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NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION (NOAA)  
NATIONAL MARINE FISHERIES SERVICE (NMFS)  
ATLANTIC HIGHLY MIGRATORY SPECIES ADVISORY  
PANEL  
PUBLIC MEETING  
THURSDAY  
SEPTEMBER 8, 2022

The Panel met at the DoubleTree by Hilton Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland, at 9:00 a.m. EDT, Bennett Brooks, facilitating.

## Members Present:

JASON ADRIANCE, Louisiana Department of  
Natural Resources

PAT AUGUSTINE\*

CHARLIE BERGMANN

PETER CHAIBONGSAI, The Billfish Foundation

DANIEL COFFEY, Harte Research Institute for  
Gulf of Mexico Studies

DUSTIN COLSON, Atlantic States Marine  
Fisheries Commission

JOHN DEPERSENAIRE, Viking Yacht  
Company\*

MARCUS DRYMON, Mississippi-Alabama Sea  
Grant - State Representative for  
Alabama

YAMITZA RODRIGUEZ FERRER, Puerto Rico  
DNER, Recreational and Sport Fisheries  
Division\*

SONJA FORDHAM, Shark Advocates  
International

STEVEN GETTO, American Bluefin Tuna  
Association\*

WILLY GOLDSMITH, American Saltwater  
Guides Association

WALT GOLET, University of Maine School of  
Marine Sciences, Gulf of Maine  
Research Institute

DEWEY HEMILRIGHT, Mid-Atlantic Fishery  
Management Council

JAMES HULL, Hull Seafood

STEPHEN IWICKI

BOB HUMPHREY, Sport-Ventures Charters and  
Casco Bay Bluefin Bonanza

LISA KERR, Gulf of Maine Research Institute\*

CHRISTINE KITTLE, Florida Fish and Wildlife  
Department

JEFF KNEEBONE, New England Aquarium

CHAD MCINTYRE\*

ROBERT "FLY" NAVARRO, Fly Zone Fishing

JEFF ODEN, F/V Sea Bound

TIM PICKETT, Lindgren-Pitman, Inc.\*

STEVE POLAND, North Carolina Division of  
Marine Fisheries\*

GEORGE PURMONT\*

MARK SAMPSON, Ocean City Charterboat  
Captains Association\*

MARTIN T. SCANLON, F/V Provider II

GREGORY SKOMAL, Massachusetts Marine  
Fisheries\*

PERRY TRIAL, Texas Parks and Wildlife  
Department\*

RICK WEBER, South Jersey Marina

ALAN WEISS, Blue Water Fishing Tackle Co.\*

KATIE WESTFALL, Environmental Defense  
Fund

\*participating by webinar

Also Present:

KELLY DENIT, Director, Office of Sustainable  
Fisheries, NOAA Fisheries

SAM RAUCH III, Deputy Assistant  
Administrator for Regulatory Programs,  
NOAA Fisheries

RANDY BLANKINSHIP, Division Chief, Atlantic  
Highly Migratory Species Management  
Division

HEATHER BAERTLEIN, Atlantic Highly  
Migratory Species Management Division

KARYL BREWSTER-GEISZ, HQ Fish Branch  
Chief, Atlantic Highly Migratory Species  
Management Division

CRAIG COCKRELL, Atlantic Highly Migratory  
Species Management Division

PETE COOPER, Branch Chief, Atlantic Highly  
Migratory Species Management Division

DAN CREAM, Atlantic Highly Migratory Species  
Management Division

BECKY CURTIS, Knauss Fellow, Atlantic Highly  
Migratory Species Management Division

TOBEY CURTIS, Atlantic Highly Migratory  
Species Management Division

GUY DUBECK, Atlantic Highly Migratory  
Species Management Division

BENJAMIN DUFFIN, Atlantic Highly Migratory  
Species Management Division

RUSS DUNN, National Policy Advisor for  
Recreational Fisheries  
STEVE DURKEE, Atlantic Highly Migratory  
Species Management Division  
CAROLINE GOOD, NOAA Fisheries  
CLIFF HUTT, Atlantic Highly Migratory Species  
Management Division  
JENNIFER CUDNEY, Atlantic Highly Migratory  
Species Management Division  
BRAD MCHALE, Atlantic Highly Migratory  
Species Management Division  
SARAH MCLAUGHLIN, Atlantic Highly  
Migratory Species Management Division  
IAN MILLER, Atlantic Highly Migratory Species  
Management Division  
DELISSE ORTIZ, Atlantic Highly Migratory  
Species Management Division  
LARRY REDD, JR., Atlantic Highly Migratory  
Species Management Division  
TIM SARTWELL, NOAA Fisheries  
GEORGE SILVA, Atlantic Highly Migratory  
Species Management Division  
NICK VELSEBOER, Atlantic Highly Migratory  
Species Management Division  
TOM WARREN, Atlantic Highly Migratory  
Species Management Division  
TIFFANY WEIDNER, Atlantic Highly Migratory  
Species Management Division  
JACKIE WILSON, Atlantic Highly Migratory  
Species Management Division

Also Present:

MILES DOVER, NOAA Office of Law  
Enforcement  
LOREN REMSBERG, NOAA Office of Law  
Enforcement  
CHRIS ROGERS, Chief, International Affairs  
Division, NOAA Fisheries Office of  
International Affairs, Trade, and  
Commerce  
KEVIN SWIECHOWICZ, NOAA Office of Law  
Enforcement

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## Proceedings

(9:01 a.m.)

## Welcome/Recap

Mr. Brooks: Okay. I think we are at one minute after 9:00. We've got critical mass here and on the phone. So let's jump in.

So good morning, everybody. Thank you for coming back. I'm not going to do a recap this morning because we did a recap yesterday.

But I will just say, and I think both Randy and I said it at the end of the day yesterday, that was a really good conversation. The presentations were just where they needed to be. You all weighed in effectively with really I thought questions that really helped explain the issues that are on the table and helped share the perspective of the agency.

I just want to thank everyone for a very, very good conversation. This morning, just to sort of remind us what we're up to, in a minute, I will get out of the way and invite Kelly Denit to give us a welcome. And then as you can see, Sam Rauch is already here, and we've got a half hour on the agenda for Sam to share some thoughts from leadership and to hear questions and thoughts from you all.

I will note that I've not heard from anyone around your identifying for me a rep from your caucuses. So will just do as I normally do, make sure I balance it around the different groups. And we'll just go forward that way.

After we hear from leadership, we will then have a presentation on a new topic that we haven't talked about yet which is the HMS Climate Vulnerability Assessment. We'll have an hour for that. We will have a break from 10:45 to 11:00. So that's probably the space if you haven't checked out of your rooms yet, you might want to go back and take care of that.

From 11:00 to 12:00, we'll hear from Chris Rogers. There are any numbers of questions and issues that come up during the course of an AP member that touch on the work that they do. So Chris has been asked to come in and give an update on the work that falls under the purview of the International Affairs, Trade, and Commerce arm.

Lunch will be from 12:00 to 1:30. And then when we come back from lunch, we'll create a little time for the AP members who are stepping down just to offer some brief reflections. You've all put in a lot of time, and we wanted to give you a chance to share your thoughts. And then we will hear from enforcement folks, from OLE, and from Coast Guard. And then we'll wrap up with public comment at 2:30 and then get you out of here by 3:00 o'clock.

Just a couple of reminders for folks online, if your cameras aren't on, we always ask that you keep it on so we can just see you. So if you're in a place where you can do that, that would be appreciated. Again, just sort of click on the virtual hand at the bottom of the screen if you want to get into the conversation.

And I think to bring you into the conversations worked well yesterday. You all waited a beat or two before talking. So we were able to hear all of your comments. So we'll just keep doing that.

Any of the members of the public who are here in the room or online, as always, thank you for being here. And again, we will have public comment towards the end of the day, what did I say, at 2:30. Until then, we do ask you just sort of observe whether that is in the room or online.

And by that, we do ask members of the public who are online not to use the chat function during the meeting. But feel free to use that during the public comment portion. I think that is all I want to say at this point. So other than -- any questions from AP members, either in the room or online? If not, then

Kelly, over to you.

Ms. Denit: Good morning, everyone. Nice to be here with you. I was online yesterday. Really appreciated the comments and questions like Bennett said.

It was great to hear all of your input. It's much appreciated taking the time out of your day to be here with us and share your thoughts. I just wanted to touch on a couple things before I hand it over to Sam.

So first is legislatively. I think we all know that there's some midterm elections coming up. And we will see what happens. In meantime, there has not been a lot of action on the Magnuson bill that was put out by Representative Huffman.

And so I don't know what's going to happen with that. But we will see if there is any movement within Congress to make any changes to Magnuson. At this point, that seems very unlikely.

There have been a number of other very specific bills that are floating around out there, none of which are directly related to highly migratory species. There's some on fluke and forage fish and a couple other things. But as far as I know, we will see what happens. And if anyone does know what's going to happen in Congress the last quarter, I'd like to purchase a Powerball ticket with you or at least known what numbers you're picking so I can get in on that.

In addition, we do have marks from Congress on our budget for FY23. So both the Senate and House have provided their indications. And it's overall positive for the National Marine Fisheries Service.

It's up from FY22 enacted. A lot of the increases are focused around offshore wind which will not surprise any of you. But that also does include some investment and opportunities for the agency to improve its survey enterprise and adapt.

In addition to our consultation role as it relates to offshore wind, there's also increases around climate. So investing in additional science to support our ability to translate that into our management and support for fisheries and fishing communities. So that's very positive overall for the agency. Not everyone in the federal government is seeing increases in their budget. And so that's very positive overall.

I wanted to be very brief this morning because I know it's day 2 and that means that everybody is ready to get rolling. But I did also want to thank all of our HMS staff who've done a great job pulling together all the various presentations that you had yesterday and that you'll have today and pulling off this meeting with our super fantastic camera array. I think that we probably could start our own movie studio if we wanted.

I don't know how good we'd be. But maybe we could get some play on Netflix or something. I don't know. So I just wanted to acknowledge all the work that they put in to make sure that you guys can give us all of your input over the course of this two days.

And with that, I'm happy to answer any questions. Otherwise, I'll introduce Sam who I think everybody knows. But any questions, comments? Nope, everybody is still working on their coffee.

Awesome. Okay. Without further ado then, I think you all know Sam Rauch who's our Deputy Assistant Administrator for Regulatory Programs. And he's here to say a few words and answer any questions.

#### Leadership Update, Sam Rauch

MR. RAUCH: All right. Good morning. I am Sam Rauch. I'm the Deputy Director of the National Fisheries Service, one of the three deputies there in addition to the operational deputy, Paul Doremus, and the science deputy, Cisco Werner.

But I oversee all the regulatory programs which includes the HMS program here out of headquarters but also our regional offices and all the things that they do. I'm very pleased to be with you once again. I come very frequently and either I or the AA come and share with you some views on our national priorities and take questions.

Janet Coit, the assistant administrator, came to the last meeting. I really enjoyed that discussion that she had with you. And she's unable to make it today, so you get me instead. I'm sorry. I'll try to do the best I can.

Just a little bit of an overview about how important what you are and what you do nationally. When you look across all the fisheries that we regulate, including these important HMS fisheries, commercial recreational fishing support 1.7 million jobs and 238 billion dollars in sales and fishing across the broader economy. The commercial fisheries landed 9.3 billion pounds of seafood, providing a valuable source of local healthy food.

And the recreational fisheries landed about a billion fish and in addition to providing important recreational opportunities, they are an essentially fabric of many of our coastal communities. They are a major economic driver in many parts of the country. And they are important source of subsistence food for many people.

So these are very important things that we do that you do, putting it in context for the nation. While we do all that, our job is to make sure we can do that. We continue to support all those benefits that come from that activity but doing it in a sustainable way.

And we've been working on that for decades it seems. And we are doing a pretty good job. The metrics there, we look at those metrics in terms of whether it's overfished or subject to overfishing.

Ninety percent of the stocks are not subject to overfishing. So only 10 percent are. And some of

those are persistent and some of those are international.

And 80 percent are not overfished. It's only 20 percent are. Those numbers have basically held steady in the last year, but that still is a massive improvement from where we started and represents a lot of hard work, not just on your part for the HMS fisheries but on all the other parties, Councils, states, and others to get to those really good metrics. But your role in that is very critically important for these fisheries.

It is a lot of work to be an AP member. We value it highly, the diversity of views that you bring to the table, the perspectives that you share with us. I think you have come to learn that we take it very seriously.

We do react. This is how we get input, how we plan what we're going to do. And it is important -- this group is important to us. And I do appreciate you taking the time to be here.

A couple of priorities that I wanted to address, some of these may be repetitive of what Janet said last time she was here. But they haven't change that significantly. Climate change is obviously a big factor.

You're doing the climate vulnerability analysis discussion this afternoon. We've looked at this too. We do not see this going away anytime in the near future.

We think that we're going to be continuing responding as the fish stocks react to different environmental parameters. Some of them benefit from changes. Many of them do not.

Many of them move. And even if the stocks are healthy can create economic dislocation for -- or dislocation for our fisheries which is a management problem. All these things require not only the science to support what is happening but the

management response which is where we all come in.

They're trying to figure out how to manage this important resource to continue to provide these benefits in these changing climates is quite challenging and it's going to continue. The agency is investing both time and effort and resources into trying to grapple with this problem in partnership with the fishing industry, the fishing communities, recreational fisheries. But it's a difficult problem, and there's no easy solutions.

And we continue to work on it. And I know that you're going to talk about that this afternoon. In addition to that, we are working on a national seafood strategy. We held roundtables.

This is something that my fellow deputy, Paul Doremus, has been in charge of. We've had roundtables with a number of industry and other representatives to talk about what should be included in a national seafood strategy. It's very important to this country that we have a stable source of seafood.

Seafood is one of the most nutritious things you can have. There are lots of dynamic to go into making sure that we have a consistent local source of seafood. And so we are working on that.

We hope to put out -- we've been taking feedback through these roundtables. And we hope to put out a draft for broader public comment soon in the fall. And I urge you to share your thoughts on that when you see it.

In terms of conservation, we talked about this in this group before. The first days of this administration put out a challenge for us to conserve 30 percent of our land and waters across the country by 2030. We've been working on that with other federal agencies and the White House.

There was a broad report that was put out at the

end of the last year that named this effort American the Beautiful. And we've been working on what sort of fishery management areas should go into the atlas of things that are already conserved and what kinds of things that if we do them would go into future calculuses of conservation. And it's important to us that both we recognize the value of Magnuson Act conservation, fishery conservation in this overall structure but also that we look at this not just as an ocean issue.

But this is a broad ocean and land issue. And so we're trying to look at how we actually calculate both where we are and where we want to go and all that. So I anticipate the next steps for the public will be to see a version of the atlas, which is what they called the Compilation of Conservation Areas, this fall.

So they're working on that. I don't have an exact date for that. But that is the next step that I expect you will see is an atlas that will be put out for review that will have some preliminary thoughts about these exact question. What is conservation? What areas currently count? What areas are we still evaluating? What areas could we transition into?

In addition, Kelly mentioned the budget at least in terms of the marks. We are currently dealing with as well some exciting budget issues not related to the annual appropriations. We got two large pots of money that Congress has appropriated to NOAA, both in the Infrastructure Act which passed last December which had an enormous amount of money for habitat conservation actions, some for permitting a response, fish passage, other kinds of things like that.

And then more recently in the Inflation Reduction Act, there's about 2.6 billion dollars going to NOAA generally for coastal conservation efforts and resiliency. And so we're still working on exactly how that amount of money will be allocated between the agencies and what that will entail. But it is an

investment in our coastal areas, and we know how important.

That's where all of our fishing occurs is in our coastal areas, how important it is to preserve, make those resilient, deal with those things. So more to come on that, but that is an exciting time for NOAA. But we're still working through exactly what that will mean for us.

And the last sort of broad effort which we talked about before here with this group was our Equity and Environmental Justice Initiative. This is something that I have been leading for NOAA. But it is very important.

I won't go over it all again because we talked about it -- you've talked about it in the past. But we do have the strategy that is out for comment right now. I'd encourage you to give comments to the extent that I know there were some comments already received from the last meeting.

But we just extended the comment period through September 30th. So there's some more time if you wanted to provide either individual or group comments. The next step on that once we take the comments, we're going to analyze them, put them out into a final strategy.

And if you've seen the strategy, if you looked at it, it is a national strategy. So it is not region-specific. It sets out a mandate. It sets out a large number of things that we could do.

The next step on that after the national strategy will be our regional folks who will be getting together with regional partners and trying to step down that into something more specific. And so there's a lot more detail that we could do, that we want to do as we continue to go forward. We understand the limitations of a national strategy.

We can't address every regional problem. But we do intend to look at those issues more specifically

going forward. Those are some national perspectives.

I know that you have been dealing with a number of difficult issues and still have some more to go. I won't reiterate the importance of that. But I think I'll stop there and take any questions that you may have.

