NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
OFFICE OF SUSTAINABLE FISHERIES

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COUNCIL COORDINATION COMMITTEE

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MEETING

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WEDNESDAY
FEBRUARY 28, 2018

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The Committee met at the Holiday Inn Washington Capitol, 550 C Street, SW, Washington, D.C., at 9:00 a.m., Dan Hull, Chair, presiding.

PRESENT
DAN HULL, Chair; North Pacific Council
PHIL ANDERSON, Pacific Council
JIM BALSIGER, Alaska Region
LEANN BOSARGE, Gulf of Mexico Council
MARK BROWN, South Atlantic Council
DAVID CRABBE, Pacific Council
ROY CRABTREE, Southeast Region
ED EBISUI, Western Pacific Council
WARREN ELLIOTT, Mid-Atlantic Council
CARLOS FARCHETTE, Caribbean Council
JOHN GREENE, Gulf of Mexico Council
DOUGLAS GREGORY, Gulf of Mexico Council
MARCOS HANKE, Caribbean Council
MICHAEL LUISI, Mid-Atlantic Council
JOHN MCGOVERN, Southeast Region
GLENN MERRILL, Alaska Region
CHRIS MOORE, Mid-Atlantic Council
TOM NIES, New England Council

MIKE PENTONY, Greater Atlantic Region
CHARLIE PHILLIPS, South Atlantic Council
JOHN QUINN, New England Council
MIGUEL ROLON, Caribbean Council
MICHAEL RUCCIO, Greater Atlantic Region
DEAN SENSUI, Western Pacific Council
KITTY SIMONDS, Western Pacific Council
ARCHIE SOLIAI, Western Pacific Council
TERRY STOCKWELL, New England Council
MICHAEL TOSATTO, Pacific Islands Region
CHUCK TRACY, Pacific Council
BILL TWEIT, North Pacific Council
GREGG WAUGH, South Atlantic Council
DAVID WITHERELL, North Pacific Council
RYAN WULFF, West Coast Region

NOAA STAFF PRESENT

CHRIS OLIVER, Assistant Administrator for Fisheries
BRETT ALGER, Electronic Technologies Coordinator, Office of Science and Technology
NED CYR, PhD, Director, Office of Science and Technology
STEPHANIE HUNT, Office of Sustainable Fisheries
ADAM ISSENBERG, ESQ., Office of General Counsel
EMILY MENASHES, Office of Sustainable Fisheries
RICK METHOT, PhD, Senior Scientist for Stock Assessments*
CAROLINE PARK, General Counsel
SAM RAUCH, Deputy Assistant Administrator for Regulatory Programs
ALAN RISENHOOVER, Office of Sustainable Fisheries
FRANCISCO WERNER, PhD, Director of Scientific Programs and Chief Science Advisor

*participating by telephone

C O N T E N T S

Electronic Monitoring Policy
Development 5

EBFM Regional Implementation 59

MRIP Transition Implementation 93

BSIA Guidance Update 125

NS1 Technical Guidance Update 180

Other Business 191
Review of CCC Committees
National SCS Workshop
SAFMC Penalty Increase for Non-reporting

Wrap-Up and Next Meeting 195

Adjourn 228

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

9:02 a.m.

CHAIR HULL: Good morning, everyone. The speakers are working I can see, hear. Since there's a lull in the room, I thought we would get started. Looks like everybody is seated and ready to go.

Just to -- I will walk through our agenda today briefly. I know there's some people here who are going to leave a little earlier in the afternoon before the end. So maybe during the morning break, we'll take a little bit more time so people can check out of the hotel. We're not as constrained on time in terms of people needing to kind of go to attend other tasks.

So, again, under Other Business, I think the first item under the Other Business, we'll pick up the possible letter to BOEM on Oil and Gas Leasing Program.

And then we'll walk through the committees, the National SCS Workshop update from Chuck, the non-reporting issue from the South

Atlantic, as well as the Fish Rules app, and then, finally, I think a brief update on our Sitka meeting and any information for folks on that before we conclude.

So, any thoughts from the group, any additions to consider?

Okay. We'll move ahead with Electronic Monitoring Policy Development. Cisco Werner and Brett Alger will present their information.

DR. WERNER: Yes, thank you, Mr. Chairman. Yes, as you said, Brett Alger will be making a presentation today on the Electronic Monitoring Policy Development. This is an update on presentations that have taken place in prior meetings.

But in addition to the policy development, he'll also be speaking to technical aspects: video review, video collection, video storage, as well as cost allocation and other aspects of the electronic monitoring.

So, with that -- and I think, Brett,

since it's the first time I think you have a chance to speak to this group, if you could say a little bit about yourself, as well, that would be great. Thank you.

MR. ALGER: Thank you, all, and thank you, Cisco.

Just by a little background about myself, I spent about eight years up at GARFO prior to this position, specifically working in the weeds in the groundfish fishery, and for the last three years prior to coming here, in electronic monitoring down into the weeds.

So I appreciate, you know, the importance of looking at costs of these programs, and certainly from your position, being in a place of uncertainty and seeking certainty in some of these issues as you develop your programs and, of course, try to reduce costs to improve our monitoring.

As Cisco mentioned, I think it's really important to weave in a conversation about different technologies for two reasons. First is

I think it helps to have a shared set of terms of what we mean by video review, video storage, what does the term "audit" mean, and things like that.

And I also think it's important to recognize that not only are policies a big effect or implication on the cost, but there's certainly a lot of technologies that are being put into place that are also going to help drive down costs.

But moving along, I'll talk a little bit about the policy directive that we put in place in 2013. And then you can see the bulleted list of issues in terms of policy, again sprinkled in with technology, as I go throughout the talk right now.

Most of the systems that you're going to see around the country in just about any fishery are set up something like this, where you have a series of video cameras on the vessel, some type of GPS receiver, a control box in the wheelhouse, and then usually some sensors on the vessel that are collecting different pieces of information; say, the gear setting out or being retrieved.

And the important thing that I want to point out here is that typically the video is collected on a hard drive, and then there's some type of field staff that either goes out and collects that video from the vessel and sends it somewhere, or it's put into a FedEx envelope and it's shipped somewhere.

And the second piece is that typically the video is almost entirely reviewed by humans. So it's somewhat of a very manual process.

Thinking forward into the future -- and I'm not expecting everybody to digest this entire slide. But a few things that I want to point out is that, looking at the bottom of the vessel, you know, into the future you could start to see where vessels are outfitted with different types of sensors, either for Fisheries' reasons, for health and safety concerns, for vessel performance.

Looking in the wheelhouse, certainly there could be opportunities to integrate electronic reporting and logbooks with the VMS system, with the EM system, to have sort of a

one-touch reporting.

And maybe one of the biggest highlights of this slide is sort of in the middle there where you see the different ways that we can start to wirelessly transmit the video and the data, either through cellular service, satellites, or maybe back in port through a Wi-Fi connection.

And so, again, we started with that first slide. It's very basic systems. But I think into the very near future we're going to have some very important technological advances that will reduce costs.

Back in 2013, the agency put out an electronic technologies policy directive that provided guidance for fisheries-dependent data collections for VMS, electronic reporting, and electronic monitoring with the idea that we want to encourage people to adopt these technologies to complement or supplement or improve our existing programs, to be cost-effective and sustainable, to align our various management science goals, data needs, funding sources, and regulations.

And then, at the bottom there, you see in underline, you know, to coordinate all those different costs in program pieces between the agency and the fishing industry.

So, moving forward for the next few slides, I'll talk about the cost allocation directive that we're working on that you would have seen a presentation on last May up in Gloucester.

So the draft procedural directive highlights that, of course, there are flat or decreasing budgets but yet increasing data demands. And it seeks to try and specify the costs and the monitoring functions of an EM program, that we collectively should consider, cost recovery provisions when we try to fund these types of programs, and that NOAA cannot necessarily approve a program if the provisions create an unfunded or unsustainable cost.

And, again, we should consider a range of funding authorities, fee collections from industries, and other creative ways to fund the program.

And then, lastly, it seeks to develop a transition plan for existing programs that are in place today or considered to be going into place soon.

The draft directive sets up basically two types of bins for the fishery industry we're titling as sampling costs. So those are going to be as listed, such as the hardware -- so the purchase or leasing of the equipment -- replacement of equipment, training the captains and crew on how to use the system, developing vessel monitoring plans. These are, I would say, a very unappreciated aspect of a EM program, VMPs.

Typically, you know, the camera placement is very key and unique on each and every vessel and the captain and the crew need to know how to work with the system so that then the video reviewer that's watching the video days later at some far place away knows exactly how that specific vessel is interacting with the system.

Video and data transmission to reviewers, as I mentioned, now is manual.

Hopefully, in the future, it will be more wireless. But that we would expect to be a sampling cost.

The initial video review by some entity that then is submitting that data to the agency. Of course, the video storage along with reviewing that video, and then service provider fees and overhead.

In terms of the agency's administrative costs, either we would certainly expect to provide, you know, support in terms of making sure these programs meet our scientific, enforcement, and management needs to include reviewing those vessel monitoring plans to make sure that they're set up the right way to collect the data we need, troubleshoot different issues, and then vessel selection.

So, in certain fisheries where we've had traditional observer deployment systems, you know, there may be a need in the future in the EM programs to also run some type of system to select or post-select what video needs to be reviewed in a program.

We would take on the cost of certifying the EM service providers doing program performance. So an EM company is reviewing video and they're submitting data to the agency. We would provide some type of function to monitor those providers to ensure data quality.

And then lastly, covering the cost of the data analysis that comes out of those programs and the storage of federal records.

And then lastly on the cost allocation directive, we would expect that upon the ink drying on the final procedural directive that we would expect to have provisions laid out within two years. And then layered on top of that, we would expect in an additional three years to have some type of step-wise transition. So basically, from start to finish, it would be five years in total.

And those provisions would include, again, a list of those allocations by either the agency or the industry, and again, a step-wise transition if appropriate.

And so a timeline to completing this

directive would be to share it with you all today and have you go back and review with your councils through the spring and, say, early summer of 2018 with the goal of having a final directive by fall of 2018.

So, when I'm done speaking today, I certainly seek your feedback in the timing of that and making sure we all have the right expectations.

Moving along to video storage and retention. This is, of course, an extremely important issue. And I just wanted to lay out what steps are being taken by the agency, literally as we speak, on this particular issue.

So, through the month of February, we've been having our staff and our different projects and programs around the country provide myself and others at headquarters -- specifically I'm working with the CIO's office to develop a survey or collect information by a survey to look at the different file types and sizes, the video resolution, the storage type, who has reviewed the video, who has access to it, what are all the costs

of transmitting all the video, so that we can come up with sort of a cost-benefit analysis to make an informed decision about where we would set the retention schedule moving forward.

From there, there's sort of two paths forward. The first would be that, in terms of video and image that comes into the agency's possession, those become federal records. And currently, those are sort of, I would say, lumped in with the observer retention schedule, which holds onto those pieces of information indefinitely.

And so what we would work to do is work on a future retention schedule for video and images from our EM programs. I would also point out that we would include in that, in cases where we have human observers that go out on vessels and take pictures maybe to ensure that they're ID'ing species properly, all the different types of video and data from all types of programs we would propose in a future retention schedule working with the National Archives and Records Administration.

That process takes about six months.

