

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION
NATIONAL MARINE FISHERIES SERVICE

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COUNCIL COORDINATION COMMITTEE
(CCC)

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MEETING

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WEDNESDAY, FEBRUARY 19, 2014

The Council Coordination Committee met in the Columbia Ballroom of the Holiday Inn, Capitol, 550 C Street, SW, Washington, D.C., at 9:00 a.m., Rick Robins, Chairman, Mid-Atlantic Council, presiding.

COUNCIL MEMBERS:

NEW ENGLAND COUNCIL:

TERRY STOCKWELL, Chairman
JOHN QUINN, Vice-Chairman
TOM NIES, Executive Director

MID-ATLANTIC COUNCIL:

RICK ROBINS, Chairman
LEE ANDERSON, Vice-Chairman
CHRIS MOORE, Executive Director

SOUTH ATLANTIC COUNCIL:

BEN HARTIG, Chairman
MICHELLE DUVAL, Vice-Chairman
ROBERT MAHOOD, Executive Director

CARIBBEAN COUNCIL:

CARLOS FARCHETTE, Chairman

GEÑO PINEIRO-SOLER, Vice-Chairman
MIGUEL ROLÓN, Executive Director

GULF OF MEXICO COUNCIL:

DOUG BOYD, Chairman
KEVIN ANSON, Vice-Chairman
DOUG GREGORY, Executive Director

WESTERN PACIFIC COUNCIL:

EDWIN EBISUI, Vice-Chairman
MICHAEL DUENAS, Vice-Chairman
WILL SWORD, Vice-Chairman
KITTY SIMONDS, Executive Director

PACIFIC COUNCIL:

DOROTHY LOWMAN, Chairman
HERB POLLARD, Vice-Chairman
DON MCISAAC, Executive Director

NORTH PACIFIC COUNCIL:

ERIC OLSON, Chairman
JOHN HENDERSCHIEDT, Vice-Chairman
CHRIS OLIVER, Executive Director

NOAA PARTICIPANTS:

JOHN BULLARD, Regional Administrator,
Greater Atlantic
JIM BALSIGER, Regional Administrator,
Alaska
BOB TURNER, Assistant Regional
Administrator, West Coast
ROY CRABTREE, Regional Administrator,
Southeast
MIKE TOSATTO, Regional Administrator,
Pacific Islands

HQ STAFF/PRESENTERS:

ADMINISTRATOR'S OFFICE:

EILEEN SOBECK, AA for Fisheries,
SAM RAUCH, DAA for Regulatory Programs,
PAUL DOREMUS, DAA for Operations,
RICHARD MERRICK, Director, Scientific
DOUG LIPTON, Senior Science Advisor,
RICHARD METHOT, Senior Science Advisor
STEVE LEATHERY, National NEPA Coordinator

COMMUNICATIONS:

KATE NAUGHTEN, Director, Communications
LAUREL BRYANT, External Media

GC FOR FISHERIES:

ADAM ISSENBERG, Section Chief, Fisheries &
Protected Resources

OFFICE OF POLICY:

MARK HOLLIDAY, Director

HABITAT CONSERVATION:

KARA MECKLEY, Acting Chief, Habitat
Protection

SUSTAINABLE FISHERIES:

ALAN RISENHOOVER, Director
EMILY MENASHES, Deputy Director
BILL CHAPPELL, Chief, Regulatory Services,
Division
GALEN TROMBLE, Chief, Domestic Fisheries
Division
TARA SCOTT, Fisheries Program Specialist
KELLY DENIT, Supervisory Fishery Management
Specialist
MARIAN MACPHERSON, Management and Program
Analyst
BRIAN FREDIEU, Fisheries Program Specialist

WENDY MORRISON, Contractor

OTHER PARTICIPANTS:

KEITH RIZZARDI, Chairman, Marine Fishery
Advisory Committee

STEVEN ATRAN, Senior Fisheries Biologist,
Gulf Council

DAVE WITHERELL, Deputy Executive Director,
North Pacific Council

GEORGE LAPOINTE

JULIE MORRIS, MAFAC

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1 P-R-O-C-E-E-D-I-N-G-S

2 9:00 a.m.

3 CHAIRMAN ROBINS: Thank you. I'd
4 like to welcome everybody to the February
5 meeting of the Council Coordinating
6 Committee. And I'm pleased to report this
7 morning that for the first time in a very
8 long period, we have a forecast for the next
9 two days that does not include snow or ice.

10 At the rate we were going
11 recently, I think we were getting ready to
12 develop ice fishing regulations in the Mid-
13 Atlantic, but it appears based on this
14 week's forecast that that won't be
15 necessary. So, I find some relief in that.

16 Before we get into introductions,
17 I just wanted to run through the agenda very
18 quickly.

19 Today, we'll have an update from
20 the Agency. We'll also follow that with a
21 round robin discussion about council
22 priorities for 2014.

23 We'll then have our budget update
24 that we enjoy this time every year and
25 following that we'll have two reports from
26 working groups and the committees that have
27 been reporting to MAFAC.

28 Those will include Endangered
29 Species Act Working Group reports, and the
30 seafood certification issue that has been
31 discussed at MAFAC.

32 In the afternoon, we'll also have
33 a discussion on fisheries allocation and
34 several updates on National Science Program
35 reviews and Stock Assessment
36 prioritizations.

37 Then tomorrow we'll have a report
38 on the Electronic Monitoring Workshop that
39 Chairman Lowman has been involved with.

40 And later on we'll review
41 Operational Guidelines and see where the
42 different councils are in that process.

43 We'll also discuss the terms of
44 reference or potential development of SOPPs
45 for the National SSC. That follows on an
46 action that we took at the CCC at the last

1 annual meeting, and we can discuss next
2 steps relative to the development of the
3 National SSC guidelines.

4 In the afternoon tomorrow, we'll
5 have a discussion that I know many of you
6 are looking forward to relative to the
7 Magnuson Stevens Act reauthorization. And
8 following that, we'll have an update on
9 habitat conservation initiatives by the
10 Agency.

11 And we will discuss briefly the
12 details of the upcoming annual meeting of
13 the CCC that will be hosted by our council
14 in Virginia Beach in May of this year.
15 We're all very much looking forward to that
16 as well.

17 And with that, why don't we go
18 around the table and do introductions. And
19 then I'll turn to Sam Rauch and invite him
20 to introduce our new assistant administrator
21 for NOAA Fisheries.

22 So, with that, why don't we start
23 down at this end of the table.

24 MR. TOSATTO: Good morning. Mike
25 Tosatto, the Pacific Islands regional
26 administrator.

27 MR. SWORD: Good morning. William
28 Sword, West Pacific Council.

29 MR. DUENAS: Good morning.
30 Michael Duenas, Western Pacific Council from
31 Guam.

32 MR. EBISUI: Good morning. Ed
33 Ebisui, Western Pacific Council, Hawaii.

34 MS. SIMONDS: Kitty Simonds,
35 executive Director of the Western Pacific
36 Council.

37 Mr. BALSIGER: Jim Balsiger,
38 regional administrator, Alaska.

39 MR. OLIVER: Chris Oliver,
40 executive director, North Pacific Council.

41 MR. OLSON: Good morning. Eric
42 Olson, Chair, North Pacific Council.

43 MR. HENDERSCHIEDT: Good morning.
44 John Henderschiedt, vice-chair, North Pacific
45 Council.

46 MR. QUINN: Good morning. John
47 Quinn, vice-chair, New England and from

1 Massachusetts.
2 MR. NIES: Good morning. Tom
3 Nies, executive director, New England
4 Council.
5 MR. STOCKWELL: Good morning.
6 Terry Stockwell, Chair, New England Council.
7 MR. BULLARD: Good morning. John
8 Bullard, regional administrator, newly
9 renamed Greater Atlantic Regional Fisheries
10 Office, GARFO. That's Portuguese for fork.
11 (Laughter.)
12 MR. ANDERSON: Good morning. Lee
13 Anderson, vice-chair, Mid-Atlantic Council.
14 MR. MOORE: Chris Moore, executive
15 director, Mid-Atlantic Council.
16 CHAIRMAN ROBINS: John, that's
17 makes you the tip of the fork.
18 (Laughter.)
19 CHAIRMAN ROBINS: Rick Robins,
20 chair, Mid-Atlantic Council.
21 MS. SOBECK: Eileen Sobeck, NOAA,
22 AA for Fisheries.
23 MR. RAUCH: Sam Rauch, NOAA,
24 deputy AA.
25 MR. RISENHOOVER: Alan
26 Risenhoover, Sustainable Fisheries.
27 MR. DOREMUS: Paul Doremus, DAA
28 for Operations, Fisheries.
29 MS. MENASHES: Emily Menashes,
30 deputy director, Sustainable Fisheries.
31 MR. ISSENBERG: Adam Issenberg,
32 NOAA's Office of General Counsel.
33 MR. PINEIRO-SOLER: Good morning.
34 Geño Pineiro, vice-chair, Caribbean Council.
35 MR. ROLÓN: Miguel Rolón,
36 executive director, Caribbean Council.
37 MR. FARCHETTE: Carlos Farchette,
38 chair, Caribbean Council.
39 MR. HARTIG: Ben Hartig, chair,
40 South Atlantic Council.
41 MS. DUVAL: Michelle Duval, vice-
42 chair, South Atlantic Council.
43 MR. MAHOOD: Bob Mahood, executive
44 director, South Atlantic Council.
45 MR. CRABTREE: Roy Crabtree,
46 Southeast, regional administrator.
47 MR. BOYD: Doug Boyd, Gulf

1 Council, chairman.

2 MR. GREGORY: Doug Gregory,
3 executive director of the Gulf Council.

4 MR. TURNER: Bob Turner, assistant
5 regional administrator for Sustainable
6 Fisheries, West Coast Region.

7 MS. LOWMAN: Dorothy Lowman,
8 Pacific Council, chair.

9 MR. McISAAC: Don McIsaac,
10 defensive coordinator for the world champion
11 Seattle Seahawks.

12 (Laughter.)

13 MR. POLLARD: Herb Pollard, vice-
14 chair, Pacific Council.

15 CHAIRMAN ROBINS: I know we have a
16 number of new members around the table. I'd
17 like to welcome all of you.

18 Why don't we go now around the
19 perimeter of the room. Bill, Tara.

20 (Introductions off mic.)

21 CHAIRMAN ROBINS: Thank you all
22 very much. And, again, welcome. With that,
23 I'll turn to Sam.

24 MR. RAUCH: Thank you, Mr.
25 Chairman. I am happy to be here for these
26 two days of meetings.

27 For those of you who are a little
28 bit lost, I will point out that you used to
29 be the Northeast Region. Now, you are in
30 the Greater Atlantic Region. So, that's
31 where you reside. That's where we all are
32 currently meeting. So, thanks to our hosts
33 from the Mid-Atlantic and GARFO for having
34 us here.

35 I also want to thank Sustainable
36 Fisheries staff and the Mid-Atlantic for
37 their timely help in obtaining this venue
38 and for the planning that they did for this
39 meeting.

40 I wanted to point out a few
41 changes which might be obvious, but I just
42 wanted to make sure, to NMFS leadership, and
43 then introduce some of the new CCC members.

44 First, Eileen. We'll hear more
45 from her in just a minute as our new
46 assistant administrator. And that has
47 created a cascade of people returning to

1 their real jobs.

2 So, I am returning to the deputy
3 for Regulatory Programs. Alan has returned
4 as the director of the Office of Sustainable
5 Fisheries. Emily has returned - Emily
6 Menashes is the deputy for that office.

7 And in addition to that and in
8 addition to GARFO, we also have reorganized
9 our Western - our two Western regions into a
10 single West Coast region and we now have Bob
11 Turner who is the Sustainable Fisheries ARA
12 for the combined West Coast region. So,
13 those are our changes here.

14 I do also want to - and I think I
15 have them all, the new members of the CCC.
16 First, we have Doug Gregory, the new
17 executive director of the Gulf Council.

18 You may have seen - he came to an
19 earlier meeting not in his official
20 capacity, but now he's in his official
21 capacity. So, welcome there.

22 Terry Stockwell is the new chair,
23 and John Quinn the new vice-chair, in New
24 England.

25 Ben Hartig is the new chairman
26 and Michelle Duval is the new vice-chair in
27 the South Atlantic.

28 Dorothy Lowman is the new chair
29 and Herb Pollard is the new vice-chair in
30 the Pacific.

31 So, I don't think I've missed
32 anybody. But if I did, let me know. I'm
33 going to now introduce Eileen for a few
34 words to lead us off.

35 So, as you all know, in January
36 we got news and it was welcome news for many
37 of us, especially me, that we were getting a
38 new permanent AA.

39 You know that Eileen had a long
40 history. Started at NOAA with general
41 counsel. Went to the Justice Department and
42 hired me at the Justice Department. So, my
43 career is tied to her. I would not be here
44 without that.

45 She was an attorney with an
46 extensive environmental and management and
47 stewardship background, but she is

1 recovering from that now, as many of us are.
2 And she's also a native
3 Californian. Graduated Stanford University
4 and Stanford Law School. And she's been
5 here all of - this is her fourth week. So,
6 give her some latitude there.
7 But for that, Eileen, if you
8 could share a few words from your
9 perspective after all that time in -
10 MS. SOBECK: Yes. Thank you, Sam.
11 And it's great. Thank you, everybody.
12 Thank you, Mr. Chair.
13 This is a great opportunity for
14 me to kind of get a snapshot of one of the
15 most important stakeholder communities that
16 I'm going to have to work with in my new
17 job. So, it's really great to be here with
18 all of you in the first - within the first
19 month.
20 I am still in the - I know very
21 little and I am in the listening mode right
22 now, but I just wanted to thank Sam, Alan,
23 Emily for everything they've done to keep
24 NOAA Fisheries going on an even keel during
25 the interim acting period when Eric - after
26 Eric left, and actually before Eric left
27 when he was filling the assistant secretary
28 role.
29 Because, as Sam said, he and I
30 have had a long history of working together,
31 so I think it's been very easy to come in
32 and develop a working relationship with Sam.
33 It's a great team. I feel very
34 lucky to come in with a very stable,
35 experienced, well-thought of management
36 team.
37 And I think one message I want to
38 leave is - with you guys this next couple of
39 days is that I don't - I'm not coming in
40 with an agenda. I'm here to advance the
41 mission of my agency. And I feel I have a
42 very strong team both in Washington and with
43 the regional administrators and their
44 capable staffs that are here today.
45 And I want to move forward and
46 advance the ball, not rethink where we've
47 been in the past. And I feel like I'm - as

1 soon as I get up to speed, my team and along
2 with a lot of help from you all is ready to
3 do that.

4 I'm not a fisherman, I'm not a
5 scientist, but I have a lot of experience in
6 the regulatory management federal and
7 natural resource world. And I hope to bring
8 those ties and that experience to the table
9 sooner rather than later.

10 I've worked with a few of you in
11 various other enterprises over the years.
12 Some, a long time ago. Some, more recently.
13 And so, I feel like I'm not starting from
14 absolute ground zero.

15 I'm really looking forward to
16 getting out into the field. I'm going to
17 start next week in New England. I figured
18 why not just get it over with? Go to the
19 New England Council - no, just kidding.

20 (Laughter.)

21 MS. SOBECK: I'm really looking
22 forward to it. I've heard so much about it.
23 You guys are really going to have to - it's
24 going to have to be a heck of a meeting to
25 meet the expectations after all I've heard
26 after 35 years about New England Council
27 meetings.

28 But, like I said, I feel like I
29 have an incredibly capable staff. I feel
30 like I'm usually incredibly well-prepared
31 for meetings, but nothing substitutes for
32 getting out and hearing directly from
33 people.

34 You lose something when somebody
35 in the federal government explains to you
36 what your stakeholders think and want and
37 what their priorities are.

38 So, I really look forward to
39 hearing directly from you all, from the
40 folks that you work with, the other
41 stakeholders in the regions.

42 And I look forward to fruitful
43 partnerships. You can't get anything done
44 in the federal government without
45 partnerships and being inclusive and being -
46 I don't want to say "transparent," because
47 that would be too much, but as open as

1 possible, talking as much as possible,
2 agreeing to disagree where that's where we
3 have to be, but not until we've actually had
4 a good exchange of views. So, I'm here with
5 an open mind and no baggage.

6 I've tried very hard in the few
7 issues where I used to know something, to
8 set that aside and remind myself that a lot
9 changes. That, you know, fisheries are in
10 much better shape now than they were last
11 time I dipped my toe in the fisheries world.

12 And that's an incredible
13 accomplishment that technology has moved
14 forward by leaps and bounds since I was last
15 involved. And so, again, I don't have a
16 specific agenda that's any different from
17 what NOAA Fisheries has been.

18 I look forward to working on
19 priorities and agendas for the future with
20 your help.

21 CHAIRMAN ROBINS: Eileen, on
22 behalf of the CCC, welcome.

23 MS. SOBECK: Thank you.
24 (Applause.)

25 CHAIRMAN ROBINS: Sam.

26 MR. RAUCH: Actually, we did this
27 agenda before Eileen showed up. So, Eileen
28 is going to handle this part of the agenda.

29 CHAIRMAN ROBINS: Very well. All
30 right, Eileen.

31 MS. SOBECK: Thanks. This is a
32 test for me to see if I've learned what NOAA
33 Fisheries did in the last year. So, bear
34 with me.

35 And to the extent that I'm
36 reporting on updates and accomplishments of
37 the last year, they reflect on - well, on
38 the team and I had - I can take no credit
39 for them.

40 But I wanted to set this out for
41 you myself, because I just want you to know
42 that I'm - that this - I've already been sat
43 down and talked with the team enough to know
44 that I endorse - well, our accomplishments
45 are what they are. And in terms of
46 priorities, that those are the NOAA
47 Fisheries priorities that we're going to set

1 forward.

2 So, let me just talk for a minute
3 about our accomplishments. A really quick
4 2013 review. You guys probably know this
5 better than me, but I think it bears
6 touching on some of the high points since
7 some of them occurred in different regions.

8 Here's a statement that goes
9 without saying that 2013 was one of the most
10 challenging years in recent memory from a
11 federal budget perspective.

12 And that was true, you know, my
13 most recent experience was at the Department
14 of the Interior. Our new secretary was
15 Sally Jewell, who came straight from the
16 business community, a CEO of REI. And I got
17 to tell you, she was in a state of shock
18 about how - about the federal budget-making
19 process, and I think we all were.

20 And hopefully with the budget
21 process we'll get back on track, be slightly
22 more rational, and hopefully we will see
23 stability in the resources that are
24 available for our important priorities. So,
25 it's actually amazing what we managed to
26 accomplish.

27 And working together in 2013 on
28 the Fisheries side of the house, NOAA
29 Fisheries worked with the Councils to
30 rebuild four stocks bringing the total to 34
31 stocks rebuilt since 2000.

32 We worked with the Councils, with
33 you all to hold a successful Managing Our
34 Nation's Fisheries III, the third
35 conference, the national symposium bringing
36 together nearly 600 commercial/recreational
37 fishermen, policymakers, scientists,
38 legislators, business leaders, ocean
39 advocates in Washington, D.C.

40 I think this is - getting that
41 diversity of folks together to think about
42 the future of sustainability of U.S.
43 fisheries was quite a success.

44 We continued with our rec fishing
45 engagement process implementing the
46 initiative to address the values and
47 priorities of recreational fishermen.

1 We're going to have another touch
2 on this in a minute, a Fish Summit two
3 months from now.

4 My first opportunity to get out
5 of Washington was last week to go to the
6 Miami Boat Show to visit our Southeast
7 region, our Southeast Science Center, and to
8 really have a working discussion, a roll up
9 your sleeves and discussed life with the
10 recreational fishing representatives to
11 really underscore the fact that NOAA
12 Fisheries is trying to turn around our
13 relationship with that important group of
14 stakeholders and make sure that they are
15 part of all of our priority setting
16 exercises.

17 On the Protected Resources side
18 of the ledger, for the first time in 19
19 years and only the second time ever, NOAA
20 delisted the Eastern - a population of
21 species that had been put on the Endangered
22 Species Act list, the Eastern population of
23 Steller sea lions.

24 That is a success we're going to
25 try to replicate. That's the point of
26 putting species on the list is to get them
27 healthy and recovered and off the list, not
28 to perpetuate the list for all time. And I
29 think we're going to try to focus our
30 efforts on that in the future.

31 I'm bleeding in the - what we did
32 in FY13 to what we're - where we're going in
33 2014.

34 There were record returns of
35 salmon in the Pacific Northwest. And so,
36 there was the largest run of fall Chinook to
37 pass Bonneville Dam in a single year since
38 the dam was completed in 1938.

39 So, there were a number of
40 factors both human and thanks to Mother
41 Nature that contributed to the record
42 returns, but one of the accomplishments was
43 that it resulted in the - our ability - the
44 ability of state officials to expand fishing
45 season. So, I think looking at multiple
46 causes has been a success.

47 On the science and technology

1 front, we expanded our advance sampling
2 technology and independent data collections.

3 In 2013, there were deployments
4 of new, lower cost remotely operated
5 sampling technologies, including comparisons
6 of diverse stationary gear, remote operated
7 vehicles, autonomous underwater vehicles,
8 mounted video cameras and sensors, active
9 and passive ship acoustics and multi-beam
10 SONAR applications.

11 There was - using data obtained
12 in the first ever Western Pacific cetacean
13 survey, the Pacific Islands Fisheries
14 Service Center successfully produced
15 abundance assessments for 19 cetacean
16 species that had never been assessed before.
17 So, that's a major step forward in
18 understanding cetacean populations in the
19 Western Pacific.

20 Finally on the habitat side of
21 the house, there was the successful dam
22 removal of the Veazie Dam on Maine's
23 Penobscot River. A huge array of partners
24 collaborated to make that happen.

25 This river has been named one of
26 America's most endangered rivers between
27 1989 and 1996. But with the removal of the
28 Great Works Dam and now the Veazie Dam along
29 with the installation of fish passage at
30 other dams, we've helped open up a thousand
31 miles of habitat for the Atlantic salmon,
32 Atlantic short-nose sturgeon and river
33 herring and other important species, which
34 is probably the project in the U.S. that's
35 opened up that much habitat on one river.

36 And has also created - and we
37 cannot underestimate this in telling the
38 story, created more than 180 jobs. So, that
39 was quite an accomplishment.

40 So, how do we plan to move
41 forward in 2014? I think that there's been
42 a lot of thought at NOAA Fisheries in really
43 trying to articulate our missions in a very
44 sharp and simple way and then relate the
45 many important tasks we do to those core
46 missions.

47 And I think that's really

1 important both in speaking to our
2 stakeholders and communicating up within our
3 bureaucracy and talking to all of our
4 various partners that everything we do
5 really has to, you know, this is a time of
6 articulating priorities and then channeling
7 our resources to meet those priorities
8 whether it's our existing resources, whether
9 it's our budget resources, our regional
10 resources, our manpower.

11 And so, there are two - our two
12 core mandates are to, first, ensure the
13 productivity and sustainability of fisheries
14 and fishing communities through science-
15 based decision-making in compliance with
16 regulations.

17 And number two, to recover and
18 conserve protected resources through the
19 sound - through the use of sound natural and
20 social sciences.

21 So, this shouldn't be a surprise
22 to anybody. Fisheries and Protected
23 Resources are really the core of everything
24 we do, but this is the way that we are
25 articulating it.

26 So, to kind of elaborate some of
27 the areas that we're going to focus on with
28 our first focus on productivity and
29 sustainability of fisheries, it's huge. It
30 encompasses, you know, the vast majority of
31 things that we're talking about here.

32 First, we want to enhance our
33 scientific ability to assess and predict
34 stock status and the consequences to the
35 fishing industry and communities and
36 ecosystem health.

37 We're going to be doing this
38 through an integrated approach to
39 biological, physical, social science as we
40 develop the next generation stock
41 assessments.

42 We need to understand the
43 environmental, social and economic drivers
44 to inform regulatory choices and enhance
45 access to healthy stocks.

46 This is going to include the
47 recognition and analysis, the impact of

1 climate change, ocean acidification and
2 other stressors. A huge interest. One I
3 know that some of the Councils have really
4 focused on a lot. We look forward to
5 working with you on that.

6 We need to increase the supply,
7 quality, diversification of domestic seafood
8 through science-based development of marine
9 aquaculture.

10 We need to increase partnerships
11 with industry and consumer groups to ensure
12 properly labeled seafood through inspection,
13 enforcement and international cooperation.

14 And we need to increase the focus
15 on regulatory simplification, efficiency,
16 enforceability, compliance, all in the
17 context of the Magnuson Act reauthorization
18 and our regulatory review.

19 So, hopefully those are familiar
20 themes on the fisheries side of the house
21 and we look forward to working with you on
22 those.

23 On the Protected Resources side,
24 there are many priorities that fall within
25 this second bullet of recovering and
26 conserving protected resources.

27 We have limited funds to do this.
28 We've got to get the most conservation
29 benefit for everything we do.

30 So, we're going to expand our
31 protected resources science and we want to
32 make sure that the science that we do
33 develop on the protected resource side is
34 related to our management needs and goals.
35 So, better link the science and the
36 management actions.

37 We need to increase the scope and
38 effectiveness of collaborative conservation
39 efforts with external partners, especially
40 states, tribal governments and other federal
41 agencies.

42 We're all working towards the
43 same goals. It's the same motion. We have
44 many overlapping species or interests and
45 we've got to leverage those given our
46 limited resources.

47 We've got to continue to

1 understand, conserve and protect and recover
2 habitats vital for protected species. I
3 think the habitat portion of this is
4 something we all agree is - has always been
5 important and needs to be the focus of our
6 work.

7 We have to provide enhanced
8 enforcement and compliance assistance to
9 protected species where appropriate.

10 And we have to work to reduce
11 marine mammal incidental mortality and
12 serious injury associated with exports of
13 fisheries products from foreign countries.

14 So, moving forward, you know,
15 that's sort of an articulation of what NOAA
16 Fisheries priorities are. We need to help
17 work that into the priorities of our
18 leadership within NOAA and within the
19 Department of Commerce and within the
20 federal government, because it doesn't do
21 any good to have your own priorities if you
22 haven't convinced the folks above you in the
23 food chain that they should care about it.

24 So, we are going to be working
25 hard to do that. And, for example,
26 Secretary of Commerce Penny Pritzker has
27 outlined a new policy initiative for the
28 Department of Commerce centered on U.S.
29 trade and investment, innovation and data,
30 which is being called The Open For Business
31 Agenda.

32 And it reflects the larger
33 Department of Commerce role as the voice of
34 business and the Administration's focus on
35 economic growth and job creation. And I
36 think that's something that we can all - we
37 can grab onto with both hands and really say
38 the reason you should care about fish is
39 that it's directly related to trade and
40 jobs.

41 And that's something that the
42 Department of Justice is going to -
43 Commerce, I'm sorry, is going to - thank
44 you, Sam. I thought the signal was you were
45 supposed to kick me in the ankle, not - no,
46 just kidding.

47 (Laughter.)

1 MS. SOBECK: That Department of
2 Commerce can relate to. And we're going to
3 do everything we can to make that a reality
4 within NOAA Fisheries, but also make sure
5 that that gets communicated up through the
6 Department of Commerce.

7 She's also - Secretary Pritzker's
8 also made a commitment to lead a robust
9 environmental agenda, to ensure operational
10 excellence and public accountability for all
11 of the top priorities.

12 We are eagerly awaiting the
13 confirmation of Dr. Sullivan who is our NOAA
14 administrator. I have no idea when that
15 will be, but she is charging forward. She
16 is in charge of NOAA and formulating her own
17 vision and priorities for the Agency. And I
18 think that we've done a good job of
19 educating her on what our core missions are
20 and making sure that she will incorporate
21 those at the NOAA level.

22 So, with that, I think that is
23 the 2013 look-back and the 2014 agenda. So,
24 we can move on to the next slide.

25 So, a major part of our
26 regulatory agenda coming up this year is
27 going to be moving forward with the National
28 Standard 1 guideline revision. And I'm sure
29 this group knows more about that than I have
30 and has been watching it carefully.

31 These guidelines were last
32 updated in 2009 to incorporate requirements
33 for annual catch limits and accountability
34 measures.

35 And in the spring of 2012, we
36 published an Advance Notice of Proposed
37 Rulemaking to start the process of looking
38 holistically at the guidelines and
39 determining if additional changes were
40 needed.

41 We've received a lot of input
42 both through that process and through other
43 forum - including from the Councils, other
44 stakeholders and at the discussions at the
45 last conference, the Managing Our Nation's
46 Fisheries Conference.

47 So, internally we've been doing a

1 lot of analytical work. And we need to - I
2 want to just run through this to give you a
3 sense of some of the things that we're
4 looking at and talking about and will be
5 getting back to you with some specific
6 proposals before too long.

7 We really want this to be kind of
8 a back-and-forth iterative process. So, we
9 went out, cast a large net initially, are
10 formulating some issues that we really want
11 to focus on, including improving guidance on
12 rebuilding plans, guidance for providing
13 increased stability in annual catch limits
14 while still preventing overfishing, revising
15 the definition of the ecosystem component to
16 provide increased flexibility, improved
17 guidance for ACLs and AMS particularly for
18 data-poor stocks, reviewing the definition
19 of stocks with low biomass and management
20 of mixed-stock fisheries. So, these are the
21 areas that we are focusing on.

22 Fall of 2014 is when we are
23 hoping, and I don't see any reason why we
24 wouldn't be able to meet this publication of
25 proposed revisions that will open up the
26 opportunity for a whole new round of
27 comments.

28 And we will be looking at the
29 schedule of your council meetings so
30 everybody has the opportunity to discuss
31 these fully with their councils, because we
32 recognize that it's going to have a huge
33 impact or could, you know, the Councils and
34 the folks that they represent and the - will
35 be the most impacted.

36 So, we don't have - until we know
37 when the regs will be coming out as
38 proposed, we won't know what the schedule
39 for the comment period is, but be assured we
40 will make sure that we leave enough time.

41 I wanted to touch on the fact
42 that last May the CCC recommended some
43 changes to the February 2013 NOAA Fisheries
44 NEPA Policy Directive. And NMFS staff
45 worked with CCC NEPA subcommittee to fine
46 tune the revised draft and there have been a
47 few revisions that were made.

1 And we at NOAA Fisheries, worked
2 with NOAA general counsel to review and
3 clear the revised draft Policy Directive.
4 So, we - I'm not sure if we finalized the
5 schedule on that, but we are about ready to
6 republish that in draft form; is that right?

7 So, it will be soon and it's -
8 again, it's not going to be coming out in
9 final. It's coming out as a revised draft
10 for additional public comment.

11 And the last topic is a report on
12 the Inspector General audit, but I'm going
13 to ask Emily if she will do that - kindly do
14 that for me, because that's something that I
15 really haven't gotten involved in.

16 And rather than just read to you
17 this long slide, I'll have Emily actually
18 explain it. So, thank you.

19 MS. MENASHES: Yeah, I think most
20 of this information isn't new to folks, but
21 we just wanted to give you an update of
22 where things were on all of the responses
23 that we were doing in relation to the IG
24 report recommendations.

25 If you'll recall, last January
26 2013 the IG released an audit report
27 addressing NMFS and Council regulatory
28 processes.

29 They had six recommendations in
30 that report. And so, we have six action
31 plan responses in relation to that.

32 OIG Recommendations 1, 2 and 3
33 addressed development of policies and
34 procedures on financial disclosures and
35 conflicts of interest.

36 To work on these, we have a
37 workgroup that was established with CCC
38 representatives and we've had some really
39 good interactions on that.

40 The first recommendation really
41 dealt with the financial disclosure form in
42 the guidance. And working with the
43 workgroup, we decided that the most
44 effective way to improve guidance was
45 actually to update the form itself. So, we
46 spent quite a bit of time on that.

47 We're close. We're actually

1 hoping that the new form will be approved by
2 OMB by the end of March, but it did have to
3 go through the Paperwork Reduction Act
4 review process. So, it's been with OMB
5 since the end of January.

6 As part of that, there is a 30-
7 day comment period, public comment period.
8 There is the citation up there for the
9 public to comment on the revisions.

10 But, again, if OMB keeps to their
11 schedule, we expect the new form to be
12 approved by the end of March and we think
13 there's substantial improvements making that
14 much easier for people to use and the
15 guidance going along with that much clearer.

16 For the second and third
17 recommendations, that related to policy, a
18 procedural guidance that NMFS and the
19 Councils would use for identifying conflicts
20 of interest and reviewing financial
21 disclosures.

22 So, internally within Sustainable
23 Fisheries we've been working on sort of
24 drafting that up. We're planning to go back
25 to the workgroup fairly soon to get their
26 comment on some of those things. And then,
27 would also provide opportunity for broader
28 input from the CCC, as well as from NMFS
29 general counsel and the regional
30 administrators who would all be - have a
31 role in that. So, we are targeting the end
32 of June to have that guidance in place.

33 These deadlines did slip to some
34 extent and we've coordinated that with the
35 IG's Office somewhat affected by the
36 shutdown we had in October, but also the
37 kind of going through OMB for PRA approval
38 also extended the timeline.

39 So, we wanted these to line up.
40 And so, we wanted to make sure we got good
41 input on the form and the guidance for that
42 before we move too far ahead on the
43 financial disclosure and conflict of
44 interest guidance.

45 Next slide. So, then, the OIG
46 Recommendations 4 and 5 dealt with
47 addressing developing Operational Guidelines

1 and Regional Operating Agreements. So, we
2 have another CCC workgroup working with us
3 on that.

4 Recommendation 4 relates to the
5 Operational Guidelines and we actually have
6 a presentation tomorrow and discussion on
7 that. So, I'm not going to talk about that
8 one at all.

9 And then Recommendation 5 related
10 to putting Regional Operating Agreements in
11 place and we've been making really good
12 progress on that.

13 Four of the Councils did get
14 their work done by the end of 2013 and I
15 know the rest are working hard on it, have
16 it on their schedules for discussion. So,
17 we're expecting those to be completed within
18 the next couple of months.

19 And then OIG Recommendation 6
20 dealt with record keeping and administrative
21 records and that was actually wrapped up
22 last year.

23 And then I just had one other
24 quick update that I wanted to provide which
25 is new information. If you'll recall, when
26 the IG did their review of NMFS and Council
27 in the regulatory process, that wasn't
28 necessarily the end of their work.

29 They also did a survey of the
30 Councils and that was published last year.
31 And then they also took on a review of the
32 catch share programs primarily looking at
33 whether there were adequate controls in
34 place to deal with excessive shares. That
35 wasn't the only thing that they looked at,
36 but that was the primary focus.

37 We talked to you all about this,
38 I think, last spring when they started their
39 review. They ended up reviewing six
40 programs which included the Mid-Atlantic
41 golden tilefish, New England sea scallop,
42 Gulf of Mexico red snapper, South Atlantic
43 redfish, North Pacific halibut and sablefish
44 and the Pacific sablefish programs.

45 We just had an exit conference
46 with them on Friday where they had verbally
47 communicated their findings to us. So,

1 they're actually close to having a final
2 report. We expect the final report would be
3 released sometime maybe late next month.

4 Bottom line, the audit team found
5 that there were adequate controls in place
6 to prevent excessive ownership in the
7 programs that they reviewed.

8 They did find three issues that
9 they're going to be highlighting in their
10 report and they'll provide some
11 recommendations for us to consider.

12 All three are issues that were
13 discussed with them during their review.
14 So, nothing was really a surprise.

15 The three things were that in the
16 Pacific sablefish permanent stacking
17 program, they were concerned about the data
18 flows in place to monitor and determine if
19 individual permits are exceeding their
20 allowable landings. And I know that's
21 something that's already being worked on to
22 address that issue.

23 In the golden tilefish program,
24 they flagged that there were - unlike all of
25 the other programs, there weren't a control
26 in place to ensure that any shareholder with
27 sanctions was prevented from buying or
28 selling or transferring other shares. And,
29 again, this is an issue that is already
30 being worked on. So, it wasn't a surprise.

31 They didn't find any problems
32 with that. They didn't find any evidence
33 that that had happened. They just noticed
34 that all of the other programs had those
35 kinds of controls in place and that one
36 didn't.

37 And then the other thing that
38 they plan to provide a comment or
39 recommendation on is that some of the
40 programs rely solely on self-certification
41 of evidence that the shareholders meet
42 eligibility requirements, for example,
43 citizenship, and that that may be required
44 by the regulations to own quota shares.

45 And they've noticed that there
46 really was no - that it was a self-
47 certification and ask that we will - will

1 probably ask us to look at that and
2 determine if we want to take some action
3 related to that.

4 So, I just wanted to communicate
5 that with you. Again, we just learned this
6 on Friday. We only had sort of this verbal
7 communication, but overall it was a good -
8 good results that they found that the
9 programs were - had the controls in place to
10 meet the objectives that had been laid out.

11 So, overall we were very happy
12 that it was - it was a good working
13 relationship with the IG's Office and, you
14 know. So, thanks to all of you who may have
15 been involved with answering questions on
16 that one and that's it.

17 CHAIRMAN ROBINS: Thank you, Emily
18 and Eileen, for those reports. I may want
19 to have a few questions here on this
20 section. So, if we can go through some of
21 those and, Eileen, I just wanted to ask a
22 little bit about the proposed NS1 guidelines
23 and the timing of that.

24 As you know, the Councils are
25 involved in the ongoing discussion about the
26 potential reauthorization of the Magnuson
27 Act. We have submitted some detailed
28 comments. We've submitted some broader
29 comments from the CCC.

30 The individual councils around
31 the table have participated in either
32 testifying in various hearings or submitting
33 detailed comments.

34 A number of the issues that are
35 proposed to be addressed in the
36 reauthorization could also potentially be
37 addressed in NS1 guidelines. Certainly not
38 all of them could, but some could.

39 And I think it's been over a year
40 probably since we submitted our written
41 comments on the NS1 guidelines. And so, you
42 know, I wonder a couple things, but one
43 would be the interplay between the proposed
44 revision of the NS1 guidelines and the
45 reauthorization process.

46 Obviously, there's some
47 uncertainty in the timing of the legislative

1 process and how that will play out, but, you
2 know, I wonder if there's another
3 opportunity for comment on behalf of the
4 Councils in the NS1 guideline process before
5 the revision comes out or if you could
6 comment on that.

7 MS. SOBECK: Let me start, and
8 then I'm going to let Sam who really knows
9 what's going on with this talk, but you're
10 absolutely right.

11 I think there are a whole bunch
12 of issues that could be addressed through
13 legislation or through the regulation and I
14 think that we're very conscious of that.

15 And I think, you know, at the
16 very least we want to make sure that there's
17 a proposed revision on the table this fall
18 which I think will be well before we get any
19 closure on Magnuson Act reauthorization.
20 So, at least the community, all communities,
21 interested communities will see what our
22 approach is and whether we're heading in the
23 right direction and whether it's likely that
24 we could do - accomplish what folks want to
25 accomplish through the guideline revision
26 before we get to the end of the legislative
27 process.

28 You know, they're both forms of
29 sausage making, but we have a little bit
30 more control over the administrative sausage
31 making than the legislative sausage making.

32 But I'm going to let Sam talk to
33 the more specific timeline and the - whether
34 there will be discussion drafts before the
35 actual proposed draft regs come out.

36 MR. RAUCH: Yeah, originally we
37 had formulated the idea of having discussion
38 drafts, but that was before Congress seemed
39 to be in a hurry to move bills along, and
40 there is an interplay between the two.

41 In my hearing, Representative
42 DeFazio accused us of being too slow when
43 what we thought we were being is
44 deliberative and including all these
45 opportunities for comment.

46 Our internal timeline is that, as
47 we said, we have to go out in the fall. OMB

1 is going to review that. So, that means
2 that we need to submit a rule to OMB in the
3 summer.

4 Currently, if anybody wants to
5 give us comments, you can, but we are not
6 opening another comment period on ANPR.

7 We have been receiving comments.
8 We just got last week, comments from the
9 recreational - some entities for the
10 recreational community. And anybody else
11 can give us comments that will go into that,
12 but we are rapidly getting to sort of a
13 drafting stage on some of these ideas.

14 We've, you know, had a lot of
15 discussions with a lot of folks, and we'll
16 have some more tomorrow, but there is an
17 opportunity.

18 I'm not going to give you a
19 deadline. We are going to be starting to
20 write real soon here and - but at this
21 point, there's no barrier to accepting
22 comments from anybody.

23 CHAIRMAN ROBINS: Thank you for
24 those responses. Other questions on this
25 section of the agenda?

26 Chris.

27 MEMBER OLIVER: Sorry. I don't
28 have a question. I just had a comment on
29 two issues. Not on the ACL thing, but on
30 the NEPA issue and the Regional Operating
31 Agreements.

32 Yeah, I just wanted to - Chris
33 Moore and Bob Mahood and myself were this
34 subcommittee of the CCC that worked over the
35 last year on the NEPA Policy Directive.

36 And I just want to express my
37 appreciation to Sam and the Agency, and
38 particularly to Steve and Marian because,
39 you know, we had a lot of concern with that
40 Policy Directive that came out last year.

41 And I think we went through a
42 number, three or four meetings and three or
43 four different trading of drafts and I think
44 that the version that we have now did
45 address the concerns that we had with the
46 original draft.

47 I don't - I'm not saying that we

1 believe that the Policy Directive is
2 necessarily the right way to address the
3 issue or that it fully reconciles the two
4 acts. There may be better ways to do it,
5 but it certainly addressed - the revision
6 certainly did address the concerns that we
7 had. So, I just wanted to note that and
8 appreciate that.

9 And then the second thing was on
10 the Regional Operating Agreements, our
11 council reviewed a Regional Operating
12 Agreement last week. We just finished
13 recently a council meeting. And in the
14 haste of the council meeting, we simply
15 forgot to sign it, but it's done.

16 So, I just wanted you to know
17 there's five instead of four that are done.

18 CHAIRMAN ROBINS: Thanks, Chris.
19 Other comments?

20 Don McIsaac.

21 MEMBER McISAAC: Thank you, Mr.
22 Chairman. Another question on the NEPA
23 matter.

24 We haven't seen - not all of us
25 at the table have not seen this revised
26 draft and originally it had some language in
27 there about satisfying Section 304(i) of the
28 Magnuson Act.

29 And I think that edit was out -
30 was removed or that was edited out. And I
31 just want to be sure as we move forward with
32 other Magnuson Act considerations, whether
33 it's your opinion also that this does not
34 satisfy Section 304(i) that calls for a more
35 timely and more concise, faster, less-
36 processed type of solution.

37 CHAIRMAN ROBINS: Sam.

38 MR. RAUCH: I think it does. So,
39 I'm not sure where your concern is that it
40 doesn't.

41 Our intent is that this process
42 has satisfied 304(i).

43 CHAIRMAN ROBINS: Further
44 discussion on this? Okay. Are there any
45 other comments or questions on this section
46 of the agenda?

47 All right. Seeing none, we're

1 running a little bit ahead of schedule. So,
2 we'll go ahead and start some of the Council
3 reports.

4 If we could start with the North
5 Pacific, Eric or Chris?

6 MEMBER OLIVER: Mr. Chair, I'll
7 just give a brief summary and look to Eric
8 or John to supplement.

9 I guess if you're looking for the
10 big issues on our radar screen in the coming
11 year, there are probably three. Bycatch,
12 bycatch and bycatch.

13 And when we last met, we spoke a
14 lot from our region about salmon bycatch and
15 we've got a period of very low Chinook
16 salmon runs in streams throughout Alaska.

17 And of course I don't have to
18 tell you how big a deal that is in Alaska
19 for both as subsistence, sport fishing,
20 commercial fishing. And we've got bycatch
21 caps now in our Bering Sea pollock fisheries
22 that have been in place for a few years.

23 We recently put in - have been
24 approved and put in place bycatch - Chinook
25 salmon bycatch caps in our Gulf of Alaska
26 pollock fisheries.

27 And we also recently approved
28 pending implementation of Chinook salmon
29 bycatch caps in our Gulf of Alaska non-
30 pollock trawl fisheries. And so, we've
31 spent a lot of time over the last two years
32 addressing that issue.

33 The big bycatch issue that's now
34 on our radar screen is halibut bycatch and
35 we are in a period of almost historically
36 low halibut abundance.

37 And when I say that, halibut
38 biomass overall is pretty stable, but for
39 some reason there's a whole lot of small
40 fish that are undersize, if you will, for
41 the fishery in terms of a commercial
42 fishery. So, we have very low - it's been
43 substantially declining.

44 And of course in that period of
45 time we have had allocation battles between
46 the commercial halibut sector, hook and line
47 fishery and the sport charter boat fishery,

1 and we think we have that resolved now with
2 a catch sharing plan between those two
3 sectors.

4 But there are areas in the Bering
5 Sea where literally our halibut bycatch caps
6 - and we have bycatch caps of course for
7 halibut in all of our fisheries, but in the
8 Bering Sea, for example, those caps which
9 support obviously the very valuable and
10 important fisheries, commercial trawl
11 fisheries, the bycatch caps actually are
12 equal to or in some cases exceed the amount
13 that we're now able to allocate to the
14 commercial hook and line fishery, which is
15 extremely difficult for a lot of coastal
16 communities in Western Alaska.

17 And so, we have been - recently
18 implemented bycatch reductions for our -
19 reductions in our bycatch caps, what we call
20 PSC, prohibited species caps, in the Gulf of
21 Alaska trawl fisheries.

22 And we're now looking at similar
23 potential actions in the Bering Sea
24 fisheries for ways to reduce bycatch or ways
25 to potentially even reduce the caps, the
26 allowances for bycatch, which obviously is a
27 huge tradeoff with the value of the halibut
28 resource and the value of our commercial
29 trawl fisheries.

30 And I guess the third aspect of
31 this and what's really an ultra high
32 priority for our council is when you look at
33 our Bering Sea fisheries, most of those
34 fisheries are, quote/unquote, rationalized.
35 Either IFQs or fishery cooperatives.

36 And so, they're able to better
37 manage how they fish, where they fish, when
38 they fish and minimize their bycatch of both
39 Chinook salmon, as well as halibut, but we
40 don't have that in the Gulf of Alaska trawl
41 fisheries and for a number of reasons. It's
42 a much more difficult fishery.

43 A lot of the Bering Sea fisheries
44 are what I'd call industrial offshore
45 fisheries. But in the Gulf of Alaska, it's
46 largely smaller boats. A lot of coastal
47 community shore-based fisheries.

1 And we are attempting or embarked
2 on a mission to in some form or fashion
3 rationalize those fisheries, give them the
4 tools to be able to avoid and minimize
5 bycatch.

6 Right now we're focusing on the
7 fishery cooperative-type management system
8 which functionally operates similar to an
9 IFQ fishery where we allocate target
10 species, as well as the bycatch.

11 We do have bycatch caps. I want
12 to be clear about that, but it's sort of a
13 race for the cap.

14 And so, we're trying to get to a
15 system where it really gets down to
16 individual bycatch accountability.

17 And so, that's probably the
18 biggest issue on our radar screen right now.
19 And I think I'll just stop right there and
20 look to John or Eric if they have further
21 comments.

22 MEMBER OLSON: No, I think, Chris,
23 you've pretty much summed up our priorities
24 very well. I think the Gulf package is
25 going to be something that's on our agenda
26 for quite some time.

27 And I think as Chris mentioned,
28 bycatch is the major focus of that. We're
29 calling it a bycatch management program.
30 And I think part of the tools that the
31 fleets are looking for, part of it may be
32 catch shares to help them work through that.

33 So, that's going to be something
34 that's at the forefront of our agenda for
35 some time. So, I think John may have
36 something else to add.

37 CHAIRMAN ROBINS: Thank you.
38 John.

39 MEMBER HENDERSCHIEDT: Mr.
40 Chairman, I agree with Chris' description of
41 our priorities.

42 I think it's worth noting that
43 over the past several months the Council has
44 also begun an examination of the habitat
45 attributes of the Bering Sea shelf break
46 and, in particular, two of the larger
47 canyons there.

1 And there's been a significant
2 amount of engagement by the conservation
3 community, as well as fishery stakeholders
4 that have led the Council's Ecosystem
5 Committee as well as the Council itself to
6 start looking at this issue and identifying
7 habitat objectives and potential measures
8 going forward.

9 So, I think that that's a longer-
10 term issue, but one as well that the Council
11 is focused on.

12 Thank you, Mr. Chairman.

13 CHAIRMAN ROBINS: Thank you all.
14 Any questions for the North Pacific?

15 Chris, I just wanted to ask what
16 are the monitoring tools that are in place
17 or contemplated to go along with that
18 bycatch reduction plan in the smaller -
19 within the smaller boats in the fleet?

20 Is electronic monitoring part of
21 that or onboard observer coverage?

22 MEMBER OLIVER: I guess the short
23 answer is both. We currently have a limited
24 observer coverage or partial, I should say,
25 observer coverage on a lot of the small-boat
26 fleet.

27 We just went through a
28 restructuring of our observer program to go
29 to a fee-based system that allows us to put
30 observers on small boats, as well as halibut
31 fishing boats that heretofore were
32 unobserved.

33 And it allows us to essentially
34 distribute the available observer coverage
35 that we have on boats in a more rational
36 manner, I guess, as opposed to just if
37 you're such and such length, you take an
38 observer a hundred percent of the time. And
39 if you're 60 to 125 feet, you take an
40 observer 30 percent of the time.

41 It basically allows us to
42 distribute that observer coverage where we
43 best need it.

44 We also as part of that, have
45 really a lot of effort and initiative. I
46 know we're going to talk about this issue
47 later in the meeting under the electronic

1 monitoring, but we're really trying to get
2 to a point where we can deploy electronic
3 monitoring cameras particularly on the small
4 fixed-gear boats so that - that really
5 physically are challenged in terms of
6 carrying a human observer. So, we are
7 putting a lot of effort into that electronic
8 monitoring initiative.

9 We also as part of the package
10 that we're looking at for the Gulf of Alaska
11 trawl bycatch reduction like depending on
12 how that turns out, some level - it may not
13 be a hundred percent, but there likely would
14 be some increased requirements for either
15 observer coverage or electronic monitoring
16 to monitor that when we get to a catch
17 share-type program.

18 CHAIRMAN ROBINS: Thanks, Chris.
19 Other questions for Chris?

20 All right. Seeing none, we'll
21 come down the coast. If I can impose on the
22 Pacific Council, Dorothy or Don?

23 MEMBER LOWMAN: So, we're going to
24 - we're sharing this, as we always do at the
25 Pacific Council. And we're actually going
26 to start with our vice-chair.

27 CHAIRMAN ROBINS: Great.

28 MEMBER POLLARD: Thank you. Our -
29 one of our highest priorities is to complete
30 the NEPA process for groundfish fishery
31 specifications that doesn't require a full
32 EIS every two years on our biannual specs.

33 The Council has found itself in
34 the position of completing a full EIS for
35 biannual specs for the routine adjustments
36 every two years, which really ties up the
37 Council staff and the support staff from
38 NOAA Fisheries and leads to some
39 inefficiencies and not taking care of some
40 other important issues.

41 We've worked over the last couple
42 of years with NOAA Fisheries and NOAA GC to
43 work within the current NEPA and MSA
44 constraints and complete an umbrella EIS
45 that could last through several cycles with
46 biannual EAs to cover the adjustments within
47 the framework of those management

1 structures.

2 The Pacific Council is scheduled
3 to take a final action in our June 2014
4 council meeting on the Council's portion of
5 this plan.

6 This is a pretty high priority.
7 We see a lot of efficiencies here in terms
8 of staff time, and the industry folks see
9 some efficiencies in terms of having a
10 stable framework that they know that
11 adjustments will be made within. And that's
12 a high priority for our council.

13 CHAIRMAN ROBINS: Thanks, Herb.

14 MEMBER LOWMAN: So, carrying on,
15 one of our other high priorities is to
16 continue to greater achieve the benefits of
17 the catch share program.

18 We've talked about this catch
19 shares program that we implemented and it's
20 now, I can't quite believe it, it's in its
21 fourth year of operation and we've seen a
22 lot of success at meeting some of our
23 conservation goals related to that program,
24 you know, particularly in terms of bycatch
25 management and discard reduction.

26 We are - still have a ways to go
27 to fully achieve some of the benefits that
28 we believe the program will offer in terms
29 of increased revenue to the fleet. And
30 while there is increased flexibility now, we
31 do need to do some things that we always
32 knew we were going to need to do even as we
33 implemented it.

34 It was a complex program and it's
35 really shifted the rules. And the - and so,
36 in that, there are a number of regulations
37 that aren't necessary now that we have full,
38 a hundred percent accountability.

39 And that by changing those and
40 providing more flexibility in some of the
41 year, et cetera, there's more opportunity
42 for increased access to some of the target
43 species that we are not fully utilizing at
44 this time.

45 In addition, there are, you know,
46 obviously some increased costs with the
47 hundred percent monitoring requirements, for

1 example. So, we are working on a lot of
2 these. A couple of trailing actions have
3 been completed that have been important.

4 For example, we recently
5 implemented - or National Marine Fisheries
6 Service recently implemented an ability for
7 fishermen to continue to adjust their
8 portfolios through the end of the year and
9 so that they weren't sort of caught with
10 quota that wasn't used. They could trade
11 that all the way to the end of the year.

12 But we've also taken a number of
13 other actions that have been slow in getting
14 implemented, I guess. And I think that, in
15 part, you know, our partners at the Region
16 have had some significant workload
17 challenges.

18 And, you know, we're hoping that
19 as we look at the spending plan for this
20 year, that some of those resources will be
21 moving their way and so that we can get
22 these trailing actions done, because they
23 really are important.

24 One of those trailing actions is
25 working on looking at alternatives to
26 observers to meet the hundred percent
27 accountability requirement.

28 And so, we have - we're in the
29 process of considering EM as a potential
30 tool. And we are scheduled for council
31 final action in September of this year for
32 that.

33 So, you know, this is important
34 work and we usually every year in September,
35 we look at, okay, how is it working? What
36 are the highest priorities of these trailing
37 actions? Do we need to adjust our
38 priorities? Which ones are most important
39 to best achieve the goals?

40 This last year we didn't do that
41 in September because of the workload issues
42 at NMFS and kind of how we're kind of
43 getting behind at getting these things that
44 had already passed council action
45 implemented.

46 So, we're hoping to get back on
47 track on that. We're scheduled for June to

1 go through that process again and we really
2 would like that to be a high priority.

3 CHAIRMAN ROBINS: Thank you. Don
4 McIsaac.

5 MEMBER McISAAC: Thank you, Mr.
6 Chairman. The third priority we had
7 mentioned, the advancing the precautionary
8 management approach for North Pacific
9 albacore in two different international
10 regional fishery management organizations,
11 the Pacific Council has an HMSFMP and the
12 most important species on the West Coast for
13 us in that arena is North Pacific albacore.

14 The Pacific Council spent a
15 considerable amount of time over the past
16 couple of years developing a precautionary
17 management approach that would be applicable
18 to all the international fisheries that
19 impact this particular stock.

20 The thrust of the Pacific Council
21 proposal is to formalize an OFL ACL buffer-
22 type approach for all the countries that
23 catch North Pacific albacore. So, the U.S.,
24 you know, approach to fishing, domestic
25 fishery management, but to do this in a
26 manner that does not disadvantage U.S.
27 fisheries. So, that's the part that will
28 take a little bit of extra work.

29 In 2014, working together with
30 the West Coast region and the Southwest
31 Fishery Science Center, we're looking
32 forward to working with Mike Tosatto and the
33 folks at PIRO in the Western, Central and
34 Pacific Fishery Commission forum toward
35 making some major strides in this
36 precautionary management approach.

37 And similarly, we're looking
38 forward to working with the yet to be
39 appointed National Marine Fisheries Service
40 lead in the Inter-American Tropical Tuna
41 Commission for compatible precautionary
42 management approaches in that particularly
43 relevant international RFMO.

44 CHAIRMAN ROBINS: Thank you, Don.
45 Any questions for the Pacific Council?

46 Okay. We'll go to the West Pac.
47 Kitty or Ed. Ed.

1 MEMBER EBISUI: Thank you, Mr.
2 Chairman. We need to get a PowerPoint
3 presentation up.
4 Mr. Chairman, you asked for three
5 priorities. I brought four.
6 CHAIRMAN ROBINS: Very well.
7 MEMBER EBISUI: So, the theme of
8 our presentation is somewhat similar to
9 North Pacific's in that rather than bycatch,
10 bycatch, bycatch, we're data, data, data.
11 (Pause in the proceedings.)
12 MEMBER EBISUI: Okay. There we
13 go. Data, data, data. By the way, that
14 photograph is from American Samoa looking
15 out of Pago Pago Harbor towards the
16 entrance.
17 Next slide, please. Okay. First
18 up, ACLs. In the Western Pacific we are
19 improving the accuracy of our acceptable
20 catch limits for data-poor refish, the set
21 of which is comprised of more than a
22 thousand management unit species.
23 Our staff has worked with a
24 contractor to improve upon a published
25 method which used catch and resilience data
26 to establish MSY. And to that mix we've
27 added biomass data which greatly improves
28 the accuracy.
29 As I said, this is a big step
30 forward in accuracy as percentiles of catch
31 and resilience data alone are more
32 indicative of factors other than actual
33 abundance of fish stock.
34 With respect to accountability
35 measures, we continued working on real time
36 or near real time ACM accountability
37 measures.
38 We want things that closely
39 resemble what's already in place for Main
40 Hawaiian Islands Bottomfish Fishery.
41 In that fishery, the universe of
42 fishers both commercial and recreational are
43 known. The fishers must report their
44 catches within a five-day window. Dealers
45 are also required to report receipt of
46 bottomfish that they acquire. So, there's a
47 check and balance system for reporting.

1 And this gives us plenty of
2 advance preparation for closure as we
3 proceed towards the attack or quota ceiling.

4 Also, as our ABC/ACL
5 determinations for reefish improve, we also
6 need to work on partnerships between state
7 and territorial administrations, again, much
8 like our Main Hawaiian Island Bottomfish
9 Fishery, where collective management is
10 conducted simultaneously as we approach the
11 closure of a fishery.

12 Next slide, please. Okay. The
13 Pacific Council spoke of the Western Central
14 Pacific Fishery Commission at international
15 fisheries conventions. What we want is a
16 leveling of that playing field.

17 The United States is the only
18 country in the Western, Central and Eastern
19 Pacific to close its long-line fishery after
20 reaching the Commission-based bigeye tuna
21 allocation.

22 On the other hand, there are
23 other countries which grossly exceeded their
24 allocations. However, there were no
25 repercussions or any consequences of
26 exceeding such quotas.

27 Compliance monitoring by the
28 WCPFC is perfunctory at best with all
29 members. Even though there were gross
30 excesses above the quota, all members were
31 deemed compliant, strangely enough.

32 Our council continues to urge the
33 U.S. delegation to the Commission to take
34 tough stances against further U.S.
35 allocation cuts given our fisheries'
36 responsiveness and full compliance with the
37 Commission rules. The US' good deeds should
38 not continue to go punished.

39 IUU fishery and monitoring.
40 Currently the United States imports more
41 than 90 percent of its seafood consumed
42 domestically. In Hawaii, the number is
43 closer to 60 percent. And I suspect those
44 numbers for the Pacific territories and
45 Commonwealth is somewhat similar to those of
46 Hawaii.

47 IUU fishing - IUU fish entering

1 our markets destabilize our domestically-
2 produced product, unfairly competes with our
3 domestic producers and simply encourages
4 more IUU fishing. That's got to stop.

5 If we look at the next slide,
6 please, this is a chart of the Pacific, the
7 Tropical Pacific. And as we can see - well,
8 unfortunately this isn't highlighted, but to
9 the bottom right of the slide you see the
10 Pacific - in pink is the US EEZ, which are
11 the Pacific remote islands and American
12 Samoa to the bottom.

13 Now, adjacent to many of those US
14 EEZs are fractured Kiribati EEZ. There's
15 three sections of Kiribati EEZ that adjoin
16 US EEZ.

17 Now, Kiribati has extensive
18 agreements with European countries for
19 purseine and long-line fishing access in
20 their areas.

21 We believe that there are
22 substantial incursions into US EEZ by these
23 fleets which currently are being conducted
24 literally below radar. They are not
25 detected.

26 Our Coast Guard reported last
27 year that during a five-month FAD closure in
28 the Tropical Pacific, the Coast Guard
29 managed to - only one flyover in US EEZ
30 waters, whereas it spent substantially more
31 time enforcing and monitoring foreign
32 country EEZ for illegal fishing.

33 We think we need to - our
34 national interests require that we reverse
35 that and really concentrate on monitoring
36 and protecting our own EEZ.

37 We need to look at new
38 technologies and asset placement to step up
39 on the monitoring of fishing in our EEZ.

40 Okay. Next slide, please. I'm
41 sorry. My laptop has gone squirrely on me.
42 It's jumping all over.

43 (Pause in the proceedings.)

44 MEMBER EBISUI: Okay. Our council
45 will also be developing - are convening two
46 workshops in April and May of this year to
47 aid in the development of more spatially

1 explicit international tuna management
2 measures and to look at claims by some
3 Pacific Island countries to the convention
4 that they suffer disproportionate burdens
5 from international tuna conservation and
6 management measures.

7 This concept of disproportionate
8 burden is a way for them to obtain exclusion
9 from application of management measures.
10 And so, we'd like to take a look at that and
11 see if we can get a better definition of
12 what constitutes disproportionate burden and
13 how it should be applied. So, this is in
14 furtherance of the WCPFC mission.

15 On fisheries development, you
16 know, in the Western Pacific in the main,
17 our resources are underexploited. Reef fish
18 catches are a few percentiles - I'm sorry -
19 a few percent of biomass. Bottomfish
20 catches in the territories and commonwealth
21 can be fished at levels much higher than the
22 current MSY estimations for a long time
23 without overfishing.

24 The EEZ around Marianas Islands
25 contains about 70,000 metric tons of
26 skipjack spawning biomass, while domestic
27 catches amount to about 260 metric tons or
28 about 0.3 percent of the spawning stock.

29 So, this shows the abundance of
30 fish that we have in our area that's not
31 fully exploited.

32 There's also demand for shark
33 from China, Korea, Australia and Sri Lanka
34 where shark resources there are abundant and
35 could be sustainably fished.

