsmithing but will focus on the substance of the letter. And with that Mr. Chair, I'm ready to take  
17 your lead on what you want to do next.  
18

19 **Marc Gorelnik:** All right. Thank you very much Tom. Well, we will come to Council discussion and  
20 action after public comment, but first let me see if there are any questions of the committee on this  
21 report? And I want to thank the committee, I guess I'm technically a member but during much of this I  
22 had other obligations, so I'm sure the committee was even more productive without me there so, but  
23 thanks for all the work, hard work by the Legislative Committee members. I'm not seeing any hands so  
24 at this point I guess we don't have any questions on the report. I will go to public comment. Let me see  
25 if there are any hands from the public that wish to comment. And I do not see any hands from members  
26 of the public that wish to comment, so that concludes public comment on Agenda Item 9 and takes us  
27 to Council discussion and action on this agenda item. So, we have a number of tasks ahead of us in  
28 terms of approval, but rather than moving directly into motions, let's see if there's any discussion. Chuck  
29 Tracy.  
30

31 **Chuck Tracy:** Thanks Mr. Chair. Thanks, Tom, for the report. I went through the report. I got a few  
32 comments or suggestions I guess for some of these, so I don't know how you'd like to go about receiving  
33 those, if you want to take them one at a time? Some of them are just sort of structural, I guess. Some  
34 are more substantive. So how would you like to proceed on that?  
35

36 **Marc Gorelnik:** Yeah, I think it does make sense given the complexity and the breadth that we take  
37 this one at a time. So let me....I only have one screen unfortunately, I'm disabled in that way. Let me  
38 go first to the consensus statements and we'll take them one by one.  
39

40 **Chuck Tracy:** Then may I proceed Mr. Chair?  
41

42 **Marc Gorelnik:** Go ahead.  
43

44 **Chuck Tracy:** Yeah, thank you. On topic 2 just sort of a structural change. In the middle of the  
45 paragraph there it says the Councils continue to balance increasing competition for ocean space, et  
46 cetera, and then it also says it will also make it more difficult to comply with the legislative requirements  
47 and make it more difficult to account for the impacts of climate change and analyses. So, I guess, just  
48 again structurally, to me it sounds like for that first sentence talking about the competition for ocean  
49 space. I agree that's true, but it tends to imply that in the next two sentences, making it difficult to  
50 comply with new legislative requirements or account for impacts of climate change and analyses. So, I  
51 think those are true regardless of whether there's competition for ocean space or not. So, I guess all I'm

1 suggesting is maybe moving that sentence, 'The Councils continue to balance increasing competition'  
2 to the end, and make a third sentence because that is directed specifically at competition for ocean  
3 space. I think the other two are broader than that. So that's my comment there.  
4

5 **Marc Gorelnik:** All right. Thanks. Let's again, staying on this particular topic 2. We've heard a  
6 suggestion from Chuck Tracy. Is there any discussion on that suggestion? And if there's not, since we're  
7 going to be proceeding topic by topic, I would welcome or invite a motion on topic number 2 which  
8 would be preceded by someone raising their hand unless there's discussion. Tom Nies.  
9

10 **Tom Nies:** Well, I'm not sure it's appropriate for me to, but I'd be happy to make a motion here.  
11

12 **Marc Gorelnik:** Absolutely.  
13

14 **Tom Nies:** Okay. I move the CCC approves modifying the CC working paper on MSA reauthorization  
15 issues by adding the text drafted by the Legislative Workgroup topic 2, Climate Change and Regional  
16 Action Plans for Climate Science as modified by today's discussion. And by that I'm referring to  
17 Chuck's suggestion to move one sentence.  
18

19 **Marc Gorelnik:** Okay that's terrific. Thank you for the motion. We'll look for a second by raising a  
20 hand? Seconded by John Carmichael. Thank you John. Please speak to your motion as you deem  
21 necessary.  
22

23 **Tom Nies:** Sure. Just very quickly, I think the motion's pretty self-explanatory. The concern is that our  
24 ability to adapt to climate change requires us to be flexible and may require fisheries to move, and all  
25 of the competition for ocean space will make it difficult for us to adapt in that manner.  
26

27 **Marc Gorelnik:** All right. Terrific. Thank you. So, we have a motion. We have a second. Unmute  
28 yourselves in a moment. I'll call for a vote. All those in favor of the motion offered by Tom on topic 2,  
29 please signify by saying 'aye'.  
30

31 **Committee:** Aye.  
32

33 **Marc Gorelnik:** Any opposed? Any abstentions? The motion passes unanimously. Thank you, Tom,  
34 for the motion, and thank you, Chuck, for your careful edit. Let's move on to section number 6 and we'll  
35 see what discussion or motions we may have there. Bill Tweit.  
36

37 **Bill Tweit:** Hi. Bill Tweit here. I don't have any discussion. I do have a motion when the time comes.  
38

39 **Marc Gorelnik:** Well, we'll pause here for a moment and see if there's any discussion and if no other  
40 hands go up, then I will invite your motion. Chuck Tracy.  
41

42 **Chuck Tracy:** Thanks again. Just a clarification I guess in the last paragraph. I think, I guess I disagree  
43 a little bit with the second sentence that says 'While improvements are being made across the country  
44 to improve the accuracy and precision of these bycatch estimates, generating statistically accurate and  
45 precise information would be cost prohibitive as it would require that all fish caught and discarded  
46 would be need to be observed and monitored'. So, I don't think that's true. You know I think they don't  
47 all have to be observed and monitored. I think that can be accurately precisely estimated providing the  
48 monitoring level is sufficient. So, I guess I'm just, would want to have, entertain...I don't know if I've  
49 got a suggestion as to how to fix it right now but I think I, I don't think it's impossible to get that, to get  
50 that without sampling every single fish caught and discarded.  
51

1 **Marc Gorelnik:** Okay, thanks for that comment, Chuck. Bill, you have your hand up?  
2  
3 **Bill Tweit:** Bill Tweit with a question for Chuck.  
4  
5 **Marc Gorelnik:** Yes.  
6  
7 **Bill Tweit:** Chuck, would it make more sense to you to instead say 'require much higher levels of  
8 sampling than we currently have the resources for'? In other words, make it clear it isn't a resources  
9 issue but not to say all.  
10  
11 **Chuck Tracy:** Thank you Mr. Chair. Thanks Bill. Yeah that, something like that would be... would  
12 be fine with me.  
13  
14 **Marc Gorelnik:** All right. Any further discussion on Section 6? Tom.  
15  
16 **Tom Nies:** I'll just make a little bit of a counterargument here. You know, the ability to get precise and  
17 accurate information is one that typically we assume can be accomplished through a statistical sampling  
18 technique. That is fine as long as there isn't some level of bias. And a concern, of course, is that in many  
19 catch share programs, the incentives for discarding result in the potential at least for bias in your  
20 estimates on unobserved trips. We have analyzed that in our groundfish fishery in New England and  
21 there is some evidence of bias in unobserved trips, and the ability to get rid of bias on unobserved trips,  
22 it's a little unclear whether you can actually do that if you have unobserved trips continuing. You know  
23 I'm not, you know, I am willing to accept Bill's suggestion, but I think that the reality is that if you want  
24 to have unbiased discard estimates, particularly in catch share systems, you may need a hundred percent  
25 monitoring, either through observers or through electronic monitoring, which of course would be  
26 cheaper.  
27  
28 **Marc Gorelnik:** Chuck, do you have a comment on that or?  
29  
30 **Chuck Tracy:** Well yeah, I agree. I mean I think there are certainly places for a hundred percent  
31 monitoring, but again I'm not sure that every, even with a hundred percent monitoring, you know, I  
32 think there are.....I think the incentive there is to eliminate the behavior that results in biased  
33 information. That still doesn't mean that every fish has to be observed. Every fish may need the potential  
34 to be observed, but I don't think that's quite an absolute like that.  
35  
36 **Marc Gorelnik:** Dave Witherell.  
37  
38 **Dave Witherell:** Was just going to suggest a wordsmithing, but change just the.....  
39  
40 **Marc Gorelnik:** Your audio is not where it needs to be, it's kind of poor Dave.  
41  
42 **Dave Witherell:** Try this again. Putting wordsmithing on the fly, but if you change the 'would' to  
43 'could' or 'may', and you add the phrase after the end of the sentence that should 'in many fisheries' or  
44 something like that.  
45  
46 **Marc Gorelnik:** Well, since it was Chuck's suggestion, I'll see what Chuck thinks about that.  
47  
48 **Chuck Tracy:** That'd be acceptable.  
49  
50 **Marc Gorelnik:** Okay. So, I don't know if that's acceptable to Tom, but maybe someone can offer a  
51 motion here and we can then narrow down the language further if necessary. So, Dave, you have your

1 hand up. Is that to offer a motion? Or Tom Nies please go ahead.

2  
3 **Tom Nies:** I was just going to ask Dave to say his language a little bit clearer so I can write it down.

4  
5 **Dave Witherell:** Okay so the last phrase would be, 'As it may require that all fish caught and discarded  
6 would need to be observed and monitored in many fisheries'. Because you have to add that 'in many  
7 fisheries' because the sentence that follows points to other fisheries then traditionally are fully  
8 monitored.

9  
10 **Tom Nies:** I'm fine with that. I don't know if Chuck is fine with that.

11  
12 **Chuck Tracy:** I'm fine with that.

13  
14 **Marc Gorelnik:** Chuck's fine with that. So, Bill, you have your hand up?

15  
16 **Bill Tweit:** I do, and I am ready to offer a motion.

17  
18 **Marc Gorelnik:** Please Bill. Please go ahead.

19  
20 **Bill Tweit:** I move the CCC approves modifying the CCC working paper on MSA reauthorization  
21 issues by adding a new Section B.6, Bycatch, as drafted by the Legislative Workgroup and as modified  
22 to reflect today's discussion, which would be to amend one sentence with the phrase 'in many fisheries'.  
23

24 **Marc Gorelnik:** Okay. Is there a second?

25  
26 **Marcos Hanke:** Second. This is Marcos Hanke.

27  
28 **Marc Gorelnik:** Okay. Marcos, I'll give you the second, but next time please raise your hand. It's just  
29 a lot easier for me to manage if people raise their hands. Thank you. So seconded by Marcos. And  
30 please speak your motion as you feel necessary.

31  
32 **Bill Tweit:** Thanks Mr. Chair. The language starts with the basic point, which is that almost all of  
33 fisheries, both commercial and recreational in the U.S. have bycatch, and the effect of deleting the  
34 language to the extent practicable really leaves the Councils then with still the requirement to balance  
35 levels of bycatch with levels of directed yield, because that's essentially an inescapable but without any  
36 guidance as to standards that they should use in doing that, which the committee points out, and I agree  
37 with. Among other things, just exposes us to a much greater amount of litigation around this issue. It  
38 doesn't help at all. In fact, it makes the Councils job even harder and more uncertain. And then just  
39 pointing out that we already have as good tools as we have the resources to have for estimating bycatch  
40 both as precisely and as accurately as we can with the existing resources, and that establishing additional  
41 expectations around that is going to require additional resources and in some cases becomes much more  
42 intrusive for the fisheries that we work with, and we are already in many cases about as intrusive as we  
43 can be without dramatically affecting the businesses that we're trying to monitor. And so being pushed  
44 further to achieve even higher levels will come with pretty significant costs, both in terms of the  
45 resources to us but also in terms of impacts to the businesses that are affected. I'll be happy to answer  
46 any questions.

47  
48 **Marc Gorelnik:** All right. Let's see if there are any questions for the maker of the motion? And I'm  
49 not seeing any hands so unmute yourselves. I'm going to call for a vote. All those in favor of Bill's  
50 motion on Section 6, B.6, signify by saying 'aye'.  
51

1 **Committee:** Aye.  
2  
3 **Marc Gorelnik:** Opposed, no? Abstentions? The motion passes unanimously. Thank you, Bill, for the  
4 motion. Now I need to go back to the draft consensus statement, and it brings us now to new topic  
5 number 7, Council Jurisdiction. So, Bill you have your hand up?  
6  
7 **Bill Tweit:** Sorry, legacy hand.  
8  
9 **Marc Gorelnik:** Yeah, I have legacy hands too sometimes. So, Chris Moore, please.  
10  
11 **Chris Moore:** Thank you Mr. Chair. I'd like to make a motion when you're ready.  
12  
13 **Marc Gorelnik:** Let's pause for a moment and see if anyone has any discussion and barring that we'll  
14 go straight to a motion. All right Chris, please go ahead.  
15  
16 **Chris Moore:** Thank you. I move that the CCC approves modifying the CCC working paper on MSA  
17 reauthorization issues by adding a new section B.7, Council Jurisdiction, as drafted by the Legislative  
18 Working Group.  
19  
20 **Marc Gorelnik:** Okay, thank you for the motion. Let me see who wishes to second it? Tom Nies raises  
21 his hand and second. Thank you Tom. Please speak to your motion.  
22  
23 **Chris Moore:** Thank you Mr. Chair. I think that the language speaks for itself. I think it's well written.  
24 I have nothing else to add but certainly would be glad to answer any questions from the Mid-Atlantic  
25 Council perspective.  
26  
27 **Marc Gorelnik:** Great, thank you for that Chris. So, let me see if there's any discussion on the motion?  
28 And with no hands raised I take it that there's no discussion, so we'll proceed to a vote. All those in  
29 favor of Chris Moore's motion say 'aye'.  
30  
31 **Committee:** Aye.  
32  
33 **Marc Gorelnik:** Opposed, no? Abstentions? The motion passes unanimously. Thank you, Chuck, or  
34 rather thank you, Chris, for moving us along here. We're now move to topic 8, new topic 8, Essential  
35 Fish Habitat. So, I'll look for a hand to get us started there. Chris took down his legacy hand. John  
36 Gourley, please.  
37  
38 **John Gourley:** Thank you Chairman. I'd like to make a motion. I move that the CCC approves  
39 modifying the CCC working paper on MSA reauthorization issues by adding a new Section B.8,  
40 Essential Fish Habitat as drafted by the Legislative Workgroup and as modified by today's discussion,  
41 if any.  
42  
43 **Marc Gorelnik:** All right, thank you John for that motion. Let's see if there's a second. It looks like  
44 it's seconded by Eric Reid. Thank you Eric. John, please speak to your motion.  
45  
46 **John Gourley:** This particular topic, as everybody knows right now NMFS has, they make  
47 recommendations toward EFH but they're not mandatory and the proposed changes to EFH on new  
48 topic 8 is, it's going to be extreme, and I think that the Councils really need to take a close look and try  
49 to analyze unintended consequences of the particular definition of adverse effects. So, for example, if  
50 we are required to designate HAPCs and then in the proposed legislation the verbiage is 'avoid adverse  
51 effects on such habitat caused by fishing'. Depending on how that's interpreted by others, basically

1 every HAPC that that we designate there'll be no fishing. It'll be a short way to creating a lot of MPAs.  
2 I think that it does need to take serious, a serious look at it. The language that is put in for the consensus  
3 statement is very general and very broad, sweeping. We didn't want to get, you know, open a can of  
4 worms and start getting into details, which we originally did and then cut it back. So basically, I'm  
5 hoping that the consensus statement hits on the bigger, broad parts of the concerns of what we would  
6 have. Thank you.

7  
8 **Marc Gorelnik:** Thank you, John, for your motion. Is there any discussion on this motion? Chuck  
9 Tracy.

10  
11 **Chuck Tracy:** Thanks Mr. Chair. Thanks, John, for the motion. I guess I would just point out that,  
12 you know, there's some concern about using the terms 'adverse effects' and those terms are already in  
13 effect, already being used. They're in the Magnuson Act. They're in the regulations so just wanted to  
14 point that out.

15  
16 **Marc Gorelnik:** All right, thank you Chuck. Any further discussion on this motion? Brad Pettinger.

17  
18 **Brad Pettinger:** Yeah, Marc, on the second, the end of the second sentence I think we're missing a  
19 word. I think it should say 'all consultations may be impractical'. Am I correct on that? Does that read  
20 proper?

21  
22 **Marc Gorelnik:** Can you point out again where this language is in this....

23  
24 **Brad Pettinger:** On the second sentence, on the end of the second sentence it says, 'inclusion on all  
25 consultations may impractical'. I'm not sure. It may 'be' impractical, right?

26  
27 **Marc Gorelnik:** We're missing a verb. So yes, I think that's simply a typo. I don't think we need an  
28 amendment.

29  
30 **Brad Pettinger:** Just want to make sure.

31  
32 **Marc Gorelnik:** And so long as John Gourley and Eric Reid agree that we don't need an amendment  
33 to fix that typo then I think that we don't need to go through the amendment process. John and Eric,  
34 you agree? Okay, great.

35  
36 **John Gourley:** So agreed.

37  
38 **Marc Gorelnik:** All right. Thank you, Brad, for that, pointing that out. I know you were not an English  
39 teacher at one time but maybe you could have been.

40  
41 **Brad Pettinger:** Uh, no.

42  
43 **Marc Gorelnik:** Any further discussion on this motion? And I'm not seeing any hands. So, I will get  
44 ready for a vote here. All those in favor say 'aye'.

45  
46 **Committee:** Aye.

47  
48 **Marc Gorelnik:** Opposed, no? Abstentions? The motion passes unanimously. Thank you, John, for  
49 the motion. We'll now move on to Section C.2, Transparency Requirements, and we have in the report  
50 some suggested replacement language. So, I'll look for a hand here. Chuck Tracy.

1 **Chuck Tracy:** Thanks Mr. Chair. Sorry for all this jumping in here. But I do have a couple comments,  
2 and there may be one other thing that there's a few typos scattered throughout this that I think that we  
3 can hopefully fix afterwards just to make sure that our verbiage is clear. But I have two issues, I guess.  
4 So on about line one, two, three, four, five of the first paragraph, 'video recordings of large meetings  
5 do not add substantive comments as they will not capture presentations and motions'. Well, I think they  
6 may not, but ours do. So, I think 'will not' we should probably change that to 'may'. And then a more  
7 substantive comment on the second paragraph where it talks about requirements related to recordings  
8 for all Council and SSC meetings. So, I think the Pacific Council at least is particularly concerned with  
9 the requirement for recording and reporting and posting of SSC meetings. We typically don't do that. I  
10 guess from our perspective the SSC is an advisory body to the Council and that their deliberations and  
11 recommendations are captured in their statements to the Council, which the Council then approves. So  
12 we have we have not felt like there is the same level of need to record and broadcast SSC meetings as  
13 there are for a Council meeting, so maybe I'll just see if there's any other folks that have any thoughts  
14 about that, and, you know, perhaps the solution might be just a strike SSC from this subject in order to  
15 get, to gain consensus if we can't achieve it otherwise.

16  
17 **Marc Gorelnik:** Okay, thank you Chuck. Tom Nies.

18  
19 **Tom Nies:** I guess I'm a little confused by Chuck's comment. I don't interpret this paragraph as  
20 supporting the requirement, which of course we can't support. I shouldn't have used that word. I mean  
21 I look at this sentence and it points out the technological problems and concerns of requiring all Council  
22 and SSC meetings to be available indefinitely. So, I don't see how that is in conflict with the Pacific  
23 Council's concern.

24  
25 **Marc Gorelnik:** Chuck.

26  
27 **Chuck Tracy:** Let's see. Am I still on? I guess I am still on. Let me just reread this real quickly here  
28 then. Yeah, I think you're right Tom. Because in the.....yeah, so looks like the SSC's left out of the rest  
29 of the discussion anyway so I think that would be..... I think we are okay there. Thanks for pointing that  
30 out.

31  
32 **Marc Gorelnik:** So that addresses is your second comment Chuck. Are you clinging to your first one?

33  
34 **Chuck Tracy:** Again I, yes, I think they.... I think it should say that video recordings 'may' not capture  
35 presentations and motions. Again, ours capture all of that.

36  
37 **Marc Gorelnik:** Okay. Is there further discussion on Section C.2, Transparency Requirements and the  
38 consensus, draft consensus statement? I'm not seeing any of their hands other than Chuck's legacy hand,  
39 so I'll entertain a motion here. John Carmichael.

40  
41 **John Carmichael:** Mr. Chairman, thank you. Make sure I've got the right one. I move the CCC  
42 approves modifying the CCC working paper on MSA reauthorization by replacing Section C.2  
43 Transparency with the text drafted by the Legislative Workgroup.

44  
45 **Marc Gorelnik:** And if I interpret your motion correctly without any modifications that may have  
46 been, may have arisen during our discussion here?

47  
48 **John Carmichael:** Yes. I guess....there was discussion there. I didn't think there was significant  
49 modification, but I could stand to be corrected on that point.

50  
51 **Marc Gorelnik:** I think one suggestion from Chuck and it's entirely up to you as the maker of the

1 motion but just want to make sure it's not overlooked, that with regard to recordings, rather than saying  
2 that motions and video presentations will not be recorded, that may not be. I think he suggested a  
3 qualification since some Councils perhaps do capture all of that, so rather than making it absolute. It's  
4 up to you whether you want to include it in your motion or not, we can always.....  
5

6 **John Carmichael:** I am comfortable including that in the motion so we could add the 'as modified'  
7 phrase there.  
8

9 **Marc Gorelnik:** As modified? Okay. All right just so that's clear. So, I'll look for a second. Seconded  
10 by Tom Nies. Please speak to your motion.  
11

12 **John Carmichael:** I think that the motion addresses the real concerns the Councils have with how this  
13 could impact operations and raises some issues in how it would affect us and points out many things  
14 that we do already to deal with this and the realities of trying to do what this is expecting.  
15

16 **Marc Gorelnik:** All right. Thank you. Is there any discussion on the motion? If there is not, I will call  
17 for a vote. All those in favor say 'aye'.  
18

19 **Committee:** Aye.  
20

21 **Marc Gorelnik:** Any opposed? Abstentions? The motion passes unanimously. Thank you very much  
22 John. Let's continue stepping through this document. We have a new Section 9 that affects standards of  
23 behavior. And who would like to start our discussion there? John Carmichael.  
24

25 **John Carmichael:** Thank you. That was a legacy hand, but I will give Tom a little break here and  
26 comment on this. You know, so as you see the texture that the workgroup working on was looking at  
27 how this could affect us, and it really reflects on what we already have in many cases in terms of our  
28 rules of conduct and SOPs and what we already do. It raises the issue that came up in the discussion  
29 earlier today about the lack of clarity on what is meant in this text about any requirement that applies  
30 to federal employees and how that could have very far-reaching consequences. And it addresses the  
31 issues of lobbying and really asks for clarity. Follows many of the themes that were raised earlier when  
32 we had the representatives here with us.  
33

34 **Marc Gorelnik:** All right, thank you very much John. Any further discussion? Tom Nies.  
35

36 **Tom Nies:** Just very quickly here. There are probably, not probably, there are one or two places in  
37 here that we probably need to clean up a few missing words that got lost when we tried to edit this and  
38 presumably if this motion passes, we'll have the flexibility to do that. The last sentence of the first  
39 paragraph, for example, starts out 'The broad language in such proposals', and somehow 'in this' got  
40 shortened to 'in this', got shortened to 'is' so we'll fix that.  
41

42 **Marc Gorelnik:** I think it's fair enough to give a license to correct typos that don't change the meaning  
43 of any of the language that we approve. I know this was put together very quickly. It's quite  
44 comprehensive and so it's completely understandable that there might be some undotted 'Ts' or  
45 uncrossed 'T's' so that's fine. Any further discussion on this, on this language or would someone like to  
46 put forward a motion? Tom Nies.  
47

48 **Tom Nies:** Thank you Mr. Chair. I'd like to offer a motion.  
49

50 **Marc Gorelnik:** Please.  
51

1 **Tom Nies:** I move the CCC approves modifying the CC working paper on MSA reauthorization issues  
2 by adding a new section C.9, Ethics Standards of Behavior as drafted by the Legislative Work Group.  
3

4 **Marc Gorelnik:** All right. Thank you for your motion. Is there a second? Seconded by Chris Moore.  
5 Please speak to your motion as necessary.  
6

7 **Tom Nies:** Proposed consensus statement that came out of the working group identifies a number of  
8 concerns the CCC has with some of the proposed, a number of impacts that could affect the CCC's  
9 ability to conserve and manage fisheries that are the result of proposed language in the legislation. I  
10 think this discussion has been pretty thorough on this issue and so I'll just leave it at that.  
11

12 **Marc Gorelnik:** All right, thank you very much Tom. Is there any discussion on the motion? Not  
13 seeing any hands we'll move to a vote. All those in favor of this motion on Section C.9 please say 'aye'.  
14

15 **Committee:** Aye.  
16

17 **Marc Gorelnik:** Anyone opposed? Abstentions? The motion passes unanimously. Thank you very  
18 much Tom for the motion. Okay we've got a few more here to go. I guess, yeah, we've got a few more  
19 to go here. So, we have a new Section 10, Secretarial Plans, and who would like to start our discussion  
20 or offer comments? Tom Nies.  
21

22 **Tom Nies:** I'll just try and be quick on this one. This relates to the issue I mentioned earlier. There's a  
23 concern that timelines for Council action in many instances when the Secretary is supposed to take  
24 action that we don't. That the timelines are unrealistic, given how long it takes us to do something while  
25 complying with NEPA, the APA, and our public process.  
26

27 **Marc Gorelnik:** Any further comments on new Section 10? Dave Witherell.  
28

29 **Dave Witherell:** You know it's just my take on this is that if the Councils can't comply with the  
30 timeline, it means that the Secretary would have the authority to make any of the changes to bypass the  
31 Councils in developing the solution through amendments.  
32

33 **Marc Gorelnik:** Okay. Further discussion? Would someone like to offer a motion? Doesn't always  
34 need to be the same person. Eric Reid. Thank you.  
35

36 **Eric Reid:** You're welcome....I think. I would move that the CCC approves modifying the CCC  
37 working paper on MSA reauthorization issues by adding a new Section C.10, Secretarial Plans as  
38 drafted by the Legislative Working Group as modified today. I'm not sure if it was needed to be  
39 modified. There was some discussion on it though.  
40

41 **Marc Gorelnik:** Yeah, I didn't hear any suggestions to modify it, or maybe someone may want to do  
42 that by amendment or maybe not, but no modifications so far. Looking for a second?  
43

44 **Dave Witherell:** Second.  
45

46 **Marc Gorelnik:** Seconded by David Witherell. Thank you. Please speak to your motion Eric.  
47

48 **Eric Reid:** Yeah, thank you Mr. Chair. Honestly, I don't think there's any need to rationalize the motion  
49 more than has already been done. Sorry. Thank you.  
50

51 **Marc Gorelnik:** All right is there any discussion? I'm not seeing any discussion. We'll prepare for the

1 vote here. All those in favor say 'aye'.

2

3 **Committee:** Aye.

4

5 **Marc Gorelnik:** Opposed, no? Abstentions? The motion passes unanimously. Thank you very much  
6 Eric for the motion. And we have one more section in the working paper. A new Section 11, Areas  
7 Beyond National Jurisdiction, and Kitty Simonds, please.

8

9 **Kitty Simonds:** Thank you Mr. Chairman. I'd like to make this motion.

10

11 **Marc Gorelnik:** Okay. Why don't you go ahead and make the motion and we'll seek some discussion  
12 on it afterwards. Go ahead.

13

14 **Kitty Simonds:** Thank you. I move that the CCC approves modifying the CCC working paper on  
15 MSA reauthorization issues by adding a new Section C.11, Areas Beyond National Jurisdiction, as  
16 drafted by the Legislative Workgroup, and may be modified by a discussion that takes place following  
17 this section.

18

19 **Marc Gorelnik:** Well, since we're offering the motion now any modification would be by amendment  
20 so....

21

22 **Kitty Simonds:** Well, I guess I don't foresee any changes. Might I ask the Chair of the working group?  
23 Mr. ....are you there?

24

25 **Tom Nies:** Mr. Nies?

26

27 **Kitty Simonds:** Yes.

28

29 **Tom Nies:** Hi Kitty. No, I'm not anticipating any changes to it either.

30

31 **Kitty Simonds:** Okay. All right, thank you. So, you may delete what I said about that.