Mr. Brooks: Thanks, Sam. So we have almost a half hour for some questions for Sam. So let's see who wants to jump in with a thought or two. And as always, just if you would start with your name and affiliation just so Sam knows who's talking to him and just be sharing the time with everyone else. Dewey?

Mr. Hemilright: Hello, and thanks for addressing us this morning. My question is one that's repetitious for me always is, how does this administration seek to level the playing field in international fisheries for U.S. fishermen that -- and I'll mention particularly the pelagic longline industry that has to play by certain conservation rules of gear-specific and technology and stuff like that. And increasingly at ICCAT, the U.S. has to continue to get the best available outcome.

And yet we continue to have to compete with imports that doesn't have to meet or exceed the standard by which a U.S. fisherman has to do. And it's just mind boggling that we give -- the U.S. gives this marketplace -- free marketplace to countries that don't meet or exceed the standards by which you make or the United States makes that U.S. fishermen fish by. And I was wondering, do we expect any change in that or will be a continuation of -- from a lack of better -- minutiae as we go forward of the same things and with no outcomes that levels the playing field for U.S. fishermen?

I know there's things, works in Congress now with bills about IUU fishing and things like that. But the crux of it is you can have IUU fishing and different things. But if you don't have the same gear

modifications, technologies and level the playing field, it starts at the boat. And so I was wondering if there could be any insight to more of an advantageous and a direction of leveling the playing field for U.S. fishermen that are at a disadvantage. Thank you.

Mr. Rauch: Thank you for that question. This has been an issue that we struggled with for a long time. And we've done a number of things nationally.

We put our Seafood Import Monitoring Program because that was, in part, aimed at dealing with U.S. fishermen who comply with the laws having to compete in the marketplace with fish that is illegal, unreported coming in. And we wanted to deny the marketplace for that. And we continue to look at that program and to see whether we can use import restrictions, whether it should be broad or not to different species to deal with that.

For marine mammal protections, we are concerned that our fishermen as you said in terms of ICCAT and in terms of whales that we have to do a lot of things to protect marine mammals that other countries do not do. And so we have a quite lengthy process that we've been going through for several years that would do something similar which is deny access to the U.S. for products where the countries do not have similar measures. So there's some broad things to do.

This is something that has been an issue for all administrations that I've been a part of, trying to work on that. The U.S., specifically about the details of ICCAT negotiations, there are ICCAT forums that I know that you participate in. I can't talk about what we will or won't be pursuing.

Our strategy has been to try to get other countries to meet the elevated U.S. standards. We recognize we have that. We are not always successful, but we try to do that. I think our overall goal is to try to raise all fishing to the level of the U.S. We're not always successful, but that is what we're trying to

do.

Mr. Brooks: Thanks, Sam. Let's go to Marcus, then Marty, and then we'll go to Alan Weiss online. So Marcus?

Mr. Drymon: Thank you. Good morning. My name is Marcus Drymon. I'm with Mississippi State University and Mississippi-Alabama Sea Grant. And I just wanted to share some concerns that I've heard from Gulf of Mexico charter fishermen as it relates to depredation, of course, the interaction between sharks and unhooked fish, something I know you're familiar with.

My group has held a series of workshops with these Gulf of Mexico charter fishermen. And we've heard a very consistent message. And that message is that they're expressing a sentiment that NOAA fisheries wasn't doing enough to combat the deluge of misinformation about sharks and shark fisheries in the United States.

So specifically they requested the agency share more social media messaging along the lines of what HMS did a few years ago for Shark Week. Maybe I should take my cue and just stop right there. So unfortunately, these fishermen noticed that shortly after HMS posted recipes for sustainably harvested U.S. sharks, that post was deleted in response to internet outcry.

And these fishermen noticed that and collectively they were disappointed. So in short, NOAA fisheries and HMS in particular oversees the planet's best managed and most sustainable shark fisheries. But many fishermen in the Gulf feel that message isn't being broadcasted loudly enough. Thanks.

Mr. Rauch: I will agree that like every fishery we manage, the shark fishery is the best managed fishery in the world. The Magnuson Act in particular including all these, there's nothing like it in the rest of the globe. And when we set quotas, it's for the sustainability of the population.

And we can prove that which other people can't do. So yeah, I mean, that is a message that we try to get out there. I take your point that you'd like us to do that more. I know that you had some discussions yesterday with our folks about looking into that issue. And we'll continue to look at that.

Mr. Scanlon: Good morning, Sam. You touched -- as soon as you came on board here and talked to us today here, you talk about the importance and the significance of the people that sit at this table here, yet here we are being faced with term limits where you're going to interrupt the input that is so valuable that you talk about. I mean, speaking for myself, I'm the president of the fishery.

Where do you think the industry is going to go to find a person that's going to replace me at this table with the years that I've put in here? I've been involved in the regulatory process since 2006 serving under PLL TRT. And I've served on this panel here. I've been in this room for the last ten years. So you say one thing, but your actions tell us another.

The other thing I want to touch base on is you talk about all this money that you have available to you here. And as Dewey points out, to maintain sustainable levels that all these stock need to be maintained, it's really fallen under -- the burden has fallen on the shoulders of the U.S. fishermen. Our efforts -- our sustainable efforts come at a sacrifice.

And we never talk about that sacrifice. We never talk about compensating these fishermen for the sacrifices that they made. And one of the reasons we talk about -- we also talk about revitalizing this industry. But you can't revitalize this industry when the industry is constantly being put under pressure and made demands of that are really unreasonable if you're not going to level the playing field.

We have vessels here in this industry that are getting very old. And one of the reasons why these people go out business is that with the sacrifices

that we make to maintain sustainability, we can't maintain these vessels. So when is it time for you guys to start compensating us for the sustainable efforts that we put forth to protect our oceans?

Mr. Rauch: I guess that second question was more for Congress than for me. Let me just talk about -- I'll address both of those. The term limits question is a good one.

We struggle with these issues in many of the boards, and the Councils are term limited. And we're able to find good replacements. And what we have found through the Council process is that new perspectives coming in are very helpful to continue to keep it vibrant, to bring new ideas in there, and we do like to see that turnover.

And most of the boards that we deal with have some sort of term limits there to do that. So I realize it's a challenge. We do look in replacing folks. We do look to try to get representation from important sectors. But we also do think there is an importance to bringing in new members, new ideas. And so that's why we do that, and it's patterned off of the Council process.

In terms of leveling the playing field, I'll address some of this. The United States is very concerned about these kinds of things. We have taken action to try to do this. It is a difficult question in terms of how we can regulate activities in other countries and what we allow access to our marketplace.

In terms of whether we can compensate the fishermen for sustainability measures, that is really an issue to take up with Congress. That is not something we currently have the authority to do. That is something that you could raise with them and we could deal with that.

Mr. Brooks: Great, thanks. Let's go to Alan Weiss online, then we'll come back into the room and go to Sonja and then to Rick.

Mr. Weiss: Thank you. My question is pertaining to the 30 by 30 Initiative. And when I first heard about this -- and when I first heard about it, it was just a headline. It sounded like something wonderful because it would seem to put pressure on the rest of the world to start coming up to speed.

And of course, there are many nations for which United States is light years ahead of them in terms of marine and fisheries conservation. What is disturbing to me and I wonder how this comes about is that the way conservation is being interpreted in terms of this initiative is closing sections of the ocean to use and we're fishing. And really it seems to me that the United States is well ahead of 30 percent in terms of conservation.

With the Magnuson Act, the Endangered Species Act, the Marine Mammal Protection Act that pertain to the entire EEZ, we're actually conserving 100 percent of our territorial waters. And I think we're good to go with the authorities and the situation that we have in place. Is there any possibility that the context of this program could be seen in a broader light and see and acknowledge that we're actually conserving 100 percent of our EEZ now already and have been for some time?

And so 30 percent is a way low standard. But conserving, why does conserving equal not using? Thank you.

Mr. Rauch: Yeah, thank you for the question. So the report that the administration issued last December, I believe, which was the America the Beautiful report which laid out not a definition of conservation. So that has not been defined yet.

But some of the principles, some of the thinking behind the term, and it clearly states that conservation is not the same as preservation, that there is continuum of things that could be considered conservation. And it calls out many of the Council management areas. It calls out many of our partners.

It calls voluntary land use agreements, other kinds of things that should be looked at. So there is not a statement right now that conservation must entail a closure. But the administration is looking at that, right? So as I said, the next step on that is the atlas which I think will provide a lot more guidance as to what the administration thinks about conservation in terms of specific areas.

In terms of the international measures, there is a broader effort internationally to look at something like 30 by 30 under different standards or similar standards but different ones. The United States was very clear it was not adopting any international metric. It was going to develop its own.

But that is out there. And I do think that there will be in place once the United States provides some meat to the bones here, to be a leader, to get other countries to do something similar to what we've done. That has worked in the past. Sometimes -- as we were just talking about in terms of leveling the playing field, sometimes it takes a long time. Sometimes it doesn't work well.

But the United States is often a leader and pushes the global community into more conservation, a better -- or I should say a better, more sustainable approach. So I anticipate that. I anticipate that the administration at least so far has said that they're looking at a continuity of actions, not just what we traditionally think as closures and for conservation. But we'll have to see when that atlas comes out which will be later this fall, I believe.

Mr. Brooks: Sonja Fordham, why don't you come up to the table? And then after that we'll hand it off to Rick Weber.

Mr. Fordham: Thank you. Sonja Fordham, Shark Advocates International. Nice to see you again. I last time made some -- voiced some concerns about wanting to see better integration between domestic regs and the international wildlife treaties that affect shark fisheries in particular, so including CITES and

also concerns about the lack of stock assessment for Atlantic common thresher sharks.

So I'm sure those are still fresh. So I'll just move on to a quick update and a compliment if that's okay. With respect to depredation, I just want to flag that the American Elasmobranch Society is currently considering a statement of concern along the lines of comments that were made by Dr. Bob Hueter yesterday. So just we'll send that along if it's adopted, as soon as it's adopted.

And then I just wanted to thank NOAA and you in particular for the resumed leadership for shark conservation at NAFO, the Northwest Atlantic Fisheries Organization, particularly the pending U.S. proposal to protect what's probably the longest living vertebrate, the Greenland shark. So I just wanted to say that NGOs not just -- conservation NGOs not just in this country but across the North Atlantic region are working hard to support this proposal in particular. We're hopeful that the other parties will accept it this year and that we'll get some complementary domestic regs soon after that. Thank you very much.

Mr. Brooks: Sam and I are both of the opinion that there was not a question there. Did we get that right, Sonja?

Mr. Fordham: Yeah.

Mr. Brooks: Okay, great. Okay. Rick Weber and then we'll bring in Pat Augustine.

Mr. Weber: Hi, Sam. Rick Weber. I've been here a long time and not engaged you enough. And I owe you an apology for that. You show up with highfalutin ideas that are very high level that I am not processing.

You are light years ahead of us because you have been in here talking about marine spatial planning. And I kind of zone out, yeah, yeah, yeah, marine spatial planning. And now we are at where the

rubber has met the road.

And I apologize for not paying greater attention and being more involved earlier. At 30 by 30, I'm going to hit it again but sort of bring lots in. And I don't know that I have a question either, not a surprise to the group.

But it will combine Dewey's concerns of level playing field. We're doing it again with 30 by 30 is my concern. It is such a difficult thing to balance leading versus international negotiation that once we have laid out our cards and said, we've protected 30 percent of our ocean. Why won't you do the same?

That when we get to ICCAT and other RFMOs, they go, okay, well, we'll make something. But what are you going to put on the table now. This is what we've done with mako. It's what we have done with marlins.

We keep doing this where we say, we are the United States, and surely the world will follow our excellent leadership. And they don't. And I'm asking you to keep a skeptical eye towards this as we go with 30 by 30.

I love preparing the inventory. Let's identify our 30. If we needed to add anything, I hope that we don't. I hope that like other people have said that we have protected enough that we can simply come forward with our own.

But if we needed to do something more, let's put it on the table and identify it and activate it when ICCAT identifies their 30 percent of the rest of the ocean. We will bring our 30 online when you bring your 30 online. But we have identified ours. Now go do your work, people. And that is more of a negotiation -- leadership through negotiation. I guess I will leave you with a question which is, is that doable?

Mr. Rauch: Well, as you've quite rightly surmised, in

many forums, not just fishing, the United States tries to lead by example. And I don't see that changing. That does over time effect international change, but it is in fits and starts.

And we often have these issues where the United States is out front and our partners and it's not just in fishing. There are many things that we do that. I do not think that is likely to change.

But those focuses of international negotiation, we have to be patient in the long run. We can't just make other countries do that. It is a negotiation.

And at one point in time, I was the Western Pacific tuna commissioner. And I saw all that stuff firsthand. So a lot of that does actually go on, and I think we're skeptical about that.

That being said, this administration has firmly adopted this goal for us domestically. And we've already done that. So we're going to try to do that.

We've been working with the Councils on their overall accumulation of fishery management area closures. We add the HMS stuff to that. We're close in terms of how you calculate the 30 percent.

It somewhat depends on the definition. The normal part of fishing measurement is to look at closures, not because we're trying to beat an overall metric but because we think it's important to do. That's how we got to be closed to begin with.

I don't know whether we're -- until we see what the atlas says, I don't know whether we're under, over, where we are. But I know we're close. And I know that we have a process that we try to achieve conservation objectives. And we use managed areas where appropriate to achieve an objective that's not a number.

We will continue to do that. But I do think that in many ways just because we're close already, we're not far off where the President has sort of laid out

for us to be. It may be that we don't have more to do in the short term, and maybe there's a little bit more to do.

The report I referenced back in December, it talks about we're not creating a new process, right? If we think that we're off, we're going to continue to use the same process we've been using to look at these areas. If we implement a Magnuson Act closure because it's important to do under the Magnuson Act not to meet the 30-percent goal.

Mr. Brooks: Thanks. I think we got time for one more question. And let's go to fittingly Pat Augustine online. Pat, wait one second till we can open up your line. Okay, Pat. You're good. Pat, are you there? We're not hearing you yet.

Mr. Augustine: Hi, Russ.

Mr. Brooks: We got you.

Mr. Augustine: Hello?

Mr. Curtis: Yes, go ahead.

Mr. Augustine: Can you hear me?

Mr. Curtis: Yes, we can hear you.

Mr. Augustine: Well, hi, everybody. Glad you called me to be on for a minute. Very interesting conversation. I really have nothing to add to it.

I've become such a realist of what's going on and taking everything from the assessments of what we're doing with some of our stocks and climate change and try to put it in perspective. It seems like everybody is concerned about what's happening, both in the ocean and in our climate. And we're coming up with spending all kinds of money and setting aside issues and making plans and so on.

And I'll throw in how long I've been around for forever. I am the old man. And things that have happened in the last 50 years as to what we

anticipate is going to happen in the next 20 to 30 years can be frightening.

However, all these things that have happened, they're changing. Climate continues to change. I think we have to accept it. I don't see how rules and regulations and management guidelines being forward thinking enough.

We're now talking about the Mid-Atlantic. We're talking about how do we plan for the next 10, 20, 30 years. Do we have to change what's on the endangered species list? Has it been effective?

Those species that are on the protected species list, seals. When are we going to look at those and their impact on the total of what's happening in the marine environment? I saw a note from NOAA saying that since I think 2004 something like 5 to 12 whales had been affected by ship strikes.

So we're going to change the law again so that those vessels are going to travel in the speed they're traveling because we've got 5 but we think 12 strikes, whale strikes. I'm just wondering where we put our hat. Seems to me we're grasping at straws to attack this and attack that.

The 30-percent business that we're just talking about recently, that's another one of those things that someone thinks we have to do. I may be rambling a little bit. But I've been listening to what's going on with HMS for a lot of years.

I don't make a lot of comments primarily because I'm very frustrated, frustrated from what we've done to the commercial fisheries, what we've done to some of the stocks. What stocks are actually being evaluated, have been evaluated? Which ones are on the protected list?

I often wonder what is it we're trying to do. Is it the group that's trying to save everything, trying to put the commercial folks out of business, reduce the impact of recreational anglers, what they're fishing

on? Is the goal to go ahead and have all of our marine food line, if you will, supply for aquaculture?

Those are the things that have been on my mind. So I sit here and I listen and then I'm called on. And I hadn't thought about being prepared to say anything.

But those are the things that have been kind of screwing around in my head. I wonder how many of you around the table thought the same thing. We're reaching out there and trying to this, trying to protect that.

We're always reaction oriented. We think we're action oriented. We're reaction oriented. I listened to Alan trying to defend something that he believes in. Trying to get an answer on something that was important to him.

And I'm not sure he had a very good answer. But anyway, I'm sorry I'm rambling. But the fact of the matter is those are the things that have been on my mind.

And I see the direction we're going at HMS. I just see things, rules and regulations, tightening more and more and more and more. And the question is, for who and for what?