36 Major impediments to increasing
37 fishery utilization in our area are
38 generally poor fisheries infrastructure,
39 lack of connections to lucrative overseas
40 markets. And we will continue our work to
41 support fisheries development in the US
42 Pacific Territories and Commonwealth.

43 Next slide, please. Last one.
44 Last area. Protected species. Last year I
45 think we took a big step in the right
46 direction in improving council involvement
47 in ESA consultation.

1 The ESA Working Group which is
2 led by - MAFAC did a wonderful job and its
3 recommendations will be presented in the
4 afternoon session on today's agenda.

5 But in any event, we are looking
6 forward to implementation of the process
7 that MAFAC will bring to us.

8 With respect to marine mammal
9 stock assessments, let's see. Fishery
10 management measures may be implemented under
11 MMPA authority without going through the
12 Magnuson process.

13 MMPA is precautionary principle
14 to marine mammal assessments, have the
15 potential to severely impact fisheries and
16 fishing communities.

17 Thus, better allocation of
18 resources are needed to improve marine
19 mammal science that affect fisheries
20 management.

21 Frequent assessment surveys,
22 innovative modeling approaches in data-
23 limited situations and critical review of
24 existing assessments are necessary steps in
25 improving marine mammal stock assessments.

26 The Council will continue to work
27 with National Marine Fisheries Services on
28 this - on these matters to ensure that our
29 fisheries are not further constrained by
30 unnecessary regulations that neither benefit
31 the fish nor the fishermen nor the mammals.

32 Thank you. Did I make my five-
33 minute limit?

34 CHAIRMAN ROBINS: Perfect, Ed.
35 Thank you.

36 (Laughter.)

37 MEMBER EBISUI: You're welcome.

38 CHAIRMAN ROBINS: Are there any
39 questions for the Western Pacific?

40 Okay. Seeing none, let's take a
41 15-minute break at this point and we'll come
42 back and take the Gulf presentation when we
43 reconvene at 10:30. Thank you.

44 (Whereupon, the proceedings went
45 off the record at 10:15 a.m. for a brief
46 recess and went back on the record at 10:34
47 a.m.)

1 CHAIRMAN ROBINS: All right.
2 Let's go ahead and get started if we can.
3 I'll turn to the Gulf Council for their
4 report. Doug,
5 or Doug. Doug.
6 MEMBER BOYD: Mr. Gregory.
7 MEMBER GREGORY: I'll start it
8 out.
9 CHAIRMAN ROBINS: All right, Doug.
10 MEMBER GREGORY: Our top priority
11 is in bold, capital letters, red snapper.
12 For the last year we've been wrestling with
13 trying to implement regional management and
14 getting determining allocations among the
15 states.
16 We're still working on that.
17 We've got all the paperwork ready to go.
18 We're just waiting for them to agree on an
19 allocation.
20 But this year the big allocation
21 effort we're making is to address the
22 potential reallocation of red snapper
23 between the recreational and commercial
24 fisheries. So, our Amendment 28.
25 Red snapper was first declared to
26 be overfished and undergoing overfishing in
27 some early stock assessments in the late
28 '80s. And we have a rebuilding program that
29 extends out to 2032. It's not over - we've
30 got the management down to where overfishing
31 is not occurring. It's still overfished and
32 rebuilding.
33 Most people who are not stock
34 assessment scientists feel like the
35 population has rebuilt and rebounded much
36 greater than the assessments indicate.
37 One of the issues we have is that
38 the size of the fish that's being harvested
39 by the recreational fishery is getting
40 bigger than the assessments anticipate.
41 So, our recreational fishing
42 season is getting shorter and shorter.
43 We're now down to about 40 days of the year
44 with a two-fish bag limit. And that's got
45 the charter boat industry, the private
46 recreational fishermen really up in arms
47 that they're being denied access to the

1 resource.

2 So, we've asked National Marine
3 Fisheries Service to do some economic
4 analyses on what would possibly - are there
5 any reallocations that would increase the
6 net benefits to the nation?

7 And the recent analysis indicates
8 that some changes of - or transfer of quota
9 or allocation from the commercial sector to
10 the recreational sector would increase the
11 net economic benefits.

12 We're in the process of
13 organizing public hearings across the Gulf
14 now to get input on that. We don't expect
15 too many surprises in the public comment,
16 but we're doing extensive public comments
17 with eight public hearings and then a
18 national or electronic webinar.

19 And what we're considering going
20 forward with is we had a 9.12 million pound,
21 you might say, ABC for many years. And if
22 any allocation or any quota we get above
23 that are ABC or ACL, we're going to - we're
24 proposing to send 75 percent of any quota
25 above that to the recreational sector, 25
26 percent to the commercial sector. And so,
27 over a period of time have a gradual,
28 incremental reallocation. So, that's our
29 council's preferred alternative right now.

30 We hope to take public - or not -
31 we hope to make final decision at least by
32 our May meeting. If the stars are aligned
33 and the moon is not full, we might do it in
34 April, our April meeting, but we scheduled a
35 special May meeting in the Northern Gulf
36 just for that. A one-day meeting.

37 The other allocation thing we're
38 starting to look at is with King mackerel.
39 Gulf King mackerel. It's a completely
40 different situation. It's not fully
41 utilized like the red snapper is.

42 The recreational sector catches
43 probably no more than 60 percent of its
44 allocation, which seems unusual in this day
45 and age.

46 The reason that came about is the
47 original allocations were developed just

1 like with red snapper back in the late '80s
2 based on the landings we had then, the MRFSS
3 landings.

4 And then in the year 2000, MRFSS
5 developed a Charter Boat Effort Survey that
6 completely changed King mackerel landings
7 for the recreational sector.

8 Prior to that change in
9 calculating effort in the charter boat
10 industry, the King mackerel recreational
11 fishery was our red snapper at the time.
12 They were exceeding their allocation year
13 after year after year in a dramatic way.

14 We didn't have all the tight
15 accountability measures and other mandates
16 from Congress to actually close fisheries
17 back then. So, it went on.

18 But then when the MRFSS
19 readjusted their numbers, all of a sudden
20 the entire trajectory of recreational
21 landings went down by half and has continued
22 that way.

23 So, we're in a situation that now
24 we have this fishery where one sector is
25 only catching about half of what they're
26 allocated. So, we're going to again do some
27 economic analyses, look at what would be the
28 greatest net benefit to the nation. And
29 this time, include the idea of, well, what's
30 the net benefit of leaving fish in the
31 water?

32 So, that's going to be, I think,
33 innovative for us. And that's a joint
34 effort we're going to do with the South
35 Atlantic Council, because we jointly manage
36 King mackerel.

37 And if we get through these two,
38 we're going to take a look at the grouper
39 fishery and see what the needs there are.

40 Speaking of MRFSS, the other
41 priority we have is the Marine Recreational
42 Information Program, MRIP. We're in the
43 middle of, I guess, having MRIP and MRFSS'
44 numbers adjusted to one another. So, again,
45 that changes your historical trajectory of
46 what recreational landings were. And that's
47 creating some concern that I'll talk about

1 in a little bit.

2 But then in this past year, MRIP
3 changed their sampling protocol, dock side
4 sampling protocol which they thought through
5 a pilot test program in North Carolina would
6 not really disrupt anything.

7 But then when they came to the
8 Gulf Coast, I guess our charter fishermen
9 and our fishermen really fish differently
10 than they do in North Carolina and we got a
11 very disruptive estimate of red snapper
12 landings to the point where the estimate
13 this past year I think was something like
14 twice the quota. Not just small overruns,
15 but a major thing.

16 And National Marine Fisheries
17 Services is now trying to deal with that and
18 figure out some sort of adjustments and
19 evaluate if the new sampling protocol, the
20 estimates coming from there are reasonable
21 or not, but it's really disrupted what was
22 already a difficult, challenging issue in
23 managing red snapper recreational landings.

24 A similar, but not to the same
25 extent, concern is arising with other
26 species that are data-poor species in
27 particular. And this is our third priority
28 dealing with data-poor species and the
29 mandate to have ACLs on something that you
30 really have no science for establishing an
31 ACL.

32 We've developed ACLs for data-
33 poor species based on historical harvest or
34 landing trends.

35 Well, now those landing trends
36 are in flux for the recreational sector.
37 So, we're going to be challenged to look for
38 some methods of estimating ACLs that don't
39 rely directly on raw landings.

40 Of course all methods incorporate
41 landings to some extent, but we're in the
42 situation where we have ACLs for data-poor
43 species that were estimated using the old
44 MRFSS data and they're being monitored based
45 not only on the new MRIP data, but also the
46 new sampling protocol of the MRIP data.

47 And the regional office is having

1 to make adjustments back to try to make our
2 ACLs based on MRFSS equivalent to the
3 current landings.

4 So, we've got a framework measure
5 in to try to readjust all that. And we're
6 hoping by the end of the year we can do
7 that, but that's going to be a big challenge
8 for us.

9 One solution to this would be to
10 have more stock assessments for our data-
11 poor species, but that's not forthcoming.
12 There's only so many stock assessments you
13 can do in a year. And we have 69 species
14 under our management, because we're - our
15 grouper fishery is semi-tropical. We do
16 have a number of snappers also, but grouper
17 is the main one that's most diverse.

18 So, similar challenges to what
19 the Caribbean and Western Pacific has with
20 their tropical high bio diversity. So,
21 those are our three basic or major
22 priorities for this year.

23 In addition to regional
24 management, we've looked at other measures.
25 We're trying to - and our real goal is to
26 extend the recreational fishing season to as
27 many days in the year as we can.

28 We're even looking at putting in
29 slot limits not for biological purposes, but
30 for constraining the catch to the point
31 where we can have longer seasons.

32 We've been told clearly by the
33 public a one-fish bag limit is unacceptable
34 to them. So, we've been reluctant to go
35 that far.

36 With that, I'll turn it over to
37 our Chairman Boyd. You can correct or add
38 to anything I said.

39 MEMBER BOYD: Thank you, Doug.

40 CHAIRMAN ROBINS: Doug.

41 MEMBER BOYD: Thank you, Mr.
42 Chair. Doug covered our three points and
43 I'll just add a couple of other things.

44 One of them is that Doug has been
45 on the job now for about eight months. And
46 as with any transition in administration,
47 there's a period where you have to get your

1 shop in order to the way you want to operate
2 and get everybody's feet on the ground
3 again.

4 And so, I just wanted to say he's
5 done a great job doing that. We're still in
6 the transition period, but he is doing a
7 really, really good job with difficult
8 situations from a fisheries management point
9 of view.

10 Allocation is like bycatch. It's
11 allocation, allocation, allocation. We have
12 really several issues.

13 One is how do we allocate between
14 the mixed-use resource of commercial versus
15 recreational? And then within recreational,
16 is there a need to allocate between private
17 boat recreational, charter for hire and
18 headboat operations, because those are all
19 viable entities within the Gulf of Mexico
20 and they all have socioeconomic impact. So,
21 it's very, very important.

22 And as chairman, I've been very
23 aware hearing from our regional
24 administrator and from Sam that the Council
25 has kicked this topic down the road, kicked
26 this can down the road several times. So,
27 I've taken it upon myself to pick the can up
28 and hand it to Mr. Gregory and ask him to
29 deal with the can, not kick it someplace.

30 So, we are in the midst of
31 reallocation discussions and issues and,
32 frankly, they're very, very, very
33 polarizing. They're very emotional.

34 The last time an allocation was
35 looked at between commercial and
36 recreational was when Bill Clinton was
37 President. And since I'm from Texas, a
38 reference point is that's when the Dallas
39 Cowboys were a good team. So, it's been a
40 while. And I'm sure Jerry Jones would take
41 offense at that, but that's the truth.

42 The other issues that we're
43 dealing with, or we're going to be dealing
44 with, of course, are budget, as we all are
45 going to deal with, with budget.

46 We have a greater need for stock
47 assessments in our science center than we

1 have capability for and I don't believe it's
2 the science center's problem. I believe it
3 is a problem we have here in the nation
4 where the resources are dwindling, the
5 requirements especially for the Gulf are
6 increasing. And so, we need some help with
7 the science center and greater throughput in
8 our evaluations of the stocks.

9 And then the other thing that
10 I've been working closely with, with our
11 staff, is how do we improve and how do we
12 utilize the socioeconomic data and exactly
13 what is socioeconomic data and how do we
14 integrate it into the stock assessments, how
15 do we integrate it into allocation
16 discussions and how do we use that data so
17 that we give the best benefit to the nation?

18 And that's - I think that's
19 probably our five minutes, Mr. Chairman.

20 CHAIRMAN ROBINS: Thank you both
21 for the presentations. Are there any
22 questions of the Gulf?

23 Lee.

24 MEMBER ANDERSON: Yes. Thanks. I
25 enjoyed the discussion especially about the
26 allocation issue as an efficiency.

27 I'm an economist and I've been
28 working on this ever since - my whole
29 career. And I sometimes get frustrated and
30 I get kicked in the head when I try to bring
31 this topic up and say we ought to consider
32 it.

33 And but there is something that -
34 and, by the way, I should for full
35 disclosure say that I am on the SSC for the
36 Gulf Council. So, I was privy to the
37 discussions of this analysis.

38 But in the discussion as you
39 pointed out, Doug, the issue is what is the
40 way we can maximize the value of the catch
41 by changing allocations? And I think that's
42 what an economist would say.

43 But I think when we look at that,
44 we also have to look at National Standard 5
45 which - I'll change my glasses so I can read
46 here.

47 And we all know that it says

1 conservation and management measures shall,
2 where practicable, consider efficiency,
3 which economists would love, and utilization
4 at fisheries, except that no such measure
5 shall have economic allocation as its sole
6 purpose.

7 And in the final portion of that
8 it says, where conservation and management
9 measures are recommended that would change
10 the economic structure of the - or economic
11 conditions under which the industry
12 operates, the need for such measures must be
13 justified in light of biological, ecological
14 and social objectives, as well as economic
15 objectives.

16 Now, you said the economic
17 objective is maximizing the value of output.
18 How are you addressing these other things
19 that are specifically specified in National
20 Standard 5?

21 MEMBER GREGORY: Okay. The social
22 objectives will be to extend the
23 recreational fishing season, allow more
24 opportunities there and, you know, more
25 businesses, productivity.

26 The commercial sector has been on
27 record as saying that if they could get to
28 nine million pounds, and whenever we got the
29 nine million pounds, you know, they would be
30 satisfied with that, their proportion of
31 that. And I think that's where the nine
32 million cutoff point came from.

33 Now, whether they're still
34 satisfied with that, I don't know. We'll
35 find out in the public hearings.

36 But that's going to be the social
37 thing is we're trying to address the need
38 for an extended recreational fishing season
39 without harming the existing commercial
40 fishery.

41 Clearly it's going to curtail the
42 growth in the commercial fishery.
43 Commercial fishery is under an IFQ.

44 By extending the season and we
45 may possibly be reducing the overruns on our
46 ABC with the red snapper, so that would be
47 some small biological benefit, but I don't

1 think we're going to be trying to hang our
2 hat on the biological benefits since the
3 whole fishery is managed by quotas and
4 they're going to be closed whenever they can
5 be to stay within our allocation or stay
6 within our ABC.

7 MEMBER ANDERSON: Thank you.

8 CHAIRMAN ROBINS: Thanks, Doug.
9 And can you tell us who's doing - you've
10 already had some economic analysis done to
11 support the discussions.

12 Was that done by the Regional
13 Science Center, or was that done otherwise
14 within the Agency?

15 MEMBER GREGORY: Yeah, that was
16 the Southeast Fishery Science Center, two of
17 the economists there. And they were
18 reviewed.

19 We have a unique SSC in that we
20 have like three or four different SSCs. We
21 have a socioeconomic SSC panel and they've
22 reviewed all the studies that the Science
23 Center has done and made recommendations as
24 to whether a reallocation is feasible or
25 not. And they've kind of given us a green
26 light for some modest reallocations.

27 And it's kind of the sort of
28 thing because I guess as the economists
29 know, the data is hard to get. It's hard to
30 value in a comparable way, you know, a
31 recreational activity and a commercial
32 activity. And so, this looks pretty good.

33 I think the Center is going to be
34 improving its database on that, because
35 these issues are going to continue to come
36 up in the future.

37 CHAIRMAN ROBINS: Thank you, Doug.
38 Other questions of the Gulf?

39 All right. We'll go to the South
40 Atlantic. Ben.

41 MEMBER HARTIG: Thank you, Rick.
42 Yeah, Bill, there is a PowerPoint. It's
43 pretty tough getting to three main topics to
44 focus on, but we've added a couple here that
45 are pretty interesting.

46 One is our visioning, and that's
47 probably one of our most important. And

1 that's planning for the future, the snapper
2 grouper fishery.

3 The second one is improving
4 reporting and data collection by way of
5 electronic reporting.

6 And our third is improving stock
7 assessments and adjusting ACLs. And
8 improving stock assessments is in the vein
9 of the outputs coming out of the
10 assessments, the improvements we've seen in
11 recent years from some of our assessments.

12 You can go to the third slide,
13 Bill. There you go. Thank you. In our
14 visioning project similar to what the Mid-
15 Atlantic has just done, stakeholder concerns
16 about current management strategies for
17 snapper grouper fishery, why visioning, why
18 now.

19 We went through a process when we
20 had our new stock assessment results. We
21 had a new generation of stock assessment
22 scientists doing assessments. And we had,
23 frankly, productivities that were not what
24 we had been used to seeing in our previous
25 stock assessment.

26 So, what we had - we did, we
27 brought this before our snapper grouper
28 fishermen and we formed a workgroup to
29 discuss possible, you know, back then it was
30 LAPPs, Limited Access Privilege Programs,
31 and we had a workgroup that talked about
32 those. And in the end, there wasn't enough
33 support to go forward with those. So, you
34 know, we're kind of struggling. What do we
35 do now?

36 So, as we've gone with ACLs in
37 the South Atlantic, we've been slow to put
38 landings caps on all of our species, but
39 with ACLs we now have them. So, now what
40 we're having is derbies developing in some
41 of our most important species.

42 And with the fishermen not
43 wanting to, you know, really go into, you
44 know, the IFQ-type management, you know,
45 what do we do?

46 So, we've been struggling with
47 trip limits and things of that nature. So,

1 we really want to sit down and ask them, you
2 know, come to us, bring us some new ideas to
3 the table on how you want to see your
4 fishery managed into the future. So, that's
5 what we're doing now.

6 We've actually held a couple of
7 meetings and the end result is a vision and
8 a long-term roadmap.

9 And then, what we expect to do is
10 inform our management decisions based on the
11 inputs that we got from our visioning
12 process.

13 So, you can skip that one. And
14 just visioning project: Draft vision
15 statement. "The snapper grouper fishery is
16 a healthy, sustainable fishery that balances
17 and optimizes benefits for all."

18 Next steps, like I mentioned,
19 we're already through the next steps. We're
20 into the port meetings. We have 26
21 scheduled port-style meetings.

22 And the few that we've held so
23 far, three, I think, I talked to staff
24 yesterday on the way to the airport and been
25 very successful. Good turnout, good ideas
26 which, you know, we were hoping to hear
27 from. So, I'm pretty excited about this
28 visioning process and what we'll get out of
29 it.

30 All right. Improving reporting
31 and data collection. We have a generic
32 Dealer Amendment, modifies the current
33 permitting and reporting requirements for
34 seafood dealers who first receive federally-
35 managed species.

36 Dealers reporting weekly or in a
37 shorter time frame same as headboats, you
38 know. We go from monthly to weekly
39 reporting. We had biweekly in some
40 instances, but now we're into a weekly
41 reporting. Be much better in trying to keep
42 ourselves within ACLs and it will be a big
43 help in that vein.

44 Also, we're developing a joint
45 with the Gulf, South Atlantic/Generic
46 Headboat Reporting Amendment, which modifies
47 data reporting for charter and headboat

1 vessels.

2 It requires that fishing records
3 be submitted to a science and research
4 director weekly or intervals shorter than a
5 week if notified.

6 So, we're moving ahead like most
7 of the other councils are with electronic
8 reporting. Big impetus on that throughout
9 the whole council process.

10 There is also in the data
11 collection a Joint Commercial Logbook
12 Amendment which considers modifying the
13 timing of reporting requirements for current
14 commercial logbooks and fisheries for
15 snapper grouper, coastal migratory pelagics,
16 dolphin, wahoo and golden crab fisheries and
17 provides an option for logbooks to be
18 submitted electronically, which I certainly
19 support.

20 I mean, I'd like to come home
21 every night and just get on, you know, the
22 internet and submit my catch data, because I
23 make day trips. So, it would be much easier
24 for me.

25 And it also considers requiring
26 that components of the commercial logbooks
27 be submitted within 21 days at the end of
28 each trip.

29 Now, that sounds like a long time
30 and certainly it would be beneficial to
31 break this up into two different portions
32 where you could submit your bycatch and your
33 landings records electronically immediately
34 and then go back to your economic
35 considerations, be submitted at a longer
36 time frame.

37 And it's 21 days because that's
38 the time it takes to go through a landing
39 cycle for reporting your catches to a
40 commercial dealer.

41 All right. Improving stock
42 assessments. And now, this goes to the
43 inputs of stock - or the outputs, rather.

44 In Snapper Grouper Regulatory 15,
45 yellowtail snapper and groupers, we were
46 able to adjust the yellowtail snapper ACL
47 and OY and increase that by 40 percent,

1 which was great for our fishermen because
2 they were bumping right up against that.

3 And also, it removes the
4 requirement that when gag grouper ACL is
5 reached that all shallow water groupers will
6 also close.

7 And that was important, because
8 the gag has a rebuilding plan that is
9 associated with that species and we are
10 starting - the last three years that quota
11 has been met and we haven't met those on the
12 other shallow water groupers. So, it
13 allowed us to allow some of those shallow
14 water groupers to have some more catch
15 allowed.

16 Snapper Grouper Amendment 18,
17 vermillion snapper and red porgy, we were
18 able to increase vermillions by 29 percent,
19 which is one of our most important species.

20 And we reduced the commercial
21 trip limit from 1550 pounds to a thousand
22 pounds, which doesn't sound like when you
23 increase things you should be reducing trip
24 limits, but that fishery is in a derby
25 situation and we're trying to slow that
26 fishery down.

27 Red porgy ACL, we decreased it by
28 23 percent. Red porgy is one of our few
29 species that hasn't seen - it's - actually
30 rebuilding is stalled. So, we decreased
31 that by 23 percent currently.

32 And then with the last fishery
33 independent reports we've seen, that has
34 swung up in the last couple years. So,
35 we're - hopefully that will be back on
36 schedule and rebuilding.

37 Snapper Grouper Regulatory
38 Amendment 19, black sea bass. We were able
39 to double - more than double the ACL. And
40 that was great for commercial and
41 recreational, especially, because
42 recreational was getting closed more than
43 half the season. And it looks like this
44 year they'll stay open the entire year.

45 Snapper Grouper 27 proposed a
46 change for framework to allow for more
47 timely adjustments to our annual catch

1 limits, which is critical for keeping us on
2 those ACLs.

3 Dolphin/wahoo Amendment 5, we
4 increased the ACLs by five percent and wahoo
5 by 20 percent. And it also considers
6 changes in AMS to determine your ACL
7 payback.

8 And Joint Commercial Framework
9 Amendment 1, Spanish mackerel, we were able
10 to update our Atlantic Group Spanish
11 mackerel with a seven percent increase, and
12 the Gulf by 246 for Spanish mackerel.
13 Major, major changes.

14 Golden tilefish, also we were
15 able to more than double that allocation.
16 And all of these fisheries that we mentioned
17 are now no longer overfished or overfishing
18 is no longer occurring. They're all fully
19 rebuilt.

20 Golden tilefish, we were able to
21 double that allocation as well. And we also
22 in that fishery separated out a bandit
23 fishery, which is electric reel fishery, and
24 a long-line fishery.

25 So, with the electric reel
26 fishery, it looks like we'll be able to have
27 some golden tilefish on the market
28 throughout the year which will be great for
29 consumers, and thank you very much.

30 CHAIRMAN ROBINS: Ben, thank you.
31 Questions for the South Atlantic?

32 Bob.

33 MEMBER MAHOOD: Not really a
34 question, just one other comment. When we
35 talk about improving stock assessments,
36 that's a very difficult thing to do.

37 And they are improving, but the
38 number of stock assessments is still not
39 meeting our demands and we're really working
40 on that.

41 Our council along with the
42 Caribbean, the Gulf, the two commissions and
43 HMS, (we administer the program out of our
44 office), comprise the SEDAR program, which
45 is our stock assessment program, and we're
46 all the time trying to figure out better
47 ways to do it.

1 But the things that Ben pointed
2 out where we did get new stock assessments,
3 we were able to help the fishermen, start
4 giving fish back, which has been very
5 gratifying because we were taking fish away
6 for a long time.

7 While the fishermen are out there
8 supposedly walking on fish, we're still
9 operating off an old stock assessment. So,
10 we can't do anything until we get that new
11 stock assessment.

12 So, the benefits of increasing
13 the number of stock assessments is really
14 paying off. And we hope that will continue
15 to improve, but again that's going to be
16 dependent on resources at the Southeast
17 Fishery Science Center, the councils and all
18 along the line.

19 It has been very gratifying the
20 last year or so what we've been able to do.

21 CHAIRMAN ROBINS: Bob, thank you.
22 Any questions for the South Atlantic?

23 All right. Next we will go to
24 the Caribbean. Carlos.

25 MEMBER FARCHETTE: Thank you, Mr.
26 Chair. The Caribbean Council continues to
27 work on development of geographical-based
28 FMPs locally known as island-based FMPs.

29 We will be holding scoping
30 meetings in a couple of months followed by
31 public hearings and the resulting preferred
32 options and alternatives will be presented
33 at the April council meeting.

34 In the next five years we plan to
35 move forward from island-based to ecosystem-
36 based management.

37 The Council is also working on
38 implementation of a more effective fishery
39 monitoring for compliance with MSA. This
40 will call for better ways to collect and
41 incorporate recreational fisheries data.

42 AMs were implemented last year
43 for overruns in the Virgin Islands during
44 the high season for sales, which created a
45 negative economic impact to the fishers.

46 Because of this discovery, the
47 Council's economist is presently working on

1 developing tools that can be less burdensome
2 to the socioeconomy of the fishers involved
3 when implementing accountable measures while
4 achieving the primary goal of stabilizing
5 ACLs while preventing overfishing.

6 The Council is also working on
7 mapping deepwater habitat between 50 to 250
8 meters for deepwater snappers.

9 And in keeping with our goal of
10 regional management, we continue to
11 collaborate with international bodies to
12 promote pan-Caribbean management of species.
13 This includes assisting the West Central
14 Atlantic Fishery Commission, WCAFC, to
15 develop a queen conch management plan for
16 the Caribbean Sea, with over 20 nations
17 participating.

18 We are also assisting in the
19 preparation and adoption of a common
20 strategy to protect spawning aggregations of
21 the snapper and grouper complex in the
22 Caribbean. And also we are assisting in the
23 development of a Caribbean-wide plan for
24 spiny lobster.

25 CHAIRMAN ROBINS: Thank you,
26 Carlos. Any questions for the Caribbean?

27 All right. Seeing none, I'll
28 recognize myself for the Mid-Atlantic. Our
29 priorities for 2014 are driven largely by
30 the implementation of our strategic plan at
31 this point. We have an implementation plan
32 and that's framed up our work plan for the
33 coming year.

34 One of the major initiatives this
35 year is going to be the development of an
36 ecosystem approach to fisheries management
37 in the EAFM guidance document. That's
38 patterned in large part on the work of our
39 colleagues at the Pacific Management
40 Council.

41 We're doing it through a series
42 of workshops. And each one of those is
43 focused on a specific module within the
44 document.

45 Last year we did the Forage Fish
46 Management Workshop. That gave us a good
47 look at the management of low trophic level

1 fisheries.

2 We have just undertaken the
3 climate change component. We're breaking
4 that up into two parts. We had a Science
5 Workshop on that last Tuesday in North
6 Carolina, and that was really an eye-opening
7 set of presentations. It involved a lot of
8 oceanographic and climate information as it
9 relates to our managed fisheries.

10 In parallel with that, one of the
11 things we had identified in our strategic
12 plan was the need to have a risk assessment
13 done of our regional fisheries to see what
14 their susceptibility might be to climate
15 change.

16 And the Science Center is
17 performing that work. I think they're going
18 to have a workshop on that in early March.

19 Later in March we're going to be
20 hosting a conference with members of our
21 Council, the South Atlantic Council, the New
22 England Council and the Atlantic States
23 Marine Fisheries Commission to consider the
24 governance and management issues associated
25 with climate change.

26 A lot of the fish in the Mid-
27 Atlantic are moving and we need to figure
28 out how to deal with this and what the
29 implications are for the future. And one
30 option would be to cede them to New England,
31 but some members may not find that to be
32 agreeable. So, we need to work through
33 those things collectively with the other
34 councils in the ASMFC.

35 The third component is species
36 interactions; fourth, habitat; and fifth,
37 social and economic considerations. So,
38 each of those will be packaged in a
39 workshop-type approach over the course of
40 the next year, year and a half.

41 Finally, we have a Comprehensive
42 Summer Flounder Amendment that we've agreed
43 to initiate to review and address the
44 commercial and recreational management
45 strategies for that fishery. That's our
46 flagship species in the Mid-Atlantic.

47 And the allocations in that

1 fishery are somewhat complex, because
2 they're not only between the commercial and
3 recreational sectors, they're also state-by-
4 state. And those were put in place on
5 different timelines back in the 1980s, and,
6 recreationally, on one year of data in 1998.
7 And those have become somewhat calcified and
8 conditions have changed in the fishery.

9 Part of that is driven by climate
10 forcing, but part of that is also the result
11 of having rebuilt stock and expanded the age
12 structure of the population.

13 So, we have a lot to consider in
14 the management of that fishery and we'll be
15 addressing that through a comprehensive
16 amendment.

17 Finally, I'll follow Ed's lead
18 and add a fourth item. And that is that
19 we're initiating a framework to try to
20 establish a bandwidth around multi-year
21 specifications.

22 One of our main points, I think,
23 coming out of our strategic planning work
24 was that we want to find ways to enhance the
25 stability of our fisheries.

26 And, you know, part of that, I
27 think, just in tactical terms, does revolve
28 around effective use of multi-year
29 specifications. And we've found some
30 difficulty in the implementation of those,
31 because we may implement multi-year specs,
32 but then we'll get an assessment update and
33 our SSC will give us updated advice, even if
34 it's a small percentage increase or decrease
35 in the updated reference points.

36 And, you know, we want to try to
37 get away from that and temper that a little
38 bit by having some bandwidth around the
39 multi-year specification so that if we get
40 new information, we may have the ability to
41 react to it, but we're not compelled to it
42 if it's a small change.

43 So, we're doing that through a
44 framework action in the coming months. And
45 I'll ask Chris if he has - or Lee if they
46 have anything to add. Okay. Chris?

47 MEMBER MOORE: So, I'm very

1 encouraged by the South Atlantic report.
2 Because as our resources in the Mid-Atlantic
3 move north into New England, we'll be
4 looking forward to some more snapper grouper
5 fisheries in the Mid-Atlantic.
6 (Laughter.)
7 CHAIRMAN ROBINS: Yeah, we're
8 going to be talking about puppy drum later.
9 The Chesapeake Bay was full of them this
10 year.
11 So, with that, we'll turn to -
12 are there any questions on the Mid-Atlantic
13 report?
14 Ben.
15 MEMBER HARTIG: Yeah, just how
16 many years are you using in your multi-year
17 specifications?
18 CHAIRMAN ROBINS: Ben, up to three
19 years.
20 MEMBER HARTIG: Okay.
21 CHAIRMAN ROBINS: And, you know,
22 in some of our fisheries that are more
23 dynamic, we may have to just use two-year
24 specs. But, you know, the dynamics of the
25 quahog fishery probably lend itself to some
26 very long time periods.
27 So, any other questions?
28 All right. I'll turn to the New
29 England Council. Terry.
30 MEMBER STOCKWELL: Yeah, thank
31 you, Mr. Chairman. I want to begin my
32 report by underscoring that New England is
33 looking forward to welcoming Eileen to our
34 council meeting next week. I don't think
35 you'll be disappointed or surprised. Given
36 the briefing that you've had, we can
37 sometimes operate quite differently.
38 To that point, the Chairman asked
39 for three priorities. Like the West Pacific
40 Council, we have four that really morphs
41 into six or seven.
42 The first is the - our first
43 primary priority is to complete the Omnibus
44 EFH Amendment where existing groundfish
45 closed areas, habitat closed areas and
46 scallop rotational management areas require
47 an optimization to minimize adverse effects

1 on fishing to the extent practicable.

2 The New England Council has been
3 working on this amendment for ten years.
4 Next week we are hoping/planning to approve
5 preferred alternatives for the EIS to get it
6 up for public comment. And we've had plenty
7 of comment to date.

8 Our second priority is to
9 complete an amendment which hopefully
10 doesn't take as long as a habitat omnibus,
11 but it's to consider measures to address
12 accumulation limits and fleet diversity in
13 our Northeast Multi-Species Fishery
14 Management Plan.

15 Our third priority is actually in
16 somewhat collaboration with the Mid. We
17 intend to develop management actions to
18 improve catch information for the Atlantic
19 herring fishery, including river herring and
20 shared bycatch, and to revisit measures that
21 were disapproved in a recent amendment to
22 the herring FMP. Council has been working
23 on that pretty steadily with GARFO.

24 And our final priority is kind of
25 a smorgasbord. It's to pursue other
26 management actions, including an Ecosystem-
27 Based Fishery Management Plan, coordinating
28 with adjacent management bodies to
29 facilitate a consistent approach, a limited
30 entry program for our whiting fishery, and
31 measures to address at-sea monitoring.

32 The Chair asked if there are any
33 problems, concerns or other issues, and we
34 identified four.

35 The reliability and timing of
36 stock assessments for setting catch advice
37 is a really big deal for New England,
38 particularly as our stocks are either
39 disappearing or moving off into Canada.

40 The second is for the Council to
41 address the profitability of the Northeast
42 multi-species fishery in the face of reduced
43 quotas. Everyone knows that we've caught
44 our Gulf of Maine cod quota by upwards of 80
45 percent, and this is a fishery that's
46 supported the bulk of the small boats in New
47 England.

1 The Council has outstanding
2 questions about standardized bycatch
3 reporting methodologies, industry funding of
4 at-sea monitoring, electric monitoring and
5 discard estimations. And these are all
6 integral to the development of our FMPs.
7 And, finally, I don't remember
8 which or however many other councils
9 highlighted, but we have a lot of concerns
10 about the uncertainty of budget.
11 And that concludes my report
12 unless Tom or John has anything to add.
13 CHAIRMAN ROBINS: Gentlemen, no?
14 Are there any questions of New England?
15 Okay. Well, thank you all very
16 much for the reports. It's always very
17 interesting to see what the issues are
18 within the other regions around the country,
19 and oftentimes I think we see similar
20 concerns coming up regarding management and
21 monitoring and the whole undertaking that
22 we're engaged in.
23 So, with that, we'll go ahead and
24 turn to Paul Doremus for the good news on
25 the budget update. Paul?
26 MR. DOREMUS: Thank you very much,
27 Mr. Chair. I am very pleased to have the
28 opportunity to talk to you all today about
29 our favorite topic in Washington, the
30 budget.
31 This is our update, as it's
32 getting cued up here from our Office of
33 Management and Budget, not the Office of
34 Management and Budget, but the Office of
35 Management and Budget in our organization.
36 I do want to acknowledge at the
37 outset here that we - and I'll get into this
38 a little bit further - that we have, as
39 Eileen noted earlier, come through a very
40 difficult year in FY13.
41 Among the changes that we have
42 dealt with in our organization have also
43 been in the headquarters level, changes in
44 the actual chair of the CFO. We are very
45 fortunate to have a top-notch Management and
46 Budget Office that has been built over a
47 long time by Gary Reisner.

1 And partly in recognition of
2 that, Gary has been tapped on many occasions
3 to serve other NOAA corporate needs.

4 As I'm sure you're aware, he was
5 brought over to the National Weather Service
6 in the wake of some financial management
7 issues there, for over a year.

8 And not too long after coming
9 back to Fisheries, he was tapped again with
10 a vacancy in downtown in the NOAA Budget
11 Office to be the director of the NOAA Budget
12 Office, on detail during a period of time of
13 the leadership transition there.

14 So, Gary's not here today, but we
15 do have the very good fortune of an
16 excellent replacement for him, temporarily,
17 in our organization who is here today.

18 Donna Rivelli, who is right
19 behind me, has come from the National Ocean
20 Service, is a long-time NOAA employee and
21 has been doing a fabulous job here along
22 with her team at the division level to lay
23 out here for us where we are with the
24 budget.

25 So, I just wanted to let you know
26 why Gary is not here and also recognize
27 Donna for her incredible contribution to
28 Fisheries during this very turbulent year.

29 So, I'm going to cover today
30 where we are with 2014. It is, Mr.
31 Chairman, good news, largely. And I'll show
32 you where the Council funding breaks out on
33 all of that, at least where we have it
34 today. A special highlight on M&A costs that
35 have been much discussed, and then just a
36 very quick acknowledgment of the schedule
37 for 2015.

38 Next slide, thank you. So, on
39 2014, just a couple of notes. And I will
40 progress through this relatively quickly so
41 we have time for your questions. We did
42 see, much to many of our surprise, a very
43 positive budget comeback. This is a large
44 number, 992. It does embed a 75 million
45 one-time Fishery Disaster Mitigation Fund.

46 So, the number for us, in an
47 operational sense, is more 917. It's about

1 just under 35 million over where we were in
2 2013, our sequestration year. And I'll show
3 you in a sec where that kind of lines up
4 over time.

5 So, we're bouncing back to the
6 tune, in our operations budget, of about
7 four and a half percent. Overall in our
8 budget about four percent. And we are very
9 fortunate this year, not knowing until very
10 late in the game whether we would face
11 another round of sequestration, we were very
12 fortunate to get out of that.

13 We have as an outcome of the
14 Murray-Ryan discussion basically a two-year
15 reprieve from the sequestration law that is
16 still on the books. It did not remove that
17 law.

18 And in large measure for that
19 reason, as well as for others, which I'll
20 come back to at the end, we see continued
21 uncertainty in our budget horizon going
22 forward, potential for a lot of volatility.
23 I'd like to see things trend in the
24 direction of FY14, but there is very high
25 uncertainty about whether indeed we will see
26 that.

27 So, I'll come back to that at the
28 end, but those are the top line numbers.
29 And let me show you how this looks
30 historically. You should be familiar with
31 this chart by now. This is what we're using
32 in most presentations, updated routinely as
33 our budget moves. This is what we are
34 trying to use to convey the type of
35 environment we're in now, but how that
36 compares to where we've been historically.

37 This chart shows a couple of
38 things. One we like to point out is the run
39 up here. This is sort of the dividing line,
40 I think, with life before recession and the
41 politicization of the deficit, and this is
42 life after.

43 Two major notes here. There's a
44 lot of things that changed. Among them were
45 the consistent increase in our enacted
46 budget over the proposed budget by the
47 President. That was largely the dynamic in

1 place up until 2010.

2 We also note here, right around
3 the time of Magnuson reauthorization, the
4 last Magnuson reauthorization, increased
5 Congressional attention to the requirements
6 for implementing that among other growth in
7 our requirements over time.

8 All of that was drawn into
9 question as our entire budget context
10 changed for the entire federal government,
11 not just for Fisheries, obviously. And
12 we've been in this kind of free fall. Since
13 the high water mark, our budget dropped
14 about 12 and a half percent. Which, in this
15 environment, is a pretty substantial change.

16 And up until the '14 budget, we
17 really weren't sure if this '13 was the
18 floor or not. So, we put this line across
19 here. We're hoping that's the floor going
20 forward. That budget enacted was about
21 882.5. A pretty substantial drop-off from a
22 high water of just over a billion dollars.

23 The other obvious change here is
24 you're seeing congressional adjustments to
25 the PB more or less in the opposite
26 direction. '14 represents, overall with the
27 75 million, this top bar here is the
28 disaster funds, a substantial increase
29 slightly off the PB. Here are operational
30 funds on the order of 917 million dollars.

31 The other thing I want to point
32 out here is this red line. What the story
33 is over this time period, recognized during
34 this period of time from basically 2006 to
35 2010, was a substantial escalation in our
36 requirements and the expectations of what
37 this organization will do.

38 The funding kind of came along
39 with that and you see growth in our real
40 funds in this red line. This is basically
41 inflation-corrected dollars. So, if you
42 normalize our dollars back to purchasing
43 power in 2004, today we're below 2004
44 levels. So, the bigger story here, in my
45 view, looking over time, is escalating
46 requirements and, in real spending power,
47 flat dollars.

1 This is the world we all live in.
2 This is not unique to fisheries. And that's
3 a big part of, I think, our overall fiscal
4 context, for your awareness.

5 Let's go to the detailed slide.
6 This is our sub-activity level. So, these
7 are the big chunks of our budget on the
8 operations research side, protected
9 resources, fisheries research and
10 management, enforcement and habitat. I'm
11 going to focus on those.

12 And what you see from '11 to '13,
13 and we can put the '10 numbers here if you
14 wanted to see an even more dramatic
15 decrease, but you're seeing a step-down to
16 '13. These are our low water marks, we
17 hope, or our floor.

18 You can see the magnitude of the
19 change, negative in each one of these lines.
20 So, we saw in protected resources research
21 and management a decrease of about 12
22 percent from '11 to '13. A decrease of
23 about six percent in fisheries research and
24 management. Enforcement didn't go down
25 quite as much. Three percent. Habitat
26 dropped about seven percent. Those numbers
27 are much more dramatic if you add '10 in
28 there where they were quite a bit larger.

29 And what we see at the request
30 level from the President's budget in 2014
31 was fundamentally an effort to get back to
32 the territory around 2011. Those numbers
33 all across the board are fairly similar.

34 And what we got in an omnibus, a
35 very positive budget for us. It was a
36 little bit less than the request level in
37 each of these categories, putting us a
38 little bit closer to, if you just eyeball
39 this, the '14 to the '12, a little bit
40 closer to our '12 levels.

41 So, relative to our floor last
42 year, the sequestration budget in 2013, this
43 spend plan, if you look at where we are
44 today, we're up about six percent in
45 protected resources, about three percent in
46 fisheries research and management, five
47 percent in the observers line. Small, but a

1 noticeable increase. About seven percent in
2 habitat.

3 Overall our operations line, from
4 the 777.3 spend plan level to the 812 level
5 in 2014, is a four and a half percent
6 increase. So, that's the basic overview of
7 the major components of our budget and how
8 they've shifted over the last several years.

9 Again, very positive trend in
10 2014 and we're quite pleased to have the
11 support of the administration and Congress
12 in recognizing our requirements along those
13 lines.

14 We have in 2014, here, the
15 detailed display of our council funding.
16 And I'm going to focus really only on these
17 two cells here. So, this is the Regional
18 Council PPA. It makes up the bulk. That's
19 the budget line for the councils and
20 commissions, but this is the bulk of our
21 budget here. And I'm also going to look at
22 the totals here. So, you're getting a
23 breakdown by council.

24 This is a table you're familiar
25 with seeing, and I want to explain where
26 this stands relative to last year, what kind
27 of change we're seeing, and then also use
28 this to cue up the detailed discussion on
29 M&A.

30 So, what you're seeing in the
31 council line is an increase from basically,
32 you know, almost 21 to 22.5. This is about
33 a 1.7 million dollar increase from '13 to
34 '14. Roughly eight percent.

35 And then there are also a number
36 of other lines that fund council and
37 commission activities. So, NEPA, fisheries
38 research and management, that big category I
39 was talking about before, these are all the
40 components of it. ACL implementation,
41 regulatory streamlining are the biggest
42 ones.

43 And then there's money that comes
44 with Expand Annual Stock Assessments. And
45 then for the New England, there's a New
46 England Cooperative Research line which goes
47 to that council.

1 So, all of this totals last year
2 24.6, and this year 26.5, about 1.9 million,
3 roughly eight percent increase. So, again,
4 positive, trending similarly to the rest of
5 our budget and all of this we view to be
6 very favorable news. It is certainly in the
7 right direction.

8 For the transition to the M&A
9 discussion, this is the other thing that's
10 changed in this environment. This number
11 here, 22.6, is a number that we're using.
12 Again, this table is preliminary. That
13 number has taken out of it roughly \$928,000
14 in M&A, management and administrative costs.
15 Roughly 3.9 percent, if you want to add it
16 up, of this number.

17 And I'm going to explain in the
18 next few slides where that is coming from
19 and, you know, provide a little bit of
20 context overall for this management and
21 administrative thing.

22 If you want to just pause right
23 here, Bill, I do want to note a couple of
24 things just for context with this
25 discussion. And this is relating back to
26 some of the factors I noted right at the
27 outset.

28 FY13 being a very difficult year,
29 sequestration, we had a shutdown furlough,
30 we had extraordinary budget volatility, a
31 number of different scenarios could have
32 played out. We had to be prepared for them
33 all. We were preparing at the operational
34 level to implement in FY14, it was another
35 five percent below FY13. So, you're talking
36 closer to, you know, netted out over FY10,
37 11, 12, 13, 14.

38 If it trended in that direction,
39 we were in the high teens for a reduction,
40 close to 20 percent. Very significant
41 pressure on the organization. That's
42 context issue or factor number one.

43 Number two, that you may or may
44 not be as familiar with, around the same
45 time the National Weather Service got a
46 qualified audit. And in the financial
47 management world, that is a very bad thing

1 and you're pretty much on notice for
2 corrective actions that need to take place
3 to be able to pass that type of test.

4 It's really foundational in the
5 financial management world and the
6 credibility of the organization rests on the
7 ability to get the whole organization, not
8 just the Weather Service, but the entirety
9 of NOAA rests on the ability to get clean
10 financial audits.

11 That was a very, very significant
12 factor in what shaped our approach to a
13 range of different things. There was a
14 full-up, umpteen-page spreadsheet of
15 corrective action plans. Many focused on
16 the Weather Service, but many focused on the
17 rest of the organization. And a lot of our
18 financial rules changed.

19 The rules for M&A were among
20 them. So, that was context factor number
21 two that may be a little less known. And
22 I'll talk about how that has played out in
23 the lasts two fiscal years in '13 and '14.

24 The third factor that I want to
25 note, you know, from my vantage point where
26 I sit in the organization, it's kind of the
27 trifecta, right, in addition to our budget
28 uncertainty, the internal increase in
29 guidance and oversight on the wake of the
30 Weather Service audit results. The third
31 thing is just the pressure on our own M&A
32 organization with changes in leadership
33 during this period of time and the overall
34 pressure that those first two factors put on
35 our organization.

36 I say all this really to explain,
37 not excuse, but to explain the fact that we
38 were not on our game in the M&A discussion.
39 We should have been much more communicative
40 to you during this period about what was
41 changing and why it was changing. And my
42 effort here today is to really kind of clear
43 the air on this and let you know what the
44 situation is.

45 It is pretty straightforward at
46 the end of the day and I do want to
47 recognize and apologize for the less than

1 normal level of transparency that we would
2 expect to have in this kind of situation.

3 So, noting those factors, let's
4 get into the details. So, before FY13, this
5 was part of the different world that we
6 lived in, we exempted the Regional Council
7 line from management and administrative
8 costs at all levels.

9 So, there's M&A costs, I'll get
10 into what that means, both at the
11 headquarters level, as well as at the
12 regional level, at the financial management
13 center level. And up until last year we
14 were allowed and we elected to exempt that
15 line, that PPA in budgetspeak, from those
16 M&A costs.

17 In FY13, in the wake of this
18 Weather Service situation, we, along with
19 the rest of NOAA, were told in our financial
20 regulations that we had to - this NOAA
21 finance guidance - we had to distribute M&A
22 costs equitably. So, every PPA is supposed
23 to be charged pretty much the same thing.
24 All PPAs.

25 Now, significantly, and I'll get
26 into the detail on this, because we weren't
27 sure for a while, but we have subsequently
28 defined this at the headquarters level. And
29 this was a source of great confusion for a
30 while to all of you, because we were working
31 out scenarios, we thought we were going to
32 be required to apply it not just at the
33 headquarters level, but also at the regional
34 level. And that's when people were starting
35 to talk about big numbers.

36 That's not happening. We are now
37 keeping it at the headquarters level and I'm
38 hoping that it holds there.

39 And so let me explain what we did
40 in '13 as a result of that. But first, a
41 note. when you talk management and
42 administrative, what is it? So, the next
43 slide just gives you the basic definition of
44 M&A costs. This is the language right out
45 of our financial guidance inside the
46 organization: "activities performed
47 centrally to support multiple or all

1 components of the organization rather than a
2 single program."

3 So, these are things like general
4 management direction, executive management.
5 You're seeing a lot of that here today.
6 Budget and finance, our whole operation
7 there, CAO functions, HR, acquisition and
8 grants, IT.

9 You cannot meaningfully parse
10 these things by PPA, because there's no real
11 way to calculate how to distribute that.

12 There are other things that used
13 to, for some period of time, for a while,
14 and during FY13 we had some uncertainty
15 about this, there are other things we call
16 common services that were originally
17 calculated as part of M&A: rent, utilities,
18 things along those lines.

19 But we subsequently determined,
20 after some grappling with how to implement
21 this new guidance, we subsequently
22 determined that we could allocate those on a
23 usage basis, you know, square foot,
24 whatever, and back that out of M&A.

25 So, that's where we are today,
26 but it took a little bit of time to get
27 there. So, let me start with '13 in the
28 next slide and explain what we did.

29 So, you had, in the council and
30 commission line, 21.5 million. And that was
31 after a roughly seven percent decrease in
32 sequestration and rescission.

33 So, Congress, across the board,
34 in keeping with the sequestration law that
35 was enacted, to many people's surprise,
36 including mine, five percent across the
37 board. And then there were additional
38 rescissions that came on top of that from
39 OMB, that I believe were around 1.9 percent.
40 So, roughly a seven percent decrease just
41 out of that stuff.

42 And on top of that, because of
43 this second factor, this new level of
44 financial oversight, guidance and
45 requirements, we added 3.1 percent in M&A to
46 the Regional Council line.

47 This was higher. We viewed this

1 as a transition year. In our initial
2 calculation of M&A, this included all these
3 other things that we've subsequently kind of
4 refined and reduced a bit. Most other PPAs,
5 all other PPAs, to my knowledge, were
6 charged a higher level, almost twice this
7 level in M&A in 2013.

8 So, there was a compounding
9 effect here. Sequestration, rescissions,
10 all hit everybody at once and we all felt
11 that. And I know you all did as well.

12 So, the difference that I do want
13 to note, when you look at that other
14 detailed table, there is the
15 council/commission line is the big thing and
16 then all these other pieces. Those pieces
17 haven't changed. Those were always -
18 there's been M&A applied to those other
19 PPAs. So, there wasn't a change in
20 basically the status or the distribution of
21 those PPAs as it affects the councils. So,
22 this is really focused on that core funding
23 line of councils and commissions.

24 So, FY14. Next slide. So, we're
25 defining this guidance now as the equitable
26 distribution of M&A costs at the
27 headquarters level. Our calculation of that
28 M&A cost, after some, you know,
29 stabilization of the definition, comes out
30 this year to 3.9 percent.

31 We're applying that equitably.
32 All pieces of our budget. And as an aside,
33 I will note, our budget is an extraordinary,
34 complex budget and that's creating issues in
35 and of itself. We have over 55 of these
36 budget baskets, if you will. And one of the
37 things that we are looking at is the
38 possibility of simplifying that.

39 Other pieces of NOAA have, and it
40 will make our management life a little bit
41 easier. So, that's something for the
42 future, just to note, we'll be talking about
43 in future budget discussions.

44 But specific to the council line
45 now, this is the number that I mentioned
46 early, about 900,000 taken out for M&A as we
47 now calculate it based on that definition

1 before, and that's the number that you're
2 dealing with, 22.6.

3 So, this is, again, 1.7 million
4 above. After M&A, it's 1.7 million above
5 '13 in just the commission line. And then
6 in the total line of all resources
7 available, it's a 1.9 increase over 2013.
8 So, on the order of eight percent, and I
9 think it's where we want to go.

10 So, bottom line, factoring all of
11 these things in, our budget, FY14,
12 stabilization of these M&A costs, we feel
13 here, as in other PPAs, we've largely
14 bounced back from sequestration, we have a
15 stable approach to this new level of fiscal
16 requirement and we're hoping things to be
17 able to be stable at this point forward
18 using this basic methodology.

19 So, M&A costs - not the costs,
20 but the calculation changes as a function of
21 our total budget. So, that percent level
22 will change in the future. That's not
23 locked in, but the methodology is. And so
24 you shouldn't see the type of variability
25 and questioning that we had in FY13 about
26 how we're calculating things and what's, you
27 know, are we're going to see some dramatic
28 increase.

29 So, right now this is where we
30 stand. It leaves you with about an eight
31 percent increase over last year. And we're
32 hoping to keep things that way.

33 I do want to note before just a
34 brief, brief comment on the FY15 budget
35 schedule, that my bias right now, given the
36 environment that we're in, extraordinary
37 level of fiscal oversight and the risk
38 levels associated with any perceived
39 variation from that guidance, I'm biased
40 towards making sure we apply this guidance,
41 this NOAA guidance, directly and that we can
42 sustain this decision that we have made to
43 manage M&A costs at the headquarters level
44 and that this methodology holds.

45 That is, I think, in the best
46 interest of the organization, our
47 stakeholders, all of you, to make sure that

1 we don't do anything even remotely close to
2 any kind of variation that would raise
3 questions about the diligence with which
4 we're implementing our financial management
5 guidelines.

6 So, that's my personal bias.
7 That's why we're taking this equitable
8 approach very seriously. That's why there's
9 3.9 percent being applied to this PPA in
10 FY14.

11 So, that's the basic story there.
12 Again, I think it's relatively
13 straightforward, and I do acknowledge that
14 we've been deficient in our communication to
15 you of the particulars related to this. And
16 I look forward to your questions along these
17 lines.

18 Prior to that, FY15, another very
19 challenging budget year in the formulation
20 of the FY15, because of the delay - the
21 impact of '13 and the delays in
22 Congressional action on the FY14 budget.

23 So, we have a President's budget
24 that's pretty far off schedule. We're still
25 putting this together very rapidly, but
26 we're expecting a high level PB on March 4th.
27 We don't know exactly what that's going to
28 be, but you'll probably see things along the
29 lines of Department of Commerce-level
30 budgets. Certainly no detail.

31 That detail will come forward on
32 March 11th. We'll be able to look at where
33 things came out in FY15, and you of course
34 will be getting that information at that
35 time.

36 So, this deal that Congress
37 passed in December, this was based on the
38 Murray-Ryan discussions is what kind of
39 uncorked this budget decision-making
40 stalemate, if you will, and allowed us to
41 move forward with the omnibus. Again, very
42 favorable, and the '15 just sort of went
43 along with that.

44 So, we're a little bit late, but
45 I think overall we are seeing things trend
46 in the right direction. We're very pleased,
47 again, with '14, the recognition by both the

1 administration and by Congress of the need
2 to pull our budget off of the FY13 floor.
3 And we will see how that gets sustained in
4 the future.

5 I'll close by noting, again, in
6 my personal outlook on the budget, continued
7 high levels of uncertainty. There is
8 nothing in my mind, while we have a two-year
9 reprieve out of this decision in December,
10 there is nothing in my mind that removes the
11 very high level of political visibility and
12 uncertainty by association of the level of
13 spending overall for the federal government,
14 the deficit in particular.

15 So, we're expecting that to be a
16 defining feature of the national political
17 discourse. Going forward, we've got
18 midyears coming up. We've got a major two-
19 term administration turnover in three years.
20 So, expect uncertainty in the future.

21 And I think, as a result of that,
22 we have to be planning, and we're trying to
23 do this inside our own organization, for
24 living with a much more volatile and
25 uncertain budget environment going forward.

26 So, with that, Mr. Chair, I will
27 open it up for any questions.

28 CHAIRMAN ROBINS: Paul, thank you,
29 and I know we will have some.

30 Don McIsaac.

31 MEMBER McISAAC: Thank you, Mr.
32 Chairman. There's quite a bit of material
33 here, Paul. Thanks for the presentation.
34 It's a little difficult to digest the
35 entirety of it real quickly. So, let me
36 backup just a moment and speak a little bit
37 about what our expectations were coming into
38 the meeting, and then end with a question.

39 You started your presentation by
40 saying, "as far as today goes, here's where
41 we are." And so, I'll pick that up again at
42 the end with a question.

43 And it was good to see the
44 Congressional omnibus budget come out and
45 the numbers and arrangement. I know there
46 were a lot of efforts around the table here
47 for folks answering questions at the

1 Congressional level about supporting a
2 higher budget for the National Marine
3 Fisheries Service on the wet side. And so
4 we are glad to see that that did happen.

5 We were also very glad to see the
6 councils and commissions line item at 32
7 million, which is along the lines of, of
8 course, as you know, our target to get back
9 to a 2012 level funding.

10 And so as we moved to coming into
11 this meeting, and you recall the discussions
12 last November about the M&A costs, and we
13 saw the agenda, we again came in thinking
14 that for fiscal year '14 some of the
15 indicators looked pretty good for achieving
16 that goal of the 2012-level funding for the
17 regional councils, in that particular line
18 item and in the miscellaneous regulatory
19 streamlining and NEPA line items as well.

20 We knew that you were going back
21 to think about the M&A costs and thought
22 that fiscal year 14 might be a wave off back
23 to the days of the exemption, the policy
24 decision at the highest level that councils
25 would be exempted from the M&A costs for a
26 variety of reasons, and saw fiscal year 15
27 M&A as a presentation item. So, I think it
28 is perhaps a little bit disappointing to see
29 \$900,000 in M&A costs associated with where
30 we're at today on fiscal year 14.

31 It is an increase from fiscal
32 year 13, but again our target here was
33 fiscal year 2012. As you recall, the
34 Congressional direction in fiscal year 13
35 was around that 32 million mark. I think it
36 was 31.6 or 31.8.

37 And the spending plan that went
38 in had a minus ten percent for the councils,
39 whereas the Agency was not at a minus ten
40 percent. And we discussed that at some
41 length last May. Again, just setting this
42 atmosphere of our expectations coming into
43 this meeting.

44 And at the beginning of your
45 presentation, I see, for the ORF numbers,
46 the Agency is back to about 2012. Actually
47 a little bit better, you know, 805,000 in

1 2012 and 813,000 in 2013.

2 So, again, a little bit of
3 reinforcement that maybe this goal of 2012
4 funding level could be achieved.

5 Scrambling around to try to find
6 some numbers here to see does this number of
7 plus 1.7 over '13 get to the target of 2012.
8 It doesn't seem that it does. And it seems
9 like the 900,000 in M&A costs make up the
10 bulk of the deficit between that particular
11 goal.

12 So, in terms of ending with a
13 question, as I said, I'm scrambling around
14 here to try to see whether or not it's true
15 or false that these numbers come up to our
16 target of 2012. And my reaction right here
17 is it doesn't seem like it is. But I could
18 be wrong, because I don't see the 2012
19 numbers around very much and what I've been
20 able to pick quickly off my laptop might be
21 wrong.

22 So, let me ask these two
23 questions, then. Where are we with regard
24 to the total regional council allocations?
25 On the one sheet that does show 2013, if you
26 compare that to 2012, did we make it?

27 And the second question has to do
28 with the M&A costs and the 3.9 percent and
29 limiting the impacts to the headquarters. I
30 wasn't quite sure what that meant with
31 regard to the regions, but maybe the
32 question will be phrased - when you looked
33 at maintaining the policy decision for an
34 exemption for the regional councils because
35 they're - you've heard all of our arguments
36 before. It's about three percent of the
37 total and we hit one of your two major goals
38 for the Agency, and the policy decision in
39 the past has been that they were exempt.

40 The councils, as you have
41 indicated in your talk, don't draw on some
42 of the places that these M&A costs land.
43 HR, for example, the councils don't utilize
44 the National Marine Fisheries Service HR
45 department.

46 You had about seven or eight of
47 those on there. I think you've said you've

1 taken that into consideration. But when you
2 looked at whether or not to exempt the
3 councils in 2014, what considerations went
4 into that and what considerations went into
5 whatever is in that 3.9 percent?

6 So, long-winded thing, two
7 questions. Where are we really at compared
8 to 2012? And what all went into the
9 decision to come up with a 3.9 percent on
10 the M&A for '14?

11 MR. DOREMUS: Thank you, Don.
12 Much appreciate the questions. We could add
13 the '12 numbers in here. Happy to do that.
14 The overall PPA for Regional Councils and
15 Fisheries Commissions in 2012, the available
16 resources were about 31.6. So, that's that
17 reference point.

18 As for your second question
19 related to the decision to not exempt, we
20 view this guidance, and consistent with the
21 rest of the organization, no exceptions,
22 equitable distribution all PPAs.

23 So, our starting point for FY14
24 is to kind of stabilize the definition of
25 what is in M&A for all PPAs, that it's
26 applied equitably and that, in my view, we
27 bias our decisions towards that given the
28 risks, we believe, to the organization of
29 trying to basically be seen as moving
30 outside of direction from the organization
31 as a whole in terms of financial management.

32 We did not, in any lines, you
33 know, try to go and calculate who draws on
34 what, you know. HR is something, for just
35 one example, all of us rely on in some
36 measure or another. It's indirect in the
37 case of the councils. There may be room in
38 the future for trying to parse this in
39 greater detail. I think it would be shaving
40 around the number at this point in time.

41 I think the most important thing,
42 back to your original point, and the thing
43 that drives our circumstances in a much
44 bigger way, is our overall budget
45 environment. And I think the trend that
46 we're seeing in '14 is the most helpful
47 thing here.

1 We do want to always be very
2 diligent and focused on our costs. We are
3 and we certainly have been in this declined
4 environment in a rather extreme way.

5 But at this point, from a policy
6 point of view, our starting point is comply
7 with guidance. The risks of not doing that
8 at this point in time are too high, in my
9 view.