It's a 45-day public comment period. And NARA actually proposes or publishes this in a Federal Register notice. And so we would be able to, you know, hopefully work with you and give you a heads-up when that would be moving forward.

And then the second one, probably of maybe a little bit more importance, is sort of the retention schedule for the privately-held or third-party service providers to retain video.

Currently, any program you're going to find around the country has been holding onto video for three, four, five, six years. We recognize that's not sustainable.

And so, using that video cost survey, that would help to inform us to develop, and I'm not sure if it would be a policy directive or a procedural directive, but some type of document that we would use as guidance to deliver to you in our regions for informing how long we would expect people to store video.

I'm just making sure I'm hitting all my notes. Moving on to video review. As I

mentioned, most programs, most trips, most fisheries are essentially reviewing all of the video mostly with human review. And there's some cases where people have developed software that can fast-forward you towards the catch event or some other objective that you're looking for. But most of it is being done through human review.

I know of examples where the video, reviewing the video itself took longer than the fishing trip took. Now, that's sort of the extreme example. Those types of events are happening less and less, to the point now where even just doing it through human video review, people are getting better at it and faster.

I see this effort in three bins. So there's efforts I know of on the West Coast and up in New England where people are starting to look at, you know, could you take a full trip but only review three of the hauls, or could you take an entire fishery or an entire trip and look at 30 percent of the video? There's different metrics people are exploring to try and reduce how much

human review is conducted, obviously for cost reasons.

The second bin I would call computer-assisted human review. So, you're using pieces of software and different types of algorithms to review just the fishing events. Or you might be able to figure out a way to identify that it's a flat fish or a round fish. And then a human comes in and identifies the species and things like that.

And then, lastly, where I think we're going to see the biggest advancements and obviously the biggest drops in cost are maybe entirely all computer review. So, the computer can identify the species. It may be able to collect length and weight. Or you may be able to set up a system where, if your EM program is just for compliance of not discarding fish, you can set up a way to look at sort of the edges of the vessels to make sure that people aren't breaking that polygon of throwing fish over the side.

And so just in the bottom right corner

here, you can see some software that was developed where, you know, there's a camera overhead and using a known length strip you can start to come up with a length measurement for a fish that can be converted into a weight with some type of conversion factor. And so the computer is doing most of this work. And you might have the human come in, you know, some biologist or observer and just kind of double-check the work of the computer.

Now the fancy stuff. So, just to show you an example, this isn't necessarily being implemented, but an example of what, when we hear the term machine learning, artificial intelligence, you know, all that kind of terminology, this is some of the types of stuff that's being done.

This is a longline vessel. This is work being done at the Alaska Fishery Science Center with the University of Washington. And essentially what you see here is the algorithm and the -- I'm not going to get all the terms right. So I'll just stop.

But essentially they've drawn a bunch of 3D boxes around the fish. And it's taking a series of length and perimeter measurements and using that to determine a probability of what the length is of that fish.

I tested this. So let's make sure it works. It's pretty mind-blowing.

The reason that I wanted to display this for you today in a policy talk is because I want people to think outside of fisheries.

The way I look at it is a lot of the issues that we face in fisheries have already been resolved by other fields. A lot of the people that work on this stuff have worked in the Defense Department. They've worked in the medical field in doing cancer screenings. We've got cameras in, you know, intersections, in casinos, and department stores. A lot of the people that work on this stuff have already resolved it in other fields. And it's just a new problem for fisheries.

So, again, think outside the box. Think about other innovative ways as we move forward

with the technologies in concert with those policies to move our EM programs forward.

And then lastly, this slide is sort of just conveying an appreciation for the issues. Although I'm not here prepared today to talk about them in very much depth.

But, you know, we recognize that data access, ownership, and confidentiality are very important. I would say that they're part of a broader discussion on data modernization in terms of electronic reporting and other pieces of information that are being submitted to the agency or in other different ways. And so it involves states, it involves fishing industry councils, and other partners to resolve into the future.

That said, I recognize maybe in this context it's also very important specific to electronic monitoring in terms of who has access to the video and things like that.

Another important issue that I hear mostly from electronic monitoring providers, but I also hear it from other entities, is the idea

of electronic monitoring standards.

You know, I think a lot of the vendors and providers that you are familiar with feel like we've been sort of a moving target in some respects about how they build a system, what is it exactly they should be submitting to the agency. And we've taken steps in certain fisheries to clarify some of that.

But, you know, if you think about a cable company, they build one modem and it can work everywhere. And I think some of our service providers are trying to reduce their costs, so that they can build a single system that could be outfitted on all of our vessels as opposed to just the boats in Alaska or just the boats in New England.

And so we want to work -- well, let me start over. I recognize standardization and national standards is sometimes a very scary term. But we want to try and find that balance between the uniqueness and the regional applications of our fisheries with sort of standardizing some of this. So, you know, we want to seek to see if we

can develop hardware, software, data, video review, machine learning standards across our regions.

And, of note, I'll have a Knauss Fellow working with me for the next year working specifically on this very issue, in addition to working on how we can incorporate EM data into our stock assessments. So, again, this is something we haven't made a lot of headway in, but we hope to.

And then lastly, we are in the process of updating the 2013 policy directive. That directive called for regional electronic technology implementation plans, many of you are familiar with those either from an EM perspective or an ER perspective. Those were created in 2015, and there was a series of updates.

In many ways, those went their own different directions based on region. Some of them are, you know, more insightful and technical. Some are more on the policy realm. Some of them track some of your council performance on where you are with your different programs.

And so we're looking to update that policy directive and then also update our ET plans moving forward, looking forward, say, to the next three to five years. It may include new issues and topics that we didn't have before.

And with that, I appreciate your time and could help to address any concerns or questions that you might have.

CHAIR HULL: All right. Thanks very much, Brett. And, Cisco, did you have anything to add?

DR. WERNER: No, I didn't. Thanks, Brett, for the presentation. And I'll take any questions there might be.

CHAIR HULL: All right. It's open for questions. I guess I'll start, Brett, with some of the last points you were making about EM standards. And I participated in one of the initial EM pilot projects on longline boats in the North Pacific.

And as that program has developed, there's been one provider with proprietary software

that the industry recognizes is the one to use now, perhaps, but looking to the future, there are other providers, as you suggested, who would like to be involved as well.

And so I'm wondering where policies regarding the development of that software and the technology you were touching on, I wonder if you could expand a little more, because I think that's really critically important going forward, because one group gets locked in to using one type of provider, and everybody else gets aced out.

MR. ALGER: A very good point and question. When I mentioned that I hear from providers, I essentially hear from two camps: the camps that are already in the door and the camps that are not in the door.

And how I see this issue is that I think it would be important, or the tack that I would maybe approach it, is setting up sort of this is the information, broadly speaking, that the agency needs, you know, this is how maybe fast we want it, this is the types of information and the file

type, you know, really getting into the weeds, sort of saying this is how we want it across all of our EM programs and letting the technology developers and the EM providers, whoever, not us, figure out how they can meet those needs.

And I think that's where you would see advancements in the software that's developed, open source. I think that's where you'd see the camera and the box in the wheelhouse. I think that's where you're going to see a lot of advancements because then you open up the competition for all of the different players, some of them that aren't even in fisheries that come to the table and say I can offer a very unique aspect in video storage.

So I can't probably answer you specifically today exactly how we would set up those standards. But I think if we set them up and let everybody kind of work to meet those however they can, you're going to see the proprietary proponents maybe struggle to compete.

CHAIR HULL: And do you think that the development of VMS and flow scales that are used

as technology, does that pathway provide examples for how you would do it for EM, or not necessarily?

MR. ALGER: Ask your question again. Flow scales and VMS kind of threw me off there. So, at least in the VMS world, typically in the past it's been run out of enforcement. And it's essentially been just a real-time monitoring of where the vessel is.

As you noticed from the EM system, it also has GPS. Most of the logbook systems nowadays have GPS. The captain has his own GPS. I don't know how many times we need to collect location on the vessel.

So, we do need to have a conversation about how we can integrate those other pieces of information into EM. Now, I don't know if that answered your question.

CHAIR HULL: I was thinking more along the lines of is the way those have developed, not to integrate them, but as the model for how the policy would be developed.

MR. ALGER: Yeah, so I think there are

some -- I don't know flow scales. I'm from New England, and I won't touch that.

But I appreciate now what you're asking that, yes, we can learn from how VMS was developed from a national policy, how to develop national standards for VMS, lessons of things to do and continue and maybe things to do differently.

CHAIR HULL: Others? Yes, Gregg.

MR. WAUGH: Thank you, Mr. Chairman. Thanks, Brett, for that presentation. Two questions.

On your slide number 7, that shows what the industry is responsible for paying for. And I just wanted to clarify. So, in you all's view, the industry would pay for the initial video review and storage? That's one question.

And the second is some of our vessels have VMS, as we require, and they also have AIS. Have you all looked at how AIS might fulfill some of the requirements that VMS provide? And then we might be able to reduce the regulatory burden on vessels by not also requiring VMS.

MR. ALGER: Good questions. The first one, yes, we would expect the way that this is set up is that essentially the vessels, or the entities that represent those vessels, to contract with some service provider that would review the video with humans or computers or some other thing and provide that data to the agency. And we would expect the industry to fund those costs.

I would note or add that the way that this is set up is we're basically saying that the agency wouldn't necessarily fund these costs. But to date, so far, we've been successful either internally with agency funds to buy hardware, do video review and storage on behalf of the fishing industry, and the money that then comes through the agency and goes to NFWF is also then successfully used in I think every region basically, or most regions, to provide the fishing industry groups with paying for the hardware and the video review and the storage.

So, to date, I'm not aware of anybody that's necessarily paid for anything in the EM

program substantially. But I think this is trying to set up thinking more into the future.

To your second question, I'm not as familiar with AIS. But broadly speaking, you point out a very important point, that, you know, vessels and fishing industry groups have had to pay for AIS and they've had to pay for VMS and maybe software and a provider for a logbook company and now potentially EM. And, I mean, just saying that out loud it starts to kind of wear on my own mind.

And so it's fully recognized that we need to start thinking more holistically as opposed to creating programs and silos for different needs and trying to integrate those as best we can.

And I've sat in on enough phone calls and meetings since I started in this position. It's very clear that's a very important objective that we should all seek. And I haven't, you know, quite figured out with the collective how we can tackle that, but duly noted.

CHAIR HULL: Bill.

MR. TWEIT: Thanks, Mr. Chair.

Thanks, Brett. This is really useful.

Also on this slide, so these are the kinds of costs, then, that industry is going to bear. And, therefore, these are the kinds of costs that industry is going to be sort of keenly interested in being able to both manage costs and ensure that there's a pretty high degree of efficiency in terms of how their funds are used. As you work through this, what role do you envision, then, the councils having in each of these?

Essentially, it's sort of the forum where industry can bring forward concerns, recommendations, and the kinds of things that, at least at the North Pacific Council, have ended up in industry level support for the plan because there's been a forum where they could address expectations around efficiency, address expectations around balancing costs with service and things like that.

I doubt industry is going to feel comfortable with Silver Spring as being that forum. So I'm interested in your thoughts on how this

part of it's going to work, you know, as we move forward in terms of being able to control costs.