At the end of the day when we all put our head down on the pillow, I wonder if we're really going to answer the question, did we really accomplish something good? Or did we just put another bunch of blocks in the way of people making a living and getting on with life and supplying a very important product to our public, our marine fisheries and crustaceans and so on? So I'm glad you called on me, Brooks, because this is my last meeting.

And I appreciate you folks tolerating me for as long as you have and as many years as you have. Sorry I wasn't there to bring the cookies down. But I've got cookies to make for Sloan Kettering yet. Still doing 50 dozen about every other month for them

and some other organization.

But I did enjoy all the interaction with all of you. I'm going to miss you. I will continue to stay in tune with the meetings and so on. So guys and gals, thank you all very much for allowing me to rattle on and speak my peace.

Mr. Brooks: Thanks very much, Pat. Appreciate it. Let me hand the mic back to Sam before we let him move on to the rest of his day.

Mr. Rauch: Yeah, I don't -- once again, I don't know there was a question there. The one thing that we didn't talk about before, you did talk about the right whale speed rule. And I would just comment that that is out for comment.

And so we proposed that and any comments that you wanted to make, we're happy to take that into account. I can't really talk about it because we're in the comment period. But we are looking at those issues.

Otherwise let me just say particularly for those of you who this is your last meeting, how valuable, once again, your participation has been. We think it's very important, both you and the perspectives you bring. The work that you've done has been very helpful, for us, for the coastal communities, for the U.S. economy, and I appreciate that.

And sometimes we disagree. Sometimes we have difficult conversations. But we're all trying to be very constructive and to move this very important enterprise for it. So thank you very much.

Mr. Brooks: Thanks, Sam. As always, it's nice to have you hear. Thank you, AP members, for the comments and questions. We'll let you go. And at this point, we want to shift to talking about HMS -- and thank you, Kelly. Let's bring up folks who are going to talk about the HMS climate vulnerability assessment.

## HMS Climate Vulnerability Assessment

Ms. Cudney: Good morning, everybody. I'm very happy to be here to talk to you today about an upcoming project that we're going to be working on which is our climate vulnerability assessment or CVA that's going to be done for Atlantic HMS fisheries. I'm Jennifer Cudney, and I am taking point on this project with several of my colleagues.

So hopefully we're going to be able to give you an introduction to what a CVA is or for those of you that have been involved with one, a refresher of what's involved. And we will be able to also provide you with a timeline for this project. So we know that climate change is affecting our nation's fisheries.

And the agency and the administration has been spending an increased amount of time on this subject. We also know that it is of interest to this administration as evidenced by a number of different task forces, different appropriations and fundings for climate change, executive orders, and other types of guidance and actions that have happened over the last couple of years. NOAA fisheries itself has also been working on climate change for quite some time.

A NOAA fisheries climate science strategy was published in 2015. And the intent of this strategy was to increase the production, delivery, and use of climate-related information that was needed to fulfill NOAA fisheries mandates. So this climate science strategy is implemented through regional action plans that identify priority needs and actions.

There is also a climate ecosystems and fisheries initiative that has more recently come up by NOAA fisheries. This CEFI is a cross-NOAA effort that is intended to build the nationwide operational ocean modeling and decision support systems that are needed to reduce impacts, increase resilience, and help marine resources and resource users adapt to changing ocean conditions. So this is really going to be considered an end-to-end system that's going to

provide decision makers with actionable information and the capacity that's needed to prepare for changing conditions today, next year, and for hopefully decades to come.

I do want to say that I put a link on here to the fisheries, climate, ecosystems, and fisheries initiatives with a URL shortener. So please feel free to copy that down if you're interested in checking that out. All right. So HMS has been engaged with several ongoing climate initiatives.

I mentioned those regional action plans that had been used to implement the NOAA climate science strategy. We have been involved with the northeast and southeast RAPs, regional action plans. We have also been able to attend and participate some in the East Coast climate change scenario planning activities that have been happening recently.

And we have been a partner in developing the northeast State of the Ecosystem reports. We also implement climate change -- or we consider climate change in various products that we put out, such as our EBFM, our ecosystem-based fishery management plan. And it is also something we think about when we do our EFH activities.

The agency has completed a number of climate vulnerability assessments, again, shortened to CVAs, on different fish species, habitats, protected resources and fishing communities. So we're excited to be able to, through this project, start to contribute to this growing conversation about how to use the results of these CVAs in planning for climate change. So a CVA, kind of on a high level, is a rapid assessment that is intended to identify what species might be most vulnerable to climate change and why.

And we do this by using current existing information and expert opinion to evaluate individual species exposure and sensitivity to climate change. So there are different attributes that are compared under exposure and sensitivity. So we're basically looking

at where we expect the species to be relative to magnitude of things like sea surface temperature change into the future.

So different species might have different things that are important to them. So there are a number of different exposure variables that might be considered. Sensitivity is based on the life history of the species.

So this amounts to things like species that may not be as highly mobile. They may have very specific prey or habitat requirements, might be considered more sensitive to climate change if we expect increased magnitude of change to occur in those habitats or perhaps to affect those prey species. We use quantitative data when it's available and qualitative information when that data are lacking to overall develop a measure of the species vulnerability that can then inform science and management actions.

There have been several CVAs that have already been completed. The northeast published theirs in 2016. There have been a couple of additional ones published in 2019, and most recently the Pacific Islands completed theirs in 2022. The southeast region has a few in progress as does the West Coast.

So our particular project, we, of course, overlap with the northeast, South Atlantic, and Gulf of Mexico regions. So we are very interested in the products and outcomes from the CVAs. So the northeast included four Atlantic HMS in their CVA. They included dusky, porbeagle, sand tiger, and smooth dogfish.

Although it's not published, we were able to look at some of the information that came through the South Atlantic CVA. Five Atlantic HMS had been included there, including dusky, sand bar, bonnethead, sand tiger, and Atlantic sharpnose. And there were actually 12 Atlantic HMS that were included in the Gulf of Mexico CVA.

So even though we've had several sharks that have been included in these sort of disparate regional CVAs, we do feel that there's a need for a more comprehensive Atlantic HMS CVA. Our hope is that this would include all the sharks that we manage over their full range of the EEZ if it's appropriate to use that scale of reference. And then as you noticed, most of the existing fish stock CVAs have been focused on sharks.

So we do need to take a look at our other managed species, including our tunas, billfish, and swordfish. And as you can also see, there is nothing here about the U.S. Caribbean. So hopefully a comprehensive Atlantic HMS CVA would also include information pertaining to these species in the Caribbean.

Another reason aside from the fact that not all HMS have been included in existing CVAs to do one is that we know that there are climate change impacts on Atlantic HMS. So this is just one example from the body of literature that's available by Erauskin and Extramiana published in 2019. They analyzed the global distribution of tuna species and associated habitats between 1958 and 2004 and essentially found that there has been both shifts in the habitat -- the suitable habitat of several of these stocks poleward, a shift in the distribution limit of these stocks in the northern hemisphere by approximately 6.5 kilometers per decade.

This amounts to a significant northward trend for species like Western Atlantic bluefin tuna and West Atlantic skipjack tuna habitats. Albacore tuna, there's also been some evidence that their habitat has shifted northward or poleward. And only 20 percent of these changes are related to what we would normally consider to be these sort of natural variations as a result of things like the North Atlantic oscillation.

So there are other things that are going on. They have been linked to climate change. And the

information is out there to support this project.

This paper also looked at projected abundance changes. So we just have these examples. We thought this was interesting to highlight to the group.

Basically, these are projected changes in abundance for bluefin tuna and bigeye tuna relative to a 1980 to 1990 reference period. So green areas are places where you would see gains. And red areas are places where you would expect to see losses of abundance from this modeling exercise.

So you can see that off of the Northwest Atlantic, we do see unfortunately a lot of red for bigeye and bluefin tuna. So at least in this one example of a modeling exercise, that is not necessarily good news for us and for these stocks. However, we do see other types of changes that could happen again from this one particular modeling exercise for yellowfin and skipjack tuna which suggests projected gains in terms of abundance in many places where our fisheries operate.

So it is good for us to think about these potential changes, look at the information that's available to us, and see what we can do with it to potentially plan for climate change. So how are these CVAs conducted? The next couple of slides are going to walk you through a high level overview of these processes.

Right now, we are at the project scoping stage. But there are also information gathering stages where we're basically compiling the information that's going to be used in the evaluation. There's sensitivity scoring where we will pull together a group of experts to take a look at the information that we compiled, and then we'll use their scores to generate a series of outputs from that assessment.

So let's take a quick look at some of these steps in greater detail. So project scoping is going to basically be conducted by a core team of individuals

from HMS from the NOAA Office of Science and Technology and is going to include some of our climate change experts from our Science Centers, our regional offices, and headquarters. With the scoping process, we're going to be defining what our CVAs is actually going to look like.

So what data sources are going to use? What are the spatial boundaries of the analysis area? What sort of time scales are we going to be looking at in this analysis?

What are the most important exposure factors for our species? Could be temperature, chemistry, other things that we want to focus on. And we're also going to need to start selecting our experts that are going to be involved in evaluating this information and hopefully generating useful scoring information for us.

This information gathering stage, there is a whole lot of information that's out there in the literature. So we do hope to be able to leverage existing projects such as our Essential Fish Habitat 5-Year Review where we're already collecting quite a bit of information on the life history of our species. So hopefully we'll be able to take that and apply it towards this information gathering for the HMS CVA.

What we're going to end up with is species specific profiles that provide a high level overview of life history information that is going to again inform that scoring against those vulnerability attributes. So for example, if we want to look at sensitivity of these species to climate change, we're, again, going to need things about their life history, about where they go, what type of behaviors these different species exhibit. Another thing that we're going to be doing in this preparatory stage is looking at exposure.

So this is a neat exercise where we're going to be taking the -- well, we think we're going to be taking the EFH boundaries that we published in 2017 with Amendment 10 and overlaying that against

projected anomalies in climate conditions. So basically, we're looking at the magnitude of change, comparing it to where we know our species are, and using that to develop a measure of exposure to that change. Finally with that information, we're going to have again those experts get together and go through a sensitivity scoring process.

This is a multi-step process where we will provide them with some instruction on what is going to be happening. They will have a chance to individually rank each of our managed species on what they think are the vulnerability exposure and sensitive scores. Then we would have a workshop to discuss those scores with our experts, and they will have an opportunity after that workshop to re-rank based on the conversation that's coming out of it.

Outcomes, we have a lot of different things that we would expect to get out of this exercise, the first being species narratives. These are critical one- to two-page communication tools that provide a high level overview of this whole process for each of our species. It can be used to summarize a lot of information such as the distribution of scores, information on data quality and uncertainty.

It can provide information on the potential for distribution changes and directional effects. We expect this to basically be a summary of the identified climate impacts or effects on the species based on this exercise. And it could also provide a synopsis of the life history information if we find that valuable.

This is an example of what a species narrative could look like. It is from the northeast region exercise. And again, it's going to include a lot of that information coming out of the assessment. And you can see the second page is quite a lot of text that walks through the expected impacts and some other explanation of the scores and just provide a nice summary of the impact score of this particular species which was dusky shark.

There are other types of products that are generated. This is a table that was comparing both the climate change exposure scores and biological sensitivity to develop an overall evaluation of vulnerability. I'm not going to spend a whole lot of time here.

But basically, this is a way to compile a whole lot of information and compare multiple species at once. So this is from the northeast CVA. Many of the other CVAs have produced a similar type of table. And I was just highlighting here where we landed with the HMS species that were analyzed.

Another thing about this product is that the data quality or the certainty of this information is also denoted by the color of the font and how it's presented. So black bold font indicates species with very high certainties in their score whereas those species with low certainty are going to have white or gray font and be presented in italics. So again, there's a lot of useful information that is presented here.

We also expect to be able to develop some -- be able to take those species narratives and put them online. The northeast had a very nice website that they use to communicate the results of their CVAs. This has since been wrapped into an Office of Science and Technology website that's presenting this information. We expect to also have several manuscripts that come out of this effort.

So what are we going to do with this information? We think that it's going to be able to inform a lot of the science and management initiatives that our agency is undertaking. Hopefully, it'll be useful for making management decisions that can increase stock resilience.

This information will definitely be useful in many of our decision making documents such as our NEPA documents that support rulemaking, perhaps also bi-ops, other types of risk assessments. Any time

you're looking at cumulative impacts analyses, this type of information can only be helpful. And there are a lot -- again, there are ecosystem status reports that are being developed in many of the NMFS regions.

So our hope is that this information could feed into the northeast and southeast ESR reports as well. We think it can be useful for some vulnerability assessments for fishing communities. It could feed into some scenario planning exercises.

We think it could feed into it. We think it could also be informed by some of these exercises. And then there's a variety of other things where -- other projects where we believe that this information could be used, such as possibly restoration planning, our EFH non-fishing impacts analyses, other types of strategic planning exercises. It can certainly help us set research priorities when we identify where some of these information gaps might be.

And then perhaps it could also provide information that could in the long term be useful for stock assessments. So again, revisiting our timeline and our next steps, right now, we're at the scoping stage. By the next time we see you, we hope that we will be through scoping and through our information gathering stages and getting ready for a sensitivity scoring next spring and the following summer.

So if you have any questions, these are the folks that are working with me on this project at this time. We do expect that there could be some additional folks pulled in. So we will keep you guys posted on this process.

And this is a website at the bottom of the slide that has additional resources on the climate vulnerability assessments. So be sure to check out the other agency information available. So right now, I'll take any questions.

Mr. Brooks: Okay. Thanks, Jen. So we've got a good chunk of time here for questions folks may have about the process and how it's happening, what it means. Marcos, let's start over with you.

Mr. Hanke: Hello. Thank you for your presentation. The Council, they have big problems explaining the difference between climate change and other processes that are related to climate change and where that line is drawn. For people to understand, this work probably going to help us a lot.

The question, I'm going to use the sargassum as an example. How effective is the sensitive score with events of sargassum influence massive throughout the Atlantic, especially the Caribbean area, recognizing that the climate change have a lot to do with the sargassum influence and how that move and that have an effect on the whole ecosystem. And mainly species that you listed over there, how do we make that line?

And we put apart climate change effects and the score for it and processes like the sargassum influence and the change of that over time. I don't know if my question is clear. But I would like some guidance on that.

Ms. Cudney: So I think that's a very good question. And it's certainly an issue, as you pointed out, that's affecting the Caribbean. So when we start to look at considering exposure in the Caribbean, I think that would have to be part of the scoping discussions where we're thinking about kind of the ongoing issues in the area.

The intent of this is to use some of that known information that is available. And so I'm not exactly sure that sargassum is included in the, like, specific list of exposure variables. But I'm confident that there are ways that we can include that in our analyses. So I don't know that's very helpful. Do you have anything? No? Okay.

Yeah, so unfortunately, I don't really have a great

answer for your question other than that's something that our team needs to keep in mind and include in the analysis and in our discussions. I do know that there are going to be plenty of opportunities to get feedback from the AP, hopefully from folks that are going to be involved in the expert scoring process and certainly with some of the outcomes that are going to be involved with this whole effort. So my hope is that we will be able to keep in touch and keep being reminded of the things that we need to include in that scope of discussion.

Mr. Brooks: Great, thanks. Let's go to Lisa Kerr online, and then we'll come back into the room and hear from Willy, Katie, Marty, and Dewey. But let's bring in Lisa first.

Dr. Kerr: Thank you. It's great to hear about this work. So thanks for the presentation. It sounds like you're thinking about how this -- the Climate Vulnerability Assessment will feed into other products.

And I think that would be great from the northeast perspective. The state of the ecosystem report has really useful contexts. But has the pertinent -- HMS perspective has been really focused on sharks to date.

So it'd be great to see there can be some spots as to products that might come out of this that would weave its way into the state of the ecosystem report as well. And I think this is a great first step in this kind of going down this path. And I think the next logical step might be considering producing something along the lines of ecosystem and socioeconomic profiles that are stock specific.

And this is work that's underway in the Northeast and North Pacific. And this takes a lot of that kind of information gathering that goes on in a CVA and makes it more specific and actionable in the context of stock assessment and how you might utilize information to consider climate risk in a catch

advice setting or a management decision. But I think that comes after stuff like this.

And so I think it just might be useful to -- you may be in touch with those folks at NOAA who lead those efforts. But I think there could be a leveraging of effort to kind of think about that next step as you do this first step because a lot of the same information gathering is involved but maybe slightly different framing or slightly different recorded -- level of detail that might be recorded as you go. So I just would kind of flag that as a perhaps useful effort to think about those other products that are very action oriented, how you integrate a climate driver into an assessment, how you might use it to inform an uncertainty level in terms of framing catch advice down the line.

Ms. Cudney: Yeah, thank you for that comment. And actually, we are plugged into the northeast state of the ecosystem process. I and a couple of my colleagues are very involved with compiling data for that product.