10 CHAIRMAN ROBINS: Don.

11 MEMBER McISAAC: Thank you, Mr.
12 Chairman. So, with regard to the 2012, did
13 we hit that target or not? One of my
14 scramblings here that came up with a number
15 that if you could go to the very next slide
16 - no, the one that has the - there we go.

17 So, down at the bottom, the
18 shaded row, fiscal year 2014, total NMFS,
19 26,496. The number I can scramble with
20 comes out to 28,300 for 2012.

21 And if the entire agency was at
22 805,000 in 2012 and the entire agency is at
23 813 now, even with all the mixing around of
24 M&A costs and everything else, it's actually
25 an increase to the Agency in 2012.

26 And so if 28.2 is really the
27 councils' total number, the councils will be
28 going down at the same time the Agency is
29 going up. And it's a little difficult to
30 reconcile the rationale for that.

31 MR. DOREMUS: I completely
32 understand it seems, on the surface,
33 contradictory. Congress does not give us a
34 budget and allow us to distribute it the way
35 that we want.

36 We have those 55 PPAs that I told
37 you about. So, that net that you're
38 calculating for the whole organization isn't
39 distributed to us in ways that we can
40 determine where it goes.

41 We have 55 PPAs. We have over 40
42 just in ORF. Congress delivers the budget
43 by PPA. So, we're working off a number that
44 Congress gave us for this line. We don't
45 have latitude to modify that. So, that's
46 the kind of fundamental context.

47 The only other thing that's

1 changed in this environment, other than the
2 overall increase from '13 in the '14 budget,
3 is this M&A of 3.9 percent.

4 CHAIRMAN ROBINS: Paul, just to
5 follow up on that, which components within
6 the PPA do you have latitude on?

7 MR. DOREMUS: Within the Regional
8 Council line?

9 CHAIRMAN ROBINS: Yes.

10 MR. DOREMUS: Well, we have
11 theoretical latitude over how it gets
12 distributed across the councils. There is a
13 formula that apparently was determined some
14 time ago, well preceding me, that determines
15 that allocation. So, that's not a decision
16 ever year. That's largely a formula.
17 That's pretty much where our latitude is
18 within the Council and Commission PPA.

19 CHAIRMAN ROBINS: But above that
20 PPA level you're suggesting that you don't
21 have any latitude?

22 MR. DOREMUS: No, we don't, within
23 that - for the PPA itself. Or I should say
24 it's very limited.

25 CHAIRMAN ROBINS: Question, Kitty.

26 MEMBER SIMONDS: First of all,
27 thanks for apologizing about last year and
28 not, you know, not being forthcoming with
29 the Councils.
30 Because at the meeting, the Managing our
31 Nation's Fisheries, when you all revealed
32 our budget, I sort of looked at mine and I
33 said, oh, this is terrible. We're taking a
34 ten percent cut.

35 So, I asked the question, and no
36 one answered my question about what happened
37 between five - maybe five or seven and how
38 come all of a sudden it's ten? And no one
39 answered that question. So, it was very
40 irritating.

41 So, we have found out later on in
42 the year that it was this - whatever it's
43 called.

44 One is, who are these other PPAs?
45 Who are they? Like, who are they? Are
46 these - okay. Maybe I should put the
47 question differently. Are these all the

1 grantees?

2 CHAIRMAN ROBINS: Paul.

3 MR. DOREMUS: No. There are - we

4 can give you the PPA breakdown. Our budget

5 is displayed that way. These are examples

6 right here. So, within the Fisheries

7 Research and Management PPA there are

8 subprograms. This is one of our larger

9 PPAs. We do have a huge variety of them in

10 protected resources and the overall

11 fisheries domain and habitat. We could

12 provide you a list of what all they are.

13 MEMBER SIMONDS: Okay. So, that's

14 what I guess I needed to understand, because

15 I thought you all were taking this

16 percentage cut on all of your grantees. No,

17 just on -

18 MR. DOREMUS: It's not determined

19 -

20 MEMBER SIMONDS: - programs.

21 MR. DOREMUS: It's on programs.

22 It's at the PPA level, which is really the

23 controlling level for all these financial

24 management purposes. It's the level at

25 which our budget is allocated. It's the

26 level at which we have to work within for

27 our management flexibilities determined by

28 the PPA structure and allocation within it.

29 And we also have no distinction

30 in this. Different PPAs have grant

31 programs. Some do, some don't. There are

32 PPAs like Pacific Coastal Salmon Recovery

33 Fund that are entirely a grant program. And

34 in this environment, that distinction is not

35 drawn out.

36 MEMBER SIMONDS: Okay. Because

37 our argument has always been that, you know,

38 we're not the usual grantee, you know. The

39 councils have statutory responsibilities.

40 And then also with that list that

41 you had up there, I agree with Don that some

42 of those things, I mean, I guess we

43 considered NMFS as a pass through of our

44 funds, and that, you know, we don't really -

45 we're not associated with some of those

46 things that you have listed. So, those are

47 my comments.

1 MR. DOREMUS: Thank you.
2 Appreciate that. There are - it isn't a
3 pass through. There are significant
4 management and administrative costs to
5 managing the whole network.
6 All the people sitting here in
7 this room represent those kinds of costs.
8 Our whole headquarters operations, all the
9 things that support our functions that are
10 delineated in that list that Bill could page
11 back to, do apply to PPAs like this.
12 Granted, they apply a little bit
13 less to some other PPAs, perhaps a research
14 function that's conducted solely in-house,
15 but we have not been given any guidance or
16 feel that we are at liberty at this point in
17 time with this very simple requirement of
18 equitable allocation across PPAs.
19 Whether that will get latitude in
20 the future remains to be seen.
21 CHAIRMAN ROBINS: Don, did you
22 have a follow-up question? Don McIsaac.
23 MEMBER McIsaac: Yes. Thank you,
24 Mr. Chairman. Again, my questioning is
25 still trying to resolve this apparent
26 situation where the Agency - and I'll just
27 call it "jiggling."
28 When you jiggle around your M&A costs to get
29 them all in the proper way of accounting,
30 that moves things from one spot to the next.
31 But in the entirety, the Agency
32 has got a bigger budget than 2012, but the
33 councils, in this proposal here, have a less
34 budget than 2012, which leaves the illusion
35 at least anyway that the councils might be
36 funding some of the jiggling.
37 And so with regard to it being
38 discretionary or not to have some sort of
39 M&A costs, maybe the formula could be
40 quibbled with, but there may be some other
41 avenues with regard to policy decision-
42 making for discretion that can still achieve
43 the goal and making the councils whole to
44 2012 so that both the Agency and the
45 councils are on the same level 2012
46 equilibrium point.
47 The regulatory streamlining PPA,

1 the NEPA PPA, the other places that the
2 councils get some funding, I understand
3 that's been a policy decision in the past
4 how much of those line items go to the
5 councils and that it has moved around in
6 other years.

7 So, is that an avenue to explore
8 to try to, again, achieve some sort of a
9 perception of equitability in relevance to
10 2012?

11 CHAIRMAN ROBINS: Paul.

12 MR. DOREMUS: Thank you. Just a
13 couple things to note. One is, again, the
14 overall budget versus the distributed budget
15 at the PPA level accounts for a substantial
16 portion of this.

17 The second is your reference
18 point is FY12. It's an understandable
19 reference point. Our reference point,
20 fundamentally, is to try to grow things as
21 best as we can within our overall budget.
22 And, again, I think that's the major driver
23 here.

24 You're seeing, I was listing in
25 part the percentage changes at the sub-
26 activity level. So, it's a bunch of PPAs
27 rolled up into basically protected
28 resources, fisheries research and
29 management, et cetera.

30 And those increases, from '13 to
31 '14, were on the order of three, five, six,
32 seven percent. The increase in this line is
33 eight percent.

34 So, from the vantage point of
35 things floating up, from my eye, it looks
36 like it's floating up in roughly the same
37 speed. So, those are the first two points.

38 The final point I wanted to make
39 is about your question of jiggling M&A
40 costs. Bill, if you could page forward to
41 Slide 9? So, back a little bit. That's 11.

42 So, these are these categories of
43 general management and direction, budget and
44 finance, et cetera. Here's how M&A gets
45 calculated. We calculate those on the basis
46 of the real costs at the organization level.
47 So, at headquarters level. You add those

1 numbers up, and we spread them
2 proportionally across all PPAs. That's the
3 requirement. That's how it's done. And it
4 ends up being 3.9 percent when you divide it
5 across our PPAs. So, there isn't any
6 jiggling of the M&A costs. We're not
7 applying it.

8 We used to. We used to exempt
9 the councils and take it out of other
10 larger-based funds, but we don't have the
11 liberty of doing that anymore. So, we're
12 sticking with the guidance. It's
13 bureaucratic, I realize, but I think
14 advisable at this point in time, and
15 basically taking our M&A costs, these
16 categories and dividing them across all
17 PPAs.

18 So, there really isn't any
19 jiggling of the M&A costs. I wanted to make
20 that final point in response to your
21 question, Don.

22 CHAIRMAN ROBINS: Chris Oliver?
23 Or John. John Henderschedt.

24 MEMBER HENDERSCHEDT: Thank you,
25 Mr. Chairman. I just have a quick follow-up
26 to that last point.

27 And you stated in your
28 presentation, Paul, that that 3.9 percent
29 could change, but you're hoping that the
30 methodology that gets us there remains the
31 same.

32 And I just want to make sure that
33 I understand correctly that that percentage
34 is really driven by the relative size of
35 this council PPA relative to all the others.
36 And since those are all assigned in real
37 dollars, that could change as that relative
38 amount changes. Is that correct?

39 CHAIRMAN ROBINS: Paul.

40 MR. DOREMUS: That's correct. So,
41 in large measure, in effect, you know, the
42 denominator drives the percentage, in this
43 instance.

44 CHAIRMAN ROBINS: Chris, did you
45 have a separate comment?

46 MEMBER OLIVER: Two questions, I
47 guess, to understand the M&A effect now and

1 in the future.

2 I guess a few months ago we were
3 hearing alarming numbers on the order of 16
4 or 17 percent, which kind of freaked us out.
5 And then we were told, no, we're not going
6 to do that in 2014, but we're going to
7 revisit it in 2015.

8 So, as I understand this, Paul, I
9 guess the bad news is we are getting hit
10 with it in 2014, but the good news is it's
11 only 3.9 percent instead of 17.

12 And then but my bigger question
13 or concern is what - maybe getting to what
14 John said - what might we expect in the
15 future at 2015 and out? Are we likely to be
16 along the same lines? The four percent
17 versus 17, for example.

18 MR. DOREMUS: So, again,
19 apologies to all of you who were seeing
20 back-of-the-envelope calculations like that
21 coming forward.

22 When we first got this guidance,
23 we weren't entirely sure how we had to
24 implement it. So, we were looking at, and
25 originally interpret it to mean, M&A costa
26 at both the regional and the national level.
27 That's when you were starting to see those
28 big numbers.

29 So, the policy decision that was
30 made was to keep it at the headquarters
31 level, which resulted in the lower numbers
32 you acknowledged.

33 So, yes, bad news. We have M&A
34 in the picture now. It is a requirement.
35 The good news is that it's nowhere near the
36 types of numbers that people were throwing
37 around when they were looking at what it
38 would take to add M&A that's applied at the
39 regional level as well. Because there's
40 obviously a huge amount of regional support
41 for council activities. So, you're quite
42 accurate.

43 CHAIRMAN ROBINS: Chris.

44 MEMBER OLIVER: I had a specific
45 question on the table where you break out
46 the different councils. And I don't have
47 the 2013 or '12 table in front of me.

1 But getting back to the agreed
2 upon formula and what's discretionary in
3 terms of how you divide up the council PPA,
4 the baseline PPA is based on that long-
5 established formula.

6 But then when you go through the
7 NEPA, ACL, regulatory streamlining and all
8 the others, some of those had in the past
9 year or two been divided based on that same
10 formula, but recognizing that lines like the
11 New England Cooperative Research or the
12 Expanded Annual Stock Assessments were very
13 specific to some of the East Cost regions.

14 But I couldn't help notice that
15 one of the big items, ACL implementation,
16 and then also the SSC stipends, the North
17 Pacific as well as the Pacific were zeroed
18 out, and I can't remember why - or I guess
19 my question is, why is that or how did that
20 discretionary decision get made?

21 CHAIRMAN ROBINS: Paul.

22 MR. DOREMUS: Thank you. The
23 basic situation with all of these subpieces
24 here, when there is an increase in any -
25 again, at the PPA level, when there's an
26 increase in fisheries research and
27 management, Expanded Annual Stock
28 Assessments, et cetera, whatever that
29 increase is gets distributed proportional to
30 what the distribution was in the prior year.

31 So, that's the basic methodology.
32 There's not a policy decision in a year, you
33 know, do we go up or down? We take whatever
34 increase, or last year a decrease, in these
35 PPAs and just spread it relative to where we
36 were in the prior year. So, it is rather
37 formulaic as well.

38 I don't have the answer to you on
39 the ACL implementation here. There are
40 others who know that in greater detail.
41 We'll have to get back to you on why those
42 numbers changed here. And we'll be happy to
43 do that.

44 CHAIRMAN ROBINS: Tom Nies.

45 MEMBER NIES: Paul, I think the
46 NOAA audit, the Weather Service audit and
47 your text - your presentation uses the

1 phrase "equitable distribution of the M&A
2 cost."
3 And I'm curious whether it's been
4 another agency policy decision to interpret
5 equitable as meaning equal, or if that's
6 actually guidance.
7 Is that something that we have
8 the hope can be revisited in the future?
9 CHAIRMAN ROBINS: Paul.
10 MR. DOREMUS: Right now it's
11 viewed as exactly as we're implementing it.
12 So, equal. We could revisit that in the
13 future, but right now that's what our
14 guidance is, yeah. So, good point. Thank
15 you.
16 CHAIRMAN ROBINS: Kitty.
17 MEMBER SIMONDS: So, how about
18 considering this: what about councils, and
19 ours in particular, who actually supplement
20 the work of the National Marine Fisheries
21 Service? So, could I be charging you a
22 percentage?
23 CHAIRMAN ROBINS: Paul.
24 MR. DOREMUS: That would be novel.
25 (Laughter.)
26 MEMBER SIMONDS: Well, of course.
27 I always have novel things. But because we
28 do, you know, we do augment and supplement a
29 lot of the work that NMFS should be doing
30 out our way and that's what I'm talking
31 about.
32 Should I, you know, apply for
33 some kind of a management percentage from
34 you?
35 MR. DOREMUS: So, you know, in
36 effect, all of these costs are fundamentally
37 the cost of doing business. They're the
38 cost to the taxpayer.
39 And, you know, in light of your
40 question, I think the broader perspective
41 that we have on the Councils and the
42 Commissions is very much as you articulated.
43 It's a foundational way of doing business
44 and it does augment the capacity of the
45 organization enormously.
46 We couldn't do the work that we
47 do with the quality that we do it without

1 this institutional arrangement.

2 I think that that's a core part
3 of the argument for enhancing our budget
4 overall and would basically advise pushing
5 our considerations along those lines towards
6 that broader characterization of our work,
7 the types of benefits that we're providing
8 to the public, not just solely to fisheries
9 industry narrowly construed, but the public
10 broadly and using that very structure as a
11 way to argue for the type of return on the
12 taxpayer's dollar that you get when you
13 invest in our organization.

14 MEMBER SIMONDS: Right, because we
15 have no problem supplementing or spending
16 our money, because it helps -- it improves
17 our ACLs. It improves a whole bunch of
18 things.

19 So, I'll just repeat myself in
20 saying that I think we're special, the
21 Councils. And, you know, I just don't think
22 we should be charged. That's my opinion.
23 Thank you.

24 CHAIRMAN ROBINS: Don McIsaac.

25 MEMBER McISAAC: Thank you, Mr.
26 Chairman. And not to prolong this
27 discussion and it does get difficult for the
28 CCC to offer a reaction here, so let me ask
29 one more question.

30 And if I could ask Mr. Chappell
31 to go to that slide that has the -- well,
32 go, I think, forward toward the beginning of
33 the presentation. One more. One more.

34 Okay. No, I guess the other way
35 then. And I'm looking for the one that's
36 titled "Fiscal Year 2014 Fisheries Budget
37 Overview."

38 And it does go back to 2012. No,
39 you skipped right over it. One more back.
40 There. Okay.

41 So, I don't have a handy little
42 red dot or laser pointer like you've got,
43 but the fiscal year 2012 spend plan for ORF,
44 804.7, you can put the pointer on that one,
45 Bill, so people can see that.

46 Fiscal year 12 down to 804.7.
47 So, up -- there we go. Okay. So, we're

1 just talking about ORF. We're not talking
2 about the 75,000 for disaster relief.

3 And so, that compares to 812.6
4 this year. And if I've got my figures right
5 if you did -- and every one of those line
6 items above that creep a little bit higher
7 for 2014 than they were for 2012.

8 But if we inserted a row there
9 that said collective regional council
10 funding for the primary line item and the
11 regulatory streamlining and the rest of
12 them, it would be a minus 2.5 percent.

13 This is very much hard to digest.
14 So, that's the feeling I have now. So, when
15 you say as far as today here's what the
16 numbers show, the question would be whether
17 or not the CCC ought to spend some time
18 checking our numbers whether you're open to
19 try to find a way to reach this goal of some
20 equitable end target that is about the 2012
21 level of funding to create the same kind of
22 water line that's happening to the whole
23 agency, or are you so advanced in your
24 planning now that it's just not possible to
25 go back and reconsider?

26 CHAIRMAN ROBINS: Paul.

27 MR. DOREMUS: The only thing I
28 would offer over comments that I've already
29 made, one at the detailed level, you'll note
30 that the composition of funds that come to
31 the Council through this largely formula-
32 driven process, there's the Council and
33 Commission PPA as Congress allocates
34 resources to us in the budget, and then
35 there's the breakdown of other pieces, some
36 of those pieces move in different degrees.

37 So, fisheries research and
38 management when you look at this 426 line,
39 that's right where it was in FY12.

40 The bulk of additional resources
41 that go to the Councils and Commissions
42 outside of the Council and Commission line
43 come from fisheries research and management,
44 which did not change.

45 So, I understand. I'm
46 sympathetic to your goal of getting back to
47 FY12. It's a reasonable goal.

1 I think the way to focus on it
2 is, frankly, in the FY15 discussion about
3 our overall budget in the Council and
4 Commission line in particular.

5 The mechanisms that are driving
6 this are the PPA level funds that come into
7 these lines and subsequently end up in the
8 Council and Commission -- or basically
9 augment in the Council and Commission line.

10 So, we are where we are with
11 FY14. I think, you know, from your vantage
12 point with the adjustment of this M&A,
13 you're not seeing in your line getting back
14 to a number when you compare it to the total
15 organization, but if you compare it to
16 something like fisheries research and
17 management which is basically flat over this
18 time period.

19 So, these are the kind of things
20 that it really shakes out at the PPA level
21 and sometimes the result is an artifact of a
22 lot of individual decisions that are made in
23 the appropriations process more than any
24 other agency design, to be honest.

25 CHAIRMAN ROBINS: Paul, thanks
26 again for the presentation. I think as we
27 wrap up our business tomorrow, there will
28 probably be a number of items that we'll
29 want to identify for consideration in a
30 letter from the CCC to the Agency.

31 And I think having heard around
32 the table, you know, it's clear that we have
33 funding objectives that perhaps aren't fully
34 met here today.

35 And so, I think we'll have an
36 opportunity in the discussion of that letter
37 to reaffirm our longer-term goals.

38 As you point out, there are
39 opportunities in the FY15 budget going
40 forward, but there's still a lingering
41 concern, I think, about this question of
42 equitability that has been raised.

43 And I think as has been pointed
44 out, the Councils have a unique relationship
45 to the Agency among all the Agency's PPAs.

46 And in light of that, the
47 question of equitability may warrant some

1 additional consideration or discussion. So,
2 you know, I think we'll have an opportunity
3 again at the end to highlight some of these
4 concerns and communicate them to you by
5 letter.

6 And so, I look forward to further
7 discussion about that, but at this point are
8 there any other comments or questions on
9 this item?

10 Okay, Paul. Thank you again for
11 the presentation.

12 MR. DOREMUS: Thank you and we
13 look forward to further work with the body
14 on any additional questions that you have.

15 CHAIRMAN ROBINS: Thank you very
16 much. With that, let's go ahead and break
17 for an hour and a half for lunch and we'll
18 come back at 1:40, please. Thank you.

19 (Whereupon, the proceedings went
20 off the record at 12:10 p.m. and went back
21 on the record at 1:42 p.m.)
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5 1:42 p.m.

6 CHAIRMAN ROBINS: Okay. Welcome
7 back. Our next agenda item is going to be a
8 presentation by Julie Morris on behalf of
9 MAFAC regarding the Endangered Species Act
10 Working Group Update.

11 Julie, welcome.

12 MS. MORRIS: Thank you. Glad to
13 be here with you all. I'm Julie Morris. I
14 chair the Protected Resources Committee of
15 MAFAC. And we were handed -- assigned a
16 task over a year ago to look at -- to form a
17 working group that was partially composed of
18 MAFAC members, partially composed of council
19 members and partially composed of National
20 Marine Fisheries Service staff.

21 And I want to at the outset,
22 thank the Working Group members,
23 particularly those who came from Councils,
24 Kevin Anson, Cora Campbell, Dan Wolford, Ed
25 Ebisui, and the National Marine Fisheries
26 Service staff, Marian Macpherson, Stan
27 Rogers and David Bernhart who were working
28 group members along with four MAFAC members.

29 Special thanks to Asuka Ishizaki
30 and Jim Lynch who helped very much with the
31 development of our recommendations, and
32 Andrew Herndon and Heidi Lovett and Pamela
33 Lawrence.

34 Don McIsaac and Chris Oliver
35 attended a couple of our conference call
36 meetings and made helpful and useful remarks
37 as well.

38 The terms of reference for our
39 working group were provided by NMFS. Our
40 task was to find ways to increase the
41 confidence and transparency in both the
42 science and processes of Section 7
43 consultations under the ESA on MSA fishery
44 management actions.

45 We began our work in October of
46 2012. We provided a progress report to you
47 all in May of 2013 and we found your

1 suggestions at that time useful.

2 Our final report was completed
3 and approved by MAFAC in December, and we
4 transmitted it to Sam Rauch in December as
5 well.

6 For ESA consultations, as you
7 know, Sustainable Fisheries is the action
8 agency.

9 ESA allows Sustainable Fisheries
10 to work closely with the Councils. These
11 consultations are often difficult and the
12 collaboration between Councils, Sustainable
13 Fisheries and Protected Resources has varied
14 from region to region.

15 In our early discussions, the
16 working group quickly focused on improving
17 early informal collaboration among the
18 Councils, Sustainable Fisheries and
19 Protected Resources before a preferred
20 alternative is chosen, and that is the
21 beginning point of the formal part of the
22 ESA consultation.

23 So, we're really looking for ways
24 for everybody to be working and on the same
25 team prior to that choice of a preferred
26 alternative.

27 The working group believes that
28 this kind of early teamwork can greatly
29 improve the odds that the fishery management
30 action being considered and the one that you
31 end up with at the end of the process will
32 both be able to keep the fishery open and
33 also prevent jeopardy to the listed species.

34 I think the full report is at Tab
35 D; is that right, in your background
36 materials? Sam is nodding yes.

37 So, I'll just point -- I'll refer
38 to a couple of tables and figures in that as
39 I move through these opening comments.

40 So, we determined through working
41 group conversations that current rule and
42 law allows the Council currently to advise
43 Sustainable Fisheries throughout the process
44 to help define the proposed action and
45 feasible alternatives, to identify the best
46 scientific information available on
47 fisheries management practices and what

1 those effects on listed species and critical
2 habitat might be.

3 It allows the Councils to assist
4 in preparation of biological assessments,
5 biological evaluations and the consultation
6 initiation documents.

7 And then those are all kind of in
8 the informal part before a preferred
9 alternative is chosen.

10 And then during the formal
11 consultation, the law and rule allow
12 councils to review and comment on draft
13 biological opinions that are obtained
14 through either Protected Resources or
15 Sustainable Fisheries.

16 Our recommendation -- one of our
17 two major recommendations to NMFS is that
18 NMFS should issue a guidance memo outlining
19 a process for councils to request
20 involvement either on a specific ESA action
21 or to request a kind of overarching
22 agreement within their National Marine
23 Fisheries Service region.

24 The Council request would
25 designate points of contact in their fishery
26 management plan process where that
27 coordination would take place.

28 NMFS would then decide whether to
29 grant those requests. We would expect that
30 they would grant those requests, except when
31 the request would violate federal law or a
32 court order or not fit the existing court-
33 ordered deadlines.

34 We prepared a draft guidance memo
35 for NMFS to consider. It's in Appendix D of
36 the report. And just for them to use as a
37 starting point as they go forward.

38 Figures 3 and 4 on pages, I
39 think, 7 and 8 of the document sort of
40 depict in a flowchart way where potential
41 good points of contact might be for the
42 Council to interact with Protected Resources
43 and Sustainable Fisheries in the informal
44 part of the consultation and also in the
45 later formal part of the consultation.

46 Last May when we did our progress
47 report at the CCC meeting and following that

1 at a MAFAC meeting, Sam asked us to come up
2 with some examples of ESA issues that arose
3 unexpectedly and were relatively quickly
4 resolved through some early collaborations
5 between Sustainable Fisheries, Protected
6 Resources and council.

7 So, we found two examples of that
8 both from the Southeast region, and both are
9 described in the final report.

10 A second major focus of the
11 working group was improving the transparency
12 of the data and scientific basis for
13 biological opinions.

14 This has been a source of
15 confusion and conflict between ESA and MSA.
16 The ESA directs NMFS to use the best
17 available scientific information. And
18 legislative history directs NMFS to resolve
19 any uncertainty to the benefit of the
20 protected species.

21 The working group recommended
22 that NMFS develop a national policy on the
23 application of best scientific information
24 available specifically to ESA Section 7
25 consultations.

26 Our report doesn't recommend any
27 specific internal procedures to NMFS. The
28 report does provide a list of key factors
29 that could be used to rank the relative
30 strength of different sources of
31 information.

32 And these include relevance,
33 timeliness, objectivity, transparency,
34 verification, validation, certainty and the
35 source of the information.

36 So, we believe that the MOU that
37 would define the Council role in the early
38 informal stages of Protected Resources
39 issues should improve the confidence in the
40 process of these consultations. And that
41 was one of our terms of reference.

42 And we think that a national
43 policy on the application of best scientific
44 information available to ESA Section 7
45 consultations should result in increased
46 confidence in the science.

47 And that's a very quick summary

1 of the report.

2 CHAIRMAN ROBINS: Julie, thank
3 you. Yes, you pointed out that there has
4 been significant variability around the
5 country in the implementation and
6 development of BiOps and how the Agency and
7 the Councils have interacted on those. I
8 think that's something that's been of
9 significant interest and concern to all of
10 us.

11 So, you know, I think some of
12 your recommendations would be very helpful
13 in trying to do more to standardize that a
14 little bit and create opportunities for
15 that.

16 One of the problems we've had in
17 our region has been really in the listing
18 process itself. In other words, before the
19 BiOps are developed, but, you know, in the
20 process where the actual listing
21 determination is taking place.

22 And, you know, it seems like
23 there are some very hard divisions that get
24 erected sometimes between the Office of
25 Sustainable Fisheries at the regional level
26 and the Office of Protected Resources while
27 that listing determination is ongoing. So,
28 I think that's another area of concern
29 relative to the ESA decision-making process.

30 And that's not something that
31 we're able to resolve at the Council level,
32 obviously. I mean, that's something that's
33 inherent in the listing process itself, but
34 that's been another area of concern for us.

35 Questions on the presentation?
36 Ed.

37 MEMBER EBISUI: Thank you, Mr.
38 Chairman. I just wanted to express our
39 gratitude to MAFAC and to Julie for keeping
40 the group focused on a very difficult task
41 and keeping it moving and delivering a good
42 product.

43 So, I think it's a really good
44 example of different agencies and bodies
45 working together towards a common goal. So,
46 thank you very much.

47 CHAIRMAN ROBINS: Kitty.

1 MEMBER SIMONDS: And I just want
2 to add that I hope the National Marine
3 Fisheries Service will agree to all of our
4 recommendations. Thank you very much.

5 CHAIRMAN ROBINS: Sam.

6 MR. RAUCH: So, I think the
7 question for us, so right now we have
8 received a report from MAFAC that both we
9 and the Councils worked on, but we have not
10 heard officially from the CCC an endorsement
11 of this product or comments on it.

12 And so, my question, you know, it
13 talks about developing some national
14 guidelines and doing some other national
15 things.

16 And ultimately my question is, is
17 this -- do the Councils support this? My
18 sense is that likely you do, but -- or is --
19 are the Councils going to offer any
20 additional comments on this document before
21 we move forward, or not?

22 And so, I have a process question
23 about where do we go from here? Because I
24 do think, you know, this grew out of
25 conversations we had at the CCC meeting in
26 Hawaii.

27 This has been a very useful
28 process. I really do think MAFAC and the
29 folks who worked on this, it's very good and
30 is needed for all the reasons we just talked
31 about.

32 We should not be approaching
33 these as a case of first impression every
34 time we have an issue of a consultation
35 involving the Council.

36 We spent an awful lot of time
37 working on the process when we should be
38 working on substance.

39 And as we discovered through this
40 process, there's a lot of reasons why we --
41 there are a lot of things that is perfectly
42 appropriate to be discussing with the
43 Councils in that process when that happens.

44 So, I would like to move forward
45 on this, but I would like to figure out
46 before I do so, I don't want to be overly
47 presumptive about whether the Councils

1 endorse this or are going to have further
2 comments.

3 CHAIRMAN ROBINS: Well, Sam, with
4 respect to the process itself, what would
5 the process be for the development of some
6 national standards relative to that process?

7 MR. RAUCH: So, as I read it,
8 there is an MOU amongst the regions and the
9 Councils which would be a region-by-region
10 issue.

11 There's some national issues here
12 like the National Guidance on Best Available
13 Science, which would be something we would
14 work on nationally.

15 I think there's an endorsement of
16 the overarching recommendations here or not
17 that we would do nationally before you sort
18 of set the regions off to negotiate these
19 kind of MOUs.

20 So, there is a national approval
21 from our perspective that we'd want to do,
22 and there may or may not be a policy
23 document on each of the two different
24 recommendations, but clearly one is a
25 national policy document, the second one.

26 So, you know, there is action on
27 our part to carry forward these ideas. And
28 we are forming -- we got these in December.
29 We are forming our groups to try to work
30 that out, but I don't want to be presumptive
31 in terms of -- I haven't officially heard
32 from the Councils or the CCC what your views
33 are on this document.

34 CHAIRMAN ROBINS: Thank you, Sam.
35 What's the pleasure of the Committee in
36 terms of moving forward with the
37 recommendations from the Working Group?

38 Kitty.

39 MEMBER SIMONDS: Well, we were
40 going to suggest that we discuss this and at
41 the end of the two-day session, make a
42 recommendation if people feel comfortable.

43 I don't -- I think everybody has
44 -- all the Councils have read through this
45 and have worked on this. And, you know, I
46 don't think we need any more time to, you
47 know, deliberate on this.

1 So, if we can do that, then
2 they'll move forward quicker.
3 CHAIRMAN ROBINS: Okay. Any other
4 points of view on this?
5 Ben.
6 MEMBER HARTIG: I mean, I haven't
7 seen it. I mean, I'd like to see it before
8 --
9 CHAIRMAN ROBINS: Don.
10 MEMBER MCISAAC: Thank you, Mr.
11 Chairman. So, earlier you were saying we
12 might come at the end of the meeting and
13 consider some outcomes or decisions of the
14 meeting at that time.
15 Maybe that would give us a little
16 time to check with our -- check one other
17 thing with one of our members and have a
18 little bit of breathing time if the rest of
19 the group still wanted to stay tight to
20 that.
21 I think the fallback would be a
22 broader council review and a recommendation
23 at the May meeting, but we're -- I think
24 we're comfortable with a shorter schedule
25 from our perspective.
26 CHAIRMAN ROBINS: Thank you, Don.
27 Dr. Duval.
28 MEMBER DUVAL: Thank you, Mr.
29 Chairman. Yes, I mean, this came out after
30 our December council meeting. And we meet
31 four times a year. So, our next council
32 meeting is coming up in two weeks.
33 So, we actually have not seen the
34 draft even though it was completed, you
35 know, almost two months ago.
36 So, I think if Ben and I could at
37 least have the chance to just review it
38 tonight, certainly I'm sure, you know, we
39 would concur with the recommendation. So, I
40 think I just wanted the group to know that.
41 Thank you.
42 CHAIRMAN ROBINS: Thank you. I
43 think that sounds like a reasonable path
44 forward then for all the members to take a
45 look at it tonight and we can consider it at
46 the end of business tomorrow under new
47 business as we finalize whatever issues we

1 want to transmit back to the Agency.
2 Okay. Are there any other
3 questions or discussion points on this?
4 Julie, thanks again for the presentation and
5 all the work that went into it.
6 Our next item is another MAFAC
7 discussion item with respect to the seafood
8 certification process. And I'll invite
9 Keith Rizzardi to come up for that.
10 Keith.
11 (Pause in the proceedings.)
12 MR. RIZZARDI: Okay. The
13 microphone is on. Good afternoon,
14 everybody. Thanks for the chance to present
15 on this.
16 It's been a challenging effort
17 for MAFAC. Don't throw the bananas at me
18 and the fruit at me if you disagree. And if
19 you agree, then great. I'm happy to take
20 the credit for it.
21 Our advisory committee, as you
22 know, is a national group in scope. And we
23 are organized by a bunch of different
24 stakeholders, you know. We fill out the
25 matrix and try to represent as diverse a
26 group as possible and, believe it or not, we
27 achieved a consensus on something.
28 It was not unanimous, I'll be
29 clear. So, these recommendations do not
30 reflect a unanimous recommendation, but they
31 do reflect a strong sentiment by MAFAC of a
32 way that NOAA could move forward.
33 In August of 2012, I got a letter
34 from Sam with an assignment. And he asked,
35 what could NOAA do in this area? Could we
36 agree, could MAFAC agree to a process by
37 which NOAA could create some sort of
38 certification mark?
39 And he asked us, you know, look
40 at sustainability. Look at the origin of
41 the fish. Look at the domestic fishery
42 products in particular and pay attention to
43 U.S. law. Tell me about costs and give me
44 some options and identify what you think
45 some standards might be and get back to me
46 next year.
47 So, MAFAC took that letter and we

1 ran with it. And for about 16 months we did
2 an investigation.

3 A few of us went up to the Boston
4 Seafood Show. We interviewed a number of
5 big players in the fishery arenas. We
6 talked to producers, we talked to buyers and
7 we talked to lots of non-governmental
8 organizations.

9 We did personal interviews. We
10 conducted surveys. We got as much
11 information as we could and then we took it
12 in-house to MAFAC and started digesting it
13 all.

14 And we had a task force that got
15 together within MAFAC, they talked about it
16 and then we took it to the body as a whole.

17 So, the status quo for seafood
18 sustainability certification is kind of
19 messy. There's a lot of stuff out there.
20 There are a lot of different standards out
21 there. There are a lot of different labels
22 out there and eco marks out there. So,
23 what should NOAA do when you've already got
24 this arena out there?

25 So, we recognized certifications
26 exist. You've got dozens of national and
27 international standards. You've got
28 organizations that are trying to distill
29 those standards. You got FAO and you got
30 GSSI trying to figure out can we get all the
31 different standards and get them to stay on
32 some common platform?

33 You've got groups that are
34 constantly tweaking their standards and
35 trying to change them.

36 You've got groups that are
37 improving the standards. So, you've got all
38 this stuff and the criticism of it is, well,
39 there's too many. There are too many
40 certifications. There's an overabundance of
41 them.

42 And it's the standards are too
43 diverse. We don't really know what any of
44 them mean. It's all getting too expensive
45 and it may be even in the marketplace
46 entirely irrelevant.

47 So, look, the irony is not lost

1 on me here, right? We're talking about
2 there might be too many certifications, and
3 yet the charge to NOAA or charge to MAFAC
4 was should we develop yet another
5 certification?

6 All right. The irony is not
7 lost. But at the same time, there's
8 recognition that NOAA Fisheries exists.
9 This is an organization with now a 900 plus
10 million dollar budget. And an organization
11 with tremendous legal authority, scientific
12 authority, enforcement authority.

13 NOAA has the capacity of saying
14 this is our fishery and it is sustainable.
15 And FishWatch in a large way, has already
16 made that statement.

17 All right. Through FishWatch we
18 are communicating to the world, here's what
19 the U.S. product is. Here's how sustainable
20 it is. Here's how it's managed. Here are
21 our Magnuson national standards. Here's why
22 USA seafood can be bought.

23 And the one common thread in
24 almost every conversation I had with a buyer
25 or a vendor or anybody else was, NOAA should
26 stand up for Magnuson.

27 Magnuson is an amazing law. It
28 does its job. It reflects the highest
29 standards of seafood sustainability. We
30 should be standing up for that process and
31 saying USA seafood is sustainable.

32 There are a lot of people who
33 don't agree with that. And there are a lot
34 of perspectives. And I have heard them all
35 over the last 15 months or so, you know.

36 You get one group saying, well,
37 this group, this organization won't buy my
38 fish, because I'm not certified.

39 And then a guy who says, well,
40 I'm certified, so I don't really care that
41 they won't buy your fish, because they're
42 buying mine.

43 And then you got the guy who
44 says, but they keep changing the standards.
45 And then you got another group that says, I
46 like the standard. What's wrong with that?

47 And the perspective just keeps

1 going and the debate keeps going. Consumers
2 don't care. Oh, it's great marketing. The
3 consumers do care, you know. They may not
4 be super sophisticated, but they like to see
5 a logo on there.

6 And then you got the group
7 saying, this is economics. This is about
8 the cost to the fishery and the cost to the
9 fishermen.

10 But the flip side of that coin is
11 people saying this is a revenue source and
12 certification is good for us.

13 All these perspectives are out
14 there. They all have some merit. This is a
15 tough issue.

16 And what MAFAC realized was, we
17 couldn't fix everything and this
18 recommendation does not solve all these
19 problems. Solved some of them.

20 There are some core concepts.
21 Quickly I'll mention them and then I'm going
22 to walk through them.

23 We recommend that NOAA have a
24 fee-for-service program. We recommend that
25 it be business-to-business and not consumer-
26 focused.

27 We recommend strict reliance on
28 Magnuson. We've spent all this time and
29 effort creating this wonderful law. Let's
30 stand behind it.

31 We want to use our existing
32 resources. FishWatch is a great start.
33 We've got a Seafood Safety Inspection
34 Service that's capable of doing audit work.
35 They've already got the skillset and we
36 accepted that we're not solving all the
37 problems.

38 And we started with we should be
39 standing up for sustainable USA seafood.
40 We've got an Agricultural Marketing Act out
41 there. We should have the opportunity to
42 allow people to say we have sustainable USA
43 seafood.

44 And the way they get to say that
45 was we started with the concept of it's wild
46 caught, it's caught by US fishermen, it's
47 landed in US ports and it's done in

1 accordance with US law. That was pretty
2 easy. Then, we moved to the next piece
3 which was a little tougher.

4 When is it truly sustainable? Is
5 it just enough that it was caught legally?
6 And what the Committee definitely agreed on
7 was if the stock status is known, it's not
8 overfished and there's no overfishing, it
9 got a Four on NOAA's FSSI Index.

10 That's sustainable. There
11 shouldn't be a debate about that. Everybody
12 agreed that was -- or almost everybody
13 agreed that was sustainable fish.

14 It gets a little tougher if you
15 drill down a layer. What happens if there
16 is overfishing? What happens if it's
17 overfished? What happens if stock status
18 isn't known? What happens if there's a
19 rebuilding plan?

20 And I'll say there was a strong
21 majority that recognized that even if there
22 is a rebuilding plan, it still may be
23 sustainable. Because the catch that is
24 being allowed under a rebuilding plan, in
25 theory, is sustainable.

26 It may take a little longer
27 before you reach the numbers and before you
28 get a Four on your FSSI Index, but it's
29 sustainable.

30 There wasn't enough consensus on
31 that and the recognition was that's an issue
32 where NOAA would have to develop some more
33 standards to spell out when is it or when is
34 it not something that would be deserving of
35 being labeled as sustainable, but we got to
36 start.

37 Next, MAFAC emphasized
38 traceability. It's not enough just to say
39 Magnuson. You got to know where the fish
40 came from.

41 And to know where the fish came
42 from, there needs to be some sort of
43 traceability back to its domestic origin.

44 And we said, we don't care which
45 tool gets used. If somebody wants to use
46 Trace Register, great. If they want to have
47 some wonderful, internal paper process and

1 chain of documentation and that can be
2 subject to an audit, that's great.

3 What we said was there needed to
4 be a traceable path back to the origin. And
5 if a vendor could show that's where the fish
6 came from and it was caught in accordance
7 with U.S. laws, it complied with Magnuson
8 and it's traceable, we had a lot of
9 confidence that that was something that
10 should be labeled as sustainable USA
11 seafood.

12 And we said to double-check, let
13 the Seafood Safety Inspection Service do
14 audits.

15 Perhaps NOAA could develop some
16 standards up front that could say if you use
17 any one of these pre-approved traceability
18 products, that's great, or alternatively if
19 you meet the following standards, that
20 satisfies.

21 So, we left some discretion to
22 what NOAA could do, but we emphasized
23 traceability is an important part of
24 defining what sustainable USA seafood is.

25 Next we said, let's use
26 FishWatch. Allow businesses to have a
27 registration, a number that can be accessed.

28 So, if you go and you look up
29 your fish on FishWatch and you click the
30 button, you could find the list of vendors
31 who are registered vendors of that
32 particular fish who have gone through this
33 process.

34 Alternatively if you're
35 considering buying from somebody and you
36 want to plug in their registration number,
37 you can plug it in and you should get data
38 back that says, yes, this person is a
39 registered vendor of the product.

40 Use the existing resource that
41 we've got out there. Build upon it a little
42 bit. Take greater advantage of it.

43 And we also recognized that
44 anybody in the chain of custody should be
45 allowed the opportunity to go get a
46 registration number. So, it gets landed and
47 then it goes to the warehouse and then it

1 goes to the processing center and then it
2 goes to another distributing center.

3 If each one of those parties
4 wants to go through the process of getting
5 it registered, they can rely on the chain of
6 custody from the party before and they could
7 all be listed on FishWatch and get a
8 registration number.

9 We emphasize again we were
10 looking at a business-to-business idea.
11 This is not about the consumer. And we said
12 it's business-to-business and business
13 should pay.

14 We are not anticipating that this
15 is something that should be coming out of
16 NOAA's budget. We recognize there are some
17 startup costs, but interestingly all the
18 estimates we got for startup costs were
19 fairly nominal. I mean, the highest one we
20 got was half a million dollars.

21 I concede it depends on the
22 adequacy of the legal authority. There may
23 be open questions as to what we can do under
24 Magnuson, what we can do under the
25 Agricultural Marketing Act. I'll leave it
26 to Adam and his team to figure out what the
27 right answer is there.

28 There are also recurring costs.
29 So, in addition to the startup costs you've
30 got things like the audit that has to take
31 place with the Seafood Safety Inspection
32 Service.

33 You're going to have to manage
34 FishWatch a little bit more intensely. You
35 have to make sure it's defended from anybody
36 encroaching on it and breaching security.

37 You're going to have to have
38 education programs and communication
39 programs, but of course you also have to
40 enforce and defend your brand.

41 And you could have legal issues
42 over this and disputes over this or disputes
43 over the standards and all of those are
44 potential expenses, but, again, we get an
45 estimated cost.

46 And working through the process
47 and working with NOAA staff, we had 1.2

1 million dollars estimated annual cost. And
2 we realized that if you're talking about
3 potentially thousands of parties registering
4 their products, the cost of this could be in
5 the hundreds of dollars annually.

6 So, this does not necessarily
7 have to be a very expensive process for a
8 party seeking to get a registration number
9 through NOAA.

10 We also recognize there are some
11 really big questions as to what about state
12 waters? What about aquaculture?

13 And I'll say that the folks from
14 the aquaculture arena within MAFAC were very
15 involved in this process and even they
16 recognized that it's thorny, it's
17 challenging.

18 These are difficult problems that
19 we have to work our way through, but
20 everybody recognized we needed to start
21 somewhere.

22 So, the thought was start with
23 the federally-managed waters. Get a model
24 that's in place. Get it working. Then move
25 on to coming up with a way to do it in state
26 waters where you can come up with some
27 equivalency measurements for how state
28 waters are managed.

29 And then move on to aquaculture
30 and look at things like whether they're
31 complying with their permits and whether
32 they're complying with their legal
33 requirements, but start with what we know
34 works. Magnuson in federal waters, phase it
35 in.

36 Again, I say this is not a
37 unanimous recommendation. There was a lot
38 of discussion. There were a lot of
39 opinions.

40 As I evaluated it, I really put
41 all the disputes into two camps. Some people
42 were raising legitimate data questions. Are
43 we sure this is going to be used? Are we
44 sure that buyers want it? Is it worth the
45 investment? How many buyers will use this
46 if we do this? Cost benefit, is it there?

47 Next, what about the

1 international marketplace? You know, will
2 the Germans really rely on this when they
3 make a decision on whether or not to buy the
4 spiny dogfish, or are they going to need
5 something else, you know, and those kind of
6 questions about whether it would be globally
7 accepted were out there.

8 How many people would really
9 participate if we did this? Is it really
10 justified? How much is this really going to
11 cost? Your estimates might be wrong. And
12 how do we know it works? All great
13 questions, fair questions, but we got to
14 start somewhere.

15 And then there were the values
16 criticisms, folks who just outright rejected
17 the notion of business-to-business, you have
18 to have an eco mark, you have to have the
19 public involved, you have to communicate
20 with the buyer or the end consumer.

21 Other folks who said you have to
22 have moral standards in. You should be
23 evaluating for compliance with labor law.
24 And some certifications that are out there
25 do those kinds of things. We didn't
26 necessarily recommend that.

27 Strong group of people who
28 believed that NOAA cannot be involved in
29 certification. There has to be a third
30 party to be legitimate.

31 Now, I thought USDA did the
32 organics program. So, I dispute that
33 opinion, but that's my personal opinion.
34 There are other people who believe it has to
35 be a third party to be legitimate.

36 And there will be impacts on
37 other certifications. We're not trying to
38 engage in direct competition. Again, we're
39 focused on a business-to-business approach
40 here, not an end consumer, but there may be
41 impacts on other certification programs.

42 And then there are groups
43 ultimately that say Magnuson is not
44 sustainable.

45 I beg to differ. I hope many of
46 you in this room beg to differ, but the
47 opinions are out there.

1 So, these were the
2 recommendations and the criticisms that were
3 given to MAFAC and made by MAFAC. And I'll
4 leave you with one final thought which is,
5 this is the pursuit of progress and not
6 perfection. Thank you.

7 CHAIRMAN ROBINS: Keith, thank you
8 very much.

9 Sam, can you comment on the
10 Agency side of this about perhaps the scope
11 of existing authority as you all understand
12 it and what, if anything, would be needed?

13 I mean, you know, we made this an
14 issue in some of our Magnuson testimony. A
15 number of councils have taken positions on
16 it. CCC has not yet, but it has been an
17 issue of interest.

18 I mean, this is significantly
19 more complex than I think what some of us
20 had considered. But, Sam, can you comment
21 on the Agency side of it?

22 MR. RAUCH: Sure. Thank you. So,
23 first let me thank MAFAC for a lot of work.
24 It is significantly more complicated. There
25 are a lot of issues.

26 It's easy to take one of -- I
27 think one of the slides Keith said about the
28 different viewpoints depending on where you
29 sit. And we've heard a lot of similar
30 things to what MAFAC heard. So, it is very
31 complicated, but it is important and people
32 keep talking to us about this.

33 It is something that we need to
34 address and decide whether or not NOAA is
35 going to enter this arena any more than what
36 we are doing now.

37 One of the things that people did
38 agree with is NOAA should come out there and
39 talk about the sustainability of US product
40 developed under the Magnuson Act. And we
41 try to do that. And that's a communication
42 issue at the very least.

43 Saying that everybody in this
44 room -- all the fishermen have invested a
45 lot in sustainability and trying to make
46 sure that they are sustainable and they've
47 made sacrifices. Sacrifices that perhaps

1 fishermen in other countries aren't making.
2 And so, we should defend that.
3 We should be willing to embrace that. And I
4 think this is something that NOAA does agree
5 with.
6 And we should look at FishWatch
7 as a good tool, but not the only tool to do
8 that. So, that's easy.
9 Whether we should go beyond that,
10 though, and have some sort of mark or
11 traceability program or certification
12 program, that's been always very difficult.
13 That's why we ask MAFAC to go out
14 and get our perspective from the public and
15 from the buyers and consumers which they're
16 uniquely positioned to do.
17 So, we got this. Like the last
18 recommendation, it is a recommendation from
19 MAFAC to us. We have not heard from the
20 Councils other than when the Councils were
21 highlighting their issues that were
22 important for reauthorization, some, but not
23 all the Councils, identified certification
24 as something they wanted to do.
25 So, along that line we try to
26 figure out, well, what would that mean? So,
27 this is MAFAC's recommendation to us is to -
28 - as to, in their view, a workable system
29 that will do that. So, we need to take that
30 and decide what to do.
31 And like the last issue, I would
32 be very interested in what the Councils'
33 view is on that.
34 We are intending to go out and
35 also ask the public about what to do about
36 this, but we're really interested in what
37 the Councils -- given our partnership role.
38 In terms of the authority
39 question, the issue of whether or not we
40 could use our Seafood Inspection Program to
41 have a fee-for-service to do these audits
42 for traceability or to issue this label is
43 an interpretation of the Agricultural
44 Marketing Act whether or not that is within
45 the scope of their duties.
46 And so, we are talking -- the
47 Agricultural Marketing Act was written, I

1 think, in 1930. So, it's not as clear as
2 you might think as to what's in the scope of
3 their duties or not.

4 It's not that it necessarily is
5 or isn't. You just have to look at that in
6 light of what you need today and whether
7 that old statute would do that. And so,
8 we've asked general counsel to look into
9 that for us.

10 We're going to have to resolve
11 these issues. If we don't currently have
12 the authority, though, we are in the process
13 of going through the Magnuson Act revisions.

14 And what I would like to do is
15 get that resolved before Congress gets too
16 far down the road. So, if we believe we
17 don't have the authority, Congress knows.
18 And if this is something that they think is
19 worthwhile, they can change that.

20 It wouldn't take much to give us
21 that authority if we don't already have it.
22 So, that's kind of what I see as the next
23 steps.

24 We are going to take the opinions
25 from the public and the Councils to the
26 extent that you want to give us any.

27 We are trying to work out the
28 authority question, but right now this is --
29 let me just say this is the most thought out
30 process for how we would do this of any of
31 the discussions I have seen. And I've been
32 having discussions for many years and people
33 will say it sounds good, but they haven't
34 thought out all the details.

35 MAFAC put the most thought into
36 this and it has a program. Now, that may
37 not be the one you want, but they have --
38 they thought out a lot of the details a lot
39 more than most anybody else I have talked
40 to.

41 So, I think they are to be
42 congratulated for that, but I am interested
43 in the opinion of the Councils on where we
44 go from here.

45 CHAIRMAN ROBINS: Thank you, Sam,
46 and I think this is a complex question. I
47 think what's presented includes additional

1 levels of traceability and other steps that
2 go beyond simply certifying the fishery as
3 sustainable or, you know, having some sort
4 of verification of the sustainability of the
5 fishery.

6 And it's, I think, as you get
7 into those additional steps that this
8 becomes, in fact, a significant program as
9 opposed to simply a verification or
10 certification process.

11 And I think, you know, parts of
12 this as I understand it, would almost
13 replicate what some of the other third
14 parties are doing right now for
15 certification programs.

16 I mean, those are fairly
17 standard, I think, to have chain of custody
18 components in them. Think about MSC and
19 some of the others that are active in that
20 field, but as Sam points out, this is the
21 most developed proposal that I think any of
22 us have seen, you know.

23 I think one of the questions
24 comes back to how far do you want to take it
25 if we end up supporting it? And how much
26 utility can we get out of it?

27 You know, if it's simply
28 certification or verification of
29 sustainability at a basic level, does that
30 give us enough to accomplish what we're
31 trying to accomplish, or do you feel like we
32 need to go all the way through the other
33 components of having a traceability and
34 chain of custody component to it, you know?
35 So, I think that's probably something for
36 considerable discussion.

37 John Henderschedt.

38 MEMBER HENDERSCHEDT: Thank you,
39 Rick.

40 Keith, I'm just hoping that you
41 could discuss briefly sort of the context
42 that your group was discussing this relative
43 to whether Magnuson was considered
44 sustainable on a -- sort of an a priori
45 basis, or whether there are certain
46 attributes of Magnuson in its current form
47 that represent sustainable management?

1 And so, what would the
2 implications be of a reauthorized act that
3 might have -- represent different management
4 parameters and how that would perhaps change
5 perception of sustainability?

6 MR. RIZZARDI: So, we didn't
7 speculate as to what happens in an amended
8 Magnuson future, you know. We were working
9 with the status quo.

10 But one of the things that
11 numerous people recognized was merely
12 because a particular watershed has
13 sustainable fish and is managed by Magnuson
14 doesn't necessarily tell the buyer enough
15 about the particular product that they're
16 considering purchasing.

17 And that was where the disconnect
18 came was when the buyers are looking for a
19 certified product, they want to know that
20 that shipment was sustainable.

21 And that's where the traceability
22 component came in. And that's where you get
23 this additional layer that takes you away
24 from just looking at Magnuson and was this
25 fish caught in the Chesapeake under the
26 right standards and under the right -- by
27 the right boat and with the right gear?

28 And then moves you into, okay,
29 who caught it? Where did it go next? And
30 how did it get here?

31 And the buyers wanted both, but
32 they recognized that starting with Magnuson
33 was a good start.

34 They're happy to know, okay, this
35 came from well-managed, Magnuson-managed
36 waters, but how do they know that?

37 And that always -- every
38 conversation we had it blurred those lines
39 between sustainability under Magnuson versus
40 traceability.

41 CHAIRMAN ROBINS: John Bullard.

42 MR. BULLARD: I know as a regional
43 administrator I probably should keep my
44 mouth shut and your chairman has cut me off
45 on several occasions at Council meetings.
46 So, that's another reason to keep my mouth
47 shut, but I'll venture forth.

1 I've worked with the New England
2 Council on New England groundfish. And when
3 people have asked me in press interviews,
4 you know, what can we do to help? I've
5 frequently said, well, one of the things
6 consumers can do is ask where your fish is
7 harvested.

8 And so, I commend MAFAC for this
9 and Sam for charging MAFAC with this issue.
10 I think it's very important. And I think
11 your recommendations are good basing it on
12 Magnuson, because that is -- we should be
13 proud of it and it's a good foundation on
14 which to build.

15 And my remark is really about the
16 issue of rebuilding plans. And I heard the
17 comment about, well, rebuilding plans
18 shouldn't be included, because
19 certification, any kind of certification, it
20 should be tough to earn certification, or
21 comments to that effect.

22 And so, I think about the vote
23 that the New England Council took to impose
24 the quotas, you know, 78 percent cuts in
25 quotas and I think that's pretty tough.

26 And so, when fishermen in New
27 England are fishing under quotas that have
28 been cut 78 percent, that's tough. You're
29 earning whatever. When you land fish and
30 your quotas have been cut 78 percent, you're
31 earning something.

32 And when you land fish and your
33 quota has been cut 78 percent because you're
34 rebuilding a stock under the best fishery
35 management plan this world has, then what we
36 should be doing is telling the world, not
37 just buyers and sellers, I think we should
38 be telling consumers, too, that that locally
39 harvested fish is sustainable because it's
40 landed under a rebuilding plan that is going
41 to rebuild that fish.

42 And we should be bragging about
43 that. And we should be helping out the
44 person who has gone out to land that fish
45 and is operating under a 78 percent quota
46 cut to do it.

47 And so, I think the foundation

1 you have laid is good. My remark is only
2 around the small point about should
3 rebuilding plans be included. It is a small
4 point in that, but I think you're
5 fundamentally on the right track.

6 I would say include rebuilding
7 plans. I would say why stop? I'd include
8 consumers, but I think you're on the right
9 track and this is something that I think the
10 farming community, agriculture, the whole
11 buy local movement has shown how effective
12 this can be at helping people out. We're
13 moving in the right direction.

14 CHAIRMAN ROBINS: Thanks, John.
15 Keith.

16 MR. RIZZARDI: Thank you, Mr.
17 Chairman. I'll just point out we did not
18 say to exclude watersheds where they're in
19 rebuilding plans.

20 If there's a fishery that is in
21 rebuilding, it may still be appropriate to
22 label it as sustainable.

23 What we also recognize is there
24 needs to be some case-by-case review, there
25 needs to be some additional standards.

26 It's easy to pick the low-hanging
27 fruit. It gets harder as you work your way,
28 but there was very much recognition of your
29 sentiment that if you've got a good
30 rebuilding plan, if you know the stock
31 status, you've got that trajectory and
32 you've made those hard choices, shouldn't
33 you be rewarding the people who are selling
34 the small number of fish that they are
35 allowed to catch and still letting them call
36 it sustainable?

37 There are divided opinions on it
38 and sustainability at the end of the day is
39 still a value-laden word.

40 CHAIRMAN ROBINS: Other comments.
41 Eric.

42 MEMBER OLSON: Yes, thanks, Keith.
43 Keith, can you expand upon your
44 recommendation to start with federal
45 fisheries first?

46 I know you said you had to start
47 somewhere, but did MAFAC have any discussion

1 about potential confusion it may cause?
2 In Alaska, I can see our federal
3 cod fishery potentially getting a
4 certification under this process. Our
5 state-managed cod not necessarily getting
6 the same label.
7 And then we also have salmon
8 fisheries that are exclusively managed by
9 the state and I do see some potential for
10 confusion in the marketplace.
11 Can you expand on some of the
12 discussion that you guys had at the MAFAC on
13 this issue?
14 MR. RIZZARDI: We had no
15 discussion about Alaska in particular. We
16 left this at a federal scale. We recognized
17 that there were challenges. We touched on
18 the fact that there were fisheries like that
19 that have issues. Those are the problems we
20 have to work our way through.
21 I think in some of those
22 fisheries we put them higher up on the
23 priority list. That's my opinion, you know,
24 the ones where we have a good framework in
25 place and we can come up with it, but at the
26 end of the day we're asking NOAA to step up
27 and I think these are the hard questions
28 that NOAA will have to wrestle with.
29 CHAIRMAN ROBINS: Thanks, Keith.
30 Other comments?
31 Keith, thanks again for the
32 presentation. I think this is as I've
33 already said, a complex issue. And I
34 continue to think that it would be important
35 for us to try to find a way to affirm the
36 sustainability of our fisheries that are
37 inherent in the standards of the Magnuson
38 Act, you know.
39 I think the question is how to do
40 that most effectively and what are the
41 consequences of doing it in these different
42 ways.
43 So, I would suggest that we come
44 back and revisit this tomorrow at the end of
45 the day. And we may, you know, given the
46 complexity of this, we may need to flag this
47 for further discussion between now and the

1 May meeting of the CCC given the fact that
2 we'll have the opportunity also to discuss
3 the ongoing issues associated with the
4 reauthorization.

5 And this has been one that's been
6 identified through that discussion also.
7 So, we can follow up tomorrow and, again,
8 plan on considering it possibly in more
9 detail in May. Keith, thank you.

10 MR. RIZZARDI: Thank you.

11 CHAIRMAN ROBINS: Sam, do you
12 want to go ahead with the allocation
13 discussion?

14 MR. RAUCH: All right.
15 (Pause in the proceedings.)

16 MR. RAUCH: All right. I'm here
17 yet again to talk about allocation. This
18 will be my sixth representation to this
19 group on allocation and I look forward to
20 every single one of these. Yes, we could do
21 another one tomorrow.

22 So, what I wanted to do is to
23 give folks some background particularly for
24 the new folks about where we are.

25 To go briefly, as you know we
26 have hired our own report consultant to do a
27 report for us about where we should take
28 this. We have talked about that before.

29 We also have some internal
30 technical memos that we did the Morrison and
31 Scott report. So, we'll talk about that a
32 little bit. We'll talk about the allocation
33 website.

34 But the point to this is to carry
35 forward the overarching discussion that we
36 had at the last meeting in which the CCC had
37 asked us to come back at this meeting and
38 provide a draft terms of reference to send
39 to the national SSC to give us guidance on
40 factors to consider in an allocation, how to
41 do that.

42 And so, we'll talk about that at
43 the end, but I think that is the action item
44 as to whether or not the draft terms of
45 reference which are in your materials, the
46 CCC want to agree to send to the national
47 SSC or some other body.

1 We recognize that the national
2 SSC is technically not created yet and won't
3 be created at least until tomorrow, but I
4 think it doesn't have to go there. But
5 regardless of where you send it whether it's
6 that group or a working group, we identify
7 the kinds of people that you would want and
8 we should talk about that. So, that's what
9 I wanted to do with this presentation.

10 So, allocation. As I said, I've
11 talked with this group five times.
12 Allocation is - what we're talking about
13 there is of the amount of fish, who gets
14 that fish. Whether it goes from broad
15 sectors like recreational and commercial or
16 within a sector, who, you know, which fleets
17 within a sector get that kind of fish?

18 The Magnuson Act indicates that
19 we are to constantly manage with the best
20 interest of the country in mind. And so,
21 the issue with allocation has been that most
22 of these allocations were done 20 or 30
23 years ago.

24 They were very, very painful to
25 do at the time and there's not been a lot of
26 appetite amongst the Councils to redo them
27 again for a number of reasons.

28 One, they're difficult. Another
29 one particularly amongst the commercial
30 folks is you have settled investment-backed
31 expectations. People have loans and things
32 and you don't want to disturb those for no
33 reason.

34 Balanced against that, though, is
35 the requirement that we make sure that what
36 we're doing today is in the best interest of
37 the country and there is a need to refresh
38 that.