32

33 **Marc Gorelnik:** You can strike that language as modified by today's discussion, at least at this point  
34 in time.

35

36 **Kitty Simonds:** Yes. Fine. Thank you.

37

38 **Marc Gorelnik:** All right. I'll look for a second. Looks like Chuck Tracy. Are you seconding this  
39 motion?

40

41 **Chuck Tracy:** No. I just had a question of clarification on the statement and that is the very last  
42 sentence, 'The BBNJ program should be incorporated into existing regulatory framework of the RFMOs  
43 and under no circumstances should be that it become a legally binding instrument that would work in  
44 conjunction with the RFMOs'. So just try to kind of resolve the difference between incorporating into  
45 the framework of the RFMOs versus not working in conjunction with the RFMOs. Can someone point  
46 out the distinction there to me, explain that?

47

48 **Marc Gorelnik:** Anyone? John Gourley.

49

50 **John Gourley:** Hi Chuck. Chairman, thank you. I think what we're looking at is that the RFMOs  
51 should have overall management authority over fisheries and that the BBNJ program should be

1 subservient to the RMFOs. If you put the BBNJ program over or in conjunction with RFMO  
2 management authorities, I can see coming up kind of a cluster monkey where you're going to have two  
3 groups with two potentially opposing objectives not being able to come to a consensus. So, we were  
4 looking at a perspective where the BBNJ program would be under the RFMOs. Does that help, Chuck?  
5

6 **Chuck Tracy:** Yes, thank you John. That....I appreciate that clarification.  
7

8 **Kitty Simonds:** Right. I think the big concern over the last several years in the discussions, you know,  
9 during discussions was that another body would be created to deal with BBNJ so that's why that  
10 sentence in there.  
11

12 **Marc Gorelnik:** All right. We have a motion before us. It has not yet been seconded. So, at this point  
13 in time, just following proper parliamentary procedure, I want to see if there is a second to this motion.  
14 And Eric Reid has seconded the motion. I assume, Eric, just want to confirm that's why you raised your  
15 hand?  
16

17 **Eric Reid:** That's correct.  
18

19 **Marc Gorelnik:** All right. So, thank you for the second. And, so Kitty, at this point please speak to  
20 your motion.  
21

22 **Kitty Simonds:** Oh, let's see. I don't believe I have anything to add to the section that we've all  
23 reviewed. Obviously, you know that we have most of the large area closures, marine protected areas,  
24 area-based management closures are in our region and so we believe that in order to work successfully,  
25 unless other executive orders are used on closures, that working through the RFM's is the best way to  
26 proceed because we have a voice in them. Thank you.  
27

28 **Marc Gorelnik:** All right, thank you very much Kitty. Is there any discussion on this motion? And I  
29 am not seeing any hands so I will call for a vote here. All those in favor say 'aye'.  
30

31 **Committee:** Aye.  
32

33 **Marc Gorelnik:** Opposed, no? Abstentions? The motion passes unanimously. Thank you very much  
34 Kitty for the motion. So, I believe that concludes all of the proposals, proposals from the workgroup.  
35 Tom, is there anything further on this agenda item we need to take action? I guess we do have those  
36 letters, don't we? Let's go to the consensus letter. This is the draft response, I guess tab 9.c, A Response  
37 to Request for Comment. It's a three page, full three full page document and so we got something else  
38 that we need to address here under this agenda item. So let me see if there's someone who wants to get  
39 us started here. Tom Nies.  
40

41 **Tom Nies:** Thank you Mr. Chair. I was going to suggest that perhaps since this is a fairly lengthy letter,  
42 I'm assuming somebody is going to have a comment somewhere on the letter and maybe the thing to  
43 do is first see if anybody is going to have comments on the letter? If we're lucky enough that they're  
44 not, go ahead and get a motion up. But on the assumption that someone's going to have a comment on  
45 one of these paragraphs, I think it would be best that we, if that's the case, that we go through it in order  
46 and pick them up in order, so we don't get lost. It will make it easier for me and the other members of  
47 the workgroup to keep track of what the changes are.  
48

49 **Marc Gorelnik:** I think that's a fair suggestion. And in terms of dividing it up in sections, we don't  
50 have any headings here but we, we can at least separate it by page. So, Dave Witherell.  
51

1 **Dave Witherell:** Thank you Mr. Chairman. I just wanted to make sure that we were responsive to Miss  
2 Park's comments this morning regarding lobbying, and I was wondering if it might be helpful as we go  
3 through this letter paragraph by paragraph to see if she had any advice for the Councils on how we  
4 might reword or areas to be cautious about when come across possible lobbying.....(inaudible).....thank  
5 you.

6  
7 **Marc Gorelnik:** Okay, well Caroline Park is still with us here so, Caroline, please go ahead.

8  
9 **Caroline Park:** Thank you. Yeah, I apologize for not being as on top of things. I haven't been involved  
10 in I guess sessions or anything obviously in the development of the white paper and I appreciate, I  
11 appreciate just the opportunity to get a chance to weigh in a little bit. As a general matter, as I discussed  
12 earlier during our lobbying, the lobbying reminder, being very careful to focus on the technical and  
13 factual aspects and not the higher-level policy. We believe we think this is not a great idea, but being  
14 really precise and focused about what it is that the effect will be on particular legislative proposals. So  
15 I did not chime in during.....I didn't have access to the larger working paper until midstream, so I  
16 wasn't chiming in on that but I was noticing some of those statements that tend to be drifting more into  
17 those broader policy views and would recommend that as you're scrutinizing the actual text of the letter  
18 that you're developing, or that has been developed, to be careful to really focus on the technical factual  
19 aspects, how will it affect the work of the Councils under their grant? It basically affecting the  
20 Magnuson requirements. Thanks.

21  
22 **Marc Gorelnik:** All right. Well, we're going to be stepping through this letter right now, so if you  
23 identify something that we are missing please feel free to raise your hand and say something about it,  
24 so we don't go astray. So, let's take this up. I guess maybe just paragraph by paragraph and see if there  
25 are any suggested changes. So, we're going to start with the first paragraph on page one and I'll look  
26 for any hands to be raised and as we go paragraph by paragraph. So, let's see any hands on the first  
27 paragraph? Any suggested changes, any concerns? I'm not seeing any hands. Let's move to the second  
28 paragraph, a short one. I wouldn't think there'd be any comments here but and I am not seeing any  
29 hands. Let's go to the third paragraph and see if there are any concerns on content or tone? All right,  
30 let's move on to the next page, the first paragraph there. I'm capturing the first letter of each....there you  
31 go. Any comments or questions, suggested changes here on the first paragraph, beginning with 'The  
32 bill also'? Okay we'll move on to the next paragraph which I....(inaudible)...Not seeing any hands we'll  
33 move to the next paragraph, beginning 'H.R. 4690 establishes'. I'm not seeing any hands. We'll move  
34 to the next paragraph, 'The workload created'. Still not seeing any hands. We'll move to the next  
35 paragraph which spills over from page two to page three, 'Another possible impact'. Not seeing any  
36 hands. We'll move to the first complete paragraph on page three, which begins 'Several Sections'.  
37 Caroline Park.

38  
39 **Caroline Park:** My apologies, Marc. This is my first time that I'm seeing the document, so you're  
40 moving a little faster than I can keep up. Could you just back up to the prior paragraph?

41  
42 **Marc Gorelnik:** Sure. Is there an issue there?

43  
44 **Caroline Park:** I think just as a general statement, the references to 'may increase litigation risk', I  
45 think generically that's probably okay. The issue here about increased litigation until courts clarify how  
46 a change should be interpreted. I mean, it's a given that whenever there's a legislative change, there's  
47 always the potential for a new litigation, but it's not just the courts that clarify interpretation, it's the  
48 agency of course doing its regulatory process. So, I'm not sure how much we should be focusing on a  
49 court clarification of it in that last sentence.

50  
51 **Marc Gorelnik:** Well I suppose even if the agency interprets it that someone could.....

1 **Caroline Park:** There's always....there's always a risk of litigation. I understand that. Yeah.  
2

3 **Marc Gorelnik:** All right. I'm not sure what to do here. Dave Witherell.  
4

5 **Dave Witherell:** I really just think where it says 'It creates questions and uncertainty over what meets  
6 a standard of minimize' really gets at it. By having the uncertainty, it means that the Councils can't fully  
7 resolve what the questions are on how to minimize bycatch, what effects it on habitat.  
8

9 **Marc Gorelnik:** So, Dave, were you suggesting a language change there or not? I know....  
10

11 **Dave Witherell:** The last sentence. And it would still complete the Councils positions.  
12

13 **Marc Gorelnik:** Okay, I don't know if my audio's not, not that I'm not hearing it correctly or not. So,  
14 the last sentence now reads 'This could lead to increased litigation over Council actions until courts  
15 clarify how this change could be interpreted'.  
16

17 **Dave Witherell:** Chairman, I was just suggesting we could delete the last sentence and.....  
18

19 **Marc Gorelnik:** Okay. All right. So that is a suggestion. Let's....can we hold that in advance? We'll  
20 keep that on a list somehow when you come back for the motion then we'll make a motion to capture  
21 these. So, let's go on to the next paragraph. Next paragraph, 'Several sections', and let's see if there are  
22 any comments or questions there or suggested changes. We'll give Caroline an opportunity to take a  
23 look at that. Caroline?  
24

25 **Caroline Park:** I would suggest, thank you Mr. Chair, I would suggest with regards to the first  
26 sentence, 'Could diminish the role of the, I think it should be RFMCs, I would recommend deleting 'by  
27 shifting responsibility to the Secretary of Commerce'. As a legal matter, ultimately the Secretary of  
28 Commerce is responsible for ultimately compliance with the law and the regulatory process. I think  
29 that the 'could diminish the role of the RFMCs', yes, you could keep that language there but I would  
30 suggest deleting the 'by shifting responsibility to the Secretary of Commerce'.  
31

32 **Marc Gorelnik:** All right, thank you for that. We'll put that on our list here and we'll see what sort of  
33 motion comes forward once we're done with this review. Anything else on this paragraph? We'll move  
34 on to the next paragraph beginning, 'Section 504'. Yes, Caroline?  
35

36 **Caroline Park:** Consistent with my prior edit, I would suggest in the second to last sentence, which  
37 says 'as a result, there is a real possibility that management of some stocks could be taken out of the  
38 hands of a Council and given to the Secretary'. I think that I would recommend that, like I said because  
39 of the FMP ultimately being...and regulations and responsibilities... Secretary perhaps being rewarded  
40 more as there's a real possibility that management of some stocks or the role of the Council in managing  
41 some stocks could be diminished. Something that's more along those lines.  
42

43 **Marc Gorelnik:** Yeah, I was thinking along the same lines, that the role really tend to diminish or  
44 eliminate the role of the Council in that process. Tom Nies.  
45

46 **Tom Nies:** I have a little bit of a concern about that suggestion here. I've got to think about this a little  
47 further. This is talking about a provision in the draft H.R.....no not draft. This is talking about a provision  
48 in H.R. 4690 which requires the Secretary to implement a secretarial FMP, in which case it is taking  
49 management authority essentially away from the Council, which has the responsibility at present for  
50 developing the FMP and having the Secretary, requiring the Secretary to do that, whereas opposed in  
51 many cases now in the Act, the Secretary can do a secretarial FMP. It seems to me that a secretarial

1 FMP is a little bit different way of looking at things than the Secretary's review and approval of a  
2 Council submitted FMP. So, this is the point that this paragraph is trying to get at. I don't know if  
3 anyone has a suggestion to try and make that point a little more clear in this particular sentence.  
4

5 **Marc Gorelnik:** I don't have a thought, but I do get your point. I think it still amounts to the role of  
6 the Council being, the current role of the Council being diminished or eliminated under certain  
7 circumstances. Carrie.  
8

9 **Carrie Simmons:** Thanks Mr. Chair. So how about if we said something like the sole responsibility?  
10 Go back to the....for the development of the FMPs or amendments, something like that at the end of  
11 that first sentence.  
12

13 **Marc Gorelnik:** I think that would address Caroline's point. Kitty.  
14

15 **Kitty Simonds:** Well, I just.... I want to say that it's not diminishing. It is taking it away. If we're  
16 following along with how Tom explained the section, you know, it's telling the Secretary to do  
17 secretarial plans as opposed to what's in the MSA now, which we know and as Caroline said that the  
18 Secretary is the ultimate, you know, is the ultimate decision maker. So, it is different so...  
19

20 **Marc Gorelnik:** Kitty, what do you think of Carrie's suggestion?  
21

22 **Kitty Simonds:** Can you just repeat that, Carrie?  
23

24 **Marc Gorelnik:** Carrie.  
25

26 **Kitty Simonds:** Just what sentence, can you point to it?  
27

28 **Carrie Simmons:** Okay, so the first sentence there, 'Several sections of H.R. 4690 could diminish the  
29 role of the regional Fishery Management Councils by shifting the sole responsibility for preparation of  
30 FMPs or amendments', and then maybe can combine those sentences. Can you give me a minute and I  
31 can keep working on that?  
32

33 **Marc Gorelnik:** Sure.  
34

35 **Carrie Simmons:** The theme of the sole responsibility is what I was trying to get at.  
36

37 **Kitty Simonds:** Right. And that's fine with me. Thank you.  
38

39 **Marc Gorelnik:** We'll come back to that. And I'm hoping I'm taking notes on all of this. Anything else  
40 on that paragraph? All right, I'll come down to 'Section 504 contains'. We have a number of hands here.  
41 I'm not sure how many of them are legacy. So, if you have a legacy hand, please put it down. All right,  
42 Carrie?  
43

44 **Carrie Simmons:** Legacy. Sorry, too many windows.  
45

46 **Marc Gorelnik:** I.... all right Dale, please.  
47

48 **Dale Diaz:** Yes, I just want to point out in the last sentence the word 'regional' is misspelled in that  
49 paragraph. Thank you.  
50

51 **Marc Gorelnik:** Thank you for catching that. Tom Nies.

1 **Tom Nies:** So, my suggestion, Mr. Chair, is this problematic sentence, which, I think, is the third  
2 sentence in this one, 'as a result there is a real possibility', that sentence. How about if we make it a little  
3 more specific to the issue that I addressed and thinking on the fly here, 'as a result, there is a real  
4 possibility that the ability of a Council to develop an FMP or amendment could be shifted to the  
5 Secretary'. It's probably a little awkward but I think that gets at the point.

6  
7 **Marc Gorelnik:** Yeah, I think that does get to the point.

8  
9 **Tom Nies:** Let me write it down before I forget it.

10  
11 **Marc Gorelnik:** You need to write it down because we'll come back. And right now, I've got five  
12 different, on my list anyway that I'm keeping, five different suggested changes. We'll need to capture  
13 all of them at one time or at least review them all as part of a motion so that when we say as modified  
14 in discussion, it's clear what we're talking about. Chuck Tracy.

15  
16 **Chuck Tracy:** Thanks. Yeah, sorry to fiddle with this a little more, but it seems like the issue is....I  
17 mean there's already a real possibility that it'll shift to the Secretary so I was thinking that this would  
18 increase the likelihood that management would be shifted out of the Council or even into the hands of  
19 the Secretary or something like that.

20  
21 **Marc Gorelnik:** Maybe Tom can take that into account as he's wordsmithing there. Tom, is your hand  
22 up? Thank you. All right, let's move on to the last two paragraphs. 'Finally, the CCC is concerned about  
23 funding'. Caroline.

24  
25 **Caroline Park:** This is more of a, as I've not been involved in this type of discussion before, this is  
26 more of a question. I know that there can be sensitivities in referring to funding and budget, and I will  
27 just raise that to this group who has probably had more discussions with Adam about this than I have.  
28 So. I'm just, I just flag it is for folks who perhaps are more in the know on this, whether articulating  
29 concerns about funding and all that, if that's okay in this context and I apologize for not being able to  
30 provide my legal guidance on it.

31  
32 **Marc Gorelnik:** Yeah. I think that, my personal take on it is, if we're being asked to do more things,  
33 it's fair enough to say we'll need more resources and that's basically what this paragraph is about. So,  
34 hopefully we don't get in trouble. Any other comments on this paragraph?

35  
36 **Dave Whaley:** Mr. Chairman.

37  
38 **Marc Gorelnik:** Yes sir.

39  
40 **Dave Whaley:** In response to Caroline. I think this is just a statement of fact about the authorization  
41 level, so I don't think that that's a problem with lobbying.

42  
43 **Marc Gorelnik:** Okay. Thank you Dave.

44  
45 **Kitty Simonds:** Can you put me on there?

46  
47 **Marc Gorelnik:** Is there a hand up? Kitty, please.

48  
49 **Kitty Simonds:** Well, I just wanted to say that, you know, all of our letters have been reviewed by our  
50 General Counsels and so this letter comes from that review. I just wanted to mention that.

51

1 **Marc Gorelnik:** All right, thank you Kitty. All right, final paragraph? Carrie.  
2  
3 **Carrie Simmons:** Mr. Chair, I just want to clarify that our letter, we did not have time to have it  
4 reviewed by NOAA General Counsel, so it was not.  
5  
6 **Kitty Simonds:** Very bad.  
7  
8 **Marc Gorelnik:** All right. Well, I imagine it will still get a review. Dave Whaley.  
9  
10 **Dave Whaley:** Yeah, Mr. Chairman, since we just spent so much time discussing additions to the  
11 working group paper or the legislative working paper, I wondered if we should put a sentence in there  
12 referring to that document and giving a link to it.  
13  
14 **Marc Gorelnik:** Okay. All right. Anything else in the letter? So, it seems that all of the input we've  
15 received, at least that I've taken notes on, are on page three of the letter. Dave, can we scroll up to the  
16 top of page three please? So, I think that we, one suggestion was to remove that sentence at the very  
17 top, I think it begins at the bottom of page two. There's a suggestion in the following paragraph to delete  
18 'by shifting responsibility'. I think there are several sentence, several changes in that first full paragraph  
19 on page three having to do with references to the Secretary, one of which I think Tom Nies is working  
20 on. And then in the next paragraph is the spelling of the word 'regional' I believe that section starting  
21 'Page 504', please scroll down there please, whomever has control. I think there was also an issue there  
22 with the role of the Secretary and spelling the word 'regional'. And the last comment I have notes on  
23 has to do with Dave suggested providing a reference to and a link to the consensus document. So, Tom,  
24 your hand is up.  
25  
26 **Tom Nies:** Mr. Chair, in an effort to try and get my notes to whoever is running the webpage, I don't  
27 know if that's Sandra or Chuck or who it is. I just sent an email to Chuck with my edits, and I also  
28 copied it into the chat box so that people can look at it. I was thinking you might want to put these on  
29 the board. I did not include the couple of typos that were pointed out.  
30  
31 **Marc Gorelnik:** Okay. Thank you, Tom, for capturing that. All right.  
32  
33 **Tom Nies:** I might have sent it to the wrong.....there it is. Okay.  
34  
35 **Marc Gorelnik:** So, I think to the extent when someone brings a motion and they say as modified, we  
36 can refer to what Tom has put together here, recognizing that there were a typo or two that we've already  
37 provided leeway to correct, such as the spelling of 'regional'. So, we've had a good discussion here.  
38 Tom.  
39  
40 **Tom Nies:** Just a second, I'm checking something.  
41  
42 **Marc Gorelnik:** All right. I'm going to go to Caroline Park while you're checking something. Caroline.  
43  
44 **Caroline Park:** Yes, one last just comment, and this gets more to kind of the making sure we're more  
45 fact and technical versus opinion oriented. I don't have the text in front of me right now, but there was  
46 a sentence about with the typo on the regional approach. It would seem this would change the, I can't  
47 remember the exact wording of that particular provision. Okay where is it? Thank you. I think it was  
48 on page three, actually.  
49  
50 **Marc Gorelnik:** Yeah, everything's on page three.  
51

1 **Tom Nies:** Page three of the Section 504 paragraph, last sentence.

2  
3 **Caroline Park:** Yes. So, I would suggest that, again this is like this does not seem as more opinion  
4 oriented as opposed to stating kind of the effect from a factual technical perspective on the Councils. I  
5 would suggest that we consider modifying that last sentence or that, sorry not me, the Council, the CCC  
6 consider modifying that language to the extent that the concern, as Tom has articulated, is that  
7 fundamentally some of this language would affect the Council by changing the, in the first instance, the  
8 regional Council approach to preparing those FMPs to a secretarial one, you could articulate it that way.  
9 And Tom I don't know if I've captured your point correctly, but that would be the suggestion there.  
10 Some wording to the extent that this would affect the Councils by changing the regional Council based  
11 approach to preparing those FMPs in the first instance to a secretarial focused one. I'm just throwing  
12 some ideas out there.

13  
14 **Marc Gorelnik:** Could it simply say this may not be consistent with a regional approach?

15  
16 **Caroline Park:** I think.... I'm sorry.

17  
18 **Marc Gorelnik:** Go ahead.

19  
20 **Caroline Park:** I think that whether it's 'may' or the current language. What I was trying to do is  
21 propose an edit that would explain how it's affecting the Councils. Not just that it may not be consistent  
22 with sort of this policy approach that's embodied in Magnuson, but it affects the Councils because it  
23 would shift the regional slash Council based approach to preparing FMPs to a secretarial one.

24  
25 **Marc Gorelnik:** All right. Thank you. Tom Nies.

26  
27 **Tom Nies:** I think I understand what Caroline's saying, and this would be added to that sentence that  
28 is currently highlighted on the screen, it's not added to that sentence, it would be a following sentence  
29 and say, 'This would affect the Councils by reducing the regional role in fisheries management that is  
30 one of the foundations of the MSA'. 'This would affect the Councils by reducing the regional role in  
31 fisheries management that is one of the foundations of the MSA'. Does that address your point,  
32 Caroline?

33  
34 **Marc Gorelnik:** Caroline.

35  
36 **Caroline Park:** If I may? Yeah, I wasn't sure, Marc, if I was waiting for you to let me..... Let's see as  
37 a result this will affect the Councils by reducing the regional role in fishery management. I think that's  
38 fine.

39  
40 **Marc Gorelnik:** All right. Thank you very much for your help, Caroline. And thank you, Tom, for  
41 lugging away on that. All right, so we have a number of changes proposed during our discussion.  
42 Caroline, is your hand up still? Legacy hand? I guess that's what we're calling it now. So at this point  
43 in time, I'll entertain other further discussion or a motion. Tom Nies.

44  
45 **Tom Nies:** Well, I don't want to talk about it anymore Mr. Chair. I would like to move the CCC  
46 approves the CCC letter drafted by the Legislative Work Group that provides feedback on H.R. 4690,  
47 the Sustaining America's Fisheries for the Future Act of 2021, as modified by today's discussion as  
48 reflected in the notes below. I don't really want to read all that in the motion unless you want me to for  
49 the record.

50  
51 **Marc Gorelnik:** I don't, I don't think it's necessary. We've covered it verbally here. It's on the screen.

1 It will be captured in the meeting record. So let me see. Dave Witherell, is your hand up for a second?  
2  
3 **Dave Witherell:** I'll second that.  
4  
5 **Marc Gorelnik:** All right, seconded by Dave Witherell. So, let me see if there's any further discussion  
6 or any discussion on this motion? Or first let me ask if you want to speak to your motion Tom?  
7  
8 **Tom Nies:** No thank you.  
9  
10 **Marc Gorelnik:** Okay, fair enough. That's the right answer. Any discussion on this motion? All right  
11 I'm not seeing any hands, so I am going to ask for the vote. Unmute yourselves. All those in favor of  
12 this motion concerning the CCC letter to the Congressional members signify by saying 'aye'.  
13  
14 **Committee:** Aye.  
15  
16 **Marc Gorelnik:** All those opposed nay? Any abstentions? The motion passes unanimously. Thank  
17 you, Tom, for your motion and thank you Caroline for your help keeping us on the straight and narrow.  
18 So, Tom, is there further business on legislative matters here?  
19  
20 **Tom Nies:** There is not. That completes our report.  
21

## 1 Executive Orders

- 2
- 3 • Update on Selected Executive orders Applicable to the Work of NOAA
- 4 Fisheries
- 5

6 **Marc Gorelnik:** Thank you very much and thanks everyone for your work on this. This is one of the  
7 more substantive issues for this entire meeting. So, let's move on to executive orders. We're about 37  
8 minutes behind schedule here so hopefully we won't run too late. We've got to get business done. So  
9 executive orders and I think Sam Rauch will speak to 14008. Sam.

10

11 **Sam Rauch:** Yes, thank you Mr. Chair. And I am joined today by Heather Sagar. We've given a  
12 number of presentations to the various Councils and Heather Sagar has been our lead person working  
13 on this issue and so I'll give the presentation but if there are questions that I need assistance in  
14 answering, I would invite her to join me and try to get the answers to any questions the CCC might ask.  
15 But thank you for inviting me to participate on this topic today on the America the Beautiful Report,  
16 also known as the 30 by 30 Report. This is a key area for NOAA that I know requires extensive  
17 partnerships with states, tribes, the stakeholders. A little brief background. Many of you know this  
18 already, but maybe not everybody, we do have some new members on the CCC. With that, so we issued,  
19 this is implementing Executive Order 14008, one of the first executive orders that the Biden  
20 Administration put forth. I'm not going to go over that order again, but we did issue a report on that  
21 order conserving and restoring America the Beautiful, the 30 by 30 Report, which in early May we  
22 released it. And it does complement a lot of the work that NOAA has done conserving natural, cultural,  
23 historic resources within our nation's marines and Great Lakes environments, including a lot of work  
24 that these, you Councils, the Councils have done on this very topic. It is broader. It is not just about  
25 waters, so it does involve a lot of land-based efforts as well, but the Councils are mentioned and the  
26 Council efforts are discussed in the report. In the report, though, the President does call on Americans  
27 to join together in the pursuit of a goal of conserving at least 30 percent of our lands and waters by 2030  
28 through an inclusive and locally led effort. The report does emphasize the notion of conservation rather  
29 than the related but different concept of protection or preservation, explicitly recognizing that many  
30 uses of our lands and waters can be consistent with long term health and sustainability in natural  
31 systems. Once again, and it talks about adaptively managing and other kinds of voluntary land-based  
32 efforts and other efforts that can achieve the conservation goal, which is somewhat related but not  
33 exactly the same as preservation as we've talked about before with the CCC. We were working with  
34 our partner federal agencies to seek input on how to determine what conservation means and how to  
35 measure progress towards the 30 percent goal, and we will post any information we have about this on  
36 our website when available. As you all know, at this point, neither in the report nor to date have we  
37 identified any specific conservation actions that are either included or excluded from the conservation  
38 goal. And most importantly, the report acknowledges the value of various or a continuum of  
39 conservation actions in addition to fully protected areas, which would include things like certain  
40 Council actions, sanctuaries or other MMPAs, ecosystem restoration, areas that allow for sustainable  
41 mixed use. You know we talk about sanctuaries, and approximately 98 percent of the waters within  
42 marine sanctuaries are open to some kind of fishing, so it does include those as well. It recommends,  
43 but I would just reiterate, it doesn't make a final determination on what is or is not going to be included.  
44 The report recommends adhering to eight principles that will be critical to the success and durability of  
45 the effort. I was going to reiterate a few of them from past discussions with the Councils. The process  
46 is supposed to be collaborative and inclusive. You will have opportunities. You've already had  
47 opportunities to comment. You'll have additional opportunities to comment on how we achieve this  
48 effort as we go along. We are supposed to pursue approaches that create jobs. We know that many  
49 conservation efforts create economic benefits in terms of restoration, in terms of vibrant working water  
50 shifts, productive fisheries, recreational opportunities, those kinds of things. We need to keep that in

1 mind and also keep in mind the sustainability and equity principles that are important to this  
2 administration. We'll talk about that a little bit more tomorrow under a different executive order, but it  
3 is related here. We are supposed to use science as our guide as the Councils often do, as you are  
4 designing the various area-based measures that you design, looking at science, at what the science tells  
5 you what we are trying to achieve that your transparent and accessible information that can help a  
6 shared understanding and build trust amongst stakeholders for doing this. And explicitly of interest to  
7 the Council is the process is supposed to build on existing tools and strategies. There's no new statutory  
8 authority for this. It explicitly calls out the existing authorities such as the Magnuson Act, the  
9 Sanctuaries Act, the Endangered Species Act for us, other things that we have used to create area-based  
10 management structures and they consider those in there, but not to create a new overlay of a regulatory  
11 tool. When last I spoke to the Councils, I noted that an early step in this initiative will be developing  
12 the American Conservation and Stewardship Atlas. This atlas is intended to provide a baseline of how  
13 much land and ocean the U.S. is currently conserved. So how far away are we from the 30 percent goal?  
14 And it's going to be developed by an interagency working group of agency experts with inputs from the  
15 public states, tribes, scientists and a wide range of stakeholders and contributors, and it's going to look  
16 at things like conservation measures under the MSA and other kinds of things that we've talked about.  
17 A team has been set up to review the various datasets that can be used to develop an atlas, and it's still,  
18 though, in the early stage of discussion. I think when we talked last, I had... I had indicated that I  
19 thought this would be on a quicker schedule than it has been on. It is taking some time to get all of the  
20 act together to get this process started, and so it is a little bit further behind than I might have implied  
21 at our last discussion. We look forward, though, to engaging with states and tribal governments as well  
22 as our diverse constituents and stakeholders on these important issues. And we have heard a number of  
23 things throughout this process from the Councils. One we've heard as said again today that the, that you  
24 were pleased that the MSA, the Magnuson Act as specifically the Councils were mentioned in the  
25 report. You wanted to ensure that Council actions are included in the baseline. You have expressed  
26 concerns with the reliance on the MPA database or the protected seas databases, as they might not, or  
27 as you contended, they might not adequately represent the Councils work and don't seem to understand  
28 the nuances of the fishing industry. Some of you have indicated, although I don't think this is a  
29 consensus view, some of you have indicated that the entire ocean should be considered conservation  
30 and noted in particular the Magnuson Act is the Magnuson-Stevens Fisheries Conservation and  
31 Management Act. It is my understanding, as we talked about before, that the CCC Subcommittee, well  
32 the CCC has established a subcommittee. I've had some discussions with Eric Reid about this and that  
33 the subcommittee is accumulating and documenting the various tools that the Council uses as a tool not  
34 only for its own information purposes on how it can better design area-based management structures in  
35 the future, but to explicitly feed into this process as we look at what of those area-based measures  
36 should be counted in the baseline for the 30 percent. So that's where I am today. I once again extend  
37 the invitation to my colleague Heather to help me answer any of the questions, and I'm happy to hear  
38 the subcommittee report out and to answer any questions or to participate in any future discussion the  
39 Council may have. And with that I'll turn it back over to you Mr. Chair.