And it's an extensive process that takes probably close to six months from start to finish or more. But yes, we are involved and we actually have let the state of ecosystem folks know that this was going on. And they're very much looking forward to seeing the outcomes from this.

So we are right there with you. We are thinking about how to apply it. And as you pointed out, there are a lot of products that are coming online or things we can do with this information that kind of amplify the outcomes. And that is, of course, one of the reasons why we're so looking forward to getting this project done so that we can then take the results and then kind of participate in those ongoing conversations and start to really explore what we can do with it.

Mr. Brooks: Great, thank you. Willy?

Mr. Goldsmith: Thanks, Jen, for the presentation.

Just a quick question, you had mentioned some of the potential uses of this information to include stock assessments. I was just wondering kind of in a broader context outside of the U.S. EEZ is, are folks at ICCAT aware of this effort? Are there discussions about kind of international outreach as well for potential future management?

Ms. Cudney: So I don't actually know the extent that the ICCAT folks are aware of the use of CVAs in general since we're just getting started. I'm not sure that there's been time yet to amplify the message that we are doing one to ICCAT. But I certainly see some of the ecosystem work that they're doing through maybe, like, the ecosystem report cards or other initiatives that I don't know that it would necessarily feed into it. But I think there's room there to at least be aware of what's going on and see if there are any synergies.

Mr. Blankinship: And just to add to that, I think it was -- it's a good point. I'll say that at least thus far and I anticipate this will be the case with the HMS CVA that the Science Centers are quite involved in those, in fact, leading the ones up until the HMS one which we will be leading but they will be involved in. And that means that there is the opportunity for our U.S. scientists to the SCRS have the ability to be able to funnel relevant information into that SCRS process.

Mr. Brooks: Thank you. Katie?

Ms. Westfall: Thank you, Jen, for the presentation. And I just wanted to express deep gratitude for taking on this important work. I agree with Lisa and her comments and this is a great first step towards increasing the resilience of HMS fisheries.

So just want to underscore how important and grateful we are that you're doing this work. One comment on once you have the results, I suggest doing some outreach and communications in a way that's digestible and actionable for stakeholders. I think a lot of this information can be really

technical, and I think really doing -- being able to communicate it in a clear way to stakeholders is going to be incredibly important.

Another comment, you mentioned the regional -- the climate science strategy and the regional action plans and that HMS was addressed in the northeast and the southeast. Really I feel like HMS got shortchanged in this documents and wasn't really thoroughly addressed. And because as we know HMS span multiple U.S. regions, I think there's an opportunity to put together some planning around the needed climate science for really increasing the resilience of HMS fisheries.

And I think obviously HMS are different. And I just feel like they're more adequately addressed in those plans. So maybe there's an opportunity to model a shorter document that's specific to Atlantic and Gulf HMS and really plan out some of the needed assessments and analyses that would really help the agency take management actions to really increase resilience.

Mr. Brooks: Thanks, Katie. Let's take one more person in the room, and then we'll go online. And then we'll come back. Dewey?

Mr. Hemilright: Yeah, thank you all for your presentation. And I was wondering about with the increase of the vulnerability scores, does that necessarily mean more restriction on fisheries? And another question is, what definition is NOAA or the agency using for resilience? What does that mean?

Ms. Cudney: Okay. So in terms of the vulnerability - I'm sorry. Can you repeat that question?

Mr. Hemilright: Yeah, does vulnerability if a higher score, does that mean that there's going to be more restriction on fisheries? And also given that these are highly migratory species that we're looking at, how does that work in the international aspect of it? I mean, I know we always lead first and leading first means less fishing for the U.S. fisherman. And I'm

just curious how, and the definition of resilience that you all are using under you all's terminology.

Ms. Cudney: Okay. So perhaps the easier question here to address this is intended to be a planning exercise. Assessment of the known information to give us an idea of which of our species might be the most vulnerable, meaning -- and that vulnerability is, again, through are they going to be exposed to these big, big, changes in the environment and is their life history sensitive to these big, big changes? So that is not -- it's not something that I have seen really bridge to regulation.

This is for strategic planning. It's for things like, where do we need to direct resources to research, to monitoring? Where do we need to think a little bit extra about when we're looking at cumulative impacts analyses, that type of thing?

So I don't actually know of anybody that has used the outcome of a CVA and said, okay, because this species is the most vulnerable, it is going to result in a closure of that species. Or it is going to result in a no-take of that species. And then resilience I think -- this is kind of a lame answer. But I think resilience does mean different things to different people. In this sense, we want to build resilience in our communities and in our management.

And that is going to be long-term capability to keep the fisheries going and help people adapt to these changes. So I know that science and technology has many different tools where they've measured resilience. And I guess our hope is that with this information, we would be able to understand which species might be the most affected and then look at the fisheries on those species and try to develop strategies based on that recognition.

Mr. Hemilright: Follow-up?

Mr. Brooks: Yeah.

Mr. Hemilright: Yeah, you had a slide up there to

better inform us on management. But just like you said about the variability of resilience, the definition of that, some of us believe that climate change for us and how the migratory species apply to the longline industry is way down on the list compared to continuing government regulations and leveling the playing field with imports and closures. And so our resilience is coming from just a pure determination of trying to exist and it ain't from the climate change that that might be predicted in the future.

So I just wonder about that definition of resilience, how that's going to be used and the terminology or what the definition of -- you've got to have a definition for it. I was just curious about that. So thank you.

Ms. Cudney: Yeah, and also keep in mind too that there's a question of scale in terms of these different things that are affecting the fishery. So we're looking at projecting impacts out 50 years in advance. So some of these other things that are affecting the fishery might be working on different time scales. So that question of resilience really is very layered.

Mr. Brooks: Thanks.

Mr. Hemilright: I won't have to be worried about 50 years. So thank you.

Mr. Blankinship: I hear you, Dewey. We are worried about 50 years and further out. So this is part of that planning process.

Mr. Brooks: Let's go online to John Depersenaire, then we'll come back in the room, hear from Marty and from Rick.

Mr. Depersenaire: Hi, good morning. Can you hear me okay?

Mr. Brooks: Yes.

Mr. Curtis: Yes.

Mr. Depersenaire: Great, thank you. Just when I was looking at the slide on page 16 which talks about the modeling exercise and the data that goes into that, what I thought I saw was missing was kind of any fisheries dependent data going into that. And what I'm specifically thinking about is a lot of the kind of crowdsource, real time data and products that are available to fishermen now that are being widely used.

The Navionics app, for example, which is updated real time, Terrapin, Ross, all those are kind of using crowdsource information to kind of really get a real time perspective of what's going on in the ocean. And thinking along those lines, I just wondered if that would be a venue to possibly explore in terms of groundtruthing these exercises when you're starting to model vulnerability to see if they're actually coming to bear. I particularly think about dusky and sand tigers.

And even though we have no directed fisheries for them, we're clearly interacting with them on a pretty frequent basis. So things like that data captured through those mechanisms could be very helpful when we're trying to figure out how vulnerable those species are. So I guess my question is, had you thought about that in terms of what sorts of fishery-dependent data, real time data you can pull from to validate these exercises of vulnerability?

Ms. Cudney: So thank you for the question. At this point, we are still again in that scoping stage. So this is the type of thing that the core team is going to consider in terms of what data they want to use.

I know with the crowdsource data, I mean, that is a continuously growing data set. So at some point, we have to draw the line in the sand and say, okay, this is the body of known information that we're going to build into this exercise. That doesn't mean to say that we can't do that sort of groundtruthing after

the fact.

If we feel like we need to do some assessment of the uncertainty from the results of the exercise. But yeah, that's something we can consider and kind of on both sides of this. The beginning one, we started to pull the project together but also at the end when we're looking at our results.

Mr. Brooks: Thanks. Marty, why don't you come on in.

Mr. Scanlon: Yes, it's interesting to me here that here we are with this initiative for Atlantic Highly Migratory Species Climate Vulnerability Assessment. And for years now, we're working on spatial management. And there's no mention of spatial management at this meeting. It's not even on the agenda.

And I believe it's understood by this panel that spatial management is an essential tool to assess climate change within the HMS fisheries. So very disappointing that we're not seeing any update on that and we're moving ahead with an assessment without even a tool in place to do the assessment effectively. Or are we just now going to do the same thing like we're doing with the PLL TRT there where, you know, I talk to Steve and he says, well it's early next year now, again.

Kick it down the road. I mean, right now, we're sitting on a PLL TRT final rule for several years now. Are we at this point in this process where NMFS gets to pick and choose what rules that they are going to implement if and when they're going to implement them?

Is that what we're doing now that we get a final rule and we decide whether or not we're going to implement it and if we're going to implement it? And is that the same rule? Is that where spatial management has fallen into? We're going to pick and choose whether or not we're going to move forward with it and we're going to actually

implement that? Or are we just going to move ahead with something here that's going to rely on that tool if that tool isn't even in place?

Mr. Blankinship: Thanks, Marty, for bringing that up. And in the overview presentation, we certainly - - at least it was included in the list of things that we were still working on. And as I mentioned, this meeting happens to fall in between stages of various rulemakings.

That spatial management initiative is one that we continue to work on. Stay tuned. We are planning to hopefully put something out early in the new year related to that.

We haven't lost sight of that. And that is one initiative certainly that intentionally looks at the resilience of a fishery and the ability of fishery management measures to be flexible and changing. We'd like to move forward with that as a priority. So stay tuned on that one.

Mr. Brooks: Rick Weber, over to you.

Mr. Weber: I'm going to pick up on that actually first right where you are, Randy. Is spatial management PRiSM, because one of my questions is how does this tie to PRiSM? If this is just another set of variables or projected or potential variables that were feeding into PRiSM to predict what fish will be where, is this PRiSM+?

Ms. Cudney: So we had PRiSM highlighted here. Basically we are pulling the lessons learned in terms of the modeling activities with PRiSM into this. So not to highlight Dan too much, but he is our modeling expert.

And he has spent quite a bit of time figuring out a lot of the nuts and bolts of this type of modeling with this type of data. So he's an integral part of this team. And we're hoping that we're going to be able to apply some of the preliminary work that he's done for PRiSM to the modeling that has to be done

to look at exposure.

I do want to highlight, though, that this information that we're evaluating, the EFH data is largely fishery independent data. It's a conglomeration of maybe 40 different data sets from NOAA surveys, some of the tagging -- quite a lot of tagging data that's out there from cooperative programs, some of our observer data, yes. But on the whole, that information that's being used to create our distribution maps for EFH is fishery independent data.

A lot of what PRiSM is doing is looking at fishery-dependent data. So there's a separation in terms of the information that's being used for these two different projects. So lessons learned, modeling techniques, expertise with Dan, absolutely. That's going to be applied here and leveraged. But the actual data that's being used for PRiSM may or may not be the same information that we would be using to look at distribution of swordfish in this example because we want to look at the actual distribution of the species and not necessarily the distribution of the fishery.

Mr. Weber: Perhaps I've always misunderstood PRiSM because I thought PRiSM would ultimately give us projected location of the fish, not the fishery. I mean, if the S-M in PRiSM is spatial management, then at the end of the day our goal of PRiSM is to figure out where we can and cannot safely fish with a prediction of where the fish are and are not which is exactly what you're predicting. I don't know why we're talking about having two models within HMS that are going to predict where the fish are differently with different sets, though I do see Dan poking his head out. He might want to hop in. I don't know.

Mr. Crear: Steve might have some comments as well. Go ahead. I'll let you go first, Steve.

Mr. Durkee: Yeah, so PRiSM as it's designed right now is not a distribution model where the species

are. What's so innovative and cool about it is it's where the species are being caught. We might not - where swordfish are is an important question.

Where swordfish are being caught is a different question. It's two important pieces of information. So with EFH using fishery independent information, that shows us where species are.

And that's important for EFH for sure for impacts to that essential fish habitat. If we want to know where a pelagic longline vessel is interacting with a swordfish, though, that's a different question. If the swordfish are in different areas of the water column, shallow, deep, or something like that, that can affect how that pelagic longline interacts with that species.

So that's why PRiSM is so innovative. It's actually looking at those fishery interactions rather than a distribution. One's not better than the other. It just answers different questions.

Mr. Weber: I have always misunderstood PRiSM then, honestly, because I thought we were looking at PRiSM for where we could allow them to fish using a predictive model of it appears to us that you can safely fish in this location which to me was a predictive model of where the bycatch which we want them to avoid are or are not. And that confuses me because I've -- that's where I thought we were headed with PRiSM was into various closed zones so that using a predictive model we could say based on these factors, we can let you in at this time under these conditions. When we see these conditions, we know that you can safely take your target species while avoiding the bycatch species.

And you're welcome to reeducate me. But that is what I thought where we were taking PRiSM. So I was confused on that, but I still have other comments on this. But I've turned it into a PRiSM discussion. I apologize.

Mr. Durkee: Yeah, and you're ten steps past where I

am. What present information PRiSM provides us is important information on where bycatch could occur and what times and locations. As far as what the management implications are, I mean, this is strictly an information tool at this point. So you're further along on that process than I am right now.

Mr. Weber: Along those lines then, going back to CVA, the process seems highly biasable by who is on your sensitivity team. In your additional slides, you're showing South Atlantic and Gulf of Mexico. In I think it is South Atlantic, there is one high exposure and 70 very high exposures.

And in the Gulf of Mexico, there are 64 high exposures but only 11 very high exposures. I don't know how -- and none of them have moderate or low. It feels like when whoever did these took the species we were worried about.

There was a lot of throw them in the high, through them in the very high. It doesn't feel like it created much of a curve of exposures. It feel like it was an easy way out.

And then following that and answering Dewey's question from my perspective, I would say there's 100 probability that these exposure risks will come up in public comment. You may say you're not going to use them. But I can already hear the comments in my head of, but this fish is ranked threatened, very threatened, highly.

I can already hear the comments coming. And they will be coming from our own tools which makes them very difficult to then ignore after we're the ones who have created them. So you may say you don't see the management implications, but I'm hearing the public comment implications loudly already.

And I don't know how to deal with dusky being high on one assessment and moderate on the other. We're getting mixed signal already. And you haven't even done yours yet.

So I'm just going to be cautious through the whole process. I know I'm supposed to take these reports and these models and go, oh, this is best available science. But I'm going to be skeptical. We're all going to be skeptical because it's coming out of a black box for us.

Ms. Cudney: Okay. So I heard a couple of things in there I'm going to try to touch on. So if I forget something, please let me know. So you mentioned the potential bias in terms of who's involved.

There is a recommendation. So the process for this has been outlined in a tech memo that was put out by our Office of Sustainable Fisheries. They recommend that you have between four to seven people providing scores for each species.

And they recommend that you get a broad range of opinions in this so that you're trying to reduce that bias. You're relying on expert opinion for this type of exercise. So of course, it's going to come down to the pool of people that are participating.

And you have to make sure that you get the quality folks that are in the room that can actually do these assessments. We have the folks that have done previous CVAs, hopefully going to be part of this core planting to advise us as we move forward. You are correct in that some of the scaling of the results has been an issue.

Some of that comes down to the type of modeling that's being used in terms of the exposure. And so we're already getting recommendations on how to avoid having everything end up be very high. That's not particularly useful, especially when you want to use this as a prioritization tool.

So we are -- yeah, we are keeping an eye out for that stuff. And I guess I didn't mean to imply before that this information would never been used in management. I was thinking more of the lines of basically this species is vulnerable, so we need to close the fishery for this species.

I think there are other triggers under Magnuson that would result in a closure that would probably carry much more weight than whether the species was low, medium, high, very high. It's just a rapid assessment to give us an idea of where we need to focus our attention. So I don't know if that's helpful. And certainly, your role as one of our AP members is to present these questions and these criticisms to us so that we can stay grounded in the process and know that we're addressing any of these concerns.

Mr. Weber: It's not even a criticism. It's just a potential bias I want us all to be aware of that when these things come in, we bear in mind where the data came from and how it was developed and that things aren't held as an absolute. That's all.

They should inform all of us. I'm not trying to slow you down on the process. I'm simply saying, let's weight it properly when it comes forward.

Mr. Brooks: Thanks, Rick.

Ms. Cudney: Yeah -- oh, I'm sorry. You had also mentioned that you were seeing mixed signals from different regions. These different regions did their own assessments based on the information from that region. And since HMS transcends regions, that's why we want to do a comprehensive one. It's going to be a unique opportunity to look at the outcomes from these regional assessments and see how it's going to be translated into a more comprehensive range-wide assessment.

Mr. Brooks: Thanks. We've got about five minutes left and I got two people in the queue. So let's go to Marty and then we'll go back online to Alan Weiss. And then we'll go to a break.

Mr. Scanlon: Well, without the actual interactions with the fish, everything else is pretty much just smoke and mirrors. I mean, who are you going to put on these panels to do these assessments? At what level of are they going to look at it at?