39 And on top of all that, the
40 Councils do this fairly frequently, you
41 know. We've had all these discussions in
42 this meeting about the resistance, and yet
43 council after council continue to make
44 allocation decisions at a frequent basis.

45 And so, to provide some
46 consistency and to address that issue,
47 that's why we've been starting to talk this

1 and try to address this on a national level
2 as opposed to just when it comes up at the
3 individual councils.

4 So, some of the activities that
5 we've done, you could see these reports on
6 there. We're going to talk a little bit
7 about some of the latter ones, but we also
8 did a report from Plummer on the allocation
9 of fishery harvest under the Magnuson Act.
10 That's sort of the past practices about how
11 that's been done which we've shared with you
12 in the past.

13 We've given a presentation here
14 on the Lapointe Allocation Report. And you
15 may recall this is the one that Don McIsaac
16 when the Pacific Council was hosting the
17 meeting, asked us to provide a response in
18 pencil that - to be very careful about where
19 the Agency was and try to not get ahead of
20 this council even though it was an issue
21 that the Council did need to engage with.

22 So, the five points that George
23 Lapointe had asked us to look at on this
24 issue that needed more focus was improved
25 stakeholder engagement which is always the
26 case, but particularly the case here given
27 that there's a lot of misconceptions.

28 Allocation is something beyond
29 the misconceptions, is something that is
30 fundamental to many of the fishermen here.
31 And you cannot make these kind of decisions
32 without active and robust engagement.

33 It was also very clear that
34 allocation is not just a policy question.
35 But as somebody over there discussed, there
36 are biological and sociological and other
37 aspects of that.

38 And oftentimes we don't have the
39 full picture to make that kind of decision,
40 but oftentimes we do. And so, marshaling
41 the information we have or getting
42 information where there are gaps is
43 something that we've needed to do here.

44 And that is something we
45 recognize and has been part of our general
46 effort to improve biological information,
47 but and also more significantly the social

1 science part of it.

2 We have the most social
3 scientists in NOAA, but there still is a
4 critical need for social science in the
5 kinds of things that we do. And we're
6 always looking at ways to do that more
7 effectively with the resources that we have.

8 There was a recommendation that
9 we have a formalized review of all the
10 allocation decisions that have been made.
11 This is not a recommendation to review them
12 formally for all the upcoming ones, but to
13 have a comprehensive list of all the ones
14 that have been made and to take the lessons
15 that were learned, some of the things that
16 these other reports that we have do that.

17 And then the last one which is
18 the one that we're going to talk about at
19 the end here, is provide guidance on general
20 issues to consider when making allocation
21 decisions.

22 So, there is some guidance,
23 there's historical guidance about the things
24 that have been important, but what we're
25 talking about are a more common set of
26 economic drivers that you can really compare
27 apples to apples amongst the various - so
28 that the Councils have a common toolset that
29 they can make an informed decision.

30 So, in responding to the fourth
31 recommendation, we had our own folks create
32 a report which contains the summaries of the
33 current and past decisions, a review of the
34 MSA requirements, summary of the guidance,
35 relevant case law and appendices, and that
36 is a - it doesn't come out and say what we
37 should do in the future, but it tells you
38 what we have done in the past.

39 And that is available. It's out
40 - I think it's in your materials - it's not?
41 It's on the website. It's on the website.
42 So, we'll get to the website in just a
43 second, but it's there.

44 So, I encourage you to look at
45 that. We'll find it. He said it was hidden
46 on the website for those of you who couldn't
47 hear him. I'm getting helpful comments from

1 the audience.

2 Our intent is to make it
3 available if it is not already so that you
4 can have it and look at it. That's the
5 point to this report. So, that's done.

6 So, we really have two decisions
7 remaining. One is to determine when and how
8 to review these allocation decisions and
9 what criteria to really do that, and the
10 other one is to create the list of issues to
11 consider when making the decisions.

12 So, when we talked about this in
13 the past at the last meeting, the CCC asked
14 us to provide recommendations or
15 specifications to - basically terms of
16 reference to the idea there was the possible
17 national SSC to look for common performance
18 standards of an allocation review process.

19 So, when the Councils go through
20 and review their old allocations, what
21 should they be looking for, so that you get
22 the same generic kinds of questions asked
23 whether you're in the Caribbean or in Alaska
24 or wherever you are.

25 And how would you look at the
26 economic factors? A lot of this involves
27 balancing in terms of what's in the best
28 interest of the country. And it's important
29 there that you're talking about the same
30 kinds of things so that you can actually do
31 that balancing.

32 And so, we have drafted those.
33 Those also should either be in in your
34 materials or on the website. Somewhere
35 they're there, these terms of reference.
36 And what we are looking for is whether the
37 Councils should or are willing to do this.

38 As we discussed at the last one,
39 the Agency firmly believes we need to make
40 progress on this. We would much prefer to
41 make progress on this together and have the
42 Councils exercise this kind of policy rule,
43 but the Agency will do this on our own if we
44 have to.

45 So, I would encourage you to
46 issue this or something similar as a terms
47 of reference so that we can continue the

1 partnership on this that we've been doing.
2 These are the kinds of questions
3 that are there. The terms of reference, I'm
4 not going to read it. It is there and
5 available, I believe, in your materials.
6 But the kind of questions that we
7 would have this group answer: Under what
8 circumstances should allocation decisions be
9 revisited?
10 We know that the Councils
11 periodically do revisit allocation
12 decisions. We also know that at some point
13 those allocation decisions become stale.
14 And so, what should be the criteria for when
15 you look at that and make sure that they are
16 in the best interest of the country?
17 We certainly don't think you need
18 to do that every year, but there is a
19 timeliness consideration to it.
20 There's also a situation when has
21 the fishery changed so much even regardless
22 of the time that it would be useful to look
23 at it again?
24 What issues do you consider when
25 updating those allocation decisions? The
26 allocation decisions were based on usually a
27 fishing effort within a certain period in
28 the '70s or '80s or maybe early '90s.
29 Should we continue to rely on
30 that, or should you look at different kind
31 of more useful - use information right now
32 recognizing that some of the use right now
33 was because of those earlier decisions. So,
34 we've sort of gamed the system.
35 What biological, sociological and
36 economic data and analyses do we need? And
37 if they're not available, what other methods
38 can be used?
39 The economists and sociologists
40 will always tell you that if you had all
41 this great data, you could make the prefect
42 decision, but we rarely have that data. And
43 they have developed ways to make good,
44 useful, defensible decisions in the absence
45 of these kind of data. Or if we need data,
46 can we create the research program to get
47 the data?

1 So, the rest of the slides sort
2 of goes into a little bit more detail. I
3 kind of jumped ahead. And so, I have
4 already addressed some of these things.

5 What factors should we consider
6 on the timeline? The economic thresholds, I
7 think I just said all of that. I think I
8 said this, too. Yes, this is the danger of
9 me reading ahead. And that's it.

10 All right. So, those are the
11 terms of reference. Those are the broad
12 questions. And you can look specifically at
13 the draft terms of reference that we have
14 done for the Council's consideration.

15 The one question is who should be
16 involved regardless of who you assign this
17 to? It is likely that they would need to
18 convene a group of experts that are attune
19 to this kind of thing.

20 We would need fish ecologists,
21 social scientists, fish economists, fish
22 managers, legal and fishery participants in
23 this kind of group and they should be
24 affiliated with this kind of - both the
25 Councils, the centers, regional offices,
26 headquarters offices, constituent bodies.

27 So, that was the terms of
28 reference. We want to know whether we've
29 asked the right questions, because we do
30 believe that we need to make some progress
31 on this.

32 If these aren't the right
33 questions that the CCC envisioned last year
34 when we agreed to this task here, we would
35 like to get the right questions down because
36 we need to move forward on this.

37 Are these the right kind of
38 people involved? How should it be convened?
39 Should it be something that we just do?
40 Does the CCC want to own this either as a
41 workgroup of the CCC or as sending it to the
42 national SSC which doesn't exist yet, but
43 have them, you know, on the expectation that
44 you might create it tomorrow, have a
45 workgroup of them do that? When do we want
46 them to give us something back and what form
47 do we want it to look like?

1 Do we want them to answer those
2 questions with a policy document that we can
3 then adopt both as council and as fishery
4 policy or advice to us for that? Or is
5 there something else that we're looking for?

6 So, those are the questions that
7 we have. You've got the terms of reference.
8 I do think we need to move forward with this
9 and we welcome any discussion that the
10 Council may want to have on this.

11 CHAIRMAN ROBINS: Sam, thank you.
12 And, you know, I'm thinking back to some of
13 the previous discussion we've had about
14 this. And when we went - when we undertook
15 one of the reallocation questions in our
16 council, we ended up hiring an outside
17 consultant to do some of the economic
18 analysis on that.

19 And I think having been down that
20 road, we thought it might be helpful if from
21 a technical standpoint there were some
22 decision tools developed for those types of
23 consideration.

24 Is that a tasking or project that
25 could go to the Office of Science and
26 Technology? Because the questions that are
27 asked in here consider questions about what
28 types of analyses might be undertaken, but
29 actually developing decision tools would be
30 going a step further than that, I think.

31 So, is that something that we
32 could engage the Office of Science and
33 Technology in through the Agency, or how
34 might we develop some of those tools?

35 MR. RAUCH: So, we currently have
36 this list of the allocation decisions. And
37 to the extent that decision tools have been
38 used by the Councils to make that, part of
39 the point of that was to share information
40 so that we don't have to reinvent the wheel
41 every time.

42 And so, to the extent that, you
43 know, we have those data on the past
44 allocation decisions, then we should be
45 sharing that.

46 If you're asking whether we
47 should develop a new tool that all the

1 Councils can or have to use, we have people
2 working on these issues all the time.
3 Whether we can develop a national tool that
4 then would meet every - the needs of every
5 council I would suspect that's a goal - let
6 me backup.

7 There are people that would like
8 that to be the goal, would like a - part of
9 this is having a common metric that you can
10 actually use to compare and set out some
11 things about how you consider - when you're
12 considering the number of jobs created per
13 fish loss, right.

14 So, we are, you know, many times
15 I am for fish caught. Many times I hear in
16 individual fisheries that the commercial,
17 the recreational provides more jobs or
18 provides more money to the economy.

19 Having that - but oftentimes when
20 you get down to it, it's not comparable
21 apples to apples there. They are counting
22 or excluding different kinds of things.

23 Having some sort of standard
24 definitional issues about this is how we're
25 going to look at the best interest of the
26 country, that's, I think, the goal of what
27 we were asking the national SSC to get at.

28 That may translate into
29 decisional tools that would help you once
30 you know those factors, identify based on
31 the data that you've got coming in how you
32 do that, but it's not clear that we can do
33 that.

34 I think that we can develop more
35 tools. But until we've got those broader
36 definitional things, we're not going to
37 really make progress.

38 But we do have social scientists
39 that work on this kind of issue exactly and
40 we're all supportive of trying to develop
41 the tools. But until we get the answers,
42 it's going to be a little bit difficult to
43 get the tools that everybody is going to
44 find useful.

45 I don't think I really answered
46 your question, but I did the best I could.

47 CHAIRMAN ROBINS: Thanks, Sam.

1 Don McIsaac.
2 MEMBER MCISAAC: Thank you, Mr.
3 Chairman. Well, maybe first of all it's a
4 little difficult to get too far in deep with
5 this on material that we haven't even seen
6 and isn't on the website and is quite
7 detailed and it's difficult to listen to Sam
8 and try to read this. It's much easier to
9 listen to Sam and try to understand it.
10 But on the matter of the
11 assignment to a national SSC, I wonder if
12 you could flip back through your slides to
13 the point where it says, technical and
14 policy questions, or something like that.
15 There it was. And - there we go.
16 And you mentioned also it's good to
17 identify, you know, what are the real goals
18 of the country on allocation reviews, which
19 is a good point.
20 We're used to our SSC facing the
21 Great Wall of China when it comes to trying
22 to climb over it and get into the world of
23 policy matters.
24 And we ask our SSC folks to not
25 try to play council member, not try to play
26 the policymaker. And we ask our council
27 members not to try to play scientist and try
28 to be a biologist.
29 So, the policy part of this seems
30 a little awkward for an assignment to the
31 national SSC. The question does not seem
32 awkward. The question seems very valid as
33 is the broader question of goals for the
34 country, but, again, it's a little difficult
35 to get too far into.
36 There's obviously been a lot of
37 thought put into all this stuff, but it's a
38 little hard to digest this quickly.
39 CHAIRMAN ROBINS: Sam.
40 MR. RAUCH: So, on that issue I
41 think that is a fair point, you know. When
42 we had these discussions, we talked about
43 the national SSC, but we do realize that,
44 for instance, the third part, the third
45 question, biological, sociological and
46 ecological data required for these
47 decisions, that's perhaps a really good

1 question to ask a body like that.
2 The first one which talks about
3 how often you should revisit it, maybe
4 that's a policy decision.
5 So we do think that you might
6 want to think about assigning it to one or a
7 different group. Maybe there is two
8 different groups that you have to do this.
9 One dealing with the science issues, the
10 other dealing with the policy issues.
11 The CCC as a whole could deal
12 with the policy issues if you felt compelled
13 to do that. So, it is a fair point.
14 I think our point is these
15 questions need to be answered by whatever
16 group of however we decide to do that.
17 CHAIRMAN ROBINS: Thanks, Sam.
18 Other comments on this or questions?
19 Lee.
20 MEMBER ANDERSON: Sam, in your
21 discussion, maybe you were just waxing
22 poetic there. You said when the - when you
23 get all this information, then it's going to
24 be crystal clear what to do.
25 I don't think you really meant
26 that. And I think that would be a -
27 something that we can't do.
28 These things, I'm really in favor
29 of. I was able to get one of these
30 documents. So, I read it over. It looks
31 like you're asking the right questions.
32 But I think if we got all those
33 documents out and we all sat around and
34 looked at them, we would come up with
35 different conclusions possibly on the same
36 allocation question.
37 Allocation is not something like
38 what is the XBMSY and things like that. It
39 is a more touchy issue.
40 So, I'm defending you that, yes,
41 we're asking the right questions, but if
42 we're going to come up with a deal where you
43 get this information, you're never going to
44 have a discussion on it? No.
45 Will we make the discussions
46 clearer and hopefully better, that's what I
47 think we should shoot for. And I applaud

1 you for doing that.

2 MR. RAUCH: Yes, I think this is
3 an effort to bring more objectivity to these
4 decisions. You are undoubtedly right.

5 I think in an ideal world there
6 is this view that in an ideal world it would
7 become formulaic. Once you sort of compare
8 apples to apples, then whoever has the most
9 apples gets the most fish, but I don't think
10 that's ever going to truly exist.

11 But we can bring some more
12 objectivity to this and by doing so, make it
13 more easy for the Councils to look at this
14 on a regular basis, and it's not quite so
15 scary when that happens, because there is
16 some objectivity that doesn't exist right
17 now. That's at least the theory.

18 CHAIRMAN ROBINS: Thanks, Sam.
19 Other comments.

20 Well, it sounds clearly that
21 there are technical questions in this, as
22 well as policy questions.

23 And so I think, you know, from
24 the CCC standpoint the question is how to
25 proceed in the evaluation of the separate
26 questions.

27 And I would suggest that, you
28 know, we can consider that specific
29 recommendation that we might have tomorrow.

30 We do have some discussion
31 scheduled for the creation of the national
32 SSC and those details. So, you know,
33 there's still some things yet to be resolved
34 relative to the establishment of the
35 national SSC, but perhaps we could come out
36 of this with considering two working groups;
37 one that deals with some of the policy
38 questions, and one that deals with the
39 technical components.

40 Dorothy.

41 MEMBER LOWMAN: Thanks. It would
42 be helpful, you know, for us and we're doing
43 a lot of things that we're going to do
44 tomorrow at which a lot of them I haven't
45 had a chance because they're not up on the
46 website, including the materials for this
47 agenda item yet.

1 So, if we could before this
2 evening so we can do some homework tonight,
3 I'd really appreciate getting, you know,
4 like I don't have the terms of reference,
5 you know.

6 I mean, there were a few copies
7 handed out, but only one for the three of
8 us. So, it would be nice to get that.

9 MR. RAUCH: All right. I thought
10 they were out, but we'll make sure we get
11 copies to you.

12 CHAIRMAN ROBINS: Tara.
13 (Speaking off mic.)

14 CHAIRMAN ROBINS: Tom Nies.

15 MEMBER NIES: So, I'm just
16 curious. If we form the working group to -
17 some sort of policy working group to address
18 Question 1, are we presupposing that there
19 is an answer that there are circumstances
20 that allocation decisions should be
21 revisited, or is it legitimate if the
22 working group comes back and says we don't
23 think there really are any?

24 MR. RAUCH: So, the default, as
25 we've reiterated in numerous NOAA documents
26 and my statements to this, is that you are
27 under an obligation to make sure that the
28 regulatory regime that we jointly administer
29 is current and up to date and in the best
30 interest of the country today and it's a
31 continuous obligation that the Councils
32 have.

33 Within that, you could decide -
34 so, I believe that there is - there is an
35 obligation to review whether or not to
36 reallocate.

37 You don't have to reallocate.
38 You could review it and say, this is in the
39 best interest of the country, it was in the
40 best interest of the country in 1980 and it
41 is in the best interest of the country
42 today.

43 That's a perfectly acceptable
44 result, but you have to look at that
45 periodically and reaffirm that.

46 You could - you could come back
47 to us and say we disagree with that

1 fundamental concept. The Agency will
2 disagree, but you can come back and say
3 that.

4 You could more constructively say
5 there are circumstances. There's this
6 defined, limited set of issues in which we
7 think we don't need to look at that despite
8 what the Magnuson Act says.

9 And that would be - we'd be more
10 willing to listen to something that reflects
11 there is a general obligation to make - and
12 the Councils do this. The Councils do.
13 That's why you have Amendment 100 and
14 whatever in Alaska, right? The Council is
15 continuously looking at this and making sure
16 it's in the best interest of the country.

17 But you could come back and say
18 there's this subset that we haven't thought
19 of, and which it makes sense not to look at
20 this rather than a blanket statement I
21 didn't find what that is and why it gets
22 special treatment, would be something that
23 we could look at.

24 So, that's what I would like to
25 see out of this. And I'm willing to talk
26 about those kind of things, but the general
27 principle that we have to make sure our
28 regulations are up to date, I think that's
29 something that we all as a group need to
30 embrace, because that's something that we
31 all do.

32 CHAIRMAN ROBINS: Chris Oliver.

33 MEMBER OLIVER: Yes, one thing we
34 talked about previously in this discussion
35 was going beyond the working group.

36 At some point if we're required
37 to revisit these allocation decisions, some
38 of which have been around for decades, what
39 does revisit it mean?

40 One extreme, it could be the
41 Council having a five-minute discussion and
42 concluding that we don't need to revisit
43 this particular one or for these reasons we
44 don't, versus a full-blown amendment
45 analysis process with a NEPA document and
46 everything else where you look at
47 alternatives and all the biological,

1 sociological and economic analysis that goes
2 with it.

3 So, at that extreme, we could
4 literally spend all available Council time
5 and resources revisiting allocation
6 decisions instead of doing the other work
7 that the Council wants or needs to do.

8 So, I'm concerned about sort of
9 the definition of "revisit," you know, from
10 one extreme over here to the other, because
11 we could literally spend all of our
12 available energy, time and resources
13 revisiting allocation decisions.

14 CHAIRMAN ROBINS: Sam.

15 MR. RAUCH: So, that's a fair
16 point. So, you know, when I've talked about
17 this, I've tried to not be precise about
18 that in terms of what has to happen in such
19 an analysis.

20 And that's one of the - is it
21 that one? I think it's this one. That we
22 talked about, I think those criteria, what a
23 revisiting means is - I think it certainly
24 is not the first one, because you can't just
25 go there and say this is too hard, we're not
26 going to do it. You have to have a rational
27 basis, but does that mean a full-blown
28 amendment?

29 I'm not prepared to say that
30 means a full-blown amendment. It does, I
31 think, merit considered council action and a
32 rational basis for the decision. But beyond
33 that, I think we can talk about what it
34 means.

35 Councils have done allocations.
36 I mean, if you're actually going to do the
37 allocation, you will need the full-blown
38 amendment. If you actually go out and
39 change the existing allocation or create a
40 new allocation, you will need that full-
41 blown amendment.

42 But to decide that you don't need
43 that full analysis, that whatever we did in
44 1980 is still good today, I think we could
45 talk about what that means in a less
46 burdensome way. And certainly you don't
47 need to do it so often that it detracts from

1 the business of the Council, because it's
2 not going to change.
3 Five years are not going to
4 change, in general, the best interest of the
5 country. But 20 years, you know, the
6 argument we've heard is 20 years look good.
7 All right. The fisheries are
8 different than they were in the '80s and we
9 might need to look at those issues, and the
10 Councils too.
11 CHAIRMAN ROBINS: Chris.
12 MEMBER OLIVER: Some of - at least
13 in the North Pacific Council's case, some of
14 the allocations are actually in statute
15 mandated by Congress. So, I'm not sure how
16 we deal with those.
17 MR. RAUCH: You can keep those.
18 MEMBER OLIVER: Keep those.
19 (Laughter.)
20 MEMBER OLIVER: Could I follow up
21 on - I was going to follow up on Dorothy's
22 point about we only got allocated one copy
23 per region.
24 I was wondering if you could
25 revisit that allocation decision and -
26 (Laughter.)
27 MR. RAUCH: Absolutely, yes.
28 CHAIRMAN ROBINS: Other comments?
29 Okay, Sam. I think in terms of
30 figuring out the way forward, yes, there are
31 two different components. And, you know, we
32 need to consider what our response will be
33 and try to put that together tomorrow for
34 consideration.
35 But in the meanwhile, I'll try to
36 make sure that we have access to the
37 necessary documents so we can take a look at
38 some of those tonight.
39 All right. Let's take a 15-
40 minute break and come back. And when we do,
41 we'll have Richard Merrick's report. Thank
42 you.
43 (Whereupon, the proceedings went
44 off the record at 3:00 p.m. for a brief
45 recess and went back on the record at 3:25
46 p.m.)
47

1 CHAIRMAN ROBINS: Okay. Welcome back. And
2 welcome, Dr. Rick Methot - Dr. Richard
3 Merrick. Thank you, Dr. Merrick. My
4 apologies.

5 DR. MERRICK: He's a little bit
6 shorter.

7 CHAIRMAN ROBINS: Quite a bit. Go
8 ahead.

9 DR. MERRICK: So, I want to thank
10 you for the opportunity to talk about some
11 science for a while.

12 There are three topics here which
13 originally started off with just basically a
14 discussion about the program reviews we've
15 conducted over the past year, but we've
16 expanded this to include two other topics.

17 These are not decisional, okay.
18 This is all basically informational at this
19 point.

20 We're presenting these, though,
21 because there is the expectation of Council
22 involvement with all of these one way or
23 another.

24 So, I'm not asking you to make a
25 decision today or tomorrow. I am asking for
26 some help, okay?

27 And, as I said, there are three
28 topics. I guarantee none of these were
29 presented five times. I think the one I'm
30 going to talk about I presented - this will
31 be six times. Mine, I think I presented
32 something on this three times. Each of my
33 years on this job I think I've updated you
34 on where we are in program reviews.

35 One topic is brand new and that's
36 what Doug Lipton is going to talk about in
37 this gaming idea that we're working out with
38 the Woodrow Wilson Institute.

39 And then Rick Methot's discussion
40 of the prioritization of stock assessments
41 is something that we have talked with you
42 about in the past and right now we're
43 getting ready to roll it out. So, that's
44 why we are talking to you about that today.

45 So, I'm going to start with
46 discussion about the program reviews. Now,
47 we've talked a little bit about this in the

1 past that, you know, from our perspective in
2 order for us to guarantee that we're
3 providing sound science to you all, we need
4 to have externals come in and look at us and
5 make sure we're doing a good job.

6 We have a lot of processes within
7 the centers, within fisheries to maintain
8 science quality, but this is another way to
9 do it.

10 So, about the time I began this
11 job back in FY12, we began this process and
12 it's basically a six-year cycle.

13 The first year we really focused
14 on developing a strategic plan for each one
15 of the centers. That's completed. It's out
16 on each of the center's websites.

17 In many cases, I tried to get all
18 the centers to talk to you all, try to make
19 sure that your needs were also embedded in
20 that, but we're learning. So, the next
21 iteration of the strategic plans will be
22 improved, but that was Year 1.

23 Then the next five years are
24 really focusing on this external peer review
25 on different topics, each one of the centers
26 nationally. So, this is the cycle of the
27 actual science reviews that are occurring.

28 So, this past year, FY12, or,
29 excuse me, a few years ago, FY12 was
30 strategic planning.

31 This past year dealt with the
32 data that we collect under Magnuson. That's
33 basically the first part of a review of
34 stock assessments.

35 The topic was so big that we had
36 to break it into two. And because this
37 coming year where we're starting right now
38 this March, will be the reviews of the
39 actual stock assessments.

40 And that's going to be my ask
41 after I get through all this, is I'm going
42 to ask for you all to make sure that you
43 have staff or that you have council members
44 participating in these reviews.

45 Even though it's an external
46 panel, it's a public process. So, everyday
47 there's room for public comment and we'd

1 like you to be there.

2 After we finish the stock
3 assessment reviews this year, next year we
4 roll onto protected resources science which
5 I think at least some of the Councils,
6 particularly the Western Pacific Council,
7 will be most interested in participating in.
8 The climate-ecosystem science and then
9 economics and social science.

10 And at that point, we'll take
11 another year, just take a breath, review
12 what we've done, do another year of
13 strategic planning and start the cycle all
14 over.

15 So, what happens within one of
16 these years is that every one of the centers
17 is reviewed on the same topic. They all
18 have similar terms of reference.

19 So, but the point is to make sure
20 that each one has had external peer review,
21 a lot of advantages to that for us, and that
22 we have peer reviews brought in from the
23 outside.

24 So, even though there may be some
25 NMFS involvement within each panel, most of
26 the panel is from the outside. And as I
27 mentioned before, each one of these reviews
28 provides time for public comment. Typically
29 three to four-day reviews.

30 First two or three days are when
31 all the information is presented and when
32 the panel is there participating in the
33 review, each one of those days has time for
34 comment.

35 So, for example, the very first
36 review we did this past year was at the
37 Southeast Center. And at that review, we
38 had the Commission and the Council.
39 Councils were there. They were sitting in
40 the audience. They heard what was going on.

41 Dave Donaldson from the
42 Commission made a number of really good
43 comments during the public comment period.
44 We'd like to see that happening at every one
45 of these reviews.

46 There won't be a test on this,
47 but just to say there's an annual cycle that

1 we work through that basically starts with
2 development of terms of reference.

3 We have a national framework for
4 what all the reviews are supposed to look
5 like. They are then tailored to each
6 specific center.

7 We pick reviewers and I'll go
8 through the list of what they look like in a
9 minute, but those list of reviewers are then
10 approved by the AA by Eileen.

11 Then the week-long review is
12 conducted. And as I said, typically this is
13 like three days of presentations, and then a
14 couple days for the panel to deliberate and
15 produce a report.

16 Our goal is that at the end of
17 the review, the end of the week-long period,
18 that each one of the panelists will prepare
19 an independent report.

20 Within a couple of weeks from
21 that, the panel chair will do a summary
22 report. And within 60 days of the
23 conclusion of the review, the Science Center
24 director writes a response.

25 Now, all of that is posted on the
26 Center website and also on our national
27 website. So, for every one of the centers,
28 all their panelist reports are out there to
29 be reviewed. All their panel chair reports
30 are out there and the response of the Center
31 Director is there for you to see as well.
32 It's all totally open.

33 And we've asked that when the
34 panelists give us their reports, they give
35 them to us as PDFs. The point of that is we
36 can't edit them, okay.

37 And then at the end of the year,
38 I prepare a national report. So, the
39 national report is on the national website
40 and that summarizes, basically, what we've
41 seen. And that's sort of what we're going
42 to talk about there, the overarching
43 comments of what the panelists saw.

44 That national report, as well as
45 the individual center reports, typically
46 includes a series of actions,
47 recommendations from the panel, and then the

1 centers or my recommendations and how we can
2 respond back to those.

3 So, 2013. We did seven reviews.
4 Started in the Southeast Center, and the
5 last one was at the Northwest Center.

6 All these, as I mentioned before,
7 dealt with the data that goes into a stock
8 assessment. So, that was both the
9 independent survey data, as well as the
10 dependent data which includes the observer
11 data, vessel trip reports.

12 The one oddball here is this
13 Office of Science and Technology. Since
14 they're not doing a stock assessment, per
15 se, their reviews are going to be a little
16 bit different. So, this year they did the
17 review of the Fisheries Information
18 Networks. And, again, as I mentioned, all
19 the reviews are open to the public.

20 You'll see in a few minutes the
21 schedule for the coming year, but it looks
22 pretty similar in the sense that the reviews
23 are usually held near the Center and they're
24 usually held for about a week-long period.
25 The first review is this coming year
26 beginning in March.

27 The panels to get them to be
28 independent, we did not want to have anybody
29 from the Center actually a part of the
30 panel.

31 We needed to have someone from
32 NOAA Fisheries just as somebody who
33 understands the rubric of what we're talking
34 about. Because frequently when we bring in
35 external panelists, they don't understand
36 much of what goes into stock assessments,
37 for example. So, that's why we had the one
38 NOAA Fisheries person there, but always from
39 another center.

40 Another scientist from NOAA, but
41 not from Fisheries. So, they could be from
42 OAR, NOS, one of the other line offices, but
43 then the majority of the panelists were from
44 outside of NOAA. They were typically
45 academics or they could be SSC members or
46 they could be from State fish and game
47 agencies, but they are outside of NOAA.

1 The chair was always a non-NOAA
2 federal scientist. So, most commonly we had
3 chairs from Fish and Wildlife Service or
4 USGS, in part, because they understood sort
5 of the idea of what we were doing when it
6 came to providing the management advice.
7 That was helpful to have a chair who
8 understood that.

9 And then finally we had a center
10 director typically sitting in from another
11 center just to observe. And they were there
12 - they could provide comments, but they were
13 not formally one of the panelists.

14 I usually wouldn't put something
15 up like this, but this is the nice stuff
16 that the panelists were saying about the
17 reviews.

18 There is a lot of work that went
19 into these. A week-long review by the
20 Center, the Southeast Center which has labs
21 spread from Galveston to Beaufort, required
22 an incredible amount of work gathering
23 together.

24 They had something like 4,000
25 pages of read-ahead for the panel which we
26 quickly realized we had to do something
27 about that.

28 So, we learned as we went through
29 this process of how to trim stuff down so it
30 could go to the panel.

31 None of the centers though all of
32 them had had program reviews before, had
33 never had one this comprehensive. So, there
34 was a lot of learning that went on in this.

35 So, each successive review we had
36 lessons learned and we got better. And by
37 the time we got to the last review with the
38 Northwest Center, we had it down pretty
39 well, but still we were learning.

40 But the staffs did an incredible
41 amount of work and I was very proud. I went
42 to most of the reviews. We had senior folks
43 from the headquarters at all the reviews.
44 So, we got to see most of what was going on.

45 It was an education for us. I
46 think it was also an education for center
47 staff, because frequently center staff is

1 disbursed in different laboratories. They
2 may not realize what's going on in other
3 laboratories.

4 This was a way for us to bring
5 them together. And actually that was not an
6 intention of this, but it actually worked
7 out really well. And I think that learning
8 that went on there would be the same for
9 your folks if you can get them in a room to
10 participate in this.

11 There are basically four themes
12 of comments. One dealt with data
13 management. A common comment that was made
14 by the reviewers was making sure that the
15 data was totally transparent to external
16 users, making it more available. Better
17 documentation online. Having better
18 staffing there in the informatics area.

19 The second major theme was on
20 statistical survey and sampling design. The
21 panelists were frequently struck by the
22 number of surveys and data sources that
23 existed and whether those were actually the
24 best way to get data into the stock
25 assessments.

26 It wasn't clear in many cases why
27 some of the surveys were necessarily there.
28 They had just gone up over time. And
29 frequently there were surveys that were
30 redundant to other surveys.

31 So, most of the Centers are going
32 to have to look more at this to see how -
33 where they have the right complement. In
34 some places there were holes as well.

35 The use of acoustics data was
36 pointed out as being woefully inadequate.
37 All the Centers probably should be making
38 better use of acoustics information for
39 pelagics, pelagic species. And only the
40 Alaska Center is really using it well.

41 The Northwest is getting there.
42 The Northeast has got a program that's
43 emerging, but all the Centers should be
44 focusing more on that and that was a theme
45 from many of the reviewers.

46 Strategic planning, the panelists
47 liked where we were, but there were many

1 cases where they thought we need to be
2 looking further out, you know.

3 What kind of science do we think
4 we need to be providing to the Councils five
5 or ten years from now and get ourselves
6 positioned to be able to do a better job of
7 that?

8 And finally, staffing shortfalls.
9 One way or another every one of the Centers
10 were two to three FTEs low. And frequently
11 this is simply because, as you may have
12 heard, we've had difficulties filling
13 positions over the last couple of years
14 because of hiring freezes and budget issues.

15 There were other issues there as
16 well of positions that needed to be
17 backfilled that we had not got a chance to
18 backfill. So, that became very obvious in
19 the data area. So, that was pointed out at
20 all the centers.

21 And so, that's typically one of
22 the places where we're looking towards
23 trying to help the centers with. So, as we
24 look to our new funding allocations for this
25 fiscal year, we can set aside funds
26 specifically to deal with a lot of these
27 issues.

28 So, the website, that's where at
29 the national level, that's where all the
30 reviews are. So, every one of the
31 reviewers' reports, the chairman's' reports,
32 the Center response and then my national
33 response is available there.

34 And then over the years, all the
35 reviews are going to go out there and
36 they'll be archived, but you'll be able to
37 go back five years and see what happened the
38 first time we did the data review.

39 So, FY14 now. Where we're headed
40 this year is now to actually focus on stock
41 assessments. And this isn't a review that's
42 going to deal with is this the exactly right
43 model to us? Is this the right slope
44 parameter? This is basically the process
45 for doing stock assessments, okay?

46 Dealing with the mechanics of the
47 individual stock assessments is really part

1 of the review process. It already exists
2 within the Centers.

3 This is meant for the larger
4 stock assessment process. Are we
5 incorporating the right parameters into the
6 models themselves? I mean, do we have
7 enough oceanographic data? Are we using
8 climate data appropriately? Are we actually
9 including our stakeholders in the right way?
10 How do we interact with industry? How do we
11 interact with academics?

12 So, this is more of a process-
13 oriented review and the terms of reference
14 out there on the website provide a better
15 explanation of what this is, but this is not
16 meant to be a model review which probably
17 would make some of the council members more
18 comfortable in the review itself. It would
19 make me more comfortable, anyway.

20 They're going to follow a similar
21 format as in FY13. They will be three to
22 five days. Again, they're going to be open
23 and here's the schedule.

24 So, the first one is at the
25 Alaska Center on the 24th through the 28th
26 of March. And, again, every one of the
27 Centers will have an independent review.
28 They're all, you know, basically blocking
29 out that week for the review.

30 If you folks can sit in for one
31 day, it would be great. And probably the
32 very first day would be the best. But all
33 three days if it's a three-day review, will
34 be useful.

35 And then S&T will have the last
36 review. And that will be here in Silver
37 Spring. And again it will be another one of
38 these generic, high-level reviews.

39 CHAIRMAN ROBINS: Questions? Dr.
40 Merrick, thank you.

41 Ben.

42 MR. HARTIG: Yes, Dr. Merrick,
43 thank you very much. I mean, I very much
44 enjoyed going to the one in Miami. And the
45 transparency of having all of the reviewer
46 reports was very helpful, you know.

47 I mean, the summary report is

1 good, but, you know, once you get into the
2 meat of everybody else's, you know, singular
3 comments, it makes a difference.
4 And it's a very good process and
5 I plan on attending, you know, the next part
6 of this, the stock assessment one in Miami.
7 DR. MERRICK: Good.
8 MEMBER HARTIG: So, very, very
9 worthwhile endeavor.
10 DR. MERRICK: It really helps the
11 reviewer to have you in the room
12 particularly for the stock assessment one
13 now, because the panelists don't necessarily
14 understand the whole process.
15 So, being able to ask you
16 questions helps the panel.
17 CHAIRMAN ROBINS: Tom Nies.
18 MEMBER NIES: Thanks, Richard.
19 I'm really glad to see this effort take
20 place. I think it's important that we all
21 review our processes periodically to see how
22 they work.
23 I went down to the one in New
24 England for the data review for a couple
25 days last year and these are just offered as
26 a couple comments that I think might help
27 improve things.
28 DR. MERRICK: Good.
29 MEMBER NIES: I don't know that
30 this will apply necessarily to the later
31 reviews on stock assessments, but at least
32 for the data review I think the - I'm going
33 to call them "foreign," but by foreign I
34 mean non-NMFS reviewers, might have
35 benefitted from a little bit more management
36 context.
37 They were really unclear on how
38 our management system worked or the fact
39 that we, in fact, have some, at least in our
40 region, programs that are specific to
41 specific management plans.
42 And I think that was kind of
43 lacking and I recognized that that's
44 probably something we should provide, but we
45 weren't asked to. So, we didn't.
46 The other thing that we had a
47 little bit of concern in, and I think the

1 Mid may share this with us, is that it's not
2 clear to us how you decide the timing of
3 these reviews.

4 The timing of the reviews, to be
5 honest, has caused us problems with trying
6 to time assessments that we need for our
7 needs, you know.

8 We go down and say we need an
9 assessment and the Center says, well, we
10 can't do it then because we're all getting
11 ready for this headquarters review.

12 So, I think a little more
13 cooperation with us on the scheduling of
14 these reviews might be helpful as we go
15 forward down the road.

16 And the third thing is that I
17 don't know how it was handled in a lot of
18 the other meetings, but at the meetings in
19 Woods Hole public comment was basically
20 limited at least initially to a period at
21 the end of the day.

22 And, you know, that really kind
23 of loses your opportunity to insert a public
24 comment when it may be most useful when
25 they're talking about a specific topic.

26 The agenda was so packed that I
27 don't know really how you could have allowed
28 much more time for public comment, but it
29 seems like at least in our region that needs
30 to be rethought a little bit to make sure
31 the comments are inserted at the right part
32 of the discussion.

33 DR. MERRICK: Okay. Those are
34 all really helpful. The scheduling is
35 basically by the Center. We don't schedule
36 the reviews. So, they're - my expectation
37 is they're scheduling them around the stock
38 assessments.

39 MEMBER NIES: So, they basically
40 tell us the opposite.

41 DR. MERRICK: Okay.

42 MEMBER NIES: That scheduling
43 comes from headquarters.

44 (Laughter.)

45 DR. MERRICK: Well, I give them a
46 whole year to schedule it in. So, I guess I
47 do tell them when to do it.

1 CHAIRMAN ROBINS: Thank you.
2 Other questions or comments?
3 Kitty.
4 MEMBER SIMONDS: I too wanted to
5 add, you know, our gratitude for your having
6 to organize this. It always needed to be
7 organized. And thank you for inviting us to
8 the, you know, the fishery data review that
9 was held in Seattle. Our staff participated
10 and I got feedback from some of the panel
11 members and you did a good job.
12 DR. MERRICK: Good.
13 MEMBER SIMONDS: So, thanks.
14 DR. MERRICK: So, you're coming
15 back this year.
16 MEMBER SIMONDS: Yes.
17 DR. MERRICK: Great.
18 CHAIRMAN ROBINS: Dr. Merrick,
19 thank you. Are you looking for any
20 additional feedback at this point?
21 DR. MERRICK: No.
22 CHAIRMAN ROBINS: I mean, you've
23 presented the schedule for the 2014 events
24 and so we've all had a chance to see that.
25 DR. MERRICK: And these comments
26 from those of you who participated this year
27 are really useful to me. So, if you have
28 other comments, you can always send them to
29 me directly.
30 CHAIRMAN ROBINS: Great.
31 DR. MERRICK: Okay.
32 CHAIRMAN ROBINS: Thank you very
33 much.
34 DR. MERRICK: Now, I'm going to
35 turn this over to Doug. And those of you
36 who don't understand quite what's happening
37 with people here, I've been fortunate to be
38 able to hire three ST scientists. And
39 they're basically - they're at the - within
40 the GS pay grade they're at the same level
41 as me. They're like SES, but they're
42 scientists.
43 They have no management
44 responsibilities. No supervisory
45 responsibilities. Over the past couple of
46 years we hired an economist, Doug Lipton,
47 Rick Methot for stock assessments and then

1 Jason Link who's not here today for
2 ecosystems.

3 And their purpose is largely to
4 work at the higher level within the Agency
5 formulating how we're going to deal with
6 economics and social science or with stock
7 assessments.

8 So, the sort of things you will
9 hear from these folks are going to be like
10 what's going to happen today.

11 They're a great resource. And I
12 think some of the questions that Sam was
13 being asked about how we will deal with
14 allocation issues from the economic side,
15 Doug may eventually have something to say
16 about that as well.

17 Doug.

18 DR. LIPTON: Thanks, Richard.
19 Richard is much taller than all the senior
20 economists that we've got.

21 (Pause in the proceedings.)

22 DR. LIPTON: This is going to be
23 brief. And as Richard said, this is new.
24 And this is for information mostly, but
25 there is going to be a minor, minor ask.

26 So, the title, the Decision Tool,
27 and actually the idea of decision tool came
28 up in the allocation discussions, is what
29 this is on the agenda.

30 But what I like to think about
31 and talk about is the application of what
32 we're calling serious games. And we've got
33 that in quotes. So, we're not kidding as a
34 decision support tool.

35 As we get more and more complex
36 in fishery management decisions and we try
37 to bring in things like climate, ecosystem
38 issues, multi-species, deal with allocation
39 issues that are complex, this gets more and
40 more difficult to handle in terms of
41 understanding what's going into these models
42 and what the tradeoffs are.

43 So, this concept began as a
44 fairly high-level discussion in NOAA between
45 our deputy secretary and the Woodrow Wilson
46 Policy Center just down the road here.

47 For those of you who don't know,

1 that's a congressionally-charted
2 organization. So, they have at least
3 partially a federal flavor to them, but they
4 also have a foundational kind of flavor as
5 well.

6 So, they're very nimble in what
7 they can do. They're world renowned for
8 their work on international efforts and so
9 on. And they have a science and technology
10 area.

11 And within the science and
12 technology group they have a serious games
13 group. And I have here this little screen
14 shot from right now what's their most
15 visible game which is a federal budget game.

16 And it's called "Budget Hero."
17 And one of the reasons we call these serious
18 games is that they're built on real data and
19 real models. The same ones that we'd be
20 using in decision-making.

21 So, it's not a, you know, Sim
22 City kind of thing in a hypothetical world,
23 but the real world in which we are dealing.

24 So, we've got the Budget Hero
25 game and they also have - are about to roll
26 out a National Energy Policy Game.

27 Ands the Budget Hero game they
28 have been doing the real data. The real
29 numbers come from the Congressional Budget
30 Office. In the National Energy Game,
31 they're working closely with the Department
32 of Energy in the underlying models that
33 drive that game.

34 So, it looks a little cartoon-ish
35 sometimes, but these are real data and real
36 models underneath this. And this is just
37 some of the highlights from the Budget Hero
38 game and not all of these are things that
39 we're looking to do here.

40 They wanted to get a lot of
41 exposure of this game out to the general
42 public so there would be more general public
43 education about what goes in to coming up
44 with a balanced federal budget and why we're
45 in such a problem with dealing with the
46 deficit. So, they're looking for lots of
47 game plays across the general public.

1 That's not necessarily something
2 we're interested in here. We may be trying
3 to develop something that would be utilized
4 just by the Councils themselves. It could
5 be broadened out to the stakeholder groups
6 that work closely with the Councils. So,
7 we're looking at a bit of a different
8 audience.

9 One of the key things is that
10 these are - both the Woodrow Wilson Center
11 and the tools that they're using and try to
12 very strongly make sure that they're non-
13 advocacy, that everything is vetted through
14 all the different groups that have some
15 stake in the outcome so they're not - the
16 last thing they - they don't want to be seen
17 as supporting one policy side versus the
18 other. So, that's very important in how
19 they develop these games.

20 One of the things I'll just point
21 out here that I think could be very
22 interesting in implementing this type of
23 platform within the Council process, again,
24 first is a learning tool and then maybe
25 eventually building this into - directly
26 into a decision support tool is the ability
27 to collect information on game play.

28 So, as individuals make choices
29 and get certain outcomes in the game play,
30 those are tracked. They can be tracked over
31 time and they're tracked over individuals.

32 What they do in the budget game
33 is collect a lot of demographic information
34 about the game players. It's purely
35 voluntary.

36 If you go on and you can all
37 Google Budget Hero game and be playing this,
38 this evening in the hotel room if you want.
39 And it will ask you when you sign up, if you
40 want to share some demographic data about
41 yourself with us, we will provide you with
42 results of your game play as it compares to
43 the general public or other people in the
44 same demographic.

45 Of course what this allows them
46 to do is look at the decisions that people
47 make based on who they are, what their age

1 is, what their ethnicity, what their
2 political leanings are to see how this all
3 plays out. And so, they've been doing a lot
4 of analysis of the game plays.

5 There's a lot of flexibility in
6 this in looking at different policy
7 outcomes. This little box here on your
8 right at the bottom is introducing a policy
9 of a tax on sugar drinks.

10 So, if that's something you think
11 is a good policy, you can see what the
12 impact would be on the federal budget. And
13 so, you can see the flexibility that they
14 can bring into this.

15 And, again, this is the most
16 visible demonstration of what they have to
17 date.

18 As I said, we're very early in
19 the process and very early in the
20 discussions about what would this look like
21 in terms of a fisheries game that would be
22 useful.

23 So, basically the discussions
24 we've had, and this is mostly between the
25 senior scientists, both Rick Methot, Jason
26 Link and myself, in talking about what we
27 need to make this work.

28 So, one of the things we need are
29 data and models that are readily available
30 that can be used to be incorporated into the
31 game.

32 Also, we need to choose a
33 fishery, a region, an ecosystem model,
34 whatever it is, that is sufficiently complex
35 to make this interesting.

36 If we just do something simple
37 and it really doesn't help improve the
38 decision-making, we haven't gained a whole
39 lot. But as we move into a more complex
40 world, we have the challenge of going too
41 far into the complexity and maybe
42 challenging ourselves in a way where we're
43 not successful in building a useful model.

44 So, finding something, you know,
45 sort of at the sweet spot of complexity and
46 interest.

47 And then of course we need this

1 to be something that you all think is
2 valuable. So, helping us decide what this
3 would look like, when and where to do it and
4 so on is going to be essential to moving
5 this forward.

6 So, our next steps, as I said, we
7 had the senior scientist team as advisors on
8 this project and we're going to be reaching
9 out to the Councils.

10 I've spoken to some council
11 leadership already just about the concept in
12 general. Something that I think they feel
13 is worthwhile pursuing.

14 And, again, we haven't gone much
15 beyond this. So, it's not like we've
16 developed something and I'm ready to show
17 it. That will be on my third or fourth
18 presentation to this group.

19 And so, that's basically the ask
20 from you all if you think this is something
21 that you would be interested in pursuing
22 further in your region. Then, I would urge
23 you to get in touch with me or if you have
24 staff or whoever associated with the Council
25 you'd like to get involved.

26 Where this will go next is we'll
27 be working with the Woodrow Wilson Policy
28 Center to conceptualize this a little bit
29 further perhaps with a few of you involved
30 in those discussions. And then they will go
31 out and seek funding, foundation funding for
32 a planning grant to put this forward.

33 So, that's really where we are at
34 this point and I'm happy to take any
35 questions. And, again, my email address is
36 up there and urge you to reach out to me or
37 Rick or Jason or Richard if there's interest
38 and we'll get back in touch with you.

39 CHAIRMAN ROBINS: Dr. Lipton,
40 thank you. It sounds like if it can solve
41 the budget issue, it can solve most
42 anything, right?

43 DR. LIPTON: I didn't say it
44 solved it. Made it more transparent.

45 CHAIRMAN ROBINS: There you go.
46 Questions for Dr. Lipton? Doug, I think we
47 can after this meeting, we can certainly go

1 back and discuss with our staff whether we
2 can identify any possible issues to bring
3 forward for further discussion and
4 development.

5 DR. LIPTON: Great.

6 CHAIRMAN ROBINS: Dorothy.

7 MEMBER LOWMAN: Thanks. Doug and
8 I had a chance to talk on the phone with
9 Rick, too, a little bit about it and I think
10 it is an interesting potential tool.

11 One question though that - if you
12 have any even feel for the kind of amount of
13 time commitment to the staff or someone who
14 is sort of helping on this?

15 DR. LIPTON: Yeah, I think it
16 would be a minimal time commitment. It
17 would be more helping to decide that a
18 specific fishery ecosystem model or whatever
19 multi-species approach, whatever the problem
20 would be within that council, helping us
21 decide which would be a worthwhile one to
22 look at and then review products along the
23 way. It would be some phone conversations,
24 you know, that kind of thing.

25 So, I don't think it would be a
26 major time commitment.

27 CHAIRMAN ROBINS: Doug, thank you.
28 Any other questions?

29 All right.

30 DR. LIPTON: Next up, Rick Methot.

31 DR. MERRICK: I think the main
32 thing to recognize for what we are asking
33 for, for council participation is that we
34 need to make sure it's on track.

35 Is it something that's realistic
36 and useful to you all? And we may go off in
37 some direction that wouldn't be useful. So,
38 that's why it's important to have the
39 Council there to ground truth the reality of
40 this.

41 And that's from what we're
42 hearing from Woodrow Wilson Institute is if
43 it appears that the Councils will support
44 this activity, that they should have very
45 little trouble in finding external funding.

46 So, it's revenue neutral. It's
47 not going to cost you anything. It's not

1 going to cost NMFS anything. They're
2 looking at outside funds. So, it's a very
3 cool idea.

4 CHAIRMAN ROBINS: Thanks, Dr.
5 Merrick.

6 Dr. Methot, good afternoon and
7 welcome.

8 DR. METHOT: Thank you, and
9 welcome to you. As Richard said at the
10 onset of this whole session here, this is
11 not the first time you've heard this
12 particular topic.

13 We aren't finished yet, but today
14 is the day that we are releasing it to all
15 the Councils for your comment. We also are
16 releasing it to the public through the
17 Science and Technology website to offer a
18 comment period on our prioritization process
19 or proposed process.

20 It's something that we're opening
21 up for comment through May 1st in order for
22 us to move forward with implementing this
23 plan.

24 So, let me give you an overview
25 of the basic elements of this plan so that
26 you will have that context in going into
27 providing comments back to us on how you see
28 implementing this together.

29 So, I'll start with a little bit
30 of motivation. Assessments, you know, as we
31 all know, are designed to provide - to meet
32 your needs. To provide the information
33 needed, to prevent overfishing, attain
34 optimum yield, to support the setting of
35 annual catch limits, very specific goals.

36 We have no Rolls-Royces. We have
37 a few Cadillacs. We have a lot of Chevys.
38 And we have a few go-karts that work only
39 when going downhill.

40 So, you know, the issue of how
41 good does an assessment need to be in order
42 to meet your management goals is a relevant
43 question.

44 In addition, there's the question
45 of once you have an assessment at some
46 particular degree of comprehensiveness, how
47 frequently do you need to update it?

1 So, these issues of how good does
2 it need to be and how frequently do we need
3 to update it is sort of the necessary
4 information we need in order to proceed.

5 With this information, we then
6 can start talking about how do we prioritize
7 getting to these goals as well as we can.

8 Now, it's not a new topic. As I
9 say, I've talked with you before about this.
10 And, you know, all of you, you know, have
11 some sort of a process by which, you know,
12 the local science centers, regional office,
13 Council and other partners, you know,
14 discuss and come up with a plan for what
15 will be assessed and moved into the process
16 in the coming year or years.

17 A couple of years ago OMB asked
18 NMFS through the budget process to come up
19 with a more objective prioritization process
20 to help make it more transparent on how
21 decisions are being made in this decision-
22 making.

23 And some of the regions I know
24 have been more active in this regard.
25 Northeast and Southeast in particular have
26 been engaging in discussions with their
27 local partners on how to go about
28 prioritizing.

29 We formed a working group in NMFS
30 a couple years ago in order to work on this
31 document that is now being brought forth
32 today and, you know, this whole interest in
33 prioritization has continued to ramp up.

34 We now have a review through GAO
35 that we're working with them on and it very
36 much is focusing on this topic. We see in
37 some of the recently introduced legislation
38 this past year, basically the same topic of
39 how do we prioritize, how do we make
40 decisions about what to do, where to focus
41 our energy. So, it's an important topic and
42 one that's on, apparently, everyone's mind.

43 So, a bit of an overview of the
44 basic concepts that we have here. And as I
45 said at the onset that the idea that we need
46 to be thinking about, well, how good does
47 each assessment need to be, well, that

1 starts with, you know, for that large number
2 of stocks for which we really have no
3 assessment at all today, you know, really
4 taking a good look at them more
5 comprehensively and making the statement
6 about which ones really are just going to be
7 okay with some level of baseline monitoring,
8 and which ones do we really need to strive
9 for putting forth a full assessment at some
10 level.

11 And then among the stocks that we
12 previously assessed, so that means we
13 basically have some baseline of information
14 on those stocks, but now we can get on with
15 setting a more objective target assessment
16 level, you know.

17 You can't ask these questions
18 until you have a baseline. So, once we
19 start to get the baseline on more stocks,
20 then we can ask questions that are more
21 objective about, well, just where are the
22 gaps, what do we need to fill and how
23 frequently it needs to be updated.

24 Once we have these target levels
25 and target frequencies, well, now we can
26 move into, you know, sort of the
27 prioritization, okay, what do we need to do
28 in order to do it as well as we can in
29 advancing the levels to where the targets
30 are or keeping up with the frequency that
31 we've stated as the target frequency for
32 particular assessments?

33 In some cases we'll see that, you
34 know, there's a substantial amount of new
35 information available. There are some things
36 that need to be looked at and we really need
37 to go forward with what we call a benchmark
38 assessment.

39 That basic term is used in
40 various ways around the country, but
41 basically a full investigation that is more
42 work to do. It takes more time, takes more
43 people.

44 But if we're going to have a high
45 throughput of assessments, we're going to
46 get a lot of annual catch limits updated
47 each year, then we need to collectively move

1 more towards an update process, you know.
2 Accept that, you know, there are
3 only marginal improvements that could be
4 made by going through the full benchmark
5 rather than going through the full benchmark
6 just to have an opportunity to look at all
7 those questions.
8 Again, to be more circumspect on
9 what situations we go into the benchmark and
10 to do more things as an update, just bring
11 forward the newest bit of information so we
12 can track the changes given the historical
13 approaches.
14 And that, you know, that balance
15 of some benchmarks and more frequent updates
16 is part of the whole concept of getting a
17 greater throughput of our assessments while
18 still assuring high science quality
19 assurance on what we're doing collectively.
20 The kinds of data we need in
21 order to drive a prioritization process, you
22 know, I call out commercial fishery and
23 recreational fishery importance here at the
24 top, but that's just part of the overall
25 fishery importance.
26 In devising this process, we
27 recognize that we need to have a recognition
28 that in some cases subsistence fisheries are
29 of importance. There is non-catch uses of
30 some fish stocks that are important to
31 recognize.
32 There are stocks that currently
33 are not supporting a lot of catch because
34 they're on rebuilding plans and that's
35 another fishery importance issue that needs
36 to be recognized.
37 So, in building into the process
38 the recognition of fishery importance is an
39 important aspect of why we are doing
40 assessments, we've tried to make a fairly
41 expansive inclusion of the kind of topics
42 that should come up there.
43 So, in the ecosystem importance,
44 forage fish, apex predators are the kinds of
45 things that deserve a bit further attention
46 so that we are not having cumulative impacts
47 on the whole ecosystem that are going to be

1 harming all fisheries down the road.

2 We recognize that the biology of

3 the stocks, you know, we're dealing with

4 from shrimp on the one hand, to short-spine

5 thorny heads on the other. We're dealing

6 with one-year lifespans and a hundred-year

7 lifespans.

8 These differences really drive

9 what the scale of fluctuations are going to

10 happen over time. So, that's an important

11 factor in how frequently we do assessment

12 updates.

13 The stock status information, are

14 we dealing with a stock for which we already

15 know that the fishing mortality rates are

16 pushing up to the biological limits, or is

17 it something that we recognize from past

18 information or from just, you know, looking

19 at the situation we recognize that the

20 fishing impact is relatively low. Hence, we

21 aren't pushing up against the overfishing

22 levels.

23 In assessment history, do we have

24 at hand some information to say that there

25 are some substantial uncertainties in the

26 past and we now have new information that

27 can help us resolve these uncertainties?

28 These are all reasons to bring

29 forward into prioritizing new assessment

30 updates.

31 So, you know, here's a flowchart

32 of that process. I'm not going to go

33 through all parts of it here. It's there in

34 the document.

35 Much of what you'll see in the

36 document is a lot of the logic we went

37 through in why we see these particular

38 factors figuring into that step of the

39 process.

40 So, we do recognize that some

41 level of different treatment for first-time

42 assessments versus update assessments is

43 important to recognize.

44 We recognize that even for the,

45 you know, the stocks that have never been

46 assessed, we still are working towards

47 providing as much science support as we can

1 to support the basic data-limited approaches
2 for setting annual catch limits.

3 This is still part of the process
4 in coming out of that, the need for trying
5 to improve assessments for those that are
6 bumping up against those limits.

7 And on the right-hand side, the
8 issues of setting the target assessment
9 frequency levels and the target level of the
10 assessment itself.

11 Once we have these goals for each
12 stock and that is going to take some level
13 of work for our science centers working with
14 your SSCs and other to come up with that
15 information so that we can provide basically
16 a database to pull together all these
17 factors in a way to make it as objective as
18 we can as you sit down with your local
19 science centers to go through the issues of,
20 well, which stocks can be assessed in the
21 coming year.

22 By having this information
23 available, we're looking to facilitate that
24 process, make it as objective as we can
25 recognizing it's not going to be formulaic.
26 We're providing information that's relevant
27 for prioritization.

28 We can't determine the
29 priorities, but it is something that we
30 think could be very helpful as you go
31 through the process of coming up with these
32 assessment plans.

33 At some stocks we'll end up
34 finding that, you know, the information that
35 we have already is good enough and that
36 there's higher priorities, you know.

37 A stock that's not been assessed
38 in six years becomes a higher priority than
39 redoing what was clearly an important stock,
40 but we just assessed it last year. We don't
41 expect it to change that fast, and so we're
42 better off overall in putting that effort
43 into something that has not been updated
44 very frequently.

45 We're trying to get this balanced
46 portfolio across all the assessments. It's
47 one of the overall goals of having a good

1 prioritization process.

2 The outcome that we expect to get
3 from this that, you know, the whole
4 portfolio of assessments will be as
5 transparent as we can make it to all the
6 participants in the process that the
7 important assessments will get done when
8 they need to get done, not sooner, and not a
9 lot later.

10 We're not going to get more
11 assessments out of this, really. I mean, we
12 are trying to right-size it.

13 Perhaps in some cases we will be
14 able to get a bit more assessments if we are
15 able to, you know, reduce the frequency on
16 some stocks in order to put some of that
17 effort into stocks that are not getting
18 assessed today.

19 We don't expect a big gain.
20 We're just trying to right-size it and get
21 the right balance. And, you know, hopefully
22 we will be able to achieve some overall
23 collective gains out of this.

24 The steps are, you know, we're
25 distributing this draft process to you today
26 and to, you know, to the public to provide
27 an opportunity for some input.

28 We'd like to get comments back by
29 the beginning of May. That gives us an
30 opportunity at the next CCC meeting to recap
31 your comments and what we've heard
32 elsewhere.

33 Meanwhile, you know, we are going
34 to begin the process of setting up a
35 database collecting this information. Much
36 what's available now, but we need to make a
37 bigger effort to bring it together in a
38 comprehensive way.

39 We see that as doable, but it is
40 going to be some workload in doing that.
41 And the rest of this sort of is a longer-
42 range look at some of the things that we
43 could do in order to support this process
44 into the future.

45 Now, it's not that there aren't
46 going to be, you know, some challenges in
47 getting there, you know. Certainly the

1 workload and initially generating into
2 something we need to deal with, it's going
3 to take some tweaking over time, you know.

4 It's not quite certain, you know,
5 just what sort of a balance would come out
6 of this as we get implemented. So, we
7 recognize that some tweaking will be needed.

8 It's really focused at this
9 particular level of updating the
10 assessments. It's not prioritizing, you
11 know, the creation of new surveys, the
12 creation of new fishery monitoring programs.
13 It will be providing some context for that,
14 as well as for identifying situations that
15 may need, you know, a further look at the
16 whole issue of including more ecosystem
17 factors into our assessments.

18 Simultaneous with this
19 implementation of a prioritization process
20 we also have initiated an update of the
21 Stock Assessment Improvement Plan. Now,
22 that plan was published in 2001. I'm one of
23 the two remaining members of the team that
24 put together that plan.

25 And we're now working on that
26 update and there's a lot of commonality
27 between that plan and this prioritization.
28 So, we're working these two processes
29 closely together.

30 And, you know, we really have
31 focused this on facilitating the regional
32 prioritization process. We recognize that
33 we're not in a position to assign relative
34 values between fishing communities or
35 between regions, you know.

36 So, the whole issue of allocation
37 of resources between regions is really
38 beyond the scope of this prioritization
39 process.

40 Now, you know, by pulling
41 together information objectively and
42 comprehensively, you know, this certainly is
43 relevant information here to think about in
44 this overall, you know, is each region
45 getting the level of attention that it needs
46 to meet its priorities, but we aren't going
47 to be able to provide that kind of anything

1 that's objective with regard, the comparison
2 between regions.

3 And it really, you know, gets to
4 the very fundamental issues of the whole
5 economic performance and what does it mean
6 for benefits to the nation and beyond the
7 scope of what we think we could possibly
8 consider here.