MR. ALGER: Yeah, so I would answer that in a couple ways. A lot of this is just starting, in my mind. I mean, there's been conversations and there's EM programs that are in place and some are being developed, but a lot of these policies I just ran through are all the ink is wet and some we haven't put ink on paper.

And so my expectation is, moving forward, we would try to be as engaged with this group, but also out in the regions as much as we can.

You know, we have an internal national working group that I co-chair with others where we have regional staff in our regional offices and science centers that are engaged in this very information as we develop these policies.

So my expectation is that, working at a very organic level, those staff are out and engaged with your fishermen and your industry groups and your working groups within your councils

and things like that.

And in this case, you know, where primarily today we're talking about cost allocation, but as these other policies are presented in draft form in this forum and then to the councils, I would hope that the fishing industry is engaged in those conversations about, okay, we're proposing a video retention schedule of X. What do you think? You know, fishing industry, the trade-offs being costs but data quality, you know, let's hear it.

As I mentioned, the video storage issue will be a very public forum in both instances. I would expect the video review I know is a very publicly debated issue.

So I started out by saying I have two things to say, but really I just said it all in one. But I know Chris has offered up me to attend. I'm going to be coming to the North Pacific Council's EM working group meeting in May. And I don't know what my full budget is to travel. But, you know, I'm happy to engage however I can

with any council if there's questions that I could help address, or any other folks within our agency.

CHAIR HULL: Bill.

MR. TWEIT: Thanks, Brett. But I'm not sure I heard in there what role the councils are going to play in an ongoing sense to be able to work with industry to ensure that we have addressed cost efficiency and continue to address cost efficiency, particularly as we deal with -- and I think we all recognize there's going to be newer, better technologies. This is an ongoing sort of adaptation.

And I don't think telling industry, "Oh, well, remember this is a public rule-making process, you can always send in a letter." I don't think that's going to be satisfactory.

You're trying to get the overarching parts of this policy in place by later this year. If you haven't described well what role the councils are going to play and how industry is going to have an effective voice in controlling costs while still ensuring quality of product by the time

you expect to implement it, I don't know that you're going to have a lot of support for it.

MR. ALGER: You're right. I didn't address the council's role. I'm not sure I have a good answer for you right now.

You know, I would expect perhaps in maybe some initial conversations on the draft document, you know, we could hear from you or other councils that you feel like there needs to be a part of the cost allocation directive needs to include some amount of steps towards engaging fishing industry groups.

But I won't lie. I don't have a good answer for you. Part of when I talked about the timing of this directive, we said, you know, we'd have council review and then ink would dry by the fall.

You know, perhaps we need to revisit our expectations of maybe when we would finalize that, I don't know, in order to bake in some more conversations specifically with the fishermen, because you're absolutely right that not all the

fishing groups, fishermen are always engaged with the council process. And if it's just put in the council's lap and then sent back to the agency, we may not hear from everybody that we should.

CHAIR HULL: Yeah, Chris.

MR. MOORE: Thank you, Mr. Chairman. Thank you, Brett.

We haven't had a lot of experience with EM in the Mid-Atlantic, largely because we've been focused on ER, ER issues. And we continue to try to resolve those. And I think it will be a little bit of time before we get more involved with EM.

I'm wondering, as you're rolling out this policy, within the policy or within some other document, is there a list of criteria that would identify which fishery would be best suited for an EM program? Do you have like a list?

MR. ALGER: I don't have a list. I would answer your question, I will say two ways this time.

So, for example, on the groundfish fishery in New England, most of the people that

are participating in the EM program, their portfolio of fisheries is, you know, groundfish might be a quarter of their business and fluke in the summertime or whatever. You know, they dabble in a bunch of fisheries.

So I do think that there's going to be cases, as we move these EM programs forward, where fishermen are going to go, well, jeez, I got these cameras on. I paid for them. Why don't I turn them on while I'm taking my fluke trips or my skate trips, you know, my monkfish trips or whatever it might be? So I do think we are going to start to potentially see some movement into other fisheries as a secondary.

And, two, I do have a second point now, is I do think there are certain instances or cases where EM is better suited than others. Cameras can't necessarily identify species very easily versus, if you only have the EM system on board to make sure people aren't discarding fish illegally, that's a much simpler task to ask the cameras.

So we probably could develop -- and I don't know exactly how and where we would do this, but sort of some, best use cases, secondary cases, and tertiary type of thing. And I would, you know, work with sustainable fisheries to figure out exactly how we could communicate that.

CHAIR HULL: Yeah, Chris.

MR. MOORE: I think that's, at least from my perspective for the Mid-Atlantic, that's very important. You know, there's fisheries that I can think of that we might want to use EM in. But certainly having that sort of criteria I think would be helpful.

I also want to echo what Bill said in terms of involvement of the councils. It's going to be a tough sell if this is more of a top-down push for, you know, some regulations that relate to EM.

And, certainly, I think the councils would be, at least from my perspective, would want to be directly involved in any discussions with stakeholders regarding EM and certainly working

with you guys to make that happen.

CHAIR HULL: Cisco, and then Jim.

DR. WERNER: Yes, sorry. We were just talking offline here with Alan to address perhaps both Chris' and Bill's point, if that's okay. Alan?

MR. RISENHOOVER: Yes, thanks. And to those points on this, I don't see this as being a separate, top-down thing. This is how we see right now, and we're asking for comments from the councils on it, on a way of splitting these costs.

Again, there isn't a pot of money to pay for everything that everybody wants to do. So we, and that's "we" collectively -- councils, agency -- need to figure out how we're going to split those costs.

In determining what sampling is going to be done, the councils will be doing that. The councils would determine which fisheries -- as you said, Chris -- EM is applicable in, which ones want to do it, and what the benefits are of that, the incentives for moving toward EM.

So we're not going to just implement

this across the board. It's going to be a backdrop as the councils move forward on designing their programs, their requirements, how much review do the councils think needs to be done, which fisheries, what type of review.

All of that is something that the councils will be probably leading in instead of following the agency. What we're doing here is trying to explain how are we going to reasonably pay for this and what is a reasonable split of those costs between the agency and the industry.

So does that make sense a little? And, Brett, does that outline a little bit what we're trying to do here?

So I don't see this being divorced from the councils at all, more as a backdrop as the councils move forward how we're going to fund these things so the industry knows up-front, if there are EMs coming into their fishery and the council wants this type of system, here's how we're going to have to split the cost, because that money just is not there.

CHAIR HULL: Jim.

DR. BALSIGER: Thank you, Mr. Chairman. So Alan got around quite a bit of my questions. And maybe it's obvious, but the standards that are wrapped up into the cost, and so, will the agency, as we develop this policy, work with the councils to say what levels of precision we have to have on estimates or will that be up to the councils?

For example, worrying about bias and stuff like that, if we have cameras on vessels and we recognize we're only going to look at 30 percent of the films, do we have to have the cameras go 100 percent of the time to be able to avoid the bias that might occur if they can turn them off when they know they're not going to be looked at?

Is that going to be part of the thing that is in the paper, or is that going to be for the councils to work out, or how are we going to get around those kinds of issues?

CHAIR HULL: Brett or Cisco?

MR. ALGER: So, I think part of what

you're getting at is specifically to the, I know like in the North Pacific where -- and, Bill, you'll correct me, because I know you're on top of this group. But essentially there's sort of an organic process to how over time we've developed, or you've all developed, the EM program up there.

And so I would expect that that process would continue, that we would consider information gleaned from year one and go through the annual deployment plan process to determine, you know, are there biases in our monitoring system, how could we eliminate those biases, is there a way to eliminate those by running cameras more frequently and post-trips selecting the review, those type of things.

But I would fully expect that the council is sort of engaged in leading that effort in terms of how you would select video review rates in a particular program.

Alan, I don't know if you'd like to add anything.

MR. RISENHOOVER: No, I think that's

exactly it, Jim, that, again, it's this partnership between us and the councils. And it's part of what the councils' goal is in using EM. Do we need 30 percent precision? Do we need 30 percent review? Do we need the cameras all on? I don't think the agency would make that decision separate from the councils' input or the councils would make that decision separate from our input, at least I would hope not. And I don't think it's been done that way in the past. So it would be moving forward. And, again, to me, for the industry to bear these sampling costs, we really need to think about incentives. If they have a camera, if they're willing to leave it on full-time, if they're willing to provide for some fees and overhead, what does the industry get out of it? Additional access, additional catch? What's the reasons for that EM other than just EM for EM's sake?

And I think that's what's going to drive this in the future to get some of these goals is, how do we incentivize this?

CHAIR HULL: Chris.

MR. OLIVER: I guess I was going to -- in order to try to address the concern or the issue Bill raised, I need to better understand it, because as I understand the directive, it's not going to define the ultimate cost. It's going to more define how the main categories are split between, say, industry and government.

And issues like the 100 percent or not that Jim used as an example, as I understand, those issues would be resolved in a different forum, not through this particular document.

So can you help me better understand, Bill, what your concern is so that we can figure out a way to hopefully address it?

MR. TWEIT: Thanks. And I think that the back and forth between Alan and Chris really helped with it. It is an issue around how each of those are decided. You can decide each of those in a very costly way or in a low cost way.

So, for instance, the hardware question, when we started work on our latest iteration, there was a lot of impetus to begin with

a stereo camera system using digital imagery, high resolution digital imagery. It would have been very high cost and had not really been well-vetted in the field.

We had dialogue back and forth, and at the council level through our working group, as Brett referred to, and we ended up settling on the packages, the technical packages that are currently being used.

Huge cost ramifications in that decision, as well as reliability and efficiency ramifications. And the industry was concerned about all three of those.

Within our council, that decision-making process worked through the EM working group and then ultimately at the council level in partnership with the agency, and the Agency's partners both in the working group and at the council level, as you know. So, if that had simply been a directive out of Silver Spring -- instead, if that hardware line had been cited in Silver Spring. So the question is, where those

decisions get made?

And I think that, as Alan and Brett were going back and forth, I was getting a lot of comfort. And particularly Alan's point about recognizing there needs to be incentives for industry in this will make this work.

If you capture that dynamic in the document, the issue around where the decisions are made and where industry gets to provide their input, I think that will go a long ways towards addressing that.

MR. MOORE: As I understand it, those kind of decisions would still be made through the kind of processes that already exist, that this document itself won't be making those decisions.

MR. TWEIT: Clarity around that will be useful in the document.

CHAIR HULL: Tom.

MR. NIES: Thank you, Mr. Chairman. Since you asked for feedback, I've got a couple comments and maybe a couple questions, Brett, to the agency in general.

I guess one of the things I struggle with on the sampling costs is the idea that initial video review is the responsibility of the industry.

In our industry-funded monitoring amendment that we're in the process of finishing up right now, you know, we were given the advice from the agency that there's certain inherently governmental responsibilities that are the responsibility of the government and we can't accept funding from anyone else to do them.

And one of those, those are the administrative costs. And it strikes me as odd that data processing for a human observer is considered an administrative cost that's paid for by the agency, but data processing as a result of collection from a camera is considered the responsibility of the industry.

So it just doesn't seem to me like it's a consistent approach. And, you know, we all know that the data processing is probably -- the video review and data processing is probably one of the most expensive parts of this program depending on

the level.

So that's one thing that, to me, seems a little inconsistent. It seems we're treating a human observer's data processing differently than that collected from a camera. And I don't understand that.