40  
41 **Marc Gorelnik:** All right. Thank you very much Sam. I imagine there are going to be some questions  
42 of you that whether you or Heather are going to answer, we'll see. I did want to respond to the comment  
43 about some people think that the entire EEZ may be protected. That comment actually came from me,  
44 and it was really more a matter of a burden shifting exercise that if we have the MSA, which is a  
45 conservation act, and we have many other statutory schemes protecting all manner of habitat and  
46 wildlife that, you know, I guess the.....what are we not doing yet as opposed to what's not protected?  
47 So anyway, I just wanted to make that comment. Let me see. There's got to be some other hands up. I  
48 know this is a significant topic amongst the Councils, but I find it hard to believe that there are no hands  
49 up or questions, or maybe you just did such a thorough job. Put us at ease. But.....Dave Witherell.

50  
51 **Dave Witherell:** Yeah, Sam, maybe you could talk about what you see as the schedule forward from

1 here? How quickly will the task force group meet and I saw....are they going to have annual reports?  
2 Are we looking for the final report to be done in three years from now or six months from now? And  
3 how soon till we know what counts and what doesn't count?  
4

5 **Sam Rauch:** Well, there definitely will be annual reports. That is called for in the process, and the  
6 initial idea is that the first annual report will be in January or at the end of this year. I don't think that  
7 there will necessarily be a final report. It is envisioned as an ongoing series of annual reports. I do not  
8 know that we have a lot of clarity as to the exact nature of what will be in it and whether we will include  
9 the initial baseline in that but let me turn it over to Heather and see if she has any comments that you'd  
10 like to share with the group about what we can say about the schedule.  
11

12 **Heather Sagar:** Sure. The annual report will come out at the....it's the first annual report is required to  
13 come out at the end of this year. A lot of that reporting is going to be, you know, setting up processes  
14 and determining what databases, different agencies have that might be considered to be used. And so  
15 that is what I think we'll likely see for our end of the year 20-21 report looking like. There is a principals  
16 meeting of the.....so those are the secretarial level meeting, that is next month and that'll be their second  
17 meeting. And there is a first meeting of the Policy Group Subcommittee, and that subcommittee is the  
18 one that is going to review what conservation could mean, and so that has not met yet and we will be  
19 meeting sometime in November, and I am on that subcommittee. So, for timeline, Dave, we don't have  
20 one. As you know this is an interagency effort. It's something that NOAA can't control the timeline for,  
21 and so we're working as hard as we can to work with CEQ, Department of Agriculture and Department  
22 of Interior.  
23

24 **Marc Gorelnik:** Dave, does that answer your question? All right. Further questions? Well, we had  
25 this....I'm surprised, but I'm pleasantly surprised that we don't have more discussion here. Sam and  
26 Heather, thank you for coming to discuss this and it's entirely possible you put us right back on schedule.  
27 We'll see.  
28

29 **Sam Rauch:** Hopefully so sir.  
30

31 **Marc Gorelnik:** Yeah. All right. Eric Reid, you have a report on Area-Based Management?  
32

33 **Eric Reid:** Yes sir, I do. If somebody could put my presentation up on the screen that would be  
34 awesome.  
35

36 **Marc Gorelnik:** Someone's fond of India.  
37

38 **Eric Reid:** Okay perfect. Okay, well let's start the presentation off with a fish story. If you look at the  
39 four guys in that photo, you're all welcome to make your own captions as we go along, but we got to  
40 get to work so thank you, Mr. Chairman. My name is Eric Reid. I'm from the New England Council  
41 and I'm also the Chair of this subcommittee. Today, you'll be presented with our progress report on our  
42 activities to date. I'd like to thank you all in advance for reading the materials already, and I'm going to  
43 hustle through this a bit, but certainly the slides are in the presentation and feel free to contact me with  
44 any questions later on. Next slide please. On the left are the subcommittee team members. One from  
45 each of our Councils, plus three invited players from NOAA. You have put together a great team here.  
46 You should all be aware and appreciate how hard each and every team member has worked on this  
47 unexpected addition to their workload while not neglecting their day jobs. This project is no small task,  
48 and although this presentation is a draft, it took a lot of brainpower and professionalism by the team,  
49 and the results are a monument in itself. On the right you have our Terms of Reference from our May  
50 21...(inaudible).... Items one and two have been our priority so far. As you see they are assisting the  
51 CCC in reacting to America the Beautiful, 30 by 30 and preparing a report and atlas on area-based

1 management measures in the EEZ, including an evaluation of the area-based measures and use, the pros  
2 and cons of each area and the objectives and the expected benefits of area-based management under  
3 Council jurisdiction. Item number three will be developed further along in our process. Next slide  
4 please. The subcommittee has already met four times. Each session was about two hours long, a little  
5 longer. The meeting minutes are in your briefing materials for your reference under tab 10(a)(i), and  
6 we've already scheduled two additional sessions which will be conducted on November 1st and 30th.  
7 Next slide please. At the outset there was no guidance and no definition existed. The team's first task  
8 was to develop our own definition of what is a conservation area. What we came up with is a draft  
9 working definition for the purposes of our report. It is a conservation area is: 1: Established,  
10 geographically defined area with 2: Land management or regulation of environmentally adverse fishing  
11 activity, and 3: Provides for the maintenance of biological productivity and diversity, as well as  
12 ecosystem function and services, including seafood production. The team felt it was important that the  
13 working definition clarifies that conservation areas do not need to be no take zones. Also, a primary  
14 focus for a goal of a CA can be for ecosystem or biodiversity purposes, but they can also be equally  
15 important for ecosystem services that provide for seafood production. And we'd welcome your feedback  
16 on this working definition and give us some input on the direction we have developed here. Maybe we  
17 can do that at the end. The second section is why RCAs established. They are: To protect aspects of the  
18 ecosystem and maintain biodiversity such as, sensitive or important habitat sites, particularly biodiverse  
19 or special areas and vulnerable keystone species. Also, to address numerous other fisheries management  
20 challenges, such as spatial issues, spawning, allocation, catch limits or bycatch. And lastly, other issues  
21 such as public health issues, food safety. Next slide please. Here we have the most time-consuming part  
22 of the process so far. This is using our working definition to populate regional tables for the spreadsheet  
23 Council by Council. In summarizing the multitude of CAs developed by each Council, team members  
24 prepare draft tables for their own regions, and the entire team collaborated to identify, review, and share  
25 input with each other, as well as their own in-house staff. Each area is described by name, size, date of  
26 inception, C.F.R. notice, objectives, prohibitions and America Beautiful principles. And currently we're  
27 not dealing with state waters, only restrictions, but perhaps we should, and we can talk about that at the  
28 end as well. As we move forward each area will be evaluated using IUCN criteria for OECM, that's  
29 other effective area-based conservation measures in answering the questions listed here. Next slide  
30 please. This is an example. It's a snapshot of the regional data table. This is an excerpt from the Mid-  
31 Atlantic spreadsheet. You will see this is a subset of criteria, the column headers, just to give you a  
32 flavor of what to expect in the next draft from May 2022. The first two items in yellow are bottom  
33 tending gear prohibitions. One is all bottom tending gear and the second is mobile bottom tending gear.  
34 In the blue we have species FMP and also sector specific guidance. And you should note that the  
35 columns will be expanded to add more detail as we work through this. And also, as an aside, our  
36 Councils all use area-based management, but each has their own approach, and the team is working on  
37 a common currency as common ground needs to be attained across Council methodology for producing  
38 evaluation criteria and the atlas itself. Next slide please. Here's an example chart for what is being  
39 developed for the atlas. Once again, this is the Mid-Atlantic region. On the left, species specific,  
40 fisheries specific and all types of areas. On the right, ecosystem production only. And if you would  
41 notice there is overlap between the Mid-Atlantic and the New England in this particular chart, and this  
42 is going to lead me to a question at the end, my question about GIS capabilities, so... Next slide please.  
43 This is the New England approach for their chart. Similar results as the Mid-Atlantic but with a tiered  
44 criteria methodology. Once again, note that the overlap, that's the right slide, so just to keep that in  
45 mind. This visual aid shows the challenge of common currency being addressed by the team. On the  
46 left, year-round closures for all mobile bottom tending gear. And on the right, seasonal or temporary  
47 closures to specific gear or fisheries. And, of course, the overlaps weren't with our neighbors to the  
48 south. Next slide please. Table 1. Now these are all very preliminary numbers, so I just take them for  
49 that... preliminary numbers. But you know, and as a disclaimer, the team was somewhat hesitant about  
50 showing facts and mostly figures on the next few slides in such a very preliminary table, but we just  
51 wanted to present a view of what to expect as we move forward towards a final draft and the magnitude

1 of our task. In the bottom right, you should note the 663 plus areas analyzed and examined in order to  
2 determine their utility related to the America the Beautiful principles. Next slide please. Again, very  
3 preliminary results, but this is for coverage in nautical square miles by Council, but also a look at our  
4 populating the spreadsheets and what to expect as we develop and analyze our data towards a final  
5 draft. The columns from left to right, total area of EEZ by Council, ecosystem protection, year-round  
6 management and seasonal and other, and the total percentage protection, and that is with no overlap.  
7 And you'll see there's plenty of TBDs for now, but we're going to get to that in our next few meetings.  
8 Next slide please. Table 3. Area prohibited year-round to all bottom tending gear and other gears which  
9 mostly are pelagic in nature by Council and in total. The preliminary bottom line, which is at the bottom  
10 line. Very preliminary, but that's by the numbers. Next slide please. Table 4. Seasonal closes again by  
11 bottom tending gear by Council and certainly is going to require more investigating as we go through  
12 this process. And the next slide, which is my final slide. I hope that wasn't too fast. Our next steps for  
13 our committee is 1: Continue to refine regional spreadsheets over our next few meetings, determine  
14 consistent methodology for evaluating OECM criteria and completing the spreadsheets, as I mentioned  
15 before, complete regional maps and conservation area calculations, prepare a draft written report for  
16 the spring CCC meeting, also to continue to coordinate with NOAA fisheries on an atlas base, and I'd  
17 like to thank Heather, Tim, and Michelle again for their input. We hope to support the CCC on the  
18 development of any position statements on this issue that they may need, and if time permits, draft a  
19 journal article on the use of area-based management in the U.S. fisheries management and conservation.  
20 That was item three on slide two. So, in closing, it is critical to define and delineate the areas protected  
21 and the metrics and criteria for these areas. In order to produce an accurate accounting of these areas  
22 for consideration on the 30 by 30 Initiative, we need GIS support, and we need it to produce a visual  
23 aid, the atlas, a baseline and also to accurately measure these areas and eliminate overlap where  
24 necessary. That, Mr. Chairman, is my presentation. I'm willing to take a few questions through you on  
25 the presentation, but I have a question of my own I'd like to ask first. Mr. Pentony and his staff in  
26 GARFO have provided GIS support to the Mid-Atlantic and the New England region to help us get our  
27 spreadsheets going. But I would like to know who, what, and where are GIS services going to be come  
28 from? What central source exists for use in compiling and combining data from all eight regions into  
29 an accurate and unified atlas? With that, Mr. Chairman, back to you.

30  
31 **Marc Gorelnik:** All right. That's a great presentation. Many thanks to you and the committee for all  
32 the hard work, and I know the continued hard work that will go into this effort. I don't have an answer  
33 to your question as to where that resource will come from, but obviously it's critical that we have that  
34 so that we can present something comprehensive and complete. So, I'll at this point will entertain  
35 questions on the report on area-based management. So, Manny has his hand up with a question. Go  
36 ahead Manny.

37  
38 **Manny Duenas:** Thank you. A very comprehensive report. I am somewhat missing a question I have  
39 which is, is all this information, can it be a Council-wide analysis versus a certain area base? What I'm  
40 saying basically is that under each Council we have X amount of places that we have jurisdictions on.  
41 However, these spaces are, may not have space to have a management regime put in or a conservation  
42 area. However, another area adjacent within the same Council jurisdiction may have a large expansion  
43 that is like 50 percent versus the needed 30 percent. So I'm just wondering if he can put the cumulative  
44 effort into by region rather than it be..... I'm worried that it's going to be broken down into a area regime  
45 because 75 percent of the Western Pacific region is under a management regime. And also, we have  
46 portions of our fishery controls that limit it, that limits any type of industrialized fishing. So, I'm  
47 wondering if we can use that information as a regional effort versus trying to say, 'Guam, you have to  
48 have 30 percent. Northern Marianas you have to have 30 percent.' So, I'm just curious if that's part of  
49 the exercise, that, I guess that's my question. Thank you.

50  
51 **Marc Gorelnik:** I'm not sure if that question was more directed to the executive order or to Eric's

1 report, but since we're on Eric's report I'll ask Eric if he can answer Manny's question.

2  
3 **Eric Reid:** Well, I could try. I mean basically our approach has been to look at, at this point every  
4 representative from each Council has looked at their Council as a region. You know there is some  
5 possibility to combine regions. Perhaps, you know, New England and the Mid-Atlantic, they're close  
6 enough and similar enough that we may be able to do that, but we're not taking individual areas and  
7 saying well this is X amount of miles and this is X amount of miles. We are looking at the Western  
8 Pacific as a region in itself in total. If that answers your question.

9  
10 **Manny Duenas:** That's more of a clarification. I understand the executive order is not a clear vision  
11 right now and you guys are doing an outstanding job trying to interpret it. I just want to make sure that  
12 we are all looking at a cumulative effect to every action that is required of every executive order. And  
13 again, I'm very concerned that the Western Pacific region, which has already 75 percent of its waters  
14 closed, that any more restrictions, our visions, our concerns, you know you might as well take fisheries  
15 to the high seas and forget about our EEZ. Thank you.

16  
17 **Marc Gorelnik:** Thank you Manny. Tom Nies.

18  
19 **Tom Nies:** Thank you Mr. Chair. Two questions for Mr. Reid. First one relates to the area classification  
20 types, and type three is listed as 'other types of seasonal fishery management areas'. Is the intent there  
21 to expand beyond just seasonal closures and to consider other types of seasonal measures? And is it  
22 intended to include other types of measures that may not be a closure at all? For example, we have a  
23 gear restriction in one area that is designed to minimize the impacts of trawl gear on complex habitat,  
24 but it's not a closure. Are those types of areas included as type three areas?

25  
26 **Eric Reid:** Well, thank you for the question, Tom. I mean, honestly, we've had these discussions with  
27 all eight. Every Council has similar issues as you're addressing, and, you know, that's why this data is  
28 preliminary. We're working through the criteria and trying to figure it out amongst ourselves what  
29 should and should not count. I, in my original discussions with Mr. Rauch, the question about seasonal  
30 management and one gear type versus another, and it seemed a little bit iffy on whether they would  
31 qualify, and we're really trying to focus on year-round closures but, you know, these are ongoing  
32 conversations and that's why these tables are preliminary in nature. So, we're going to keep looking at  
33 them Tom.

34  
35 **Tom Nies:** Okay. And one follow-up question, which you may have just answered, or may have the  
36 same answer. Will you consider year-round pelagic closures to pelagic fishing activity? You know the  
37 tables currently just highlight year-round closures to bottom trawl, but there are some year-round  
38 closures to pelagic fisheries for example.

39  
40 **Eric Reid:** That that is true, but that they would be in other gear types. I mean, you know, obviously  
41 it depends on what's the area designed for. Is it a fisheries closure? Is it an ecosystem closure? What's  
42 the criteria behind the methodology for that particular area with that particular gear? And that's all got  
43 to be looked at.

44  
45 **Tom Nies:** Okay. Thank you.

46  
47 **Eric Reid:** Mr. Chair?

48  
49 **Marc Gorelnik:** Yes Eric. Any further questions on the report by Eric? Dale Diaz.

50  
51 **Dale Diaz:** Yeah, thank you Mr. Chair. Eric mentioned that he, they were not dealing with state water

1 only restrictions and he was going to come back and speak to that. I might have missed it. Did you  
2 speak to that Eric?

3 **Eric Reid:** No sir I did not. I did not speak to that. It was really more of a question of whether or not  
4 that's something we should consider. We're going through, you know, right now with federal closures  
5 by Council actions, we've got well over 650 areas we're considering. We did have a discussion,  
6 particularly with some of the Mid-Atlantic closures about whether to include them or not and at this  
7 point we have stayed away from state only closures.

8  
9 **Marc Gorelnik:** Does that answer your question, Dale? Does that answer your question, Dale? I guess.

10  
11 **Dale Diaz:** Yes, it does.

12  
13 **Marc Gorelnik:** All right, thank you. All right further questions on the excellent report put together,  
14 granted that it's a work in progress but great progress has been made. I am not seeing any hands. Thank  
15 you very much, Eric. So next on our agenda is basically the Aquaculture Opportunity Areas,  
16 unfortunately because we're running late the presenter is no longer available, so we're going to do that  
17 first thing in the morning. And after we do that, we will have our discussion, our public comment on  
18 this agenda item and any action on this agenda item. But what I would like to do because we're going  
19 to be moving something over to tomorrow to see if there's something we can pick up, a short item from  
20 tomorrow to try to balance things out, and so Chuck Tracy suggested perhaps we can take the report on  
21 the National Fish Habitat Board, Agenda Item 13 by Chris Moore. So, Chris is that something that you  
22 could present at this time?

23  
24 **Chris Moore:** I could Mr. Chair if you give me a minute to get organized.

25  
26 **Marc Gorelnik:** Sure. No one wants to go long on the last day so.

27  
28 **Chris Moore:** One more minute Mr. Chair.

29  
30 **Marc Gorelnik:** No worries. It's worth it.

31  
32 **Chuck Tracy:** Mr. Chair, I did notice that Tom Nies had his hand up right before you shifted gears  
33 here. I don't know if you noticed that. I was wondering if there's some, something we could clear up for  
34 Tom on the previous agenda item. Yeah, I was looking somewhere else. Tom?

35  
36 **Tom Nies:** Yeah, Mr. Chair. I wasn't clear at the end of Mr. Reid's presentation he made a comment  
37 about GIS support, and I didn't know if he was looking for some discussion of that or that's just an issue  
38 that's going to be discussed later by the working group.

39  
40 **Marc Gorelnik:** Well, I think it was a cry for help really, I mean the....we need those resources for the  
41 committee to do its work it seems. I'm not sure where it's going to come from, but we could perhaps  
42 take that up during discussion on Agenda Item 10, which will happen tomorrow when we, after we  
43 receive the Agricultural Opportunity Areas Report.

44  
45 **Tom Nies:** All right. Thank you.

46  
47 **Kitty Simonds:** Mr. Chair?

48  
49 **Marc Gorelnik:** Kitty, go ahead.

50  
51 **Kitty Simonds:** I'm sorry I was away, but I just wanted to ask a question. You know in terms of Eric's

1 report on next steps for the ABM Subcommittee, I just wanted to know if we think we need a  
2 recommendation asking the NMFS to provide GIS staff resources for our working group. It seems like  
3 that... we really need to have that in order to complete our part. So... or will this suffice, this discussion  
4 with my bringing it up? Do we have to have a formal letter to them asking them for resources? Or can  
5 we trust them to take this discussion seriously and actually let us know if they are going to be doing it  
6 or they can do it between now and the end of the year or whenever?  
7

8 **Marc Gorelnik:** Okay. That's a good point Kitty. We'll take that up tomorrow during discussion on  
9 that item.

10  
11 **Kitty Simonds:** All right. Thank you. Okay good. Thanks.

12  
13 **Marc Gorelnik:** Sure. Sure enough. Chris?  
14

# Report on National Fish Habitat Board

**Marc Gorelnik:** Chris Moore, are you back on?

**Chris Moore:** I'm back. Yes.

**Marc Gorelnik:** All right. Take it away.

**Chris Moore:** If someone could bring up my presentation we can get started. Thank you. Hello everyone. I wasn't quite ready to do this, but I think we can get through it without any major problems. So, several times over the last seven years or so I've had an opportunity to mention the National Fish Habitat Partnership or NFHP, and its possible intersection with the interest of the Councils that relates, as it relates to fish habitat. I'd say that the general reaction that I've gotten when I bring up NFHP is what is that? What is NFHP? So today I plan to present a brief overview of the program. I want to highlight what it is, what it does and why it's important as well as some recent changes that have occurred as a result of some federal legislation that we had last year. Last time that I gave a talk about NFHP was at a National Recreational Fisheries Conference and before I finished the talk, I was bumped off stage by Wilbur Ross. So that's hopefully unlikely to happen today and I don't think it'll ever happen again. The Councils have been involved with NFHP since its formation in 2006. Sam asked me to replace Bob Wood on the board around 2013. I've been on the board ever since. I served as the Vice Chair for NFHP for several years and even as the Acting Chair for several months until the new Chair, Ed Schriever of Idaho was elected. For those of you that are unfamiliar with NFHP, The National Fish Habitat Partnership protects, restores and enhances fish habitat for freshwater, estuarine, and coastal areas nationwide. It leverages federal, state, tribal, private funding resources to support individual projects. NFHP is comprised of 20 individual fish habitat partnerships, which focus on improving fish habitat and aquatic communities at regional and local levels supported by many federal, state, and local agencies as well as regional and national conservation organizations. Next slide please. The partnership hasn't been around that long. It was first discussed as a possibility at a meeting of the Sport Fishing and Boating Partnership Council in the early 2000s and was intended to do similar things for fish as the North American Wetlands Conservation Act did for birds. The first National Fish Habitat Action Plan was signed in 2006. The first meeting of the board that happened that year in Aspen, Colorado. Since then, the action plan has been updated once, that was in 2012. There's two national fish habitat assessments that have completed since NFHP was formed. The entire action plan and those assessments can be found on the website if you are interested in that website, and I'll provide that website address at the end of my presentation. In the discussion the other day about America the Beautiful Report as we talked about our working group, it actually contains a reference to NFHP in that particular report as a way for expanding collaboration to improve fish habitats. The action plan details the mission of this NFHP, which is to protect, restore, and enhance the nation's fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the American people. Next slide. The action plan also contains a number of very important goals to guide the activities of the partnerships. Those are to protect and maintain intact and a healthy... to protect and maintain intact and healthy aquatic systems, prevent further degradation of fish habitats that are adversely affected, reverse declines in the quality and the quantity of aquatic habitats to improve the overall health of fish and other aquatic organisms and increase the quality and quantity of fish habitats that support a broad and natural diversity of fish other aquatic species. Next. There are 20 regional fish habitat partnerships that have been approved by the NFHP board since its formation in 2006. It's scattered across the country, and I can overall 20 of them, many are in Council regions. In fact, the Mid-Atlantic Council is a member of the Atlantic Coast Fish Habitat Partnership. I think that the South Atlantic Council is a member of SEARFP, which is the Southeast Aquatic Resources Fish Partnership, but I think that's set. I don't know if other Councils are partners in any of the other partnerships. There are four, as the map indicates there's four partnerships in Alaska. There's also a Pacific marine and estuarine

1 partnership as well on the West Coast, again a host of others. The partnerships that are supported by  
2 the NFHP Board and their responsible for over eleven hundred projects since NFHP was created. In  
3 2021, the Fish and Wildlife Service provided 4.3 million dollars for 85 on the ground conservation  
4 projects across 34 states. Our funding was matched with an additional 30.2 million in partner funding,  
5 which is nearly an 8 to 1 funding match. From 2017 to 2021, project funding has been about 18.3  
6 million, which has been leveraged by 120.2 million in matching partnership funds. Next. Here's an  
7 example of an Atlantic Coast project that was funded in FY 20 through NOAA, through the NOAA  
8 Office of Habitat Conservation and the NOAA Recreational Fisheries Initiative. It involves a  
9 partnership between Lynnhaven River Now and the Chesapeake Bay Foundation to construct of oyster  
10 reef in the Eastern Branch of the Lynnhaven River, which is in Virginia. The reef is being constructed  
11 with shell collected through the city of Virginia's Oyster Shell Recycling Program will be seeded with  
12 one million oyster spat. The Lynnhaven River is essential fish habitat for 11 federally- managed species  
13 with high recreational and socio-economic significance. It's one of the five rivers in Virginia targeted  
14 for oyster habitat restoration under the Chesapeake Bay watershed agreements oyster restoration goal.  
15 Next. So West Coast project. The primary goal of this project is to replace a failed fish passage facility  
16 that was constructed in the mid-1990s by the Army Corps of Engineers. The most downstream, it's the  
17 most downstream of three significant barriers to Central California Coastal steelhead migration in lower  
18 Wildcat Creek. Once it's complete, the project will result in restoration of the stream, help reconnect  
19 the headwaters of the Wildcat Creek to San Francisco Bay, provide additional spawning and rearing  
20 habitat for steelhead and other anadromous fish, maybe even restore steelhead in that particular creek.  
21 One thing about NFHP is that NFHP projects are more about the people, or as much about the people  
22 as they are about the fish and the habitat. This particular project site is in a disadvantaged community  
23 that it is currently involved in stream trail enhancement efforts near an elementary school that could  
24 benefit from the nearby restoration effort as well. Community outreach and education is an important  
25 part of the project and includes outreach to increase awareness of creek ecology and fish passage  
26 restoration. Next. Each year NFHP hosts something called the Waters to Watch Campaign. Over 120  
27 fish habitat partnerships have been, their projects have been featured since 2007. It demonstrates  
28 science-based on the ground conservation efforts protecting or improving fish habitat across the United  
29 States. These projects are some of the best on the ground aquatic habitat projects that involve  
30 collaborative conservation that are implemented through these individual partnerships across the  
31 country. The campaign raises awareness of NFHP as well as the individual projects. Here's a list of the  
32 projects for 2021. There's 10 of them there. Note that they're scattered again across the country. Some  
33 of them in the Council regions. The Waters to Watch Campaign and this particular list was recently  
34 highlighted in a NOAA Fisheries newsletter and more information can be found on the website as well.  
35 Next. In October of 2020, the Americas Conservation Enhancement Act, the ACE Act was signed into  
36 law at the White House. This ACE Act passed the House and Senate with bipartisan support and  
37 unanimous consent. It's a big deal. It's exciting. This is exciting news for NFHP, it's partners. It's  
38 something that NFHP and its partners have been working on for a long time, almost since 2006. The  
39 bill reauthorized the North American Wetlands Conservation Act, qualified the National Fish Habitat  
40 Partnership, and identified both of those as two of the most successful voluntary conservation efforts  
41 in the nation. Once it was signed into law, the National Fish Habitat Partnership was authorized for FY  
42 21 to 25 at 7.2 million dollars annually. The law also requires that the National Fish Habitat Board  
43 report to Congress annually, specifically to three committees, the Committee on Commerce, Science  
44 and Transportation, the Committee on Environment and Public Works and the House Committee on  
45 Natural Resources. Significantly, the law also expanded the National Fish Habitat Board to 26  
46 members, broadening the membership to include representation from landowner organizations,  
47 agriculture, local government and corporate industries. The law also requires that the board submit a  
48 priority list of projects for funding considerations to the Secretary of the Interior each year, provides up  
49 to 400,000 dollars in technical and scientific assistance to each of the following agencies, NOAA, EPA,  
50 U.S. Fish Wildlife Service, Forest Service and USGS, the U.S. Geological Survey. All of that in support  
51 of the National Fish Habitat Partnership. Next slide please. Finally, the act requires that the National

1 Fish Habitat Board develop a set of national priorities each year to guide the actions and investment of  
2 the partnerships. These are the conservation priorities for FY 22 that were used to select projects that  
3 include protecting intact healthy waters, restoring hydrologic conditions of fish, reconnecting  
4 fragmented habitats, restoring water quality and another one involving coordination and operational  
5 supports for the FHPs, the Fishery Habitat Partnerships. Next. So that was quick, hopefully not too  
6 quick, Mr. Chairman, and there's certainly a lot more to talk about. If you are interested and would like  
7 to learn more about NFHP and the partnerships, I suggest you go to the website. There's also a NFHP  
8 YouTube channel. We also have a presence on Facebook and we also the Twitter account. So, there's a  
9 lot there. And with that, Mr. Chair, I'd be glad to answer any questions that you or others might have  
10 about NFHP.