Is there going to be off to one side to one level, higher, higher, and higher? Or is it going to be -- are there going to be any fishermen involved in this? Is the industry going to be involved in this?

Or is it just going to be somebody behind closed doors that is going to do this assessment? I mean, that's the fear that we have in this room here is the transparency on this. I mean, who the heck is actually going to be making these determinations?

Is it going to be brought before this panel here to do some sort of an assessment? Because I certainly think it should be because I think we're at least more open minded. We look at each other in the eye and we can communicate with each other. But if this is going to be left behind closed doors, this is a recipe for disaster for all of us.

Mr. Brooks: Okay. Let's go to Alan Weiss online, please.

Mr. Weiss: Thanks. My question originally was going to be, how do you define vulnerability? And in the course of the discussion, that's pretty much been fleshed out. What you're looking at right now is the vulnerability of the species -- please correct me if I'm wrong -- the vulnerability of the species to climate change and potential impacts of climate change on the productivity of the stocks.

When I think of vulnerability in this context, though, I think of another angle to vulnerability. And it's not the vulnerability of the stocks themselves but the vulnerability of the fisheries because if climate change drives fish further north and further east to seek their preferred environment, you could have a situation where smaller vessels are not able to travel that far to pursue them. Or in the case of the northeast of the United States, if fish are pushed more up into Canadian waters and are less available in U.S. waters or international waters, then there's a vulnerability of the fishery to having less opportunity to harvest the fish.

So I don't know if you're -- if there's any contemplation of looking at that aspect of it. But certainly while the vulnerability of the biological vulnerability of the fish, they sort of push you in one direction as far as the result management response. The availability issue can actually push you in a different direction, an opposite direction, in order to be able to still enable the United States fisheries to obtain the optimum yield.

Mr. Brooks: Thanks, Alan. Jen, do you want to jump in at all?

Ms. Cudney: Sure. I'll just say thank you for that. And this I think comes to, what can we do with this, the outcomes of this product? And it would certainly feed into ongoing discussions about community vulnerability. There are certain assessments and profiles that are being developed for communities for the socioeconomic implications of climate change that, of course, this would feed into those.

Mr. Brooks: Thanks. We are just about out of time, and I don't see any other hands. So I think we should probably pause the conversation here. Just some of the themes that I heard here across a number of comments, kind of either questions or calls to integrate and coordinate and leverage this with other efforts that are ongoing.

Some comments right at the beginning around how does this look at different confounding factors and tease them apart from climate change. Comments around outreach and the need to once completed present this in a way that this can be widely easily understood by a public that's not going to be steeped in all of this data and nomenclature. And then a whole bunch of comments around concerns related to potential management implications and how this data will be used.

Is there a regulatory nexus here, concerns that looking at climate change, vulnerability pales in the face of what some of the fishery feels are immediately in their face concerns, issues around

the transparency and the experts and who's in that process and what does that look like and how does that affect how it all shapes? So just a number of things to be considering. So thank you all.

I see that Chris Rogers is in the room already. So we will take a break, and will start at 11:00 o'clock sharp and hear from Chris. So thank you all very much.

(Whereupon, the above-entitled matter went off the record at 10:45 a.m. and resumed at 10:59 a.m.)

International Affairs, Trade and Commerce Updates,  
Chris Rogers

Mr. Brooks: All right. Okay. If you see left in the hall to have them come back in would be great. All right. Well, let's jump in to our next topic which is to hand the mic over to Chris Rogers who's Chief of the International Affairs Division. At these HMS meetings, there are always important questions that come up around international fisheries we heard earlier today.

And so having Chris here to catch us up on the status of many of the different initiatives would be very helpful. So we've got an hour for this conversation. So I think we've got a good chunk of time to both hear from Chris and then hear from all of you and hear what questions you have and what's on your mind. Chris?

Mr. Rogers: Okay. Thank you for that introduction. So I assume we'll have questions at the end --

Mr. Brooks: Yes.

Mr. Rogers: -- of the presentation rather than -- because there's a lot of diverse material here. But I'd ask folks then to jot down your questions relative to each topic that we address here. So first off, I'd note that the office is now the Office of International Affairs, Trade, and Commerce.

We absorbed some other elements of the Fisheries Service, particularly the Trade Monitoring Division that had been diffusely placed around the agency, some in the Pascagoula Lab and Office of Sustainable Fisheries, some out in the West Coast region in Long Beach. So we have consolidated our trade monitoring functions, our seafood inspection program, and our policy folks who deal with the international commissions and bilateral relationships. So that's our division, International Affairs Division.

As I said, the policy shop negotiating and implementing certain domestic requirements that do affect trade and international relations. So I'll give you an update on some of our ongoing activities. Certainly the Moratorium Protection Act, High Seas Driftnet Fishing Moratorium Protection Act is a familiar statute to many of you.

And we'll talk about the last biennial report to Congress and the identifications and certification process. Then I'll touch on the proposed rule. It was out for comment through September 6th.

So we just missed the comment period. But I'm here, you're here. Any additional thoughts or comments on that rule, certainly glad to hear them.

The proposed rule itself dealt with a variety of topics: the FAO Port State Measures agreement, the Illegal, Unreported, and Unregulated Fishing Enforcement Act, and the Ensuring Access to Pacific Fisheries Act. You may think that's not appropriate for an Atlantic Highly Migratory Species Advisory Panel. But there was some elements in that act that do touch on international trade and IUU fishing at large, including what would be taking place in the Atlantic.

Our Seafood Import Monitoring Program, some happenings there I'll talk about. Certification of Admissibility, another rulemaking we have in the works. And then we finished the rule back in 2016 on the Marine Mammal Protection Act, the fish

import provisions.

And it's been a long hard road to fully implement that. I would say we're getting closer to the end game there that might involve some trade restrictions, so important happenings there. The Maritime SAFE Act, that's an act that established a whole of government approach and an interagency working group to examine not only port security, maritime security, but also countering illegal, unreported, unregulated fishing regionally and globally.

ICCAT's new labor standards working group, forced labor in fisheries is a big issue. And there are various ways of addressing it, one which we'll talk about within our rule itself and others through the regional fishery management organizations. And then finally, I'll touch on some ICCAT stakeholder engagement opportunities coming up.

So High Seas Driftnet Fishing Moratorium Protection Act, it seems like a misnomer for exactly what it involves nowadays. Originally, the act was passed to support the United Nations moratorium on use of high seas large-scale driftnets. But it has since been amended to include other activities, other interests of the United States in promoting good fisheries management and protected species policies abroad, regionally and globally, particularly through the enforcement or strengthening of international fisheries enforcement.

So that act requires a biennial report to Congress. The last biennial report we issued in 2021 last August. And in that report, we identify nations under three areas of concerns: IUU fishing, bycatch and protected living marine resources, or engaging in shark fisheries on the high seas without a regulatory program comparable to that of the United States.

So within the context of those three areas of interest, we collect information. We work with the nations for which we have allegations or

implications of areas of concern. And eventually in the report, we may identify nations.

Once we identify the nations, we do have a two-year period until the next report to congress where we have to certify. So that intervening two-year period, we consult with the nations. We discuss the U.S. concerns with the activities of bycatch or illegal fishing or shark fishing.

And we see what regulatory programs can be implemented by those foreign nations so that they can achieve a positive certification. If they receive a positive certification, we consider that as success. We've raised the bar, internationally, regionally, with respect to conservation and management.

If they get a negative certification, port restrictions and trade measures can follow from that under the authority of the statute. So in that last report from last year, we identified seven nations for IUU fishing and 29 for bycatch of protected species, in particular, sea turtles largely because of actions in the Atlantic. I should say perhaps inactions of ICCAT to fully implement, endorse, adopt a sea turtle bycatch protection measures.

So because of that, a number of nations, 29 of which that we identified, do not have regulatory programs comparable in effectiveness to that of the United States for the protection of sea turtles during commercial fishing operations. Five nations were identified for both, the bycatch of sea turtles and also IUU fishing. I would note that the IUU fishing identifications did include some violation of the regional fishery management organization shark measures.

So I know some folks were concerned that we didn't identify anybody for sharks or shark fishing on the high seas. But in an indirect way, we did because of the violation of shark measures that led to our conclusion of illegal, unreported, unregulated fishing. So as I said, we identified a number of nations.

Well, let me backtrack. We did negatively certify Mexico in that report. And we have imposed port restrictions on Mexican fishing vessels.

We are still engaged in an interagency discussion on the appropriate trade measures that might be applied under this statute. And under the Moratorium Protection Act, it's the President that makes the final determination. The Secretary of Commerce recommends to the President the trade restrictions that would address the activities of concern.

In Mexico's case, it's the incursions in the waters of the Gulf of Mexico and U.S. zone off of Texas, catching grouper, snappers, and sharks. And Mexico has not been effective at addressing those incursions. So negative certification port restrictions are in effect. Trade measures are still being considered.

So for the other nations for which we have made identifications, we are engaged in the bilateral consultation process. It's been via Zoom or Google Meet or other platforms. Given the nature of the circumstances, we do have on occasion bilateral meetings with these nations, a general fisheries policy.

But we try to separate. The consultations under the statute, under the act are attributable to the identifications and separate that from the general fisheries consultations that we do. So they've been productive.

Some, you want to say, ruffled feathers on the part of some nations regarding their identification. But we're trying to get down to the brass tacks. We explain what we do in the United States and in particular for our pelagic longline fishery in the Atlantic with respect to sea turtle protection measures.

And we hope that nations are in a position to adopt either individually or collectively through ICCAT

perhaps, a new measure at ICCAT, sea turtle protection measures that would be comparable to those that we have applied in the United States. So that's where we are in the process. The next report is due in June of 2023.

We are, as I said, engaged in those consultations. We'll have to make decisions on certifications in that next report. But also at this time, we are in an information collection phase for that report.

Public notice has been issued for any and all information that would give us cause to engage with foreign nations with respect illegal fishing, bycatch of protected resources, or shark fishing on the high seas. So please do send us any information you have and advise others to do so, so we can assemble that information and get ready for the next report. All right. I mentioned the proposed rule.

The comment period did just end on September 6th, and this was long in the making. It started with the IUU Fishing Enforcement Act passed in 2015. Had some elements to amend the High Seas Driftnet Moratorium Protection Act with regard to how identifications and certifications would be made.

So as we were drafting that rulemaking, many of you realize that rulemaking is not instantaneous. It does take a while. In the midst of that process, Congress passed the Ensuring Access to Pacific Fisheries Act in 2016 that also touched on some of the elements of the High Seas Driftnet Moratorium Protection Act that we decided to combine the two statutory directives into a single rulemaking.

It made the rule a little bit more complicated and frankly slowed us down a bit in getting out. But we finally got it out after starting five years ago. So the key elements of the rule are the implementation of the FAO Port State Measures Agreement.

This was adopted by FAO in 2009. It came into force with 25 contracting parties if you will in 2016. The

U.S. has largely implemented it.

We do inspect foreign vessels coming into U.S. ports primarily under the authority of the Port and Waterway Safety Act. But there are additional information elements and requirements for port inspections under the Port State Measures Agreement. So this rule would add some additional elements consistent with the FAO agreement, both with respect to the foreign fishing vessels requesting access to U.S. ports.

Some of the information that we would collect from them to help us assess whether a boarding and inspection should take place and also to engage with the flag state of that vessel to report on the vessels activities should be actually undertake an inspection of that vessel, the contents, catch onboard, any catch offloaded, those kinds of things. So although one might say that it's been a long time to implement the Port State Measures Agreement, we largely have. This is pretty much just an information collection aspect of it using the Coast Guard system.

Coast Guard already has an electronic system, eNOAD, the Electronic Notice of Arrival and Departure. And we would be adding some information elements to those reports from the foreign vessels. Through the Coast Guard system, they'll relay it to a National Marine Fisheries Service, Office of Law Enforcement.

And we will do our assessments and triage and determine if there's any concerns, risks of IUU fishing for which we would want to undertake a boarding and inspection or possibly deny port access entirely. If it was determined to be engaged in IUU fishing, we could deny port access. Generally speaking, though, we often allow access so that we can undertake a boarding and inspection and further document the activity that may be of concern and engage with the flag state accordingly.

The other element of the rule, High Seas Driftnet

Fishing Moratorium Protection Act, several aspects of how we collect information and use information in making identifications. One of the key elements of the statutory change for which we're making a regulatory change is the identification for IUU fishing for actions of a nation. Previously, the act had specified that vessels of a nation had to be caught undertaking some illegal activity in order to make an identification.

But as we know, IUU fishing includes unreported. So many nations authorize vessels but don't undertake monitoring control and surveillance and therefore don't collect information from their vessels or report that information catch in effort to the international organizations, limiting their ability to do good science and make good management measures. So this feature of identifying for actions or inactions of a nation would allow us to identify nations that are failing to fulfill their reporting obligations to the regional fishery management organizations.

It also expanded the time frame for which we could collect information. So for all three of the areas of concern for identification, we can go back the prior three years in looking at the information and making some determinations as to whether identification is warranted. We also clarified some provisions on the effective negative certification, what the responsibilities of the Secretary of Commerce are, and how we would go about implementing port restrictions or recommending trade measures.

And then finally, there's an element of the rule for the High Seas Fishing Compliance Act. The U.S. does have a high seas fleet. Basically, those vessels fishing beyond are exclusive economic zone, beyond 200 miles. And there are about 340 some-odd vessels currently that have high seas permits.

Previously, the statute had required the Secretary of Commerce to issue permits for five years period of validity. And what we found over the years is that

the requirements for U.S. vessels fishing on the high seas have grown up in parallel because of our engagement with the regional fishery management organizations. So there are additional requirements that pertain to high seas vessels that were not envisioned at the point where the statute was originally passed.

And consequently, we feel that annual renewal of the permits would be better to ensure that there is compliance and compatibility with the other authorizations that would be necessary for the conduct of that high seas fishing activity. As an example, we could issue a High Seas Fishing Compliance Act permit for a vessel to fish pelagic longline gear in the Atlantic ocean. But we also have a fishery management plan under Atlantic Tunas Convention Act and Magnuson Act authority that also issues permits which are limited entry permits for that activity.

So what we wanted to do was discontinue the practice of issuing these permits independently but coordinating them so that somebody wouldn't have a valid High Seas Fishing Compliance Act permit for an activity that really couldn't be conducted by the vessel because they didn't have the other permit necessary. So that's the purpose of that amendment. As I said, the Port State Measures Agreement, it's a foreign fishing vessel report through the U.S. Coast Guard eNOAD system.

Another feature of the rule is it gives us enforcement authority for compliance by U.S. vessels in foreign ports. So if a U.S. vessel is making a port call in a foreign port and that port state is a signatory to the Port State Measures Agreement, they have the authority for boarding and inspection, for information collection from that U.S. vessel. And we want to ensure that U.S. vessels would comply by having an independent enforcement action as a provision to ensure compliance by those U.S. vessels.

I already mentioned -- well, I didn't mention. This is an important part. I mentioned the identification for action of a nation as opposed to a specific action of its vessels.

But the other big aspect of the rule is the definition itself for IUU fishing. We're adding two elements. The original statute, as passed in 2007, defined IUU fishing with four parameters.

But it gave the Secretary of Commerce the authority to add to it any other concerns that might be addressed through the identification and certification process by expanding that definition which we had done in the past several times. But we're doing it again. So the two new elements of that IUU fishing definition we're adding through this rulemaking or proposing at this stage to add are the incursions of a vessel into a foreign nation's EEZ without permission of that nation or in violation of its laws or regulations. Previously, we had amended the definition to address the incursions into the U.S. EEZ.

And that was the -- it gave us the ability to identify and now certify Mexico for those incursions in the Gulf of Mexico on the U.S. side. But the FAO Port State Measures Agreement and the Illegal, Unregulated, and Unreported -- Unreported, Unregulated Fishing Action Plan, international plan of action to address the incursions on a regional or global perspective. So we're proposing that if a flag state has incursions into a coastal state in that it has not been adequately addressed through a compliance process of a relevant regional fishery management organization or resolved on a bilateral basis between the flag state and the coastal state that the U.S. could step in and exercise, if you want to say, leverage through identification under the Moratorium Protection Act to, if you want to say, encourage the flag state to take more aggressive action to control its vessels and avoid incursions into the coastal states without an access agreement or in violation of laws and regulation.

So some have argued that it's a tough job, and it certainly will be, to monitor incursions throughout the world and get reports on them and get the information and then determine with the coastal state whether or not they feel that it is being adequately addressed through an RFMO or through a bilateral consultation before we would step in and undertake an identification for that flag state. The other part of the definition that we're adding to is forced labor, including forced labor as a violation under the rubric of IUU fishing. The FAO description of IUU fishing and the international plan of action to encounter IUU fishing does not have any direct reference to forced labor.