My second comment is that, in the drafting of this document, it talks about new EM programs. So I guess there's two questions. What if an EM program is adopted before this document is final?

The other is that this document seems to preclude the possibility that down the road EM could replace human observers for some of the functions, like SBRM coverage, that are considered the responsibility of the agency. It seems to be written in such a way that the assumption is that any EM program that's adopted in the future is going to be paid for by the industry.

And I'm sitting here thinking, well, what if the agency realizes they can use EM instead of, in our region, we call them NEFOP observers.

You know, would the EM then be paid for by the agency for that level of coverage? And the way the document is written it seems to avoid that.

And the last thing relates to Bill's comment, to some extent, about standards and the talk that we're going to negotiate standards.

Presumably, the data from this program is going to be used somewhere, either in quota monitoring; potentially, it will go into assessments by being used for discards and things like that.

Is the agency expecting that they're going to establish standards at some point that say, for us to use this data and determine that this data helps fulfill our requirements to use best scientific information, these are the minimum levels of coverage or monitoring or whatever that are going to apply? Or is the agency saying, we're not going to do that, we're going to leave that up to the councils to decide?

MR. ALGER: Yeah, there's a lot of comments in there, Tom. I'll see if I can unpack

that a little bit and try to hit on each of them.

The first one, I struggle with the comparisons with human programs from a functionality perspective, a cost perspective. I mean, they do some things the same. And then in some cases, they're very different.

In terms of the video review being a responsibility of the industry, the way that I've personally looked at it is, you know, captains take notes in their logbook, like in the wheelhouse. But then they convert that information into a logbook and they actually present it to the agency.

You know, as those scratch notes are on a piece of paper, those aren't necessarily the responsibility of the agency. It's actually taking the information as it's come from the vessel reported on a VTR.

And so my kind of analogy to EM is, you know, at least in most of our programs now, the hard drive is just a hard drive. It's sitting there on somebody's desk. It's wherever it is. There's nothing that the agency can glean from that to make

some assessment of a quota being exceeded or what actually happened on the trip.

And so, you know, until somebody reviews that video and gleans the data from it and can present it to the agency to do what the function of our, you know, job in this role would be, looking at the data to assess discards and kept fish or whatever the other things are, that's where we've decided to sort of place that category in terms of sampling. It's a hard drive until it is reviewed and presented to the agency.

The second piece being something that we've struggled with within this procedural directive is, yes, there are a whole slew of EM programs that are -- some are mature, some are just becoming mature, some are about to be formed, and some are being considered. And we've sort of struggled with exactly how to transition those different flavors of programs to follow this directive.

And so I don't have an answer for you now, but I would maybe seek your feedback in the

directive comments about how specifically the transition could work.

We do lay out in the document the idea that, perhaps in some future year or fishery, that the agency, for its very specific SBRM needs, could find an applicability or an application for using electronic monitoring to serve a need that's being met right now with humans.

Personally, I don't know exactly what that might be. You know, there could be a case of some type of marine mammal interaction or endangered species or something that we find that EM could do much better and more cost effectively than humans.

But, for now, we've sort of just said it's something we're thinking about, but we don't necessarily have the perfect example.

And then lastly, I'm not touching that question.

(Laughter.)

MR. ALGER: I understand what you're sort of asking, but there's certainly other folks

in the room that might be best available to answer that for you.

CHAIR HULL: Bill.

MR. TWEIT: Thanks. Brett, I had a couple questions about the draft directive. They didn't appear in the slides, but you've got a summary table on the bottom of page 5, top of page 6, that just provides sort of a bullet summary of cost responsibility options for the two cost categories, sampling and administrative.

And there's two of those bullets that I didn't see explained well in the text either and I just had questions about.

One of them is the third bullet under sampling costs where it says NOAA fisheries will bear the sampling costs for specific programs where the agency has determined that EM is necessary to comply with legal obligations. And I was wondering if you can give me an example of what kind of a program you were thinking of there.

MR. ALGER: Yeah, so, Bill, you can thank Jennifer Mondragon for that table. She

helped supply it. I think it's really helpful. And I don't have it in front of me, but I think what it's referencing is what I just provided to Tom.

MR. TWEIT: Oh, okay.

MR. ALGER: So, if the agency feels like there is a very specific need that the agency could fulfill with EM, then we would provide those sampling costs.

MR. TWEIT: Okay.

MR. ALGER: And the other, while I have the mic, the other bullets in that table are basically referencing the programs in the North Pacific where you have the landings fee that then is used to pay for observer and EM costs, and then also in the West Coast where there's cost recovery.

So that table is just trying to highlight sort of in generic form the very specific fisheries right now that do have a means to providing funding for EM.

MR. TWEIT: So, thank you. I think that answers it, but let me just double-check.

So the second bullet, then, under administrative costs where basically NOAA fisheries bears them except where fees collected from industry. And you're telling me that that's where there's a specific cost recovery requirement in place?

MR. ALGER: Correct.

MR. TWEIT: Thanks. A little bit of additional details can be really helpful there in helping people understand that. Thank you.

CHAIR HULL: Any further questions for Brett or comments from the councils?

So we all have the draft directive to comment on. And this may be another agenda item for our May meeting, potentially. Oh, Archie.

MR. SOLIAI: Yeah, just one brief question. As far as the data, the electronic data that the industry is being required to keep and submit, will the fishermen have access to that data once it's submitted, I mean, for their own purposes and use?

MR. ALGER: I would very briefly say

yes. My expectation, and I go back to New England because that's where I came from, I know that like the relationship that's set up right now is between the fishermen and the provider. They can go in and log into the system that's provided from this EM provider and look at the video from their trips.

And we found cases where, you know, captains have said, well, jeez, you know, I didn't realize my crew was doing that. I'm going to make sure they're not doing that thing again because it's unsafe. And/or they can access the data is then also submitted to the agency.

In terms of then kind of connecting that triangle to then fishermen accessing their data after it's been submitted to the agency, I think that starts to get into what I talked about a little bit ago, which is sort of a bigger issue about data access and who can get access to different pieces of information. But I'm not sure if I've addressed your question.

MR. SOLIAI: Not really. I was expecting a little bit more detail. But it's not

a question. It's just a comment.

I'm not a fisherman myself. I'm not a commercial fisherman. But I think the comparison that you made between, you know, transferring the logbook notes from in the wheelhouse and submitting that electronically and reviewing video footage, they're apples and oranges. And I think it's more time-consuming to do those reviews if you're requiring the industry to do that.

CHAIR HULL: Okay. If there are no further comments from the group, thanks very much, Brett, for the presentation.

We'll move onto our next agenda item, EBFM regional implementation. And again, Cisco and Sam Rauch.

MR. RAUCH: So, before we get started, let me just warn all of you that Cisco and I tried to make an executive decision that we were going to delegate this presentation to other people. And those other people didn't show up.

(Laughter.)

MR. RAUCH: So we're going to try. All

right. So the councils asked for an update on EBFM. We are going to give a more broader presentation on EBFM in May. I'm going to get to that in a minute. But here's an overview to get us to that.

Just as a brief reminder, ecosystem-based fisheries management, why we're doing that is we all know that you can't just look at the fish that you're catching, that it doesn't exist in isolation. It exists with the habitat. There are other predators that feed on the fish. The fish itself feeds on other things. Everything is connected.

And to look at this, the councils and we long had a goal of trying to understand all these different dynamics in trying to make sure that we have sustainable harvest and that we understand the trade-offs, because we have fishermen that interact with these species at various levels.

Some of them interact with them as bycatch, don't care for them as bycatch, but they're having an effect on other fishermen later in the food chain that need these fish to grow up and to

be big and marketable.

So we deal with this as an allocation issue, as a sustainability issue across the board, and understanding the dynamics and the ways they interrelate let us better manage these issues.

And on top of all that, all those dynamics are changing, whether it's the economics are changing in many of these fisheries, the ecosystems are changing, the external inputs. It's no longer a situation, in many cases, where the amount of fish a fisherman extracts is the sole driver in the future health of the stock.

So we need to understand these dynamics. We need to understand the trade-offs in order to better manage. That's the goal of ecosystem-based fisheries management. It's something that the councils have long shared and the councils try to get at these issues as well. In many places, we're already doing all of these things.

So, we put out a plan in 2016, which we shared with the CCC and discussed numerous times,

about a policy to sort of encapsulate where we are and to outline a roadmap for where we could go.

And I'm going to talk a little bit more detail about that in a minute, but the current process that we're in is that our regional offices and our science centers are working on draft plans. And we try to -- we wanted to incorporate interested councils. But if the councils were not interested, they didn't have to be a part of this.

We understand, though, that no progress is really going to be made without the councils as partners or as participants, collaborators, whatever you want to call that. So, a number of councils' staff are interested and are participating in this.

We're currently about -- these draft implementation plans are about to be available. We're going to send them out in March and April for NMFS leadership and council executive director review. So they should be available before the May CCC meeting, which will brief this group on all these plans.

And then after the CCC meeting, June, August, September, they'll be available to the councils for their round of sort of summer and early fall public meetings if you wanted to discuss them at a full council meeting. And by December, we would roll out the final implementation plan.

So these plans are built on the six principles. I don't have a slide for that. But just as a reminder, the six principles were to look at ecosystem level planning, not just looking at single species planning. Many councils are doing that already. Many councils did that long before the NMFS decided to do a plan. And so we were trying to build on that, not to replace that or to argue for something new.

To advance our understanding of ecosystem processes. To prioritize the vulnerabilities in the ecosystem and their components.

If you recall the Climate Vulnerability Assessments where we looked at the various stocks that were particularly vulnerable to changing

climate parameters, it's a similar kind of principle with ecosystem parameters.

To look at different trade-offs within the ecosystem, to look at ways you could model that. To look at ways to do management strategy evaluations to figure out are there particularly sensitive parameters that we need to be careful of and try to adjust a more flexible management framework to look at that.

And then, if we can -- and in some places we already can -- to incorporate those ecosystem parameters into the management advice that we get, to look at temperature or habitat metrics in our modeling of fish stock population abundance.

And then to maintain the resilience of the ecosystems, to recognize that it is not a one-time, inflexible system, but it's a constantly evolving system and we need to recognize that and plan for those contingencies in the evaluation.

I do want to reemphasize that the plans are aspirational. It's not mandatory. There are no "must" in the plans or in the roadmaps. It's

all shoulds. It's all where we would like to go, not where we have to go.

And we recognize that resources and other priorities may weigh in on these things. But we wanted to do what we can within those parameters to try to outline a vision for where we should go.

All right. So, I already talked about some of the purposes of these plans. But the implementation plan itself was to coordinate regional science and management priorities. At a minimum, it will be a discussion between our regional offices and our science centers about what to do.

To the extent that the councils want to be involved and have been involved, do we want to include them in that discussion to build that partnership, to try to understand what the councils' priorities are, how we can jointly move down the road on important ecosystem priorities that the councils want us to look at, so that we are all working on the same page. And also to

describe some engagement strategies with the broader stakeholders and the public on what they want to see and how those efforts can work into this process. And finally, to provide some way to document some progress.

Part of the reason that we got into this is the councils have been doing EBFM for a long time. We've been embracing EBFM for a long time. We've never actually said that's what we're doing in terms of a broader policy, or had any way to document all the work that's been done. That is one of the reasons that we're doing this.