11  
12 **Marc Gorelnik:** All right. Thanks very much Chris for the presentation of good work being done there  
13 throughout the country. Let me see if there are any questions on your presentation. And I don't see any  
14 hands. Let me see if there's any public comment on this Agenda Item number 13. I'm not seeing any  
15 hands. So, let me see is there any Council discussion, or Committee discussion here or action? And I'll  
16 look for hands. John Gourley please.

17  
18 **John Gourley:** Marc, I wanted to make a comment about something that occurred earlier in this  
19 section. Would now be the appropriate time or during the public comment period?

20  
21 **Marc Gorelnik:** When you say this section, you're talking about the report on the National Fish Habitat  
22 Board?

23  
24 **John Gourley:** No, the legislation. Legislative.

25  
26 **Marc Gorelnik:** No, now would not be an appropriate time.

27  
28 **John Gourley:** Okay.

29  
30 **Marc Gorelnik:** I'm trying to wrap up this Agenda Item 13. Legislative completed a while ago. Are  
31 you sure maybe if it was relating to executive orders, we'll be picking that up tomorrow.

32  
33 **John Gourley:** Okay. Okay. It was relating to 4690. Legislative Outlook.

34  
35 **Marc Gorelnik:** Okay, well let's come back to that in a bit okay? I want to....

36  
37 **John Gourley:** Okay. That's fine.

38  
39 **Marc Gorelnik:** Any public comment here? This is a request for public comment, and it's not from  
40 committee members. Public comment on this? I guess we didn't have any. So now we're on discussion  
41 on the National Fish Habitat Board. And John, your hand is still up on the National Fish Habitat Board?  
42 And my staff is complaining as you can hear in the background. All right. Manny, what action are you  
43 recommending or discussion on the National Fish Habitat Board?

44  
45 **Manny Duenas:** The action that the restoration and rehabilitation of marine concerns be the priority.  
46 I really have an issue with taking places that are pristine and creating a sanctuary and like I said,  
47 rehabilitation, I was really excited about that presentation by Mr. Moore. Thank you.

48  
49 **Marc Gorelnik:** All right. Thank you Manny. So I'm not seeing any request for action here Chris.  
50 Thank you very much for that informative report. It's a tough battle, but I know, especially here in the  
51 West Coast, habitat restoration is key. That's.....our salmonids are suffering quite a bit. So that

1 concludes Agenda Item 13. We will not take it up tomorrow. We are presently in the middle of Agenda  
2 Item 10, Executive Orders but we do have at the end of each day an opportunity for public comment  
3 for items not on the agenda. So, this is an opportunity for the public to comment on items not on the  
4 agenda. So, I'll see if any members of the public, and again I apologize for my staff barking in the  
5 background. I'm not seeing any members of the public, so that concludes that. So that would conclude  
6 our business for the day, keeping in mind that we're going to come back to Agenda Item 10 tomorrow.  
7 John, you had a comment on Agenda Item 9 that we completed a while ago. What was that? John  
8 Gourley.

9  
10 **John Gourley:** Yes, I'm here. Yeah, there was a conversation that I had on a particular issue that has  
11 been bugging me ever since I had it, and I just wanted to make a comment on it if I could?

12  
13 **Marc Gorelnik:** All right. Go ahead.

14  
15 **John Gourley:** I brought up with the Congressman some of the concerns I had about defining the term  
16 'adverse effect' with respect to essential fish habitat, and I thought it was very...it was too broadly, in  
17 my opinion, defined as any impact, and that's key. Any impact that reduces the quality or quantity of  
18 essential fish habitat. And basically, I had asked if the Congress was planning to further define that or  
19 at least establish a threshold of when adverse effect kicks in for EFH. And the answer was that the, they  
20 were going to rely on the agency to determine that should the, you know, the law pass. My issue is, and  
21 this is what has been bothering me, is that if we don't put a threshold on the definition of adverse effect  
22 and when the time comes that the agency develops regulations, it will be too late to add any type of  
23 comment should we feel that the definition go, far exceeds what we're able or if it really encroaches  
24 into the management decisions of the Councils. What I'm trying to say is that the agency that is going  
25 to be developing regulations on any changes that 4690 allows through regulations, that agency is going  
26 to be able to go back to 4690 and say it was the intent of Congress that adverse effect means any impact,  
27 and I personally am very worried about that. I feel that they really should put a threshold in the enabling  
28 legislation so that there'll be some guidance to the federal agency that's going to be developing  
29 regulations. That is it. I just wanted to get that on record. Thank you very much.

30  
31 **Marc Gorelnik:** All right. Thank you very much John. All right. Well, that will conclude our business  
32 for the day. We will pick up tomorrow morning with Agenda Item 10.b. And thanks everyone for your  
33 contributions and your hard work during this meeting and I know we'll have a good day tomorrow.  
34 Thank you.

1 **October 21, 2021, 10:30 a.m. PDT**

- 2 • E.O. 13921 Promoting American Seafood Competitiveness and Economic  
3 Growth

4  
5 **Marc Gorelnik:** It is 1:30 in the east, 10:30 in the west and much, much, much earlier in the far west.  
6 Chuck, can you help me out here and see if we have everyone in attendance or enough in attendance?  
7

8 **Chuck Tracy:** Thanks Mr. Chair. Just checking that right now. I don't see John Carmichael from the  
9 South Atlantic yet. I don't see Miguel Rolon. I know Marcos is here and Tony. I think Kitty's contingent  
10 is here. Dave is here. Carrie is Simmons here. I think we're pretty good except for perhaps the South  
11 Atlantic. And I know the Mid-Atlantic has got a conflict with the Atlantic State's Commission so Mary  
12 Sabo can be sitting in the seat for them today for at least until that meeting is over. Hopefully, they'll  
13 be able to join us towards the end. So let's see, how about.....we've got Dale Diaz. I don't know, perhaps  
14 the South Atlantic is also in that same boat.  
15

16 **Carolyn Belcher:** Hey Chuck, this is Carolyn Belcher with the South Atlantic. John was in a meeting  
17 with some of his folks on staff. He was going to come in a little late, but I'm at least here.  
18

19 **Chuck Tracy:** Okay. Well then, in that case I think we probably have the least critical mass to proceed  
20 Mr. Chair.  
21

22 **Marc Gorelnik:** All right, thank you Chuck. And did you have an announcement to start our day?  
23

24 **Chuck Tracy:** Thanks Mr. Chair. Yeah, just a reminder, this is mostly for the EDs or Council Staff  
25 that are sitting in here that we've got a Google doc we've been trying to keep up to date. It looks like  
26 people are doing a pretty good job at it, but it's the sort of outcomes and recommendations sheet, so I'm  
27 using that to put together a PowerPoint for our final agenda item on wrap-up and so if you could make  
28 sure your information is in there, I will use that to draw on. And then at our second break as we've got  
29 a 45-minute break from 4:15 to 5:00 Eastern time. That's when I will be finalizing that so I guess I  
30 would just request EDs or appropriate staff to be standing by to perhaps join another call briefly, if  
31 needed, to kind of review that and make sure I've got everything right on that. I will try and get that  
32 PowerPoint out to people in advance if I can. But anyway, just kind of stand by to see if we need to  
33 finalize our outcomes and wrap up business. So that's all I've got Mr. Chair, back to you.  
34

35 **Marc Gorelnik:** All right. Thanks very much Chuck. So, we're going to resume Agenda Item 10 on  
36 Executive Orders. We have a presentation from Danielle Blacklock on the Aquaculture Opportunity  
37 Areas, so welcome Danielle.  
38

39 **Danielle Blacklock:** Thank you very much. Let me switch back over. Thank you for having me with  
40 you all today. I'm sorry we couldn't get this in yesterday. I'll try to keep it short so that you can stay on  
41 schedule today as much as possible. I'm Danielle Blacklock. I've spoken to many of you before. I'm  
42 just back from maternity leave and happy to be here with you today. I've only been back for a couple  
43 of weeks, so thankfully I have some of our trusty team here with me in case there are any questions that  
44 I am not up to speed on yet. We have Kristine Cherry, who is the head of our Regulatory and Policy  
45 branch in the Office of Aquaculture, as well as Kristy Beard, who is the national lead for Aquaculture  
46 Opportunity Area development here. So, we have everyone we need. All right. So, I thought it would  
47 be nice to start off our day with reminding ourselves why we're here and why we do this. And I actually  
48 want to draw your attention to something that was released from Stanford and the EAT Commission  
49 and the University of Stockholm recently, which is the Blue Food Assessment. And it's a suite of papers  
50 talking about how food from the ocean has various impacts and importance across the globe when it

1 comes to nutrition and environment. And as you go through that suite of papers, which they're not all  
2 out yet, you start to, I at least, found free motivation and what we're doing is good. What we're doing  
3 in seafood is the solution set for making people healthy, for getting food on people's tables in a  
4 sustainable way, especially facing a changing climate. As we sort of work around the edges of how to  
5 do that best, I think that's what the CCC is there for, but I just wanted to root us back into that what  
6 we're doing is right and good, and hopefully you'll agree with me on that. Where aquaculture really  
7 comes in is when it comes to the supply demand curve. I think everybody knows there are ways that  
8 we can get a bit more out of our oceans with wild harvest, but we are expected to have a 40-million-ton  
9 seafood supply gap in the next 20 years, and we have to figure out how to meet that and that's where  
10 aquaculture comes in. And Aquaculture Opportunity Areas, which is what I'm going to update you on  
11 today, is just one piece of that puzzle, but it's something that the agency is looking at holistically of  
12 how do we treat the entire seafood industry as one piece to make sure that we have enough food and  
13 nutrition on people's tables for now and in the future. So, harking back to the Executive Order 13921  
14 that's what drove us to start this Aquaculture Opportunity Area adventure. We're asked to find two  
15 appropriate spaces for aquaculture within one year, and then we have two years after that to do a  
16 programmatic EIS on each space. So, to create an Aquaculture Opportunity Area it takes three years,  
17 that one year of identifying optional spaces and then the two-year review process. We're supposed to  
18 start that year after year, and you can start to see how they sort of tier on top of one another where we'll  
19 have multiple suites of rounds of Aquaculture Opportunity Area development happening at the same  
20 time. Well, we're not resourced for that, so we don't intend to meet these deadlines. That's just not in  
21 the realm of possibility, but we are looking to continue to advance this process. One thing that I want  
22 to say is that while this executive order was the impetus to start moving forward with this concept, it's  
23 not a new concept, and the reason we're doing it is because it's the leading way to do this globally to  
24 make sure that our production and increase of aquaculture is done in a science based public way, right?  
25 So, I've talked to you all before about we're looking for a space that's appropriate in three ways for  
26 aquaculture. Appropriate environmentally, ecologically, appropriate economically. It has to be close  
27 enough to a port and shore. If it's close enough, if it's close to processing even better, and then it has to  
28 be appropriate socially. So that's a lot of where the other users come into play and certainly where the  
29 CCC and the Councils individually, as well as the different fishing organizations play a big role in  
30 making sure that we find space that works for everybody. So, one reminder that I should have mentioned  
31 before is I think that folks know that when we're talking about Aquaculture Opportunity Areas, we're  
32 talking about polka dots. These are small spaces that hold three to five farms. So, we're looking for  
33 areas that are about 500 to 2,000 acres give or take. When you compare that to some of the other  
34 planning efforts that are going on in the ocean, they're an order of magnitude different. So, one of the  
35 recent announcements from BOEM about wind planning areas was that they were looking to auction  
36 off 80,000 acres, right? So, we're talking about 500 to 2,000 versus 80,000, so just so we're on the same  
37 page that the level of analysis that is possible in that smaller sphere is much higher than the granularity  
38 you can get when you're planning for 80,000 acres. So that's one other tidbit. So, what have we done  
39 since May? We have selected the Gulf of Mexico and Southern California to begin our investigations.  
40 We have done a lot of outreach, including to the CCC, but a lot to the Gulf Council and the Pacific  
41 Council, where these first two AOAs will be found. The National Ocean Service, who is our lead in  
42 developing the mapping technology or the atlases that will be foundational in informing where  
43 Aquaculture Opportunity Areas can be, has done their data collection modeling. We've also put out in  
44 the Federal Register opportunities for public comment both about areas within these first two that we  
45 should focus on and avoid, but also where in the country we should look next. And we've started  
46 developing where could we go next, and the National Ocean Service has been building their atlases.  
47 While all of this has been going on, we've also been building that sort of infrastructure around this to  
48 make sure that it is science based, and I'll get more into that as we talk about the next steps. So next  
49 steps for round one. We're calling round one Southern California and the Gulf of Mexico. Those first  
50 two AOAs. So, we're expecting the Ocean Service to publish those atlases very soon. They're going to  
51 publish in the next few weeks and that will be the first time that people get to actually see maps that

1 have some options in them, and that's exciting and I'll dive into that just briefly in the next slide. And  
2 in addition, that step after that is where we start that programmatic EIS phase, that two-year block of  
3 time where we do the more in-depth analyses on the specific spaces that have been outlined by the  
4 atlases. So, a little bit on the atlases. First of all, thank you to both the Gulf Council and the Pacific  
5 Council for all of the activity that you have had with the Ocean Service and making sure they have the  
6 most up to date data. A number of the fishing organizations have also been incredibly helpful in  
7 identifying areas that are really important to wild harvest. We expect that that information, along with  
8 whole hosts of other information from ocean energy to shipping lanes, to again that ecological  
9 component looking at where protected species are and important habitats and the like, the atlases that  
10 build on all of those 200 different data layers are going to show us some options where commercial  
11 aquaculture may be appropriate. So, we're expecting about 10 options in each region for then further  
12 analysis. In addition, these atlases that are going to come out in the next few weeks have been peer  
13 reviewed by the Center for Independent Experts, which you all are very familiar with that group. Okay  
14 next is the next phase after we get these atlases is to shift into the programmatic EIS phase, that harder  
15 look, the deeper look. As I mentioned before, we have been standing up a science enterprise to help  
16 inform this programmatic EIS. It's not just going to be the atlas plus public input, but we've also hired  
17 a social scientist. We've hired an economist. We've hired engineers and this sort of, you can start to see  
18 the suite of disciplines that we anticipate being applied into this programmatic EIS. So, when I say it's  
19 a deeper look, we're actually going to look at some of those deeper issues that are really important to  
20 the fishing community, about how the economics and the social science of this are going to all work.  
21 Shifting gears into round two, so that's round one and our next steps. Round two is where we would go  
22 next. We put out a request for information last fall and we got a lot of feedback about areas that are  
23 interested in having an Aquaculture Opportunity Area in their region. We also got a lot of folks saying  
24 'Hey, we're not ready yet', and we're listening to that. We have a number of comments that came in  
25 from the Western Pacific, U.S. Virgin Islands and Puerto Rico as well as the State of Florida. We had  
26 11 comments come in from the State of Alaska, from various user groups, from the Legislature  
27 including from the Governor, and we took all that information and asked our regional offices as well  
28 as the headquarters office that I oversee, to do an analysis of sort of the needs assessment opportunities  
29 and challenges for going to those regions next. The next steps for round two are to really determine  
30 whether we can keep moving forward at the pace that we've been go.....(audio lost)...

31  
32 **Marc Gorelnik:** All right, we seemed to have lost Danielle. Let's give her a moment to reconnect. Or  
33 Kris Kleinschmidt, do you have an announcement for us?

34  
35 **Kris Kleinschmidt:** No, it does look like she got dropped. We'll give her a moment to reconnect and  
36 I'm going to look in the back end and see if there's any details as to what happened.

37  
38 **Janet Coit:** Yeah, this is Janet. I think she looked like she was in the office, and I keep having, I've  
39 talked to the IT experts here a couple times because there's something going on today where I keep  
40 getting dropped from things too. So hopefully she'll be right back.

41  
42 **Marc Gorelnik:** You know....

43  
44 **Danielle Blacklock:** I am back.

45  
46 **Marc Gorelnik:** So, can we get your presentation back up? Is that how it's working?

47  
48 **Danielle Blacklock:** Yes. Let me put it in presentation mode then come back to you. Apologies on  
49 that.

50  
51 **Marc Gorelnik:** No worries. It happens.

1  
2 **Danielle Blacklock:** That was a first for me. Okay let's see. Share my screen. Okay. All right. So, the  
3 next steps round two. I was talking about how if we move forward with this initiative, which again,  
4 we're hopeful too, we do think that this is the right approach to aquaculture development that's science  
5 based, finding appropriate space first with the public. But it is resource intensive. It takes time and  
6 effort and energy, and we have a lot of excitement for it and we'll move as fast as we can. So, we're  
7 hopeful that we'll be able to announce a third and maybe fourth region about where we'll go next for  
8 Aquaculture Opportunity Areas soon, but we're not quite there yet. And a couple of points on where  
9 that coordination has been happening with the Councils and where we expect it to continue in the future.  
10 I already thanked the Pacific and Gulf Councils for all of the time and attention that they have paid to  
11 help gather the data layers for the spatial analyses, those atlases. We've also received input during the  
12 request for information. Once those atlases publish, we'll continue our conversation with you all. I think  
13 that the National Ocean Service is planning to come to both the Gulf Council and Pacific Council  
14 meetings to dig into the weeds of what those maps look like and what those options are. And then of  
15 course when we start the programmatic EIS process, that is a process that is all about getting everyone's  
16 thoughts and assimilating them through our analysis. So, when we draft our NOI and we publish our  
17 draft PEIS for public comment, those will be other opportunities where we expect to engage, that's at  
18 the regional level. At the national level, I'm grateful that you continue to invite me here to have this  
19 conversation with you all. I will come every time that I'm invited as well as we like to have those  
20 presentations at the individual Council meetings where we can dive into the particulars that may not  
21 interest everyone. And with that I will stop sharing my screen and take any questions that you may  
22 have.

23  
24 **Marc Gorelnik:** All right, thank you very much Danielle for the presentation. I'll look for raised hands  
25 to see if there are questions. Dave Witherell.

26  
27 **Dave Witherell:** Thank you Mr. Chairman and thank you Miss Blacklock for your presentation....

28  
29 **Marc Gorelnik:** Dave, your audio is a little low. Could you....you need to pick that up.

30  
31 **Dave Witherell:** Thank you. Thanks for the presentation. My question is you mentioned that the  
32 agency is backing off from the two, identifying two areas for aquaculture each year and you mentioned  
33 that you're just going to get the third one this year. And so my question is looking ahead, do you see  
34 the agency doing, backing off to just one per year from here on out or see what happens when you do  
35 one this year and maybe you'll do one every other year? I guess I'm trying to understand the timeline  
36 for future Aquaculture Opportunity Areas.

37  
38 **Danielle Blacklock:** Good questions. Some of it I can answer and some of it remains to be seen. When  
39 I, I probably completed my words. We're tentatively talking about going to one region but finding two  
40 areas just for that sort of fiscal efficiency standpoint where we can still find two places in one regional  
41 office working with one Council potentially. That... so the two per cycle is still something that we're  
42 hoping to meet. It's just whether they happen to be in one or two regions remains to be seen. I am  
43 hopeful that we will continue to move forward, maybe not at the click of every year as we are a year  
44 past May already, and we don't have the atlases quite out yet, but I'm hopeful that we continue to move  
45 forward at about the speed we have been, which is maybe every year and a half or so, but it really is  
46 resource dependent. We're not looking to rob Peter to pay Paul, so to speak, so as we can move forward,  
47 we will. This is, I think the agency is committed to this approach, it's just how quickly we go is resource  
48 dependent.

49  
50 **Dave Witherell:** A follow-up Mr. Chairman? In terms of determining and announcing the third region,  
51 obviously you got a lot of comments from the Alaska region because we had a Governor's task force

1 on aquaculture areas set up a few years ago and gained a lot of stakeholder support. My question is how  
2 much influence does having multiple comments from a region affect the agency's decision?

3 **Danielle Blacklock:** I don't think that the number is as important as the interest in general, it's not 'oh  
4 well, we got seven letters from here and three letters from there.' What that teed up was we analyzed  
5 our internal capabilities in the regions where we got support. So, it's a mix of those where we need to  
6 look at where we have the ability to do this from a NMFS perspective, in addition to where we're invited  
7 in. What I'm trying to get across is we're not trying to go where there's no interest. That this is a process  
8 that we want to do, and the industry wants to go where they're invited. So, it's more that if folks are  
9 saying stay away, we're staying away.

10  
11 **Dave Witherell:** Thank you.

12  
13 **Marc Gorelnik:** Carrie Simmons.

14  
15 **Carrie Simmons:** Yeah, thank you Mr. Chair. Thank you, Danielle, for the presentation. I guess one  
16 question and then a request. On the programmatic EIS timing, what is the comment period on that? Is  
17 that 45 days or is there a longer comment period for those?

18  
19 **Danielle Blacklock:** That is a wonderful question that I don't know the answer to. Let me see. It's yet  
20 to be determined.

21  
22 **Carrie Simmons:** That's okay. I guess my concern is just, you know, as we are rolling out these very,  
23 you know, the NOAA atlas, the revisions and all that, that we have time to digest that and notice it and  
24 get it to our stakeholders and then we have some time to get feedback on that. And then when we see  
25 the programmatic EIS we're not rushed, you know, with a 45-day comment period and we can get it  
26 into a Council meeting to discuss. So, I guess I'm requesting that we kind of consider that, consider  
27 Council agendas and, you know, we'll work with your best as we can, but things fill up quickly and we  
28 will need some additional time to try to schedule those types of things. And then I guess one other  
29 question Mr. Chair, if I may. That other question is, are you guys actively working with BOEM? I know  
30 much of the work and the NOAA atlas could be shared with them that could help inform some of the  
31 lease block work that's been done, and I have been contacted by some of their staff and directed them  
32 to some of your staff because I feel like there's overlapping efforts there, and I don't know if there needs  
33 to be a larger network or discussion on that, but I think there could be some streamlining there as  
34 possible. So, I kind of will put that out there for you to address please ma'am.

35  
36 **Danielle Blacklock:** Thank you for both those questions. We will certainly think about Council  
37 timelines when it comes to the programmatic EIS and while we don't know any of those dates yet, I  
38 give you my word that we will try to make it as doable as possible for the Councils within the timeframe  
39 we get for NEPA. With regard to working with BOEM, yes there are interagency conversations  
40 happening. The atlases of course are built by the National Ocean Service and I'm in the Fisheries Service  
41 so I'm not in on all those conversations, but we, I am aware that they are happening, and on aquaculture  
42 specifically, there are lots of conversations that are happening across the agencies, so I think BOEM  
43 potentially through the aquaculture groups has seen some of the technology that the Ocean Service is  
44 able to produce. So, there are definitely synergies there and where things will land and how things will  
45 all work out is to be determined, but conversations are happening.

46  
47 **Carrie Simmons:** Thank you.

48  
49 **Marc Gorelnik:** Manny, please.

50  
51 **Manny Duenas:** Thank you. I'm very interested in this program. Our Fishery Council has developed

1 a plan on aquaculture and how to expand it. However, my question to you I guess, I'm going to ask a  
2 question this time so I don't get scolded, is there funding for this program because there's a lot of  
3 interested parties in our area in the Western Pacific as our ocean continuously is being closed down.  
4 Guam, for example, has 99 percent foreign imports of fish. We only have a 1 percent production but  
5 we're overfishing out here for some strange reason. So, I was wondering if there's funding for this  
6 program or, you know, it's another 20-year exercise of lip service because again, we are very excited  
7 about this program and aquaculture. We do have a program on Guam right now working with the  
8 University of Guam on saltwater applications and on an annual basis we do, are able to harvest brood  
9 stock from the wild because they come in as juveniles and then we raise them through our aquaculture  
10 system. So just wondering if there's funding for that? Thank you.

11  
12 **Danielle Blacklock:** For Aquaculture Opportunity Areas specifically there is not a budget line or  
13 anything along those lines. There has, however, been increasing attention paid to aquaculture and in the  
14 FY 21 budget there was a call out in the appropriations language that some of the funding that came to  
15 the Fisheries Service should be paid, should be spent on Aquaculture Opportunity Areas. So there has  
16 been attention paid to it from the Appropriations Committee. We have seen increasing budgets over the  
17 last few years. We'll see where FY 22 lands as currently for aquaculture specifically, the House and the  
18 Senate have different numbers on the table, but it's something that is, we are working on the resourcing  
19 for, but there's not a specific budget line or a specific budget entry for Aquaculture Opportunity Areas.  
20 Specifically, it's the aquaculture program more broadly.

21  
22 **Marc Gorelnik:** Does that answer your question Manny? I guess it does. Thank you very much. Any  
23 further questions of Danielle on the presentation? Thank you very much Danielle. I don't see any further  
24 hands here so....

25  
26 **Danielle Blacklock:** Thank you very much Mr. Chair.

27  
28 **Marc Gorelnik:** I'm sure this discussion will continue. Okay, well that concludes the presentations  
29 under Agenda Item 10. And we'll now go to see if there's any public comment. Well, I see a hand. Dave  
30 Witherell. Go ahead. You have a question for Danielle?

31  
32 **Dave Witherell:** It's not specifically for Danielle, but before we move away from the agency discussion  
33 of Executive Order 13921, I just had a question. At one point there was supposed to be a Seafood Trade  
34 Task Force report and that was supposed to be made public. I think that was over a year ago now and  
35 I'm just, my question to the agency is has that been made public yet or is it still being held up or what's  
36 the status of that report?