Our statute does not have any direct reference to forced labor. But there are a number of international instruments that do address forced labor, not necessarily as strictly applied to the fishing industry or the seafood supply chain but generally in nature. And we do have the Trade Act - - U.S. Trade Act which prevents the importation of goods produced with forced labor.

So we looked at the landscape -- the statutory landscape -- and concluded that we could use the IUU fishing definition as an avenue to address forced labor in the seafood supply chain, particularly in fishing. Since this is an identification process for IUU fishing, it wouldn't necessarily touch on aspects of labor abuse or labor concerns further down the supply chain. Or would have to focus on the fishing activity itself.

And I know a lot of folks are concerned about forced labor as well in the processing sector, aquaculture as well. But what we're doing here is trying to address it within the context of the fishing activities, in particular on the high seas. We did propose a definition to focus on forced labor on fishing vessels operating on the high seas.

So that's a big issue of late. And a lot of interest in ways to address that. As I said, a lot of international

instruments come to play.

State Department works on the Trafficking in Persons Report. Department of Labor has means of identifying forced labor and products and working with Customs under the Trade Act. But this would give us another tool in the toolbox to address forced labor in fisheries through the identification and eventual certification and possible trade restrictions there. I also touched -- I already touched on the IC Fishing Compliance Act and the annual renewable permits. So --

(Simultaneous speaking.)

Mr. Brooks: Just Chris, just so you know, we're coming up on about half hour.

Mr. Rogers: A half hour? Okay. I'm used to having two-hour blocks at the ICCAT Compliance Committee. All right. Our Seafood Import Monitoring Program, that's been in effect for four years. We took a risk-based approach in order to include species for the import monitoring program.

We picked 13 species, species groups. Since they are species groups in some cases, there are more species that are implicated in the program, about 1,000 or so. It's been in effect for four years.

Based on the species we selected, it does take about half of the volume and value of U.S. seafood imports into that program. We've always been committed to enhancing the program, looking at both programmatic expansion as well as species expansion. And there's been a lot of, if you want to say, pressure, concern expressed that it's time to expand SIMP to include additional species, to include additional issues.

Currently, the program is designed to assess whether the fish were lawfully acquired in the area of jurisdiction in which they were harvested. But things like forced labor, sustainability, bycatch of protected resources have also been raised as

concerns for which we should be monitoring imports. So they would be programmatic expansions, species expansion, a lot of concern that with the limitation of these species groups.

There's illegal fishing activity that could be addressed through this program by virtue of expansion. There's been a number of bills introduced into Congress to promote expansion. We've also had a directive in the House of Appropriations report from 2021 to take a hard look at species expansion as well as the Presidential Memorandum from earlier this year, last June, that directed us.

So we are in the process of looking at additional species for inclusion in the program, both applying the original principles, that risk-based approach, volume, value, history of fraud, misrepresentation, history of illegal fishing, as well as some of the new criteria outlined by Congress in that House report. So we will be issuing a proposed rule. I'm hopeful that we'll get it out before the end of this year. And we'll see what the public has to say about expansion of the Seafood Import Monitoring Program.

Another rulemaking we have underway, we just issued an advance notice of proposed rulemaking on this one for comment from early working with Customs brokers and software developers. We have a program called the Certification of Admissibility program. It was implemented in a paper-based form to address aspects of both the Marine Mammal Protection Act and the Moratorium Protection Act.

The Moratorium Protection Act as we've discussed does allow for trade measures to be applied against exporting nations. But it also had a provision for alternative procedures as it was titled. Shipment by shipment certification or vessel by vessel certification so that it wouldn't have to be a blanket prohibition on a product from a nation, that it could be targeted towards the particular fishery or activity of concern.

Likewise, the Marine Mammal Protection Act precludes the import of fish harvested by commercial fishing technology as it's referenced in the act that has bycatch of marine mammals in excess of U.S. standards. So we have to look at the actual activity of concern and focus trade restrictions on those products that originate from those fisheries. And it can be a specific vessel or a particular fishing gear or activity occurring in a particular fishing location.

So we use the certification of admissibility to establish that the scope of the trade restriction that we have applied is not covering that particular shipment and therefore it can be admitted into the U.S. So as an example, let's say Country X has a pelagic longline history for yellowfin tuna and a purse seine fishery for yellowfin tuna. If we concluded that the marine mammal bycatch is excessive in the purse seine fishery, we could say no yellowfin tuna from that country can be admitted to the United States.

However, if it was caught in the pelagic longline fishery and you can certify that through this process, we will admit that. So again, it's a way to narrowly target trade restrictions. What we're proposing in this rule is to require the electronic entry of that information.

Currently, the importer must just give us a copy of the form after the goods are released from the port. What we want is the information from the form to be loaded into the entry filing -- the electronic entry filing in Customs automated commercial environment so we can have a look prior to release and make those determinations through some random assessments and perhaps targeted assessments before the goods are released from the port. So look forward to that rule coming out shortly as well.

A rulemaking that I mentioned before has been five years, six years in the making now is the MMPA

Import Provisions. As I said, we preclude import of fish, fish products harvested in fisheries with unsustainable levels of marine mammal bycatch, in other words, in excess of U.S. standards for marine mammal conservation. That rule had established a deadline for foreign nations to apply for what we call comparability findings.

Their regulatory program is comparable to that of the United States last November. And we have received applications from 132 nations and just over 2,500 fisheries. So a lot of work to do to look at all those applications, look at the foreign fishery regulatory programs that pertain, and to evaluate whether they are comparable to that of the United States.

Comparability findings are required for each harvesting fishery. Again, the statute speaks to the commercial fishing technology. So we have to examine each on a fishery by fishery basis based on the gear that is used. So a lot of work on us right now in going through those applications for comparability findings and make some assessments and determinations so that they products can continue to be imported into the United States.

The Maritime SAFE Act, I mentioned that before. It's a whole of government approach. We have an interagency working group with a large number of agencies.

They have created their own logo. So that's it right there, the interagency working group on IUU fishing. And the statute required a strategic plan -- a five-year strategic plan that has been developed.

It's been circulated interagency currently and will be submitted to Congress later this year. And that basically outlines the avenues of engagement for each of the respective agencies within their area of jurisdiction, their statutory authority to address IUU fishing. And part of the work of that group was to identify what we call priority regions where they would focus their activities, each agency, and

priority flag states which we would target for international cooperation and assistance.

A note about the priority flag states, it's not only a concern about illegal fishing occurring by their flag vessels or in their EEZ but also their willingness to engage and accept assistance from the United States in order to make gains in countering IUU fishing. We've mentioned how we're going to address labor through the Moratorium Protection Act, identification and certification of nations. There's also an avenue of engagement through the regional fishery management organizations themselves.

The U.S. did promote at ICCAT a new labor standards working group. The proposal was accepted and adopted. The first meeting of that working group was held in March and Alexa Cole, our office director who was selected to chair that working group.

So the early discussions focused on identifying actions that each of the contracting parties could take individually and collectively to improve labor standards in ICCAT fisheries. So not necessarily focusing on things that ICCAT must adopt, but also sharing information on what each nation has done or can do with respect to addressing labor standards in ICCAT fisheries. Maybe working collectively but not necessarily through binding recommendations of ICCAT in order to make progress there. So second meeting of that group is slated for next year.

Okay. A few engagement opportunities on the ICCAT side, two virtual sessions of the ICCAT Advisory Committee will be held to discuss the management strategy evaluation so we can get some more stakeholder information and input on that. Those are September 16th and October 5th. There will be a possible -- and we will alert folks through the listserv if this meeting occurs what they're calling the SCRS Ambassador meetings to have the ICCAT scientific group itself explain to

stakeholders the management strategy evaluation process.

And then, of course, the fall ICCAT advisory committee meeting, October 19th and 20th with the public comment session on the 19th. And then I would also remind folks that nominations are requested for not only the ICCAT Advisory Committee members themselves but also technical advisors to that committee. Those are due by the end of this month. And Bryan Keller of our office can give you some more information about any of these meetings and the process for nominations.

So that concludes the presentation. Hopefully, it was informative. I know it was a lot of information to present rapidly. But we have some time for questions.

Mr. Brooks: Great, yeah. We've got about 20, 25 minutes or so. So let's open it up. Dewey, your card went up on slide 2, I think. So perhaps you remember what your question was.

Mr. Hemilright: Thank you, Chris, for the presentation. And I'll start out by I don't give many thanks because it takes so long to get stuff done. But it seems like we're trending in the right direction except for when you talk about gear and marine mammals.

The U.S. pelagic longline industry and the gear that's mandated to use circle hooks and mono leaders without steel ganglions is the best sustainable method. And we proved that. And until that is fully achieved and we still allow imports from other countries in here, then the job is not finished.

But I'm very halfway between pessimistic and optimistic on what you said today. It's a lot of work that's been done, and it's taken a lot of time by a lot of folks. But I mean, the secret to level the playing field is not giving our damn marketplace -- I mean our marketplace away to people that don't have to fish by the 86-page compliance guide that

we U.S. fishermen have to fish by.

So continue being strong. And us U.S. fishermen and recreational, commercial are appreciative. But our gear that we use and mandated, that's when you can pop the champagne bottles and said, we've done it. But thank you for the work that's been done, and thank you for your presentation.

Mr. Brooks: Thanks, Dewey. Let's go over to Marty and then we'll go online to Alan Weiss and Tim Pickett. Marty?

Mr. Scanlon: Yes, Chris. I want to echo Dewey's statements here. On behalf of Blue Water Fishermen's Association and the industry itself, we want to thank you for the work that you've already done. And we want to encourage you to stand strong and being forceful in the implementation of these rules.

Like Dewey says there, the success of maintaining sustainability fisheries basically lies in your hands. By leveraging the access to our market is the only really -- at ICCAT, it goes by consensus. So I mean, that's a very difficult thing to accomplish.

I mean, if we were to have to have a consensus at this table, I don't think we could accomplish that. So the only way that -- the only leverage that we really have is in your hands. So we support you and we encourage you to use every tool that you have at your disposal to help us level the playing field. Thank you.

Mr. Brooks: Thanks, Marty. Let's go to Alan Weiss, please.

Mr. Weiss: Thanks. Hi, Chris. Long time no see. Thank you for all of your efforts and hard work in the area of conservation comparability. I know you have quite a number of legislative mandates to deal with, and the work is voluminous because there's so many nations and so many who are not up to our standards.

But there's certainly nothing more infuriating and frustrating and discouraging to fishermen than to operate with the regulatory ball and chain that they have to work with in the United States and then see their foreign competitors running free. And then to add insult to injury, coming into our market and competing against them when with these background facts, obviously they're low cost producers because they have none of these impediments. So I want to give as previous speakers mentioned all possible encouragement and we're behind you 100 percent to move forward with your work in identifying the countries or the particular vessels or particular fisheries.

And actually moving forward with the measures that will bite and actually putting in the import restrictions if, in fact, you can gain compliance just by identifying them. And when you're able to start accomplishing that and other nations, other fisheries realize that we mean business in this regard, I think it'll have a huge impact, both on conservation and also in our marketplace. So thanks.

Mr. Brooks: Thanks, Alan. Let's bring in Tim Pickett, please.

MR. PICKETT: Okay. I'd just kind of like to echo what has been previously said by Dewey, Alan, and Marty there. Regarding the gear, I'd kind of like to - - and I agree that it's an optimistic direction there. Just wondering, in terms of when you evaluate equivalency in fishing practices, clean fishing practices, if there's a matrix for that.

You have 130 nations that are applying for this qualification I'll call it. Is there a ranking system? Is this evaluation quantifiable I guess is my question.

I guess we'll find that out, see what percentage of the 130 are accepted or rejected. I guess we'll have to wait and see. But I'm just curious if there's a quantifiable way of making this decision or a ranking way of making this decision.

Mr. Brooks: Thanks.

MR. PICKETT: How we identify equivalency I guess is my question.

Mr. Brooks: Thanks, Tim. So is it -- how objective is it? Is it subjective? What does that process look like?

Mr. Rogers: Well, I have to say it's not an easy process. Who is it, Tim Pickett, mentioned equivalency. The statutes actually say comparable in effectiveness.

So comparable does not mean equivalent. In other words, we can't just give a checklist of what we've done in the United States and say do the same. That might be easy to do if a country is willing. And nothing really prevents us from explaining what we have done in the United States and offering materials, the demonstrated effectiveness of what we have accomplished in the United States.

But if a nation so chooses to take another route, for example, maybe they don't want to do a gear modification but they want to do an area closure. And the interaction with marine mammals are effectively prevented due to that area of closure. That would be comparable and effective.

It's not, as I said, a checklist approach. This is what we've done. This is what you need to do. But this is what we've done we can say. And what do you intend to do to try to address, let's say, marine mammal bycatch sea turtle, bycatch in a manner that is comparable in effectiveness.

We also have a challenge so far as the U.S. takes an iterative approach. We do regulations. We monitor the fisheries, and we see whether bycatch has been reduced.

If it's an endangered species, we do a Section 7 consultation. We have an incident take statement. If takes are above what was authorized, we reinitiate

consultation. Go back to the table. Try some more.

Likewise with marine mammals, we have take reduction teams. We come up with take reduction plans. We implement them and we monitor if the bycatch is not reduced as much as hoped for or anticipated. We go back to the drawing board, reconvene the team, and look at the additional measures or different measures.

So in that sense the standard for comparison can change over time as we have a process of continuous improvement on the U.S. side. And we're looking for improvement on the foreign nation side. So in that sense, it can be subjective, sometimes speculative.

I'll give an example with Mexico. There was some illegal fishing going on in the upper Gulf of California with gillnets. They were interacting with vaquita, a highly endangered species. Some estimates say less than perhaps 10 animals left in the wild and none in captivity that I'm aware of.

And Mexico adopted a plan -- a regulatory plan. We went through it paragraph by paragraph. We believed that -- and here's the caveat -- that if fully implemented and effectively enforced, it would be comparable in effectiveness. And we gave them a comparability finding.

Within a year, we has sufficient information to conclude that it was not fully implemented and certainly not being effectively enforced. And we revoked that comparability finding. So it's perhaps quantitative in a sense that we're looking for measurable reductions.

That requires a full implementation and effective enforcement and a monitoring program to demonstrate the effectiveness. So that can be somewhat subjective at the beginning, somewhat speculative. But we will continue to engage with the nation and see what they can report with respect to

monitoring and compliance and possibly revisit our decisions as necessary.

Mr. Brooks: Thank you. Let's come back into the room. Sonja and then over to Rick and then over to Dewey if we've got time.

Mr. Fordham: Thank you. Sonja Fordham, Shark Advocates International. Hi, nice to see you. There haven't been a lot of shark-specific agenda items. So I'm wedging my concerns in as I can, and I don't have a question. I'm just going to be transparent with my other people tonight.

I just wanted to -- because I don't think you were here yesterday -- reiterate my concern or my disappointment that a presentation on international trade for this group wouldn't mention the upcoming meeting of the Conference of Parties to CITES. So I mentioned that the other day and also that Tuesday NOAA and Fish and Wildlife Service heard a lot of appeals from constituents, particularly NGOs urging the U.S. to support proposals that are pending to list more hammerheads, guitarfishes and requiem sharks to Appendix 2. So I wanted to point out that since those listings are aimed, excuse me, at ending unsustainable trade that they also represent another tool in your tool box in a way of getting at the issues that you've just been discussing, so combating IUU and promoting science-based shark fisheries management in other countries.

I also think there's good potential for leveling the playing field for U.S. fishermen which as we've heard is an area of common ground. And I had to stress that the CITES proposals, the CITES process is important, very important to most marine conservation NGOs, a lot of animal welfare organizations, and a lot of U.S. citizens. So ideally, we're looking for better integration of the wildlife and fisheries policy realms, and not just for this country but also so that the U.S. can serve as an example for other countries and get better integration for these commitments that are made at

international bodies all around the world. Thank you.

Mr. Brooks: Thanks, Sonja. Anything you want to jump in?

Mr. Rogers: I apologize for not having a slide on it. It's not something first and foremost in my mind with all these other things that I'm working on. Fish and Wildlife Service does have the lead for the U.S. government in CITES and CITES implementation.

In our Office of Protected Resources has the lead within NMFS. But you're right. It is an international engagement. And Laura Cimo of our office is assigned to that. So in the future, I'll make sure to keep a CITES slide in the toolbox for these presentations.

Mr. Brooks: Thank you. Rick Weber?

Mr. Weber: Chris, I just wanted -- I really wanted you to hear it from all the way around the room how appreciative all the sectors are of this level of engagement. I think you are uniquely qualified having been at the top of COC to know how ineffective COC can be. People seem not to be terribly concerned about a letter of concern.

Bringing that home and using as Dewey says our domestic tools is really important. And I think you're bringing home, as I said, all of your lessons. Along those lines, you know that there are countless COC violations still out there.

I'm not sure how various over quota conditions play into these identifications. I've brought some forward that I know are just flat out intentional misidentifications. There's no other way of saying that. I believe they are intentional, and I certainly don't want to lose track of Tarantelo. If you can give us any update on Tarantelo.