We do not believe this is a brand new thing that we're doing. Rather, this is just a compilation of good work that both you have done and some of the work we've done, and a vision that hopefully we will work together moving forward.

I talked about the engagement strategies. Part of these implementation plans are to set milestones for the next five years. So it's not everything. It is a more achievable, near-term set of actions that we're doing that are

supposed to build off all of the current ongoing work.

And to make sure that as we plan for future work that we align, as Chris very often will tell me, we are aware that we put in all of these different national initiatives, and sometimes they can be confusing. We want to avoid the argument that we are working at cross purposes.

We're trying to align all of these different things into one coherent strategy going forward and to avoid some of the duplicative work that might otherwise accrue from the different national objectives that we've done. And also to reflect that, even though this was an issue that nationally we are supporting, none of the work, or very little of the work, can really be done nationally.

Basically, all of the work is being done by the councils or the regions and the science centers in the regions. The ecosystems are broad, but they are still regional. And if you're going to have any success, you have to engage at the

regional level. These national pronouncements like this one does little good without sort of regional follow-through.

And with that, I'm going to turn it to Cisco.

DR. WERNER: Thank you, Sam. And as Sam said, these efforts in implementing EBFM and moving forward, you know, really involve a whole host of activities. And I'll just touch here on perhaps a little bit of an update on where we are in the implementation of the NMFS Climate Science Strategy, which is one of the components that supports EBFM.

The National Climate Science Strategy is one that I think was rolled out maybe even a couple years ago. So a fair bit of work has happened since then.

And resulting from the NMFS Climate Science Strategy, the next step was to develop these regional action plans, which we refer to as RAPs. And these are focused on particular regions. Each one obviously has its own characteristics, so there

clearly wasn't a one size fits all.

So, groups that involve science centers, regional office, councils, and the various bodies in the councils work together to develop these Regional Action Plans.

And through the Regional Action Plans, you know, all of them try to maintain the idea of how do we increase the information delivery of how changing climate is affecting the things that we observe, climate-ready management. Hopefully, we can anticipate things that are going to happen. And as Sam also mentioned, you know, if we can do that, then manage for resilience and adaptation.

I think that several regions have seen some pretty significant signals, whether it was in the North Pacific and with the warming and the warm blob that really affected anything from Pacific Islands to the Alaska regions to the West Coast. It was something that, you know, that taught us a lot in terms of what things we can expect or we could expect or we could see and how we manage for them, anything from underlying changes in the

ecosystem to biogeographic shifts of populations. And also in turn, how do we sample differently, how do we fish differently.

I mean, it's a whole host of issues that these action plans are looking at in terms of where we go next.

I'm sorry. I meant to say that we have seven Regional Action Plans, I think, already underway. And we'll have all eight of them in FY18.

And these action plans have identified many different targets that need to be addressed. Again, some of them are very specific to regions. And some of them are shared across the various Regional Action Plans.

And there is also a national level conversation to make sure that we all learn from each other in terms of, you know, what happens in one region may actually be something that the other region may take advantage of.

And so some of the priority actions that were consistent across the Regional Action Plans -- as I said, you know, there were some differences,

but some things were consistent across these RAPs -- is the completion of the Climate Vulnerability Assessments.

The first one out of the gate on this one was the Northeast. And the idea there was to look at the stocks that are being assessed and managed and try to anticipate in some ways a red light-green light, you know, in a traffic light sense, you know, what kind of changes can we expect in the stocks that we're managing.

This approach has been quite successful and other regions are taking this on, the West Coast, the Alaska region. The Southeast is doing it, Pacific Islands. They're all doing, you know, this climate vulnerability analysis.

And, in fact, it's been so successful that we've already seen the approach also being taken on overseas in Europe and such are also beginning to look at this.

The improvement of tracking and reporting, as I mentioned, you know, there are changing distributions of target species, as well

as underlying ecosystems.

And, again, whether it's on the East Coast, as we see shifting distributions of certain species, or as I mentioned, in the North Pacific, it was almost a wholesale shift in many aspects of the ecosystem, it's something that we look at not just in terms of our surveys, but also what we're learning from the fisheries and the fishermen and other groups that help us fill in the gaps in terms of what's happening.

Targeted research, of course, is trying to understand mechanisms. So, for example, one could think of looking at what the fish eat, looking at the gut contents. Are they eating the same thing, or has everything has changed underneath as well? In other words, is it something just in terms of species moving, or is it actually something that's more fundamental in terms of, you know, how the food web itself is changing?

And so these are questions that we need to understand to see, you know, can these be sustained, and if so, how, and try to understand

those, as I said, those underlying changes.

And, ultimately, if we bring some of these together, you know, and if we can use some of the forecasts and projections in terms of what might happen, if things happen again, if we think things are going to occur again, then we can perhaps provide early warnings for the industry and others in terms of what to expect.

Again, I'll draw some examples from the West Coast, where certainly, you know, a combination of drought and low rainfall and snow pack, et cetera, impacted in terms of how we look at the salmon populations and how we would manage those.

So, if we begin to understand that, we can again project forward. Or it could be a matter of new species coming in that we wouldn't have seen before in response to changing conditions.

And then finally, you know, the agency, we have invested in these management strategies. And the council, the SSC, the council SSCs got together in January in San Diego to just have a

discussion on management strategy evaluation approaches to how we look at our species, our trust species. And these MSEs are one way to anticipate or at least to begin to think about what we might do in response to changing conditions.

And I think that's where I wanted to end in terms of an update on one of the aspects that's supporting EBFM that, again, has been happening in close coordination amongst the science centers, the regional offices, and the councils, and the various bodies. And so it's a brief update, but I also want to echo Sam's thanks for your support in this and trying to help us understand the system as we go forward. So, with that, thanks.

CHAIR HULL: All right. Questions or comments? Thanks, Sam and Cisco, for this implementation update. Chris?

MR. OLIVER: Just a general comment, Mr. Chairman, sort of speaking to the bigger issue of various policy directives and strategies and roadmaps over the past few years, the collection of those that have been developed by the agency

caused me some concern with regard to our collective resources.

I've never been a huge fan of policy directives, as you know. Although, my thinking may have evolved on that now that I'm in a position to issue them.

(Laughter.)

MR. OLIVER: But kidding aside, I had serious concerns about this particular policy directive early on, particular in its earlier incarnations, because it did imply significant potential workloads for the councils, as well as the agency, in the face of level funding and resources, or even potentially reduced funding and resources.

So I would say, though, that, as this has evolved, I've developed a much better comfort level with this. We've had a lot of discussions internally. I've developed a better comfort level with it in the sense of it being developed in conjunction with the councils' participation, in the context of it being leveraged with existing

resources, and in the context of it being hopefully a useful, complementary tool, complementary to the efforts that are already largely ongoing in many of the councils. So I just want to make that comment.

CHAIR HULL: Okay. Thank you, Chris. Are there questions or comments from the group? Yeah, Doug.

MR. GREGORY: In a similar vein, I was really surprised this morning to hear that this was voluntary on the basis of the councils, because we've been participating. And it's beginning to get expensive, going to workshops, going to meetings, from a staff time and financial. But by you all classifying it as voluntary, I can't ask for any more money, can I?

(Laughter.)

MR. GREGORY: I mean, this is important. I see this as along the lines of some of the other items we get a little bit extra money for out of the NMFS budget. And this is extremely important from the climate standpoint.

And I think it's the climate changes that's going to drive our need for ecosystem-based management, because it is so complex. But our need to understand the climate drivers and impacts are really great.

And we're hearing, particularly from the shellfish industry, that ocean acidification is not just something theoretical. It's actually beginning to be seen.

I was concerned early on that we wouldn't see that because it would probably affect the zooplankton, the phytoplankton, and it would be hidden in the ecosystem itself and we wouldn't know if it was affecting recruitment of our targeted species as larvae or something.

But this is extremely important. I'd like to see it raised higher than voluntary and funded.

CHAIR HULL: Sam.

MR. RAUCH: I don't know what to say about that.

(Laughter.)

MR. RAUCH: As you recognize, these issues are very important. These are issues that the councils have been struggling with for a long time, understanding these dynamics.

As I've said, you've got different user groups using these fish at various stages or using fish that feed on or that these fish feed into. So you've got those conflicts. You work extensively on habitat to improve these kinds of things. You work on sort of environmental indicators.

I think the councils understand how important it is. And in that sense, it's not voluntary for any of us in that we have to deal with this.

This particular program, you know, we are mindful, as Chris said, of all of the directives that we've imposed on councils recently. This is an opportunity for the councils to help guide us as we develop five-year plans for how we're going to interact with this. And most of you have taken advantage of that because you have a view as to

what we should or shouldn't be doing and we want to make sure that you can share it with us.

But I am mindful that everybody has limited resources. And part of the effort here is to prioritize what we're doing so people aren't asking you to do more than you can afford, or us frankly.

So it is voluntary in that sense. But we're trying to work together to plan, to make forward in these issues that we all think are important in a way, though, that doesn't put too much strain on your other resources, but recognizing it's important, it was already important to you before we did this policy.

Now is an opportunity for us to collectively plan how we're going to work on these issues for the next five years in a way that meets all of our resources. So, voluntary or not, we're not making you come there. But we're offering this opportunity to jointly plan.

CHAIR HULL: Kitty.

MS. SIMONDS: Yes, our staff

participated in the climate strategy work. And I thought that worked out really well working together.

It was sometimes a little struggle when you try to get the three groups together as the staffs, because sometimes the Federales are, you know, wanting to be Federales. So it takes a little bit to get people to work together. And so our staff, you know, maintained that and I think everything worked out great.

So then in this next EBM that we're working on, we have staff. Our ecosystem scientist is working there as well. But he had a question of me, which I passed along to Chris, in that, in this planning when he was talking about what the council has done, what the council is going to be doing, he was essentially told that this is an NMFS plan and so whatever the council's objectives are, you know, aren't to be included at this time.

So this is why I wrote to you about this. I thought that the climate work worked out well. And we included what the council's objectives were

and those kinds of things, and that should happen in this exercise as well.

So, you know, it's kind of difficult when we, of course, have worked on ecosystem elements for 20 years. And in 2014, the council revamped all of its ecosystem plans to include many of this information, essential fish habitat, and all of these kinds of things.

Those plans are -- we're waiting for the region to help us review them so that we can send them on and have the regulations in place. And so that's taking a while. But I just wanted to make sure that what I've heard here, and that what Chris has written when he asked the councils to participate, is really the way it's supposed to be and so I can tell my staff to go back to these meetings and be able to discuss, you know, whatever should be added into this plan.

So, we can talk offline about this. But since we are talking about this, I thought I should bring it up. And I think that Chris' email to all of us really establishes what I've just

talked about in terms of communication, working together, and, yeah, because we're the ones developing the ecosystem plans. So, nice partnership.

CHAIR HULL: Sam.

MR. RAUCH: So I can't speak to whatever the isolated communication you have had. But as you've laid it out, that we do agree. I mean, that's why we're coming to you now. That's why we're going to share the -- you know, it's why we invited you to participate.

We don't envision -- I mean, if the councils want to participate and include their measures in this, we want to have that reflected. We understand that a lot of the work that has been done already, the framework was built upon work mostly that the councils had already done about what was relevant to management, how you fit within that.