37  
38 **Janet Coit:** I'll answer David. I don't if Danielle's still there. I have not seen that report. I think it  
39 somehow got sidelined during the transition and it has not been made public and I don't really know  
40 where it stands. I don't know if Paul.....but I know it was something people are really interested in and  
41 few people have asked me about it and has not come, has not emerged into my orbit.

42  
43 **Dave Witherell:** Thank you.

44  
45 **Marc Gorelnik:** Any further questions from the Committee on Agenda Item 10? All right then we'll  
46 see if there's any public comment. I'll look for any hands from the public. And I'm not seeing any hands  
47 go up, so that concludes the public comment on Agenda Item 10 and takes us to discussion and any  
48 action on the Executive Orders, the topic of Agenda Item 10. So, I'll look to see if there's any discussion  
49 here or any action?

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51 **Kitty Simonds:** Mr. Chairman, I have a recommendation. I forgot to raise my hand.

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**Marc Gorelnik:** Go ahead Kitty.

**Kitty Simonds:** It seems that we have that issue in our region. We don't raise our hands up.....(laughter).....Sorry. So anyway, I'd like to make a recommendation for a 10.a.ii Area-Based Management. The CCC requests that NMFS provide a GIS specialist to support the CCC Area-Based Management Subcommittee to catalog and or generate GIS data for all areas identified by the subcommittee. This is for the purpose of accounting for waters covered under America the Beautiful aspirations for 30 percent waters protected for the purpose of conservation.

**Marc Gorelnik:** All right, thank you Kitty for that motion. I'll look for a second here.

**Dave Witherell:** Witherell.

**Marc Gorelnik:** The hand....who's seconding?

**Dave Witherell:** Dave Witherell.

**Marc Gorelnik:** Okay Dave. Okay thanks, Dave, and now I see your hand. All right, Kitty, please speak to your....(lost audio)....

**Kitty Simonds:** So, the CCC Working Group has been compiling area-based management implementations in all eight regions. Some of the ABM actions do not have associated GIS data, including those that may be in multiple jurisdictions. As the ABM Subcommittee proceeds with taking inventory of ABM actions and defining which of those fall within varying levels of protection. For the purpose of conservation, data on how much area these actions encompass needs to be fully synthesized. All the regions also need to have GIS data for all these actions made sharable. For that reason, the CCC asks NMFS to provide GIS technical support as a priority.

**Marc Gorelnik:** Thank you very much Kitty. Any questions for Kitty or any discussion on this motion? Sam, please.

**Sam Rauch:** Sorry. Trying to get my video to work. Thank you Mr. Chair. This came up yesterday in the meeting. It has come up several times, my understanding at the various subcommittee meetings that we've had. NMFS does endeavor to provide GIS support through the various regional efforts where we can as resources allow as indicated yesterday, but we have been unable to commit, and I do not see in the near future an ability to commit to a singular overarching national GIS support for this effort because, frankly, all of our current national capabilities are going to work on the America the beautiful atlas itself. That is not indicate that this effort is not important that the Councils are engaged in. We don't currently have the resources to do that. Our GIS expert Tim Haverland, who is helping to build this America the Beautiful atlas data set, will continue to help the subcommittee as we can at the monthly meeting as we move forward, but I do not anticipate us being able to provide the requested support should you indeed make this request of us. So, I'm just previewing what the answer you're likely to get if you make this request of us, at least in the near-term. Situations may change as we get our budget for the upcoming year. You know we're under a continuing resolution at the moment, and as we work out more clearly what the resource implications of working with the other agencies on the atlas itself are, so I'm not suggesting that we won't be able to at some point be able to do this, but in the near term we currently do not have the immediate resources to provide this capability. Thank you.

**Marc Gorelnik:** All right, thank you Sam. Tom Nies followed by David Witherell.

1 **Tom Nies:** Thank you Mr. Chair. I'd like to thank Sam for being so clear on his reply, and I appreciate  
2 the challenges the agency faces on this issue. This is a massive undertaking for the country and I'm sure  
3 that you're heavily involved in it. Nevertheless, I think the CCC should consider approving this motion,  
4 understanding that the agency may not be able to provide us assistance in the immediate future. I think  
5 we should go on record at least that we're requesting it from the agency so that perhaps sometime in the  
6 future if they are able to, they'll have our request on record. And I fully understand what the reply is  
7 probably going to be immediately, and I thank Sam for being so upfront with that, but I still think this  
8 is a motion worth passing.

9  
10 **Marc Gorelnik:** Thank you Tom. Dave Witherell.

11  
12 **Dave Witherell:** Thank you Mr. Chairman. Following up on Sam's response, I think that when he  
13 responds to this motion from the Council, the CCC, that he suggests that the regional offices provide  
14 GIS support for the Councils in their individual regions, and that would help at least the membership  
15 on the ABM Committee to at least work through the GIS information for their region and then bring  
16 that together for the committee report. Unfortunately, that means that we might not have consistent GIS  
17 mapping across all the regions, but at least we'll have something.

18  
19 **Marc Gorelnik:** Thank you Dave. Further discussion on this motion?

20  
21 **Kitty Simonds:** Excuse me Mr. Chair? So, would the committee like us to revise this request to include  
22 just what David provided about each region helping their individual Councils? Want to do this? Or  
23 should we just add it in the letter?

24  
25 **Marc Gorelnik:** Well, I think that there's a number of different ways we can go here. You can  
26 withdraw the motion with the consent of the second and resubmit it with additional language. Or  
27 someone could simply offer an amendment, simply add the notion of what Tom or rather what Dave  
28 said and then we can even include, you know, through that amendment, we would then have the  
29 direction that's been suggested so....

30  
31 **Kitty Simonds:** Dave?

32  
33 **Marc Gorelnik:** Dave? Your hand is up.

34  
35 **Dave Witherell:** Yeah, Mr. Chairman, I was going to make an amend....a motion to amend the motion  
36 by adding the words after GIS specialist, 'Or GIS support from the regions that might provide more  
37 flexibility for the agency to respond to this request'.

38  
39 **Marc Gorelnik:** Thank you Dave. I'll look for a second on the amendment.

40  
41 **Kitty Simonds:** Second.

42  
43 **Marc Gorelnik:** By Tom Nies. So please speak to your amendment as you feel necessary.

44  
45 **Dave Witherell:** Thank you Mr. Chairman. I think we already discussed this, but if NMFS doesn't  
46 have the resources to provide a single person in the agency to provide GIS support, at least in the regions  
47 if we had headquarters give direction to the regions that they shall supply GIS support to Councils  
48 relative to this endeavor, I think that would at least go a long way to getting where we need to, the  
49 committee needs the.....getting to what the committee needs to do to finalize its report for the CCC in  
50 May.

1 **Marc Gorelnik:** All right, thank you very much Dave. Any discussion on the amendment, motion to  
2 amend? Not seeing any hands. I'll call the question on the amendment. All those in favor say 'aye'.  
3  
4 **Committee:** Aye.  
5  
6 **Marc Gorelnik:** Opposed, no? Abstentions? Motion passes unanimously and so we now are back to  
7 the main motion as amended. Is there further discussion on the main motion as amended? Not seeing  
8 any hands, I will call the question. All those in favor say 'aye'.  
9  
10 **Committee:** Aye.  
11  
12 **Marc Gorelnik:** Opposed, no? Abstentions? The motion passes unanimously. Thank you very much  
13 for the motion, Kitty.  
14  
15 **Kitty Simonds:** You're welcome.  
16  
17 **Marc Gorelnik:** Let's see, do we have further business on Agenda Item 10? I'll look for a hand or will  
18 deem this concluded. All right. Thank you very much everyone. We're done with Agenda Item 10.  
19

# 1 Environmental Justice in Fisheries Management

- 2 • Update on NMFS Activities

3  
4 **Marc Gorelnik:** And we'll come back to our agenda for the day, which is Agenda Item 12,  
5 Environmental Justice in Fisheries Management, and I'll look to Sam Rauch.

6  
7 **Sam Rauch:** Thank you Mr. Chair. I do believe there's a presentation that should be teeing up. Thank  
8 you. And as I have done before I would like to introduce some folks who might assist me. First, I am  
9 going to give the first part of this presentation and then turn it over to Kelly Denit, Director of our  
10 Office of Sustainable Fisheries for the second part but given the schedule adjustments it is possible at  
11 some point here that Kelly may have to leave us to go to a prior engagement. And then I understand  
12 some combination of Cindy Wallace, who is the Deputy in the Office Sustainable Fishery or Stephanie  
13 Hunt may take over to assist me, and all of those folks may help me to the extent that there are questions,  
14 but with that let's get into this. And at the outset let me suggest this slide should really have been  
15 environmental justice and equity in fisheries management, but I'll get into the reasons why in a second.  
16 So next slide, please. So, what we want to do is we're going to talk about some of the recent and more  
17 historical executive orders on equity and environmental justice. I'm going to share with you what the  
18 agency's understanding of those terms mean based on those executive orders and agency practices,  
19 particularly in terms of environmental justice, tell you what the existing efforts and ideas the agency  
20 has for addressing these topics and identify some actions that the Councils and NOAA Fisheries can  
21 take together and or separately to advance equity in environmental justice in fisheries management. So,  
22 if I can have the next slide, please. So, there's the agenda. We're going to talk about the key terms.  
23 We're going to go over my presentation, which we'll talk about the administration's efforts, and I'll turn  
24 it over to Kelly to provide some examples of what we are all currently doing. And then we've asked the  
25 Council Directors for feedback and discussion and will present a summary of that. Then we want to  
26 review and identify those actions and summarize next steps at the end, and we'll get into that more as  
27 we get into the presentation. So, if I can have the next slide. So, let's talk about the key terms.  
28 Environmental justice is a term that we have been using for quite some time, and I'm going to in a  
29 minute talk about a executive order that has been around for a decade or more that uses the term  
30 environmental justice and provides sort of the bedrock of how we think about that term, and historically  
31 people have thought about this term in a negative context in that in a pollution oriented sense are we  
32 focusing pollution in underserved communities? Those kind of things such that they are  
33 disproportionately burdened by some of our environmental, the negative environmental practices that  
34 we have done, but the way the term has been evolved, and this is a definition from the EPA that the  
35 Commerce Department, although we have not adopted it officially as a matter of policy, we do basically  
36 follow it. It's not necessarily compensation for historic inequities, but it is the fair treatment and  
37 meaningful involvement of all people, regardless of race, color, gender, national origin or income with  
38 respect to the development, implementation and enforcement of environmental laws, regulations and  
39 policies. So, it's much broader and it does feed into what we are commonly going to talk about in just  
40 a second in terms of equity. So, let's move on then. So, this is equity. Equity is a term that is used in the  
41 recent Biden Administration executive orders that builds on these environmental justice executive  
42 orders that that we'll talk about specifically later. This comes from Executive Order 13985, which was  
43 one that the President issued I think on his first day in office, and it talks about equity and a process for  
44 achieving equity. And when it talks about equity, he means the consistent and systematic, fair, just, and  
45 impartial treatment of all individuals, including individuals who belong to underserved communities  
46 that have been denied such treatment. And this concept of underserved communities is very important.  
47 So, if I could have the next slide. So the executive order defines that term as communities that have  
48 been systemically denied full opportunity to participate in aspects of economic, social and civic life,  
49 and it, although we didn't put it on the slide, it elaborates that historically underserved communities  
50 have included black, Latino and indigenous Native American persons, Asian Americans, Pacific

1 Islanders and other persons of color, LGBTQ persons, persons who live in rural areas and persons  
2 otherwise adversely affected by persistent poverty or inequality. So, it's a fairly broad definition of  
3 underserved communities. And one of the things that we are looking at and we encourage you to look  
4 at is what is the intersection between these underserved communities and our joint obligations to take  
5 into account the needs of communities in things like National Standard 8, which talks about taking into  
6 account the importance of fishery resources to fishing communities by utilizing economic and social  
7 data to provide for sustained participation of such communities and to accept practical, minimize  
8 adverse economic impacts on such communities. So, it talks about not just economics, but the social  
9 data. And this is talking about various social parameters that can lead one to be an underserved  
10 community or how we assess effects on underserved communities. And we have a broader social  
11 indicator work groups that do provide us and you all a number of tools to effectuate to understand the  
12 impacts of what we're doing on communities, not just the economic effects, but social effects and how  
13 we can look at are there particular communities that are more underserved and more disadvantaged  
14 than others? And can we take that into account as we're designing regulatory measures. So, the  
15 executive orders themselves, if I could have the next slide. So, this is the older one. This is the Executive  
16 Order from 1994, 12898. This is the first one on environmental justice, and it directs us to consider the  
17 disproportionately high and adverse human health and environmental effects of an agency's programs,  
18 policies, and activities on minority populations and low-income populations. And if you look into that  
19 EO, it does talk about collecting information on populations that principally rely on fish and wildlife  
20 for subsistence and consumption and to communicate the risk of that consumption, now it is thinking  
21 about that largely in terms of pollution affecting those populations. So, are you using a certain fish  
22 population that is then being polluted? But that still does, the language is broad enough to encompass  
23 the way we look at certain subsistence activities, forage activities, is that important, things of  
24 subsistence and how can we both preserve that and protect those opportunities going forward? So, if  
25 we can fast forward to the more recent executive orders on the next slide. So, the one on racial equity  
26 and support for underserved communities is 13985. That is the one that had the definitions that I talked  
27 to above, and it does require us not only to evaluate all of our actions, but to create certain broader  
28 government-wide tools to look at systemic ways that you deal with underserved communities to do  
29 equity analysis about whether the benefits that the government provides have historically or are  
30 currently being allocated in a equitable manner. In addition to the broader equity, which is on all topics  
31 of the federal government, not just environmental regulations, there is 14008, which we talked about a  
32 lot. We talked about some aspects of 14008 yesterday about tackling the climate crisis, which directs  
33 the federal agencies to make achieving environmental justice part of the missions by developing  
34 programs, policies, and activities to address the disproportionately high and adverse human health,  
35 environmental, climate-related and other cumulative effects on disadvantaged communities, as well as  
36 the economic challenges on such aspects. So, I hope that as you see these it does have some resonance  
37 with what the Councils do when they look at community impacts under National Standard 8 and others.  
38 A lot of what the Councils do, do look at community impacts, do look at disproportionate impacts on  
39 places. We have been asked by these two executive orders in particular to readdress that, look at that,  
40 reevaluate that and more aggressively develop these programs. But I don't want you to leave here  
41 thinking, as I'm sure you don't, that the Councils don't already look at community impacts in their day-  
42 to-day operations. I know that you do, and I think that one of our challenges will be, what more do we  
43 need to do? How do we look at these kinds of issues and make sure we are addressing the effects of  
44 these executive orders? So, within that, before I turn it over to Kelly for some specifics, if we could go  
45 to the next slide on what NOAA is doing. So, we have amongst ourselves created at Equity and  
46 Environmental Justice Working Group, bearing in mind that NMFS has a broader mandate than just the  
47 fisheries management issues. That is very important to us obviously, but we also deal with endangered  
48 species, habitat work, other kinds of work. We have pulled from our entire agency, and we are trying  
49 to look at collecting, coordinating information about what we are currently doing to embed equity and  
50 environmental justice in our external programmatic work. And we're doing a lot much like you're doing  
51 a lot. We had, even before the executive orders a lot of things to do, but we want to support

1 implementation in response to these executive actions by can we be more strategic? Is there more that  
2 we can do? Is there more that we can do working with partners such as the Councils? And that's in part  
3 what we're talking about here today. The way we....if I could next slide, please. The way we're thinking  
4 about this, it is somewhat of a broad topic and so we've tried to bend these, the various efforts into five  
5 general areas. This is not the only way to look at things in terms of a regulatory agency, but it is a  
6 convenient way and it's a way that we can try to use to get a handle on what areas broadly can we do  
7 from a national perspective? So, we're looking at things like reach, outreach basically. How can we  
8 increase coordination, communication, and engagement with these underserved and underrepresented  
9 groups? In many ways they, like the rest of the U.S. population, are customers for our processes, our  
10 products and services. We need to understand their needs. We need to make sure that we are collecting  
11 the right kind of data that a lot of this means actually reaching out, doing a better job, talking to these  
12 communities, working with them to understand what's going on, working with them to better tailor  
13 issues for them. Research. I already indicated at the outset that we have the Social Indicators Working  
14 Group, which is designed to collect data on this idea of underserved communities. Who are they? What,  
15 how do we really assess at a science-based organization that we are, the effect of a particular  
16 management measure. If we're going to close an area, is that going to disproportionately affect them?  
17 Or is it going to benefit them by maybe allowing more fish to be available where they can fish, or are  
18 we going to close an area where they would normally fish that would have a disproportionate burden  
19 on them or other kinds of things? There are any numbers of ways that you can see how management  
20 measures might affect communities. But we're a science-based organization. We need data to assess  
21 that. We need to look at how we collect the data and try to make sure we are actually focusing on  
22 underserved communities as a data collection voice. Policies. This is a lot of where you can....and by  
23 policies we also mean regulations here. Are the policies and programs that we have designed and  
24 implemented equitably? We know we have some standards under national, under the Magnuson Act  
25 and other things, but not just our regulatory programs, but all of our programs and policies, are we  
26 looking at this in terms of the various communities or do we have a disproportionate impact? Are we  
27 sending our people to places that only have relatively well-off communities to interact in, or are we  
28 making an effort to make sure of what the government brings to the table we're bringing it all equally.  
29 Benefits. This is a place where the Council really does play a clear role. The Council, you know, we  
30 allocate, we determine who and where people can fish, under what conditions they can fish. That creates  
31 opportunities from some, it prevents opportunities from others. As we are creating these opportunities,  
32 are we doing it equitably? Are we making sure that we are providing services to communities, not just  
33 for the traditional people that have been involved, but historically underserved people, as the executive  
34 order has said, for years have not been able to take advantage of some of the government benefits that  
35 we've allocated, and so this is one of the ones that we want to look at with you. Are we, for instance,  
36 you know, how easy is it for a new entrant to come into the fishery? Are we as we allocate limited entry  
37 programs, do we have enough reserved for these underserved communities? Those kind of questions.  
38 And finally, inclusive governance. As you engage in your meetings and it was... we engage in our other  
39 processes, how directly do these groups are they actually involved? Can they be involved? It takes a lot  
40 of time and effort to come and provide constructive feedback into a Council process. To what extent  
41 are we making it easier for that to happen or to what extent are we putting up barriers for that to happen?  
42 On day one I asked the Councils about continuing to provide video comment processes. A lot of these  
43 are underserved because they don't have a lot of flexible, disposable resources to come to Council  
44 meetings all the time. Can we make it a little bit easier on them to participate by bringing the Council  
45 meetings to them, at least in a virtual fashion? That is one way to have them more directly involved,  
46 but we want to make sure it's constructive, but we still want to do that. So, we are looking to work with  
47 you on ways to build on, to better bring in these underserved, underrepresented groups to make sure  
48 that they can be a part of the decision-making process. And with that overview, let me turn it over. I  
49 believe Kelly is still available. To Kelly to take us on for the rest of the presentation.

50  
51 **Kelly Denit:** Great, thank you Sam. And thank you Sandra for getting to the next slide. So, I'm going

1 to step through a few specifics here. So, we already have multiple examples of environmental justice  
2 in our fisheries management system. And we've just put a couple up here on the slide because we  
3 wanted to focus most of the discussion that follows on some of the equity issues that we have been  
4 discussing. So specifically, as many of you likely know for a very long time, NOAA and the Alaska  
5 native communities have cooperative arrangements to co-manage marine mammal populations. That's  
6 one example of EJ in our fisheries. And the other that we pulled out is a more recent example of that in  
7 the Caribbean of implementing the island-based FMPs where each island, based on the cultural  
8 attributes and how the fisheries operate out of each island, those FMPs are now based on that input.  
9 Next slide. So as the Council EDs already know, over the course of the summer the Office of  
10 Sustainable Fisheries met with each regional Fishery Management Council and each Interstate Marine  
11 Fisheries Commission to talk about some of these issues. And Jenny and I both want to express our  
12 gratitude to the Council EDs and all of the staff from your respective Councils and the Commissions  
13 that participated. It was really helpful for us to hear directly from you all some of the things that you're  
14 seeing and hearing, and we're going to step through a summary of what we took from all of those  
15 conversations here in just a second. So, we did have a standard set of questions that we asked each  
16 Council and Commission, and we did hear several consistent themes across all of those discussions,  
17 which I'm going to step through here in a second. One of them has to do with Council operations, which  
18 Sam just touched on a little bit. One of them was related to the diversity that we have within the Council  
19 process in getting different perspectives and viewpoints to the table. The third was around the diversity  
20 of actual staff, Council staff, and then the last, which Dr. Lisa Colburn is here with us this afternoon to  
21 speak to was, there were several comments around not having necessarily clarity on who are those  
22 underserved communities in certain regions and what does that data that might be available to help  
23 inform that? And so, Lisa is going to step us through some of the social vulnerability data that is  
24 available and the toolkits and efforts underway with that in that area. If you could go ahead to the next  
25 slide. Thank you. So, opportunities in Council operations. Sam just mentioned some of the lessons  
26 learned from virtual and hybrid meetings and the potential that that increases accessibility for  
27 underserved communities in the Council process. We did hear that there is a lot of pros and cons to  
28 both, I mean to the virtual approach. Some cases internet access is still a challenge so having virtual  
29 meetings can provide access for some but may still not be the best approach for others. And so, this is  
30 one of the places we'd like to hear some more conversation around how do we take the best from what  
31 we've learned under this pandemic to potentially expand out, recognizing that there are some challenges  
32 that we would still need to overcome. We also talked a bit or heard a bit about language translation and  
33 interpretation services. Some Councils are doing this more regularly than others, but in general people  
34 commented that when they have done translation of different materials and or had interpreters present  
35 for hearings, that that has proved really beneficial in helping those communities participate in the  
36 conversations. And another aspect that we discussed as well is that baked in to how you all do your  
37 jobs is, you know, you're scoping hearings and actually getting out into the communities and there was  
38 a bit of conversation around the benefit of being able to get local, and again thinking some more about  
39 how might we be able to do that more and or better, recognizing of course that there are resource  
40 implications to that. Next slide. So, then we heard consistently about how do we improve the diversity  
41 in our Council process? There was strong support across the board for programs like the Marine  
42 Resource Education Program. This concept of peer-to-peer fisherman or fisherman learning about the  
43 Council process and that overall, that has been a program that has helped increase the participation of  
44 members in the Council process once they have gone through it, and many Council nominee, Council  
45 appointment nominees and those who are selected are MREP graduates. So, there was ideas that were  
46 put forward by many of you about, well, you know, do we think more about how to expand that  
47 program, which we're already having conversations about expanding that nationwide, those are well  
48 underway. Is there different ways that we want to target that program, thinking specifically about maybe  
49 AP members for others who might not go to an MREP session, but trying to expand that inclusiveness  
50 to try to get to some of those and build that pipeline all the way up to those who would actually be  
51 sitting at the table for the Council. Another area that came up was the Young Fishermen's Development

1 Act. So, this past, I can't remember now if it was two years ago, I think, that was largely focused on the  
2 next generation of fishermen but has been expanded to include improving diversity in fisheries. The  
3 National Ocean Service just issued their first round of grants this past year. It's focused on providing  
4 support for training, education, outreach and technical assistance in building again that pipeline of folks  
5 to participate not just in our fisheries in terms of workforce development and getting new fishermen  
6 into fisheries, but also potentially their engagement on the management and or science side. Finally,  
7 we've touched a bit on the agency's encouragement of governors to consider qualified women and  
8 minority candidates for Council appointments. And this really, in our conversations with all of you,  
9 circled back to that point number one. Ultimately the nominees are coming from the states. We all  
10 understand that. But how do we help build that pipeline of potential nominees? And what does that look  
11 like in terms of is it MREP? Is it some other mechanism to try and help build some of that diversity  
12 into that pipeline? Next slide please. So, then we also touched a bit on diversity in Council staff, which  
13 of course varies by region. And we had a lot of really interesting conversations. Certainly, this is an  
14 area where the agency is also investing a lot of time and effort to improve our diversity in our workforce.  
15 And some of the themes that came through were opportunities to use partnerships with universities or  
16 sea grants or potentially others to help with either future internships or as areas where we could solicit  
17 for staff. Some of you mentioned that you already have specific engagement with some HBCUs and  
18 other universities that you target to highlight job opportunities. We also talked about some of the  
19 programs that the Fisheries Service and or NOAA as a whole are standing up to improve our diversity  
20 in the workforce and whether there might be opportunities to include Councils as a place for those  
21 interns to go. Again, there was acknowledgment that there can be some challenges if an intern is coming  
22 in for 10 weeks. You know how do you plug them in? How do you make sure that they might have the  
23 opportunity to participate in a Council meeting? But again, those were things that we felt like we could  
24 probably work our way through if this is in fact something that the CCC and the agency think is  
25 important. Finally, there was also the idea of different hiring pathways, thinking more broadly about  
26 what are the kinds of backgrounds in terms of education and skills that we need for the positions, both  
27 within the agency and at the Councils? And Kitty and her crew had some really interesting ideas where  
28 they've already got programs in place where students are able to come, they participate in a particular  
29 program. They're there, I believe it's for a year, but Kitty will correct me if I'm wrong, and once they  
30 finish, they go back to their home territory and they work for that territorial government for a year. And  
31 then that's going to help them launch into their potential future career. So, there could be some  
32 opportunities there. Some lessons learned for us. So, with that, I will hand it over to Dr. Colburn, and  
33 then I know that we'll have some presentations from Dave and Kitty. And then we have a few discussion  
34 questions teed up at the end to hopefully help us identify some areas that we want to move forward  
35 with on next steps. So, with that I'll pass it over to Lisa.

36  
37 **Lisa Colburn:** Yes, thank you Kelly. Can you hear me?

38  
39 **Kelly Denit:** You're good.

40  
41 **Lisa Colburn:** Great, thank you. So, I'm here to give a brief overview of the Community Social  
42 Vulnerability Indicator Toolbox, which is one of the tools that we have that can help identify  
43 communities where there may be an environmental justice or racial equity concern. These indicators  
44 are developed with census data primarily and NMFS fisheries data, and we have them for over four  
45 thousand six hundred communities across 24 states, 24 coastal states and there's 14 different kinds of  
46 indicators. We have fishery indicators that reflect the commercial and recreational activity in  
47 communities. We also have the environmental justice indicators as well as ones that identify  
48 gentrification pressure and climate change risk factors in coastal communities. Next slide. We also in  
49 the Office of Science and Technology, we conduct periodic surveys of fishery participants as well as  
50 we collect data from the U.S. Census, the Bureau of Labor Statistics and other secondary data sources  
51 that also informs environmental justice analysis. This is done differently across regions. Many of the

1 surveys that we do are periodic surveys. Whereas there are some instances where data is collected,  
2 social or demographic data is collected on a more regular basis, but primarily we acquire the  
3 information with periodic socioeconomic surveys. And then we also have the Practitioners Handbook  
4 for Fishery Social Impact Assessments, which has a section on, a section on methods and approaches  
5 to identify and to do environmental justice analysis. And this particular handbook provides some  
6 guidance for that. And in, as part of that is integrating the community social vulnerability indicators in  
7 the analysis. And that's it.

8  
9 **Marc Gorelnik:** All right, thank you very much. I see we have, I know we have, a couple of regional  
10 Councils with presentations here. We'll go through those and then we will seek questions from the  
11 presenters and thereafter we'll have Council discussion. So, I saw that....Kitty, do you want to go first,  
12 or Marco do you have a question?

13  
14 **Marcos Hanke:** No, it's an observation. Can I go?

15  
16 **Marc Gorelnik:** Go ahead.

17  
18 **Marcos Hanke:** Okay. I'm glad to hear that the Island-Based Fishery Management plans that we are  
19 developing for a couple of years in the Caribbean fall under the environmental justice analysis, which  
20 is I think is great, and I'd like to request the agency to connect with us a little more to identify which  
21 way they can support us on this implementation to be more effective because there is many, many areas  
22 that probably that this coordination will be fruitful. Also, there is a great support, a great interest from  
23 the local fishermen to include different genders and residents from different communities to the fishery,  
24 especially on the young ages. And also, don't forget the fact that there is a capacity building need on  
25 undergraduate students that are going to be our future managers locally that also address the same lines  
26 of interest and environmental justice locally here on the islands. Thank you very much and I'm available  
27 for future contacts and to develop those thoughts and ideas and possibilities. Thank you.