9 We also recognize that, you know,
10 we can work on getting better with our
11 delivery of assessments, but there
12 potentially are other bottlenecks in the
13 whole process, you know. Bottlenecks in,
14 you know, the review process, you know, how
15 quickly can we move from, you know, raw data
16 into delivering management advice is
17 something that also potentially has some
18 bottlenecks and could be looked at as well.

19 Let me stop there. I'll ask if
20 you have any questions. And I'll let you
21 know that I don't have the website here, but
22 it is available from the Office of Science
23 and Technology at NMFS headquarters.

24 CHAIRMAN ROBINS: Thank you, Dr.
25 Methot.

26 Terry Stockwell.

27 MEMBER STOCKWELL: Yeah, thank
28 you, Mr. Chairman. Thank you, Rick, for the
29 presentation. Appreciate all the work you
30 guys have been doing. I've got one
31 question.

32 What I didn't see in your
33 presentation was any mention of
34 collaboration with the Commissions for any
35 of the state-managed stocks.

36 Here in the Northeast region we
37 collaborate with the Atlantic States
38 Fisheries Management Commission through the
39 NRCC.

40 DR. METHOT: Yes, we recognize
41 that. And in other regions there are
42 various international collaborations that
43 are quite important.

44 I think we need to sort of phase
45 this in. So, the first phase being most
46 attention on the domestic federally-managed
47 stocks, but, you know, certainly the overall

1 assessment workload, you know, involves
2 those stocks that you mentioned, as well as
3 in other regions various kinds of
4 international collaborations or state
5 collaborations.

6 We recognize that that is part of
7 the overall assessment workload. Working it
8 in quantitatively into this process I think
9 we can phase it in, but we recognize that
10 it's there.

11 CHAIRMAN ROBINS: Doug Gregory.

12 MEMBER GREGORY: Hello, Richard.
13 That was interesting. And I think we - when
14 I was on the Gulf Council's SSC, we
15 struggled hard to get attention for gag and
16 red snapper at the time because it had been
17 five years since they had been assessed.

18 My concern is in your
19 implementation steps, Number 4, if you can
20 go back to that, we spend so much time on
21 the SSC trying to deal with this uncertainty
22 thing that's in the guidelines. I
23 personally feel like we wasted a lot of time
24 on something trying to tackle something that
25 was almost unworkable.

26 And so, my concern here is again
27 with Number 4, that seems to be specific.
28 You want the region to work on a
29 comprehensive PSA and only reliable catch
30 analysis.

31 My concern is something like that
32 would bog down our SSC into trying to do
33 something that again at least with the PSA.

34 When we looked at it in the
35 beginning of developing our control rule, we
36 found that both PSA analyses that were
37 provided to us were either redundant or -
38 redundant to stock assessments or redundant
39 within themselves. And one that provided no
40 reliable guidance, because all the PSA
41 numbers for all our species fell between 3.1
42 and 3.5 or something or 3.8. It really
43 wasn't useful.

44 So, I wouldn't want us to get
45 bogged down into trying to do something
46 that's not going to be all that productive.

47 I understand the logic that if

1 you don't have a stock assessment, you don't
2 have much information on species, you know,
3 how do you evaluate their relative merits.
4 But I would say, you know, if you
5 can make the PSA and the only reliable catch
6 analysis more as a guideline or say this is
7 something you can use, but not mandate that
8 we do it and then we just get bogged down
9 and we're not doing other things that are
10 SSC could be helping us with.
11 DR. METHOT: A good comment and
12 something that I would agree with. I think
13 the way it's stated here is more
14 prescriptive than we intend.
15 The intention is to be certain
16 that we are doing enough to look broadly and
17 use whatever tools are available to do that.
18 I know that many regions, many
19 councils have already gone through looking
20 at these things to some degree and, you
21 know, hopefully we can just tap into that
22 and learn what we can from it and not
23 duplicate that effort.
24 CHAIRMAN ROBINS: Chris Moore.
25 MEMBER MOORE: Thanks, Mr.
26 Chairman. Thanks, Rick, for the
27 presentation. I'm a little confused about
28 this process in this way.
29 We have as you noted in one of
30 your earlier slides, a very well-developed
31 process in the Northeast through the NRCC to
32 develop stock assessment priorities and I'm
33 not sure how this complements or integrates
34 with that process each year.
35 So, I think you know about the
36 NRCC. You know about, you know, how hard
37 and how difficult it's been for us in the
38 Northeast to really develop this process.
39 And I think we're at the point now where
40 it's working very well.
41 So, I'm a little concerned and
42 confused about this particular process and
43 how it might be integrated into that.
44 DR. METHOT: Right. We certainly
45 are well aware and some of the people who
46 were involved with that process have been on
47 our internal working group that got us to

1 this stage. I think you'll find that there
2 is many commonalities.

3 What we're trying to do here is
4 extend that, actually extend what we learn
5 through, you know, that development across
6 the country, you know. There's also in the
7 Southeast, you know, through the SEDAR
8 process.

9 We're looking mostly to provide
10 as much objective information to those
11 processes to try to help them as we can.
12 Some that have, as you say, have made a
13 substantial effort along these lines already
14 may not be helped that much, but we are
15 trying to bring forth as objective and as
16 standardized a way of thinking about this
17 issue as we can.

18 And, you know, it's something
19 that, you know, we'll be looking at, you
20 know, as we work at implementing, you know,
21 our approach to interacting in those
22 processes.

23 MEMBER MOORE: Thanks for that. I
24 have another related question. It seems to
25 me that you could use this process to
26 compare assessment priorities across
27 regions.

28 So, we're, you know, we're
29 involved in a process in the Northeast, but
30 is that the thought that, in fact, you'd be
31 able to say, for example, in the Northeast
32 we have a higher level of assessment
33 priorities than, say, the Southeast or the
34 North Pacific?

35 And if so, you know, would that
36 be the guiding thing to really allocate some
37 additional funding to the regions for
38 assessments?

39 DR. METHOT: I don't think we can
40 go that far because of the fundamental issue
41 of needing to provide some level of
42 assessment advice for all fisheries.

43 And we can quantify, you know,
44 the landed value of commercial catch, we
45 could quantify how much recreational catch
46 there is, but, you know, that does not get
47 to, you know, the full value of a particular

1 fishery to a local community. And so, you
2 know, we are not trying to, you know, assign
3 those values.

4 Now, we will be able to identify,
5 you know, how large the gap is, you know,
6 between, you know, what you say is needed
7 for each stock and where we're at today.
8 And that information, you know, will be, you
9 know, fairly transparent.

10 So, the, you know, the magnitude
11 of gaps is something that we'll be able to
12 show from this, but we're not going to try
13 through this process to decide what to do
14 about those gaps, but it will be information
15 that will be made available.

16 CHAIRMAN ROBINS: Ben Hartig.

17 MEMBER HARTIG: Yeah, Rick, thanks
18 a lot. I know in the Southeast in our SEDAR
19 program, I know our SEDAR coordinator, John
20 Carmichael, at our last meeting worked out a
21 schedule about how often we could actually,
22 you know, do assessments for our major
23 species.

24 And, unfortunately, that's on a
25 five-year rotation. And that's trying to
26 squeeze in a species here and there to get
27 done on a first-time analysis basis.

28 So, I mean, I was hoping that
29 this would give us some way to, you know, to
30 get some more assessments, you know, to get
31 us on a more recent time frame.

32 Five years is just too long for a
33 number of our species, and it's too short
34 for others.

35 I mean, so somehow to look at
36 these - one example is Spanish mackerel. I
37 mean, it's pretty much been on autopilot
38 since the net ban in Florida since '95.

39 So, you know, you get to a
40 species like that where there are still some
41 outstanding assessment questions that need
42 to be answered in the next update.

43 But after that as far as I'm
44 concerned, you really can put that species
45 on a much longer time frame for an
46 assessment.

47 I mean, we had the same quota for

1 11 years and nothing ever happened. So, you
2 know, if you look at that, you know, in
3 retrospect, I mean, you're pretty sure that
4 you can leave that, you know, one species on
5 a much longer time frame.

6 So, decisions like that will help
7 and getting some of those stocks out of the
8 five-year rotation should help you a little
9 bit, but there are not a lot of stocks we
10 can do that with.

11 So, I was just hoping that this
12 would help us somehow.

13 DR. METHOT: Well, the other thing
14 that's going that Richard presented just a
15 short while ago is the program reviews this
16 year on the assessment process.

17 And that's going to give us an
18 opportunity to compare notes across the
19 country on, you know, how is it that, you
20 know, we're able to get, you know, such a
21 high assessment throughput in some regions,
22 intermediate in other regions and, you know,
23 only five or six years in what you just
24 described.

25 You know, what is it about the
26 local situation? What is it about the
27 infrastructure development, because the size
28 of the assessment teams is not that
29 different.

30 And so, you know, I think we will
31 have an opportunity after this round of
32 program reviews to hopefully, you know, be
33 asking those kind of questions about what
34 can we do in the future to make improvements
35 along those lines.

36 CHAIRMAN ROBINS: Ben.

37 MEMBER HARTIG: One of the things
38 that I've used in looking at our different
39 species in the assessment is I've gone and
40 looked at the fishery independent data
41 trends and now we have these trends reports
42 on a yearly basis from that group.

43 And it's very helpful and, you
44 know, that's given us some direction for
45 several species of importance to try and get
46 an assessment in quicker.

47 I mean, if you're seeing a real

1 significant trend on the increase and you're
2 in a rebuilding time frame, you know, I
3 mean, it's critical to get that assessment
4 done.

5 So, some kind of flexibility in
6 this process is also needed so we can deal
7 with those types of issues when they arise.

8 DR. METHOT: Right. And that is
9 one of the topics that we've built into the
10 process.

11 So, where you have things like
12 those trend reports, I think that is a very
13 valuable thing to ask for out of the fishery
14 independent survey programs to make that
15 information available so that everyone could
16 see, you know, where there are trends.

17 And so, as we think about
18 prioritizing, yeah, if all else being equal,
19 the species that looks like it has a trend
20 relative to where we thought it was going to
21 be, it gets a higher priority than something
22 that is seeming to be on track.

23 CHAIRMAN ROBINS: Don McIsaac.

24 MEMBER MCISAAC: Thank you, Mr.
25 Chairman. That answer might have got to a
26 little bit of this question, but the
27 question had to do with the scoring.

28 So, you have a very organized way
29 of looking at a multitude of factors and you
30 mentioned scoring.

31 So, it's a question of whether or
32 not the SSC does the scoring, does the
33 Science Center do the scoring?

34 The scoring that comes up, there
35 may be situations where a council might want
36 to weight one of these considerations more
37 than whatever the prescription is in the
38 business there.

39 So, in the end of all of this, is
40 this scoring system meant to be very
41 prescriptive and that should dictate what
42 the stocks are in terms of priority, or is
43 this another tool?

44 And so, rather than go through
45 different weighting schemes, this is just
46 another tool that when a council considers
47 how to set the priorities for the next

1 particular cycle, this is a matter that's
2 helpful in that prioritization rather than
3 being prescriptive.

4 DR. METHOT: It's the latter. We
5 see this as something that can be helpful,
6 can be informative so that it can be, you
7 know, transparent so that everyone can, you
8 know, so that when you make decisions about
9 what the priorities need to be, you'll do
10 that recognizing that, yeah, you know,
11 there's some other things that clearly are
12 showing some need here. But, you know, for
13 whatever reason you feel as though this is
14 what you need to go forward with.

15 And, you know, you're going to
16 come up with priorities that you're not
17 going to have resources to accomplish
18 either. So, you're still going to have
19 decisions to be made and, you know, there
20 still is a need to, you know what, have some
21 degree of balance to portfolio so that, you
22 know, you're able to keep up to date with
23 the ones that you - everyone clearly sees as
24 important, but we can't let everything else
25 fall by the wayside while doing that.

26 And hopefully this will provide a
27 means to, you know, recognize the need for
28 that portfolio, but it will be advisory. It
29 will be, you know, information to use.

30 We don't see that it can be
31 prescriptive at least not at this stage.
32 And, you know, even the formulas that are in
33 there once we get the data fully populated,
34 once we get, you know, a few years of using
35 this, we probably will need to tweak those
36 formulas some to make it, you know, achieve
37 the kind of goals that we want to get out of
38 it.

39 CHAIRMAN ROBINS: Doug Boyd.

40 MEMBER BOYD: Yes. Could you go
41 to the next slide, Number 4? I may be
42 understanding that out of context. May not
43 get more assessments done. That's what we
44 need.

45 DR. METHOT: Yes, understood.

46 (Laughter.)

47 MEMBER BOYD: I mean, if this is

1 an academic process, that's not going to
2 help us.

3 DR. METHOT: It's not. It's not
4 going to create more assessment capacity.
5 It's going to try to direct that capacity
6 that we have today towards the most
7 important needs.

8 And if we find through doing this
9 that indeed we are over-assessing some
10 stocks, well, then that does free up
11 assessment capacity to go on to other
12 stocks. But, yeah, it doesn't create
13 people, it doesn't create dollars.

14 Hopefully by identifying the
15 needs more objectively, the ammunition will
16 be there to, you know, create a better
17 statement about those needs. But, you know,
18 right now it's just directing resources in
19 the best way possible.

20 MEMBER BOYD: Well, if the
21 ultimate objective is to create more
22 throughput, I'm with you. I didn't
23 understand this that way that it may not get
24 more done. But if throughput is your
25 objective, I'm with you.

26 DR. METHOT: Okay. It is. I
27 mean, that definitely is a strong part of
28 it, but that gets to right-sizing both which
29 assessments you choose to do and, you know,
30 how quickly you can move them through the
31 process. How big a document do you need in
32 order to say that we have an assessment
33 done?

34 I mean, you know, in some
35 thinking, you know, an update assessment is,
36 you know, a three-page memo that takes the
37 newest data, puts it into the standard model
38 and out comes the result. And that's a very
39 slim update assessment that is, you know,
40 conceivable in some circumstances that
41 that's, you know, what it could get to in
42 some places, in some situations that are
43 highly standardized.

44 But, you know, it's also a
45 process of, you know, building trust in the
46 whole system that you can indeed rely -
47 fishery management can indeed rely upon

1 something that is so reliant upon
2 standardized process and quickly move the
3 new data into the process.

4 As Richard described the results
5 of the program reviews, one of the issues
6 was how quickly we're able to move all the
7 fishery dependent data into a form that
8 could be used by the assessment scientists.

9 One of our bottlenecks is that
10 assessment scientists are spending a lot of
11 their time, their energy in actually
12 processing relatively raw data in order to
13 get it ready to put into the assessment.

14 So, you know, part of building
15 assessment capacity is potentially putting,
16 you know, people and money into shoring up
17 that process so that we have the data ready
18 for the stock assessment experts ready to
19 use in updating the assessments.

20 So, there are a lot of potential
21 moving parts here in order to improve
22 throughput in the long run. And
23 prioritizing which assessments to do, that's
24 the thing we're focusing on here, but there
25 are other parts as well.

26 CHAIRMAN ROBINS: Dr. Duval.

27 MEMBER DUVAL: Yeah, thank you,
28 Mr. Chairman. I think following up on, you
29 know, what Ben said, I mean, our SSC at
30 their last meeting in October proposed a
31 very similar type of approach they want to
32 have, actually a workshop, in conjunction
33 with their April meeting to do what looks
34 like almost exactly this, you know, develop
35 some system of trying to prioritize the -
36 our assessment approach following up on, you
37 know, sort of the draft five-year plan that
38 John Carmichael had put together, but taking
39 into consideration different factors and how
40 they would be weighted differently in order
41 to determine, you know, really where should
42 we be putting our assessment resources.

43 So, I notice that you indicated
44 that at least in the presentation that there
45 is a draft of this being shared this month.

46 Is that draft online already or -

47 DR. METHOT: I believe it went

1 online this afternoon and as well as it's
2 being sent to all of you.

3 And, you know, I think that, you
4 know, it will be very valuable for, you
5 know, each of you to be asking your SSC's
6 for comment on this and we should compare
7 schedules.

8 I mean, it's quite possible that
9 I could come to that SSC meeting. So, if
10 you're planning to talk on this topic, you
11 know, let me know.

12 MEMBER DUVAL: I mean, personally
13 I think that would be great. I think maybe,
14 you know, talking to John since he's the
15 staff person for the SSC would be fantastic
16 so that we're not duplicating efforts.

17 DR. METHOT: Exactly. Yeah, John
18 and I have worked together for a long while.
19 So, I'd be glad to do that.

20 CHAIRMAN ROBINS: Tom Nies.

21 MEMBER NIES: Rich, could you
22 elaborate on Number 6 there a little bit?

23 DR. METHOT: The effort to do a
24 benchmark assessment, it requires a
25 substantial amount of staff time, as well as
26 the process of moving the assessment result
27 into the management process.

28 One of the things I was involved
29 with, with Pacific Council back quite a
30 while ago now, Don, was the move towards a
31 biannual assessment process that was driven
32 largely by the fact that the amount of
33 notice and comment that was needed to
34 actually take the results and move it into
35 implementation of management measures did
36 not allow for annual updating of assessments
37 and moving them into the management process.

38 So, you know, if there's ways of
39 streamlining that if you want to get, you
40 know, a shorter turnaround from raw data to
41 change in the ACL if you're going to shorten
42 that up, you need to figure out all aspects
43 of the process that are bottlenecks in
44 getting that to be done.

45 So, you know, I don't know the
46 particulars in New England that well,
47 whether there are potentially some other

1 bottlenecks there that might need some
2 attention.
3 The fact that, you know, you have
4 been looking at your process and potential
5 bottlenecks, you know, you may have already
6 identified some. So, that's what's meant
7 here by this Item 6.
8 CHAIRMAN ROBINS: Tom.
9 MEMBER NIES: Just a follow-up a
10 little bit on that. I'm just curious if
11 you've talked to the Sustainable Fisheries
12 folks and the NEPA folks, you know.
13 We seem to be getting in New
14 England, anyway, we seem to be getting
15 pressed on both sides where the Science
16 Center says, well, you know, you're asking
17 for the assessments too soon, and the Agency
18 is saying you need to turn your ACLs around
19 much earlier than you are if you want to
20 meet the start of your fishing year.
21 I mean, I'm actually very
22 skeptical that we're going to identify
23 changes, you know. We just went through a
24 long evolution where we laid out exactly how
25 long it takes to get from a council vote to
26 implementation and it's shocking.
27 And, you know, the people who
28 looked at it really tried to thin it down as
29 much as they could. I mean, I think six is
30 optimistic here.
31 CHAIRMAN ROBINS: Okay. Any other
32 questions?
33 Kitty.
34 MEMBER SIMONDS: I wanted to ask
35 if any of the Councils develop their own
36 stock assessments? Anybody do that? We do
37 that.
38 CHAIRMAN ROBINS: Kitty, Chris
39 said we did one a long time ago.
40 MEMBER SIMONDS: Oh, don't talk to
41 me. Anyway, so no one else does that.
42 We also help to - we do have the
43 - some of the center scientists mentoring
44 the - whoever is working on the stock
45 assessment, but I'm saying that we pay for
46 them. We pay for the modeler. We pay for
47 all of those kinds of things for certain

1 fisheries.

2 Not for the large ones, the
3 pelagics, because all that - those stock
4 assessments are done in the international
5 arena and not solely by the Center.

6 So, I was just curious about
7 other - and I hope this has reached the
8 Pacific Ocean.

9 CHAIRMAN ROBINS: Thanks, Kitty.

10 And, Rick, you know, I would just
11 point out I'm still a little bit unclear
12 about how this interacts with the existing
13 NRCC prioritization process. So, you know,
14 I look forward to following up with you
15 offline about that concern.

16 DR. MERRICK: No, I need to
17 address that now so it's clear. The
18 framework you've got at NRCC or SEDAR or
19 STAR, that panel will continue. But the
20 point of this is to have a common rubric
21 through all eight of the Councils for the
22 prioritization of stock assessments.

23 So, the factors that we're
24 discussing here should be used - will be
25 used by all eight councils, all six of the
26 centers, all five of the regions as they go
27 into this prioritization of stock
28 assessments. That's why it's important to
29 have your SSC review this.

30 The flip side of this is that OMB
31 and GAO are looking at this very closely and
32 they are basically tying and holding our
33 feet to the fire that if we expect continued
34 stock assessment funding, we have to have a
35 process that's transparent.

36 You can't go to one region and
37 have one process, and go to another region
38 and it's another process and one can explain
39 and the other can't.

40 We have to have a national
41 process for this. We've gotten very clear
42 messages from OMB about this.

43 Tomorrow morning we're talking to
44 OMB to explain where we are. We're talking
45 to the Hill at noon. So, that's why it's
46 really important at this point the SSCs get
47 involved and review this.

1 This is your chance to tweak the
2 process to something that you think might
3 work better for you and we will fully try to
4 incorporate your comments. That's why we're
5 asking for them, okay, but the NRCC won't go
6 away.

7 CHAIRMAN ROBINS: Right.

8 DR. MERRICK: You know, I've been
9 holding that up as a model of what we should
10 be doing nationally. Not to knock SEDAR or
11 STAR, but the NRCC has a good process and
12 this just provided advice to a group like
13 the NRCC.

14 CHAIRMAN ROBINS: Thank you for
15 that additional clarification. I appreciate
16 that.

17 Okay. We are running ahead of
18 schedule and with the group's indulgence I'd
19 like to move one of tomorrow's agenda items
20 up, and that is the revision of the
21 operational guidelines.

22 That's a presentation by Marian
23 Macpherson. Is there any objection to
24 making that change to the agenda?

25 All right. Seeing none, we'll go
26 ahead and do that.

27 (Pause in the proceedings.)

28 CHAIRMAN ROBINS: Marian, good
29 afternoon and thank you.

30 MS. MACPHERSON: Okay, thanks.
31 Can you guys hear me?

32 CHAIRMAN ROBINS: Yes.

33 MS. MACPHERSON: Okay. Great.
34 So, you have a few materials, a few
35 documents posted on the website that I'm
36 going to be talking about.

37 The first one is the Decision
38 Matrix and I'm going to be seeking your
39 input on that document as we go through it.

40 And then there's also a matrix
41 which is an overview/summary of the
42 different council processes. We'll get to
43 that at the end.

44 And I've also provided you a
45 typed-out list of questions that we're
46 hoping to really steer your input on.

47 CHAIRMAN ROBINS: Marian, if I can

1 interrupt, these are also behind Tab I on
2 your thumb drives.
3 MS. MACPHERSON: Oh, okay. Thank
4 you.
5 CHAIRMAN ROBINS: Thanks.
6 MS. MACPHERSON: Am I on? Thanks.
7 Okay. So, Emily touched a little bit on the
8 Operational Guidelines Project this morning.
9 This was one of the
10 recommendations in the OIG report. And so,
11 just briefly we're going to refresh your
12 memory on how we got here and what we've
13 done to date and then what our next steps
14 are.
15 So, the OIG report came out last
16 January and included - one of the
17 recommendations was that we finalize the
18 draft Operational Guidelines, which was a
19 document we had prepared in 2005 quite a
20 while back.
21 And some of the concepts in it
22 have been partially implemented and are
23 working well, other ones just were not
24 functional.
25 So, we discussed this with the
26 CCC last February after we had gotten the
27 OIG report.
28 Subsequently, we've submitted our
29 action plan of how we were going to address
30 that report. And we discussed that action
31 plan with you guys last May as well.
32 So, our action plan for complying
33 with that recommendation was to take a look
34 at the big picture of why we had not
35 implemented the 2005 draft completely.
36 And things have changed since
37 that draft. We've got the new Magnuson Law.
38 We've, you know, had some lessons learned
39 about what's working, what's not working.
40 Councils and regions are
41 developing their Regional Operating
42 Agreements and different types of MOUs.
43 We're looking at new ways of ESA
44 compliance and it just doesn't make sense to
45 pick up where we left off in 2005.
46 So, we said it would be more
47 productive to assess our recent experiences

1 and identify our best practices and identify
2 areas for improvement and look at what we
3 could really do to move Operational
4 Guidelines forward.

5 Our action plan set these dates
6 for completion. This is our first one,
7 February 2014, to review a draft assessment
8 and some options with the CCC.

9 So, this is where we are today.
10 And then that will give us until next
11 February to actually develop a draft to
12 present to you guys and then finalize it by
13 September 2015.

14 So, today we've gotten efforts
15 underway. We started off last spring with a
16 discussion paper which we reached out to our
17 regions and our leadership and the CCC with,
18 solicited your input.

19 And then after that over the
20 summer - well, at the CCC meeting, the CCC
21 convened a subcommittee to work with this,
22 work with NMFS on this project and we've
23 assembled an in-house team as well. So,
24 we've been working together with the
25 subcommittee.

26 And so, our first step was to
27 identify objectives, you know, figure out
28 what are we trying to achieve here? And
29 from there, move on to what alternatives
30 might work.

31 So, here's just a summary of the
32 objectives we came up with. And we started
33 by looking at where the objectives were from
34 previous Operational Guidelines, both our
35 existing ones from '97 and the revised draft
36 in 2005, and thought about whether there
37 were any additional ones we wanted to add.

38 So, basically the objectives
39 we're working for are to promote the quality
40 of outcomes and products, avoid unexpected
41 outcomes and litigation losses, promote
42 timely and effective and transparent public
43 process, simplify the speed and flow of
44 work, achieve appropriate standardization
45 and increase transparency.

46 And then below the transparency
47 bullet there are a few ideas about how to do

1 that by having an understandable description
2 of our processes, making our process
3 accessible and having some kind of a
4 tracking system.

5 So, moving forward with these
6 objectives we've put together the decision
7 document. Actually, Dave Witherell, I'm
8 going to throw him on the burner here, Dave
9 led us in the development of this decision
10 matrix which lays down each of these
11 objectives and then sets forth the - the
12 rows are the objectives listed out. And
13 then each column is one of four different
14 approaches and a description of how well the
15 objectives would be achieved.

16 So, I'll go through the decision
17 matrix with you a little bit more in just a
18 minute.

19 Yeah, so - all right. So, I
20 guess I'll go through it with you now. So,
21 if you want to look at the decision matrix,
22 the first page, the first three sets of
23 cells are really descriptions of the current
24 - well, of the different approaches. Just a
25 general overview and then our pros and cons.

26 And the four approaches that
27 we're describing here for you, the first one
28 is it's the 1997 approach which are the
29 Operational Guidelines that are currently in
30 effect looking at, you know, a brief
31 description of what they were, what's
32 working there and how they would achieve the
33 objectives we've identified.

34 The second approach is the 2005
35 draft Operational Guidelines. And then we
36 also looked at the 2013 NEPA Policy
37 Directive which really took a different
38 approach from either the '97 or the 2005
39 approach.

40 And then the third column we
41 started trying to build a new option that
42 would best build on successes from the
43 previous options and identify new ways of
44 achieving the objectives that we wanted to
45 achieve.

46 So, just to refresh your memory,
47 in summary, the 1997 Operational Guidelines

1 are about an 88-page document. They take a
2 very detailed step-by-step approach to
3 describing everything that needs to happen
4 through a five-phase sort of look at the
5 fishery management process.

6 And in 2005, we took a completely
7 different approach. It was not to go step-
8 by-step, but go outcome-oriented and really
9 look at what documentation you're going to
10 need at the end of the process and how to
11 have a system of checks and balances to make
12 sure you get there along the way without
13 telling you how you had to do it or how you
14 had to sequence your events.

15 The NEPA Policy Directive is yet
16 again another approach. It goes law by law,
17 Magnuson and NEPA, and then party by party,
18 NMFS and Council, and lays down, just
19 breaks, sort of deconstructs the
20 responsibilities that fit with each party
21 for each law sort of following along the
22 same sort of phases of process and just
23 establishes considerations and factors to
24 consider, identifies the linkages and the
25 overlaps, like where the two processes have
26 to be aligned, and draws on the concepts of
27 the 2005 Operational Guidelines which was
28 front-loading and cooperation and really
29 emphasizes that approach, but, you know,
30 recognizes at the end of the day who's
31 really got ultimate responsibility for which
32 actions under each law.

33 And so, like I said, the new
34 option in our goal was to build on the
35 successes from those previous approaches and
36 weave together good tools and guidance
37 without being overly prescriptive and also
38 provide one-stop shopping for guidance on
39 integrating all of our other applicable
40 laws.

41 So, that's what the Operational
42 Guidelines do. The NEPA Policy Directive is
43 only NEPA and Magnuson. Operational
44 Guidelines are out there too just - are in
45 compliance with all the other applicable
46 laws.

47 So, the table is laid out there.

1 I hope you've all had a chance to read it.
2 Or if not, just take a look at it maybe
3 tonight, but I did want to bring your
4 attention to some of these cells where we're
5 hoping to focus some input from you guys.

6 So, like I said, the first page
7 is really an overview of the approaches.
8 Then after we get below Row D, we start
9 talking about the key features in each
10 approach.

11 We talk about how much detail
12 each one has, what the objectives are in the
13 existing approaches.

14 But then when we get down to Row
15 F, what they focus on, this is a place where
16 in our - the far right column, the new
17 approach, we're really brainstorming and we
18 really want your input on what should we
19 cover, what topics should we cover in this
20 round.

21 We've set forth some ideas of
22 what could be in a table of contents and it
23 rolls onto the next page, too, but would
24 love to hear your input if you think those
25 are appropriate, too many, not enough,
26 things we've left off, things that should be
27 struck.

28 And a theme that is sort of
29 recurrent through our efforts on this is the
30 need to have a standardization - appropriate
31 standardization, but realizing how much the
32 details really these days are being worked
33 out through different types of agreements at
34 regional council levels.

35 So, thinking about what is
36 appropriate to go in national guidance
37 versus what you're working on, on your own
38 through other activities. So, feedback on
39 the focus would be our first question.

40 Moving on down to Row H - or
41 actually Row I, improving the quality of
42 documentation, including FMPs, regulation
43 and records. Over under the new approach,
44 Item Number 2 suggests some kind of joint
45 sign-off or formalized feedback point that
46 could be similar to, but less formal than
47 what we had put forth in the 2005

1 Operational Guidelines.

2 So, we're asking you to think
3 about that. Think how much you think that
4 would be helpful, or not helpful, and what
5 it might look like if we wanted to put some
6 kind of guidance together on check-ins,
7 regularized, formalized check-ins.

8 So, then moving on down to Row K,
9 improving quality and efficiency of
10 management decisions, again we're looking
11 for your input on what we could put into a
12 new approach. That would be helpful.

13 What elements do we currently
14 have under any of our previous approaches
15 that are working for you? What would you
16 like to see memorialized in future guidance?

17 And same sort of question for Row
18 M in terms of raising the likelihood of
19 success in litigation. What do you guys
20 think is working? What do you like? What
21 do you want to keep? What should we put in
22 this guidance?

23 And same with Row 4. Simplify
24 and speed the flow of work. What are we
25 doing that works? What do we want to
26 capture?

27 You know, I've heard some offline
28 comments about parts of our SP that do seem
29 to be working, some success stories, and
30 we'd love to hear more input on that. What
31 do you think that is? What do we want to
32 bring forward in this version?

33 Then down into Row P, achieving
34 the appropriate standardization, so what are
35 the higher-level things? It's like I said.
36 How can we strike this balance between, you
37 know, providing standardization while
38 allowing regional council flexibility?

39 So, in light of moving that
40 question forward, you've got the additional
41 - the second matrix. I'm not going to skip
42 to it yet, but I'll just show it to you in a
43 minute. We've got one more row to cover on
44 this one, but our subcommittee, our CCC
45 subcommittee that we've been working with, I
46 think Kitty, Dave and Bob, helped. And then
47 I guess all of you participated in this,

1 because it's got everybody's councils laid
2 out.

3 It's a really neat overview
4 answering different questions about your
5 processes and your - where the opportunities
6 are for transparency and just thinking of
7 ways that we could use this as a tool for
8 increasing transparency in general for the
9 public, and also reviewing it to help us
10 determine where there are areas of
11 consistency of things that where you are
12 standardized.

13 I think this is the first start.
14 I just gave you an excerpt of it so that you
15 could see what we're working on. We're
16 going to want to come through it and follow
17 up with you guys to make sure that we're
18 using consistent terminology to talk about
19 the same things, you know.

20 There's just some loosey-goosey
21 language about panels and committees and
22 just need to make sure we're all using the
23 same terminology to mean the same thing.

24 And then also it's been suggested
25 that this could be - this could sort of be
26 the foundation for moving ahead and maybe
27 even doing a workshop, doing some kind of
28 follow-up work on identifying best
29 practices.

30 Looking at you guys across all of
31 your systems and processes this way, you
32 know, you can kind of start to compare who
33 is doing what, how, and who's got the best
34 ideas for different aspects, you know, share
35 ideas and use this as a way to identify best
36 practices.

37 Okay. And then also I wanted to
38 point out just another thing that we're
39 thinking about in terms of increasing
40 transparency and addressing the issue of,
41 you know, standardized versus individualized
42 processes and what you guys are doing would
43 be to somehow combine the Operational
44 Guidelines, have like a written document
45 that was supported by or linked to a living
46 website where we could post things like the
47 summary document, maybe have links to the

1 SSI website with your meeting schedules,
2 anything that would enhance, you know, the
3 public's ability to access and understand
4 your system.

5 So, I just wanted to - yeah, so
6 that was the matrix and then you've got the
7 questions written down in your materials.

8 I don't know what's the best way
9 to get input on this.

10 CHAIRMAN ROBINS: Well, Marian,
11 are you looking for that today or what is
12 the timeline on getting final input from the
13 CCC or from the Councils on this?

14 Emily.

15 MS. MENASHES: So, just to kind of
16 go back to something that was mentioned on
17 Marian's slide which was sort of the
18 milestones to the OIG report and this
19 meeting we had a commitment to talk to you
20 all and get input on kind of options and
21 alternatives and that's what we're doing
22 now.

23 And then the next milestone we
24 have is at the next interim meeting, next
25 February, which is to present a draft of the
26 Operational Guidelines.

27 And then the following September,
28 so, September 2015, is the target to
29 finalize them.

30 So, I mean, I think we want to
31 give people time to go back and digest this.
32 So, I think it's fine if we get - we don't
33 need to get the comment at this meeting, but
34 I think it would be useful to get it within
35 a couple of weeks so that our workgroup can
36 kind of take that input and then we can
37 start figuring out what's our plan basically
38 to get to having a draft that you all could
39 be looking at and we could be discussing
40 next February.

41 So, like Marian said, there may
42 be some benefit of putting together a
43 workshop and getting people together to talk
44 about these things.

45 So, you know, I think we have a
46 little bit of time to get input on these
47 approaches and the questions.

1 It would be very useful for us to
2 have that kind of constructive input on
3 ideas that people have that they think have
4 worked particularly well and that they'd
5 like us to look at more, to have this group
6 look at more.

7 CHAIRMAN ROBINS: Okay. And I'll
8 follow up and ask if any of the members of
9 that working group want to add any
10 additional comment, Dave or Kitty or Bob,
11 you know, if you all have any comments at
12 this point that you want to bring to the
13 group's attention.

14 MEMBER SIMONDS: Well, I have, I
15 guess, a comment -

16 CHAIRMAN ROBINS: Kitty.

17 MEMBER SIMONDS: - or a
18 suggestion. I think that probably a
19 workshop would be useful, because we have
20 been, you know, coordinating the work that
21 Marian and Emily and all of us have been
22 doing.

23 And we did send this document out
24 to everybody a couple weeks ago. And I know
25 that everybody is busy. So, it's very
26 difficult to get the individual councils to
27 respond to this. So, we were hoping that we
28 could get some kind of a response at this
29 meeting.

30 But if everybody hasn't read
31 this, you know, maybe that's not the way to
32 deal with it, because it is difficult
33 getting everybody to respond just because
34 we're all really busy.

35 So, if we bring people together,
36 then they're forced to talk about it and get
37 it done. So, I think we should do that.
38 Hello, everybody.

39 CHAIRMAN ROBINS: All right,
40 Kitty. I'm going to turn to Bob Mahood.

41 MEMBER MAHOOD: Yeah, it made our
42 last conference call very short. We had the
43 conference call, we all got together, Marian
44 says, do we have any input from anybody?
45 Kitty said, no. Bye.

46 (Laughter.)

47 CHAIRMAN ROBINS: Dave Witherell.

1 MR. WITHERELL: Yeah, I just
2 wanted to add, you know, the easiest thing
3 for us to do would be to simply finalize the
4 2005 draft, but we'd miss this really great
5 opportunity to get what we want.

6 Now, the councils, in general,
7 want their regulations in place sooner.
8 They want it speedy. The public wants more
9 transparency. They want to understand how
10 they can participate in the decision-making
11 process. NMFS wants better documents.

12 If we can figure a way to try and
13 share best practices across councils, we
14 might get to that. And so, I hate to think
15 that we're just going to rubber-stamp this
16 and get it done because it's paperwork that
17 the IG expected from us. It's a real
18 opportunity and I hope we don't waste it.

19 CHAIRMAN ROBINS: Well, Dave, what
20 do you think about following up on these
21 questions in a workshop format or could we
22 do it in a - could we possibly do it in a
23 webinar? Would that be feasible, or do you
24 think the material is too dense?

25 MEMBER WITHERELL: I think it's
26 going to require some people in a room to
27 bring forward what they think might be their
28 best practices in their council and walk
29 people through some examples to share.

30 In my mind, that might be the
31 best approach because I'd hate to see us be
32 so prescriptive in our Operational
33 Guidelines that we mandate certain
34 procedures for every region and all regions
35 have really adapted and evolved to the way
36 that suits their operations the best and
37 addresses their needs, their individual
38 needs across the regions.

39 But there are ways that we have
40 evolved to do things that might be a better
41 way, but I don't really know - for example,
42 in the North Pacific, I don't know how other
43 councils meet their needs. So, I don't
44 really have anything to go on.

45 I don't know if there's a better
46 practice out there. So, that's my idea.

47 CHAIRMAN ROBINS: Dave, I

1 appreciate that insight.

2 Emily, I don't know how it would
3 work for your process or Marian, but perhaps
4 we could try to have a workshop to address
5 this between now and the May meeting and
6 come back in May - if you need detailed
7 input from the CCC, that might be one way to
8 do it.

9 Can you comment on that?

10 MS. MENASHES: Yeah, I think we
11 could look at that opportunity. And maybe
12 it's a series of webinars focusing on some
13 of the different parts of this or something
14 like that.

15 So, I think it would be useful if
16 we could get some general input on the
17 approaches so far that people have
18 discussed. I think it would be helpful if
19 we could have another iteration of this
20 before we get folks together and maybe
21 narrow it down a little bit more on is this
22 fourth option, does that have kind of the
23 best aspects of things in it?

24 I mean, is that getting a little
25 bit more focused on that and then planning a
26 more detailed discussion of some of those
27 items I think would be helpful.

28 So, I'd like to take this maybe
29 the next level forward, not wait for a
30 workshop just to talk about kind of where we
31 are now, but to see where we could get, you
32 know, maybe with some input on the materials
33 that we have here.

34 Take that, do some revisions and
35 then think about what the best way is to get
36 more focused input.

37 CHAIRMAN ROBINS: Okay. I think
38 we need to flesh that plan out so that by
39 the time we adjourn tomorrow we have a sense
40 of what that's going to look like.

41 Tom Nies.

42 MEMBER NIES: Well, this might fit
43 in a little bit with what Emily is saying.
44 I mean, I agree with Dave that we shouldn't
45 lose this opportunity to try and structure
46 things, you know.

47 Speaking personally, sometimes I

1 look at documents from other regions and I'm
2 envious, you know, because there are things
3 that they are doing that I wish we were
4 doing or I would like to know how to get to
5 that point.

6 But my suggestion to try and move
7 this forward a little bit more quickly is
8 I'm one of the folks who never answer to
9 Kitty or the other panelists and mea culpa,
10 but what I suggest is that, you know, I
11 don't - it would probably be easier for us
12 to get the EDs together on a conference call
13 and maybe with our deputies which are really
14 the people who are probably most familiar
15 with the documentations issues, rather than
16 drag all the chairs and vice-chairs into a
17 large webinar.

18 And we might be able to get the
19 EDs and maybe the deputies together and hash
20 through some of this stuff before we move
21 forward with a workshop if we decide to go
22 that way.

23 And with fewer people, scheduling
24 might be easier too. Just a suggestion on
25 something to try.

26 CHAIRMAN ROBINS: I think I could
27 second that.

28 Emily, does that sound like a
29 viable way for -

30 MS. MENASHES: Yeah, I don't think
31 that was inconsistent with what I was
32 thinking about. I wasn't - I think, yeah,
33 this whole group would be a bit much for
34 trying to focus on that. So, that would be
35 a good approach.

36 CHAIRMAN ROBINS: Yeah, in terms
37 of fleshing that plan out, you know, we'll
38 identify the next steps and who's going to
39 take the lead on setting up the conference
40 call, et cetera.

41 Okay. Are there any other
42 reactions at this point to any of the
43 material or the questions that have been
44 posed?

45 Tom.

46 MEMBER NIES: Well, I guess I
47 don't know if it's a reaction, Mr. Chairman.

1 I guess I wondered if you wanted, you know,
2 Emily expressed an interest in some specific
3 comments or questions today. I don't know
4 if you want to get into this given the time
5 of the day.

6 CHAIRMAN ROBINS: Well, if members
7 have a specific reaction at this point, I
8 think they'd obviously be welcome.

9 And alternatively if you want to
10 review the documents tonight and add any
11 additional input tomorrow, we can document
12 that.

13 But, Tom, if you have a specific
14 reaction now or want to comment on any of
15 these, that would be fine.

16 MEMBER NIES: It's not really a
17 reaction. It's more a question on one of
18 the things in Line I.

19 Bullet 2 in Line I which talks of
20 some sort of joint sign-off or formalized
21 feedback point, I don't really recall what
22 the 205 guideline said.

23 Is that intended to be like a
24 sign-off before a document is formally
25 submitted, or is this some sign of sign-off
26 while the document or even the measures are
27 still in preparation?

28 It wasn't - I don't really recall
29 what this point in that -

30 CHAIRMAN ROBINS: Marian.

31 MS. MACPHERSON: Yeah, the 2005
32 draft identified - it sort of broke down the
33 fishery management process like products
34 development and like seafood inspection and
35 hazard analysis control points. And
36 identified places in the system where things
37 could go wrong. And at those places,
38 required sign-offs called "Advisory
39 Statements."

40 So, I mean, that was a big hangup
41 with the 2005 draft was the, you know,
42 bottlenecking that occurred with that number
43 and that formal a level of sign-off, but is
44 there some modification of a concept like
45 that where a formalized check-in would occur
46 at certain points in the process.

47 CHAIRMAN ROBINS: Are there any

1 other comments or questions on this?
2 Marian, thanks for indulging us
3 and doing that today. I appreciate it.
4 MS. MACPHERSON: Thanks.
5 CHAIRMAN ROBINS: And we'll look
6 forward to continuing the discussion as we
7 wrap things up tomorrow.
8 With that, I would suggest that
9 we will adjourn and reconvene at nine
10 o'clock tomorrow morning.
11 And as we get into the agenda
12 tomorrow, Marian's presentation that she
13 just gave was scheduled for 10:15. And I
14 think we want to try to preserve the
15 scheduled timing of the MSA discussion
16 because we may have some staffers coming
17 over from the Hill.
18 So, we will propose to take the
19 habitat conservation initiative presentation
20 at 10:15. And hopefully that will allow us
21 to adjourn a little bit early.
22 Kitty.
23 MEMBER SIMONDS: Just before we
24 close, I wanted to ask the executive
25 directors to meet following this meeting for
26 15 minutes. We just want to talk about
27 budget and a couple of things.
28 So, EDs, if you don't mind, thank
29 you.
30
31 CHAIRMAN ROBINS: Thanks, Kitty.
32 With that, we're adjourned and we'll
33 reconvene at nine o'clock tomorrow morning.
34 Thank you all very much.
35 (Whereupon, at 5:05 o'clock p.m.
36 the meeting was adjourned.)
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U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION
NATIONAL MARINE FISHERIES SERVICE

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COUNCIL COORDINATION COMMITTEE
(CCC)

+ + + + +

MEETING

+ + + + +

THURSDAY, FEBRUARY 20, 2014

The Council Coordination Committee met in the Columbia Ballroom of the Holiday Inn, Capitol, 550 C Street, SW, Washington, D.C., at 9:00 a.m., Rick Robins, Chairman, Mid-Atlantic Council, presiding.

COUNCIL MEMBERS:

NEW ENGLAND COUNCIL:

TERRY STOCKWELL, Chairman
JOHN QUINN, Vice-Chairman
TOM NIES, Executive Director

MID-ATLANTIC COUNCIL:

RICK ROBINS, Chairman
LEE ANDERSON, Vice-Chairman
CHRIS MOORE, Executive Director

SOUTH ATLANTIC COUNCIL:

BEN HARTIG, Chairman
MICHELLE DUVAL, Vice-Chairman
ROBERT MAHOOD, Executive Director

CARIBBEAN COUNCIL:

CARLOS FARCHETTE, Chairman
GEÑO PINEIRO-SOLER, Vice-Chairman

MIGUEL ROLÓN, Executive Director
GULF OF MEXICO COUNCIL:

DOUG BOYD, Chairman
KEVIN ANSON, Vice-Chairman
DOUG GREGORY, Executive Director

WESTERN PACIFIC COUNCIL:

EDWIN EBISUI, Vice-Chairman
MICHAEL DUENAS, Vice-Chairman
WILL SWORD, Vice-Chairman
KITTY SIMONDS, Executive Director

PACIFIC COUNCIL:

DOROTHY LOWMAN, Chairman
HERB POLLARD, Vice-Chairman
DON MCISAAC, Executive Director

NORTH PACIFIC COUNCIL:

ERIC OLSON, Chairman
JOHN HENDERSCHIEDT, Vice-Chairman
CHRIS OLIVER, Executive Director

NOAA PARTICIPANTS:

JOHN BULLARD, Regional Administrator,
Greater Atlantic
JIM BALSIGER, Regional Administrator,
Alaska
BOB TURNER, Assistant Regional
Administrator, West Coast
ROY CRABTREE, Regional Administrator,
Southeast
MIKE TOSATTO, Regional Administrator,
Pacific Islands

HQ STAFF/PRESENTERS:

ADMINISTRATOR'S OFFICE:

EILEEN SOBECK, AA for Fisheries,
SAM RAUCH, DAA for Regulatory Programs,
PAUL DOREMUS, DAA for Operations,
RICHARD MERRICK, Director, Scientific
DOUG LIPTON, Senior Science Advisor,
RICHARD METHOT, Senior Science Advisor
STEVE LEATHERY, National NEPA Coordinator

COMMUNICATIONS:

KATE NAUGHTEN, Director, Communications
LAUREL BRYANT, External Media

GC FOR FISHERIES:

ADAM ISSENBERG, Section Chief, Fisheries &
Protected Resources

OFFICE OF POLICY:

MARK HOLLIDAY, Director

HABITAT CONSERVATION:

KARA MECKLEY, Acting Chief, Habitat
Protection

SUSTAINABLE FISHERIES:

ALAN RISENHOOVER, Director
EMILY MENASHES, Deputy Director
BILL CHAPPELL, Chief, Regulatory Services,
Division
GALEN TROMBLE, Chief, Domestic Fisheries
Division
TARA SCOTT, Fisheries Program Specialist
KELLY DENIT, Supervisory Fishery Management
Specialist
MARIAN MACPHERSON, Management and Program
Analyst

BRIAN FREDIEU, Fisheries Program Specialist

OTHER PARTICIPANTS:

DAVE WITHERELL, Deputy Executive Director,
North Pacific Council

GEORGE LAPOINTE

JEFF LEWIS, Senate Commerce, Science, and
Transportation Committee

DAVE WHALEY, House Committee on Natural
Resources

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1 P-R-O-C-E-E-D-I-N-G-S

2 9:03 a.m.

3 CHAIRMAN ROBINS: Good morning
4 and welcome to the second day of the CCC
5 meeting. I'd like to welcome everybody back
6 so we can get started.

7 Our first agenda item today is
8 going to be the Electronic Monitoring
9 Workshop Report and I'll turn to Chair
10 Lowman for that - Dorothy. Good morning.

11 MEMBER LOWMAN: Thanks. So I
12 wanted to start off this discussion with a
13 little brief report on the National EM
14 Workshop that actually many of you attended
15 that was held in Seattle in January 8th and
16 9th of this year.

17 So in your briefing materials you
18 have a brief summary of the - of the sort of
19 key take-aways of the workshop that George
20 Lapointe was kind enough to put together
21 after our post-workshop steering committee
22 meeting as well as I put in the terms of
23 reference for our EM subcommittee working
24 group just for your reference.

25 So one of the key take-aways from
26 the workshop was that successful program
27 design and implementation requires engaging
28 all parties - you know, fisheries managers,
29 scientists relying on fishery-dependent
30 data, fishermen, law enforcement, service
31 providers, other stakeholders engaging at
32 the very earliest stages of planning and
33 that earliest stages of planning should
34 start with clear identification of goals and
35 objectives.

36 So in designing this workshop we
37 decided we better be true to those tenets
38 from the get-go. So the first thing that we
39 did after receiving funding for the workshop
40 was to establish a 13-member steering
41 committee that included all of those
42 different groups and including conservation
43 interests also from around the country, and
44 most of the council regions were represented
45 on that steering committee.

46 The overarching goal for the
47 workshop was to provide information in

1 context that would foster the integration of
2 EM and ER into fishery monitoring systems.

3 So the first task of the steering
4 committee was to help finalize the
5 objectives for the workshop, which were to
6 gain a better understanding of the possible
7 ranges of electronic monitoring
8 applications, identify solutions to current
9 challenges to integrating electronic
10 monitoring, share lessons from our
11 experiences with pilot studies and early
12 design and implementation efforts, identify
13 key program and design elements, discuss
14 electronic monitoring needs to support
15 effective monitoring implementation plans
16 that George is helping to facilitate, those
17 being completed by, I guess, it's the end of
18 this year and George is here so, I invite
19 him to feel free to add to any of this, and
20 build professional networks to exchange
21 electronic monitoring information.

22 So I'm not sure that everyone
23 knew what they signed up for when they
24 agreed to be on the steering committee
25 because it was a lot of work. But they all
26 stepped up to the plate.

27 In particular, I'd like to
28 recognize those steering committee members
29 who took on a very important role of
30 organizing the break-out sessions.

31 We had 16 break-out sessions
32 during the course of the four days and so
33 I'd just like to kind of recognize right now
34 John Henderschedt and his fisheries
35 leadership in sustainability forums, staff
36 that took on four of those break-out
37 sessions, Mark Holliday and Jenny Thompson,
38 who was a Sea Grant fellow at the time and I
39 think she's now working with communications
40 for NMFS, Melissa Hooper of John Bullard's
41 staff and Susan Gardner from the Northeast
42 Fishery Center were another team for four of
43 the break-out sessions and then Sara McTee
44 from EDF and Shawn Stebbins were the last of
45 these four teams.

46 I also kind of want to recognize
47 all the support that the workshop received

1 from the councils, making sure that the
2 invitees from their respective regions could
3 attend - I mean, that took resources and
4 that was great - and from NMFS also who put
5 in a lot of in kind and, providing the
6 budget - the travel budgets for these times
7 to get their staff to that - to the
8 workshop.

9 Before the workshop, the steering
10 committee members also worked with a lot of
11 the regional executive directors of the
12 councils to identify some key decision
13 makers and stakeholders in each region and
14 we held conference calls in most regions and
15 I talked to, like, Miguel in the Caribbean
16 to get an idea of what were some of the key
17 issues from there, in the regions.

18 Then when August John Bullard
19 graciously hosted the steering committee at
20 GARFO before it was ever named GARFO and we
21 took all that input and started to design
22 the workshop.

23 So and we also decided that while
24 interest in the workshop was great we wanted
25 to limit the participation to about 160
26 people in order to facilitate that kind of
27 discussion.

28 And so we had some large plenary
29 on sort of the 30,000-foot level of some of
30 the issues related to EM integration and ER
31 and then we broke into these smaller break-
32 out sessions that had about no more than 40
33 people in them so that there was more
34 opportunity for real discussion.

35 We also had a poster session
36 where posters - where pilot studies and
37 technological advances that were happening
38 around the country were there and I think
39 people got quite a bit out of those also.

40 So it was a busy two days and at
41 the - following it the steering committee
42 met for another half a day to start to think
43 about where some of the next steps and also
44 sort of think about what were some of the
45 key take-aways.

46 I'm not going to go through all
47 of those. They're in the briefing

1 materials. But I wanted to highlight a
2 couple of them.

3 Yesterday we heard bycatch,
4 bycatch, bycatch, data, data, data. I guess
5 I would say, knowing your program
6 objectives, knowing your program objectives
7 and let your data needs was one of the
8 resounding themes so that then you could
9 decide whether this was an applicable tool.

10 But that you really needed to do
11 that first step and that you also needed to
12 have clear shared definitions because I
13 think sometimes you thought you were talking
14 to each other but you really didn't - you
15 were really talking about something
16 different.

17 Another aha moment for me was I -
18 you know, I was clear that we needed all of
19 these different stakeholders but the group
20 that I was not quite as clear about having
21 at the table from the beginning was the IT
22 folks.

23 I think there was a lot of
24 reinforcing the fact that you got to think
25 about how this fits into your data
26 collection program as a whole and how does
27 it get integrated and out to where we can
28 all use that information.

29 And so having those folks at the
30 table in designing that so it's most
31 effective both in terms of cost as well as
32 in delivering what you really need is
33 important.

34 So another thing I just wanted to
35 highlight is that there was a lot of strong
36 interest in developing programs that
37 establish performance centers and that would
38 let industry and service providers figure
39 out how to meet those standards.

40 But I think that's a really
41 different way of doing business for us. And
42 so I think there are some more work that
43 needs to be put into how do we do that -
44 what are performance standards - how could
45 you start to allow for some of these
46 different models.

47 I'll let you read this list,

1 figure which ones, jump out at you the most.
2 But I wanted to go - kind of go on to where
3 do we go from here.

4 We've been compiling - we asked
5 everyone to do a workshop evaluation at the
6 end and we've been compiling those results
7 and one of the questions we asked
8 participants was what were the most useful
9 things about the workshop for them and the
10 top five were building those connections and
11 sharing information with other stakeholders
12 from other regions, identifying barriers to
13 EM implementation, identifying solutions to
14 those challenges, understanding the
15 regulatory context of EM and exposure to
16 technical systems and innovations.

17 So the top one of those was
18 keeping that cross regional communication -
19 knowing what we're doing so we're not
20 reinventing the wheel but we're also looking
21 and being able to draw from experiences from
22 other regions to solve issues as best - as
23 different regions start to use EM and ER.

24 So one of the tools to encourage
25 or facilitate that is a website that we
26 developed after that and so I want to then
27 just - it's called eminformation.com.

28 There's some pictures that have
29 to be changed because they're awful but one
30 thing new that's just been put up and it
31 says - there's a slightly hairier Sam Rauch
32 but all of the plenary videos of all the
33 plenary presentations are up there.

34 So for people who didn't get to
35 go or if people wanted to refresh what they
36 had heard you can click on them and if you
37 don't want to watch the latest Netflix
38 "House of Cards" you can instead watch Sam
39 doing his opening remarks.

40 We had a number of good speakers.
41 Most of them were from here. We
42 deliberately wanted to focus on our
43 experiences here but we also wanted to gain
44 some of the insights from people who are
45 further along in integrating EM into their
46 systems.

47 So there were some speakers from

1 British Columbia as well as from Denmark.
2 We also had people who were there from
3 Australia who commented that boy, you know,
4 we do share a lot of the same challenges and
5 needs, globally for this technology.

6 You look across the top and if
7 you click on program you can see the whole
8 program and then there are links - let's see
9 if this works. Can I do that? Oh, yeah.

10 And so if you click on them it'll
11 take you to either the videos for the
12 plenaries or it'll take you to a description
13 of the - or say, let's see.

14 If you go to it, it will take you
15 to the different break-out sessions and then
16 you can click on the speakers, get a little
17 bit about the speakers and then what we're
18 working on now is to do summaries of each of
19 these discussions in each of the break-out
20 sessions.

21 We did do audio recordings but
22 that was primarily for the purpose of taking
23 - making summaries of these sessions and
24 rather than it be a he said, she said
25 because we wanted people to be able to be
26 very free in these discussions and not feel
27 that what they said came back to haunt us as
28 opposed to Sam who - it will come back to
29 him because he's on the video, but we're
30 going to try to summarize these in terms of
31 key topics and one of the techniques we use
32 was try to have people think about what do
33 we - what do we have, what do we need, and
34 what did we learn and we'll try to kind of
35 summarize them that way.

36 And then we'll put it back
37 together to a full workshop report that we
38 hope to have out by June. You can also see
39 that there is a tab for the poster session,
40 and if you go there you can either read
41 about the poster or you can actually see a
42 PDF of the poster that was presented.

43 What is not on here yet is the -
44 a link for background information. There
45 were a number of documents that were
46 provided to the participants prior to the
47 workshop but also some that - some of the

1 speakers presented that would be useful, I
2 think, for folks and so we'll have that up
3 there.

4 And as well, there's all the
5 workshop participants and their contact
6 information are there and because people
7 said we really do want to keep in touch.

8 And one of the things we did is
9 we wanted people to not just come focus on
10 my particular issue in my region and my
11 belief system about that but rather think
12 more broadly in terms of how can this too be
13 applied for fisheries with different
14 characteristics or for certain challenges.

15 So we had these EM clients, as we
16 called them. We had a multi species high-
17 volume gear bycatch and rare events
18 category, recreational and small fishing
19 vessels and a low-volume and fixed gear
20 fisheries and we asked people to kind of
21 think about what - you know, kind of have
22 that hat on and think about some of the
23 information they were receiving from how
24 would I apply it to that type of fishery or
25 to meet that kind of challenge.

26 And then the idea was and then we
27 had a synthesis break-out that people who
28 had that same identity would come and
29 hopefully had been to all of the 12 sessions
30 prior to that within that group and that we
31 could try to synthesize and share some of
32 that.

33 Actually, that we completely
34 successful in some cases but I think that
35 there were - one of the comments that did
36 come out of the evaluations is that we asked
37 them if they felt that they knew more about
38 - I guess the question was do you feel you
39 came away with a better understand of how to
40 integrate EM and ER for your particular EM
41 client identity and 75 percent of the
42 respondents of which about half of the
43 people responded to the evaluation said yes
44 to that.

45 So I guess what I would
46 appreciate knowing - and what I have is I
47 have resources to keep this website up

1 through the end of the grant, which is
2 November - I think there was a clear
3 interest in the steering committee and
4 others to continue having this tool.

5 John is thinking that he has the
6 capability to kind of take it over at the
7 end of that time or somewhere we'll
8 transition it over so that I think he's
9 going to get a grant for a fisheries
10 information systems - I'm not quite sure if
11 I remember the name of it - that would allow
12 him to host such a website.

13 And the idea is that we kind of
14 wanted it to be something that's a shared,
15 again, by all people that are interested in
16 this and not sort of have ownership by one
17 agency or something.

18 So what I think would be
19 interesting to hear it would be if there
20 have been any follow-up activities in the
21 regions or related either to the workshop or
22 just where people are going with EM and then
23 maybe we could have a discussion about how
24 we might as a CCC want to engage and
25 continue in that and, whether we want to,
26 you know, employ our EM working group in
27 some regard in that.

28 So any questions? And then I'll
29 turn it back over to Rick.

30 CHAIRMAN ROBINS: Dorothy, thank
31 you very much.

32 I think the - you know, one of
33 the points about the working group, you
34 know, in terms of the future utility of that
35 it sounds like there is significant interest
36 in understanding what's going on in the
37 different regions.

38 So, given the very early life
39 stage of EM if you think about where it is
40 and still somewhat of an incubatory state,
41 so it seems like there's probably a lot of
42 benefit in maintaining some level of
43 information exchange between and among the
44 regions.

45 So is the working group a group
46 that could continue to provide periodic
47 updates to the CCC about developments in EM

1 around the country or how do you think that
2 might work?

3 MEMBER LOWMAN: I think it would
4 be a good vehicle to do that. Right now I
5 don't think every council has someone on
6 there so I think we might see if there's an
7 interest in adding a couple of members to
8 that.

9 But, I think that could be one
10 good vehicle and that we could, maintain
11 that, maybe have an update at the May
12 meeting about what's going on.

13 CHAIRMAN ROBINS: Okay. Are
14 there other developments that people can
15 report out or indicate in response to
16 Dorothy's question? Tom Nies.

17 MEMBER NIES: Yeah. We took
18 probably, I don't know, 10 or 13 people out
19 to the meeting from a lot of our different
20 fisheries.

21 Most of them really enjoyed it.
22 I think they learned a lot and it really
23 energized a lot of the interest in our
24 region across other fisheries besides just
25 the ground fish fishery and electronic
26 monitoring.

27 We've had an electronic
28 monitoring working group working on just a
29 small portion of the issue with respect to
30 ground fish but the region - another group
31 called the Nature Conservancy and us and
32 there's somebody else involved, got the Main
33 Research Institute are partnering to host a
34 regional EM workshop which is scheduled for
35 May.

36 And I think it's generating a lot
37 of interest. We haven't really put together
38 the agenda in a lot of detail yet. I
39 suspect in large measure it will be trying
40 to take the national level meeting and make
41 it more specific to our region.

42 And, the GARFO folks and the
43 Science Center are really taking a strong
44 push on this and really helping us out to
45 identify the issues we need to wrestle with.

46 So I think you're really making
47 some good progress and I think Dorothy's - I

1 shouldn't say Dorothy's workshop but I think
2 the workshop really energized people and got
3 people geared up for this.

4 CHAIRMAN ROBINS: Tom, thanks for
5 that update. Are there any other updates
6 from other regions on this issue, in
7 response? Michelle.

8 MEMBER DUVAL: Yeah. I mean,
9 thanks, Rick. Not necessarily updating. I
10 mean, we'll be discussing this at our
11 upcoming council meeting just the workshop
12 itself and what came out of it.