We do not intend to -- I mean, we will if we need to, but we would rather not. We would rather this be a collaborative, collective view

as to what we need to do in particularly these implementation plans, where we need to go in the region, which includes where the council wants to go in the region.

CHAIR HULL: Chris.

MR. OLIVER: Yeah, just to underscore that, and I think I responded to that particular message, Kitty, in agreement with you. I think you all know my perspective on the partnership aspect of the councils with the agency. And I see this as one of the key areas for that collaboration. So I 100 percent agree with your point.

MS. SIMONDS: Just a quick follow-up. In terms of partners, sometimes we're called intrinsic partners. Sometimes we're called external partners. I mean, I see these different words before partner in different communications.

So I think we're a very different partner from all of your other partners. So I'm still looking for the right word, as I told Sam several years ago. And I haven't found it yet. So I'll get there before I retire.

CHAIR HULL: Gregg.

MR. WAUGH: Thank you, Mr. Chairman. The three East Coast councils are talking informally about how we deal with this issue as species move forward. And there's one part that I think that should not be voluntary is that we make sure that our basic data programs are picking up these new species as they move into new areas.

We've got to have that information. The fish have got to be sampled. They got to be picked up in the fishery-independent programs so that then when we get requests, for instance, looking at prey species that may be important to dolphin wahoo that we have some data that we can look at.

For all these models, you've got to have the landings information, the size, all the information that goes into it.

So I know there are plans to have the Northeast Center, and when we get a new Southeast Center Director, for them to get together. But the three East Coasts councils, based on the work

of Michelle working with Chris to get this going, it's going to be critical that the basic data collection programs, fishery-dependent and -independent, are ready to pick up these species as they show up in new areas.

CHAIR HULL: Cisco.

DR. WERNER: Yes, thanks. Thanks, Mr. Chair. And thanks, Gregg. Couldn't agree with you more.

And as you said, certainly at the science center level, there's already that communication ongoing in terms of how to coordinate, you know, the sampling and, as you said, ultimately the data collection and making available and understanding what the data shows in terms of what's happening along the East Coast.

So, perhaps, you know, when we meet again in May and report out on where we're going, we should make it a point to see how these efforts are going and what we're doing specifically about capturing in the data the things that we're seeing and how we're communicating that. So, thanks for

that.

CHAIR HULL: Marcos and then Chuck.

MR. HANKE: In my region, we are concerned after major hurricanes with the habitat. Right now, we have many changes on the habitat that are going to be rebuilt to go back to normal and are going to take in some cases a month, two years, three years, ten years.

And we don't see an effort to create a baseline information of those habitats and to respond after a major hurricane to monitor those habitats. And in our case, that's very important.

We are seeing already the fishermen changing where they go to fish. Just an example, the conch people, you know, where they usually fish, they are not going there anymore. They're going to other places because the area changed so much. And I think that's very meaningful for anything based on that.

CHAIR HULL: Cisco.

DR. WERNER: Thank you. Thank you for the question.

Indeed, you know, these changes, understanding these changes, whether they're short-term, because they may have been a result of a large freshwater runoff or something that changed something locally versus something that's more structural in terms of having perhaps affected the substrates and so on is, I agree, it's something we should look at.

I think that we learned from perhaps what happened in the Gulf, you know, under hurricanes and other impacts that have changed the substrates and habitats, that we're beginning to understand how to monitor that.

So I believe through, as was said before, through more integrated ecosystem surveys, which is another aspect that we're beginning to look at in terms of how do we expand with new technologies more broadly, beyond the sampling of particular organisms, but actually understanding how the full complexity of the ecosystem has reacted or changed is something that we're also looking to do.

And so these advances are ones that are part of these Regional Action Plans and Regional Implementation Plans and the integrated ecosystem assessments and bringing all of these together as we look at various aspects of the ecosystem, changes in them, and what trends they predict.

And so it's something that is part of the approach. But perhaps it needs to be made a little bit more explicit in some cases in terms of understanding those trends and the recovery from the impacts that happen through hurricanes or other impacts.

CHAIR HULL: Sam.

MR. RAUCH: Yeah, and I also wanted to add more precisely on the hurricanes this past year in Puerto Rico and the Virgin Islands, in the latest appropriations bill, Congress appropriated $200 million for the fishery disaster that, in part, there are many claimants on that, but a portion of that will go to Puerto Rico and the Virgin Islands for the fishery resource disaster.

Some of the things, we have to work with

the governments to figure out how to spend that. But baseline monitoring and habitat restoration are clearly things that that money could be used for if the government of the territories would like to do that.

So I do not at this moment know how much of that would go to the various Caribbean affected entities. But the kinds of things you're talking about are kinds of things we could spend that money on if the territory was so inclined.

CHAIR HULL: Chuck.

MR. TRACY: Thanks. I want to go back a little bit to what Chris and Doug were talking about in terms of the voluntary nature of this process.

And I guess sort of in the spirit of ecosystem management or ecosystem considerations, you know, there's an ecosystem of NMFS policy directives and council priorities and council resources and NMFS resources that -- and maybe I'm just kind of priming the pump a little bit for this afternoon's discussion about May.

But, you know, I think maybe it would be good for us to consider sort of, you know, a lot of those policies and priorities are related to ecosystem management, management strategy evaluations, stock assessment improvement plans, climate vulnerability, lots of those things. But at some point, they're all voluntary because the councils can't do everything all at once given our resources.

So I guess maybe I'm just putting this out there for, again, for discussion about maybe, if the CCC could start to consider sort of that ecosystem of policies and council resources and set some priorities that we could relate to the administration that might help us plan our priorities a little better and also might help NMFS and the administration plan their spending priorities as to if there is some funding available, some discretionary funding, perhaps, that could be allocated, I think it might be helpful if we, as the CCC, kind of came together, set our priorities on what we wanted to achieve and provide

that to the administration, to NMFS for them to sort of tailor their priorities and their spending and maybe their timelines on what's important for them, too.

So just something maybe for this afternoon's discussion planning for May.

CHAIR HULL: Okay. Thanks, Chuck. Anybody else? Okay. That will conclude this agenda item.

Let's take our morning break. If we come back at 11:00, does that give folks who need to check out adequate time? Yes? All right. Let's return at 11:00.

(Whereupon, the above-entitled matter went off the record at 10:33 a.m. and resumed at 11:03 a.m.)

CHAIR HULL: All right, if everybody will take their seats, we'll move on to the next agenda item. This is an update on the Breen Recreational Information Program, and Dr. Ned Cyr will take over.

DR. CYR: Thank you, Chairman. Good

morning, everyone. So we continued to make changes and improvements to MRIP, and I'll be briefing you today on changes that are taking place in 2018 as we implement the MRIP Fishing Effort Survey on the Atlantic and Gulf Coasts.

So, I think everyone is generally familiar with the way that we estimate total catch in MRIP. We have an effort survey, like the Fishing Effort Survey, that I'll be describing which estimates total number of trips, and then we combine that with a catch survey like our Access Point Angler Intercept Survey, or the APAIS, and that gives us the estimate number of fish caught per trip on the Atlantic and Gulf Coasts, and then that allows us to calculate a total recreational catch.

It's important to note that the total recreational catch is only one input to a stock assessment, and of course, it's more important for those stocks where recreational catch is the important component of the overall catch.

But some of the other inputs include the commercial catch, our Fisheries Independent

Surveys, and of course, as we were just talking about, ecosystem information where relevant, like habitat quality and quantity, and climate information.

So, the Fishing Effort Survey that I'll be talking about today was certified for use by MRIP in 2015 to estimate shore and private boat trips on the Atlantic and Gulf Coasts. It replaces our coastal household telephone survey which was a random digit dialing survey in coastal counties.

It's a dual-frame survey, so it uses postal service records and also state license and registration information, and it samples from the postal service record, but it over-samples those households that are licensed to fish recreationally, and it provides more accurate estimates of effort overall.

How do we know that? Well, we've had a lot of feedback, and this program has undergone a lot of peer review and testing. We improved the questionnaire, making it much more detailed in the

mail survey.

We know that we are reaching more anglers by using the license information and the postal service addresses instead of just randomly dialing coastal households. The surveys are getting into the right hands because we've reduced what's known as the gatekeeper effect.

With the random digit dialing, we would call the household, and whomever answered the phone would have to respond to the survey, and oftentimes, that wasn't the person who fished, and the person would say, I don't know, or they would provide information that wasn't as accurate as possible. So we've removed that gatekeeper effect, and we think that these surveys are getting into the hands of the anglers.

We get more complete answers because the respondents have more time to complete the survey than if they're just caught, you know, with the random phone call, and they can use calendar information, for example, or if they have a fishing diary to give a precise answer of the number of

trips they've taken.

And we have roughly three times the response rate that we had for the telephone survey, and that may be because first of all, there's been an increase in the number of cell phone-only households since around 2000, and we weren't able to sample those with the telephone survey.

And also, more people have call screening, so they see a number they don't recognize on the phone and they don't answer it. So we're seeing much better response rates now than we did with the telephone survey.

This methodology has been extensively tested and peer reviewed, and the National Academy's review back in 2017 recognized the FES as a major improvement over the telephone surveys.

So, implementing the new mail survey, we are in the process of implementing a three-year transition plan that was developed by the MRIP FES Transition Team, and that's a team that have representatives from NOAA, the Science Centers,

the Regional offices, the Headquarters offices, the States, the Councils, and the Commissions. A large, broadly-representative group.

We conducted side-by-side benchmarking of the mail survey and the telephone survey for three years, from 2015 through 2017. We developed a calibration model that was peer-reviewed last year to allow us to understand the differences between the telephone survey and the mail survey, and ultimately develop revised catch histories.

We're also adjusting our APAIS survey results and developing a calibration model for that. And we'll use the results of both of those now to re-estimate catch histories going back to 1981, and then once we do that, that information can be used moving forward in stock assessments and management decisions.

So, what did we learn from this benchmarking process over the last three years? Well, I think the one major takeaway was that the FES, the mail survey estimates, are higher than the telephone surveys, and it varies across the

states, the modes, the waves. Some are higher, some are lower.

But in general, the private boat fishing is a little over three times higher estimate of trips, and the short fishing is a little over six times higher on average. That does not necessarily mean that overfishing has been occurring.

We're not going to know that until we develop these revised catch histories, plug the numbers into stock assessments, and then see the results of the stock assessments. So at this point, we know that the Effort numbers are higher, but that's all that we know about it.

As I mentioned, we developed a calibration model to relate the mail survey and the telephone survey results, and this allows us to have a common currency. And what we want is ultimately to put everything into the currency of the new mail survey moving forward from 2018.

The model was developed by independent consults at Colorado State University that we've

been working with on various MRIP methodologies. It's been extensively peer-reviewed. As I said, it creates a common currency for the period of 1981 to 2017. It's not indicating a significant recent increase in error -- sorry, in effort.

In general, the telephone and mail differences are relatively constant from 1981 until about 2000, and then gradually increasing trend of divergence between the mail survey results and telephone survey results starting at around 2000. We believe that's because of the prevalence of cell phone-only households starting in around 2000 that causes that difference.

And for the intercept survey, a similar calibration modeling process is underway. The APAIS survey was updated in 2013, and we also need a way to bring the old APAIS estimates into the new APAIS currency. We're developing that calibration model and will similarly be applying that to the catch histories moving back to 1981.