28  
29 **Marc Gorelnik:** All right. Thank you Marcos. We're still on presentations here, so Kitty do you  
30 want...I understand you have a presentation here or something to present on the topic?

31  
32 **Kitty Simonds:** We do, but we both do. All right since you put it up there. I guess we can go ahead. I  
33 was going to suggest that David.....

34  
35 **Marc Gorelnik:** Oh, that's fine. I don't care who goes first.

36  
37 **Kitty Simonds:** David, you should go first because yours is shorter.

38  
39 **Marc Gorelnik:** All right. Welcome David.

40  
41 **Dave Witherell:** Okay Kitty. Thank you, Sandra, for putting up the slides. It might come across like I  
42 was an overachiever. I found out after we put this together that I only needed to have one or two slides,  
43 so I'll try to walk through these slides fairly quickly and I don't think.....just to give a little background  
44 of course. To get around Alaska for the most part, you need to get on a plane or on a boat because our  
45 road system is only right in here and a little bit down here so most of Alaska is disconnected from the  
46 road system and the internet is kind of sketchy once you get outside the road system, so very challenging  
47 for people throughout Alaska to participate in the Council process. We're trying to work on that. From  
48 a underserved communities context, Alaska has over 200 federally recognized tribes, many of them  
49 there are a number of different languages and for many people English is a second language. There's a  
50 high degree of commercial and subsistence fishery activities throughout Alaska, not just on the coast  
51 but also on all of the major river systems that run through the state that people rely on salmon fishing

1 and other fishing to meet their food and security needs and their cultural practices and it's an important  
2 connection to a place for many people. Next slide. So, 10 years or so ago the Council formed a rural  
3 outreach committee that was, we composed into a community engagement committee that started  
4 looking at a two-way engagement with Alaska native and rural communities. And the idea was that  
5 rather than just provide kind of outreach that we're looking to be able to find the best ways to incorporate  
6 voices and develop strategies to have that, people's input into the Council process. So, it's more than  
7 just outreach. So, when the Council took final action on the recommendations from the Rural Outreach  
8 Committee there are a number of points, and I don't need to walk through all of these, but some of them  
9 are applicable and can be used by other Councils, including, for example allowing members of the  
10 public to waive questions. We were, we found out that people feel intimidated by the Council in giving  
11 testimony and they can click a box and say they don't want to have any questions, so they don't feel  
12 stumped by some questions that maybe they don't have the background on. So, the two highlighted  
13 sections I'm going to go into a little more detail relative to assigning responsibilities for rural fisheries,  
14 community tribal liaison on Council staff and supporting allocating TK and a subsistence path. Next  
15 slide. Fortunately, I had a social scientist, very knowledgeable on staff already and so I reassigned her  
16 meet the liaison and her duties would, are really to be the first point of contact from the Council office  
17 to help people understand what the Council is, how to interact with the Council, how to provide and  
18 she'll provide outreach on Council actions, even going out to the different communities if necessary.  
19 As for input, trying to facilitate presentations from rural and Alaska native communities and tribes to  
20 the Council, and over time will be able to help us understand and strategize for better ways to engage  
21 with the community. Next slide. So, the Council put together a Local Knowledge, Traditional  
22 Knowledge and Subsistence Task Force. The primary purpose is to make protocols for the Council so  
23 that they can identify, analyze, and include local knowledge, traditional knowledge and social science  
24 of that into the decision-making process of the Council. It's looking for the onramps really to be able to  
25 allow that information that people have, include that along with western science in our analysis and  
26 decisions. Next slide. I don't need to go over this, but this is some of the progress that the task force has  
27 made over the past year and a half. Next slide. And just to summarize, the Council has developed this  
28 multi-pronged approach and the purpose is to improve a two-way communication learning and diversify  
29 the types of information into....(inaudible)....and I've highlighted those a couple of ways. Next slide.  
30 And just for questions I couldn't resist but put up a picture of Chuck Tracy....(inaudible).... Not exactly  
31 related to the subject but.....

32  
33 **Marc Gorelnik:** No, I think that's great. Thank you Dave. Questions for Dave? Marcos? Kitty.

34  
35 **Kitty Simonds:** Dave is Miss Haapala Hawaiian?

36  
37 **Dave Witherell:** No, she's not.

38  
39 **Kitty Simonds:** Wow, that's a Hawaiian sounding name. Thank you.

40  
41 **Marc Gorelnik:** All right. Marcos, your hand is up. Do you have a question? All right, Kitty, please.

42  
43 **Kitty Simonds:** Thank you Mr. Chairman. So, let's begin. Next slide, please. So more than 75 percent  
44 of our population identifies Asian American, Native Hawaiian, and Pacific Islander. We have, we're  
45 one State, two Territories, one Commonwealth, three time zones and the international dateline. So, you  
46 can see how difficult it is for us to manage everyone, but somehow, we manage. So, our area is vast,  
47 and the people are diverse. Hawaii is in the middle of the Pacific Ocean and our territories are  
48 surrounded by foreign countries that include former trust territories of the United States. 13 of our 16  
49 member staff identify as non-white and the same with our Council members, but 11 of the 13 voting  
50 Council members identify as non-white. So, the pictures up there, you see Eddy Vasui, former Chair of  
51 the Council doing hook-and-line fishery with an old naga. And in Samoa, they fish with surround net

1 for a'aluke or you call it big eye skad. And then there are children in American Samoa, our keiki. And  
2 then in the CNMI this is how people sell their fish there on the roadside, the fish vendors. You can see  
3 that this fish vendor is following the rules. He's talking about six feet distances and he's wearing a mask.  
4 Next slide, please. So here we're showing you the monuments, right? 99.6 percent of all the marine  
5 monuments exist in the Western Pacific through the Antiquities Act. No need to explain what that's all  
6 about. So, what we, what the Council did in June, we've asked President Biden to consider removing  
7 fishing prohibitions from 50 to 200 miles around Johnston Atoll, which you see is very close to the  
8 Hawaiian Islands, and Wake and Jarvis Islands. So, you see where that is. Jarvis runs right into the  
9 nation of Kiribati, and Wake is close to the Marianas, and they actually claim that they own Wake, not  
10 the United States so, you know, we have talks about that as well. So, limiting access to our own adjacent  
11 EEZs obviously displaces our fishermen to distant water fishing grounds, adding cost, time, logistical  
12 burdens and foreign fishing occurs right up to our 200-mile zone boundaries around our territories and  
13 the Northwestern Hawaiian Islands. The other point I want to make is when these monuments were  
14 created, there are unfulfilled commitments by the previous administrations. Promises made, promises  
15 not kept. The territory of American Samoa was promised 10 million dollars from the enviros and was  
16 also promised a research facility by CEQ of that administration. CNMI was promised a monument  
17 visitor center where they suggested a Japanese lighthouse on a hill so visitors could see the monument  
18 waters. Then Fish and Wildlife Service wanted to place it at this World War Two Memorial Park. To  
19 this date nothing has happened about that, and I know that money was provided. So, if we look at this,  
20 this zone, the difficulty of, you know, developing fisheries, I mean it's very difficult. So, one of the  
21 suggestions, not only suggestions, but we've discussed this with the territories and this is about the  
22 CNMI. You see that their EEZ is a full 200 miles as opposed to American Samoa and the, and Guam.  
23 So, they really would benefit economically from foreign fishing for tuna and sharks. And discussions  
24 have been held with the largest fishing company from China. So, and the good thing is that the MSA  
25 allows for this to happen. And obviously when we're talking about sharks, we're talking about selling  
26 whole sharks. Another inequity here or whatever verb you want to use, has to do with turtle populations.  
27 So, for our territories the green sea turtle is on the, it was uplifted to, uplifted to the endangered species  
28 list and in Hawaii it continues to be on the threatened list. So, if you look at our territories, they're  
29 surrounded by former trust territories, there are no turtle management measures in any of these  
30 countries. So really if the Samoans, American Samoans, you know, want to follow their culture about  
31 eating turtles, they go 40 miles to the other Samoa where that can happen. So, we have, we are working  
32 with the NMFS about a cultural take for the Hawaiian green sea turtle, which as I said, is on the  
33 threatened list. The other is we've promoted, we've requested workshops in terms of our territories.  
34 International workshops with Philippines, Japan, Malaysia, Taiwan and FSM to discuss management  
35 of this shared species. Next slide. Framework and programmatic support. In 2010, but final action was  
36 2005, we shifted our species-based fishery management plans to archipelagos, and so that shift allowed  
37 the Council to integrate new institutional structures resulting in activities and programs allowing  
38 communities to share, understand and to document their traditional resource management practices.  
39 One of the advisory committees that we created at the time is the Regional Ecosystem Advisory  
40 Committee, and there is a committee in each of the territories and in Hawaii and they include local and  
41 federal agencies, ENGOs, citizens, and so together they comment on our fishery management plans,  
42 support the plans. And then in each of the island areas there are different structures. In Hawaii, the Aha  
43 Moku System was a system that was used to divide up the Hawaiian Islands, you know, political  
44 divisions and also the way they manage their fisheries. And to that, I just wanted to point out that the  
45 Council has published a book on traditional managed fisheries management for Hawaii. And in Guam  
46 and the CNMI we work with the village mayors. We've assisted in developing community-based plans  
47 for them so that when they, when the local and federal agencies consider, you know, and are trying to  
48 address issues, they can work with these communities, and the communities are prepared to work with  
49 them as well. In American Samoa the Matai System is still in place, so the village chiefs are in charge,  
50 and we have supported with PIFSC and with NOS workshops dealing with ecosystem monitoring and  
51 training for climate change. We've also provided them with inflatable zodiacs to support their

1 community monitoring. Next slide, please. Oh, this is our favorite, and you heard about it when we  
2 talked about the budget and when we talked about the NS1, so obviously you can see why we say it  
3 simply doesn't work for us, and our data collection programs need to change to improve the current  
4 system to meet the MSA requirements. Or maybe they need to be tailored, which the three territories,  
5 their governments are talking about how to make this change. So tailored for, as you can see regional  
6 flexibility to avoid unrealistic burdens on island communities. So, we've listed here what has happened  
7 in the last two years from a 2019 NMFS Territorial Stock Assessment. Because of data poor, you know,  
8 the data poor situations we're in, you can see how American Samoa's bottom fish dropped to 5,000  
9 pounds and Guam's down to 31,000. And we provided this Kobe plot here so you can see the ridiculous  
10 uncertainty in their stock assessment. So, what we're all doing here, you know, from today on with  
11 NMFS, with PIFSC, is to support the territories with the same kind of support that NMFS has provided  
12 to the Hawaii bottom fishers with workshops that include the fishermen. And so, with Hawaii, they  
13 worked on this for five or six years and the ACLs, you know, are commensurate to the information that  
14 the fishermen provided. So that has not happened in our territories, but it will begin in November. So,  
15 beginning to do those workshops are very, which are very important. So next slide. Community  
16 investments and representation. Our communities lack technical and administrative capacity. And we  
17 mentioned some of the programs that NMFS has, The Saltonstall-Kennedy, Bycatch Reduction  
18 Engineering Program, and we continue to ask for regional solicitation in terms of review and  
19 distribution of the funds. The other has to do with representation and meaningful engagement. There  
20 are federal and actual advisory bodies that we should have representation on to ensure Pacific Island  
21 perspectives. Take, for example, MAFAC. Citizens of our region have for the last several years applied  
22 for, you know, to be members of that body and it hasn't happened and that's one of the things that should  
23 happen because in the early years we always had representation and I don't know what's not acceptable  
24 about the fishermen and others who have applied for this, but that's something that needs to be, that  
25 needs to be addressed. And in the Bycatch Reduction Engineering Program, you know, there were a  
26 couple of... so there was a solicitation and our long line industry provided a, I mean requested funds  
27 for a turtle, a pilot project, turtle project, because, you know, protected species is the biggest issue in  
28 our biggest fishery so anything that we all can do to support, you know, to support them. So, this pilot  
29 project was for, was to share information so that our fishermen would avoid interactions with the turtles.  
30 And so... but then... so that project wasn't funded. Well, what was funded was a FAD project that was  
31 requested by ISSSF. This is a large organization with all of the wealthy canners that belong and so it's  
32 those kinds of things where the project for HOA really should have been funded and not necessarily  
33 the canners project, which was a FAD project. There are 487 Pacific purse seiners and 15 of those, you  
34 know, are U.S., and as I said, I mean our, the U.S. industry should be funded before any other funds go  
35 to something else that doesn't really support our fishery. So next slide. So MSA supports AANHPI. So  
36 if you look at what we've listed here, these are all from the Magnuson Act and you, Rauch, you  
37 mentioned Executive Order 12898 that was executed in February 1994 and what I like to mention that  
38 is in the 1996 reauthorization of the Magnuson Act, Congress addressed those issues in the executive  
39 order and from that came these sections in the Magnuson Act that basically apply to our part of the  
40 world because, as you know, poverty level, all of those kinds of things, the American Samoa, 90 percent  
41 of the citizens are Samoan. So, then The Marine Education Training Program, you can see that. It's the  
42 insular fishing area agreements. The scholarship program, which is our favorite, which this allows for  
43 students to apply for scholarships, and we support that and that's the PIRO, PIFSC and the Council  
44 share in this program. And the good thing about it is that we educate students and the main requirement  
45 is that they go back to the territories and work in the departments that are fisheries or ecosystem,  
46 whatever, as long as it's related, related to the ocean. And I'll repeat what I said during the budget  
47 discussion that PIRO and PIFSC had to reduce their contribution and we have asked and NMFS to  
48 support this by increasing their funding so that they can, you know, so they can provide the funds with  
49 ours so that our program can continue. The Council is going to have to look at this program next year  
50 and decide whether we're going to drop it, and I don't think we should. This is the only capacity fisheries  
51 building program in the Pacific and it's funded by NMFS, us. Next slide, please. Disproportionate

1 burden. So, the United States funds Pacific Island and East Asian nations with 1.4 billion dollars for  
2 economic development that includes fisheries. Yet when we go to these commission meetings these  
3 nations, actually former trust territories, remain adversarial to U.S. Pacific Island fishing interests. So,  
4 we have been working on for several years now on trying to level the playing field. We don't enjoy the  
5 same privileges that other countries do in terms of being subsidized by their government. We don't ask  
6 for subsidies. We ask for an increase in our catch and we ask for leveling the playing field. Funds should  
7 be going to our territories for fisheries development and so I did want to add that the United States also  
8 provides \$21 million for a tuna treaty which provides access fees for our purse seine fishing vessels in  
9 some of the countries, and we would appreciate it if funding would go to our territories to help them to  
10 establish some kind of fisheries development. Next slide, please. So, this is I think the most important  
11 slides that we have here and I'm going to read it. So, Biden proclamation, Indigenous Peoples Day  
12 10/8/21. The federal government has a solemn obligation to lift up and invest in the future of indigenous  
13 people and empower tribal nations to govern their own communities and to make their own decisions.  
14 Chief Justice William S. Richardson of the Hawaii Supreme Court in one, in our series of conferences  
15 about puwalu with the Hawaiian people said you must make difficult decisions but if you make those  
16 decisions with the counsel and advice from traditional practitioners and those who are most closely  
17 affected by and connected to a particular resource or area, your decisions will be sound. And that is so  
18 much the Magnuson-Stevens Act. Thank you very much.

19  
20 **Marc Gorelnik:** Thank you very much for that presentation. And at this time let's open the floor for  
21 questions of the presenters we've had under this Agenda Item 12. Manny. Please go ahead. Manny  
22 you're muted.

23  
24 **Manny Duenas:** Kitty, you did an excellent job. I'm just worried about the working group. My question  
25 is, are these PWP's, an old Hawaiian guy told me and means people without pigment. Are they in that  
26 working group are you inviting Alaskans, Caribbean people or....? So I'm just wondering of the  
27 composition of the working group? That's question number one. Is this another back door effort to allow  
28 another grouping of people you say community involvement, but all of the community meetings done  
29 by NOAA and everybody else except for the Council? My question is, are we going to actually include  
30 the community? Because normally we get federally subsidized agencies that attend the meeting and  
31 they come, the composition becomes 90 percent agenda driven by agencies, from coastal zone  
32 management, Coral Reef Initiative, I can go down the list and only one or two people from the  
33 community. And my last question is, would there be funding for all these programs, especially for the  
34 MSA programs that are still not being funded? You know I was politically wrong in lobbying the other  
35 day, but we need funding for our programs. And, you know, I... Sam's a great guy and he's been helping  
36 us out here, but at the end of the day we need funding for these programs. You see it from Alaska. You  
37 hear it from the Caribbean, and I'm sure there are other Native Americans that need the funding. Okay,  
38 so I'm just asking those three questions. Thank you.

39  
40 **Marc Gorelnik:** Okay Manny, I'm not sure to whom the questions are directed. Whether they're  
41 directed to NMFS or Kitty?

42  
43 **Kitty Simonds:** No, to Sam.

44  
45 **Manny Duenas:** Sam and Kelly. Thank you.

46  
47 **Marc Gorelnik:** All right Sam you're up.

48  
49 **Sam Rauch:** All right Mr. Chair. I assume they were directed at me as well, so I'm prepared to answer  
50 as I can. To take the last one first. The President's budget for this current year does include additional  
51 money that NMFS asked for, for equity and environmental justice work. We, of course, do not know

1 what will happen to that. That also includes a request for territorial science funds that we talked about  
2 the other day. It is still up in the air as to what will happen, whether Congress will support those requests  
3 or not. But for the first time ever in my recollection we've actually put in a request for funds, not just  
4 tried to find funds for these important programs. So, we'll have to wait and see what Congress decides  
5 to do with that, but there is that effort. In terms of the NMFS Working Group, it is drawn from  
6 representatives all across NMFS. NMFS is a diverse agency. We still have a ways to go, as many others  
7 do in terms of our own internal diversity. I think Kelly mentioned some of our efforts to become a more  
8 diverse agency as well. We do intend as we go out and develop this to do outreach to communities and  
9 other tribes and other efforts to try to see. Try to ground truth some of the things that we are doing and  
10 could do and to listen to that. And we appreciate any recommendations you might have, or others,  
11 Councils, on how to better incorporate those things so it is not just one of those empty initiatives that  
12 you might have been referring to, but actually has some meaning and that we actually are responsive.  
13 You know, I think for NMFS, we completely embraced the objectives of the executive orders, the  
14 direction. We are excited about working with the Councils as we know that you embrace them as well  
15 about how we can actually be effective in trying to meet some of these objectives and not just create  
16 more working groups just to create working groups. Thank you.

17  
18 **Marc Gorelnik:** Kelly, you have your hand up?

19  
20 **Kelly Denit:** Yeah, thank you Chair. I wanted to make sure we have the chance to put the discussion  
21 questions up if Sandra could put those up? I recognize right now you're probably just taking clarifying  
22 questions, but at least that'd give folks a chance to percolate on those questions.

23  
24 **Marc Gorelnik:** Right. These are.....yeah time for questions. According to our protocol we have to  
25 have public comment before we have Committee discussion and so this is the time for questions and  
26 then certainly, we can also have questions during the discussion, but right now just that's the way I run  
27 the meeting. We'll have questions of the presenters. We'll have public comment and then we'll have  
28 discussion. So, Archie, please?

29  
30 **Archie Soliai:** Thank you Chair. I want to commend the presenters this afternoon on this important  
31 subject. Kitty forgot to mention that when we talk about equity, we had an issue two years ago where  
32 a local long liner reported that there was an abandoned foreign vessel that was derelict and floating in  
33 our EEZ close to the border. I think it was about 190 plus miles at the border, but it was in our EEZ,  
34 and we were told that, you know, it's New Zealand that enforces this area. Sadly enough, you know,  
35 that foreign vessel drifted ashore, and it created an environmental disaster, you know, on our reefs and,  
36 you know, we had to go through some expenses to clean that up but, you know, in comparison, you  
37 know, our neighboring independent Samoa requested support from the Coast Guard, and they got  
38 immediate assignment of one of the assets over there. So, when we talk about equity, you know, I think  
39 we're being unfairly treated, and we have issues in our region and listening to Manny also and what  
40 they're facing over there. I hope that there's more meaningful discussion when we talk about fair  
41 treatment, equity when it comes to our region. I still think that, you know, having New Zealand patrol  
42 these waters in our EEZs is...I know it's an expensive effort to have assets here in the region but, you  
43 know, when we have these issues that continue to happen that and, you know, all these foreign fleets  
44 encroaching into our EEZ continues to be a concern when we have challenges from our own fleets, our  
45 own U.S. fleets that have challenges in the areas. So, I hope there is some consideration as we develop  
46 these working groups on how to better address those concerns. Thank you Mr. Chair.

47  
48 **Marc Gorelnik:** All right. Bill?

49  
50 **Bill Tweit:** Thank you Mr. Chair. A question about the extent of the communities that we're to be  
51 considering here. I think.....what I was hearing in a lot of the presentation was a real focus on coastal

1 communities, on fishery dependent communities both coastal and in the interior and I'm, I was  
2 wondering about, well partly, because I was still thinking about the presentation on aquaculture and  
3 that presentation started with a sense of the importance of seafood for public health throughout the  
4 nation and as well a description of the potential gap between what public health officials prescribe as  
5 an appropriate amount of seafood or a good amount of seafood in the diet of citizens everywhere and  
6 the amount they're actually getting, and so it occurred to me that as I was thinking about that in the  
7 context of environmental justice, are we also thinking about this in terms of making sure that cheap,  
8 nutritious, quality seafood is available to communities that may have problems accessing that,  
9 regardless of where they are in the nation? You know they could be in the heart of the nation or are we,  
10 is this, the emphasis of this primarily on coastal and fishery dependent communities?  
11

12 **Marc Gorelnik:** So I suppose the question is for NMFS.

13  
14 **Bill Tweit:** It is, yeah, for Sam or for one of the presenters.

15  
16 **Marc Gorelnik:** All right, Sam has his hand up. Go ahead Sam.

17  
18 **Sam Rauch:** Yeah, well I'll try to address that. If you read the executive orders, they're certainly not  
19 fishery specific. They talk about underserved communities and about governments' benefits across the  
20 board. So, there is no inherent distinction between what we are concerned about and not. I do think  
21 from the fishery service we are looking at things we can control and influence and from the Council's  
22 perspective as well. A lot of that is coastal community action and access in the fishery themselves. We  
23 do know that there is an interest both in the organization and NMFS as an organization, NOAA and  
24 Commerce at large in a blue economy, and looking at the kinds of things that you mentioned. So, it's  
25 not that that is not a relevant thing if we can determine that there are policies we may or may not be  
26 engaging in that are affecting that kind of outcome. I will say that the nature of what a community in  
27 the central part of America has on their plate in terms of fish protein or other proteins is a very complex  
28 one, given all the different foreign imports and everything else in terms of what is nutritious, what is  
29 cheap and those kind of issues. It is very complicated. It doesn't mean that we shouldn't look at that,  
30 but that's a complicated question that we all have to deal with if we're going to treat that in terms of an  
31 equity issue. But as I said, the executive orders are quite broad and to the extent that the Councils have  
32 views on those, we are very willing to take those into account with suggestions of what we might or  
33 might not be doing to address those kinds of issues.  
34

35 **Marc Gorelnik:** Thank you Sam. John Gourley.

36  
37 **John Gourley:** Thank you Chairman. I have a question for Dave Witherell. You... you mentioned  
38 something, and it's been a while since you gave your talk. I hope I remembered correctly. That you've  
39 had some challenges engaging some of the indigenous Alaskan groups. We have a similar problem I  
40 think in the CNMI, and I believe Guam, and I can't speak for Guam and American Samoa, but we have  
41 issues where people don't like coming to fancy hotels to give comments for federal initiatives and things  
42 like that. How has Alaska, or what I should say, what does Alaska do differently to engage your  
43 indigenous people in the fishery regulation arena?  
44

45 **Dave Witherell:** Yeah, if I could Mr. Chairman? Yeah, thank you for the question John. You know  
46 up to now the challenge.....(lost audio)...for people to testify to the Council, they.....(inaudible).....they  
47 had into fly to Anchorage, which is very expensive and has to stay in a hotel for a week. Our meetings  
48 last quite a long time and testify. And bring that to the challenge of, you know, English might be a  
49 second language. We have a very limited amount of testimony time. It doesn't necessarily comport with  
50 the culture and communication of any Alaska natives. And of course, intimidating to testify to the  
51 Council if you're not used to it and don't have all the background of the fishery. And so, we have on

1 occasion taking Council members and staff out to some of these villages to have a discussion, but that's  
2 a small amount of participation on some very big issues that affect these communities. For example,  
3 salmon runs this past year were so low that subsistence fishing for salmon was prohibited on the Yukon  
4 River, and that's a major source of food and culture for these people that live there, and so when we got  
5 to COVID and we allowed people to testify remotely, that opened the doors quite a bit and we'll  
6 continue that process in the future. That helps, John? It's a complicated and difficult challenge but we're  
7 working on it.

8  
9 **John Gourley:** Thank you Dave. No, that's an excellent answer. We've got similar underlying  
10 problems in our area, in our region, and I'm finding that the federal government's approach in passing  
11 regulations from endangered species to critical habitat, it doesn't work very well with the cultures out  
12 here in the Western Pacific and it sounds like you've got a similar problem up in Alaska, and perhaps  
13 we can meet face-to-face one day and you can buy me lunch and we can talk more about it. Thank you.

14  
15 **Marc Gorelnik:** Well, hopefully that face-to-face will be coming up soon. Maybe by the next CCC  
16 meeting which we will be talking about at the end of today's meeting. Any other questions of the  
17 presenters under this agenda item? All right. I'm not seeing any hands, I want to see if there's.....well,  
18 I do see a hand. Carrie, please.

19  
20 **Carrie Simmons:** Thanks Mr. Chair. Not necessarily a question, just kind of a food for thought. I think  
21 that some of this, you know, looking at the Councils' engagement and making recommendations and  
22 all the hard work that has already been done, which I appreciate by Kelly and her team, we just should  
23 be a little bit careful about a one size fits all. You know it may work, you know, to have more, you  
24 know, equity and get better environmental justice by doing, you know, more remote or, you know,  
25 having virtual meetings and access in some areas and regions, whereas others it may not work. And I  
26 think, you know, we don't have the data that shows so far that we've had increased participation  
27 virtually. So, you know, we get better participation by going to some of these communities in the areas,  
28 holding meetings, public hearings, getting local leaders involved and through various Sea Grant  
29 programs and that's how we've been much more successful in getting these folks involved in the  
30 process. So, I think we should just be a little bit careful with checking a box and saying, you know, that  
31 this is going to work, one size fits all across the different regions. But I know this is a difficult challenge  
32 and there's a lot of work to be done and I appreciate all the efforts so far. So thanks.

33  
34 **Marc Gorelnik:** All right. Let me see if there's public comment, and then we'll come back to the  
35 discussion that you started Carrie. Stephanie Madsen, please.

