

MEETING REPORT
CCC Legislative Committee Conference Call
September 28, 2018

Workgroup Members:

Gregg Waugh (SAFMC), Chair
Dave Witherell (NPFMC), Vice Chair
Jessica McCawley (SAFMC)
Terry Stockwell (NEFMC)
Kitty Simonds (WPFMC) – represented by Joshua DeMello
John Gourley (WPFMC)
Carrie Simmons/John Froeschke (GMFMC) – John represented Carrie
Carlos Farchette/Miguel Rolon (CFMC)
Mary Clark Sabo (MAFMC)
Marc Gorelnik (PFMC)
David Whaley (Ex Officio Member)

Guests:

Tom Frazer (GMFMC Chair)

Agenda Items:

1. Call to Order & Introductions – the call began at 3 p.m. EST; Gregg welcomed Dr. Tom Frazer, GMFMC Chair, and John Froeschke (GMFMC Deputy Director) to the call and gave a brief overview of how the LC works. Gregg stated that the main output of the LC is the CCC Working Paper. The LC drafts recommended Consensus Statements for the CCC to review, modify, and approve. Each Council is responsible for their own Regional Perspective and those can be updated at any time. Every Council does not need to have a regional perspective on every topic. The LC would likely need another phone call before the end of the year to finalize recommendations to bring to the CCC at the February 2019 meeting.
2. Status of MSA Reauthorization – Dave Whaley
 - a. Overview – Dave updated the LC on the status: there may be a chance that during the lame duck session that MSA could move but he is not sure MSA would be included in the items to be addressed. HR200 is more comprehensive and has passed the House. Environmental NGOs object to some of the provisions and have raised concerns with Senators such that it is not likely the Senate will take this bill up. S1520 includes items desired by the recreational community and there are several holds on the bill. Senator Wicker’s staff are working to remove the holds:
 - i. Remove the rebuilding section – this would remove the increase to 75% chance of rebuilding but also remove additional flexibility on rebuilding and keep the 10 year deadline.
 - ii. Remove the exempted fishing permit section

If the Senate sends S1520 to the House, the House could accept, amend, or take no action and the bill dies. Dave's summation is that it looks gloomy for MSA Reauthorization during this congressional session.

- b. Workgroup Discussion & Recommendations – Dave Witherell asked Dave for his percent probability for reauthorization and Dave responded that likely <10%. Gregg asked if MSA is not reauthorized this year would they start with HR200 and S1520 next year? Dave said that all depends on any potential leadership changes after the elections.
3. Comments on HR 200 (**Attachments 1 & 2**)
 - a. Overview – Gregg said that we now know what is in the bill approved by the House and between the CCC Working Paper and the comment letters available on the 8-Councils' website (<http://www.fisherycouncils.org>), most of the topics are covered. Dave covered some aspects of HR200 in his comments above.
 - b. Workgroup Discussion & Recommendations - Dave Witherell noted that one item that is not directly addressed in the CCC Working Paper is the requirement for the Secretary to conduct surveys and prepare stock assessments within two years for those stocks that do not have recent peer review assessments; this is mentioned in the NPFMC comment letter to Congressman Young. Dave Whaley noted the requirement may not apply to assess all species, but perhaps selected species. Gregg said that the SAFMC would be discussing this next week during their Executive Finance Committee. Marc raised concerns about having adequate funds and resources to do the work. The LC discussed these two topics and agreed that **Gregg and Dave Witherell would draft a consensus statement and share with the group.**
 4. Comments on S1520 (especially Section 104 that increases the rebuilding threshold to 75% for stocks not making adequate rebuilding progress) (**Attachments 3 & 4**)
 - a. Overview – Gregg said there were two sections that did not appear to be covered in the CCC Working Paper. Dave provided some comments on S1520 in topic 2 above and also noted that S1520 does not reauthorize the act.
 - b. Workgroup Discussion & Recommendations – the group discussed two sections:
 - i. Section 101. Process for Allocation review for South Atlantic and Gulf of Mexico Mixed-Use Fisheries. There are a number of NOAA/NMFS/Council document specifying guidance for evaluating allocations. Requiring NMFS to spend about \$1M for a National Academy of Sciences study does not seem a wise use of our limited resources. Besides, a number of the Councils are beginning the process of reallocation based on the new MRIP numbers.
 - ii. Section 104. Rebuilding – increasing the probability from 50% to 75% if not making adequate progress. Gregg briefly mentioned the SAFMC red grouper example where the rebuilding probability was 81% and the

catch limits were not exceeded. In this case, it is not fishing mortality that is preventing adequate progress towards rebuilding; there is something environmental going on.

The NEFMC was requested to provide comments on this topic and Dave Witherell said they have a species that models indicate can't rebuild in over 100 years with F=0. **Gregg agree to provide comments to the group after the SAFMC meeting next week and it was agreed to add some additional wording to the Stock Rebuilding section of the CCC Working Paper.**

5. Comments on S3138 – Wicker Aquaculture Bill (**Attachments 5 & 6**)
 - a. Overview – Gregg said Aquaculture is covered in Topic 19 (page 75) of the CCC Working Paper. Also, that the lawsuit in the Gulf indicated that the Agency does not have authority to regulate aquaculture in the EEZ. NOTE: This decision was by a district court in Louisiana; it does apply to the Gulf but is only one district court's opinion. Despite this ruling, we should still develop additional comments to be ready to respond should S3138 move forward. Dave Whaley said he did not think this bill would move ahead this year given how controversial it is.
 - b. Workgroup Discussion & Recommendations – Dave Witherell noted that the NPFMC provided regional perspective language and Gregg said he would find it and add to the working paper. Dave Whaley suggested the Councils develop general language such that if an aquaculture bill moves forward, the Councils have stated what role they would like to have in the process. Josh said the WPFMC's programmatic EIS is scheduled to be published in a few days and he will keep the group informed. John Froeschke said the GMFMC approved two EFPs at their June or August meeting and they will wait to see what happens to them given this ruling. Josh said in reviewing the Gulf decision versus the Hawaiian decision, it appears two District Courts have reached different conclusions and this would need to be resolved. Gregg relayed that Tom Nies said their NOAA GC said the ruling only applies to the Gulf. Gregg said the **SAFMC will be receiving a presentation from NOAA GC at their Executive Finance Committee meeting on Thursday morning and he will relay any information to the group.** It was agreed that **Gregg would provide some modified wording for the group's review that includes amending the MSA to make it clear that aquaculture is included in the MSA; this will be provided after the SAFMC meeting next week. Councils may wish to revise their council perspective on Aquaculture in the working paper now that an aquaculture bill has been introduced.**
6. CCC Working Paper (**Attachment 7**)– any updates will be drafted/reviewed after the call; incorporate any changes to individual Council positions. No additions or modifications were identified.
7. Other Business - none

8. Next Conference Call? – it was agreed that Gregg would circulate a doodle poll later in the year to have one additional conference call to finalize recommendations for the February CCC meeting.
9. Adjourn – the call ended at 4 p.m.