Mr. Rogers: Unfortunately, I can't give you any

update on the Tarantelo. But I will check with our office. We have had consultations with the EU based on my loose association with some of those meetings I haven't participated in them.

They are somewhat evasive in saying, it's still under investigation. We'll let you know when we've completed it, but obviously a great concern. For those who don't know, it's a bluefin tuna. I want to say fish laundering investigation.

Mr. Brooks: Great. Dewey, let's go back to you.

Mr. Hemilright: Yeah, I want to follow up with one thing that kind of Tim said that it's also good to understand when these countries tell us how they met their reduction and how they did it. We're going to be experiencing here probably -- I don't know if this year. But next year the shortfin mako and the no retention, and you're supposed to report your discards. And it's going to be interesting to see how the EU reduced or discards and how they actually did it because knowing or somebody telling you how they actually did something and us being able to realize if it was really -- I mean, BS, then it goes a long way to understanding.

It's, like, you've got to tell us how you did this. And with the gear, not just the longline gear, but what hooks are you using or what leaders are you using, asking that type of question. But them explaining how they got their reduction to meet the approval if it's under some of the programs that you're involved with or just in general I think is going to be a telltale sign of passing the smell test if it really actually happened or not. Thank you.

Mr. Brooks: All right. I don't think I see any hands up online or cards up in the room. So I think we can probably close. Chris, thank you so much for coming.

And I will say that I don't think we had that many presentations where we hear such strong support for the work around the table across, as Rick said,

all the sectors. So I think the big message was making progress, that's good. More needed. Stay strong. Stay the course.

And then I think this piece around a lot of interest in understanding how that evaluation occurs, what that looks like. So I think whenever you come back next, speaking to that I think will be appreciated. With that, let's go to lunch.

We are going to reconvene at 1:30. As I mentioned, at 1:30, we will invite the members who are stepping off the AP after this meeting to offer a brief reflection, a minute, if you would like to your fellow AP members. But we just thought wanted to offer you that opportunity.

And then we will move into an enforcement update and then public comment at 2:30. And then we'll move to adjourn. So thank you all, and see you at 1:30. Thanks again, Chris.

(Whereupon, the above-entitled matter went off the record at 11:57 a.m. and resumed at 1:34 p.m.)

Mr. Brooks: All right. We should get going. We appear to have had a little bit of attrition over lunch, but we have more space. All right. So this afternoon, we -- in a minute or two or three or four, we will get an enforcement update.

We have two folks from OLE here, Kevin Swiechowicz and Miles Dover. And by here, I mean, there. Katie Moore is not able to make it today, so we don't have a Coast Guard presentation today.

So we'll have plenty of time to hear from the OLE folks, and we'll have public comment. And then we will get out of here by 3:00 o'clock. I suspect we'll get out of here probably well before that, but we'll see.

But before we do anything else, we know that a few folks will be stepping off of the AP here, folks who have been with the group for a long time. And we

wanted to create a minute -- I mean, kind of a minute for each person or so just to share some reflections. You all have put in a lot of time and a lot of thought and a lot of effort, and we just wanted to create a little space for folks who are stepping off to, if they wish, share some remarks.

So with that, I think in the room, Jeff and Marty and Steve, you all are stepping off. And then online, I know we've got Pat Augustine and I don't think we have either Shana or Andrew on. So let's start in the room here, and then we'll go to you, Pat, online. So Steve, I think I'll just start with you and then work my way around.

Mr. Iwicki: Okay, great. So first, Bennett, kudos to you. In the nine years I've been here, you've been the moderator every time. And I don't think despite some of these conversations you ever once got flustered. So that's great.

I think back ten years ago Margo called me when I self-nominated. And she said, well, I had to talk to you because we don't know you. And I said, what do you mean you don't know me? You know everybody that applies?

It was kind of an interesting group. But Margo and Randy together have done a great job herding this diverse group which nine years ago were almost at each other's throats on a lot of the conversations. And I think we built a lot of good work together going forward.

Brad, man, it's been fantastic working with you on a whole bunch of different things. And I will always think of you as Mr. Bluefin, especially after Amendment 8. But I've enjoyed making a lot of friends here and good times over nine years.

I love the personalities of the group with Jeff and Marty and Rick and others. Pat Augustine, I hope you're hearing me, man. I remember day one of my first panel you walked up to me, put your arm around me, says, I'm here to help you figure out

how to do all this. It was great, and we especially miss all your cookies. So big time miss your cookies.

But anyway, for the entire government team, you've got a really hard job to do and I appreciate it. It's tough. But your dedication on everybody comes through every time. So it's been an honor and a privilege to work with you the last nine years and thank you.

Mr. Brooks: Steve, thank you for all your time in. Marty?

Mr. Scanlon: Yes, I just want to thank you all for the opportunity to serve and represent my fishery. I want to especially thank Randy, you, Margo before you there, and your entire staff for your openness and willingness to engage working through all the different topics that we worked on over the past nine years. I look forward to the opportunity in a year to potentially get renominated and to continue to serve.

I do want to assure you that even though I will not be at the table for a year, I will assure you that I will be present in the room. It's a commitment that I have not only to you but also to my members at Blue Water Fishermen's Association to continue to represent them as the best I can. I also want to thank Pat Augustine since I see him virtually on here.

I want to thank for all the virtual cookies that he has served to the meeting here. They were delicious. So hopefully we may cross paths again.

I know he's a fellow New Yorker. So I always wish the best for him there. So thanks again for the opportunity. We look forward to continuing to participate and serve in the future.

Mr. Brooks: Thanks, Marty. And I think certainly cooking should be added as a criteria that's required for any new AP member. Jeff?

MR. ODEN: Well, it's hard to follow these two and Steve and Marty. And anyway, likewise. It's been a total honor to be allowed to represent my industry, an industry that's 60 percent of the value of the HMS overview.

And anyhow, I mean, I feel honored to have been allowed to do that. And the friendships I've made, I'll never forget them. And Bennett, I guess maybe you need to run for president because I don't know of anybody who can take a room full of so many polarized views and bring us all together. And I think you've done well there, sometimes by not letting me talk. So nonetheless --

Mr. Brooks: I was waiting for that, Jeff.

MR. ODEN: Anyway, it's been special. And I guess it's probably about time because I turned 70 on Friday of last week. So it's time for me to look ahead.

And I'm not looking -- I wouldn't be looking forward to 30 by 30 or the climate vulnerability or whatever. But anyhow, somebody will pick up the mantle for us and baton. Matt behind me, I hope he can take my place. I hope you all will consider him.

He's got plenty of interest. He's got three boats and actually four. And I think he'd make a good representative for the industry. And to that, thank you.

Mr. Scanlon: Can I just quickly thank the rest of the panel members that have served alongside of me for these nine years too? I forgot to thank them as well. I certainly appreciate the willingness to openly discuss the difficult topics and to work with us and to move all of these issues forward there. So I want to thank each and every one of you that's served alongside of me for these past nine years. Thank you.

MR. ODEN: Same, same.

Mr. Brooks: Well, thanks to all three of you for those comments and again for hanging in here and through a lot of tough conversations and bringing the candor that you do. So thank you. Pat Augustine, let's go to you. Pat, are you there? You're still on mute.

Mr. Augustine: You got me now?

Mr. Brooks: Yes.

Mr. Augustine: Trying to get there.

Mr. Curtis: We hear you. You're good.

Mr. Augustine: A switch, is that it? You got me now?

Mr. Curtis: Yeah.

Mr. Augustine: I lost you. Hold on again. Let me go back in. Are we there?

Mr. Curtis: Yes, yeah.

Mr. Augustine: Okay. Thank you so much. Listen, guys and gals. It's been a hell of a ride. I know I first got involved on Mid-Atlantic Council, and I was so thoroughly impressed with the amount of expertise that sat around the table, not only commercial or recreational, but folks that were involved in environment.

Shana impressed the hell out of me as years went by. Most of the gals came to the table well, well, well prepared which impressed the hell out of me, well informed, knew their subject matter, spoke very well about their subject matter. But presently I see the change has evolved now.

We're losing guys like Marty and a lot of commercial guys. And it's going to be tough for you new folks coming in. Hopefully on some of the things that those folks have said put on the table will rub off on you.

The importance of being totally candid I found was

so refreshing for those commercial guys in particular. They came to the table and poured their hearts out to describe what their dilemmas were and trying to phase into the technicalities of what the new regulations in each and every single cycle that we went through. Very impressed to see that most of them stuck to their guns and brought an awful lot of information to the table.

I would sit there many times, and most of you thought I was deep in thought about something. I was looking at some of you folks around the table and realizing what your lives have been up to that point in time, what some of you have been doing two or three days before that where you're out there in the ocean applying your skills. It's very, very impressive.

And I'll tell you that's the sort of thing that we need around that table and I hope it continues. Peter and the staff, you guys have been absolutely outstanding. I'd love to mention everyone's name. If I miss somebody, I'll feel bad about it.

But all of you have been absolutely supportive, open with your presentations and so on. And again, I can't thank you enough for having allowed me to be there for as many years as I have been. I'll continue to listen in on the sessions and so on.

As you all may know, I'm still working. I haven't had sense enough to retire. So we'll keep working at that.

But again, thank you all. Brooks, you've done an outstanding job as the moderator for all these years. You come well prepared. You run a tight ship and you run a very good meeting. So you're to be commended also.

But again, thank you all and God bless and good health to all of you. Hopefully, I'll talk to you soon in the future. Thank you.

Mr. Brooks: Thanks, Pat, very much, and thanks for

all your time. And you should know that I believe FedEx does deliver cookies. So you can get plenty of warning and time to cook. But thanks to all of you. And again, I don't think we have Shana or Andrew on today.

So with that, we should push on because we've got our OLE folks waiting. So Kevin and Miles, I'll turn it over to you for the enforcement update. You are on mute. Hang on.

Mr. Curtis: Okay. Go ahead.

Mr. Dover: Can you hear me now?

Mr. Brooks: Yes.

Mr. Curtis: Yes.

#### Enforcement Update, Miles Dover and Kevin Swiechowicz

Mr. Dover: Good afternoon, AP members, others that are watching online. My name is Officer Miles Dover. I'm stationed in North Carolina out of Morehead City. And this will be the OLE update since the last meeting in May.

Since May, the last meeting was May 6th, we've investigated or had 101 related HMS incidents that we've investigated. When I say incidents, I'm letting you know that's where we file what we're doing in our case management system. So of those, 14 are ongoing, 67 with no violations.

Those are all HMS boardings where one of our officers will get on board and inspect it, make sure they have the right amount of catch permits, et cetera. I've had 11 that resulted in compliance assistance which are minimal violations where we can help the captain get whatever he needs straight. And one written warning and 8 summary settlement violations which go out for payment of the violation.

And then the HMS patrols out there between all the

different officers all throughout the U.S. For myself, I've done several in Wanchese and Hatteras areas. I did them with pelagic longline vessels and the charter landings around Oregon Inlet and Hatteras.

Down in Miami, one of our officers down there has been active in the daytime swordfishery monitoring the swordfish efforts out of Miami and inspecting all boats when they come in. We've made a concerted effort to show presence throughout the diverse HMS fisheries, whether it's pelagic longline, charter/headboat, bluefin rod-and-reel. We try to be there as much as we can.

I know we have one very large operation that just happened not too long ago. It's Operation Yellowfin out of Texas. Operation Yellowfin was an IUU or illegal, unreported, and unregulated fishing operations that we held at the port of entry in Brownsville, Texas.

When they did that operation, 54,000 pounds of seafood imports were inspected which included 30,000 pounds of yellowfin tuna coming in, 22,000 pounds of shrimp, 1,500 pounds of red snapper, and 500 pounds of crab meat. For myself personally, I can't really speak for other officers. But in North Carolina with the boats, I've seen a high level of compliance with regulations.

I will try to work harder with my fishermen. But charter/headboat, recreational, and commercial to make sure that everybody stays within regulations. And I've had a lot of my charter captains, Captain Marty included, call me, talk to me. And I've seen a lot of good compliance with all the regulations for HMS.

For the southeast line, we've had the SEFHIER program come up for the charter/headboat captains which is the for-hire reporting. We've been working diligently with all of our charter/headboat captains to make sure that all the SEFHIER reporting is going as well as it can be from sitting down with captains

on the boats, creating their profile, showing them how to report, how to work through the eTRIPS system, and try to get the captains where the reporting is not as difficult as when it first came out. With that, I'll turn it over to Kevin, see if Kevin has got anything.

Mr. Swiechowicz: Yep, can you guys hear me now too?

Mr. Brooks: Yes.

Mr. Swiechowicz: All right. First off, I just want to apologize for not being there in person. I intended to travel back to attending these in person again. But alas, two weeks and next week a lot of official travel happening.

So logistically, it just didn't work out this time. But I plan to physically attend the next one because I know some pretty productive conversations can happen at these outside the scope of the structured meeting. Just building off what Miles had presented, Officer Dover's numbers most reflect Division 2 or the southeast division.

Just some brief numbers, between the HMS AP meeting in May to present in the northeast division, we had approximately 90 or so HMS contacts at least things that were flagged as primarily HMS boardings or investigations. About 30 to 40 of those contained violations. As always, we can't comment on ongoing investigations or results of those that aren't shared on the General Counsel website.

I can say they included a variety of things. We again struggle with the landing form and fillet at sea violations as well as the bluefin tuna 24-hour reporting requirement. By ratio, we do have a larger percentage of our swordfish, billfish are not reported within 24 hours as well.

But when you take that number in context to the total number caught, we don't really engage in too much -- the fishery doesn't really engage in too

much recreational sword/bill fishing this far north with exception to the large vessels in the canyons. It's nothing compared to the southeast division. We've investigated and tried to curtail some of the direct sales.

We have been seeing direct sales to restaurants which is always a concern to the recreational -- the commercial fishery as well as the dealer component involved in these stakeholders as well. So we have detected and investigated several of those. Those are ongoing as well as the restricted-fishing days which largely disproportionately affected the northeast division compared the southeast just based on the availability of giant bluefin tuna.

We've had a lot of issues -- well, I wouldn't say a lot of issues. But we have ongoing issues with people landing after hours or jumping the gun in the season. To a limited extent, some of those fish that aren't landed on restricted-fishing days are either retained or transferred somewhere where they shouldn't be.

And in some cases, we receive pretty visible tips that there was a reasonable explanation for a documented vessel breakdown or something like that. So I just wanted you to be advised we are following up on complaints we received. We have attempted to cover as much of the HMS fishery again through the season as we can.

But as I'm sure some of the AP panel members and those attending know we also have other highly publicized priorities to include the right whales, all protections of several programs and few of the fisheries. So we have not had as many consolidated HMS operations this year. But we have seen an uptick in our state partners and JEA referrals.

So even though we may not necessarily be conducting highly visible operations, our boardings and things along those lines as far as our dock presence and presence on the water has remained relatively the same. I think that about covers what I

was prepared to bring to you for what happened between these two meetings. I have a couple comments before like always.

I'll open it up for questions, comments, concerns. Just two comments from some items that were brought up yesterday. I believe during the right whale speed there were some questions about a speed enforcement gun.

The Office of Law Enforcement and the Protected Resource Division put out some information earlier this year, including web videos and some written literature explaining new efforts to enforce those regulations and to address some of the concerns about equitable enforcement between vessels equipped with AIS or VMS versus the smaller vessels, those that lie between 35 feet and 65 feet which may not necessarily possess those electronic tracking mechanisms. That point was not lost on us. We are aware of it.

We have engaged in some different -- and explored some different opportunities to enforce that if and when needed, to included vessel-borne radar as well as static and mobile shore-based radar systems as well as help from the Coast Guard occasionally with aerial units. So we do have means at our disposal to enforce that. And we'll do so as needed depending on how the agency decides we will begin to enforce this and where the appropriate methods to use those tools are.

A second comment that was made was HIN numbers. I understand there's an issue with new vessel owners purchasing a vessel from either direct from factory. Somehow they needed a Coast Guard documentation number.

I understand there are in some places and sometimes delays in obtaining the Coast Guard documentation number. And there was some concerns about or some ideas about using hull identification numbers as a temporary placeholder in lieu of a registration document. We do have

concerns about using hull identification numbers sometimes.

I certainly understand there was an individual from a very large reputable offshore vessel maker. Those are typically easier to find. But from a practicality standpoint in the field, we don't necessarily have the time or resources or the ability to locate hull identification numbers on a vessel and then compare it to a permit.

And then building off that, we rely and our regulations rely on confirming the owner a documented -- basically the documentation to prove who the vessel owner is versus the operator because depending on the regulations, there are requirements for both operators and owners. So there could be some concerns with the use of hull identification numbers and permits. So with that, I'll open it up if you have any questions, comments, concerns for me. The time is yours.