36  
37 **Stephanie Madsen:** Yes, thank you Mr. Chairman. Stephanie Madsen, I'm Executive Director of the  
38 At-Sea Processors Association, and we fish up in the Bering Sea in Alaska. First Mr. Chairman, I do  
39 want to thank both my colleagues in the North Pacific and the agency for the work that they have been  
40 doing on this. I think I'm very proud of my region, but I do recognize what Carrie just said in that we're  
41 all not built the same. And my concern and what I would like to highlight for the agency to consider is  
42 that you have an offshore fleet, I think, in Western Pacific and in the Pacific Council and up in the  
43 North Pacific that are not tied to coastal communities. My fleet is an example. We have 15 vessels. We  
44 employ several thousand people. Those folks are diverse in their ethnicity and poverty levels on our  
45 fleet, so there's a diverse workforce out there. But my experience with the toolbox is that it's really  
46 focused on coastal communities and the local smaller vessel state waters in some respects of fisheries.  
47 So, I'm making a plea that Lisa and her team when they're developing these toolboxes to think about  
48 the offshore community, maybe as a community or at least as a subset. They often like to tie our fleet  
49 back to the home port. But that isn't really an indication of where the workforce development or the  
50 workforce comes from, and so I really think there has to be additional tools to somehow get to the  
51 equity and environmental justice for fleets that are not tied to a coastal community. So, I put that out

1 there and I hope people will think outside the box on this issue. I do also want to support Mr. Tweit's  
2 comment about the product that goes around the country that serves those same underrepresented and  
3 underserved communities, and I think pollock is a good example of that for sure. It's a lower cost  
4 product. We're in the food, the school food lunch programs. We contribute a lot to food bank programs  
5 that go all over the country, and I think that's important when you're considering regulatory impacts on  
6 fleets. You need to look at the makeup of their workforces, where that product goes, who that product  
7 serves in addition to all the important equity issues that exist in our coastal communities up here in  
8 Alaska and particularly in Western Alaska. I've been a 40 plus year resident of Alaska, lived in coastal  
9 Alaska, so I certainly am respectful of that issue, but I don't want to be left behind when it comes to  
10 toolboxes and consideration for equity in offshore fleet. Thank you very much.  
11

- 12 • Discussion of Council Approaches

13  
14 **Marc Gorelnik:** All right thank you very much Stephanie. Are there any questions of Stephanie on  
15 her testimony? Thank you Stephanie. Are there any other members of the public that wish to speak on  
16 this agenda item? All right I'm not seeing any other hands, so we'll come now to our CCC discussion  
17 and action. And I think that Kelly had suggested that we put the list of discussion topic, discussion  
18 questions back up. Thank you very much Sandra. So, I will look for a hand to get us started with any  
19 discussion or action. That's why we have to save some of our discussion for the discussion period. Any  
20 hands? Any action? Bill Tweit.  
21

22 **Bill Tweit:** Thank you Mr. Chair. I'm just proving again my inability to operate the system with any,  
23 any facility whatsoever, it took me quite a while. One of the reactions I was having as I was listening  
24 to the breadth of the presentation and thinking about the breadth of this initiative is this is just too short  
25 for us, this kind of a format and this amount of time on the agenda to really generate, and I know there  
26 will be individual Council discussions. I know the agency is going to find a lot of ways to continue to  
27 work this, but this is really big. In essence we're adding, at least from where I sit, we're adding additional  
28 national standards, and I think it's a good thing. Don't hear me as saying this is bad, but there's really a  
29 lot to unpack in this and I'm just not sure that an hour plus on the last day of a compressed virtual CCC  
30 meeting does this subject any real justice. And so, I would just make a plea to the agency and to the  
31 CCC members to think about how we can have some more in depth, richer conversations about this  
32 subject between Council leadership and the agency before it gets, before it gets too much further down  
33 the road. I mean if there's the possibility of the next CCC meeting being in person, I think that would  
34 help both because it gives it more time, but it also gives us the ability to interact in the hallways about  
35 this, too. There's so much to this, so many facets that I'm just uncomfortable if we call this good from  
36 the perspective of the CCC in terms of this issue. It's not really germane to any of those discussion  
37 questions but, you know, my main perspective.  
38

39 **Marc Gorelnik:** Thank you very much, Bill, for those comments. I think probably a number of folks  
40 agree with you. There's, it is a big topic, and we have a lot to learn from each other and it's hard to do  
41 in this sort of environment. Kitty.  
42

43 **Kitty Simonds:** Well yeah, and I agree with Bill because as you saw from our presentation, I mean it  
44 is very, our region is very, very different from all of the rest of the regions, except for the Caribbean  
45 and maybe a little bit with Alaska, and so what we would be looking for are probably with basically  
46 funds, funding those sections in the Magnuson Act so we can actually fulfill some of these things that  
47 the administration is asking us to do. So... and then with the other Councils, I mean they're different.  
48 Maybe they don't have tribes that they have to deal with or indigenous people. It's just really different.  
49 What about having a workshop of NMFS leadership and the Council leadership about this, spending  
50 several hours to do this sometime between now and the end of the year? I think that would be useful  
51 because otherwise, you know, we're trying to come up with a recommendation as well and it's difficult

1 because we are all different and we have different needs in terms of supporting the administration's  
2 executive orders. Thank you.

3  
4 **Marc Gorelnik:** Thank you very much Kitty for that. There are diverse challenges to meeting the  
5 diversity challenge so....

6  
7 **Kitty Simonds:** Yep...(laughter)...

8  
9 **Marc Gorelnik:** I mean even the geographic and ethnic scope of the Councils just here. So, there's a  
10 suggest, there was a suggestion made by Kitty. Is there general agreement with that? Is that the sense  
11 of the CCC? I'd like to see some folks comment on that, either in support or something else. Chuck  
12 Tracy.

13  
14 **Chuck Tracy:** Thanks Mr. Chair and thanks for the suggestion, Kitty. I think.....and thanks Bill for  
15 your comments. I think those are all illustrative of the size of this problem or the problems associated  
16 with environmental justice and underserved communities. I think that having some sort of follow-up  
17 would be a really good idea. I see that Marcos had suggested also the possibility of establishing a  
18 subcommittee to work with NMFS on... a CCC subcommittee to work with NMFS on some of these  
19 issues, perhaps build on the workshop concept. So, I think those are good ideas and I would like  
20 to.....this is definitely not.....I don't expect this to be a fully satisfying agenda item here and I would  
21 like to see some follow-up but hope that the CCC would, and NMFS would follow-up perhaps in future  
22 meetings, CCC meetings with this. Also, I think there's room for some outreach on behalf of NMFS to  
23 the individual Councils to help with the more regional specific issues that we all face, so I guess I'm  
24 advocating for that, for that sort of follow-up or those sorts of follow-up approaches.

25  
26 **Mark Gorelnik:** Thanks Chuck. Manny.

27  
28 **Manny Duenas:** Thank you Mr. Chairman. I just want to support Kitty's recommendation. You know  
29 hearing from Stephanie and the trials and tribulations going on in Alaska from Dave. We're not much  
30 different. We have a Hawaii long line fishery that's impacted by some sort of federal regulation every  
31 day at the same time, and they feed the Hawaiian Islands. Like I said, us in the Guam area, 99 percent  
32 of our fish is imported, so that's really a sad case. And again, we need to address the issues that this  
33 Committee or the details to the exercise because I am very concerned that at the end of the day this is  
34 just a back door exercise for all these other agencies to continue their effort to attack fisheries through  
35 MMPA, through CRI, so all the acronyms you can think of that the agency has under them. So, I would  
36 like to support this working group and we have people with pigment involved in the exercise. Thank  
37 you.

38  
39 **Marc Gorelnik:** Thank you Manny. John Carmichael.

40  
41 **John Carmichael:** Thank you Mr. Chair, and I approve that this a good way to get this moving. One  
42 of my thoughts on this is, I find it very difficult to think about, how to solve a problem that is very hard  
43 to describe and define? You know, in our region we struggle to understand anything about our  
44 communities. We work hard just to reach fishermen, you know, and to start dividing them up into other  
45 categories, particularly social, economic, racial, what have you, makes it really difficult because we  
46 just don't have any information on our communities at that level. We know that the coastal population  
47 is growing and a lot of ways becoming more affluent and pushing out a lot of traditional property  
48 holders and the loss of infrastructure and all that, I think, crosses over to probably a large extent in this  
49 kind of issue, but until we can start to really understand our communities, I think it's hard to figure out  
50 where we go to find them and reach them and make sure that they are engaged in our process. You  
51 know we have probably an expectation here in our region with our head boat fishery component that

1 the people who traditionally went on head boats were likely of a different economic status than those  
2 who say own their own boats and went offshore and fished. Over time that's kind of shifted more toward  
3 tourist and such and we don't know that that's necessarily as true as it was 30 years ago. But we just  
4 don't have, you know, social economic information on even something as accessible as a head boat  
5 customer community, and there's only a hundred and some head boats in our region to start getting at  
6 the thousand charter boats and hundreds of thousands of recreational anglers and understanding all this  
7 is a real, is a real challenge and until we can start to describe the problems we're just going to kind of  
8 poke around at efforts to solve it.

9  
10 **Marc Gorelnik:** All right thank you John. Sam.

11  
12 **Sam Rauch:** Yeah, thank you Mr. Chair. I didn't mean to..... I see that Dale's got us hand up. I did not  
13 mean to intercede. I thought that your sense of the Council as to a workshop might have been nearing  
14 the end, but just to interject a little bit in that in that. I think we never expected that this would be the  
15 end of the conversation. In fact, we hoped that this would be the beginning of the conversation and we  
16 completely understand that this is a long term effort and the issues in any particular region are different  
17 and unique. I think the overall national perspective is something that we, the national challenge is, goes  
18 to every region, but the solutions, the issues in any other region are different. But to the extent that the  
19 Council, the CCC chooses to do a workshop, that's somewhat akin to the way that the Council, the CCC  
20 addressed the habitat issue several years ago where they formed, we had to workshop. We had a number  
21 of meetings. In general, we made a great deal of progress on habitat issues with the Council and it  
22 wasn't immediate. It wasn't one meeting, but it was a long term sustained effort and I think we do have  
23 some hopes that the CCC will engage in that. A couple of comments on what I've heard so far. To Bill  
24 Tweit, you know, I do agree that this is a enormous undertaking. The breadth of the issues are huge. I  
25 don't necessarily agree that we are creating a new national standard and I would encourage you to go  
26 back and look at the emphasis on communities and social data and economic needs from communities  
27 in National Standard 8 and the various things around National Standard 8. And Kitty is right, you know,  
28 it's not just National Standard 8, there are other provisions of the Magnuson Act that are out there to  
29 address communities, and so there is a lot about communities and we're trying to focus that a little bit,  
30 but it's not really a new requirement. It is in my mind in many ways just a further specification of an  
31 existing requirement to consider economic and social needs of fishing communities. And then on the  
32 last.....John Carmichael's point, you know, we did have that presentation. We do have the Social  
33 Vulnerability Indicators Workgroup. There is a lot of information about coastal fishing communities  
34 within that. There is a lot of overlap between coastal fishing communities. And while many of us think  
35 about the gentrification of our coast, that is not uniform. There are a lot of our fishing communities that  
36 are still underserved and still economically vulnerable under that. So, I encourage you to get into that  
37 database and to figure out how it can be used. I completely can see that there are gaps in there. There  
38 are issues for which we could use better data. One of our, you know, part of our budget request was to  
39 invest somewhat in this data collection system. So, to the extent that the Councils have specific requests,  
40 you know, not a short-term kind of thing, you know, we would look at our ability to improve their data  
41 collection to meet these kind of needs. You know, where are the gaps? What kind of information do we  
42 need to collect on these communities to better serve them, to better meet some of the objectives of the  
43 executive order? But I did also want to react that we're not starting from, from a clean slate. There is a  
44 lot of work that's been done. You heard some of it. Yeah, I'm not saying there's not more, but there is a  
45 lot and we need to collectively look at that and figure out can we take advantage of some of that maybe  
46 better than we're doing right now. With that I'll turn it back over to you Mr. Chair.

47  
48 **Marc Gorelnik:** Thank you Sam. Dale.

49  
50 **Dale Diaz:** Yes, thank you Mr. Chair. Yeah, I just wanted to take a minute to comment. I support  
51 Kitty's suggestion for a workshop. I think it would be good. We could all put more thought into this,

1 and we could take some more time to think through it better than what we could get accomplished  
2 today. And we can also engage some of our staffs too, our communications people and our social  
3 scientists and I think we could do a better job. So, I just wanted to weigh in and supporting Kitty's  
4 suggestion. Thank you.

5  
6 **Marc Gorelnik:** All right thank you. Marcos.

7  
8 **Marcos Hanke:** Yes. I think we cannot stall because we don't know things that we are in the know to  
9 fix it or to know better, right? That's point number one. Point number two. I think there is many basic  
10 things that like all others expressed that this workshop will be able to address, like the definitions like  
11 John just mentioned, the outreach strategies to get to the new groups that we don't identify them all of  
12 them, at least at this point. For example, instead of using the usual publications and things that are  
13 directed for fishery, maybe we can make an announcement for the whole community and make it more  
14 rather to see if there is other people that are interested in fishery issues. Create on the end of the run,  
15 maybe create a system that is expandable once we're keeping and identifying new groups and other  
16 sectors to include them. That's my point. Thank you.

17  
18 **Marc Gorelnik:** Thank you Marcos. So, the sense I'm getting here is that this is a big topic. We're at  
19 the beginning of the discussion so no pressure to come to solutions here of course, but that we do want  
20 to spend more time, particularly with NMFS and perhaps in a workshop to address this. And I think  
21 that based on Sam's comments, it seems like that message has been received. I don't think we're in a  
22 position to schedule anything right now, but please let me know if I failed to capture the sense of the  
23 CCC on this agenda item. Okay, I'm not seeing any hands which is a good sign. Let me see if there  
24 are... Kitty, did you want to say something? I thought I heard something.

25  
26 **Kitty Simonds:** Well you heard me laughing. So, Mr. Chairman, you've captured the discussion and  
27 perhaps we should add that into a recommendation from the CCC.

28  
29 **Marc Gorelnik:** Right. And I guess we can wrap that up with our wrap up in other business, Agenda  
30 Item 16.

31  
32 **Kitty Simonds:** Okie doke.

33  
34 **Marc Gorelnik:** Perfect. All right. Let me just ask if there's any other CCC business on this Agenda  
35 Item number 12? And if not, we will go to our break. We're running a little behind. That's just the nature  
36 of things. We'll take our 15-minute break here and we'll be back in 15 minutes, whatever that means in  
37 your time zone.

1

## 2 CCC Committees Reports and Guidance

3

- 4 • Habitat Working Group
- 5

6 **Marc Gorelnik:** All right. Welcome back. One o'clock in the west, four in the east and still morning  
7 in the Pacific Ocean out west. So, we've come to Agenda Item 14, which is the CCC Committee's  
8 Reports and Guidance. And I know we have a report from Habitat Working Group. So, Kerry Griffin,  
9 if you are with us, welcome.

10  
11 **Kerry Griffin:** Yes sir. Thank you Mr. Chair. I am with you. There is a brief written report in the CCC  
12 meeting materials tab 14.a. and I'll be reading from that and I don't I think have to read verbatim, right?  
13 I'll probably sort of summarize and paraphrase a little bit, but I'll just start that now. So, the Habitat  
14 Workgroup of the CCC continues to meet throughout this year. We've met three times and have another  
15 meeting scheduled just in a couple of weeks here. If you recall in at the May meeting, the Workgroup  
16 presented some ideas on what their priorities could be for this year, but then the Area-Based  
17 Management Committee essentially subsumed some of that, and there are some crossover also between  
18 the Habitat Work Group and the ABM Subcommittee. So, there's a lot of cross-pollination regardless.  
19 So, the Workgroup, like I said, continues to meet, although they haven't been assigned any specific  
20 tasks, they are ready to do that and I think do have some capacity to support the ABM committee, or  
21 Subcommittee especially. But what we do is we go around the horn and we share updates from the  
22 regions and the Councils, and we share ideas about, you know, problem-solving and addressing issues  
23 and communications and science and things like that. So, I think I speak for everyone in saying that  
24 although they haven't had a lot of major tasks to do this year, I think we all find it very valuable and it's  
25 really good communication and information sharing. Like I said, we have a conference call scheduled  
26 soon on October 27th and we'll do the same thing that we normally do, a round robin and share lessons  
27 learned and give updates. And the workgroup also wants to make sure that the CCC and the Area-Based  
28 Subcommittee, or Area-Based Management Subcommittee know that they're available to support those  
29 efforts as needed. So, in your discussion you might want to just keep that in mind. There's a lot of  
30 expertise and regional and technical knowledge and especially, you know, for us out here on the west,  
31 offshore wind is a much newer thing than it is to people who are on the East Coast, and so that's been  
32 especially helpful to, you know, to lean on our colleagues over on the East Coast. So anyway, just  
33 wanted to note that and that's really all I have for the committee. So, I'll be happy to take any questions  
34 or join the discussion as you wish Mr. Chair.

35  
36 **Marc Gorelnik:** All right. Thank you very much Kerry. Are there any questions of Kerry on the  
37 subgroup? The Habitat Working Group rather, their work the last year, I know that we've had particular  
38 emphasis on area-based management, which has taken some time. I'm not seeing any hands with any  
39 questions Kerry. So... now I do. Chuck Tracy.

40  
41 **Chuck Tracy:** Thanks Mr. Chair. Not a question for Kerry, just kind of if there are none then I thought  
42 I would just kind of continue with some of the other workgroups, some of the subcommittees and just  
43 maybe just to say that we'll give an opportunity for other committee Chairs to report if they like. There  
44 hasn't been a lot of activity from the other committees. We've already heard from the Area-Based  
45 Management Subcommittee. And as you know, the NEPA Subcommittee has been idle since providing  
46 the report in May, sort of awaiting some developments in terms of a potential workshop, we heard a  
47 little bit about that. I will point out that if you want that committee to continue, you will probably need  
48 to establish a new Chair as I will be, I am the Chair and I'll be leaving that. Likewise, the Electronic  
49 Monitoring Committee hasn't met for quite a while. I don't know if there's any interest but I was Chair  
50 of that so when you reconstitute that or reassign that, if you do, you'll need to consider that. Other  
51 committees, you know, the Communications Committee I think has not met a lot. There was some

1 discussion at one point or perhaps it was amongst the Executive Directors about the assignment for the  
2 Communications Committee to lay out some calendars that covered all of the Councils, Council  
3 meetings so that we could do some planning. So that's something to consider. The SCS, the Scientific  
4 Subcommittee is, again, their meeting was delayed until next year, so I don't think there's any activity  
5 there. So, and then I guess just to kind of wrap-up, as mentioned, as Kerry mentioned, the Habitat Work  
6 Group was sort of told to stand down and contribute to the ABM committee and awaiting further  
7 guidance at this meeting to see where they stood, so I guess I would just recommend that when we get  
8 the Council discussion, or the CCC discussion, if they could provide any additional guidance on  
9 priorities for that group or, you know, perhaps there's still associated primarily with ABM or the ABM  
10 Subcommittee, but just to have that discussion and to make sure that those people know where they  
11 stand with regards to CCC guidance. So those are just kind of my overarching comments. I would I  
12 guess open it up to other Committee Chairs or other discussion about issues that we, that may need to  
13 come forward here. Thank you.

14

1       • Others  
2

3 **Marc Gorelnik:** All right, thank you Chuck. Well, I'll look now for any other reports. We will have  
4 discussion after the reports and after we've had an opportunity for public comment. So, Tom Nies.

5  
6 **Tom Nies:** Thank you Mr. Chair. Just very quickly, the Council Member Ongoing Development was  
7 planned for early November. We've obviously postponed that. I will be working with the EDs to try  
8 and come up with a date that will work next year.  
9

10 **Marc Gorelnik:** Thank you very much Tom. Hopefully, we'll all be meeting in person soon and we'll  
11 be able to start to get to the CMOD going. Any other reports from committees, subcommittees, working  
12 groups that we haven't already heard? Or any questions on the report that Kerry gave or Tom or Chuck,  
13 any questions of them? All right that concludes then the reports we have under Agenda Item 14. Let  
14 me see if there is any public comment on this agenda item. And I'm not seeing any public comment. So  
15 that will take us to Committee discussion and guidance on Agenda Item 14. As Chuck mentioned he  
16 is... will be stepping down, I guess, in retirement. He won't continue to chair those subcommittees. I  
17 guess that's understandable and perhaps we need to provide some guidance to the Habitat Working  
18 Group. So, looking for someone to get us started with any discussion or direction on those items or  
19 anything else. Is there no guidance? I'm sensing that the area-based management remains a priority  
20 here. So, do we want to keep the Habitat Committee, the Habitat Working Group in its current state  
21 while we continue to emphasize area-based management? Is our agreement there or disagreement?  
22 Silence? No hands? Chris Moore, please.  
23

24 **Chris Moore:** Thank you Mr. Chair. I think that's exactly where we need to be with the Habitat  
25 Working Group.  
26

27 **Marc Gorelnik:** Thank you. Thank you. I didn't want to be a voice in the wilderness. Thanks Chris.  
28 Kitty, please.  
29

30 **Kitty Simonds:** .....sunsetting, but I guess not. What? I'm not muting myself. You're muting me!  
31

32 **Marc Gorelnik:** Who is?  
33

34 **Kitty Simonds:** Somebody? All right. You got me now?  
35

36 **Marc Gorelnik:** Yeah, we got you now.  
37

38 **Kitty Simonds:** Okay. Well, what I said was I should have jumped in before the Executive Director  
39 of the Mid-Atlantic Council because I thought at some time we were going to be sunsetting the  
40 committee, but I guess with the authorization and everything else, I'll agree.  
41

42 **Marc Gorelnik:** Okay great. Thank you Kitty. Yeah, I don't have the power to do that, to mute anyone  
43 that's...I haven't been granted those privileges. So, we have the issue of Chuck's replacement on these  
44 two subcommittees, NEPA and Electronic Monitoring, and I don't know how best to proceed here. He  
45 is not retiring yet. He continues in the full employee of the Council, at least until sometime in December,  
46 so maybe we can leave this to our next meeting. I don't know if there's going to be any meetings or  
47 needs to be any meetings of those subcommittees between now and the next CCC meeting. If not, I  
48 don't see any urgent need to replace Chuck at this time. And is there any disagreement with that? I am  
49 not seeing any hands so I'm going to take that as agreement. Oh, I see a hand. Chris Moore.  
50

51 **Chris Moore:** I was just going to say I agree with that Mr. Chairman.

1 **Marc Gorelnik:** All right, great. Thank you Chris. I appreciate that. So, is there any other discussion,  
2 action here? Chuck Tracy?  
3

4 **Chuck Tracy:** Thanks. Well I guess just based on our earlier discussions with the EDs and the Chairs  
5 and Vice Chairs, I guess I would just like to confirm that we would like to give the Communications  
6 Group an assignment to come up with a calendar for our own internal use for planning purposes so that  
7 we can see when all the Council meetings were and arrange for a get together so that we don't overlap  
8 Council meetings and come up with something a little more user friendly, I guess, than the existing  
9 Google doc that we've got, so....  
10

11 **Marc Gorelnik:** Who, by the way, I should know this, but I don't. Who is chair of the Communications  
12 Subcommittee?  
13

14 **Chuck Tracy:** I believe that rotates with the host of the CCC if I'm not mistaken.  
15

16 **Marc Gorelnik:** Oh, Okay. Well, I think that is a charge to the Communications Subcommittee. Pretty  
17 clearly that's something we need so that and will make it much easier, make it much easier to schedule  
18 CCC activities. Kitty, please.  
19

20 **Kitty Simonds:** Oh, well I guess, again I should have jumped in before, but so I was going to just say  
21 what? No ED was a volunteer to take over that working group? Chicken.  
22

23 **Marc Gorelnik:** Well. I know, Kitty, you don't want to volunteer because....  
24

25 **Kitty Simonds:** Because I want to volunteer for something else that's coming up.  
26

27 **Marc Gorelnik:** Okay...(laughter)...Well, I think we have a charge to the Communications  
28 Subcommittee here, and we'll leave it to that subcommittee to determine how to accomplish its task.  
29 And as for Chuck's replacement on those other subcommittees, we will replace Chuck when it becomes  
30 necessary. Kitty, your hand is up? Or is that a legacy hand? Okay. All right. Thank you. Anything  
31 further on this agenda item? All right. So that brings us to the conclusion of this agenda item. And now  
32 I'm going to see if there's any public comment on any item not covered on the agenda. Rick Marks.  
33

34 **Rick Marks:** Can you hear me Mr. Chairman?  
35

36 **Marc Gorelnik:** Loud and clear. Please proceed.  
37

38 **Rick Marks:** Perfect. You've got Rick Marks here with Robertson, Monagle and Eastaugh. Most folks  
39 know us by the acronym ROMEA, R-O-M-E-A. We're a lobby firm based in the Washington D.C area  
40 and we serve a range of coastal clients in six different regions. I just have a quick, quick process  
41 question on the guidance for implementation of Section 102 of the Modernizing Recreational Fisheries  
42 Act, in particular the MSA consistency requirements and the SSC review process. Frankly, Mr.  
43 Chairman, I kind of lost track of this issue after the CCC session at the November 2019 meeting in D.C.  
44 I saw a brief reference to it in Kelly Denit's report in May of 21, but nothing since specific to the Act.  
45 And I was only just reminded, it just popped up in the GARFO in the third quarter of this year, and it  
46 has implications nationwide for mixed use fisheries, so I'm wondering if there's anybody that could just  
47 give us a brief update. Maybe Kelly, just so I understand where this issue is at if you could please, sir?  
48

49 **Marc Gorelnik:** Well, I'll see if Kelly's willing. At least at our Council public comment isn't an  
50 opportunity for the public to essentially add agenda items to the meeting. But if Kelly is willing to  
51 briefly answer your question.... I don't know. I'm looking at my list here and see if she's still in the

1 meeting. I don't see Kelly, so... I'm seeing some chat activity here. I think that what I'm hearing from  
2 NMFS and I think you're seeing in the chat box is that NMFS will get back to you on that.

3  
4 **Rick Marks:** Very good sir. Thank you.

5  
6 **Marc Gorelnik:** All right. Manny, do you have a question of the public speaker?

7  
8 **Manny Duenas:** I'd like to make public comment as President of the Guam Fishermen's Cooperative  
9 Association.

10  
11 **Marc Gorelnik:** Okay, go ahead.

12  
13 **Manny Duenas:** I've been doing this for 27 years, being the President and duly elected by my  
14 membership. My membership was at 300. Now it's down to 100. At the end of the day, I just want to  
15 share a comment, you know, and it's based on the environmental justice topic. This was Senator Hoar  
16 out of Maine, Massachusetts, I'm sorry, a hundred years ago, over a hundred years ago when our island  
17 was transferred to the United States. I just want to share his comment. This treaty will make us vulgar,  
18 commonplace empire, controlling subject racist and vassal states in which one class shall forever rule  
19 and other classes shall forever obey. This was said over 120 years ago during the ratification of the  
20 Treaty of Peace, acquiring the territories of the Pacific, the Spanish colonies. So, I just want to share  
21 that with that, you know, that thought of environmental justice. That we are warrants of the United  
22 States and at the same time we are inundated by many programs that truly affect our island community  
23 hence that's what my request to be all inclusive. Our membership is all inclusive. We do not discriminate  
24 race, color, creed. We've had male, female, everybody in our organization. So, at the end of the day our  
25 community has been the most diverse one and we embrace that diversity of our community, and we  
26 hope that in the environmental justice program are fostered by NMFS we shall be engaged and not the  
27 agencies that continuously attack our fishing community hence the reason why 99 percent of our fish  
28 is imported. Thank you.

29  
30 **Marc Gorelnik:** Thank you very much Manny. Any questions of Manny on his public comment? All  
31 right, any other public comment? Well, it's the last chance in the meeting actually for public comment.  
32 All right, I'm not seeing any other hands. That concludes public comment on Agenda Item 15. And  
33 we've come to our last break of the meeting. This will give an opportunity for folks to get their thoughts  
34 together or wrap up other business under agenda 16. And we'll take a break now until the top of the  
35 hour, which means 2 o'clock here in the Pacific, 5 o'clock in the east, I think 11 o'clock in Hawaii. I'm  
36 not sure where not counting time zones further west than that, so we'll see you all back at the top of the  
37 hour. Chuck, do you have something before we break?

38  
39 **Chuck Tracy:** Thanks Mr. Chair. Just to let the other Executive Directors know that I'll be working  
40 on the PowerPoint presentation of the outcomes of the meeting. I welcome you to, you or your staff to  
41 get in that document and have a look at it and provide any edits or comments to me. I don't know if we  
42 need a separate call to discuss things before we get to the meeting, but if we do why don't you just  
43 make your, make your wishes known to me in that document or by email and then hopefully we'll have  
44 something ready by 2 o'clock for the group to review. Thanks.