13 We have a data collection
14 committee on our council. I was out at the
15 workshop. Our data collection committee
16 chair, Mel Bell, was out there. We had a
17 few fishermen out there.

18 Some folks weren't able to make
19 it just because of the weather. Folks got -
20 had flights cancelled and everything but, I
21 mean, I do want to commend Dorothy and her
22 team for putting on a really amazing,
23 informative, well run workshop that was just
24 chock full of information.

25 I mean, I know they were worn out
26 by the end of it and as a participant I was
27 certainly worn out by the end of it and it
28 was great to hear about what was going on in
29 the different regions, what had been
30 considered, what hadn't.

31 I think in the Southeast where we
32 may be a little bit, you know, probably
33 behind some of the other regions in our
34 consideration of electronic technologies,
35 there's definitely a very strong interest in
36 electronic reporting.

37 So I think that's probably where
38 our next steps are going and we've already
39 taken steps in that direction to collaborate
40 with the Gulf Council in that regard.

41 CHAIRMAN ROBINS: Thanks,
42 Michelle.

43 Any other updates or any other
44 questions for Dorothy? Don.

45 MEMBER MCISAAC: Thank you, Mr.
46 Chairman. Not a question for Dorothy but
47 maybe a compliment for Sam.

1 At the beginning of the workshop
2 Sam gave a little rah-rah speech that was
3 actually very impressive, I think, to the
4 whole group and talked about how EM is - it
5 was really a good - it was a good - very
6 good tone setter.

7 It really was and it's nice to
8 hear from the top some genuine emphasis on
9 things and, you know, EM is the way of the
10 future. We even on the West Coast have
11 places still using paper fish tickets and
12 all that's going to be different five and 10
13 years from now.

14 But anyway, I thought Sam did a
15 great job of setting the tone that this is
16 not just an esoteric IT toy out there for
17 people to play with - that it can really
18 save money.

19 CHAIRMAN ROBINS: Sam, if I could
20 ask on the IT side of things how does the
21 agency plan to address the data integration
22 side of this? Because obviously if we move
23 in this direction, I mean, there are clearly
24 going to be opportunities where it'll be
25 appropriate and effective to have electronic
26 monitoring in place.

27 But when we - when we do that we
28 generate a new data stream. So, just
29 knowing that there are already some issues
30 with data integration how might the agency
31 address that or plan for that?

32 MR. RAUCH: So one of the things
33 that came out of the workshop is the
34 importance of the council's setting the goal
35 for the observing system.

36 What we're talking about is
37 creating - is either creating a new
38 observing system or replacing an existing
39 observing system with new technology.

40 And to do that you have to have
41 the council's reaffirming that this is what
42 they want, right. Electronic monitoring can
43 do a lot of things. It is the glitzy new
44 toy.

45 But unless the council is
46 actually asking for that then it's not going
47 anywhere and it's not doing anything good.

1 So once you figure out what the -
2 what you want to get - what you want to
3 monitor, whether it's with a camera or an
4 electronic log book or whatever then that
5 goes to the normal process.

6 Some of the - some of the
7 integration is easy. If it used in some
8 instances for enforcement you don't have to
9 integrate it into the science at all.

10 So right now, currently there is
11 discussion for using these for monitoring
12 slippage events. That's purely an
13 enforcement issue. Doesn't need to be
14 integrated.

15 If you are monitoring for - and
16 the same is true if you are monitoring just
17 about discards - you just want to avoid
18 discards and so there's a no discard
19 requirement. You'll count the fish when
20 they get onshore, right.

21 That's - there's no integration
22 there. You're still counting the fish.
23 You're just counting them in a different
24 location.

25 There may be a calibration that
26 you'll have to work. All of these pilot
27 programs have calibration issues where you -
28 for instance, the camera programs. They all
29 run the cameras and the observers side by
30 side for a while to make sure you calibrate.

31 If you're trying to do catch
32 accounting and you have an existing catch
33 accounting system based on the observers
34 that you're replacing you will have to run
35 that calibration.

36 One of the reasons that it's
37 taken so long to get out of the pilot stage
38 is that calibration factor because it's
39 taken a while to get a solid calibration.
40 You don't want to turn off one monitoring
41 system and turn on the other and expect
42 there to be there gaps.

43 You have to have the calibration
44 time where you're running both systems and
45 that causes delay which frustrates people.

46 But these are issues that happen
47 already. This is not - this is nothing

1 earth shattering in that we always in our
2 monitoring systems improve technology.

3 When we went to VMS data we had
4 the same kind of issue and looking at, you
5 know, now that we can plot the boats. We've
6 done electronic log books in many places
7 where we've had to calibrate the accuracy of
8 paper log books with the accuracy of the
9 electronic log books for those landing
10 requirements.

11 So this is something that's
12 normal. I don't think that - it's something
13 you do need to plan for but I don't think
14 it's that difficult to do as long as you
15 anticipate that you'll be running
16 calibrations where you need that for the
17 data. So you can't just flip the switch.

18 So there's a certain degree of
19 education that you have to do to the people
20 who want this and want this immediately.

21 Well, you can - you can have part
22 of it but we need to calibrate it before you
23 just turn off the old system.

24 CHAIRMAN ROBINS: Thanks, Sam.
25 Other questions or comments on this issue?
26 Carlos.

27 MEMBER FARCHETTE: Thank you, Mr.
28 Chair. I also want to thank Dorothy for
29 that excellent workshop that was put up. It
30 was a lot of hard work and I know how
31 difficult it is to get all those logistical
32 issues in place.

33 For the Caribbean, we plan to use
34 - we're working on looking at electronic
35 reporting for the deep water snapper and
36 grouper fishing in Puerto Rico.

37 We're also looking at using ER
38 for commercial fishing in the USVI and we
39 presently have a pilot project with Eco
40 Trust working with certain - I think there's
41 maybe 25 fishermen in the USVI using the
42 electronic log book reporting.

43 And we also plan to look at ER
44 for recreational fishers in Puerto Rico and
45 USVI. So we're going to have a meeting I
46 think March 4th and bringing those fishermen
47 that are using this and see how this thing

1 is working out for us.
2 CHAIRMAN ROBINS: Great.
3 MEMBER FARCHETTE: One more thing
4 I wanted to say -
5 CHAIRMAN ROBINS: Carlos.
6 MEMBER FARCHETTE: - is that we -
7 one of the concerns that we're going to be
8 looking at is how do you validate that
9 electronic reporting.
10 CHAIRMAN ROBINS: Thanks, Carlos.
11 Other comments or questions? Dorothy, I
12 would suggest that, if it's possible for the
13 working group to continue to provide the CCC
14 with periodic updates on any developments
15 from around the country on electronic
16 monitoring that that would be helpful.
17 MEMBER LOWMAN: Thanks. I agree
18 and I - you know, I - Kitty's staff, Eric
19 Kingma, who is also a member of the steering
20 committee, has been coordinating that
21 working group and, you know, I don't have it
22 right in front of me but I think there are a
23 couple of regions like the New England
24 region comes to mind in particular that
25 doesn't have a member on it and it might be
26 helpful if there are people that don't have
27 one who would like to be on it would be
28 helpful in terms of sharing that information
29 - that we have someone from everyone - every
30 region.
31 CHAIRMAN ROBINS: Sam.
32 MR. RAUCH: Yes. So I stepped
33 out a little bit during the presentation and
34 I don't - I can't recall whether you
35 mentioned this or not.
36 But when we did our electronic
37 monitoring policy last year, which we've
38 shared with the council, one of the things
39 that we asked our regions to do by the end
40 of this coming year is to work with the
41 councils and other constituents to have an
42 electronic monitoring plan for how you would
43 advance this in your region, recognizing
44 that this is not - this cannot be a top down
45 program, right.
46 Because it's important that the
47 council set the objectives for monitoring

1 just like every other monitoring system it
2 has to be bottom up.

3 It has to be tailored to each
4 region and so we expect if you've not
5 already been working with your regional
6 office to be doing so over the coming year
7 because the regional offices are going to be
8 turning in those plans to us at the end of
9 the year.

10 So that's - you know, it is
11 important to look at this as a national
12 picture but this really is a bottom up kind
13 of thing that has to be tailored to the
14 needs of each individual region and each one
15 are different, right.

16 Some regions want cameras. Some
17 want log books. Some want different things
18 to meet their particular needs and even
19 within the fisheries it's different. So you
20 can't just say there's one national internal
21 monitoring program.

22 But we do want our regions to be
23 working with the councils on those plans.

24 CHAIRMAN ROBINS: Kitty.

25 MEMBER SIMONDS: Well, I can
26 report that we have an RFP out for our
27 region and what we'll get is information
28 costs on hardware, software, transmission
29 costs, installation, services and,
30 obviously, we're working with the Science
31 Center and the NOAA Office of Law
32 Enforcement.

33 They're going to be on our team
34 to evaluate the proposals that we get. So
35 that's done.

36 CHAIRMAN ROBINS: Kitty, thanks.
37 I think at the upcoming May meeting perhaps
38 when the various regions report out in terms
39 of updates, we could have an update on any
40 new electronic monitoring developments
41 within each region and then continue to
42 evaluate this.

43 But the working group, I think,
44 just at least retaining that informally to
45 provide updates could also be helpful,
46 Dorothy. So why don't - we'll plan on
47 incorporating that into the - into the May

1 agenda.

2 Any other questions or comments
3 on this section? All right.

4 The next item is going to be the
5 one that we agreed yesterday to move up and
6 that'll be the NOAA Habitat Conservation
7 Initiative. We are running somewhat ahead
8 of schedule so we'll go ahead and take that
9 now.

10 Kara Meckley is going to be
11 making that presentation. I'll ask Mr.
12 Chris Moore to introduce the topic. Chris.

13 MEMBER MOORE: Thanks, Mr. Chair.
14 As Kara gets situated up there I just wanted
15 to briefly introduce the subject.

16 Obviously, habitat is an
17 important component of our nation's
18 fisheries. Most of us - all of us are
19 involved with issues related to essential
20 fish habitat in HAPC but a number of us are
21 also involved with a number of other habitat
22 projects and initiatives.

23 For example, since become the
24 executive director of the Mid-Atlantic
25 Council I've worked with the council to
26 increase our habitat portfolio, our habitat
27 focus.

28 We're involved with deep-sea
29 coral amendment that we hope to have in
30 place this year. We're also currently
31 involved with BOEM on wind energy issues and
32 protection of essential fish habitat in
33 those particular wind energy areas.

34 Recently, I was appointed to the
35 National Fish Habitat Action Plan board and
36 my seat on that board is one that Bob has
37 had for three or four years prior to meeting
38 on the board, and I would guess that many of
39 you around the table have no idea what the
40 National Fish Habitat Action Plan board does
41 and its importance to the councils.

42 And in general, I think we lack
43 clarity on a number of issues related to
44 habitat and some of the initiatives that
45 NOAA is involved with and the potential
46 application to our work and the council's.

47 As a result, I asked Kara to come

1 here today to talk to us and begin the
2 discussion. We're actually going to
3 continue this discussion at our May CCC
4 meeting as well. So with that, welcome,
5 Kara.

6 MS. MECKLEY: Great. Thanks,
7 Chris.

8 I'm happy to be here today from
9 the Office of Habitat Conservation to
10 provide an overview of our habitat
11 initiatives in the agency and how you can
12 benefit from that work.

13 We recognize that the councils
14 have been working very hard to end
15 overfishing and rebuild stocks and there's a
16 lot happening in the habitat world that can
17 help support your fisheries' goals and our
18 office wants to help support those goals as
19 well.

20 Both the councils and the fishing
21 community have recognized the important role
22 that habitat plays in fisheries and I wanted
23 to start by acknowledging all of your work.

24 The councils have invested
25 significant time to address complicated
26 issues that include habitat conservation and
27 for some councils this work started before
28 the 1996 amendments to the Sustainable
29 Fisheries Act but certainly that habitat
30 work really ramped up with the advent of
31 essential fish habitat provisions in '96.

32 All the councils have described
33 and identified EFH for their managed species
34 as required by the act and you've also
35 identified habitat areas of particular
36 concern to focus conservation work where
37 it's most needed.

38 And since 2005, the councils have
39 protected nearly a billion acres of habitat
40 including specific habitats that are more
41 vulnerable like deep-sea coral communities,
42 canyons and seamounts.

43 And a significant portion of this
44 protection was accomplished through council
45 decisions in a precautionary way to freeze
46 the footprint of current operations for
47 bottom trawling.

1 And so these decisions that
2 really consider habitat for fisheries
3 supports and advances an ecosystem approach
4 and in some cases, despite limited habitat
5 information.

6 Even with these tremendous
7 accomplishments the habitat issues we face
8 nationally are really complicated and we
9 have challenges that remain.

10 Based on a recent NOAA and Fish
11 and Wildlife Service report we're losing
12 wetlands in coastal watersheds at a rate of
13 80,000 acres per year and that's seven
14 football fields every hour.

15 Seagrass beds in the Chesapeake
16 Bay are down by nearly 50 percent. Our
17 mangrove habitat in the Florida Keys has
18 declined by 50 percent and nearly half of
19 our coral reefs have been seriously damaged
20 by a multitude of threats.

21 And so news of habitat
22 degradation has been seen and reported in
23 all parts of the country despite our best
24 efforts.

25 And we believe that these
26 declining trends are either affecting your
27 fisheries now in that we have some stocks
28 that aren't responding to implementing ACLs
29 or that these habitat trends could affect
30 your stock productivity over the long term
31 whether its habitat, climate change or
32 another ecosystem factor that maybe we
33 haven't put our finger on yet.

34 Increasing evidence of the
35 connectivity of inshore habitats and
36 fisheries to offshore stocks has led my
37 office to think long and hard about how we
38 can help support all the work that you're
39 currently doing and one of our biggest
40 challenges is figuring out and putting our
41 finger on whether the work that we're doing
42 is actually having a positive impact on
43 these declining trends.

44 So today I wanted to update you
45 on the work that we're doing in a couple of
46 areas and offer ways that you can benefit
47 from these areas and how you can engage if

1 you like.

2 In thinking about our approach
3 and priorities, we've heard from you and
4 other stakeholders and that's been really
5 important feedback.

6 Clearly, the fishing community is
7 recognizing the need for continued action
8 and NOAA had the opportunity over the last
9 year to get feedback from the councils as
10 well as our recreational fishing partners
11 and I wanted to share these with you to
12 acknowledge what we have heard and that
13 we're considering this input as we develop
14 and implement strategies for habitat
15 conservation towards achieving fisheries'
16 goals and outcomes.

17 Last year NMFS conducted a survey
18 of recreational fishing opinions and
19 outcomes of that survey showed a very strong
20 preference for management strategies that
21 protect and restore habitat with 89 percent
22 of the respondents supporting that objective
23 and strategy.

24 And we also heard from councils
25 at the Managing Our Nation's Fisheries 3
26 conference here in D.C. as well as the East
27 Coast Forum out in Annapolis last summer
28 that focused on habitat issues and there
29 were a few consistent messages that we heard
30 from those two fora.

31 First, that NMFS should help the
32 councils fill habitat research gaps in
33 moving from more basic Tier 1 EFH
34 information on presence/absence to a more
35 detailed Level 4 EFH data that really links
36 habitat to fisheries' productivity.

37 And this improved data would help
38 NMFS and the councils make a better case for
39 conserving habitats in support of fisheries
40 and also this improved information could
41 potentially be included in stock assessments
42 and help improve their reliability.

43 This can also certainly help us
44 target where we use our limited resources to
45 have the highest impact.

46 Second, we also learned that
47 councils wanted to be more engaged in

1 nonfishing impacts and that can be done
2 either through the existing authorities you
3 have in Magnuson to weigh in during the EFH
4 consultation process or a few other
5 proactive conservation efforts.

6 And thirdly, we learned that NMFS
7 and the councils wanted to set clear
8 objectives for habitat and metrics for
9 habitat conservation, and this is a theme
10 we've been hearing from multiple
11 stakeholders.

12 Without clear objectives or
13 targets, it's very hard for us to measure
14 our progress towards broader fisheries goals
15 and it's really hard for us to target our
16 limited resources where they're most needed.

17 And finally, the council has
18 highlighted a desire to consider broader
19 ecosystem factors in their decisions and
20 suggested that potentially additional
21 guidance from NMFS might be helpful as they
22 continue that work.

23 In recognizing these themes, the
24 councils are taking action. There's a
25 number of initiatives you're all working on
26 now to better integrate habitat into
27 fisheries management decisions and this
28 slide highlights just three of those
29 initiatives and there are many more in your
30 briefing book in a document that helps at a
31 high level summarize what each of the
32 councils are doing on habitat.

33 For example, staff from our
34 office are working with Chris Moore and
35 staff at the Mid-Atlantic Council to develop
36 operational guidance for including habitat,
37 climate and other considerations into their
38 ecosystem approach for fisheries management.

39 And as Rick mentioned yesterday,
40 the Mid-Atlantic Council had a workshop last
41 week on climate science and a discussion
42 about how changing environmental conditions
43 will affect EFH identification and
44 management in the future.

45 The North Pacific Council signed
46 an agreement last year with our NMFS Alaska
47 regional office to identify specific types

1 of nonfishing impacts that are of the
2 greatest concern to the council.

3 And as part of that agreement,
4 NMFS provides an annual report to the
5 council's ecosystem committee to help them
6 understand where they might want to
7 influence a federal permitting decision for
8 those impacts to habitats that would be
9 essential for their fisheries.

10 And lastly, at the bottom of the
11 slide, the three councils on the Atlantic
12 coast - Chris alluded to this earlier -
13 signed an agreement last summer to
14 coordinate efforts on deep-sea coral
15 conservation. This MOU really serves as a
16 great framework for cooperation and
17 developing and implementing coral management
18 measures in a consistent coordinated way
19 throughout that region and the entire East
20 Coast. It also helps to recognize the
21 importance of deep-sea corals in the marine
22 ecosystem.

23 We recognize that resources are
24 limited and that councils have many
25 complicated issues to address and coming
26 from my office it's our goal to work more
27 closely with the councils on habitat at the
28 national level and help improve the
29 effectiveness of our habitat conservation
30 work as a tool to improve the status of fish
31 stocks and in particular those stocks that
32 may not be responding based on traditional
33 management tools.

34 I'm aware there might be some
35 confusion in the community about the
36 different types of habitat initiatives that
37 are going on right now and I wanted to spend
38 the rest of my time today talking not
39 necessarily about the Magnuson requirements
40 but give you an overview of what my office
41 is doing beyond Magnuson and how we can
42 bring resources to bear to support your
43 fisheries.

44 We recognize that you're working
45 very closely with our NMFS regional office
46 staff in implementing the Magnuson
47 provisions but I also wanted to let you know

1 our regional staff also work on implementing
2 our authorities under the Federal Power Act
3 to help improve fish passage for migratory
4 species and many forage species that are
5 important for your stocks.

6 And in Silver Spring part of my
7 office's goal is to help identify
8 nonregulatory opportunities where we can
9 work with other agencies and help maximize
10 our limited resources to have the most
11 impacts for the fisheries that we manage.

12 The initiatives listed here on
13 this slide could definitely be made stronger
14 with your input and could be a way for all
15 of you to gain some capacity to protect and
16 restore habitats that are important to you.

17 Many of you are already familiar
18 with the NOAA Habitat Blueprint which is the
19 agency's signature strategy for advancing
20 habitat conservation across our many line
21 offices and programs in NOAA and Brian
22 Pawlak, our deputy office director, briefed
23 the CCC on this initiative back in January
24 of 2012 when the blueprint was in its
25 earlier stages of development.

26 And prior to the blueprint, many
27 parts of NOAA were engaged in habitat
28 conservation but they weren't necessarily
29 well coordinated and the blueprint is a way
30 across NOAA for us to improve the way we do
31 business, increase our coordination and help
32 target our efforts in specific important
33 places where we can make a difference.

34 The blueprint is built around a
35 few guiding principles that are fairly basic
36 that you might expect - prioritizing
37 resources, making decisions in an ecosystem
38 context, leveraging partnerships and also
39 keenly focused on improving the delivery of
40 habitat science for management decisions.

41 And to continue the effective
42 implementation of the blueprint across the
43 agency, our NOAA leadership identified this
44 need and established the NOAA Habitat
45 Conservation Team that includes senior
46 members from across NOAA's line offices and
47 helps make sure that our compatible programs

1 are working together, we're not duplicating
2 effort and we're focusing where we need to
3 be focusing.

4 One of the key activities
5 underway under the blueprint is the
6 selection of habitat focus areas and this is
7 a place where we can focus assets across
8 NOAA to tackle specific issues.

9 This map gives you the state of
10 play around the country and we want to be
11 focusing in these specific places so that we
12 can show measurable progress over a three-
13 to five-year time frame.

14 But it also helps serve as a
15 model where we can do work across the
16 country. We wouldn't just be working in
17 these couple of areas. This is a way to do
18 business in the future and so we're in the
19 process of selecting focus areas in many
20 parts of the country.

21 The first focus area is on the
22 West Coast in the Russian River watershed of
23 Northern California where the main objective
24 for that focus area is helping to recover
25 listed salmon species.

26 This fall focus areas were also
27 selected in the Great Lakes and the Pacific
28 Islands regions with the Pacific Islands
29 just rolling out and announcing their areas
30 a few weeks ago.

31 Those two areas are West Hawaii
32 off the Big Island and the Manell-Geus
33 watershed in the southern tip of Guam, Both
34 of those areas have really abundant marine
35 resources but they're threatened by multiple
36 issues like invasive species and
37 development.

38 Currently the selection process
39 is underway in the North Atlantic, Alaska
40 and the southeast and Caribbean regions, and
41 we've been reaching out to the councils in
42 the regions as part of our broader
43 stakeholder engagement process and greatly
44 appreciate all the feedback that we've
45 gotten from you and your colleagues so far.

46 And once habitat focused areas
47 are picked we look forward to working with

1 all of you as we develop implementation
2 plans to pick those specific goals,
3 activities and projects that we can work on
4 together.

5 Councils can definitely benefit
6 from the blueprint in a couple of different
7 ways. As I mentioned, the blueprint
8 elevated the level of attention on habitat
9 within the agency and brought together the
10 other line offices to help advance habitat
11 conservation for managed fisheries and we're
12 confident this is going to help support the
13 work that all of you are doing.

14 And through the science and
15 policy prongs of the blueprint councils
16 could also highlight science and policy
17 needs that they have and we could consider
18 working on those through our cross-NOAA
19 effort as well.

20 Because the blueprint has brought
21 together the capabilities from across the
22 line offices, we are in a better position to
23 bring science and monitoring data that you
24 might not have had access to from other
25 parts of NOAA like oceanographic or climate
26 data and help bring that to bear in meeting
27 your requirements.

28 In particular, places where you
29 can help influence this work is over the
30 next few months. As I mentioned, we're
31 going to be seeking stakeholder input on
32 these new areas that we select - candidate
33 areas both in Alaska and the southeast and
34 Caribbean regions, and we hope that those of
35 you from those regions will submit comments
36 to us when we reach out to you.

37 We're also currently developing
38 implementation plans, in California and the
39 Pacific Islands and we're going to be
40 working on the North Atlantic after they
41 make their selection as well, and Alaska
42 probably later this summer.

43 We'd certainly welcome council
44 participation as we help zero in on those
45 activities and help bring fishery management
46 objectives to that table.

47 Next, the Office of Habitat

1 Conservation has other resources we can
2 bring to bear through our restoration
3 program. We restore habitat to support
4 sustainably-managed fisheries in addition to
5 recovering listed species and also reversing
6 the damage from oil spills and toxic
7 releases, and with a goal of our specific
8 restoration projects to be increasing
9 fisheries' productivity and ensuring that
10 fish have those right places to grow and
11 mature and to survive to adulthood.

12 The use of habitat restoration
13 we've seen has also increased economic
14 opportunities for fisheries. For example, a
15 commercial alewife fishery was reestablished
16 on the Kennebec River in 2011 and nearly
17 2,500 bushels of fish were harvested as a
18 result of that fishery bringing additional
19 revenue to the small town of Benton, Maine.

20 Those opportunities to expand
21 economic opportunity I think we all
22 recognize are very important. Between 2006
23 and 2013 we've invested more than \$83
24 million in 950 projects and helped leverage
25 resources and in-kind support at about \$300
26 million.

27 With habitat objectives that
28 could be identified by the council, our
29 office can focus and should focus our
30 resources on restoring the valuable in
31 shore-near shore EFH. That's important for
32 state-managed species like forage fish or
33 your federally managed species directly.

34 The Veazie Dam project and
35 broader Penobscot River Restoration
36 Partnership that Eileen highlighted
37 yesterday in her opening is a great example
38 of where our office helps to invest funds to
39 advance this effort.

40 As an office, through our process
41 we can really make it clear that priorities
42 that are highlighted in specific rebuilding
43 plans, for example, can be given priority
44 for funding through our process.

45 Chris started to talk about the
46 National Fish Habitat Partnership. Its
47 stated mission is to protect, restore and

1 enhance the nation's fish and aquatic
2 communities through partnerships that foster
3 fish habitat conservation and improve the
4 quality of life for the American people.

5 That mission is achieved by
6 supporting 18 existing regional fish habitat
7 partnerships, 10 of which are focused on the
8 coast, and fostering new efforts. They set
9 national and regional fish habitat
10 conservation goals and mobilize and focus
11 national and local support for achieving
12 those goals.

13 They measure and communicate the
14 status and needs of fish habitats and also
15 provide national leadership and coordination
16 to conserve fish habitats.

17 As Chris mentioned, NFHP is
18 governed by a cross-sector board that
19 includes our fisheries AA, a member from the
20 fishery management councils and a
21 representative of the State Marine Fisheries
22 Commissions as well as the National Fish and
23 Wildlife Foundation and other
24 nongovernmental groups like the American
25 Sportfishing Association.

26 Together, the board and the
27 regional partnerships, and those
28 partnerships include both private- and
29 public-interested communities, work to set
30 priorities and guide where partners should
31 invest and maximize fish habitat towards
32 measuring progress against specific national
33 conservation goals but also communicate to
34 policy makers that the money that they're
35 investing is making a difference.

36 Most important for you to
37 remember is that the board and the
38 partnerships are conserving habitat for
39 fish, so fish species that either you manage
40 directly or species that support your
41 fisheries like forage fish, and therefore
42 there's a really strong connection between
43 the work that they're doing and your work.

44 And the board is also working to
45 bring new resources to bear from corporate
46 partnerships to help improve the status of
47 fish habitat and both the board and those

1 regional partnerships can help serve as
2 another voice to elevate habitat concerns
3 such as nonfishing impacts to regional
4 stakeholders or federal, state agencies or
5 other nonfishing industries.

6 Each regional fish habitat
7 partnership has a strategic plan and
8 specific goals and objectives and those can
9 be tailored to the habitat needs for on-the-
10 ground protection and restoration that maybe
11 you might not have the capacity to address
12 and issues like fish passage for river
13 herring is a key issue that partnerships are
14 engaged in.

15 And finally, the board is also
16 conducting a coastal fish habitat assessment
17 that can help inform council habitat work
18 and fill gaps in our habitat science
19 knowledge and help improve the best
20 available science platform that's used for
21 management decisions.

22 Clearly, by articulating your
23 habitat priorities and objectives, even for
24 those species where you have the greatest
25 concern because maybe they're not responding
26 to traditional management tools, fish
27 habitat partnerships can refine their
28 strategies and help meet those needs.

29 And as I mentioned, Chris sits on
30 the board and part of his role is to bring
31 forward the collective council fish habitat
32 perspective and sharing with you information
33 on the board's action and where they're
34 headed.

35 As a result, Chris can help
36 influence directly the direction of the
37 board and the regional partnerships,
38 specifically those coastal partnerships, and
39 agencies like Fish and Wildlife, EPA, USDA
40 and NOAA.

41 Councils could also consider
42 participating in some of the committees of
43 the regional partnerships. The Pacific
44 States Marine Fisheries Commission has been
45 very influential on the steering committee
46 of the Pacific Marine and Estuarine
47 Partnership where they're doing a very

1 detailed coastal nursery habitat assessment
2 in their estuaries and councils could also
3 help weigh into those projects as well.

4 Councils could also consider
5 endorsing proposals. The regional fish
6 habitat partnerships often do competitive
7 RFPs in order to select projects that they
8 fund, and they often look to outside
9 organizations for endorsement letters to
10 help make their selections when it's a hard
11 decision for limited funds.

12 Letters from the council, I'm
13 sure, would be well regarded. And many of
14 the NMFS regional staff that are members of
15 your habitat or ecosystem committees are
16 also engaged in these NFHP partnerships.
17 And so those folks are also good conduits
18 into the NFHP structure.

19 Overall, we see NFHP as a means
20 to address habitat issues that councils may
21 not be well-positioned to tackle like lack
22 of time, lack of resources, and this is an
23 opportunity for you to think about as we
24 move into the future.

25 Others in the federal family, in
26 this case DOI, are thinking about and have
27 recognized the value of landscape approaches
28 in initiating the Landscape Conservation
29 Cooperatives, or LCCs, based on the premise
30 that what happens uplands affects the
31 downstream, which we all know to be true.

32 The LCCs work across public and
33 private sectors to reduce land use pressures
34 and resource threats at a very large scale,
35 and many of these threats are also
36 heightened by a rapidly changing climate.

37 The LCCs work collaboratively to
38 identify best practices, connect efforts,
39 identify science gaps and avoid duplication
40 through detailed conservation planning and
41 design, and with 22 self-directed LCCs
42 around the country, NOAA realized that we
43 needed to connect with this effort to ensure
44 that those LCCs that are appropriate are
45 extending all the way to the coast.

46 We've done that but in
47 recognizing limited staff resources we've

1 been focused on trying to figure out where
2 is the right strategic place to engage with
3 all these LCCs and recognize that it might
4 not be all of them.

5 But that work - that strategic
6 work is ongoing. And given the current
7 budget climate we see a few opportunities -
8 specific opportunities for councils.

9 First, the LCCs have money and so
10 to the extent that councils are able to
11 articulate their science needs, particularly
12 on an ecosystem scale or related to climate,
13 the councils could have their research
14 priorities addressed through LCC funding and
15 grow that best available science base.

16 And I'll give you an example.
17 The North Atlantic LCC provided \$250,000 to
18 an environmental consulting firm to develop
19 a decision support tool to assess aquatic
20 habitats and threats in North Atlantic
21 watersheds and estuaries, and winter
22 flounder has been selected as a coastal case
23 study for that project.

24 And with the help and partnership
25 of the Atlantic Coast Fish Habitat
26 Partnership as part of NFHP there is data
27 already being collected and acquired for
28 those models, and additional species for
29 consideration in this modeling effort are
30 river herring and Atlantic salmon.

31 So this project is definitely
32 going to increase our available science and
33 it could be used to update EFH, and
34 certainly we think that it will be valuable
35 to fisheries managers.

36 Second, the councils could use
37 the LCCs as a forum to highlight coastal
38 marine issues, goals and challenges.
39 Recognizing these LCCs are focused on a
40 watershed level, we're thinking about things
41 like nonfishing impacts like nonpoint source
42 pollution and those things that overall
43 affect estuary condition and health and
44 therefore linked to your species through
45 estuaries.

46 Specific opportunities for
47 engagement could be helping to weigh in on

1 specific funding and grant opportunities
2 similar to regional fish habitat
3 partnerships. The LCCs run competitive
4 funding opportunities.

5 The North Atlantic currently has
6 a science delivery RFP that's open until
7 March 7th but in the past those RFPs have
8 included both specific science topics and
9 more broad science topics.

10 There are also steering
11 committees and science and technical
12 committees of the LCCs and that's a place to
13 insert your priorities. And lastly, there's
14 a new National LCC Council that's just been
15 established that includes federal, state,
16 NGO and tribal leadership and our Assistant
17 Secretary for Conservation and Management,
18 Mark Schaefer, is NOAA's representative on
19 that council.

20 Kelly Hepler from the state of
21 Alaska is the NFHP representative and the
22 national council is designed to help ensure
23 some coordination across all those LCCs and
24 help articulate some shared outcomes.

25 If the councils have priorities
26 they want to highlight we'd be happy to help
27 put those forward through that national
28 council venue. And with the LCCs having
29 been around for a few years we think they're
30 probably pretty hungry to show success that
31 the investment of their dollars is actually
32 having a difference on the ground.

33 Putting fisheries' objectives in
34 front of them I think is a great idea and a
35 great way to rally some additional funding.

36 So to wrap up, I just want to
37 leave you with a few key points to think
38 about to help guide our discussions in the
39 future.

40 Ecosystem and habitat issues are
41 extremely challenging and so how we turn our
42 management actions into results that produce
43 more fish is what's most important.

44 There are many opportunities for
45 councils to engage on habitat issues in your
46 regions and that's beyond even Magnuson and
47 you already filled those roles under

1 Magnuson but there's also great potential to
2 do work on some of these other partnerships
3 that can help support your stocks as well.

4 Communicating your habitat
5 objectives is going to help leverage some
6 habitat resources both within and outside of
7 the agency, and the more you can articulate
8 your priorities the easier it's going to be
9 for us to help target those resources to
10 help meet your needs.

11 Councils could also consider
12 developing a stronger collective voice on
13 habitat conservation by sharing strategies
14 between you and with national stakeholders.
15 I look forward to, as Chris mentioned,
16 following up in May where hopefully we'll
17 have some time to discuss specific
18 strategies and specific opportunities for my
19 office to help support your priorities, and
20 thanks very much for your time.

21 CHAIRMAN ROBINS: Kara, thank you
22 very much.

23 I wonder if you could elaborate a
24 little bit on the - you had a slide up early
25 that spoke about nonfishing impacts to
26 habitat, and I think in the North Pacific
27 your office had provided some background
28 information relative to the development of a
29 report, I guess, on nonfishing impacts.

30 And I guess, a couple of
31 questions there. Is that a capacity that
32 your office has to support the other
33 councils on that question? But more
34 broadly, what do you think the most
35 effective way is for the councils to
36 highlight some of those concerns?

37 Because obviously there are a lot
38 of policy implications from that for
39 activity on the uplands and land use
40 policies and things like that.

41 I mean, there's a whole cascading
42 series of things that cause impacts in the
43 marine environment that are outside of our
44 purview but have a direct bearing on the
45 health of our marine ecosystem.

46 So, I think that's an extant
47 source of frustration and one that you

1 probably heard a lot of if you've been
2 around the fisheries discussion. So, I
3 wonder if you have any insight into how we
4 can most effectively weigh in and highlight
5 some of those concerns.

6 I mean, is it - is it through the
7 LCC process? Is it - you know, are there
8 provisions in the blueprint for that? What
9 tools do you think might be available to us?

10 MS. MECKLEY: So for that kind of
11 nonfishing impacts I think, first and
12 foremost, working with your regional
13 fisheries office counterparts is a first
14 step. I know that those folks have the
15 expertise and have written documents on non-
16 fishing impacts.

17 I know that the Northeast has
18 done one and for Alaska they've done
19 specific tech memos that have focused on
20 nonfishing impacts to EFH, and that kind of
21 work could be done for each of the regions
22 and for each of the councils if it's not
23 already underway and those are our on the
24 ground experts that know what's going on in
25 specific regions.

26 But also the model that the North
27 Pacific has taken with Alaska in developing
28 a more formal process for how the regional
29 office can come to you periodically,
30 quarterly, annually and say here are the
31 things we're hearing about, here are the
32 consultations we have coming for the big
33 projects that are coming. How do you feel
34 about these? Are these high priorities for
35 you? Are these not and here's maybe a time
36 line on how you can engage in those
37 consultations when that time comes.

38 Because the councils have
39 authority to weigh in on consultations on
40 nonfishing impacts, that can be done now and
41 I think key is working with our regional
42 offices on what's the best way to do that -
43 what's the best way to make that connection.

44 And that's not to say that these
45 other non-MSA partnership approaches can't
46 address some of these nonfishing impacts.
47 But I think as a first place to start I

1 would work with our regional colleagues on
2 specific nonfishing impacts for your region.

3 CHAIRMAN ROBINS: Thank you.

4 And I guess, you know, obviously
5 there are discrete projects that come up for
6 permitting through the various permitting
7 processes that allow the council potentially
8 to weigh in some of those things.

9 But I guess I'm thinking more
10 broadly in terms of how we can put together
11 a more effective voice and express those
12 concerns from a policy standpoint.

13 So, I think that's something
14 worth further thought. Bob Mahood.

15 MEMBER MAHOOD: Kara thanks for
16 the presentation. On slide four you talk
17 about recognition for the need for action
18 and there are a number of items there that
19 are very important to us. What is the next
20 step from the habitat office as far as
21 implementing some of that?

22 Is there funding that can go for
23 research, or is it just you set priorities
24 that should be considered by the centers and
25 other researchers to get some of this
26 information?

27 Most important to us, obviously,
28 is when we create marine protected areas or
29 closed areas there's really no way to get
30 credit for reducing fishing mortality or how
31 we are affecting reduction in fish
32 mortality.

33 Our best scientists can't even
34 tell us if we're providing the protection we
35 need or how much protection we are providing
36 or how much closed area we need.

37 So we're struggling with these
38 things when we look at setting aside marine
39 protected areas. So how does your office
40 forward that need for this type of
41 information?

42 MS. MECKLEY: That's definitely a
43 need and I'm sure that's not just for you
44 and your council. I'm sure that's for
45 around the country too and we definitely
46 recognize that there are significant habitat
47 science gaps right now.

1 Where my office plays is in close
2 coordination with our Fisheries' Science and
3 Technology Office and efforts through that
4 office to help prioritize those stocks.
5 We have the Habitat Assessment
6 Improvement Plan that was developed a few
7 years ago and coming out of that plan we
8 have a process to help prioritize stocks
9 that are in need of habitat assessments.
10 The Southwest has completed that
11 process. The Northwest is almost done and
12 then hopefully we'll be able to move to the
13 East Coast and run that process.
14 Maybe if we had a prioritization
15 of where we could focus limited resources
16 for habitat science we could help target
17 some of those key needs.
18 So my office per se does not do
19 science but we're in close coordination with
20 the science and technology office in their
21 role and network with the science centers
22 and can help communicate priorities.
23 CHAIRMAN ROBINS: Go ahead, Bob.
24 MEMBER MAHOOD: You had a slide
25 up there that shows that the Southeast and
26 Caribbean's selection is expected for the
27 focus areas.
28 MS. MECKLEY: Yes.
29 MEMBER MAHOOD: Spring and early
30 summer.
31 MS. MECKLEY: Yes.
32 MEMBER MAHOOD: Now, will you be
33 available to come to council meetings to
34 present this information? I know you had
35 talked to me about getting together to talk
36 about this. But are you - are your folks
37 available?
38 Are you available to come to
39 council meetings and talk about what you
40 mean by the focus areas so the council can
41 be involved in the selection process?
42 MS. MECKLEY: I think that's a
43 great idea. I'd be happy to follow up with
44 the co-chairs that are leading the Southeast
45 effort and suggest that they come and talk
46 with the councils.
47 MEMBER MAHOOD: Okay.

1 MS. MECKLEY: I think that's a
2 great idea. The initial selection process
3 we focused on internally to NOAA because
4 we've realized we have so many different
5 offices and programs and need to get our own
6 ducks in a row, so to speak, and our own
7 capabilities aligned. Then -we can go out to
8 the next circle to all of our broader
9 stakeholder community. But I think coming
10 and talking directly to the council is a
11 great idea.

12 CHAIRMAN ROBINS: Chris Moore.

13 MEMBER MOORE: I have a related
14 question, Kara, to Bob's. Since you started
15 talking about the North Atlantic as a - you
16 know, for focus areas in this habitat
17 blueprint program, there's been a number of
18 folks who have asked me how do you pick
19 focus areas - how do you come to the actual
20 decision that says this particular area is
21 going to be a focus area for this habitat
22 blueprint program.

23 And once you've identified that
24 particular focus area, what happens? So the
25 question is how do you pick the focus areas
26 and then what happens after you pick the
27 focus areas with what do you have as an idea
28 or do you have an idea of what the ultimate
29 outcome is going to be once that idea is
30 identified.

31 MS. MECKLEY: In having this
32 conversation across these multiple NOAA
33 programs there is a set of criteria and
34 conversations that happen about where are
35 NOAA's unique capabilities best aligned
36 where we can make a difference to either
37 recover a protected species or advance our
38 sustainable fisheries goals.

39 Those criteria are what the cross
40 NOAA group are evaluating in order to pick
41 those places. Where can we use National
42 Weather Service tools and models differently
43 than we have in the past for flooding or
44 drought forecasts, for example, on the
45 Russian River?

46 the group comes up with candidate
47 areas to start with 12 or 15 candidate areas

1 that the group gets to then whittle down to
2 hopefully a single digit number of areas and
3 then go out to the broader stakeholder
4 community which is where hopefully the
5 councils can play in saying we've got some
6 real needs in this focus area or not or we
7 already have resources to bear or projects
8 underway and can help weigh in.

9 That decision is ultimately made
10 by our NOAA leadership, our fisheries
11 leadership and our NOAA leadership, and once
12 that area is selected, and there's nothing
13 that says that in the North Atlantic they
14 have to pick one - I mean, they could have
15 two focus areas - once those are picked then
16 implementation planning begins to focus in
17 on those two, three, four objectives.

18 So what are we really trying to
19 help advance? For the Pacific Islands focus
20 areas, for example, reducing upland
21 sedimentation and also getting communities
22 more engaged in the collective habitat
23 conservation are two key objectives for the
24 watersheds in areas that were picked in the
25 Pacific Islands.

26 And so then they can build
27 activities around those objectives with
28 specific measurable targets over the next
29 three to five years.

30 And to be honest, with our first
31 focus area being in the Russian River and
32 not yet having an implementation plan in
33 place we're learning as we go on how do we
34 really get an effective implementation plan
35 and then what will that feedback loop and
36 evaluation look like so that if we need to
37 modify we can do that.

38 But, it's definitely a work in
39 progress with our first focus area. Does
40 that help?

41 MEMBER MOORE: So that does help,
42 Kara, and I appreciate the answer. But I'm
43 still curious about what happens once you
44 develop the implementation plan.

45 So you have - so, you're working
46 on one out in California. You've started to
47 identify other focus areas around the

1 country. You develop these implementation
2 plans.

3 Are those just - are those plans
4 going to take advantage of the existing
5 resources or is there actually going to be a
6 way to attract additional resources, people
7 and money into those particular focus areas
8 to achieve a fishery's objective?

9 MS. MECKLEY: I think it's the
10 latter. It's to help focus our existing
11 programs and resources but also we certainly
12 want non-NOAA partners to be coming to the
13 table to say this is great that NOAA's
14 investing in this particular watershed and
15 we can add to that. We can build on that.

16 But this is going to be one of
17 the places where we try to focus our
18 resources and our staff time. It doesn't
19 mean that we are only going to focus in the
20 Russian River on the West Coast.

21 It means that's a place where we
22 can focus on that landscape and help make a
23 difference and hopefully use that as a proof
24 of concept that this can work. This can be
25 a model for how we do business across the
26 country.

27 So yes, we definitely want to be
28 attracting other partners outside of NOAA.
29 It's not just a NOAA thing.

30 CHAIRMAN ROBINS: Doug.

31 MEMBER BOYD: Thank you, Mr.
32 Chairman. Kara, in looking at the focus
33 areas I'm assuming that the focus areas are
34 what you consider to be the most important
35 points of reference for habitat restoration
36 or continued concern.

37 And I don't see the Gulf Coast as
38 a focus area. There's a unique set of
39 issues that are along the coast starting
40 with the Deepwater Horizon event, the loss
41 of habitat in the Mississippi delta,
42 hurricanes that destroyed coast land
43 erosion.

44 We've got a considerable issue
45 with what we would consider along the coast
46 the destruction of habitat in taking out oil
47 platforms and a limited amount of reefing

1 that is taking place of those platforms.
2 So could you talk for a second
3 about -
4 MS. MECKLEY: About the gulf and
5 -
6 MEMBER BOYD: About how the Gulf
7 Coast is or isn't a focus area?
8 MS. MECKLEY: I'll share with you
9 that an earlier version of this map had a
10 Gulf box on it that said we're going to have
11 a call in February and figure out what we're
12 going to do in the Gulf.
13 I didn't want to put that up
14 there to raise more questions than answer.
15 But I do think that we will be having
16 conversations about where would be the right
17 place in the Gulf to focus.
18 Sam, do you want to add to that?
19 Is there anything that you can add?
20 MR. RAUCH: Yeah. It's just that
21 it's further behind than the others. But we
22 do intend, if we can get - this is all
23 partnerships that we're - you know, with the
24 regions and everything else that we're
25 trying to get in other areas.
26 We do - we would like to go there
27 but it is further behind than these other
28 ones.
29 CHAIRMAN ROBINS: Doug.
30 MEMBER GREGORY: A more simple
31 question - in the beginning you were talking
32 about the trends in submerged aquatic
33 vegetation, mangroves and corals and you
34 mentioned the Keys with mangroves and
35 corals.
36 Clearly, corals have been on a
37 major downward trend. We probably have 10
38 percent of what we had 30 years ago in
39 corals.
40 However, with mangroves you
41 mentioned they had a downward trend but we
42 have - mangroves are much more prolific now
43 than they were 50, 40 years ago.
44 So they are not on a downward
45 trend and we probably have the greatest
46 collection of submerged aquatic vegetation
47 in the country.

1 So they're really prospering in
2 the Keys and this is what's unique and a lot
3 of people overlook because the focus has
4 been on corals.

5 All of our south Florida species
6 that we harvest are healthy. They're not
7 undergoing overfishing. They're not
8 overfished and arguably they're the largest
9 components of the overall ecosystem.

10 So the overall ecosystem seems to
11 be thriving and I think primarily because of
12 the sea grasses and the mangroves that we
13 have. And it's curious the disconnect it
14 has with the health of coral reef.

15 Now, even spiny lobster, which is
16 a very dependent coral reef species, has its
17 ups and downs but we tend to think it's more
18 related to recruitment from the Caribbean
19 than it is to local habitat degradation.

20 So it's just curious that we have
21 these thriving fisheries, albeit they're
22 small relative to other regions, while at
23 the same time we have a poor water quality
24 situation and a declining coral reef.

25 And I just wanted to point that
26 out because it is an apparent enigma.

27 CHAIRMAN ROBINS: Sam, your
28 response.

29 MR. RAUCH: Yeah. I was going to
30 interject on this slide.

31 So we're losing 80,000 acres.
32 That's getting worse. Earlier we were
33 losing less. So the amount of coastal
34 wetland acres are increasing in loss.

35 It is variable around the
36 country, though there are parts of the
37 country which are losing more and parts
38 less.

39 In Florida, the Keys may be doing
40 fine but around the Tampa Bay area,
41 significant areas of coastal wetlands lost.

42 One of the things we're trying to
43 do is to tie that to productivity measures.
44 We can make the statement that all the
45 fisheries that we depend on depend in some
46 manner on these coastal wetlands either
47 because the fish directly breed there or the

1 forage fish come from there.

2 But actually measuring that, the
3 amount of productivity or the kind of
4 productivity we care about and tying that to
5 these wetlands is often difficult to do.

6 What we're looking at when we're
7 trying to address this strategically in
8 addition to all the things that Kara talked
9 about, which are things we were doing before
10 - we got this report in December - we are
11 reaching out to our other federal agencies.

12 A lot of the wetlands laws are
13 working in upland forests or wetland forest.
14 We're losing those. We can't directly
15 control that. But agriculture had a bigger
16 role in that.

17 So we're trying to craft a multi
18 agency response to this to try to turn this
19 number around because this number is bad.
20 It's just going to get worse.

21 The sea level rise comes in. As
22 we see more ocean acidification eroding
23 coral reefs and other kinds of things the
24 number is going to get worse.

25 And so we cannot just sit back
26 and let that happen. All the great things
27 that we're doing hasn't stopped this trend
28 and if we want to maintain the productivity
29 or grow the productivity of our ocean
30 fisheries we have to fix this problem.

31 Otherwise, the caring capacity of
32 the oceans are going to continue to erode.
33 You will have isolated situations like the
34 one you mentioned but that is - that will
35 become more and more the anomaly unless the
36 trend - the trend will be declining
37 productivity in our ocean stocks until we
38 can get this trend under control.

39 CHAIRMAN ROBINS: Kitty.

40 MEMBER SIMONDS: Yes. Thank you.

41 Obviously, we're interested in
42 your choice of Merizo and so I wanted you to
43 explain to us how you came to that decision
44 and what were the factors in choosing
45 Merizo.

46 MS. MECKLEY: I wouldn't have
47 that information for you. I'm happy to get

1 it but I'm not part of the focus area
2 selection team that evaluated those factors
3 in particularly selecting that watershed.
4 But I'd be more than happy to get that -
5 those details and get back with you.

6 MEMBER SIMONDS: Well, that's
7 okay. So I'll just continue. Because it
8 says here when you selected it that there
9 was, like, overharvesting of species such as
10 parrotfish.

11 Well, there's no fishing in that
12 lagoon so, I'm wondering how you got to
13 that. And I guess what I want to say is
14 that the council has been working with that
15 community for several years.

16 We have had facilitated
17 discussions with the communities on every
18 aspect of managing their resources, the
19 lagoon and we also have helped the agencies,
20 the local agencies, to get involved into
21 this whole management planning.

22 So my question is how is this
23 going to add or interfere with what I've
24 been doing and what I am doing. We have a
25 management plan and it says that you all
26 have been working with the local community.

27 And so, who is working with the
28 local community other than the council? It
29 says NOAA has been doing this so I have no
30 idea who that might be.

31 MS. MECKLEY: Well, it sounds
32 like I need to follow up with you offline
33 but, I don't have the specific information
34 on who's been talking to who.

35 But, I do think that inherent in
36 what you just said is there's a lot of work
37 the council is doing with this community and
38 you keenly need to be engaged in the
39 implementation planning as they move
40 forward, which I know is just getting
41 started now, having just announced the area.

42 So it seems like a great
43 opportunity to bring you or your staff into
44 that conversation, see where we can partner
45 and make sure we're not duplicating effort.

46 MEMBER SIMONDS: Right, and it's
47 very difficult working with communities. It

1 takes a lot of time and you start with,
2 obviously, the people and one of the things
3 that they care about protecting and one of
4 the issues that we are addressing here is
5 also one of the laws that they have on
6 fishing rights.

7 And so that's another, item in
8 this whole management of this plan. So I'm
9 just really concerned about all these other
10 agencies getting involved in this community.

11 MS. MECKLEY: Okay.

12 MEMBER SIMONDS: So before you
13 all start anything I think you do need to
14 consult the council.

15 MS. MECKLEY: I'm happy to take
16 that message back to the co-chairs, talk
17 with them.

18 MEMBER SIMONDS: Thank you.

19 MS. MECKLEY: Not a problem.

20 CHAIRMAN ROBINS: John Bullard.

21 MR. BULLARD: Thank you, Mr.
22 Chair, and thanks, Kara, for your
23 presentation.

24 I'm not sure I know where the
25 North Atlantic region is. I do know where
26 the greater Atlantic region is.

27 But when I took this job people
28 said how do you like your job and I said I'd
29 like it a lot better if someone told me how
30 to make fish and at my first dam removal
31 project I said this is where they make fish
32 and the work you're doing is very important
33 for, among other things, that very reason.

34 And at the ceremony for the
35 Veazie Dam, which you talked about several
36 times, it was apparent the importance of
37 partnership building and how that is the key
38 to success and also the wonder of these
39 projects, how they draw so many partners and
40 how federal dollars and there are
41 considerable NOAA dollars in that project
42 draw so many partners.

43 My question - I want to probe a
44 little deeper into focus areas along the
45 lines of Chris' question - focus or
46 concentration? I think your answer to Chris'
47 question is that the pie doesn't get bigger

1 other than through partners.
2 That is, these areas come at the
3 expense of other projects because the pie -
4 the NOAA pie doesn't get bigger. So these
5 focus areas, if it's focus or if it's
6 concentration, because the NOAA pie doesn't
7 get bigger whatever is happening here isn't
8 going to happen somewhere else.
9 That's the focus. Am I correct?
10 MS. MECKLEY: That's right. The
11 NOAA pie is not getting bigger. I think
12 Paul was clear with us on that.
13 But what I would say is that this
14 is a complementary effort so we're not
15 taking all the eggs out of one basket and
16 putting them in another basket. This is
17 continuing to support mandates but also
18 thinking about non-regulatory or partnership
19 approaches to help meet the same objectives
20 that we want to meet with our mandate.
21 It's thinking about it from
22 multiple sides and really, the thing with
23 our habitat mandates is they're broad and we
24 do habitat whenever and wherever we're asked
25 to do it and this is a way to help show some
26 success over the next three to five years
27 through focus.
28 And if we can have success with
29 that maybe we can show a broader audience
30 that this is the way to go and then maybe we
31 can grow the NOAA pie. But in the absence
32 of that, we're going to continue on a model
33 of a very broad application of a habitat
34 mandate.
35 CHAIRMAN ROBINS: Eric Olson.
36 MEMBER OLSON: Yeah, thank you,
37 Mr. Chair. I just wanted to go back to the
38 point Sam made about losing or the estimate
39 of losing 80,000 acres of wetlands per year
40 and how that may be increasing.
41 I guess my question was how - can
42 you speak a little more on how that
43 estimation process or the wetland loss
44 estimation process is in Alaska? We've been
45 having increasing intensity in our winter
46 storms in western Alaska and up in the
47 Arctic some small communities are being

1 faced with moving the whole community to
2 another area.

3 There's been some major flooding
4 events on the Yukon in a couple years and I
5 don't think that some of the estimates of
6 wetland loss in these remote areas are being
7 done. But can you speak to how the process
8 of estimating wetland loss in Alaska is
9 being conducted?

10 MS. MECKLEY: Yeah. I'm glad you
11 raised that. This report, and I should have
12 mentioned, was only for the conterminous
13 U.S. so it did not include the Pacific
14 Islands and it did not include Alaska.

15 But we recognize that's the next
16 level that needs to be included for the next
17 report, and so for the report as a whole we
18 analyzed high resolution satellite imagery
19 and aerial photography to compare land use
20 from 2004-2009 coupled with field
21 verification.

22 It's a very detailed process that
23 was done for that the report. But we
24 recognize we need to get to Alaska as well.

25 MEMBER OLSON: So none of the
26 states south of Texas were estimated?

27 MS. MECKLEY: Right.

28 MEMBER OLSON: Thanks.

29 CHAIRMAN ROBINS: Don McIsaac.

30 MEMBER MCISAAC: Thank you, Mr.
31 Chairman. A follow-up question on John
32 Bullard's question of is the focus area
33 expenditure of resources worth it or Chris'
34 question about a metric for success.

35 So on the Russian River out in
36 our country our habitat committee did get a
37 nice briefing at the beginning of that. We
38 haven't heard too much lately.

39 So in terms of implementation and
40 execution being ongoing now, are there some
41 examples that you can cite as successes that
42 would not have otherwise occurred if there
43 hadn't have been this bringing of resources
44 together in terms of planting riparian
45 habitat or splash dam removals or cleaning
46 spawning gravel or something?

47 MS. MECKLEY: That is definitely

1 our goal. I don't have them yet. That's
2 just at the implementation planning phase
3 now. So I don't think we're far enough
4 along for me to give you specific examples
5 of success such as if not for this blueprint
6 habitat focus area effort we would not have
7 seen this increase of X number of salmon.

8 But that's definitely the kind of
9 metric that we're developing so that we can
10 track the data monitoring before we
11 implemented projects in the focus area and
12 then how do you follow that through for a
13 longer period of time to actually track and
14 tell those really important success stories.
15 I look forward to being able to tell you
16 that at our next meeting.

17 MEMBER MCISAAC: Okay. Okay.
18 What about a project that was implemented?
19 Is there an example of a project that was
20 implemented that otherwise would not have
21 been?

22 MS. MECKLEY: I don't have the
23 specifics but I know they're using NOAA
24 Weather Service forecasting and models in a
25 different way related to floods and droughts
26 and how that affects the winery industry and
27 salmon runs at different times of the year.

28 That was one specific project
29 where we could focus resources across NOAA
30 and capabilities that hadn't been considered
31 in tying to our fisheries' goals in the
32 past.

33 I don't think the Weather Service
34 realized the criticality of water levels, at
35 certain times of the year for salmon runs.

36 This modeling effort to help
37 improve forecasts and think about that is
38 one area that I know that they are working
39 on. But I'd have to get back to you on
40 other specific projects that are being
41 implemented in that region.

42 CHAIRMAN ROBINS: Sam.

43 MR. RAUCH: So I've actually been
44 out to the Russian River and looked at what
45 they do and one of the things that we were
46 able to bring was this better forecasting of
47 what they call atmospheric river events.

1 The Corps was withholding water
2 in the big dam upstream for flood control
3 purposes and it wasn't tied to real accurate
4 forecasts whether they needed to or not.

5 If you can forecast atmospheric
6 rivers, these huge kind of localized monsoon
7 events then the Corps can let more water go
8 or retain more water and use it with more
9 flexibility to benefit salmon.

10 So that's one example. We've
11 also been able to use hydrologic modeling
12 from other elements of NOAA to better
13 understand when the rain events come exactly
14 where the river is going to go. That's
15 helped design our use of storage capacity up
16 there.

17 Down on the coast we've been able
18 to use NOS resources and some of their
19 coastal money to work on the entrance.
20 There is a barrier that's created every year
21 for - that the fish have trouble getting
22 through and better designing that.

23 So it is true that we don't have
24 the metrics yet. In addition, from our
25 perspective we've been able to bring not
26 just the restoration people there.

27 They've done great work on
28 putting products in river to create salmon
29 habitat with local winery partners but also
30 we're looking at creating a new unique no
31 surprises guarantee for land owners so that
32 they can come in and build these kind of
33 structures on their land without fear of the
34 big mean ESA coming down on them if salmon
35 return.

36 So we're using all the elements
37 of not only fisheries but also NOAA to meet
38 the overarching recovery. Everybody is
39 working together to restore the fish runs in
40 this fishery and if we can do it here, as
41 Kara said this is the model for everywhere
42 else.

43 We're not at all saying that the
44 Russian River is the single most important
45 river on the West Coast. That's not true.
46 But it is - it's a sizeable chunk that we
47 can bite off and the lessons we learn there,

1 particularly on these sort of Corps
2 hydrologic modeling has vast implications
3 up and down the coast for how we work with
4 the Corps on flood control storage and
5 things like that.

6 But it is still in the early
7 project state, just have built some of these
8 off habitat structures. We haven't yet done
9 the no surprises kind of thing.

10 We haven't yet got the Corps to
11 accept the atmospheric models that we've
12 been developing so we don't have the
13 production results yet.

14 But those, I expect, are coming.
15 We're starting to see salmon this fall -
16 this spring over winter that we never saw
17 before.

18 CHAIRMAN ROBINS: Chris Moore.

19 MEMBER MOORE: In terms of the
20 NFHP board getting back to that particular
21 issue, the board is going to meet March 9th
22 and 10th.

23 If you're not familiar with
24 what's going on with these partnerships in
25 your region you should probably check them
26 out because as Kara indicated there is
27 opportunities for the councils to be
28 involved in those particular partnerships,
29 that Bob and his staff have taken full
30 advantage of those partnerships in the
31 Southeast.

32 I'm not so sure about other folks
33 around the country. But the point is that
34 if in fact you find something of interest or
35 you want to bring something to the attention
36 of the board let me know. The meeting is
37 March 9th and 10th. Thanks.

38 CHAIRMAN ROBINS: Thanks, and
39 Kara, thanks again for bringing all this
40 information to our attention. I think a lot
41 of this is helpful.

42 This is proposed as the first
43 part of a two-part discussion, the second
44 coming at the May meeting where we'll have
45 additional opportunity to discuss options
46 for council engagement and the management of
47 habitat issues and also some discussion

1 about what other opportunities enhance cross
2 council coordination on addressing habitat
3 concerns. So thank you - thank you very
4 much for that.

5 MS. MECKLEY: Thanks. We look
6 forward to it.

7 CHAIRMAN ROBINS: Indeed. With
8 that, let's take a 15-minute break and come
9 back at 10:50 and at that point we'll take
10 up the discussion of the National SSC.

11 Thank you.

12 (Whereupon, the above-entitled
13 matter went off the record at 10:32 a.m. and
14 resumed at 10:59 a.m.)

15 CHAIRMAN ROBINS: Our next
16 presentation is going to be on the National
17 SSC committee discussion, and this follows
18 an action that the CCC already took to
19 establish a National SSC and I'll be turning
20 to Mr. Chris Moore to get through this
21 presentation. Chris.

22 MEMBER MOORE: Thanks, Mr.
23 Chairman.

24 As evident by our discussion on
25 Tuesday there seems to be some lingering
26 confusion about exactly where we're at with
27 the National Scientific and Statistical
28 Committee.

29 So I hope this morning to try to
30 clarify some of the - some of that
31 confusion. I think that you'll find that we
32 probably need to continue this conversation
33 at our May CCC meeting but basically this is
34 where we're at.

35 So the first - one of the first
36 times that we talked about or the first time
37 that we talked about forming a national SSC
38 was at the May 2012 CCC meeting.

39 At that meeting we all agreed to
40 form this committee. The proposed role of
41 the National SSC was to provide coordination
42 among the eight SSCs on scientific issues of
43 national significance.

44 The current status of the
45 National SSC is that the membership,
46 procedures and terms of reference are still
47 under development. So that's a bottom line

1 in terms of where we're at with the National
2 SSC.

3 However, we do have a straw man
4 for rules of procedures that was drafted by
5 the West Pac staff. You have a copy of
6 those in front of you, I think, as a result
7 of Kitty passing those out yesterday.

8 The Mid-Atlantic Council staff,
9 specifically Rich Seagraves at the request
10 of Rick Methot has convened two meetings of
11 the current SSC chairs via conference calls
12 and those particular meetings occurred in
13 the fall of 2013.

14 Those calls were chaired by our
15 SSC chair, John Boreman, who's the chair of
16 the fourth national conference. The topics
17 that were discussed at those conference
18 calls included potential topics for our
19 fifth National SSC workshop as well as the
20 strawman that was provided by the West Pac
21 staff on the SOPPs.