And the magnitude of the adjustments for that survey are significantly lower than that

from for the Effort survey. So, the final re-estimation, we are targeting completion for July 1st of this year.

At that point, we'll have the re-estimated effort numbers, the re-estimated intercept numbers. We can re-estimate the total calibrated catch, and then at that point, and only at that point, can those numbers be used in stock assessments.

And of course, once we have the stock assessment results, those can be applied to stock status, ACLs, and allocation decisions as appropriate for the stocks.

So, for the ACLs, all the 2018 limits have been set using the telephone survey, so the old estimates, although only the mail survey is going to be conducted in 2018. The calibration model lets us back-calibrate to the telephone survey currency, so we should be able to finish this year, if we need to, in the same currency as we started the year in.

So for those stocks that began the year

in the telephone currency, they can end the year in the telephone currency, and then after that will be converted over into the mail currency.

So I think that's it. Just on the horizon, again, we plan to have the revised total catch estimates available as public use data sets starting on July 1st, and we're planning a roll-out by our comms team, and then either presentations to the individual councils or perhaps through a webinar for everyone, depending on -- we'd like to get some feedback on how you'd like to be informed of the results and the process. So that's in 2018.

In 2019, the calibrated statistics will be incorporated into additional stock assessments, and we may start to see some preliminary management changes based on those results. In 2020, we'll continue with the updated stock assessments, and at this point, we would expect that some management changes might begin to be implemented, for example, changes in allocation, if those are warranted at that point.

So, that's a very quick overview of where

we are. Happy to get your questions, happy to get your feedback, and thanks for your participation, thanks for your interest in this.

CHAIR HULL: All right, thank you, Dr. Cyr for the update. Council representatives? Gregg? And then Marcos.

MR. WAUGH: Thank you Ned for that presentation. Needless to say, we're all on pins and needles awaiting these products. I think from the South Atlantic, we'd definitely like for someone to come and give a presentation to us at a meeting.

But I did have two questions. On number eight, you say it does not necessarily mean overfishing is occurring. Messaging in this whole presentation is going to be extremely important, and I'd encourage you to work with the councils, particularly those that have a lot of recreational fishing, because the flip side of that is you're implying that it could mean overfishing is occurring, and people are going to be very skeptical of these numbers as they come out.

And I think it'd be very helpful, whatever materials you all are developing, that you're putting together, involve the councils in giving you some input on that. And the second, on slide number 13, who does the back-calibration for our 2018 ACLs, and what's the timing on that?

So, you're -- these new estimates become available July 1. So we've got fishing ongoing on our 2018 ACLs. Who does the back-calibration and what's the timing so that we know where we are with respect to our 2018 ACLs? Thank you.

DR. CYR: Yeah, thanks for the suggestion, Gregg, and the question. So the recalculated ACL would be done by the Science Center and Regional Office.

CHAIR HULL: Okay, I had Marcos next, and then Dean, then Leann.

MR. HANKE: Thank you. In the case of Puerto Rico, I have concern about the source of the mailing list, because we don't have a fishing license in place for recreational fishermen. As

a recommendation, I think it should be explored the general boat registration for DNR.

That's one major source, because you have people that don't fish necessarily, but that day somebody came from the states to visit, and they have a Sea Ray, and he wants to go fishing. And once you make the survey, it's going to show up the guy fished once or twice a year, right?

And also, to create a voluntary something that can provide address or telephone numbers or to people that are fishing, to address the people that are fishing from the shoreline, you know, which is the other problem.

Because we have people that go back and forth in the island on the fishery. They don't participate. They're recreationals. They don't participate all the time. And I think we have to open the source of where you send the mail to and address that. Thank you.

CHAIR HULL: Okay, Dean and then Leann.

MR. SENSUI: Thank you for the presentation. In Hawaii, we have kind of a unique

1 situation. Something like Puerto Rico, we did not
2 have -- we do not have a non-commercial recreational
3 fishing license.
4 There is a bill in our legislature this
5 year, and if it passes, if it passes, then our
6 Division of Aquatic Resources will be instructed
7 to establish a non-commercial fishing license, at
8 which point then you guys will then have a source
9 of data to draw on, or a mailing list.
10 That said, when these surveys are
11 conducted, where does the money come from? Is our
12 council going to be responsible for that and when
13 the data are collected and analyzed, do we get to
14 share in that as well?
15 DR. CYR: So, the Effort survey, the
16 mail survey, is centrally coordinated through a
17 contractor to Fisheries Headquarters, so we pay
18 for it. And my understanding is that we are
19 currently running the mail survey in Hawaii, and
20 I think that we're able to do that without the
21 license frame because of the relatively small
22 number of households there, although I'm not

exactly sure how the subsampling is done, is directed.

But it would be fantastic to have a license frame in Hawaii as well, because that would allow us to be much more efficient in terms of the effort for the mail survey.

And I'm sorry, the second part of your question was about sharing the information once it's produced? Yeah. Well, so we're happy to share the results of the Effort survey with the state or any other users who would like to see it.

CHAIR HULL: Leann?

MS. BOSARGE: Yeah, thank you. And I'm from the commercial side of the house, so, you know, when you talk about response rates increasing three times, in my world, most things are mandatory, so that's kind of a compliance rate with the data reporting.

So on the recreational side, it's voluntary. You said it increased by three times, but what is it now? What does that compliance look

like? What is that actual response rate?

DR. CYR: I'm sorry, I can't give you an absolute number. I can get back to you on that if you'd like. But I can't give you the absolute number of trips that we've estimated as a result of the mail survey change.

MS. BOSARGE: Yeah, that would be nice.

CHAIR HULL: Leann, could you pull the mic up a little closer? Thanks.

MS. BOSARGE: That would be nice, because it kind of speaks to what sort of uncertainty you have there, and, you know, what kind of blanks that you're having to fill in for those non-responses and how you're extrapolating that. So that would be very informative for us to know.

And it helps us, because we have a lot of state programs now, and it, you know, our anglers are comparing MRIP to the state programs, and if we know what the compliance and response rates are on the state programs, it gives us a better feel for where we're at on things.

CHAIR HULL: Mike?

MR. LUISI: Thank you. I wonder if it would be okay to go back to slide nine really quickly. I was a little confused about the last bullet there, not indicating a recent increase in effort. I wonder if you could just take a second and re-explain what that means?

DR. CYR: Yeah. I think there was some -- there was an expectation that the calibration model was going to show that there was a jump or divergence, a significant increase in the divergence between the telephone survey and the mail survey in recent years, but in fact, it was a much more gradual increase since 2000 rather than a significant increase in the last couple of years.

CHAIR HULL: Anybody else? I'll go Gregg and then Kitty, and then Doug.

MR. WAUGH: Thanks, Mr. Chairman. Again in terms of timing for those back-calibrations, if it's done by the region and the center, I guess we just work with them to figure

out what the timing is? There's no timing goal set yet? Okay. And then how do you all adjust for the bias from the non-respondents, when someone refuses to show the fish or how you adjust for that bias?

DR. CYR: So that's on the intercept survey side. I can't tell you statistically how they do it, but I know there's an adjustment factor for that. We can get back to you, Gregg, if you want to know exactly how that's done.

CHAIR HULL: Kitty?

MS. SIMONDS: Right. I wanted to first say that we have come a long way since 1979, the late '70s, if everybody remembers, the National Recreational Survey at the time, and we -- our council actually gave $80,000 to improve our estimates.

But some of the results were like, our fishermen were catching whales at the dock. There were just all sorts of weird things that actually came out of that, and I asked for our money back and of course, never got it. But so I want to say

that out in our region, you know, we developed our MRIP implementation plan which has been accepted by you all, and it was really your last slide which was, what do you need? And it's about money, of course.

So I hope that you're going to -- well, when do you plan to consider -- to begin considering allocations to the different regions that have completed their implementation plans? In a few months?

DR. CYR: Well, thanks for the question, Kitty. We're in the process of working with our partners to develop these regional implementation plans for MRIP around the country, okay? So the one for the Western Pacific wasn't unique. We're doing this everywhere, and we're reviewing these and then approving them as sort of official documents.

But then the hard work starts, because we have to have conversations about how we prioritize and then how we allocate resources towards what we're prioritized in the regions.

And all I can say is that those conversations are ongoing as we finalize the plans.

You know, we sort of recognize that MRIP is in a period of evolution where a lot of the work that we've been doing over the last, well, since the previous National Academies review back in 2007, has been research on how to improve the methods.

And now we're sort of moving from that research phase into the implementation phase, and I think as we continue to evolve and some of the funding that was directed towards the research is available, we're able to shift that more towards the operations. And so we'll be looking at those priorities all around the country and making those decisions. But I would say that's going to occur over the next year to 18 months, something in that time frame.

CHAIR HULL: All right. I had Doug first, and then I'll go to you, John.

MR. GREGORY: Thank you for providing all this. Now, the Fishing Effort Survey came

rapidly on the heels of APAIS, and as I guess you've heard, a number of us are a little nervous about the effect on public relations if nothing else.

But it's going to be a lot of work, because we're going to be -- foresee the need to speed up all of our assessments so that we know what the status of our stocks are. I don't think we'll know, because if it could be that the higher effort results on higher catches historically, which would imply possibly a higher population.

So, I mean, tremendous ramifications. So my question is, what's next? Is the dust going to settle, or are there new changes? Because if MRIP changes every two or three years, we're going to be in a constant state of chaos. And I understand that the importance of improving, but the chaos that ensues may not be worth the trouble.

DR. CYR: Yeah, I think that's a great question, and as I said, we've been working very hard over the last few years to try to develop improved methods to respond to the feedback that

we had from the first National Academy's review.

APAIS and the Efforts Survey are sort of the two biggest components of MRIP, and we need to get to a stable point with both of those surveys, and I think that with the calibration that's ongoing now, we will be able to sort of move past that benchmarking -- research/benchmarking calibration phase and have two stable surveys moving forward.

Then we've got these specialized surveys, okay? Right? And the Snapper Specialized Surveys in Alabama and Mississippi. We've got LA Creole. And as -- if and as these additional surveys come along, there will be a need for further calibration and benchmarking for those. I'm not sure exactly when the dust is going to settle on all of that.

I'd like to think there will be relatively few of those that are developed on a state-by-state basis. But there will have to be a period of calibration we'll be going through on the next few years, so, acknowledged.

CHAIR HULL: John.

MR. GREENE: Yes, sir, thank you. I see the beginning we talk about the shore angler and then we talk about the private boat angler. What about the charter boat angler? How is that addressed?

DR. CYR: So there is a separate survey, for-hire survey, that we conduct that is a telephone survey that is conducted for the charter boat captains about their catch, and we also intercept those vessels when they come in. So it's a similar methodology although it's more of a census than it is a probability sample, because we try to get a report from each of the captains.

MR. GREENE: So, will this recalibration also work for that as well? Would there be a recalibration of the for-hire numbers?

DR. CYR: No, this will apply just for the shore and the private angling mode.

MR. GREENE: But you're using a telephone for the charter for-hire, and we just discussed why that was not a good idea for this

program because of the person answering the phone. Can you elaborate on that, please?