45  
46 **Marc Gorelnik:** All right thanks for that Chuck. I guess EDs can be in touch with Chuck. All right, so  
47 we'll see you all back here at the top of the hour. Thank you.

## 1 **Wrap-up and Other Business**

### 3 • CCC Outcomes and Recommendations

5 **Marc Gorelnik:** Well good morning or good afternoon wherever you may be. We're on to the final  
6 agenda item of this CCC meeting, which is not being held in Monterey unfortunately. And Chuck Tracy,  
7 may I look to you?

9 **Chuck Tracy:** Thanks Mr. Chair. So, I was just going to kind of give a quick wrap-up here of the  
10 topics we covered and some of the recommendations and conclusions and follow-ups that came out of  
11 them. I guess before I start, I guess I would just like to make sure that we have concluded all the business  
12 on these items that the CCC wants to take up here? So maybe I'll just pause there and make sure that  
13 there is no other business that people want to take up here before I run through all this business.

15 **Marc Gorelnik:** Yeah, I know that Kitty wanted one or two things here, wanted to address. I'm not  
16 sure if they're captured yet.

18 **Kitty Simonds:** No, because I haven't made them. You're talking about how I was unable to ask my  
19 second question of Miss Casey before she ran away?

21 **Marc Gorelnik:** Right. But why don't we see what Chuck has and then supplement from that point.

23 **Chuck Tracy:** Okay, I think I can do that. I guess the good news is if you've.....this is sort of a living  
24 document that I'll be going through here, so things may change a little bit by the time I get to the end  
25 of it from where they are right now, but we'll give that a shot here. And let's see. I'm not totally familiar  
26 with this platform either so. Let's see. Not bad. Okay. Okay, so just a quick review of the things we  
27 talked about the last three days here. So, you know, I just focus on the substantive issues here. We  
28 started with the **National Marine Fisheries Service Update**. System Administrator Janet Coit outlined  
29 the line of priorities for the Biden-Harris Administration and noted some areas where the Councils  
30 could have a significant role, including in climate change resilience, such things as community effects  
31 and management approaches, reducing greenhouse gas emissions, also responsible and appropriate  
32 scaling up of offshore wind is something that the Councils could be involved with. The next priority  
33 was the emphasis on diversity, equity, and inclusion. The Councils could help increase the NMFS  
34 Council workforce diversity and community access infrastructure. The next administrative priority was,  
35 administration's priority was food supply and supporting aquaculture and infrastructure marketing and  
36 structure, and the points were made that the Councils could contribute to help to secure our food supply,  
37 marketing and infrastructure and contributing to regulation of IUU fishing. And then finally support for  
38 climate change and science. The CCC recommended, recommendations for this were to support  
39 meaningful engagement with BOEM on offshore wind development, support, and monitoring of base,  
40 monitoring and baseline information from which assessments and evaluations can be made accurately,  
41 and to provide a better understanding of the potential interactions with fisheries to BOEM. The next  
42 agenda item was the Funding and Budget Update. Dr. Doremus briefed us on the NOAA 22 NOAA  
43 budget and also on the National Academy of Public Administration Report on the NMFS Budget  
44 Structure Allocation Review, or the NAPA Report. Summary of the President's budget included  
45 priorities for the blue economy, science, climate change, offshore wind energy, social and  
46 environmental justice, responsible and appropriate scaling of offshore wind. The President's budget and  
47 the House mark both had increased in discretionary accounts and have programmatic increases in  
48 habitat conservation and restoration, enforcement, fisheries science and management and protected  
49 resources, science, and management. It's probably worth noting that the House mark has smaller  
50 increases than the President's budget in those categories. The House mark does have a 1.5 million dollar  
51 increase over the 2021 and active budget for regional Councils and Fisheries Commissions. Also worth

1 noting is that the one and a half million is prior to any rescissions that might occur when the budget is  
2 impacted by NOAA. They also, Dr. Doremus also noted that the Council should be getting at least 50  
3 percent of their fiscal year 2022 funds by the end of the calendar year, and that the full funding should  
4 be available to the Councils by March of 2022 providing Congress passes a budget in a reasonable  
5 manner, reasonable timeframe. On the NAPA Report, this is a research effort that all the Councils  
6 participated in already reviewed to provide some input on NOAA's budgeting process. The report  
7 included recommendations to NMFS on strategic planning, program management, functional planning,  
8 facilities, communications and account structure, and had some specific recommendations that could  
9 potentially affect Councils, including recommendations for NMFS to hold annual workshops with the  
10 regional Councils, State Fishery Commissions and external stakeholders to provide input on the NOAA  
11 fisheries budget process. Also, the report recommended for NMFS to require strategic plans from each  
12 Regional Fishery Management Council. Also, to conduct annual surveys on regional Council  
13 accomplishments and the impacts of NMFS budget allocations. Also, for NMFS to provide rationale  
14 for NMFS budgetary decisions and analysis on impacts of projects that go unfunded. And finally, there  
15 is a recommendation that NMFS ask Congress to consolidate budget PPAs that reduce the amount of  
16 specific congressional direction of appropriated dollars, which seems to be that the National Marine  
17 Fisheries Service gets a little more direction than most agencies, and that this recommendation is  
18 designed to allow some more flexibility for NMFS to manage programs within its overall  
19 appropriations. The CCC did have one concern they identified. The Western Pacific Fishery  
20 Management Council was concerned that the House mark did not reflect the President's budget increase  
21 for territorial science, which would be important to restore functional, functionality in the capacity-  
22 building program and to support environmental justice programs.

23  
24 **The NOAA Fisheries Science Update:** Dr. Werner provided an update on the status of surveys and  
25 the Next Generation Data Acquisition Plan. The surveys in 2021 are more extensive than they were in  
26 2020, but there's still been some shortcomings. they still are not quite back to pre-pandemic levels.  
27 There are still some issues that are working out that they hope will be resolved for 2022. The Next  
28 Generation Data Acquisition Plan is driven by climate change, new ocean uses and the blue economy.  
29 The last plan was completed in 1998 and has become outdated. So, their plan is to develop a new plan,  
30 which will include requests for information and public workshops, and they're hoping the plan can be  
31 completed in 2023, so the Councils will definitely be involved in that effort. I believe the  
32 implementation of the plan, however, would expect to take another five years after the plan is  
33 developed. And then finally, in response to questions and concerns expressed by some Councils, Dr.  
34 Werner indicated that the NMFS have plans to increase their stock assessment capabilities.

35  
36 **The CEQ NEPA Regulation Update:** Mr. Rauch reported on the status of revising the 2020 CEQ  
37 NEPA regulations. Potential revisions are considered in a two-phased approach. Phase one is intended  
38 to remove some of the items added in 2020. Phase two will contemplate other changes, including some  
39 not included in the 2020 rule. So, the phase one proposed rule, there's a proposed rule that removes the  
40 requirement to base the purpose and need of the goals on the goals of applicants. It removes the  
41 limitations on agency specific NEPA procedures. It restores the definition of effects. Those being direct  
42 effect, indirect effects and cumulative effects. And it removes the limitations on effect analyses, such  
43 as page limits and time limits. Until the phase one rule is finalized, National Marine Fisheries Service  
44 has interim guidance that there should remain applicable, and they expect further extensions on the  
45 waivers for time and page limits that are in effect right now. The proposed workshop of the CCC NEPA  
46 Subcommittee advocated for to consider rule revisions and development of functional equivalency  
47 doctrine is on hold likely until the phase two rulemaking is complete, although there is still interest in  
48 pursuing that both from NMFS and the CCC.

49  
50 **National Standard 1 Tech Memos:** Dr. Methot reviewed progress on the working group developing  
51 technical memorandums, provide guidance on National Standard 1 provisions. Ms. Marian MacPherson

1 also reviewed plans for completing the work on the Data Limited ACLs Group. The Carryover and  
2 Phase-in Report was published in July 2021, so that's completed. The Reference Points Subgroup is  
3 nearing completion of a draft report on estimation of  $F_{MSY}$ ,  $B_{MSY}$  and proxies. We're hoping that that  
4 will be out sometime in the first half next year and the Council Coordination Committee and the various  
5 regional Councils and their SSC's will want to have a look at that draft and provide feedback to NMFS  
6 on for finalizing that. The Data Limited Report is something we've been involved with, is nearing  
7 completion and will incorporate the comments submitted by the Councils as NMFS is going through  
8 those comments right now. The CCC had a couple of recommendations on that and thoughts. They  
9 noted the difficulties of estimating reference points and that discussed how the guidance would  
10 accommodate EBFM mandates. They also noted that expected changes in the ocean environment  
11 related to climate change will add to the challenge of reliably estimating reference points. And finally,  
12 the CCC requested that NMFS share the comments received on the Data Limited ACL Draft Reports.  
13

14 **The Legislative Outlook:** We had Representatives Huffman, Case, and Young attend our meeting and  
15 briefed the CCC on their respective MSA reauthorization legislation. That's 4690 for Huffman and Case  
16 and H.R. 59 for Representative Young. They also responded, and their staff responded to questions  
17 from the CCC. In addition, Dave Whaley provided a summary of other legislation, including H.R. 3764,  
18 which is very broad and likely to have parts incorporated into other legislation. The CCC approved the  
19 Legislative Work Group's proposed consensus statements. This is the consensus statements in the  
20 working paper on Magnuson Act reauthorization that does, again a living document that the CCC keeps  
21 up with as a reference source. The consensus statements were on Climate Change and Regional Action  
22 Plans for Climate Science. On Bycatch, Council Jurisdiction, Essential Fish Habitat, Transparency of  
23 Meetings, Ethics and Standards of Behavior and also on Secretarial Plans. Finally, the CCC also  
24 approved a letter responding to Representatives Huffman and Case's request for comments on H.R.  
25 4690, their MSA Reauthorization Act, Sustaining America's Fisheries for the Future Act of 2021.  
26

27 **Recent executive orders:** Mr. Rauch provided the Biden Administration's priorities for the American  
28 the Beautiful Initiative under 14008, particularly with regards to the aspirations for allocating 30 percent  
29 of land and waters for the purpose of conservation, also known as 30 by 30. Mr. Eric Reid, the CCC  
30 Area-Based Management Subcommittee Chair, provided a presentation on the progress of the  
31 subcommittee. Working draft definition of a conservation area was proposed. Subcommittee members  
32 have pulled together the database for each of the Council regions. Very preliminary results, looking at  
33 that database indicate that over 663 conservation areas have been established by the Councils in the  
34 EEZ. And over 54 percent of the U.S. EEZ is closed to all bottom tending fishing gears. Mr. Reid  
35 outlined the next steps for the subcommittee and noted the need for GIS assistance from National  
36 Marine Fisheries Service. The CCC did pass a motion requesting a GIS specialist be assigned to help  
37 the subcommittee, or failing that, request the agency directed the regions to assist their respective  
38 Councils with GIS needs for this project. Continuing on recent executive orders. Miss Danielle  
39 Blacklock provided an update on the Aquaculture Opportunity Areas pursuant to EO 13921. In round  
40 one regions examined were Southern California and the Gulf of Mexico. They are developing an atlas  
41 for use in siting. Other projects they expect that to be published in the next few weeks, with options of  
42 different areas to be considered in a NEPA programmatic EIS. And Miss Blacklock noted that they will  
43 work to dovetail the 45 day or longer comment period on the EIS with Council meetings and timelines.  
44 Appreciate that. Round two of identifying AOAs has been initiated, and NMFS will announce a third  
45 region for AOA assessment soon. In determining the areas, the agency looks to see if there is support  
46 from the people in the region, but not just based on the number of comments received. Miss Blacklock  
47 noted that the agency simply doesn't have the resources to identify two regions each year but may  
48 examine two areas within each region.  
49

50 **Environmental Justice in Fisheries Management:** There was an extensive discussion on that. Mr.  
51 Rauch and Miss Denit discussed efforts to integrate equity and environmental justice into fisheries

1 management and identified actions to advance equity in environmental justice in fisheries management.  
2 Mr. Witherell presented information on the North Pacific efforts to engage underserved communities  
3 within their region. And Miss Simonds presented information on the Western Pacific Council's  
4 Environmental Justice Programs. As I mentioned the discussions were broad and the CCC concluded  
5 that the issues associated with environmental justice and outreach to underserved communities were  
6 too complicated and broad to adequately address during a CCC meeting agenda item alone and therefore  
7 advocated for a Council's NMFS workshop sometime prior to the May 22 CCC meeting to evaluate,  
8 respond to and inform equity and environmental justice efforts.

9  
10 **The National Fish Habitat Partnership.** Dr. Moore presented an overview of the National Fish  
11 Habitat Partnership Program, which protects, restores, and enhances fish habitat in freshwater,  
12 estuarine, and coastal areas nationwide. They leverage federal, state, tribal and private funding  
13 resources to support individual projects. Partnership is comprised of 20 individual fish habitat  
14 partnerships which focus on improving fish habitat and aquatic communities at regional and local levels  
15 and is supported by many federal, state, and local agencies, as well as regional and national conservation  
16 organizations. Dr. Moore noted that in October 2022, the American Conservation Enhancement Act  
17 was signed into law by the White House. Maybe that was 21. The ACA Act passed the House and  
18 Senate with bipartisan support and unanimous consent, so the bill reauthorized the North American  
19 Wetlands Conservation Act and codified the National Fish Habitat Partnership.

20  
21 **CCC Committees,:** The CCC directed the Habitat Work Group to continue to provide support to the  
22 Area-Based Management Subcommittee and await further guidance at the May CCC meeting. The CCC  
23 directed the Communications Group to develop a calendar that provides meeting dates for all regional  
24 Council meetings to facilitate planning of CCC meetings and associated functions. As noted, the CCC,  
25 sorry the CMOD training, Council Member Ongoing Development Training will be rescheduled for  
26 2022 and hopes that it can be held in-person as originally planned for this year. The NEPA Work Group  
27 may not be active until phase two of the CEQ review of NEPA regulations begins.

28  
29 As far as other business I guess it was noted that I was presented with a plaque of appreciation for my  
30 service to the CCC and conservation and management of Pacific Fisheries. So, I do want to thank the  
31 CCC for that acknowledgment and I appreciate their support. And then finally, I think there's one more  
32 agenda item. We'll have a slide on that, but the MAFAC, sorry the Mid-Atlantic Fishery Management  
33 Council will host the next CCC meeting in Annapolis, Maryland May 17th to 19th, 2022. So that's a  
34 brief summary. I hope I've covered everything as well as can be done in that brief period, recognizing  
35 that we will follow-up with a more detailed meeting summary and recommendations to National Marine  
36 Fisheries Service and of course the letters, the letter to Representative's Huffman and Case. So, you can  
37 look forward to seeing that in your inbox in the not too distant future. So, Mr. Chair, that's what I've  
38 got for a wrap-up. Happy to answer any questions or if not, we can turn it over to Dr. Moore, or sorry  
39 Mike Luisi I think to tell us a little bit about what's happening next year.

40  
41 **Marc Gorelnik:** All right. Thanks, Chuck, for that quite comprehensive... but I just want to just go  
42 around the table here as it is and see if there are any additions or corrections to what Chuck has  
43 presented. Kitty.

44  
45 **Chuck Tracy:** Chris Moore, I think, had his hand up.

46  
47 **Marc Gorelnik:** Yeah. Chris Moore, go ahead. I'm sorry. I'm expecting Kitty. Go ahead Chris.

48  
49 **Chris Moore:** Yes. Thank you Mr. Chair. I apologize I edited the text late Chuck. I sent you the revised  
50 text for the National Fish Habitat Partnership, so I apologize for that, but I think you got most of it.

1 **Chuck Tracy:** Okay.

2  
3 **Chris Moore:** Thanks.

4  
5 **Chuck Tracy:** We'll fix it up before we finalize this.

6  
7 **Chris Moore:** Yeah please. Thank you.

8  
9 **Marc Gorelnik:** All right. Any other additions or corrections or supplements? Kitty, please.

10  
11 **Kitty Simonds:** Yes. I just sent an email to the EDs because we were, you know, developing a  
12 recommendation. But about the workshop, but I see that Chuck captured it in his review, but we had  
13 been discussing whether or not to add, to request funds from the National Marine Fisheries Service in  
14 order to support, you know, this... this expansion of our work for underserved communities and to  
15 implement the administration's priority. So, if the other Councils are okay with what Chuck read, I  
16 mean that's fine with me too so... but we did, you know, discuss asking for funds in this  
17 recommendation. So, that's one of the things I had and so the EDs are going to be coordinating the  
18 actual dates for our workshop. So, no response means let's go with what we have, but I did have a  
19 couple of things in the wrap-up that I think that I mentioned to you, and this would be not a  
20 recommendation, but how do we deal with questions that we asked? For example, when Tom asked the  
21 question about why this, you know, not to lobby the administration? Huffman's Assistant said that they  
22 would get back to us. So, I do have that question where... where's that going to be handled or is that....?  
23 It's in the body because it'll be in the transcript so do we... when we look at the transcript and there are  
24 questions and they're not, but they're not captured in action items, are we going to, you know write a  
25 letter to Huffman regarding them getting back to us about that question?

26  
27 **Marc Gorelnik:** Well, Kitty, I think we should make that, include that in the summary here in the  
28 wrap-up.

29  
30 **Kitty Simonds:** Okay.

31  
32 **Marc Gorelnik:** It was an outstanding question that's not yet, which we've not received a response.

33  
34 **Kitty Simonds:** Right. They said they would get back to us because during that discussion I did have  
35 a second question then, but she left. Thank you for at least, you know, supporting my first question.  
36 But my second question was she made a statement that said that there were in her response to Tom that  
37 there were lobbying violations. And my question to her was going to be, what are they? None of us  
38 have received, you know any communication in that regard. So, I think that when a member of Congress  
39 or their staff says that there have been violations, I think we should know about them. So that was my  
40 other question that I was going to ask her at the time. So, we can add that into the wrap-up, the summary.  
41 I'll add these things in. The other thing had to do with, I'll mention it, but so Sam, we received a letter  
42 from you, you know, about enhancing our working relationship and communications with our  
43 integration policy or directive, and we haven't responded in writing yet, but I just did want to mention  
44 that we thank you that you're getting the divisions together to identify opportunities, but the request  
45 from the CCC was that the Council staff be included in these discussions. We think that it's more of a  
46 collaborative effort. We... each, each of the regions and Councils know what the opportunities could  
47 be so, you know, by having divisions work on whatever they think the opportunities are, I think it would  
48 be much better if we collaborate and you include the Council staff in working with the two divisions.  
49 So, this can be the ask right here. We don't have to send you a letter or if you would prefer a letter that  
50 we can do that, it's just all in the spirit of working together. So thanks.

51

1 **Marc Gorelnik:** All right. Thank you Kitty. Going back to a legislative item, it's one thing to capture  
2 something in the transcript, but it doesn't necessarily constitute a follow-up with a congressional office.  
3 So, let me see if it is the sense of the committee here that we should follow-up, if we don't get a response,  
4 that we should follow-up with Congressman Huffman's office on the unanswered question, as well as  
5 what Kitty has mentioned just here. And I'm going to ask for responses to this issue specifically.  
6 Manny?

7  
8 **Manny Duenas:** .....(audio cutoff)...Thank you.

9  
10 **Marc Gorelnik:** Tom.

11  
12 **Tom Nies:** Thank you Mr. Chair. My suggestion is we see if Dave Whaley can informally get an  
13 answer from Casey or from Congressman Huffman's staff, at least to try that route and see if he can get  
14 an answer. If he doesn't get an answer, then we may have to figure out some other way to try and get  
15 one.

16  
17 **Marc Gorelnik:** All right. That's a wise suggestion. Thanks Tom.

18  
19 **Kitty Simonds:** And that's fine with me. My issue is that when we ask a question and the Congressman  
20 or his office says they're going to respond, I think they should respond. Thank you.

21  
22 **Marc Gorelnik:** I don't think anyone disagrees. Bill, do you have a comment on this topic?

23  
24 **Bill Tweit:** I do. Thanks. I was just going to suggest maybe one addition to Tom's suggestion, and that  
25 is maybe in following-up Dave could just sort of indicate that he's informally, if there's concerns, he's  
26 a good, informal first channel back to us that he's obviously not a formal channel and we'd have to be  
27 careful about if other people agree, that's even a good idea, we'd have to be careful about how he works  
28 it, but Dave is very careful so I'm not worried about that. But just so that we get an early heads-up of  
29 hey, some, you know, somehow our messaging is going awry. And if Dave can give us an informal  
30 heads-up of that I think that's always useful.

31  
32 **Marc Gorelnik:** Does anyone have an issue with that? Chuck Tracy.

33  
34 **Chuck Tracy:** Thanks. Yeah, I think that's a good approach. I guess I would suggest that we if we fail  
35 to gain traction, that at some point, you know, we could follow-up with a formal letter on behalf of the  
36 CCC to Representative Huffman and ask for a formal follow-up. So hopefully, hopefully it won't come  
37 to that.

38  
39 **Marc Gorelnik:** All right, so the approach we're going to take is informal through Dave Whaley, and  
40 if that doesn't pan out then we will adopt a more formal approach. Kitty.

41  
42 **Kitty Simonds:** Right. So, I agree with that and I'm happy to work with Dave on this.

43  
44 **Marc Gorelnik:** Okay. Kitty you have your..... so anything else on that particular legislative topic  
45 before I go back to Manny because Manny had his hand up as well. All right, Manny.

46  
47 **Manny Duenas:** Mr. Chairman. I guess I'm a little confused as to what we're discussing, but I  
48 understand that my comments were often taken as being a lobbyist. I just want to make a few interesting  
49 notes. And first of all, I don't have a voting delegate to Congress. Second, I'm unable to vote for  
50 President. I am registered. I was, did serve my country in the U.S. Army for almost 9 years. So at the  
51 end of the day I'm just wondering how.....and I am not a registered lobbyist. I'm just wondering how I

1 could be misconstrued as being able to influence any member of the congressional group? So, at the  
2 end of the day, I'm just saying that... please recognize I am part of the people that have been set aside  
3 as far as participation in our wonderful government that I have served to protect. Thank you.

4  
5 **Marc Gorelnik:** And so you're saying taxation without representation?

6  
7 **Manny Duenas:** Oh, I mean it happens... but I mean like I said, I mentioned about Senator Hoar's  
8 comments a hundred years ago, which to me is what's going on here. And I really need to make the  
9 legal counsels understand. They better understand the people they're talking to as far as these  
10 terminologies, because I looked, I googled everything on lobbying and lobbyists and poor Ulysses S.  
11 Grant, the former President, was the one that created the term by sitting in the lobby of a hotel smoking  
12 a cigar, you know, and he welcome that. He welcomed that experience, and I don't know why it's all  
13 illegal now, especially for people that are disenfranchised from the way the government works. Thank  
14 you.

15  
16 **Marc Gorelnik:** All right. Thank you very much Manny.  
17

1       • May 2022 CCC Meeting Information  
2

3 **Marc Gorelnik:** Anything else on the wrap-up prepared by Chuck Tracy? And with that I will turn to  
4 Mike Luisi to, I guess the future CCC Chair, to introduce our spring meeting.  
5

6 **Mike Luisi:** Yeah, thank you Mr. Chairman. I think there was a slide prepared. I don't know if Chris  
7 Moore might have it or Chuck, do you have the slide from Chris?  
8

9 **Chris Moore:** Chuck has it.  
10

11 **Chuck Tracy:** Yeah.  
12

13 **Mike Luisi:** There you go. It's just a nice picture. We thought we'd put that up for everybody. While  
14 they're getting that set up, let me first just say, Mr. Chairman, I apologize for not being able to spend a  
15 little more time with, with the CCC this week. This meeting that was scheduled for this week, it was  
16 scheduled for the same time that the Atlantic States Marine Fisheries Commission was meeting, and I  
17 have a responsibility there as the seat for our administrative seat for ASMFC so I've been bouncing  
18 back and forth trying to absorb as much as I can. And you guys, you've done a great job here today or  
19 this week getting us through the meeting. But with that said, I want to offer and make you all aware  
20 that Chris and I and Wes have settled on a meeting date and a meeting location for the May 2022 CCC  
21 meeting. The date is going to be May 16th through May 19th in historic Annapolis, Maryland.  
22 Annapolis is my hometown. I live just about four or five miles from the picture that you're looking at  
23 here on the screen. It's a beautiful, beautiful, small town. The hotel is right in the heart of downtown.  
24 There are amazing restaurants, seafood, anything you could want is within walking distance of the  
25 hotel. During this time of year crab, blue crab should be plentiful. Many of the restaurants in town offer  
26 blue crabs for... at the restaurant for dining. And we will also be in the middle between our trophy  
27 striped bass fishery and our resident striped bass fishery right there at the middle towards the end of  
28 May. So, for anyone who might want to spend some time fishing, there are hundreds and hundreds of  
29 charter boats that run full day and half day trips, and I would recommend trying to get out if that's  
30 something that you'd like to do. Striped bass should be very plentiful as well and you can make a great  
31 day out of it. So again, the invitation is to the CCC, and we look forward to seeing everybody next year.  
32 We have every expectation that this will be an in-person meeting unless something drastically changes  
33 that's the plan and I will stop there Mr. Chairman. If anyone has any questions, I'd be happy to answer  
34 them, but if not then we'll look forward to seeing everybody in the spring.  
35

36 **Marc Gorelnik:** All right. Thank you very much Mike. Yeah, I'm very much looking forward to that  
37 as well. It should be tremendous, and I also, I'm one of the folks that'll probably try to wet a line while  
38 I'm there. All right. I think that concludes our business at this meeting. I'd like to take one more  
39 opportunity to thank Chuck Tracy for all his work, both in preparing for and being the master behind  
40 the screen, both for this meeting as well as the meeting we had in the spring. He's been a tremendous  
41 asset and value to the CCC for his years as Executive Director and as well as his service to the Pacific  
42 Council, but we have a Council meeting next month, so I'll be able to thank in there for that. Sam?  
43

44 **Sam Rauch:** Yes. Thank you Mr. Chair. And, you know, at the beginning of the meeting we took the  
45 opportunity to welcome the new participants to the CCC. And now at the end I think it is appropriate  
46 to say farewell to both Chuck, who I agree... you know... NMFS, the EDs gave Chuck a very nice  
47 presentation on Tuesday. We didn't get to join at the time. We certainly enjoyed the sentiments that  
48 you've raised for Chuck and the years of service that he has done, not just for the Pacific Council but  
49 to the CCC. But there's one other individual who will be leaving us after this meeting that I also want  
50 to take the opportunity to recognize. He has been around since before the CCC existed as a formal  
51 group, working with us he has been the acting AA, the Regional Administrator for Alaska and many

1 other things. Jim Balsiger has announced his retirement at the end of November and so this is his last  
2 CCC meeting, and I at least wanted to take the opportunity on NMFS's behalf to thank his contributions  
3 in this specific forum to the CCC, his many years of service here, his steady presence and guiding role  
4 that he's done to develop the fisheries into what they are today and to provide the help to the CCC along  
5 the way. So, I wanted to take the opportunity on behalf of NMFS to thank Jim for his participation in  
6 the CCC, in addition to Chuck as well. So, thank you, sir.

7  
8 **Marc Gorelnik:** Thank you Jim. All right. With that, I will entertain a motion if someone wants to  
9 bring on a particular topic like motion to adjourn.

10  
11 **Mike Luisi:** So moved.

12  
13 **Marc Gorelnik:** All right. I won't be formal about this one. Mike Luisi has moved. Who seconds? All  
14 right. Seconded by Tom Nies. All those in favor say 'aye'.

15  
16 **Committee:** Aye.

17  
18 **Marc Gorelnik:** None opposed. No abstentions. We are adjourned. Thanks everyone for your time  
19 this week.

20  
21 **Committee:** Thank you. Thanks everybody. Thank you. Thank you. Great job Marc. Thank you  
22 everybody. Thank you Chuck. Thank you, bye bye. See you Jim. Aloha. Thanks Kitty.