22 There was a discussion about
23 having the SSC chairs from each of the
24 councils having them look at this particular
25 strawman and then sending comments through
26 John to us at CCC.

27 Basic discussion on those calls
28 was that the draft needed some additional
29 work and that they needed more time to have
30 those documents vetted through each one of
31 the council's SSC.

32 There were some concerns about
33 the structure as well as the procedures in
34 terms of peer review. The steering
35 committee considered the first draft that
36 was provided by West Pac as ground rules
37 rather than the actual charge for
38 establishing the National SSC steering
39 committee, and Rich and John Boreman are
40 currently working on that document to have
41 the other SSCs look at it.

42 This was something they talked
43 about as well, which is an alternative
44 concept for National SSC development. John
45 proposed in these meetings that we should
46 look at the National SSC as a steering
47 committee that would be primarily engaged in

1 coordination role to address nationally
2 significant issues as identified by us at
3 CCC.

4 In that particular format, the
5 working groups could be formed to address
6 specific issues that would follow the model
7 that's been identified in the West Pac
8 draft.

9 As I indicated, the SOPPs for the
10 National SSC have not been finalized. They
11 need to be finalized. We are offering - my
12 staff is offering to coordinate the
13 completion of those SOPPs with the other
14 SSCs.

15 What we're proposing is that we
16 convene the eight SSC chairs in consultation
17 with someone - with the EDs or an ED
18 designee from each council this spring to
19 finalize those SOPPs for consideration and
20 adoption at the May 2014 CCC meeting.

21 We'll skip this. We have had and
22 continue to have discussions about a fifth
23 National SSC workshop. There are two
24 options there. One is to move forward with
25 the plans for a workshop in the fall of
26 2014.

27 Given the fact that we don't have
28 the SSC fully identified and the SOPPs
29 identified for that particular group yet we
30 think that option two is a better option
31 which, again, is to finalize the SSC SOPPs
32 at the May 2014 CCC meeting and then begin
33 planning for SSC 5 for fall of 2015.

34 With that, Mr. Chair, I'd be glad
35 to answer any questions.

36 CHAIRMAN ROBINS: Thank you,
37 Chris.

38 It sounds like one of the - one
39 of the basic questions is really relevant to
40 the role of the National SSC and whether it
41 would function as our current SSCs do or as
42 has been proposed through that series of
43 calls if it would function more as a
44 coordinating body.

45 And, if it does function as a
46 coordinating body that would primarily be
47 coordinating the national workshops and any

1 working groups that the CCC asks the SSC to
2 convene and report back to the CCC on a
3 specific technical question.

4 So I think that's something that
5 maybe is sort of a key clarifying issue
6 relative to the role. But, it sounds like
7 the SOPPs are not ready at this point for
8 consideration by the CCC and so the proposal
9 is to consider those at the upcoming May
10 meeting.

11 But are there questions or
12 comments on what Chris has put forward?
13 Kitty. Don.

14 MEMBER MCISAAC: Yes. Thank you,
15 Mr. Chairman. So the idea here is to take a
16 look at what's been drafted and not try to
17 do any resolution or wordsmithing or
18 anything like that on the floor here today.

19 CHAIRMAN ROBINS: That's correct.
20 I think, given the current state of the
21 documents, some revisions are going to be
22 needed and that's what the calls indicated
23 in terms of the communications that have
24 been held through that series of discussions
25 that John Boreman chaired.

26 It sounds like there's still a
27 need to vet that some through the respective
28 SSCs and then come back with a draft for
29 consideration in May.

30 But I think in terms of the
31 direction they're proposing to go with the
32 role of the National SSC that it be
33 primarily a coordinating body I think that
34 does make sense just overall because if you
35 think about what we're asking them to do
36 they'd be coordinating and planning the
37 National SSC workshops and also convening
38 specific working groups to respond to our
39 questions.

40 That's something that I would
41 anticipate would be reflected more
42 specifically in the SOPPs that come before
43 us for further consideration and that's the
44 direction of the calls.

45 So if members want to react to
46 that or affirm that or raise any concerns or
47 questions about that now would be a good

1 time to do that. Tom Nies.
2 MEMBER NIES: I don't know that
3 this is a question or a concern but I seem
4 to recall when we talked about the National
5 SSC in the fall on the conference call that
6 there were some issues brought up.
7 I can't remember if it was
8 Carolyn or Adam brought up some questions
9 about organization and FACA and procedures
10 for a National SSC which is part of the
11 reason why we didn't reach a lot of
12 conclusions on that call.
13 I'm curious if we've gotten any
14 more guidance to those questions or if
15 that's anticipated that that would be
16 addressed with this, which I think is a good
17 idea your idea of holding some kind of
18 meeting or conference call this spring.
19 Because I remember there was some lack of
20 comfort with some of the things he was
21 saying. I don't remember the details.
22 CHAIRMAN ROBINS: Adam.
23 MR. ISSENBERG: So my
24 understanding is that there was some
25 discussion apparently. Carolyn and I talked
26 about this couple of days ago. I think she
27 was at that discussion and I was not.
28 I think there are potential FACA
29 issues that need to be resolved. I think -
30 I, at least, was unaware of this particular
31 draft until yesterday.
32 I think by and large it looks
33 okay from a FACA perspective. I think we
34 would need to talk to the DOC experts on
35 FACA.
36 There's one issue that was, at
37 least as this is drafted, was a little - I
38 didn't quite understand and raises a
39 potential concern which is the statement
40 that says following peer review of the
41 working group report the report would be
42 published as a NMFS technical memorandum.
43 And so I don't know if that's
44 still something that's in the mix. I think
45 really the key question from the FACA
46 perspective is that everything - anything
47 that the National SSC would recommend would

1 need to be rooted back through this body
2 through the CCC, and I think as long as that
3 is the structure then I think there's - you
4 know, we've avoided the major FACA pitfalls.
5 So I would suggest that just - as
6 you continue your deliberations about what
7 you want this group to do keep us in the
8 loop and we can discuss it with you.
9 But I think that's a key thing to
10 keep in mind is that any recommendations to
11 the agency need to be rooted through the CCC
12 because the CCC is where the FACA exemption
13 resides.
14 CHAIRMAN ROBINS: Alan.
15 MR. RISENHOOVER: In just looking
16 at this quickly, it looks like it leads up
17 to that with your final bullet of the
18 document that I have, that anything would
19 come back to the CCC. Maybe another bullet
20 that the CCC would then transmit that to the
21 agency might just round that out.
22 But we'll work with Adam to get
23 some comments on that.
24 MR. ISSENBERG: Right. I mean,
25 it was a little unclear to me whether that
26 one statement about the peer review and the
27 technical is being published as a NMFS
28 technical memorandum, whether that was sort
29 of covered by that subsequent statement.
30 If that's still in the mix that's
31 something to keep in mind.
32 CHAIRMAN ROBINS: Tom Nies.
33 MEMBER NIES: I had one other
34 question. It seems like if we decide to go
35 with this approach, which seems like a good
36 approach, the one issue that we may want to
37 resolve today is whether we should let these
38 guys charge ahead on this National SSC
39 workshop for this fall or not.
40 I mean, it seems like that's a
41 decision we should make today so that they
42 don't spend time over the next couple months
43 working on something that in May we tell
44 them let's not do this conference in the
45 fall.
46 CHAIRMAN ROBINS: Tom, you're
47 right. That is a decision point and, I

1 think what Chris had put up there was that
2 the second option would be to continue to
3 work on the SOPPs, bring those before the
4 CCC for consideration in May and put the
5 workshop off until 2015.

6 I think there are questions about
7 the ability to effectively plan a workshop
8 of that scale between - I mean, between now
9 and the fall of this year.

10 But I look forward to a
11 discussion on that. Don McIsaac.

12 MEMBER MCISAAC: Thank you, Mr.
13 Chairman, and maybe just to elaborate on
14 your opening remarks that do fit into legal
15 counsel's perspective there, one reaction
16 from us is that perhaps the draft now does
17 need to have a little more CCC control.

18 For example, we just heard that
19 there were conference calls convened.
20 Earlier, none of us knew about that except
21 by word of mouth. That probably had to
22 happen because the ball was not rolling at
23 all.

24 But at some point in time I think
25 the authority really has to emanate from
26 this body and it's not clear that that's
27 described thoroughly in here quite yet.

28 But the task is designed by the
29 CCC. Maybe I could be over reading when I
30 say that the SSC and someone else will draft
31 the agenda.

32 Maybe that's just the agenda
33 after we've decided the topic. When
34 something comes back to the CCC, just
35 transmitting a report and there it is seems
36 a little stark. I think we ought to hear
37 the report and there ought to be an approval
38 stage.

39 That's what we're used to at our
40 council for SSC statements, and there's
41 occasions when the council will say to the
42 SSC could you go back and look at one other
43 angle you hadn't looked at before as opposed
44 to receiving a report that looks pretty
45 final and don't touch it please.

46 So I think that we'll take a look
47 at these but I think the thrust of it all is

1 that we'd like to see the SSC get their
2 direction from this body, report back to
3 this body and have a stronger degree of
4 control over it.

5 CHAIRMAN ROBINS: Chris.

6 MEMBER MOORE: So Don, I think
7 some of those same points were discussed on
8 the conference calls. I didn't participate
9 but I understand that those issues are the
10 issues that were brought up by John Boreman
11 and others to the effect that we're not
12 ready to go with this yet.

13 And I think in terms - so for us
14 today I think we really need to talk about
15 two things - one, is there a strong desire
16 to have the National SSC workshop this fall.

17 I don't get the sense from
18 anyone, just talking to folks informally
19 that anyone really feels the need to do
20 that. So that's number one.

21 The other thing is we have - we
22 have this thing with the name. So we keep
23 talking about a National SSC. Is it truly a
24 National SSC or is it a National SSC
25 steering committee?

26 And I think if you move to the
27 latter then I think some of the legal issues
28 might change in terms of the role and what
29 they do, and I think Rick identified as a
30 steering committee what they would do.

31 One would be to plan these
32 national workshops. The other one would be
33 to form working groups as tasked by the CCC.
34 So I think - I think those kinds of things
35 it would be great if we could focus on those
36 and identify those today.

37 CHAIRMAN ROBINS: On the first
38 question, Chris, of the workshop are there
39 any concerns about delaying that to 2015?
40 Is there any heartburn with that? Okay.
41 Tom.

42 MEMBER NIES: I have no heartburn
43 with delaying it. I think that's a good
44 idea. I would also say that we're not sure
45 these are the topics we want them to look at
46 in 2015 unless they are.

47 CHAIRMAN ROBINS: Well, I think

1 the - I think the draft topics they
2 identified were the result of those
3 conference calls the National SSC chairs had
4 but I agree that the ultimate tasking from
5 the CCC relative to the development of the
6 national workshop should include review of
7 the proposed topics. So I think that's
8 something that's open for us to discuss.

9 And just given the amount of time
10 that's required for planning perhaps we
11 could have some discussion about those draft
12 topics at the May meeting or schedule them
13 for an interim call later in the year so
14 that there's ample time to consider them
15 prior to 2015.

16 It takes a long time to put
17 together all the speakers for one of these
18 National SSC workshops. They're usually
19 planned well in advance and so in all
20 fairness to the members of that steering
21 committee that are planning it I would agree
22 that it'd be helpful to give them as much
23 time as possible relative to the topics.

24 Okay. Are there any other
25 concerns about the workshop issue? Don.

26 MEMBER MCISAAC: Thank you, Mr.
27 Chairman. Maybe just two comments.

28 One other matter that might speak
29 toward more of a delay is the matter of the
30 funding of all this. I mean, it is true you
31 don't have the terms of reference yet. You
32 don't have the topic yet.

33 But in addition to that, in the
34 past I think there's been somewhere around
35 \$100,000 provided about this time of year
36 when there is going to be one and we didn't
37 hear anything about that the other day.

38 On the matter of the steering
39 committee, just a reaction. We'll take a
40 look at this more between now and May but
41 there might be a little concern that you're
42 further distancing the CCC from the actual
43 people doing a particular chore.

44 I think the model that's been in
45 place before has worked pretty good where
46 they get a task. They get - we know who the
47 people are who are going to be dealing with

1 it and they had done a good job and it's
2 been meaningful.

3 And so just a little question
4 about whether or not you're getting further
5 distance between the CCC and whoever's doing
6 the work.

7 And then if the steering
8 committee is making what kind of decisions
9 and what kind of feedback and steering
10 something, you can steer straight. You can
11 steer one way and you can steer another way.

12 So just a reaction because it's a
13 little different than what we've had and I
14 think what we have been doing has been
15 fruitful.

16 CHAIRMAN ROBINS: Don, in
17 response perhaps it's an SSC coordinating
18 committee. So Kitty.

19 MEMBER SIMONDS: You know, about
20 your concerns if you read this first page
21 very carefully they can't do anything
22 without coming back to the CCC. It says so
23 right here. Any proposal that they have,
24 whatever they want to do they have to come
25 to us to get approval.

26 So I'm just speaking to your
27 earlier concerns, and also NMFS had
28 suggested that this be a subcommittee of the
29 CCC and I don't think we ever said yes or
30 no.

31 So, that would bind them even
32 closer, Don.

33 CHAIRMAN ROBINS: John
34 Henderschedt.

35 MEMBER HENDERSCHEDT: Thank you,
36 Mr. Chairman.

37 This may have been addressed by
38 the working group and if it has I apologize.
39 But to this point about what this group
40 would be called, one other concern that
41 comes to mind is the expectations that are
42 created by calling it an SSC when there's
43 already a protocol that each council has
44 with its SSC and their expectations about
45 the roles that they play and I think that
46 this issue is highlighted by the question of
47 peer review.

1 We use our SSC as our peer
2 reviewers and so this question of calling
3 something an SSC and then subjecting it to
4 external peer review, which may be a very
5 valid approach in this case, there just may
6 be a disconnect between that process and
7 calling it an SSC given the fact that we
8 already have sort of a preconceived notions
9 of what that process is and what it
10 represents. Thank you, Mr. Chairman.

11 CHAIRMAN ROBINS: Thank you,
12 John. I think, yeah, there are some
13 important concerns about the name details.
14 Any other comments on this aspect of it?

15 Okay. We'll plan on the May
16 meeting coming back to this issue and taking
17 up the draft SOPPs. I think we can also
18 look to spend some time clarifying the role,
19 the title, the relationship between the body
20 and the CCC, clarifying that they'll be
21 undertaking work at our direction and then
22 reporting back directly to the CCC.

23 So I think we can address a lot
24 of the concerns we've heard around the table
25 through that process in May. Right now
26 we're running ahead of schedule. We still
27 have some important business in the
28 afternoon including the discussion on the
29 MSA reauthorization.

30 I think I'll go ahead and ask
31 Chris Moore if he can just give us a brief
32 update on the upcoming May meeting of the
33 CCC. Chris.

34 MEMBER MOORE: Thanks, Mr.
35 Chairman. I think everyone knows by now
36 that the next CCC meeting is scheduled for
37 the week of May 12th. So the 12th is a
38 Monday - 13, 14, 15.

39 We expect that people will be
40 traveling on the 12th. We'll have a
41 reception the night of the 12th, a full day
42 on the 13th and the 14th and then probably a
43 half day on the 15th.

44 The actual meeting location is
45 the Hilton in Virginia Beach. It's a nice
46 location. It's right on the beach in
47 Virginia Beach. We'll be sending out

1 information on the hotel shortly.

2 We have a block of rooms reserved
3 for - I think we start with the block rooms
4 actually on Sunday night, recognizing that
5 some of the folks from West Pac will need
6 some travel time as well as - as well as
7 nights on that particular Friday.

8 We've had a number of suggestions
9 for agenda items. We don't have a draft
10 agenda available yet. As soon as we start
11 putting that together we'll make that
12 available to all the CCC folks.

13 Some of the items that we've
14 identified for the agenda include,
15 obviously, MSA reauthorization. It's going
16 to be a big topic. Again, we're going to be
17 talking about the National SSC.

18 It's likely that we'll have some
19 discussion about seafood certification.
20 We'll have the follow-up to the habitat
21 discussion that we started today and we may
22 even ask Sam to come back and talk about
23 allocation again but we'll see.

24 So that's the short list. I'm
25 sure that we'll have more things added to
26 the agenda as time goes on. I would expect
27 that we'd finalize that agenda sometime in
28 mid-April, and if you have ideas today,
29 certainly we can talk about them right now.

30 And with that, Mr. Chairman, I
31 think that's it.

32 CHAIRMAN ROBINS: Chris, I just
33 want to clarify one thing about the
34 discussion on Magnuson. I think we'll have
35 - I think the input that we develop there
36 will still be timely and relevant to the
37 discussion.

38 Obviously, there's some
39 uncertainty about the timing of the
40 legislative action and how long it'll take
41 to play out and whether or not it will be
42 complete this year.

43 But having said that, I think
44 it's going to be important to do some ground
45 work between now and then and we can discuss
46 this under the Magnuson reauthorization
47 issue we have later on the agenda.

1 But, I think one way to address
2 that would be to have a series of working
3 groups that do some legwork between now and
4 the May meeting.
5 But I want to allow ample time on
6 that agenda for detailed discussion because
7 it's difficult to or it would be probably
8 impossible to develop detailed input on an
9 ad hoc basis without having done the ground
10 work ahead of time and then allowing ample
11 time for the discussion.
12 So I anticipate that that will be
13 a major focal point of the agenda. If there
14 are other items that you all want to discuss
15 now or between now and the time the agenda
16 is developed we'd be glad to have that input
17 as well. Kitty.
18 MEMBER SIMONDS: I just want to
19 be sure that you have enforcement on the
20 agenda because that's one of our big topics
21 that deal with IUU and all of those kinds of
22 things in our region. Thanks.
23 CHAIRMAN ROBINS: Thank you.
24 Jim.
25 MEMBER BALSIGER: It's May 12th
26 is the travel day so that's Monday through
27 the 15th, which is Thursday. So 12, 13, 14,
28 15.
29 CHAIRMAN ROBINS: Chris Oliver.
30 MEMBER OLIVER: The actual
31 meeting days would be Tuesday, Wednesday and
32 Thursday.
33 CHAIRMAN ROBINS: Any other
34 questions or any comments on potential
35 agenda items? Okay. Chris, thanks for the
36 update and with that let's go ahead and
37 break and reconvene at 1:00 o'clock after
38 lunch and we'll get into the MSA
39 reauthorization and I believe we'll have
40 some Hill staff here in time for that
41 discussion.
42 Thank you. Come back at 1:00
43 o'clock, please. One o'clock.
44 (Whereupon, the above-entitled
45 matter went off the record at 11:24 a.m. and
46 resumed at 1:07 p.m.)
47

1 CHAIRMAN ROBINS: Good afternoon. Let's go
2 ahead and take our seats please so we can
3 begin.

4 I'd like to welcome everybody
5 back. I'd also like to welcome and
6 introduce Dave Whaley and Jeff Lewis, Dave
7 with the House Natural Resources Committee
8 staff and Jeff with the Senate Commerce
9 staff.

10 So we're very fortunate to have
11 them joining us during this discussion and
12 I'm just going to run through a brief
13 summary for background in terms of what the
14 CCC has already done relative to the
15 reauthorization of the Magnuson-Stevens Act.

16 I'm going to ask Dave and Jeff to
17 both also give us their perspective on the
18 process and see if they have any specific
19 questions for the group, and then we can
20 discuss what do we want to add to the
21 comments that we've already submitted and
22 discuss next steps that we might consider
23 for the further development and revision of
24 input prior to our annual meeting in May
25 coming up in Virginia Beach.

26 So the reauthorization time line
27 so far has included a series of actions and
28 you'll recall that back in May of last year
29 we all developed council-level input that we
30 provided to Managing Our Nation's Fisheries
31 3.

32 That conference covered a lot of
33 different topics, among them issues that
34 were - that were highly relevant for the
35 potential reauthorization of the Magnuson
36 Act.

37 And since March there have been a
38 series of reauthorization hearings before
39 the 113th Congress. Those include one on
40 November 8th in which we sent a letter on
41 behalf of the CCC to Chairs Hastings and
42 Begich.

43 Then in December of 2013 the
44 House of Natural Resources Committee
45 released a draft. At that point we had
46 something to react to.

47 Since then, a number of

1 individual councils have submitted comment
2 letters on behalf of that. A number of us
3 have also testified and at the end of 2014
4 the House of Natural Resources Committee is
5 expecting to move on the legislation. I
6 think we'll hear more - a more detailed
7 update here in a minute on that.

8 On the House side, the Committee
9 of Natural Resources has had several
10 hearings including one in March, one in
11 September, one most recently in February,
12 and then on the Senate side there have been
13 several - July, November and January, and I
14 believe next week there will be two.

15 There's one in the Senate that I
16 think will have an Alaskan focus on
17 Thursday, I believe, and on Friday the
18 minority is convening another panel in the
19 House to take further comment on the draft
20 legislation.

21 So that's just a brief background
22 summary and in a minute after we hear from
23 Dave and Jeff we'll talk about the input
24 that we provided at this point.

25
26 So at this point, I'll turn to Dave Whaley
27 with House of Natural Resources staff and
28 Dave, if you don't mind giving us an
29 overview of what you anticipate for the
30 process and, again, thank you all very much
31 for joining us. We look forward to the
32 discussion. Thank you.

33 MR. WHALEY: Thanks. I'm glad to
34 be here. It's good to see a lot of familiar
35 faces and old friends and to whoever brought
36 the nice weather, thank you. I appreciate
37 it.

38 As Rick said, we've had a number
39 of hearings on the reauthorization. If you
40 include the 112th Congress, we've now had
41 nine hearings.

42 A week from tomorrow we'll have a
43 continuation of the earlier hearing that we
44 held a couple weeks ago. We're still
45 finalizing the witness list on that but
46 it'll be Friday morning at 9:30, again, to
47 comment on the discussion draft that was

1 sent out in December.

2 We've gotten a lot of very
3 helpful comments, some from the councils,
4 some from outside groups, some from the
5 agency.

6 We're continuing to compile those
7 and we're going to go through those with the
8 chairman and make some changes to the
9 discussion draft and then introduce it.

10 Timing on that is a little bit
11 fluid because we want to make sure that we
12 have a lot of comments in from folks. So I
13 know there are a number of councils that are
14 meeting in March that may want to submit
15 official comments which will take council
16 action before you can send them in. That's
17 fine. We look forward to those.

18 We do have, as Rick said, the
19 broader comments and recommendations that
20 each of the Councils submitted to the
21 Managing Our Nation's Fish conference.

22 We also have the letter from the
23 CCC on broader reauthorization issues which
24 is very helpful. If you want to comment on
25 policy, that's great. If you want to
26 comment on specific language in the draft,
27 that's also great.

28 The chairman wanted to get input
29 so that's why it was put out as a discussion
30 draft. As far as timing, obviously we're in
31 the second year of the Congress.

32 There's an election coming up in
33 November. At some point in the summer it
34 all turns to politics. So the chairman's
35 intent is to get this through the House
36 before the summer.

37 So keep that in mind when you're
38 sending us comments that sooner is better.
39 But we do have some time.

40 CHAIRMAN ROBINS: Dave, I
41 appreciate that. Are there questions for
42 Dave on the - on the process that he's laid
43 out?

44 Dave, can you comment on the - on
45 any areas that you think need additional
46 input specifically, just reflecting back on
47 the input that we provided from the CCC was

1 admittedly somewhat 30,000 foot level.
2 MR. WHALEY: Sure.
3 CHAIRMAN ROBINS: So, I wonder if
4 there are any areas that you think need
5 specific attention or more detailed input as
6 we go forward and work on some of the
7 different inputs that we provide.
8 MR. WHALEY: I know the
9 electronic monitoring and the data
10 collection provisions have sparked a number
11 of comments from - if not councils from
12 people who work with councils letting us
13 know how those provisions would affect
14 specific regions and that's been very
15 helpful.
16 So I would expect a fair amount
17 of change to those provisions. There are a
18 lot of provisions in the discussion draft
19 that came from specific regions and there
20 have been other regions that have said, that
21 doesn't affect us or it doesn't help us or
22 it may hurt us.
23 So if there are specific things
24 that are in the discussion draft that you
25 think would have negative effects on how
26 your council operates, that would be helpful
27 to know as well.
28 CHAIRMAN ROBINS: Thanks, Dave.
29 Are there any questions on that at this
30 point or comments?
31 Okay. Jeff, would you mind
32 giving us your perspective from the Senate
33 side?
34 MR. LEWIS: Sure. Thanks, Rick.
35 CHAIRMAN ROBINS: Thanks again
36 for joining us.
37 MR. LEWIS: Absolutely. Thank
38 you for having me. Thank you to you all and
39 thanks for bringing the wonderful weather,
40 as Dave said. It's quite a relief for us
41 around here.
42 So for those of you that have
43 been following what the Senate Commerce
44 Committee has been doing and specifically
45 the Subcommittee on Oceans, Atmosphere,
46 Fisheries and Coast Guard we had series of
47 hearings that have been regionally based, as

1 Rick mentioned.

2 We also had - well, and I should
3 clarify the January 30th hearing was Pacific
4 and Western Pacific perspectives. So we've
5 got one hearing left. It'll be next
6 Thursday morning, Thursday the 27th of
7 February and it'll be North Pacific
8 perspectives on MSA and fishery management
9 issues.

10 I would echo Dave's solicitation
11 for any additional more specific comments
12 that you haven't already provided to us in
13 the Managing Our Nation's Fisheries
14 presentations that you put together or other
15 materials that you may have submitted in the
16 specific hearings that we've held.

17 Senator Begich and Senator Rubio,
18 our ranking Republican member on the
19 subcommittee, would like to try to find a
20 way to introduce a bill that both their
21 names can be on and they have - so we've
22 been working with our counterparts on the
23 Republican committee staff to try to figure
24 out where we overlap, where we can agree and
25 is that a thing that Senators Begich and
26 Rubio can do.

27 I know they would prefer to do
28 that if they can. Senator Begich and
29 Senator Rubio have indicated in a couple of
30 our hearings now that the current time frame
31 for introduction of something is next month.

32 We certainly plan to have an
33 exposure draft of sorts that we will
34 circulate to get your comments and feedback
35 on before introduction and hopefully that
36 will be coming in the next two weeks or so.

37 That's kind of the - that's kind
38 of basically what we're up to and what our
39 timing looks like, I guess, in terms of
40 forecasting and outlook.

41 I joke a lot about the fact that
42 Dave's chambers limitations are our
43 limitations and we have to realize that, and
44 vice versa. The Senate, which, not only
45 cools the coffee now but seems to get it ice
46 cold on a given issue these days, those
47 limitations may prevent us from being able

1 to move something in the full Senate.
2 But I'm hopeful that we can at
3 least move a bill through markup and be
4 negotiating with members who may have
5 objections on a given issue.
6 I know you're all aware that MSA
7 typically has to go through the Senate by
8 unanimous consent. It doesn't get floor
9 time, unfortunately, even though it should.
10 And so that makes the challenge
11 all the greater but I don't think it's
12 impossible.
13 CHAIRMAN ROBINS: Jeff, thanks
14 for the overview and I'll ask you what I
15 asked Dave in terms of thinking about what
16 you all have heard in the various hearings
17 that you've had so far and the written input
18 you received.
19 Are there - are there any key
20 areas that you think would benefit from
21 additional attention from this body?
22 MR. LEWIS: Thank you. The -
23 there's been a lot of discussion, beginning
24 at MONF, about a desire on the part of
25 managers for more flexibility, particularly
26 in rebuilding overfished stocks or stocks
27 subject to overfishing, and there was some
28 talk about using an alternative time line to
29 the 10-year rebuilding time line that would
30 be team in plus one mean generation time.
31 I'd like to get more specific
32 comments from the councils if possible on
33 exactly how those time values should be
34 derived, what level of agreement and
35 consensus, peer reviewed, scientific, peer
36 reviewed science that provided the basis for
37 those time values.
38 How do we - how do we firm that
39 up so that it's not squishy, I guess, is the
40 way I would put it, because if that is
41 something that the councils would like to
42 see as a tool that's available to you for
43 management - conservation management
44 purposes I think there's a desire by members
45 on the committee to provide it to you.
46 So some specific recommendations
47 on how we firm that concept up would be

1 helpful. We also have been very focused on
2 trying to assist in the process of getting
3 electronic monitoring off the ground as a
4 complement - not a replacement but a
5 complement to at-sea observers, and there
6 seems to be broad - a broadly held view by
7 our members that if that is something that
8 can be incorporated into FMPs that it has
9 the potential to - it represents an outward
10 shift in the technology curve that can make
11 the cost of gathering this data cheaper on
12 the whole and at the same time can give you
13 more data and potentially more robust data
14 and analysis as a result.

15 So our current concept that we're
16 looking at is trying to put a framework in
17 place for the review of management plans to
18 determine which ones are suitable and could
19 substantially benefit from the incorporation
20 of electronic monitoring as a complement to
21 at-sea observers and then kind of a
22 framework for implementation.

23 If we do that we'd like to avoid
24 the same crunch that you experienced with
25 implementation of ACLs and AMs in your FMPs
26 because I know that was a lot of work for
27 you all and you probably had to hustle to
28 pull it off, and by the way congratulations
29 on that.

30 So those are - those are two
31 areas. Also, we've certainly been hearing a
32 lot about a marking or labeling authority an
33 MSA sustainably-caught marking, and current
34 thinking is that you could set a
35 sustainability standard that is essentially
36 MSA. You'd have to have special treatment
37 for stocks that are or fisheries that had a
38 rebuilding plan in place.

39 They aren't necessarily excluded
40 from satisfying the sustainability standard
41 if the rebuilding - if the rebuilding plan
42 is showing substantial progress rebuilding
43 the fish stock.

44 You could also tie some voluntary
45 - essentially it would be a voluntary
46 marking authority that you would put on your
47 seafood product under penalty of - under

1 civil and criminal penalties if you do so
2 fraudulently.

3 If you know that it doesn't meet
4 the standard but you put the words
5 "sustainably caught" on it then you're
6 liable for civil and criminal penalties,
7 jail time under MSA Section 308, 309.

8 You could also tie some of the
9 traceability features that we've seen in
10 voluntary programs like the Gulf States
11 Commission's Gulf seafood trace program so
12 that if you want to mark it as sustainably
13 caught, it satisfies the sustainability
14 standard, you just need to also provide some
15 very basic information about, you know,
16 showing that it is what it purports to be in
17 terms of its scientific name and its common
18 English name as used in the fishery
19 management plan under which it's caught, you
20 know, basic region of harvest and some other
21 high level bits of information like that
22 without threatening proprietary information
23 of commercial fishing interests.

24 So input on what that could look
25 like from your perspectives or should look
26 like from your perspectives would be helpful
27 as well.

28 CHAIRMAN ROBINS: Jeff, thank
29 you. Any questions or comments for Jeff?
30 Kitty.

31 MEMBER SIMONDS: Hi, guys. I
32 have a couple of questions. One is - so
33 we've all seen the House draft. Can you
34 tell us if you agree with any of those
35 changes and sections in the House draft?

36 MR. LEWIS: From a Senate
37 perspective?

38 MEMBER SIMONDS: Yes. Yes,
39 because we need the both of you to agree to
40 those things that we want to see changed.

41 So if you can tell us now then
42 we'd know what we have to work on.

43 MR. LEWIS: Well -

44 MEMBER SIMONDS: Yay. I did that
45 for Dave. We're old friends.

46 MR. LEWIS: Is she a shill for
47 you? Well, thanks, Kitty. The - but I am

1 glad you asked because there are some things
2 conceptually that we are interested in and
3 that we will try to approach.

4 Chris Oliver will be testifying
5 for North Pacific Council next week. The
6 chairman is not able to be there because of
7 a prior commitment.

8 But I was mentioning to him we
9 may be coming at these issues from a
10 slightly different approach but there is a
11 shared interest in doing something on them.

12 For example, the - and I've
13 mentioned this to Sam. Sam, I don't want
14 you to get mad at me but the NEPA issue and
15 the provision that was included in MSRA that
16 represented a compromise it got walked back
17 in order to satisfy those members in the
18 Senate that were worried that this was going
19 to undercut NEPA somehow.

20 But there are some of you that
21 have expressed to me that you don't feel
22 like that has been fully and robustly
23 implemented and I share that view.

24 But declaring MSA to equal - NEPA
25 to deem that it is NEPA compliant because it
26 has gone through the MSA fishery management
27 plan process is beyond the - beyond the
28 realm of what we would be able to move
29 through the Senate anyway.

30 But finding a way to implement in
31 a meaningful fashion the NEPA language that
32 was included in MSRA that is a thing that I
33 would like and I think our members would
34 like to focus on trying to push.

35 But so we agree on the concept
36 though of trying to ease the pain with - in
37 terms of NEPA compliance for you.

38 The concept of depletion is
39 something that we're very interested in just
40 as the House seems to be. It is important -
41 I mean, it is consistent with - Kitty, you
42 can probably tell me more about this than I
43 know but it is consistent with eco-system
44 based management to be looking at depletion
45 instead of just results from human effort.

46 So finding a way to incorporate
47 that, that's also an area where I think we

1 would agree. I already mentioned electronic
2 monitoring. We would like to do something
3 on that.

4 I'm sensing that from our
5 members. Do you have any other specific
6 items that you had in mind? I might be able
7 to comment on them. Kitty.

8 MEMBER SIMONDS: No, just wanting
9 to get a good idea of how much you all would
10 work together on some of these issues that
11 we'd like to see changed.

12 The other thing I wanted to ask
13 about is can you somehow prevent our Western
14 Pacific region from having anymore monuments
15 and anymore sanctuaries?

16 I left a little propaganda sheet
17 out there that shows - I mean, almost 90
18 percent of the MPAs are in our region. So
19 you need to do something about that.

20 MR. LEWIS: Well -

21 MEMBER SIMONDS: There's New
22 England. There's the Gulf. There are all
23 these other places.

24 MR. LEWIS: I say my prayers
25 every night that there will be a process for
26 those. But also I'm not sure that it's -
27 even though it unfortunately affects things
28 in our bailiwick I'm not sure that it's our
29 committee's bailiwick in the Senate.

30 I think it might be Energy and
31 Natural Resources. But Dave's committee
32 might be able to do something. Right, Dave?

33 MEMBER SIMONDS: Thank you.
34 Well, I'll let other people ask some
35 questions. I have a few more but, I always
36 have lots.

37 MR. WHALEY: Chairman, if I can
38 just add one more thing since Adam's here.
39 I try to do this at every CCC meeting. We
40 invite input from the councils.

41 We do not view the councils
42 educating us to be lobbying and in
43 particular on the discussion draft I sent it
44 to each of the councils asking for input.

45 So I hope that you all take that
46 with the intent that it was made. We want
47 input. We want that discussion to happen.

1 It's not lobbying.

2 CHAIRMAN ROBINS: Dave, thank you
3 and I think we all appreciate that
4 opportunity and we will try to continue to
5 make the most of it. Kitty.

6 MEMBER SIMONDS: Well, I still
7 follow the instructions of letting our NOAA
8 general council know that we were being
9 asked for our comments and I sent them a
10 copy of the draft and we all never heard
11 back from anybody so I guess it was fine.

12 CHAIRMAN ROBINS: Thanks. Other
13 questions at this point for either Dave or
14 Jeff? Ben.

15 MEMBER HARTIG: Yeah. I mean,
16 the 2006 reauthorization focused on all the
17 bad and none of the good that had been done
18 in the councils over time.

19 I mean, we had rebuilt
20 significantly overfished fisheries in the
21 lifetime of a fish, both king and Spanish
22 mackerel, yet when we came to red snapper,
23 which was in about the same condition at the
24 time, I mean, we had to completely close
25 that fishery.

26 Neither of those fisheries
27 rebuilt we had to close so those types of
28 things. And then the three years to end
29 overfishing we actually had two examples
30 that we did that with snowy grouper and
31 black sea bass.

32 Black sea bass was rebuilt within
33 the rebuilding time frame, allowing the
34 three-year phase in of the overfishing
35 restrictions and snowy grouper is 10 years
36 ahead of its rebuilding time frame. It's on
37 a longer trajectory to rebuild.

38 But those two species I think are
39 good examples to use when you - you know,
40 you're putting these things together real
41 world examples where that type of management
42 has actually worked.

43 So I mean, to me this whole thing
44 it was very difficult for me to watch the
45 red snapper example where we had shown that
46 management that we had put in place had the
47 stock was rebuilding under the management we

1 had and yet we still had to close the
2 fishery.

3 I mean, that was - that was
4 probably the most difficult thing I've ever
5 had to do in management is to try and do
6 that because the fishermen saw the best
7 stock they'd seen in 20 years yet we had to
8 close the fishery.

9 So somehow to get rid of these
10 moratoriums, I mean, that was - I know
11 that's part of - I've seen that in some of
12 the write-ups.

13 As long as the fishery is making
14 some kind of incremental steps towards
15 rebuilding, I mean, for us, I mean, we don't
16 see any need in trying to close those
17 fisheries.

18 CHAIRMAN ROBINS: Thanks, Ben.
19 Other comments or any questions? Kitty.
20 Well, if you want to put him on the spot
21 again go ahead.

22 MEMBER SIMONDS: Well, NEPA -
23 let's just talk about that for a little bit.
24 What - how could we amend the Magnuson Act?
25 What would we have to add to that so we
26 could say that our FMPs or Magnuson is
27 consistent with NEPA? I think people, you
28 know, afraid of that word exempt and that is
29 kind of a big word.

30 Are there tweaks or sections or
31 words that we - that we can add to the
32 Magnuson Act that we make it consistent?
33 And we've had some discussion. You might
34 want to add to this - thank you.

35 MR. WHALEY: If I can I'll take a
36 first shot at that. NEPA's primarily a
37 process statute and the Magnuson Act has a
38 significant process component to it.

39 The problem that we found is
40 those two don't match up very well and what
41 we're trying to get, and I think everybody
42 would agree on this outcome, is a standard
43 process where you don't have to duplicate
44 things and it doesn't take forever.

45 Now, there are some people who
46 don't think our language does that and it
47 doesn't work. That's fine. If you have an

1 alternative we'd be happy to look at that.
2 But the - what we're attempting
3 to do is make the two statutes work in
4 harmony and not duplicate effort and
5 duplicate time lines. So I don't know if
6 you want to add to that.

7 MR. LEWIS: Well, conceptually,
8 and I'm still - this is why I solicited your
9 views on it and comments, which I hope
10 you'll respond on when you have the time -
11 but conceptually it seems to me that there's
12 no reason that you couldn't take a mini NEPA
13 process, graft it into MSA, have it tailored
14 so that the time line problems and the
15 duplication issues are either minimized or
16 eliminated.

17 As long as it the only way we get
18 that done in the Senate, though, is if it
19 remains as stringent in the view of
20 environmentally minded members and others
21 that as the NEPA process is.

22 So if it's - so let's say it's
23 the - I don't know if it would be the CCC
24 strawman that was proposed a few years ago
25 that was intended to serve perhaps as -
26 certainly at the jumping off point if not,
27 the end product.

28 Let's say you slapped that into
29 MSA and said this will be the - this will be
30 fish NEPA, right, or this will be fishery
31 ecosystem NEPA. Yeah.

32 That would be consistent with -
33 that would not be gutting NEPA. That would
34 be saying no, this is a special NEPA. This
35 is a special NEPA that's equally as
36 stringent.

37 That is something that we might
38 be able to advance in the Senate. I don't
39 know if - yeah.

40 CHAIRMAN ROBINS: Chris Oliver.

41 MEMBER OLIVER: I guess I'll
42 offer a couple of comments and thoughts on
43 this because I've been working on this for
44 quite a while myself. I've spent a lot of
45 time on it.

46 But we - in my mind, there's
47 probably a simpler solution and whether it's

1 going to - ultimately palatable or not
2 remains to be seen.

3 But what we did a few years ago
4 as a CCC strawman was, my recollection,
5 essentially a fairly lengthy rewrite of the
6 Administrative Order 216 that applies to how
7 NEPA is implemented, and I don't know how
8 you would plug that into the Magnuson Act.

9 It seems to me that without
10 getting on a high horse, the Magnuson-
11 Stevens Act is ostensibly supposed to be the
12 guiding act for fisheries management but
13 NEPA has become the guiding act for fishery
14 management actions and I think there are
15 still inconsistencies.

16 We just went through a process
17 working with Sam's staff, agency staff to
18 revise a policy directive that came out last
19 year and we got to a point where we're
20 comfortable with that policy directive in
21 the sense that it now reflects, essentially,
22 in my opinion sort of the status quo way of
23 doing business.

24 That's not to say that we agree
25 and I think the councils and the agency will
26 continue to agree to disagree that that
27 satisfies Section 304(i) of the 2006
28 reauthorization.

29 But there seems to me that you
30 could include a couple of fairly simple
31 straightforward provisions in the Magnuson
32 Act, add a couple of fairly straightforward
33 simple provisions that require some specific
34 level of environmental analysis review and
35 perhaps a specific reference to
36 consideration of a reasonable range of
37 reasonable alternatives and a few of those
38 key provisions that exist in NEPA in most of
39 the other analyses that we do in a NEPA
40 vehicle or required under Magnuson and other
41 applicable laws anyway.

42 And it needn't, in my opinion, be
43 as complex as we could make it - that there
44 are some key provisions we could add in
45 Magnuson and to satisfy NEPA.

46 Whether we use the word exempt or
47 not I think people are a little

1 oversensitive to that because when you look
2 at the Magnuson process and everything else
3 that's required in that process and all the
4 other applicable laws we're required to do
5 it just seems unnecessary, redundant to have
6 to use NEPA as the vehicle - the guiding act
7 for all of our fishery management actions.

8 So I'll try to speak to that more
9 next week in my testimony.

10 CHAIRMAN ROBINS: John Bullard.

11 MR. BULLARD: I wanted to accept
12 Dave's invitation to educate and I'm nervous
13 to do this as an RA for NOAA. But I've
14 testified before your committee wearing
15 various hats.

16 Dave, as you know, as mayor of
17 New Bedford a long, long time ago and maybe
18 most recently as a citizen on the - when you
19 had a hearing on marine spatial planning and
20 that's the topic I wanted to talk about.

21 Already on thin ice, I know. But
22 I know that your bill is intended to be
23 supportive of the industry and there's a
24 view, I think, if I'm reading it right that
25 marine spatial planning is government
26 overreach and I wanted - perhaps the role
27 I'd like to be heard as is a citizen of New
28 Bedford to talk about how I look at this
29 issue in terms of support for the industry.

30 Because in the city of New
31 Bedford there's a piece of land right now
32 that's being developed with \$100 million for
33 offshore wind and it's right next to
34 processing of fish. New Bedford, as you
35 know, is a fishing port and in all of the
36 listening sessions I've done, listening to
37 fishermen, one of the views of offshore wind
38 is hey, this is a land grab and they look at
39 it as a threat.

40 And they say who is advocating
41 for our interests as offshore wind goes
42 there and they say it's the councils - we
43 want the councils there advocating for our
44 interests.

45 And too often they see the
46 councils are invited in late, late to the
47 game and not armed with enough data. And so

1 I looked at marine spatial planning and this
2 is when we - I testified as a private
3 citizen, as you remember.

4 This is a contentious issue but
5 it is the way the councils come armed with
6 scientific data to argue on behalf of the
7 industry early in the game, saying here are
8 the facts - here's where the fish are -
9 here's where the routes to the fish are, and
10 early in the planning stages.

11 Before the decisions are being
12 made fishermen have to be represented at the
13 table by us, by the NOAA fisheries and also
14 by the councils before anyone else or
15 certainly at the same time as everyone else.

16 And so somehow or other marine
17 spatial planning got a pejorative but the
18 councils are the advocates for the industry
19 in this discussion.

20 And so I just wish it weren't so
21 pejorative and on behalf of the councils I
22 think it allows them to come in and advocate
23 for the industry in this discussion and they
24 need to be advocates for the industry.

25 The industry needs those
26 advocates. Thanks.

27 CHAIRMAN ROBINS: Dave, do you
28 have a comment?

29 MR. WHALEY: We could probably
30 debate national ocean policy and the marine
31 spatial planning for a couple more hours.
32 But as you mentioned, it's a very touchy
33 issue for a lot of our members. In the
34 examples where states have done this and
35 done it effectively there was a statute that
36 governed how it would be done.

37 There was a process for how it
38 would be done. There was a seat at the
39 table for affected users and there was
40 recognition that certain state laws,
41 especially governing fishing, would remain
42 the governing statute.

43 We don't see any of those in the
44 federal national ocean policy. If you look
45 at the tortured process that the
46 administration went through to even get the
47 councils to have a say that should give you

1 some idea of how difficult it is to try and
2 get the fishing industry's perspective
3 heard.

4 So yeah, we have very strong
5 feelings about the national ocean policy and
6 the way the administration has put it in
7 place. There is no statutory underpinning
8 for it.

9 There's no protection for
10 specific user groups. There's no seat at
11 the table for outside user groups other than
12 testifying at open meetings.

13 So additionally, it's a new
14 entity that's taking money away from
15 existing programs. So that's just in a
16 nutshell some of the problems we have with
17 it.

18 The language that is in the
19 discussion draft is primarily intended to
20 send a signal that if fishery managers are
21 collecting data for fisheries management
22 purposes, it should be used for fisheries
23 management. What we found in some cases,
24 from other parts of the country, is data
25 that was collected for fisheries management
26 could then possibly be used against
27 fishermen in designing marine protected
28 areas and other things.

29 So our concern is if you're
30 collecting data for one purpose and it gets
31 turned to another purpose that may not be
32 beneficial to fishermen.

33 CHAIRMAN ROBINS: Dave, I
34 appreciate your comments on that specific
35 issue and on the - I think on the East Coast
36 we have very significant concerns about the
37 fact that the offshore wind energy
38 development is being done under the Smart
39 from the Start initiative, which has
40 preceded the potential formal CMSP approach
41 that's contemplated in the national ocean
42 policy.

43 And so, we have two very
44 different tracks and as John points out I
45 think ultimately the data is really the best
46 way to mitigate fisheries impacts, impacts
47 to fishing activity but also to fisheries

1 resources.

2 So I think this is something that
3 does need a lot more discussion and
4 consideration down the road in terms of how
5 can we make sure that our fisheries are
6 effectively on the map for these broader
7 planning discussions about, particularly,
8 offshore energy development.

9 And just thinking about the scale
10 of when, it's unlike anything else that
11 we've ever seen in the - in the ocean. So,
12 you know, it doesn't have to be incompatible
13 with all fisheries but the practical effect
14 may be that certain areas become de facto
15 closures for mobile gear fisheries depending
16 on how they're built, installed and, you
17 know, right now in the U.K. they're
18 considering an array that would have 3,000
19 turbines.

20 I mean, the scale of some of
21 these offshore developments is unlike
22 anything we've seen. So I think that's
23 where, you know, some of the - some of the
24 concerns we have at least in the Mid-
25 Atlantic and Northeast revolve around those
26 potential future impacts.

27 So but I very much appreciate
28 your concerns about the process and look
29 forward to further discussion on it. Other
30 questions? Kitty.

31 MEMBER SIMONDS: Well, I still
32 have a problem with the council
33 representation. I know that Sam worked
34 very, very hard for several years to get the
35 council to get representation because we
36 talked about it every meeting.

37 So what it ended up being is that
38 the council representative has to be a
39 government person. So when that government
40 person isn't there and I'm the only one that
41 can be there, I'm treated like a member of
42 the public.

43 I cannot speak in that person's
44 place. So I think that's a problem. So I
45 still have problems.

46 CHAIRMAN ROBINS: Thanks. Other
47 questions at this point? All right.

1 I'm going to turn to the summary
2 of the points that we submitted in our
3 written letter and these go back to our
4 November comments that were submitted in
5 writing.

6 Again, these were essentially
7 from the 30,000 foot level, and just
8 summarizing those they revolved around the
9 concerns with stock rebuilding plans and
10 trying to achieve some flexibility in the
11 development of rebuilding schedules
12 primarily so that we could do more to
13 incorporate the social and economic
14 considerations in the development of those
15 time lines than we can now.

16 Also addressing the discontinuity
17 in the 10-year requirement that was
18 identified in our sea report, and I think
19 the - you know, the draft has been
20 responsive to that.

21 There were several other areas
22 where we highlighted common concerns. Those
23 included the manner in which we're required
24 to end overfishing, trying to have some
25 flexibility in the management of mixed
26 stocks.

27 There's a lot of history on the
28 mixed stock issue. In the old NS1
29 guidelines, the weak stock was only
30 protected to the point of if it was going to
31 go on to some level of ESA type threat.

32 And so, there's some treatment of
33 that in the draft. The current NS1
34 guidelines have been somewhat unworkable for
35 dealing with mixed stocks in some parts of
36 the country. So that was an issue
37 highlighted.

38 We also had recreational fishery
39 considerations. Some of that revolves
40 around how we treat catch, how we are
41 required to develop accountability measures
42 for recreational catch in light of the
43 statistical characteristics for the catch
44 estimates that are currently available in
45 certain parts of the country.

46 The management of data for
47 stocks, that's been a common theme that

1 we've addressed through National SSC
2 workshops. It was something we discussed at
3 Managing Our Nation's Fisheries.

4 It becomes, I think, for most
5 councils a recurring area of concern. And
6 finally, international fishery management
7 issues.

8 Following on that, the draft -
9 the draft came out. The draft includes a
10 number of different sections and just
11 summarizing those you have the flexibility
12 in rebuilding stocks, modifications to the
13 annual catch limit requirements;
14 distinguishing between overfished and
15 depleted - that addresses some of the
16 language concerns about how depleted stocks
17 are described; transparency in public
18 process for scientific and management
19 actions; limitational future catch share
20 programs, data collection and data
21 confidentiality, some of which we've already
22 discussed as it relates to ocean planning;
23 council jurisdiction for overlapping
24 fisheries, and those are the sections in the
25 current draft.

26 As Jeff pointed out, we might
27 anticipate a Senate draft that would come
28 out next month so we would have another
29 document to take a look at.

30 But we have discussed between now
31 and the May meeting possibly convening
32 several working groups to do some of the leg
33 work so that at the May meeting we could
34 come back and offer more detailed and
35 refined input into the process.

36 But given the time line and on
37 some of the activities that will be
38 occurring over the next month, I wanted to
39 ask if there are any other issues that
40 members wanted to bring forward for
41 consideration to add to the comments that
42 we've already submitted.

43 Again, the points that we
44 highlighted categorically are these and they
45 were not intended by any means to be
46 exhaustive. We've offered some more
47 detailed inputs since then.

1 But if there - if there are any
2 other issues that members want to bring
3 forward and add to that at this point in
4 time for consideration by the group we can -
5 we can have that discussion now. Kitty.

6 MEMBER SIMONDS: Well, obviously,
7 we're the ones who have been suggesting
8 changes in terms of international fisheries
9 management. So I wasn't sure if you would
10 be able to take care of some of our concerns
11 in the IUU fishing bills, you know, or in
12 this bill because it's a real problem in our
13 part of the world.

14 You know what our geography looks
15 like and we're surrounded by foreign
16 countries, especially Kiribati, which has
17 their huge noncontiguous zones and that's
18 the only country in the Pacific that has an
19 agreement with the EU.

20 So they have given permits to
21 Spanish purse seiners and longliners and
22 they're fishing within their zone. Well,
23 I'm sure they're in our zone as well.

24 There was a bust three years ago
25 of a Spanish purse seiner that was fishing
26 in our zone. The good thing is that we got
27 \$5 million out of that but, you know, so how
28 do deal with that and I think that your
29 fellow senator also spoke about how it
30 affects the market.

31 And, you know, we had the same
32 explanation at your hearing as well and so
33 I'd like to go and sanction those countries.
34 So yeah, either - I'm not sure which bill
35 would take care of both of our large
36 concerns, and there is enforcement.

37 And, obviously, I mean, no one
38 ever has enough money to do that so - and
39 that's always the explanation you get when
40 you - when you ask the Coast Guard why - you
41 know, how come you only had one flyover in
42 our entire EEZ in five months. What is
43 that?

44 But they were busy helping the
45 Marshalls because we have ship rider
46 agreements and so we help other countries.
47 So we're saying that you need to put our -

1 you know, our zone first just because of all
2 of this illegal fishing that's going on, and
3 these countries are not compliant in the
4 international commissions and we know that.
5 So, you know, what happened to us
6 in Australia where the - our U.S. purse
7 seiners - our government agreed to closing
8 the high seas to them and we were always
9 opposed to that, all of us all the time.
10 And then we had to take a cut and
11 then our government agreed to Indonesia
12 tripling their bigeye quota and Australia
13 and New Zealand and all of these other
14 countries to continue to take their quota
15 and even add to it.
16 So, frankly, we were very
17 disappointed in this nonsupport of U.S.
18 fisheries. We're the only two big fisheries
19 - U.S. fisheries in the Pacific, you know,
20 in terms of longline fresh pelagic.
21 So these are very large concerns
22 for us.
23 MR. LEWIS: And I know you and I
24 talked about this after our Western Pacific
25 and Pacific hearing the other day so I got
26 that perspective from -
27 MEMBER SIMONDS: And I gave it to
28 you again.
29 MR. LEWIS: Absolutely, and
30 that's - I appreciate it. The struggle to -
31 I mean, I think what - I think what really
32 is at the root of this problem is proper
33 resourcing of the Coast Guard, and Chairman
34 Inouye made particularly impressive efforts
35 to properly fund the recapitalization and
36 expansion of Coast Guard's surface assets.
37 I'm going to start talking Coast
38 Guard stuff. You'll have to forgive me,
39 okay?
40 But the good news - the bad news
41 is that we're in a resource-constrained
42 environment and it doesn't help that OMB has
43 decided to ignore Coast Guard's duties on
44 the high seas in Title 14, their Deepwater -
45 the Deepwater aspects of their 11 statutory
46 missions under Section 888 of the Homeland
47 Security Act of 2002.

1 OMB has a completely different
2 vision of the Coast Guard than the rest of
3 the universe does. And there's a person
4 there, I know her name, I know who she is.
5 Transparency breeds accountability. It's
6 her fault.

7 I'll tell you who she is if you
8 want to come see me after. But the good
9 news - so that was the bad news. The good
10 news is that, and you're more keenly aware
11 of this than the rest of us probably that
12 the focus for the Navy and the Coast Guard
13 is shifting to the Pacific. That's good.

14 And the other good news is that
15 the Navy has realized for their concept of
16 operations that the - and you already know
17 this too - the response to a white-hulled
18 ship with, you know, an international orange
19 stripe on it is a much more positive one by
20 the Chinese and, you know, Koreans and
21 whomever else - the Spaniards, whoever else
22 - than to a grey hull.

23 And the Navy knows that and the
24 Coast Guard know that so there are actually
25 homeland and national security implications
26 for the Navy and its - what it's trying to
27 do and for other components of the Defense
28 and Intelligence Committees and what they're
29 trying to do.

30 So international fisheries
31 patrols by Coast Guard is to Pacific
32 security as ice breakers are to polar, you
33 know, Arctic and Antarctic security. The
34 science is the excuse to be there. The
35 fisheries are the excuse to be there.

36 They're important. You know, the
37 science is important in the Arctic and
38 Antarctic but they're the excuse to be
39 there. They're not the end all be all
40 purpose.

41 When - as more people start to
42 realize that in the policy, you know,
43 thinking world, I think you will see an
44 augmentation at least of the presence of
45 Coast Guard and Navy assets.

46 Now, I don't know what they'll be
47 doing. I don't know if they'll be doing

1 what you want them to be doing. But the
2 first step is to get them there, right.
3 MEMBER SIMONDS: Right. I know,
4 and there must be, you know, the next
5 generation of enforcement tools.
6 MR. LEWIS: Right. Drones and
7 all that.
8 MEMBER SIMONDS: Right. Well,
9 you know, we pioneered the VMS system in
10 1988 and '89 and that was a tool for them to
11 use. Apparently, they can't take it to
12 court on its own but it's a tool and, you
13 know, the Navy - the Navy is out there.
14 They have all kinds of assets.
15 So I'm sure that, you know, probably the
16 Russians and the Japanese have next
17 generation tools that we should be spying on
18 and getting. But, you know, yeah, because
19 it is about money and we're not saying that
20 they're not doing a good job.
21 We're just saying that they all
22 need to work together to make this happen.
23 You know, it's just the way it is.
24 MR. LEWIS: And from a
25 coordinating perspective, I mean, we do - we
26 have Senator Inouye's IFSEA legislation that
27 would at least try to promote that
28 coordination and streamline the enforcement
29 authorities for, hopefully, to serve those
30 purposes.
31 It's a small thing in the big
32 scheme of things because what you really
33 want is you want white hulled OPCs and FRCs
34 out there and NSCs patrolling, and aircraft.
35 MEMBER SIMONDS: The other thing
36 is, though, I don't think I would use the
37 word pirate. I hear people using pirate
38 fishing all the time now. It is unreported,
39 unregulated. I don't know if it's so much
40 piracy.
41 MR. LEWIS: I think it's just
42 that some of our members have done that.
43 I'm sure you've heard them say that and I
44 think it's because they feel like it
45 captures people's imaginations more than
46 IUU.
47 CHAIRMAN ROBINS: Thank you.

1 Thank you. Bob Mahood.

2 MEMBER MAHOOD: You had asked
3 about our list relative to ending
4 overfishing but I think we need to say more
5 specifically having more flexibility in
6 ending overfishing is critical.

7 You know, when the act was
8 changed and we were required to end
9 overfishing within two years that worked
10 well for some species and we made great
11 progress on rebuilding and overfishing went
12 away.

13 Now, some of those species, like
14 Ben said, we've been working on them for a
15 number of years and we were bringing them
16 back anyway.

17 But the example Ben gave of red
18 snapper is really problematic because you
19 had a fishery that's been in place for years
20 and it's been at different levels of harvest
21 over time.

22 Red snapper weren't going
23 extinct, but under the rules where you have
24 to end overfishing within two years in a
25 mixed species fishery the amount of red
26 snapper that we're allowed to harvest is
27 taken as bycatch while fishing for other
28 species.

29 I mean, you conceivably might
30 never open that fishery again, because what
31 happens is as the fishery rebuilds the red
32 snapper bycatch increases, and your harvest
33 level is taken as bycatch that you must
34 throw back dead and that's just such a big
35 waste of the resources.

36 There's got to be something in
37 the Act where we have a little more
38 flexibility to address those types of
39 situations.

40 CHAIRMAN ROBINS: Bob, I think
41 these bullets are very abbreviated and I
42 think the original letter did speak to the
43 need for some flexibility and the ending of
44 overfishing. But then -

45 MEMBER MAHOOD: Ben has testified
46 on it and answered a couple questions on it.
47 So, I mean, it's getting out there. It's

1 just very frustrating, as Ben said, to have
2 to deal with a major important fish like red
3 snapper and nobody can harvest them and they
4 must throw them away dead.

5 CHAIRMAN ROBINS: Thank you, Bob.
6 And, you know, I know just thinking about
7 other issues I have heard significant
8 concerns, I think, and we added these in our
9 most recent testimony about some of the
10 requirements for the collection and
11 retention of audio and video and the other
12 ways that we would document the minutes of
13 our meetings both for council meetings and
14 SSC meetings.

15 Transparency is really a central
16 part of the council process. I think it's
17 one of the - one of the hallmarks of how we
18 operate. I don't know of any parallel in
19 the regulatory community that's quite as
20 transparent.

21 But having said all that,
22 different councils around the country are
23 using different technologies to record and
24 to make available to the public including
25 those that aren't able to be there in person
26 some of the meetings, and those include
27 webcasting and they include searchable audio
28 files, you know.

29 And different councils have
30 different methods they're using but, you
31 know, it seemed there was some concern about
32 the requirement to have videography
33 requirements and then saving that, I mean,
34 it would add significantly to the cost of
35 the process and it may not enhance the
36 transparency above and beyond audio casting
37 or otherwise webcasting the proceedings of a
38 meeting.

39 So I don't know if members have
40 additional comment on that but I know that
41 was an area of concern that seemed to -
42 seemed to be one that was fairly broad.
43 Don.

44 MEMBER MCISAAC: Thank you, Mr.
45 Chairman. In terms of an item that might
46 not be on the list, I'm not sure if I saw a
47 NEPA environmental review process up there

1 or not.

2 But to build a little bit on what
3 Chris said, you know, I think some
4 adjustments to Section 303 that replicate
5 the key features of NEPA so that anything
6 done in that process could be deemed to be
7 in compliance with NEPA but not be
8 duplicitious and have the extra comment
9 periods at the end and this and that is
10 something that probably ought to be on our
11 generalized list.

12 In terms of getting specific here
13 at this meeting today, it might be a little
14 difficult. You may have some thoughts on
15 how to handle that.

16 But if you're just looking for
17 omissions up there, we testified in front of
18 the Senate last week that this was on our
19 list of 16, that we think there can be
20 improvements in NEPA that still safeguard
21 and provide the kind of informed decision
22 making that I think NEPA is really all about
23 to start with. So we'd offer that one up.

24 CHAIRMAN ROBINS: Don, thank you.
25 Tom Nies.

26 MEMBER NIES: Thank you, Mr.
27 Chairman. One thing that's not on our list
28 and I'm not sure how broadly based an issue
29 this is. I know it's an issue, I think, for
30 the Mid and New England.

31 So I think it's a question
32 whether we should include something that
33 addresses at-sea monitoring coverage, and
34 it's sort of a broad topic.

35 As you know, the Mid and New
36 England have had problems trying to figure
37 out ways to share the funding of that sea
38 monitoring coverage. We both have recently
39 had actions disapproved by the agency.

40 There are other alternatives for
41 the North Pacific, I know, in the act that
42 allow them different options on how to fund
43 observers and there are perhaps a number of
44 other observer issues that are coming up
45 that might be work exploring like the
46 ability of the service or the councils to
47 have input on the distribution of observer

1 funds to different programs.

2 At times, if observer funding is
3 not adequate or not sufficient to achieve
4 all the observer coverage you'd like I don't
5 know how broadly based those are. I know
6 they're issues for us on the East Coast but
7 I don't know if they apply in the other
8 regions or not.

9 CHAIRMAN ROBINS: Thank you. Is
10 there any reaction to that? I know, as Tom
11 points out, in the Mid-Atlantic we also had
12 an amendment that was partially disapproved.