#### Public Comment

Mr. Brooks: Great. Thanks to both of you. And I just want to note that although Katie is not here, her presentation is online. So if anyone hasn't gotten to take a look at that, please do. Let's open up for questions. Marty?

Mr. Scanlon: Yes, I have several concerns with some of the things that have been going on here within HMS here. Number one, brought to my attention from one of my fish buyers over in Point Judith there that in a month -- looking at the month here right now -- July there was a tournament held in July. The date, I'll give you the date here, 7-26 to 7-29.

They had a recreational tournament there in Block Island. All of the fish sales to the island that weekend were cancelled because of the illegal sale of bluefin -- of yellowfin and bigeye tuna fish through the backdoor restaurants through that time period. And this is an ongoing problem that we

have.

It's surprising to me that with all the recreational tournaments up and down the coast when they have these tournaments and the availability, these fish are there, that there's no OLE presence there to make sure that these fish aren't being marketed illegally in the backdoor of these restaurants. Not only are they being illegally sold, they're being illegally sold and they are not HACCP approved. Another problem I have is with the enforcement of HACCP rules.

I mean, I see every day when I come to the dock, I see bluefin tuna fish being landed across the dock that haven't even been iced. So they no way in hell that they could be HACCP approved. Just the other day last month I was supposed to take a federal observer.

And another vessel -- PLL vessel in the port needed to take a federal observer. And both those vessel observers had to cancel because of food poisoning. Now whether that was HACCP related or not, I don't know.

But the potential is there for people to be getting sick. And when they get sick as a result of eating fish, whether they were illegally caught or not, that responsibility and that hit is going to be taken by the commercial in the pelagic longline industry. So to me it's been -- your OLE has been deficient in their enforcement of illegal sale of these fish here. And it's very troublesome, and I don't know why there isn't more of a concern of that.

The other thing I have is as you bring up the question that these permits are being permitted to the vessel itself and not to the owner, well, the vessel doesn't commit the crime. The individual that's operating the vessel is the one committing the crime. So I mean, although the vessel should in some way be held accountable, the owner or the operator is the one that really should be held accountable for their illegal activities.

So rather than go from one vessel to the other and continue their activity, they need to be held accountable as well. So I mean, that to me is we certainly are under extreme scrutiny, the commercial industry. Pelagic longline industry, there's no limit to the amount of people that are looking over us between the cameras, the BMS, the observer program, the Coast Guard.

We don't get boarded within six months, we're getting boarded. I just got boarded. We consistently get boarded.

So I mean, we're tired of seeing this happen. We're tired of seeing our market compromised by illegal fish coming across. And your willingness -- we have the same thing there, northeastern Bahama Box.

You constantly have fish being caught over there illegally in Bahamian waters and it being brought back to the dock and sold. Now there's a recreational swordfish industry going on in the Straits of Florida. And those fish are consistently coming to the dock and being sold.

So we're trying to get access to that bottom. And one of the reasons why we're not getting access to that bottom is because people harvesting those fish illegally and they have a market all to themselves, an illegal market all to themselves. And when is that going to stop, and when are you going to step up to the plate and enforce the rules and regulations unilaterally, not just against the PLL fleet?

Mr. Brooks: Kevin, I think I saw your hand up. Do you want to jump back in?

Mr. Swiechowicz: Yeah, I can respond to you, Marty. I understand your passion, and I can answer some of your questions. When I laid out my numbers, and again, these numbers are a little bit skewed in relation to you because I operate out of the northeast.

The PLL fleet is primarily more -- majority of the landings are well south of me, if not in the Florida area. I appreciate and understand the level of scrutiny that the PLL fleet may be under. When I provide my numbers and discuss reporting, things like that, largely my interactions are with General category vessels, hook and line vessels. All right?

Now to address some of your concerns with all fish sales on the island being cancelled, I operate out of Point Judith. I am aware of the situation that occurred. And myself and OLE are aware of the variety of issues that arise from illegal unreported sales.

One, we lose accountability to the fishery. Two, it's disproportionate and undercuts those commercial vessels who are reporting legitimately or are fishing legitimately, such as the PLL fleet who are heavily regulated, heavily monitored. Your landings are accounted for.

When we have this influx of what can be termed as commercial fishermen who attain permits and do not consistently do this, oftentimes when dealer -- as you're aware when dealer markets tend to collapse, people get creative in finding avenues to dispose of their fish. So the trouble is we are very aware of illegal sales and unreported sales of HMS, particularly direct to the restaurant problem which is why I made a point of addressing that I myself have investigated this year several direct to restaurant sales to make a point of just dropping a note that OLE is aware of it. And we are taking steps to address it in the best way we can.

Regarding the HACCP, I'll provide some guidance on that as well. You're not the only person who brings this up. We see this on the dock.

I board more HMS boats than probably anybody in the agency. I see the difference between PLL vessels who are legitimately engaged commercial fishing vessels or charter/headboats who have a commercial sales endorsement and are in this for

the profitability of the fishery who are in it to make money or subsequent income. And I also see the people who arrive at the dock with no ice because they bought a 56 dollar permit and now they're a commercial fisherman.

The trouble is National Marine Fisheries Service does not enforce or have authority over HACCP requirements. We require dealers -- federally permitted dealers have to submit their state dealer license and any other state permits that they have. That's where the HACCP requirement gets triggered.

As far as on the dock, on the boat enforcement, the National Marine Fisheries Service has no authority to enforce HACCP regulations or critical control point. I am aware of the histamine poisoning issue, that scombrids will create to the public. And you're right. It does have an effect and somebody does get sick when these things do get tracked back.

The first people to take it on the chin are going to be the commercial tuna fishermen because that's where commercial fish come from. So to get your second point, well, what if those fish the people are consuming are not coming from legitimate commercial fishermen? They're coming from illicit sales, from either unpermitted vessels or angling vessels or any other source.

To answer that, it's a little more complex. And I assure you, Marty, that I do take it very seriously and I invest a lot of time in looking into this and several other officers and agents do as well. But where the difficulty lies is our regulation and our authority about what we can do.

When you think about building a case in totality or documenting the elements of a crime, in order to conclusively prove a fish was illegally landed and then transported to a restaurant, that requires observing the landing, following the fish, and then documenting the sale that happened to be illegally. And where that gets a little hairy with us, for instance, state partners, Magnuson Act, HMS, our

authorities don't necessarily give us the authority to walk into the back of a restaurant. So to prove the sale or the transfer occurred, that's beyond the scope of federal authority.

So we do enforce these when we can and when we're able to gather the evidence or we're able to gain entry to facilities. But there is simply a constitutional regulatory issue that kind of jams us up. And even without that, there is the practicality where we are spread very, very thin up and down the seaboard.

These violations can occur anywhere at anytime. If a vessel is loaded onto a trailer, if I don't see another violation, I'm not necessarily going to follow that vessel from the boat ramp all the way home. It's just to make sure he doesn't stop and sell it.

And what if he does go home and put the fish in a cooler and then two days later takes it out of the cooler and brings it to a restaurant? That's where the system breaks down and we don't have the staff or manpower ability to catch all of those. But when we do, we make an example of them and we do charge those violations.

So I hear what you're saying. We do take it seriously. I assure you we do investigate these. And as I'll say always, if you know something, say something.

I will drop my email in the chat again at the end of this. If you have specifics, if you know where these things are occurring, let me know and I can do more. Because as it is now, I'm operating my own work, my JEA partners, the guys I've trained, things that are getting funneled to me.

I can't investigate what I don't know about. And oftentimes, I'll get a comment months after the fact about, well, why wasn't this done? Why didn't anybody do anything about this?

And I'm juggling ten fisheries as well as HMS along

the entire seaboard. And I'm not aware when everything is happening. But if you reach out, I assure you I will go ahead and try to get that information to either someone in the state who can handle that quickly or be there in a more reasonable time frame or I'll look into it myself.

And the last thing, it may be a misinterpretation of one of your comments. But I think it was related to the situation on Block Island. I think you would like to see more enforcement or why is there not enforcement of the dockside sales at the tournaments and things like that.

We do tend to make a presence at tournaments. But again, to beat a dead horse here, we are spread very thin. And particularly in the Northeast, my area, I generally -- especially when HMS tournaments are happening and there's HMS activity in the area.

As far as an odds of violation or impact to the resource, generally, I am less concerned and our state partners are less concerned with those reputable individuals who have paid entry fees and are attending captain's meetings and attending tournaments. Our time is often better spent targeting the fleet that's either following those tournament boats or people operating out of adjacent areas because a lot of times there's mimicry. They don't necessarily know what they're doing, but they know all the guys that entered the Star Island tournament know what they're doing. So they're going to follow them out. So sometimes we don't have visibility at those large events because as far as bang for your buck or results, we tend to get more by targeting fleets that aren't engaged in bona fide tournaments.

Mr. Brooks: Thanks, Kevin. Sonja?

Mr. Fordham: Thank you. Sonja Fordham, Shark Advocates International. I have no comment, two questions. On Katie's presentation, I think I just answered the first one for myself. But just to

confirm, so there's a couple slides on foreign fishing vessel activity along the Mexican border, and then the next slide is about the shark violations HMS catch which I'm just going to -- I just want to confirm that all of that is Mexico I'm assuming.

And then so the follow-up question is just Chris told us about how Mexico had been identified for this illegal activity. And then there's a process of bilateral meetings and working to recertification. I'm just wondering if we could get a little bit of flavor.

Like, how often? How are these bilaterals happening? What stage are we at? Because obviously, this is a chronic problem and maybe there's a way we can help. Thanks.

Mr. Brooks: Anyone in the room who might be able to answer the first question on Katie's data?

Mr. Blankinship: I don't know that anybody in this room can answer. If you can, feel free, about the specifics of this question on Katie's slides. I don't know the answer to it.

But whether Loren Remsberg or any of -- or Miles or Kevin could. They might be able to. Outside of that, if nobody can, then we can follow up with Katie and ask the question and get back with you in the coming couple of days or something like that. All right. And as far as, like, the frequency of the bilats, we can also ask Chris that question and get back with you.

Mr. Brooks: So Kevin or Loren, either of you have an answer to Sonja's question?

Mr. Swiechowicz: The first part of the question, all three of those were, in fact, referenced in the presentation. I believe all three of those were Mexico. But I would not have an answer to the second part as far as the bilaterals.

Mr. Brooks: Thanks. Any other questions or comments from AP members in the room or online?

Oh, Loren, were you going to come in?

Ms. Remsberg: I was just going to say I would assume those are referring to Mexico. But I'd have to follow up on how frequent the bilaterals occur, when the next one is going to happen. We can get back to you.

Mr. Brooks: Great. Thanks, Loren. Okay. Just checking to see if any other AP members have any questions or comments on enforcement. I'm not seeing any hands up online or in the room. Okay. If not, then Kevin and Miles, thank you both very much.

So at this point, we want to go to public comment. So to any members of the public in the room, and I'm not sure I see any members of the public in the room or online. This is when we would love to hear from you.

So if you want to make a comment, please if you would just raise your hand if you're in the room or raise a virtual hand if you are online, that would be great. Okay. I don't think we have any public comment today.

In that case, I think we can just move to wrap up here. So just a couple of next steps that I captured here just to remind people of on the national saltwater recreational fishing policy, public comments accepted. I believe it was December 31st.

So if anyone is interested in commenting on that, please track that. There's also public comment period through September 30th for the equity and environmental justice strategy. So track that as well.

There was a request for an update on that Tarantelo update from Chris Rogers. I just want to note that as well. And again, this comment that just came up in the end, better understanding the frequency of the bilaterals.

So those are the sort of four concrete follow-ups that I have. Other than that, just I want to thank everyone for a really productive meeting. And Marcos, you have something?

Mr. Hanke: I'm sorry. I didn't want to interrupt earlier, but I want to make a suggestion about the membership on the AP. And I think we have an opportunity with the virtual meetings and the hybrid meetings that we have.

I don't see this changing into the future. And in order not to lose the expertise of people that maybe are engaged in discussions that we'll keep going and that person is a key person into the discussion. Marty and the other people that are phasing out or leaving this body, I think we should think about having -- because there is no extra cost, right?

Like, virtual seats, like, phase away seats for those members to be engaged in receiving the communication and participating at minimum virtually for one or two years. And like this, we will help the continuity of ongoing jobs and discussion on this body, support new members to engage quicker because they're going to be substituting in presence in the discussion. And there is a connection between those representative from commercial, from recreational or whatever they represent.

We don't lose the outreach channel that each of the members represent once they term out. It's just, like, a phased way process in order to respect the historical participation of those members. I just want to put that out there.

Mr. Brooks: Thanks, Marcos. So kind of a phasing in and a phasing out.

Mr. Iwicki: If I could just add real quick to that. So I run a nonprofit board for a national foundation. What we do is when a board member leaves, we move them to emeritus status. And they're still invited to the board meetings if they choose to

attend.

It's an idea. If you're interested, I can talk more. But we just call them emeritus members because they're veteran members that have served at least for two terms and then they leave the board. But they still want to stay engaged.

And that way, they're invited to meetings. They're on the newsletters and all that kind of stuff. If you've got some interest, Randy, I can talk later about that with you. It works pretty good, though.

Mr. Blankinship: Thanks. I appreciate that. Thanks for the suggestion, Marcos and Steve. And so just to reiterate, we've been through the way that the AP terms will be handled and that is three consecutive terms and then an AP member would then step off for at least one year.

But after one year, being off would be eligible to put their names back in or be nominated by someone else back for the AP. And we would take that into consideration certainly for placement on the AP again. And so it's an ongoing kind of a cycle.

And with that kind of a process is consistent with the Council process. It's -- we can think about those other ideas. I think that it is definitely the case that with the move in recent times to hybrid environment, the virtual environment that participation by AP members and the discussion in a virtual environment will probably continue.

And that for non-AP members that are members of the public, we receive input from the members of the public through the public comment period that we provide each day. And so I think that we will probably continue with that path for now. It's definitely worth thinking about other options, but that's the path that we've been on and one I think that we're going to continue for now.

Mr. Brooks: Alan Weiss, do you want to jump into the conversation?

Mr. Weiss: Yes, thank you. I also wanted to point something out in regard to this turnover of people. In the pelagic longline area with Jeff Oden and Marty Scanlon limiting out, there's still a couple of us left with experience and expertise in the pelagic longline area.

Dewey is here as a representative from the Mid-Atlantic Council. And he will, in turn, be term limiting off of the Council next year. So he has just - - I guess he will still be around, I think, for the spring meeting. But that'll be it for him in that capacity.

So those three guys represent not just knowledge and expertise in the pelagic longline fishery. But they're guys who have current and recent experience actually being out on the ocean prosecuting the fishery. And as much as I know about it and I've worked in this fishery for quite a number of years now, but I'm land-based.

These guys know some of the nitty gritty of the day-to-day operations that people like me are just not aware of and converse in that. So when you go to fill these slots going forward, please do everything you can to bring in a couple of more people that have the hands on operational experience recently because there are some discussions where that information is really important. Thank you.

#### Daily Wrap-up, Bennett Brooks

Mr. Brooks: Thank you, Alan. Okay. Anybody else, last comments? Marcos, that's left over? Yeah, okay. All right. Well, then, again, I think at this point, we can wrap up. Just want to thank everyone for a really good meeting. For the folks who are leaving, we'll miss you.

But I'm sure, Marty, I know we'll see you constantly. But we do look forward to staying in touch in some fashion. And I'll hand it over to you, Randy, for any final comments.

## Adjourn

Mr. Blankinship: Thanks, Bennett. Okay, good. We got it. Thanks, everybody. Again, those of you that are remaining around the table, stragglers here, thanks for being here.

Thanks to all those AP members online attending virtually and members of the public that attended as well. And for those of you that traveled here, this is just a reminder as we always do. You got travel documentation that I know that our travel folks will be looking forward to getting from you.

When you get the chance to get that together, please do that. As far as one of the things that we usually put together is a wrap-up presentation after each AP meeting. And so we will be doing that in the next couple of weeks so you can be looking for that.

We'll post that online on the AP meeting website. And so be on the lookout for that. I want to thank all of the presenters over the last couple of days.

The presentations have been really good. Thank you to the HMS staff and to others from outside of HMS that presented. We had some very good presentations and excellent discussion around all of the topics.

This has been a really productive couple of days. I want to thank in particular Pete Cooper and everybody in Atlantic HMS Management Division for doing a great job of putting together this meeting. All of the logistics, the IT aspects, the camera arrays, staying on top of things online, and all of that.

And I'll have to say I'm just thoroughly impressed and proud of the job that you guys do. Thank you very much. And then also finally, thank you, Bennett, for doing a great job of leading us through the discussions and the summaries and all of that. Thank you for that. Thanks, everybody. I look

forward to seeing you at the next AP meeting.

Mr. Brooks: Safe travels to everybody.

(Whereupon, the above-entitled matter went off the record at 2:21 p.m.)