13 The component that was
14 disapproved included a cost sharing proposal
15 where the industry would be paying some
16 portion of the at-sea coverage. The agency
17 would be paying the balance and we wanted to
18 have 100 percent observer coverage on
19 certain components of that fishery and the
20 required coverage level and the component
21 that allowed for cost sharing was also
22 disapproved.

23 So, you know, I think in general
24 and if you combine that with what's happened
25 recently with those standardized bycatch
26 reduction reporting methodology that also
27 constrains the ability of the council and
28 the agency to allocate and distribute the
29 observer coverage.

30 And, you know, part of the
31 problem ultimately is that we have these
32 fishery management plans. We determine a
33 certain level of coverage that we want to
34 see in that fishery we think that's most
35 appropriate to meet our management
36 objectives and they were not able to
37 implement that.

38 So, you know, I think ultimately
39 we need some more flexibility in the act or
40 ability on the statutory side to identify
41 observer coverage levels and also identify
42 the additional funding mechanisms for that
43 compared to what we have today. Sam.

44 MR. RAUCH: Yeah. Just to be
45 clear, on the disapprovals it wasn't the
46 industry funding part that was disapproved.
47 It was disapproved because it mandated that

1 the federal government allocate a certain
2 portion of its budget to cover this cost and
3 that was - in our opinion that was
4 inappropriate. That violated the Anti-
5 deficiency Act.

6 So this issue of how you're going
7 to pay for observers is a good issue. The
8 demands on observer coverage are increasing.
9 The federal budget is not particularly
10 growing and we've had difficulties there
11 because we cannot commit our limited federal
12 funds to meet all the needs of the councils.

13 But then cost sharing with
14 industry is problematic for both political
15 and legal and other kind of reasons. And so
16 we've struggled and that was the nature of
17 why we had to disapprove that.

18 It was not because we thought
19 it's a bad idea. Observer coverage is
20 something we think is a good idea but you
21 have to pay for it somehow. And so we are
22 mindful that the obligations keep rising,
23 our ability to cover them out of the federal
24 budget, or to share the cost to industry.

25 Sometimes the industry is - can't
26 handle those costs. It is difficult. So -

27 CHAIRMAN ROBINS: Chris Oliver.

28 MEMBER OLIVER: I had a follow-up
29 on the issue you brought up just a minute
30 ago, Rick - Mr. Chairman - and it may be a
31 question for Dave.

32 There is a specific provision in
33 the draft Hastings bill requiring the video
34 and full transcriptions of both the council
35 and the SSC meetings and you spoke to the
36 current existing transparency and
37 accessibility of our process, particularly
38 with the kind of modern technology we're
39 using now, our webcasting, our searchable
40 audio files.

41 And I know in our case we meet
42 five, sometimes six times a year. Our SSCs
43 meetings are typically three to four days.
44 Our council is seven days at each meeting
45 and the - it's a little bit daunting
46 thinking about the amount of transcripts
47 that that would generate and the additional

1 cost of the video and transcribing that.
2 And then, certainly, in the case
3 of our SSC - our SSC they keep very detailed
4 minutes. I guess I'm wondering if you had
5 any thoughts, Dave, on sort of the - where
6 the genesis of that is coming from and what
7 the marginal - I guess marginal gain would
8 be relative to the costs that they would
9 incur, particularly when we're all looking
10 at, you know, belt tightening. And it would
11 be a considerable cost to do that and I'm
12 not sure what the marginal gain is.
13 CHAIRMAN ROBINS: Dave.
14 MR. WHALEY: Thanks. Everything
15 that we're trying to do is a balancing act
16 and what we're trying to do is balance the
17 needs of the public to be able to
18 participate or at least understand what the
19 councils are doing along with your ability
20 to do it and to pay for it.
21 So if the language that we have
22 in the bill is going to present substantial
23 problems we'd like to know that. The
24 webcasting technology I think is wonderful.
25 I was able to participate in, or
26 at least listen in on, the New England
27 Council's discussion on the discussion
28 draft.
29 The fact that I could do that and
30 anybody in the public could do that I think
31 is what we're getting at. But there are
32 concerns from fishermen in some regions that
33 either the councils are not as transparent
34 as they could be or in some cases the SSC
35 process is not very transparent.
36 Having said that, there are some
37 fishermen who would also like to require
38 that all APs have transcripts and be public
39 and be on webcasts, et cetera.
40 So, again, we're trying to
41 balance the public's needs with what's
42 feasible and cost effective. So, again,
43 we're looking for comments.
44 CHAIRMAN ROBINS: Chris.
45 MEMBER OLIVER: I will certainly
46 provide additional comments on this probably
47 in a letter to you relative to your request,

1 Dave, and I would just note if you - just
2 based on some rough calculations that in our
3 case if you did that - required video and
4 transcription of our SSC AP, which typically
5 meets five to six days - five to six times a
6 year - you're probably looking into the
7 hundreds - literally hundreds of thousands
8 of dollars, which in our case we're looking
9 to holding off back filling an FTE or two
10 that we desperately need to support council
11 business.

12 And so that's the level - that
13 would be a significant chunk of our budget.
14 Just FYI. Thanks.

15 CHAIRMAN ROBINS: Jeff.

16 MR. LEWIS: So, Chris, just so I
17 can understand, because we've been looking
18 at this possibility as well but we don't
19 want it to be onerous, overly burdensome.

20 Is - you know, I think about the
21 ability to, you know, hop on Skype and talk
22 to somebody with a cheap little digital
23 camera that you hook up to a laptop or that
24 is built into your laptop now.

25 And it seems like the video side
26 of things - I'm just wondering is the
27 transcription the big expense? Is it having
28 a stenographer there that, you know,
29 provides the transcription services? Or is
30 the video and audio webcasting and, you
31 then, posting the MP4 file or whatever it is
32 on your website is that a big part of the
33 expense as well? How does that work?

34 MEMBER OLIVER: I don't - like I
35 said, I've done only a back of the envelope.
36 But I think the transcription, particularly
37 with a 30-day turnaround, is probably the -
38 would be the biggest expense. But also the
39 videotaping and then somehow archiving what
40 would be a huge amount of video tape
41 essentially would come at some expense too.

42 So I'd have to do a little more
43 math on it but I think it's really both.

44 CHAIRMAN ROBINS: Jim Balsiger.

45 MEMBER BALSIGER: Thank you. On
46 that topic, one of the North Pacific council
47 meeting tries to be in a smaller community

1 in Alaska and they don't always have the
2 bandwidth, at least at this time, where they
3 would be able to comply with that.

4 And so at least a phrase that
5 suggests when available, as I stated, would
6 be very useful.

7 CHAIRMAN ROBINS: John
8 Henderschedt.

9 MEMBER HENDERSCHEDT: Thank you,
10 Mr. Chairman. Just really to follow up on
11 that, it's not just a cost. It's the fact
12 that many councils go to rural areas as part
13 of their stakeholder outreach and it would
14 be tragic, really, if technological
15 limitations prevented that sort of outreach
16 going forward. Thank you, Mr. Chairman.

17 CHAIRMAN ROBINS: Eric Olson.

18 MEMBER OLSON: Yeah. I hate to
19 belabor the point. I definitely agree with
20 the last two comments made by Jim and John,
21 and our meeting in June is going to be in
22 Nome, Alaska, and the broadband capability
23 in Nome, Alaska is very limited compared to
24 a place like Anchorage.

25 And even some of our bigger
26 communities like Dutch Harbor and Kodiak
27 have very limited broadband. So the video
28 aspect does provide some logistical issues
29 for us not only with - on top of the cost
30 issues but the broadband that's available in
31 some of the communities that we meet that
32 makes it very touch.

33 CHAIRMAN ROBINS: Doug Gregory.

34 MEMBER GREGORY: A couple things.
35 We webcast all our meetings and we keep an
36 audio recording. We have - one thing that I
37 really like is an FTP site where we keep our
38 documents, our amendments, our audio
39 recordings, our briefing books of our
40 meetings that the public can go to and
41 download at any time.

42 But to do transcriptions would be
43 costly. That is the costly part for us. We
44 don't do video - we don't do a video of the
45 meeting per se but we do webcasting of the
46 PowerPoint slides and the discussion.

47 The other thing I wanted to

1 comment on is the process here and I
2 appreciate, you know, being here today and
3 the opportunities you give us to comment,
4 and I think some of my comments are probably
5 to the CCC itself.

6 And I'm new to this. I've only
7 been with the Gulf council since June so
8 some of my comments and perceptions may be
9 out of my lack of experience.

10 But, you know, we typically seem
11 to be giving, like, two weeks notice of a
12 hearing and we scramble to get comments
13 together. We don't always have a chance to
14 go to the full council to get things done
15 here in the Gulf.

16 At our next meeting we're going
17 to spend a significant amount of time going
18 over the drafts that we have and try to get
19 up to speed and be more proactive.

20 But the difficulty I see that
21 happened in the February House of
22 Representatives meeting is we didn't have
23 time to get all the different councils'
24 thoughts together to present to the
25 committee like we did in September.

26 We did a good job of that in
27 September. The Senate approach of going to
28 different regions seems easier for me, from
29 my perspective. Each region gets a chance
30 to have a presentation and we're certainly
31 going to write a letter to both after our
32 next council meeting.

33 But I just wanted to comment.
34 Maybe the CCC somehow, if we can get ahead
35 of the curve too and develop a joint
36 position, it doesn't seem like we have the
37 diversity of an issue among the councils.
38 So maybe we can put together a joint
39 document that we can just use throughout.

40 But then again, maybe the
41 amendments coming out have changed so
42 quickly that we can't do that. But I would
43 like to try to work in that direction.

44 But thank you very much for being
45 here and all the opportunities. We
46 appreciate it.

47 CHAIRMAN ROBINS: Doug, if I can

1 just follow up a little bit too just in
2 terms of trying to put together CCC
3 positions. Obviously, developing detailed
4 input is not an easy thing to do across all
5 eight councils and I think there are going
6 to be some issues that are of common
7 interest, you know, at the 30,000-foot level
8 for all councils.

9 There are going to be some
10 details like we've just discussed about this
11 video requirement that may also be of common
12 interest to all councils, and then as you
13 get down into the more detailed
14 considerations in the act I think there are
15 probably some regional differences also.

16 So, you know, there are probably
17 some limitations to what we'll be able to
18 develop as consensus items. But to the
19 extent that we can develop those we should
20 and give that every opportunity.

21 And, you know, I think in order
22 to do that in more detail if we can put
23 together, as we've discussed, possibly some
24 working groups that can do the legwork
25 between now and the May meeting that should
26 allow us to have a more detailed
27 conversation about developing that input.

28 But meanwhile, there's the
29 opportunity to provide council-level letters
30 for the benefit of the hearings and the
31 committees as they do their work and I think
32 they may have quite a bit more salt in them
33 since we do have some regional concerns
34 about how the draft might affect our
35 fisheries and our council and our practices.

36 But meanwhile, you know, if we
37 can continue to work on this. I think so
38 far I've heard - I've heard several issues
39 that maybe candidates were adding to our
40 comments.

41 We've already submitted one
42 general comment letter that highlighted
43 these issues. The other three issues that
44 have come up in the discussion were the need
45 to address the NEPA improvement in the
46 reauthorization and second was observer
47 coverage and funding and third was video

1 coverage of the meetings and the
2 transcription requirement or the requirement
3 to have a written record of the meeting.

4 Are there any other issues that
5 members want to bring forward for
6 consideration at this point or are you
7 content to leave it - leave it there?
8 Dorothy.

9 MEMBER LOWMAN: Thanks. Well,
10 one of the things that we got requests from
11 both these gentlemen was to provide any
12 comments on the - on EM and what might be
13 helpful for effective integration of this
14 tool, you know, and what might not be in
15 terms of some of the language we already
16 have.

17 So I think that might be another
18 good candidate for a subcommittee to kind of
19 work on and bring back in May.

20 CHAIRMAN ROBINS: Dorothy, thanks
21 for that suggestion. Is there any objection
22 or specific concern relative to adding those
23 three issues to our comments that we've
24 already submitted and updating those for the
25 benefit of the committees?

26 Okay. Seeing none, we'll plan to
27 do that. I would like to talk a little bit
28 about the next steps on this.

29 Let's see. The idea that we've
30 discussed to some extent would be to develop
31 working groups and just in general it seems
32 like there are components of the act that
33 affect the way the Magnuson-Stevens Act
34 interacts with other federal statutes.

35 Among those are NEPA, ESA, and
36 MMPA sanctuaries, et cetera. So there are a
37 number of different federal statutes that
38 interact with MSA that are - that are very
39 important and have significant effects on
40 our management process.

41 One working group potentially
42 could address some of those. The stock
43 rebuilding issue is a big one. There's been
44 a lot of discussion about trying to achieve
45 some reasonable level of flexibility in that
46 that would still promote responsible
47 management but that would allow us to

1 consider social and economic considerations.
2 The draft bill has a section on
3 that that's very significant and there are a
4 lot of exemptions to those requirements that
5 are put forward in that.
6 So one working group could
7 perhaps focus on that issue and then we
8 could potentially have a third group that
9 addresses questions like certification that
10 Jeff spoke about.
11 There are a lot of other issues,
12 I think - you know, data confidentiality,
13 electronic monitoring. You know, there are
14 a lot of other issues that are - that are
15 more detailed that could be taken up in a
16 third working group.
17 But I wanted to put that forward
18 to the members for consideration and see if
19 we could get some reaction to that idea for
20 moving forward. Kitty.
21 MEMBER SIMONDS: As we talked
22 about yesterday, we think we like the idea
23 of having committees and I volunteer for the
24 first one.
25 CHAIRMAN ROBINS: Thanks, Kitty.
26 Other comments? John Henderschedt, are you
27 volunteering for which one?
28 MEMBER HENDERSCHEDT: Mr.
29 Chairman, definitely not. Just asking a
30 question. Just in terms of how you envision
31 the work of these groups to take place and
32 the form that the work product might take, I
33 could imagine that several of these topics
34 or groups of topics might be viewed
35 differently by different councils.
36 And these groups could either
37 deal only with those topics where there was
38 sort of unanimous agreement or they could
39 attempt to capture the range of views of the
40 councils.
41 And I was just wondering if you
42 have any thoughts about how those
43 differences in perspectives might be dealt
44 with in the work groups.
45 CHAIRMAN ROBINS: John, that's an
46 excellent question. You know, as I think
47 we've discussed there are going to be things

1 that are common interest to all the councils
2 and then there are going to be some things
3 that are - that are important to individual
4 regions that won't be objectionable to the -
5 to the rest of the body.

6 So I think there - you know,
7 there are a number of different categories
8 here and then there may be some that simply
9 have regional differences and to the extent
10 that we, you know, aren't able to reach
11 consensus on some of those questions I think
12 those are going to be best addressed through
13 individual council comments.

14 If the ultimate intent is to
15 develop CCC input from this body back to the
16 respective legislative committees, you know,
17 I think we'd do well to work in that way and
18 identify those things that are of common
19 interest and things that may be of regional
20 interest but, you know, can be supported by
21 the CCC.

22 And then on those things that we
23 may have regional differences on we can
24 simply identify that and note that in our -
25 in our transmittal. Bob.

26 MEMBER MAHOOD: John got partway
27 to where I was going. My question was did
28 you; in the conception of this see each
29 working group having one representative from
30 each of the councils? Is that what the
31 intent would be to make sure we do get all
32 of the input, as John had talked about?

33 CHAIRMAN ROBINS: Bob, that would
34 be - that would be three pretty big working
35 groups. I'm not sure that -

36 MEMBER MAHOOD: Eight people is
37 not a big, fortunately.

38 CHAIRMAN ROBINS: Yeah. Yeah. I
39 think we, as a matter of principle, would
40 want to have diversity in the composition of
41 the working groups.

42 That's open to discussion how
43 many people you want to have on an
44 individual group. Chris.

45 MEMBER OLIVER: Quick question.
46 Your - this discussion of working groups is
47 specific to Magnuson reauthorization issues

1 because there are a couple other issues we
2 talked about groups on, correct?

3 CHAIRMAN ROBINS: Yeah. This is
4 still on MSA so and Bob, I would point out
5 that these are working groups that are going
6 to do the leg work ahead of the upcoming
7 annual meeting.

8 So if there's - if there's an
9 issue that's maybe not fully developed from
10 the perspective of one council, you know,
11 we'll still have an opportunity and then we
12 would plan on allocating a significant
13 amount of time at the May meeting to address
14 these discussions.

15 MEMBER MAHOOD: Yeah. And then
16 the other part of my question was, is there
17 going to be just the EDs on the work groups
18 or do you expect other CCC members to be
19 involved also?

20 CHAIRMAN ROBINS: It'd be open to
21 - it'd be open to the full membership. I
22 think Eric's volunteering for one of the
23 committees now. Eric.

24 MEMBER OLSON: Well, like Mr.
25 Henderschedt I'm not - definitely not
26 volunteering but maybe one other - one other
27 question. Maybe this is encompassed with
28 your other bullet there and as this develops
29 and potentially as the Senate may drop a
30 bill for consideration these - this is not a
31 static list.

32 It could be malleable based on
33 how this develops and based on what topics
34 may be in a Senate version and we'll have
35 some flexibility in the tasking and issues
36 that each of these committees discusses. Is
37 that your intent?

38 CHAIRMAN ROBINS: Certainly, and
39 I think the other category could catch all
40 the other important issues and, obviously,
41 we haven't seen the Senate draft yet. When
42 we do we'll be able to have an opportunity
43 to react to that as well.

44 I don't want to scare anybody
45 from raising their hand. I'm not going to
46 put you on the group. Tom, did you have a
47 comment?

1 MEMBER SIMONDS: Bob, we've done
2 this three times - '85, '96 and '06. Come
3 one.
4 CHAIRMAN ROBINS: Chris.
5 MEMBER OLIVER: I want to
6 volunteer Kitty. When you talk about stock
7 assessments is that related to stock
8 rebuilding?
9 CHAIRMAN ROBINS: They are
10 closely related. That would probably make
11 sense to combine those. Tom.
12 MEMBER NIES: So since we seem to
13 have so much experience with overfished
14 stocks in New England I would be glad to
15 sign up for the stock rebuilding one.
16 CHAIRMAN ROBINS: Duly noted. I
17 appreciate it. Doug Gregory.
18 MEMBER GREGORY: You know, having
19 served on the SSC through this last
20 reauthorization I'd be interested in the
21 stock rebuilding, working on that.
22 And I assume that would include
23 not just the 10-year period but the
24 overfishing time frame, the ACLs, the
25 redefinition of ecosystem components and
26 encompassing all that.
27 CHAIRMAN ROBINS: Bob Mahood.
28 MEMBER MAHOOD: I'd like to get
29 on the stock rebuilding. Obviously, I
30 haven't done well on the NEPA part that I've
31 been on for the last eight years.
32 We're asking Congress to look at
33 it again. I mean, so I feel like I failed
34 there so I would like to move on to the
35 stock rebuilding.
36 CHAIRMAN ROBINS: Dorothy, did
37 you have your hand up?
38 MEMBER LOWMAN: Yeah. With a
39 little bit of trepidation I would be willing
40 to work with others on the other or
41 potpourri category, and Mr. McIsaac would be
42 happy to work on the interaction with MSA
43 and other applicable laws.
44 CHAIRMAN ROBINS: Thank you very
45 much. And when we adjourn please plan on
46 coming by here and seeing Chris and I just
47 so we can talk about the different groups.

1 Terry.

2 MEMBER STOCKWELL: Yeah. I don't
3 want Dorothy to be alone. I'll volunteer to
4 participate on the other group.

5 CHAIRMAN ROBINS: Great. Well,
6 as far as a concept, is there any - is there
7 any objection to moving forward in this way
8 with these working groups that can do their
9 work prior to the May meeting?

10 Alright, we'll plan on doing
11 that. Is there anything else to come before
12 us under the discussion of the Magnuson
13 reauthorization issue?

14 Dave and Jeff, once again, on
15 behalf of the CCC I'd like to thank you all
16 very much for your time today and
17 willingness to come over here and share your
18 thoughts with us about the bill and listen
19 to our concerns as well. Thank you.

20 Alright, let's take a 15-minute
21 break and come back and when we do we'll
22 take up our remaining action items. Thank
23 you.

24 (Whereupon, the above-entitled
25 matter went off the record at 2:27 p.m. and
26 resumed at 2:52 p.m.)

27 CHAIRMAN ROBINS: Let's go ahead
28 and take our seats, please. Thank you all
29 for the reauthorization discussion.

30 Yesterday we had a number of
31 items that we deferred until today as action
32 items and I'll just run through those
33 quickly.

34 The first is our response to the
35 proposed budget. The second would be
36 potentially developing a letter relative to
37 NEPA. Third would be our response to the
38 operational guideline proposal that we saw,
39 specifically having a conference call and
40 developing next steps for that for
41 consideration for feedback to the agency as
42 they go through that process.

43 Finally, a response to the
44 allocation proposal and potentially
45 discussing what sort of steps we would take
46 relative to putting together working groups.

47 Part of that relates back to the

1 SSC and we've obviously taken a course of
2 action on what we'll do about the National
3 SSC in terms of coming back at the May
4 meeting and considering updated SOPPs for
5 the governance of that group.

6 So I'd like to first start with
7 the discussion on the budget. We had - we
8 had a presentation yesterday that was our
9 first impression but it was a look at the
10 budget and it included a number of issues
11 that were important including the question
12 of M & A and the overall level of the budget
13 but wanted to go ahead and have a discussion
14 on that so that we could respond to the
15 agency. Don.

16 MEMBER MCISAAC: Thank you, Mr.
17 Chairman. Yes, as you said, we had a look
18 at that information for the first time.

19 It was kind of unfortunate that
20 we didn't see that in advance because there
21 was such a large amount of material there
22 that we hadn't heard. We were a little
23 surprised at a couple of things on there.

24 For example, on the M & A costs
25 this came up for discussion last November
26 and as people slept on it last night didn't
27 sleep too good with regard to remembering
28 what we thought we heard in November, which
29 was that this would be a topic of thorough
30 discussion here at this meeting, not to
31 worry too much about 2104 but for 2015
32 things would have to be phased in by then.

33 And the agenda as it was
34 originally printed had a discussion of
35 council funding for 2014 and the only place
36 M & A showed up on the agenda was fiscal
37 year '15 and beyond.

38 So it did take us a little bit by
39 surprise, and like I said people had a
40 chance to look at the presentation and it
41 didn't sleep well. And so the idea around
42 the table was that we ought to ask you all
43 to reconsider, that it's best if that's done
44 in writing but it becomes a little awkward
45 if you see a final letter right off the get-
46 go without any chance to think about it or
47 react to it.

1 And so what we want to do is show
2 you a very simple one-page letter that's a
3 draft that - there is not an intention to
4 send today or this week or to give you a few
5 days to think about it and see if there
6 can't be some way to find a way around it.

7 It has a very short paragraph in
8 it about the M & A that does not end up
9 asking for any exemption. But I guess what
10 I'd like to do now is show you this draft
11 letter.

12 It's very quick and short, and
13 speak a little bit about the M & A thing and
14 try to be clear on what we're requesting be
15 reconsidered.

16 So we weren't able to do any
17 printing so can you even see that back
18 there? If you can't, Tara, maybe if you
19 could go to 100 percent and we'll just try
20 to scroll then.

21 Can you see that? Yeah. Okay.
22 So this is a letter to the new boss.
23 Baptism by fire here, I guess. But anyway
24 we're thanking you - we're thanking you for
25 the presentation yesterday and as we
26 understand the current state of the spending
27 plan development at this time the key
28 information is shown below.

29 So for the National Marine
30 Fisheries Service total budget, \$895 million
31 in 2012 going up to \$992 million in 2014.
32 That would be \$917 if you take away the \$75
33 million disaster relief fund.

34 The key point there is it goes
35 up. The NMFS ORF budget \$804.7 million,
36 going up to \$812.6 million, again, going up.
37 And if we understand it right the 2012 level
38 for the council allocation - this will be
39 all PPAs, the kind of thing that we normally
40 hear about at this meeting - \$28.2 million
41 in 2012 but \$26.5 million this year, and
42 this is comparing 2012, not comparing 2013.

43 And so the key there is the
44 council allocation goes down while the rest
45 are going up. Preparatory to this meeting
46 the regional councils were under the
47 impression that a reasonable allocation in

1 terms of spendable dollars would be
2 approximately at the fiscal year 2012 level
3 and that the management and administration
4 costs would not be charged to the councils
5 in fiscal year '14, contingent to an in-
6 depth discussion of relevant issues that
7 would occur at this meeting.

8 That was preparatory to 2015
9 decision making. There were several
10 components and ramifications, the described
11 approach to resolve management and
12 administration costs allocations that remain
13 unclear at this point.

14 So Paul did the best he could
15 yesterday. It was quite a bit for us to try
16 to gather in at one time. He probably said
17 more than we actually gathered in.

18 But what we kind of heard was
19 that there's strong direction that something
20 has to occur. There has been some very
21 negative things happen on the weather side
22 that mandate this.

23 There's no guidance on it. The M
24 & A categories that he showed in his
25 presentation included human resources, IT,
26 acquisition of grants, budget and finance,
27 but also included general management and
28 direction/executive management, and it had
29 facilities and other administrative
30 functions.

31 And we weren't clear this morning
32 what general management and direction was,
33 what other administrative functions were,
34 whether those were little tiny things are
35 those are great big things, whether the
36 councils fit into other administrative
37 things.

38 And so this paragraph does not
39 ask, again, that the 3.9 percent not be
40 charged. We'd like to make that clear. But
41 it does speak to a lack of understanding on
42 what is all involved, what is equitable
43 sharing.

44 When you get down to equitable
45 sharing does it have to be 3.9 given the
46 fact that we don't deal with - we don't draw
47 on any human resources results from you all,

1 et cetera?

2 So we're hoping to have more
3 discussion maybe about that in May. But
4 because we're not asking for that we are
5 asking for something and so in the last
6 paragraph the council's view the best
7 barometer of congressional intent for a
8 regional council allocation of traditional
9 line items to be the regional councils and
10 commissions line item which was \$31.8
11 million in '12 and \$32 million in '14.

12 So just as a barometer. You
13 know, we get a lot of different PPAs and
14 that one particular line item isn't all just
15 ours. But when there's been discussions at
16 the congressional level it seems to key in
17 on that and so when people hear about \$32
18 million the general feeling is that that was
19 probably enough to get back to 2012 if the
20 other PPAs came through like they normally
21 do.

22 So given this, the key
23 partnership role, given this, this barometer
24 business, the key partnership role the
25 council is playing in NMFS' core mission and
26 the status of the NMFS budget that is in
27 large going up in spendable dollars while
28 we're going down in spendable dollars, the
29 councils request that you reconsider the
30 current state of the spending plan to
31 reflect an allocation of \$28.2 million in
32 spendable dollars, reflecting stability in
33 the fiscal year '12 status of funding.

34 And so when I say we're not
35 specifically asking for an exemption from
36 the 3.9 percent or anything specific at that
37 time, it does imply that by any other means,
38 by some other means, by some reallocation
39 backwards from wherever some of the M & A
40 benefits land, that either additions in our
41 normal small soft line items or something
42 from the main management and research line
43 item or somewhere wherever some of this -
44 the way we calculate it might be \$30 million
45 or so in M & A costs, wherever that lands,
46 if there was some way of making the councils
47 whole to this 2012 level, and again, this is

1 ideas for a draft letter that came up around
2 the table this morning and we wanted to
3 expose to you our thinking about this and
4 making appeal.

5 And, you know, I guess I'd just
6 end by emphasizing our partnership role.
7 When you look on your website there's a
8 partnership click, and when you click on
9 partnerships on your home webpage the very
10 first one that comes up is the regional
11 councils.

12 And so we're in it together. You
13 know, we can't do our thing without you.
14 You can't do your thing without us, and when
15 we see level funding or a little bit better
16 for the agency and ours going down it's just
17 not settling well.

18 CHAIRMAN ROBINS: Don, we are -
19 we are indeed partners in this process and I
20 appreciate you putting this together and
21 would like to get some reaction to what's
22 been put forward.

23 Sam, can you comment on this?

24 MR. RAUCH: So thank you, and
25 when Don indicated this might be on I
26 promptly went and tried to find Paul, and
27 he's not here. Yeah, he's smarter than the
28 rest of us.

29 So but I did talk to him briefly
30 about this. I do appreciate that the
31 councils understand that this 3.9 percent is
32 not an issue that we created.

33 It is an issue that we're all
34 collectively dealing with that we feel we
35 have very little discretion and I appreciate
36 the fact that you're not asking for an
37 exemption from that.

38 I also appreciate the fact that
39 the budget tables that we presented, first
40 of all, you didn't have much time to look at
41 them and they were somewhat confusing in
42 terms of the answers and the questions.

43 What we - what Paul, I believe,
44 committed to you yesterday is getting those
45 answers and since then he's heard from a
46 number of people some follow-on questions
47 that didn't come out at the meeting.

1 So there are a lot of questions
2 and what we presented and legitimate
3 questions and we should get you those
4 answers, and he will try to do that as
5 quickly as possible and we'll try to figure
6 out a way to talk with either this group or
7 a subset of this group that are interested
8 and explain better those rationales, our
9 understandings and to carry on this
10 conversation that we started right here.

11 So we're happy to continue to
12 talk with you about that, although some of
13 these portions of these decisions, the 3.9
14 percent apply, we do not - we believe that's
15 done and we cannot do anything about it.

16 CHAIRMAN ROBINS: Don.

17 MEMBER MCISAAC: One thing I
18 forgot to mention collectively for the
19 group, you said Paul was looking at the
20 table and might have found a few errors in
21 there.

22 There were a couple of zeros for
23 the Western Pacific and North Pacific and I
24 thought Paul was - he might have been
25 alluding to those.

26 There was one for New England
27 that might have had an error in it and so as
28 long as he can find errors up to 28.2 I
29 think we've got a solution here.

30 CHAIRMAN ROBINS: Sounds like a
31 deal. Sam. Other comments on the draft?
32 Kitty.

33 MEMBER SIMONDS: Well, I just
34 want to be sure that somebody gets back to
35 me as soon as possible about my zeros.
36 There are three zeros, and then there's a
37 zero that I think I should have a couple of
38 dollars in - that's the expanded stock
39 assessment line - just, you know, for the
40 principle of the whole thing.

41 So before you send these charts
42 out to your regions, you know, we need to
43 have a talk. Thank you. Thank you very
44 much.

45 CHAIRMAN ROBINS: Sam.

46 MR. RAUCH: Yeah. And we - you
47 know, I don't know that I'm being copied on

1 all emails that you sent to Paul but some of
2 them, and so I know you have some questions.
3 I know there are other people
4 that have questions and we certainly owe you
5 at least a better explanation for those
6 numbers or - and some of the numbers.
7 I'm not going to say your
8 particular ones because I don't know that
9 but I know that we believe some of the
10 numbers in those charts were in error.
11 MEMBER SIMONDS: Yeah. Because I
12 mean - it must have just been a mistake
13 about stipends because why would you not
14 give us stipends for SSC because I'm saying
15 well, are our members not worth stipends.
16 So anyway, I think that was truly
17 a mistake.
18 CHAIRMAN ROBINS: Thanks, Kitty.
19 Other questions or comments on the draft?
20 Don.
21 MEMBER MCISAAC: Well, just one
22 more thing, Mr. Chairman, if you're going to
23 close this out. So the spending plan is
24 still under development and has not been
25 submitted to Congress yet and so when you
26 said you might get back to us some of us are
27 going to be in travel mode here pretty
28 quick.
29 Maybe we could get offline but I
30 presume you'd be speaking of before the
31 spending plan goes to Congress?
32 MR. RAUCH: Well, he's not here.
33 He said we would try to do this very quickly
34 but I don't know what the timing is. We
35 will try to do what we can to get through
36 quickly and I can't commit to what that is
37 just because he's not here.
38 CHAIRMAN ROBINS: Thank you.
39 What's the - what's the pleasure of the
40 committee? Do you want to go ahead and
41 finalize this request and send a letter to
42 the agency? Kitty.
43 MEMBER SIMONDS: Well, I just
44 think it's nice to be on record, unless
45 there's something offensive in there to the
46 agency. I don't think so. It's just this
47 is what we think and hope it all turns out.

1 CHAIRMAN ROBINS: Well, Kitty, as
2 I read it, it reaffirms our request for the
3 funding level. Don.

4 MEMBER MCISAAC: Well, if indeed
5 there's just going to be an explanation of
6 things maybe I might agree with Kitty. I
7 understand there were going to be some
8 corrections to the table and if there is
9 going to be a genuine reconsideration I
10 think a formal letter would get some pretty
11 wide distribution.

12 So, you know, in terms of
13 optimizing the partnership atmosphere maybe
14 we might ask you if you'd prefer to see
15 something hard in writing today or talk
16 about things between now and next week.

17 CHAIRMAN ROBINS: Sam.

18 MR. RAUCH: I can't answer what -
19 I can't advise you on what you should do.
20 We do intend to quickly - to correct that
21 table so there's a common basis of
22 understanding, to answer the questions that
23 we've been given so there's a common - and
24 at the end of the day you still feel the
25 need to send a letter then you'll have to
26 make that determination.

27 But we do intend to do that
28 quickly and I will - you know, at least I
29 can't say whether at the end of that we'll
30 disagree or not.

31 But, you know, we'll do what we
32 can to make sure everybody understands
33 exactly what it is that the end result is
34 and what that looks like. But I can't
35 advise you whether to send the letter now or
36 not.

37 CHAIRMAN ROBINS: Sam, I
38 appreciate the response to that and I might
39 suggest in light of that that we wait and
40 see what the response is and if the - you
41 know, if the response doesn't meet the mark
42 then we respond - we respond with a letter.

43 Don, is that - is that consistent
44 with - okay. Is there - is the group
45 comfortable with that approach? I see heads
46 nodding. Okay. Alright. We'll plan on
47 that.

1 Tara, do you mind putting that
2 PowerPoint back up that had a few other
3 action items on it? One follow-up from the
4 NEPA discussion and I think generally I
5 heard appreciation for the fact that the
6 agency had proposed in the policy directive
7 to meet the concerns that were brought
8 forward by our working group and yet, you
9 know, I think the consensus of the group was
10 that it didn't fully meet the streamlining
11 expectations that we had relative to the
12 last reauthorization.

13 I would point out that we just
14 agreed to highlight our NEPA concerns in our
15 letter to Congress relative to the
16 reauthorization of the Magnuson Act.

17 So I don't know if we also want
18 to send a letter to the agency relative to
19 the policy, the policy draft, or simply let
20 it go at the level that we've already agreed
21 to raise it in our comments on
22 reauthorization.

23 So wanted to go to the group and
24 see if you had any feedback on that, whether
25 you wanted to do an additional letter
26 specific to this issue and send it to the
27 agency or simply address it through the
28 correspondence that we've already agreed to
29 send relative to reauthorization. Sam.

30 MR. RAUCH: So I just wanted to
31 remind you if we weren't clear yesterday, we
32 have taken the comments that we worked on
33 with the CCC group. In order to - in order
34 CEQ to bless this this has to go through
35 public comment and the CEQ will bless it.

36 So we're taking that version and
37 are about to put it out for public comment.
38 It's imminent. I don't know exactly when.
39 So if you were going to send us a letter I
40 might suggest that it might be more timely
41 if it is of the public comment through that
42 process.

43 CHAIRMAN ROBINS: That sounds
44 fair. Bob.

45 MEMBER MAHOOD: I don't
46 understand why we would send the agency a
47 letter. We've been working with the folks

1 up there. We have what they are doing like
2 we want it.

3 I'm not sure what we would say in
4 our letter. Now, I know we may agree to
5 disagree that we don't think it meets the
6 mandates of the Magnuson Act but we've
7 already hashed that out.

8 We can write them another letter
9 and tell them. But I think the folks we
10 work with in the agency have really worked
11 hard to get everything in the shape we
12 wanted and the last version I had no problem
13 with.

14 I don't even think Chris had a
15 problem with it. So I'm not sure what good
16 writing the agency another letter will do.
17 I'm a little bit concerned about reengaging
18 Congress because you know what happens when
19 you reengage Congress.

20 Depends who has their ear how it
21 comes out. We're in pretty good shape, at
22 least in the Southeast as far as NEPA is
23 concerned. I'm a little leery about
24 reopening that can of worms.

25 CHAIRMAN ROBINS: Bob, thanks,
26 and I think Sam's made it clear that written
27 correspondence ought to follow during the
28 public comment period but Chris Oliver, to
29 this point.

30 MEMBER OLIVER: I agree, that's a
31 good way to do it. We know we continue to
32 agree to disagree relative to and this CCC
33 has been on record for a long time, Bob,
34 including our Managing Our Nation's
35 Fisheries that there's a better way to do
36 business in terms of NEPA and MSA, and agree
37 that the policy directive is now to a point
38 where we're good with it.

39 But I think that's separate from
40 the bigger issue of whether there may be a
41 better way to do it, and as far as engaging
42 Congress, Congress has already engaged this
43 issue without us.

44 There's a provision in the
45 Hastings bill that's, you know, front and
46 center taking this issue on and so I don't
47 see it as us engaging in it. It's already

1 there.

2 I don't think we necessarily need
3 another letter to the agency. Maybe when we
4 see - we may have - there could be comments
5 when the policy directive comes out unless
6 it changes.

7 If it doesn't change from the
8 version I saw last week I wouldn't have
9 anything to comment on it. But I think
10 Congress knows that we collectively feel
11 there's a better way to address NEPA.

12 Whether there's any realistic
13 chance of that happening is a completely
14 other story. So as we've had this
15 discussion I don't - I personally don't
16 believe another letter is necessary,
17 frankly.

18 CHAIRMAN ROBINS: Chris, thanks.
19 We just wanted to flag it as a potential
20 action item. But it sounds like based on
21 the discussion it would better off to hold
22 off until the comment period.

23 The next item is the operational
24 guidelines and we had that presentation
25 yesterday. We had discussed having an ED
26 conference call to follow this meeting where
27 we would discuss reaction to those
28 guidelines and then consider the results of
29 that at the May meeting.

30 But as I understand it, they do
31 need some input before that, you know, and I
32 was going to see if we could speak with
33 Marian about that.

34 But it might be possible to have
35 that ED call and then if there are specific
36 concerns or reactions that come out of that
37 allow those to simply be transmitted back to
38 the agency as they continue to work on this
39 because they are under some time constraints
40 that may not be consistent with our
41 scheduled May meeting. But Marian, can you
42 comment on that?

43 MS. MACPHERSON: Yeah, thank you.
44 So Emily and I kind of quickly brainstormed
45 some ideas. We're getting a little panicky
46 about being able to stay on schedule with
47 our commitment to the OIG in our action plan

1 in terms of having a draft document for next
2 February.

3 So hoping to jumpstart this
4 process a little, we put together this
5 proposal, putting it out there, maybe talk
6 it through, thinking about following up the
7 idea of doing a workshop possibly in April
8 with EDs or deputies, maybe one person from
9 each council to talk about what's needed,
10 maybe use that summary matrix as a starting
11 point.

12 So today - I mean, today or very
13 quickly we could look at dates. We know
14 that Steve and I - Steve Leathery and I are
15 going to be in the Southeast region in April
16 doing some NEPA and RSP outreach and I don't
17 know how many councils are going to have
18 people there.

19 A few of them are already there.
20 That might be a time to build on. I know
21 it's a really short time line. I just
22 wanted to put it out there and see if
23 something might be possible.

24 And then also for the rest of you
25 who have the copy of the decision matrix of
26 the four alternatives with the new
27 alternative in column four, I know you've
28 had this in front of you for a while.

29 It may not be something you want
30 to actively engage in but we wanted to give
31 you a little bit more time, possibly if
32 March 7th is doable if anyone's got concerns
33 or questions to get them back to us.

34 So look at a date for an April
35 meeting, give you guys additional time to
36 provide us input but fairly quickly and,
37 really, if you have high level questions or
38 - I mean, just anything you want to engage
39 on.

40 And then have - after we hear
41 back from you and before we meet hopefully
42 in April if we're able to meet, but after we
43 hear back from you definitely before May
44 have the NMFS team and the CCC working group
45 get together and check back in and figure
46 out what to focus on either for the workshop
47 if we have it or, you know, at a minimum for

1 the May CCC meeting so we can really get the
2 process moving.
3 So those are our ideas and I
4 guess I'd like to get some feedback.
5 CHAIRMAN ROBINS: Yeah. Marian,
6 I would just ask on the workshop that that
7 would be necessarily convenient in person or
8 if that can be addressed through a webinar.
9 I mean, I'm wondering about the
10 time commitment involved on the part of the
11 EDs. But, you know, perhaps that could be
12 addressed through a webinar.
13 MEMBER SIMONDS: I don't think
14 so.
15 CHAIRMAN ROBINS: Kitty.
16 MEMBER SIMONDS: I think - I
17 think we should be face to face on this one.
18 I don't know if the other EDs agree but I
19 think we should have a face to face.
20 CHAIRMAN ROBINS: Well, I'll turn
21 to the EDs at that point then. I was just
22 thinking about the scheduling of that. Do
23 other EDs have comments on the - on how to
24 proceed?
25 MEMBER SIMONDS: And then about
26 the March 7th date as well at the same time.
27 CHAIRMAN ROBINS: Can you repeat
28 that, Kitty? I'm sorry.
29 MEMBER SIMONDS: Oh. The other
30 is Marian suggested March 7th for us to get
31 back to them. So, I mean, that's another
32 step before the workshop.
33 CHAIRMAN ROBINS: I understand.
34 MEMBER SIMONDS: Yeah.
35 CHAIRMAN ROBINS: All right.
36 MEMBER SIMONDS: So if they agree
37 then we can get on the phone. That's a
38 phone call.
39 CHAIRMAN ROBINS: Okay. Chris.
40 MEMBER MOORE: So Marian, I'm
41 curious what we would talk about for entire
42 day and a half as it relates to the
43 guidelines. I mean, and I say that directly
44 because, you know, you put this material
45 out.
46 There's been some comments to
47 date and I think that if we had a webinar

1 for a couple hours I think that would
2 suffice.

3 MS. MACPHERSON: I'm going to ask
4 Dave to jump - Dave Witherell to jump in
5 with me, describing more what a workshop
6 would accomplish.

7 But in terms of going through in
8 detail the matrix that laid out the overview
9 of the council processes, how each counsel
10 conducts its meetings and uses its
11 committees and provides for public
12 participation and really to have everyone
13 together in a room talking through what
14 you're each doing and how you can learn from
15 each other and what might be valuable to
16 document in terms of national guidance or
17 national best practices.

18 So I think that - I think that's
19 probably an all-day or a day and a half type
20 project and I think it would be most
21 productive if everyone could just be in the
22 room together talking it through.

23 And whether it's going to be
24 possible to do that or not, I don't know.
25 But I think it would be valuable and can ask
26 if Dave has anything to add.

27 CHAIRMAN ROBINS: Other reactions
28 to this proposal? Doug, did you have a
29 comment?

30 MR. RISENHOOVER: One option
31 would be if folks are able to get their
32 comments in by the 7th give us a couple
33 weeks to look at them. Perhaps we could
34 have a webinar the end of March-ish and then
35 decide do we need to have the in-person and
36 what - you have the 16th of April?

37 Just to address Chris, if it can
38 be covered in a webinar, fine. If not, then
39 at least you have a date where you're
40 planning on getting together to hammer these
41 out.

42 Again, this is one of those
43 things where you've got to start getting
44 some deadlines where it's going to - you
45 know, we've been working on the operational
46 guidelines since 2005. It's got to stop at
47 some point.

1 CHAIRMAN ROBINS: I understand.
2 I think that sounds like a reasonable way
3 forward to offer individual comments back,
4 if there are any, before March 7th and then
5 have a webinar and discuss the possibility
6 of a workshop or see what else is needed.
7 Doug Boyd.

8 MEMBER BOYD: Yeah. Thank you,
9 Mr. Chairman. I'll just articulate what he
10 was mumbling a minute ago.

11 We were talking about the
12 schedule for the next month and a half and
13 just from our perspective, we're in - I'm in
14 a meeting all next week and then the week
15 after and then we've got two council
16 meetings between now and May.

17 And so we were just mumbling
18 about how tight the schedule is for us and
19 how this was all going to fit in.

20 CHAIRMAN ROBINS: Doug, I
21 appreciate that and, you know, I think what
22 we're discussing now probably sounds like a
23 reasonable way forward that Alan's offered.
24 So why don't - why don't we plan on
25 providing individual input back to Marian by
26 March 7th and then we'll look to the EDs to
27 organize a call or webinar to discuss the
28 next steps. That sound like a reasonable
29 approach?

30 Okay. Thank you for that. Tara,
31 can you put up the slide again? That brings
32 us to the issue of allocation. We had the
33 presentation yesterday and one of the
34 discussions around that was the possibility
35 of referring the issue to the National SSC.

36 We followed up on that this
37 morning in terms of next steps relative to
38 the National SSC and the SOPPs for that
39 group.

40 We've decided to come back to the
41 May meeting to try to finalize the specific
42 definition of the role in the SOPPs for the
43 National SSC or National SSC coordinating
44 committee or whatever we're going to
45 ultimately assign to that for nomenclature.

46 But within the - within the
47 allocation issue, it seemed like there were

1 some policy components and there were some
2 technical components and I think there were
3 some concerns about simply referring the
4 whole thing over to the SSC, given the fact
5 that some of that was really a policy issue.

6 So, you know, there are different
7 ways we could address this. One might be to
8 form a working group of the CCC that reviews
9 the report and perhaps teases out the policy
10 components from the technical issues and
11 brings that back to the CCC in May so that
12 we can determine how to move forward on the
13 various components, perhaps referring the
14 technical components to a working group of
15 the SSC or the SSC coordinating committee.

16 And they're going to - otherwise
17 we could respond to it but it seems that
18 there's a combination of policy and
19 technical issues and, you know, in response
20 to Sam's presentation, his sixth
21 presentation to us.

22 We need to figure out how to move
23 forward on that. So I'll open that up to
24 the group as a, you know, potential way to
25 do it. Doug.

26 MEMBER BOYD: Well,
27 notwithstanding what I just said about the
28 schedule, I think this is extremely
29 important. The Gulf council is in the midst
30 of a reallocation issue on two different
31 fronts, commercial recreational within the
32 recreational.

33 And so I think it's vitally
34 important that we start this dialogue and so
35 I would - I would be a part of this if you -
36 if you fund it.

37 CHAIRMAN ROBINS: Lee.

38 MEMBER ANDERSON: Thank you.
39 I've been thinking about this and actually
40 said something to Sam over lunch and he can
41 deny what he said but I would propose that
42 rather giving - setting up our SSC we know
43 it's kind of - there's like a conglomerate
44 group of volunteers.

45 I would propose asking NMFS to
46 take the lead on this in the same way they
47 took the lead on setting up the guidelines

1 for the working group on catch share
2 programs and - because we need staff to do
3 it and we need somebody that can get it
4 done.

5 You're assigned to do this.
6 Let's do it. I would - here's what I - I've
7 been taking notes and you can throw me under
8 the bus if you want but I would be happy to
9 take the lead for the CCC and work with
10 folks in the office - Rick Methot, Doug
11 Lipton, Mark Holliday from the Office of
12 Policy and try to come up with an
13 arrangement where we can get this done fast.

14 I like the idea - if you read
15 Sam's effort he's talking about a group of
16 people that - the type of skills you want.
17 Maybe we can get some outside people to be
18 an advisory group.

19 But I think it's very important
20 that we have staff and we have that staff in
21 or they have that staff in SF and in S & T
22 with Rita Curtis' office.

23 If we can get those assignments
24 in I think we can get going, and the only
25 thing that I would say is that at the end of
26 the day we would want an independent peer
27 review of the - of the document.

28 We would want to have some time
29 where whoever we decide to do it would maybe
30 do some polishing on the draft that comes
31 out. I would make some refinements to the
32 questions in there. Most of them are very
33 good but we can say exactly what we want.

34 And like I say, I'd be happy to
35 do that. Doug and Rick aren't around so
36 they may not agree but we can have something
37 - I would propose that we work and have
38 something at - a more definite plan to - at
39 the Ocean City CCC. Virginia Beach, sorry.

40 CHAIRMAN ROBINS: Lee, there - I
41 mean, there are - I guess I would ask there
42 are a couple of - at least two separate
43 components that we've discussed. I mean,
44 one is the policy piece and the other is the
45 - sort of the technical side of it.

46 Are you suggesting that the whole
47 thing be sent to the agency?

1 MEMBER ANDERSON: Yes. I am
2 confident that the skills there can handle
3 both of those and keep them separate. In
4 fact, I would say that it's almost a false
5 dichotomy to keep those apart.

6 There are some, procedures to do
7 those analyses and, again, as I was telling
8 - you know, teasing Sam yesterday, we're
9 going to - you can come up with some things
10 and you're not going to come up with a magic
11 book that when you finish these reports you
12 say aha, now I know how to do this - I know
13 how to make Solomon's decision on stuff like
14 - it's not going to happen.

15 But we can get some procedures,
16 techniques so that tradeoffs can be made
17 known and that's what we want to do.

18 CHAIRMAN ROBINS: Eric.

19 MEMBER OLSON: Yeah. I think
20 what Lee outlined may be one way to go. But
21 as the other part of the discussion I think
22 was, as you mentioned, Rick, separating the
23 policy aspects to the scientific and
24 technical aspects and there were some
25 questions in there about when to reallocate,
26 what the proper time frame would be to
27 reevaluate allocation decisions.

28 And I see those as definitely
29 scientific and I think - I think there may
30 be - it may be more beneficial to separate
31 those two, have a working group of the CCC
32 work through some of the policy issues and
33 maybe a group that is along the lines of
34 what Lee is discussing, address the
35 scientific issues, technical issues and
36 consideration issues of how to navigate
37 through that process but have a working
38 group of the council or the CCC and council
39 members tackle the issue of policy and when
40 to reallocate.

41 That may be more along the lines
42 of what I would envision the process but I
43 think there is definitely a validity to some
44 aspects of the - of process that Lee is
45 describing and there may be - that group and
46 that skill set may be better suited to
47 handle some aspects but, in my view, not all

1 aspects of that - of the process.

2 CHAIRMAN ROBINS: Thank you, and
3 I think one of the questions in terms of
4 moving forward might be if - I mean, if you
5 were to - if you were to take the point of
6 view that those things ought to be separated
7 to some degree, the technical side of it,
8 you know, whether that ought to be done or
9 whether that might be done more effectively
10 by a working group convened under the SSC or
11 simply referred to S & T, you know, within
12 the agency is, I think, what he's
13 suggesting.

14 I think we need to resolve this
15 question because there are two very
16 different ways forward. Sam.

17 MR. RAUCH: Yeah. Just quick, I
18 just want to clarify that regardless of
19 whether this is a CCC process or you refer
20 to the agency process, the agency will make
21 staff available to assist in the process.

22 So I don't think that should be a
23 consideration. We are - this is something
24 that, as I've said before, we believe needs
25 to happen.

26 Regardless of whose process it is
27 it needs to happen and we're committed to
28 supporting it.

29 CHAIRMAN ROBINS: Thanks, Sam.
30 John.

31 MEMBER HENDERSCHIEDT: Thank you,
32 Mr. Chairman. I agree with Lee in the sense
33 that I don't believe that the CCC has the
34 capacity to explore all of the issues that
35 need to be explored.

36 But at the same time, this group
37 has expressed on numerous occasions its
38 reservations about the notion of reviewing
39 allocations, concerns about how it's
40 structured, when - all of these questions
41 that the CCC would have the opportunity to
42 address very directly and specifically in
43 the form of a report from a work group.

44 And so I think that there is a
45 place here for the CCC to roll up its
46 sleeves, look at the questions that have
47 been provided, perhaps parse those as,

1 questions that it feels are appropriate to
2 the addressed by a CCC working group and
3 those that might be more technical nature
4 and beyond the scope of that group.

5 We've got good material to work
6 with in the form of those questions as well
7 as the report that was recently published.
8 So I think that the CCC does have an
9 opportunity at this point to not only point
10 out perhaps some policy options or guidance
11 but as well identify pitfalls or concerns
12 that it might have about how these reviews
13 are structured and the dynamics that it
14 might create within the council process.

15 So I think that this would not
16 necessarily be at the exclusion of any of
17 the work that Lee has identified as, part of
18 a more technical analysis. But I think
19 there's, clearly, a role for the CCC to
20 weigh in on this. Thank you, Mr. Chairman.

21 CHAIRMAN ROBINS: John, thank
22 you, and I guess just following up on some
23 of that I think the - you know, ultimately
24 for the CCC to take ownership of the issue
25 from a policy standpoint, we go about
26 developing it is important to that ultimate
27 outcome. Don.

28 MEMBER MCISAAC: Yeah. Just
29 speaking in support I think of what John is
30 saying, I think that Sam and the rest of the
31 NMFS leadership has been very patient
32 through time and I think they are willing to
33 take this on.

34 But I don't know that the CCC
35 would like to do that if in the end they
36 don't like what they see. And so this will
37 ultimately fall on us at the council
38 meetings to deal with the allocation and so
39 if we want to have a hand in what the
40 thorough analysis is, what the obligations
41 are, I think we should be involved.

42 And so if Lee is willing to be
43 involved maybe with a few others who haven't
44 volunteered yet for other things, and this
45 can come back at the May meeting, and he
46 wants to try to take on the policy and
47 technical stuff at the same time I guess we

1 would all see it at that time.
2 And if at that time it looks like
3 it needs to be bifurcated because it needs
4 additional specifications and the rest of
5 that I think that still could be part of the
6 process.
7 I think the Magnuson Act really
8 does presume we're going to do this sooner
9 or later and if we are going to do it I
10 think we ought to really have a strong hand
11 in what it is because we'll be living with
12 the result.
13 And so I guess I'd express my
14 appreciation to Sam for being so patient and
15 to Lee for volunteering to do something
16 because I think we should do something.
17 CHAIRMAN ROBINS: John.
18 MEMBER HENDERSCHIEDT: Thank you,
19 Mr. Chairman. I guess one area where I
20 think that the CCC might want to clarify is,
21 looking at a range of a work group formed of
22 members of the CCC sort of is one book end
23 and sort of the broad suite of
24 representation that was offered as the other
25 end of that range, it seems to me that at
26 least initially it seems that - it seems to
27 me wise to start at the smaller end - in
28 other words, for the CCC to convene a small
29 group to develop a work plan, look at the
30 scope of what that group can accomplish and
31 what other input is valuable as opposed to
32 convening a large group consisting of voices
33 outside of the CCC before we've really
34 gotten our arms around the best approach.
35 So I would advocate for starting
36 with the small CCC workgroup and, taking it
37 from there. Thank you, Mr. Chairman.
38 CHAIRMAN ROBINS: Thank you,
39 John. Any other perspectives on this? Lee.
40 MEMBER ANDERSON: I was going to
41 say John, are you willing to work on that?
42 You and I could - I would be happy to work
43 with you if we can come up with just some
44 kind of a plan and then send it out by email
45 before we go on.
46 Because I agree with what, John,
47 what you're saying as well and the issue is

1 to get the policy issue straight but at the
2 same time some of those technical things and
3 the types of documents and procedures that
4 can be done.

5 I'd be happy to work with you if
6 you're willing to work.

7 CHAIRMAN ROBINS: Well, I think
8 based on the discussion we've had why don't
9 we move forward with a small working group?
10 I know Doug Boyd has offered to serve on
11 that as well.

12 I would suggest that we move
13 forward with a small group that reviews the
14 different components of this and puts
15 forward a proposal for the CCC to consider
16 in terms of how to move forward.

17 But I think, you've got important
18 policy questions and technical questions and
19 ultimately on the scientific side, I think
20 we could use more decision making tools.

21 We saw that in some of the work
22 that we've done. Just trying to consider
23 the scope question. I know the Gulf's into
24 it now heavily and, there's obviously
25 significant economic work that has to be
26 done on those from a technical standpoint.

27 Is there any objection to moving
28 forward in that way? Eric.

29 MEMBER OLSON: No, definitely no
30 objection. I think that there's a good
31 process that was laid out and just for my
32 clarity do you envision the work group
33 coming back with options for the CCC to
34 consider or do you envision the work group
35 coming back with recommendations?

36 I would prefer options for the
37 CCC to consider.

38 CHAIRMAN ROBINS: Eric, I think
39 we can - we can note that. In their charge
40 we'll ask them to develop a range of options
41 for our consideration. I think that would
42 satisfy NEPA.

43 Are there any other comments on
44 this allocation issue? Is there any other
45 business to come before the CCC? Sam.

46 MR. RAUCH: CCC received two
47 reports from MAFAC, one on the ESA

1 recommendations and the other one was on the
2 certification issue and so I was wondering
3 whether the CCC was going to have joint
4 comments about that or whether or not a
5 different process might - we might engage
6 the councils with.

7 CHAIRMAN ROBINS: Sam, I
8 appreciate the questions and certainly the
9 presentations that were given were, you
10 know, important developments on both of
11 those issues.

12 They're also - well, there are
13 ESA issues and there are certification
14 issues that are relevant to the ongoing
15 discussions we're having about Magnuson
16 reauthorization, and we agreed to put
17 together some working groups that would look
18 at ESA issues relative to reauthorization.

19 We've also agreed to put together
20 a working group that would look at other
21 issues, among them certification, and one
22 way to address this in more detail might be
23 to have both of those working groups that
24 are considering those specific questions to
25 consider the output of those reports and
26 include those responses when they come back
27 to us in May, and you can let me know if you
28 need, more timely responses to those MAFAC
29 outputs.

30 But both of those working groups
31 are going to be considering those questions.

32 MR. RAUCH: So the certification
33 issue, as we heard, is a very thorny issue
34 that would, I think, benefit from some
35 consideration.

36 But my understanding and from
37 what I heard from the councils is that there
38 seemed to be a lot of support for the ESA
39 issue, which would not preclude you from
40 having further deeper thoughts in terms of
41 reauthorization.

42 And I'd like to be able to move
43 forward on that with the blessings of the
44 councils. But what you're suggesting is we
45 may not get that until May and I'm not sure
46 that we need to wait that long.

47 CHAIRMAN ROBINS: Kitty.

1 MEMBER SIMONDS: In our discussion
2 yesterday I think I asked the question of
3 everyone if they had read it, if they had
4 any problems with it and the only person
5 that spoke up was Michelle.
6 And so remember she said she was
7 going to read it last night and she did, and
8 so she talked to me about it. She didn't
9 have any problems with the recommendations
10 and those kinds of things.
11 I think she had a problem with the
12 example, and I won't go into that but it was
13 about, the snapper example. She didn't
14 quite agree about how things worked out and
15 all that.
16 So that's what she had a problem
17 with. Otherwise, she was fine with it.
18 CHAIRMAN ROBINS: Thanks for
19 bringing that up. Don.
20 MEMBER MCISAAC: Thank you, Mr.
21 Chairman. We double checked with our member
22 on the committee who is very accurate, our
23 ex-chair, Dan Wolford, and from our
24 perspective we're prepared to vote an
25 approval to move it forward for NMFS
26 consideration, as that document stands.
27 CHAIRMAN ROBINS: Don, do you
28 mind offering that in the form of a motion?
29 MEMBER MCISAAC: Yes. Thank you,
30 Mr. Chairman. I'd move that the ESA
31 document that - I don't have the exact title
32 in front of me - that we have reviewed at
33 this meeting that was presented by Mr. Julie
34 Morris be approved by the CCC and forwarded
35 to NMFS for their consideration.
36 CHAIRMAN ROBINS: Don, thank you.
37 Is there a second to that motion? Second by
38 Ed. Discussion on the motion? Is there any
39 objection to the motion?
40 Seeing none, it's approved by
41 consent. Thank you. Thanks, Don.
42 Is there any - is there anything
43 else to come before the CCC? Terry
44 Stockwell.
45 MEMBER STOCKWELL: Yeah. Thank
46 you, Mr. Chairman. I'll be brief. I've
47 been reflecting on Doug Lipton's

1 presentation on the development of a
2 fisheries game since yesterday and perhaps
3 I'm being a little oversensitive but in New
4 England we haven't had a great track record
5 lately with our stock rebuilding programs
6 and the impacts on our industry have been
7 significant.

8 And so I'm going to request and
9 suggest to the agency that they reconsider
10 the use - the verbiage in the comment type
11 of presentation. It's - without being flip,
12 it's not a game to us and the impact on our
13 industry has been significant.

14 So, I think he's on to something
15 that's pretty interesting. The presentation
16 from my perspective needs to be reworked.

17 CHAIRMAN ROBINS: Terry, I
18 appreciate your concern. I'd be glad to
19 follow up with Doug offline and let him
20 know. I think he may interact some with our
21 staff.

22 But I understand the sensitivity
23 on the language and, it's a simulation
24 process but describing it as a gaming
25 exercise in the context of a council meeting
26 could certainly be problematic. So I
27 appreciate that. Lee.

28 MEMBER ANDERSON: We have to be
29 careful on things like that. People get
30 Nobel Prizes for working in game theory so
31 let's be very careful about how we back off
32 and we don't want to sound like we're a
33 bunch of rubes here.

34 It is an important thing and it
35 can be couched so it comes out that way.
36 Well, it is a very nice way of looking at
37 things and game theory is an important way.

38 CHAIRMAN ROBINS: Okay. The
39 other issue that Sam raised was the one of
40 certification. We do have a - we do have a
41 working group that's going to be considering
42 that question in the context of Magnuson
43 reauthorization.

44 I think that is sufficiently
45 complex that it's going to take some serious
46 looking at and come back to the CCC for
47 further discussion.

1 But if members feel differently and
2 want to offer immediate feedback on the
3 MAFAC report we can consider that at this
4 time also.

5 Is there any reaction to the
6 MAFAC report otherwise? Okay. Seeing none,
7 we'll go ahead and engage a working group on
8 that question.

9 Is there anything else to come
10 before the CCC? Thank you all very much.
11 We're adjourned. Safe travels. We'll look
12 forward to seeing you in May.

13 (Whereupon, the above-entitled
14 matter concluded at 3:44 p.m.)

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