DR. CYR: I think the difference there, again, is that that is a census survey in the sense that we know what that population of vessels is, right? We know how many -- it's unlike the population of private anglers. We know how many for-hire vessels are out there, because they're permitted.

And so we can reach out to each of them and we can get a report, and we understand the non-response characteristic, if there is any, of those reports. So it's a different type of survey that we're conducting for the charter and for the private anglers.

CHAIR HULL: Terry.

MR. STOCKWELL: Yeah, thank you, Mr. Chairman. I'm reflecting on your last slide where you say, what do you need, and I'm also reflecting on yesterday's presentation about the budget.

The New England and Mid-Atlantic councils through the NRCC process, in collaboration

with the Commission, have allocated all of next year for stock assessments as related to MRIP updates. It's going to be extremely resource-intensive, the reallocation issues. New England, we're on the tail end. But southeast and Mid-Atlantic are right, you know, they're right in prime time. We're going to need some help.

It's going to be contentious, and we won't be able to do -- you know, I'm concerned about our ability to do our normal business, so I'm hoping that, you know, we can continue to work through this budget and work through some collaborations with the Agency to continue to do our ongoing business, but more importantly, work with the, you know, with the new allocations, because it's going to be contentious, for sure.

CHAIR HULL: Yes, Chris?

MR. MOORE: Thank you, Mr. Chairman. Thank you, Ned. As you might expect, and to echo the comments that Doug and Gregg made, we're a little nervous in the Mid-Atlantic about the new estimates and what they mean for management and

science. We've tried to be proactive.

As Terry just said, we're working with the -- through the NRCC to schedule MRIP operational assessments in early 2019. We can have a benchmark assessment for summer flounder in late 2018 that will incorporate the new estimates. And it's good to hear you say July 1. So you guys are consistent. Every time I've asked and every time we've had a presentation, it's been July 1, which is good.

What exactly is going to be available on July 1, and who's it going to be available to? When we talk about catch estimates, are we talking about catch estimates going to the science centers for updates or benchmark assessments? Are we talking about a total roll-out of new estimates to the public?

DR. CYR: So, thanks, Chris. So right now, you can go to the -- anyone can go to the MRIP website, and you can get the catch estimates, time series of catch estimates. And that's what we're going to try to make available on July 1st, yeah,

for all the stocks. It's a revised time series, revised catch estimates at that point.

CHAIR HULL: Yeah, Chris. So is there going to be more than that? I mean, is there going to be -- I would think it would be more than that, right? So you're going to have these new estimates posted as of July 1.

You're also going to have some sort of communications roll-out with folks getting out to the field, getting out to the regions, and the councils and really working with stakeholders to tell them what these estimates actually could mean or do mean, because that's some of our angst, is that, you know, July 1, these numbers are plopped down on a table.

Next thing you know, at our August council meeting, people are flipping out about allocations relative to summer flounder, black sea bass, you know, all of that. So the more that you can help us with that, July 1 and after, it's going to be important for us. Thank you.

DR. CYR: I really appreciate that.

And I think I mentioned that we plan a communications roll-out, okay, around that time, and we are happy to come and speak to the council, to any group that you would like, okay, to help you message this as necessary.

And as I said, maybe it's effective to do it as a group, but we're happy to sort of work with you to tailor a message to your fisheries if you'd like. So please let us know what you need and we'll work with you on that. We understand it's a big change.

CHAIR HULL: Leann?

MS. BOSARGE: Well, so two different kind of comments. The first would be yeah, we will definitely need you to come to the meeting and give us a presentation, because they're going to ask us questions just like what I asked you.

They're going to want the actual numbers and the specifics, and you know, I can't answer those questions. So we need you to be there for that.

But even over and above that, I mean,

I honestly would suggest that you do this very similar to what we do at the council, similar to what we saw for that oil leasing where you actually go out to the stakeholders and have little public meetings and let them have that time one-on-one with you to ask their questions, because I don't know that we can make enough time for you on our agenda to answer all their questions.

I mean, there's going to be a lot. I would, you know, if that's feasible for you at all, that would really be an amazing thing. Our private anglers are very well versed in this, and they're going to have some pretty technical questions.

So, the other question that I had was as you are calibrating that back into time, is that a constant -- you said there's a difference, right? Between the old survey and the new survey. Is that gap between the two constant back in time, or are you factoring in for changes in technology, which should have changed some of your effort parameters as the technology became more readily available?

You know, your boats went from one engine to two to three to now four, you know? Your GPS technology is right there on your telephone. I mean, it's -- you have the artificial reefs which are well established in the Gulf of Mexico.

You know exactly where to go. That happened more recently than 1981. It's been progressing over those years. Did you factor in for any of that in the effort as you recalibrated these backwards into time?

DR. CYR: Yeah. So my understanding is that the calibration model indicates that the difference between the two surveys was relatively constant, two methods was relatively constant from 2000 back to 1981.

And then after that point is when the mail survey would have shown -- beginning to show higher effort, increasingly higher effort than the telephone survey. In terms of the technology, I don't think that this methodology accounts for changes in technology. I'll have to go back and look at the review report on that.

I think a lot of changes in technology, for example, GPS would probably show up in the intercept survey in terms of higher catches if it's, you know, higher numbers of catch per trip that's being taken. But we can get back to you on specifically whether or not that was factored in to the calibration for the effort survey.

CHAIR HULL: Okay. Any other questions or comments for Dr. Cyr? All right. Clearly everybody will be looking forward to the July 1st information and the communications that go with that. So thank you, Dr. Cyr. If there's nothing else for us under the MRIP agenda item, we'll take our break for lunch. Let's return at 1:15.

(Whereupon, the above-entitled matter went off the record at 11:38 a.m. and resumed at 1:15 p.m.)

CHAIR HULL: All right, why don't we go ahead and get started. Our next agenda item is Best Scientific Information Assessment guidance update. Here to present is Stephanie Hunt from

Sustainable Fisheries here in Washington, and I know that online is Patrick Lynch and Richard Methot. Have I got that correct?

MS. HUNT: I think you do.

CHAIR HULL: All right. You have the floor, Stephanie.

MS. HUNT: Thank you. So, good afternoon. My name is Stephanie Hunt. I'm a Branch Chief in the Office of Sustainable Fisheries, and I've worked with Rick and Patrick and others on this document, and somehow my name's not up here, but I'm up here presenting similar to Sam.

I don't know how I got stuck with that. But in reality, we want to make sure we had somebody here in the room talking in case of technical difficulties. So Rick and Patrick are on the phone, and we have some experts in the back that can help with Q&A, and I'll try to facilitate the discussion.

I'm talking about the Best Scientific Information Available guidance document, which is

otherwise known as BSIA. So today, I'll give you a little bit of background to make sure everybody has kind of the same level set information. I'll talk about the council input we've received so far on the previous draft of the document.

I'll give you a status update and go through sort of the content of the current version of the BSIA document. And I'll give you a sense of the next steps and where we're going.

So this graphic gives you a quick snapshot of how we get to the ultimate determination of Best Scientific Information Available. The ultimate determination is made by NOAA Fisheries when we approve a fishery management action.

We are certifying that it's consistent with all of the national standards including NS2 and thus is based on Best Scientific Information Available. But there is a lot of determinations and decisions based on scientific information throughout this stair-step process, and councils and SSCs and other partners are interested in how to know that we're on the right track with science

and whether it's BSIA.

So this framework we put together to try to outline how we're making those decisions throughout this process. Who's making them, when they're making them, and how they're documented. And the goal is to have management advice and recommendations that are going through the process that's based on a common understanding of BSIA.

So, those of you who haven't been actively involved in putting this document together may wonder why we need it in the first place. After all, we do have NS2 guidelines already that describe what BSIA is and the peer review process. But they don't describe how we get to the determinations and who's making them and when.

So that's what this document is about. We've had a few instances of councils and SSCs and the Agency having divergent views on what is BSIA, and so -- and also who makes those decisions. So these situations have highlighted the need to be more transparent and clear in how and when the decisions are decided, the SSC's role in the

process, and how the decisions are documented. So, this document that you have is attempting to clarify those issues.

So, we've been at this for a while. We presented this general concept to you last year at this time at the CCC meeting. We had a draft two-page document that gave a high-level summary of the framework at the May meeting, and since then, Patrick and Rick and others have gone to various council meetings and presented the information in more detail.

We have gotten a lot of really good and helpful verbal and written feedback from the councils, and we've tried to incorporate -- address those comments and that feedback in this version.

So this slide just gives you a summary of some of the comments that we've received from Councils. There were questions about how disagreements are handled when NMFS and the SSCs disagree. There are questions about what happens -- about the timing of decisions and concerns with

timely decision making, and who makes the decisions.

We had a lot of feedback on the flow chart that we had in the previous draft of the document, which attempted to give kind of a national snapshot graphic of the framework, given all the regional differences and how this happens differently in all the regions. Nobody really was too keen on that flow chart, so that is no longer with us.

There were questions about how we deal with international stocks and how we deal with assessments that don't come from the Agency. There were questions about how stakeholder data and feedback is incorporated into the process.

And building on the comment about the framework, about the flowchart and how that was rather unpopular, there were comments about the need for flexibility in this framework because of the regional differences.

And then we also had questions about what happens when there's not a stock assessment.

We make a lot of management decisions and recommendations without a stock assessment, so we needed a way to deal with that. So the new draft of the paper is short. You should read it. It adds some background and context.

It provides some citations in the Magnuson Act and our guidelines that describe the Agency and the SSC roles. Given the many comments we received about the regional differences, we recommend in this paper that each region center and council group actually document how this framework that we lay out in the larger document, how that works in your region.

And then we describe in more detail kind of how the process works with the ultimate goal of creating more clarity and transparency. So, at its core, you all know the basic process. There is a draft stock assessment, which is peer reviewed.

The assessment is oftentimes revised based on peer review input. Then it goes to the SSC. After the SSC considers it, they make harvest

recommendations, and the Agency makes status determinations. So, these two decision points at this time we are asserting BSIA. The SSC is asserting that their recommendation meets the standards in National Standard 2, and when we make our stock status determinations, we're asserting that those decisions are based on Best Scientific Information Available.

We do note in this paper that if at all possible, and in most circumstances, the Agency will wait until after the SSC has deliberated before making a stock status determination. Generally, that's what we do now, but we wanted to make a point that we should have the benefit of those SSC deliberations before making our decisions on stock status.

At this point, after the SSC has made harvest recommendations and the Agency has made status determinations, oftentimes some centers write a BSIA memo, but that doesn't happen consistently around the country. We did note that in the document though.

And of course, after the SSC makes its recommendations, the council acts and develops harvest specs, and these come to NOAA fisheries for approval. And when the Agency approves those actions, we are making the final BSIA determination.

So, that's kind of a quick overview of what is in the draft. And I'll give you a few highlights in terms of some of the changes that we made from the last draft. So, one of the things we tried to do, and I mentioned this before is, based on the input we received, we try to emphasize the SSC role in this process a bit more.

We did this by, one, clarifying that except in rare circumstances, the Agency will wait until after the SSC has deliberated before making a stock status determination.

The other thing we note in the document is that if at all possible, or, we recommend that a representative from NOAA fisheries participate in or be available for SSC deliberations to respond SSC questions or raise any concerns that the Agency

may have with a goal of preventing any surprises in the -- at the end.

So, good communication is especially important when there's ambiguity in the stock assessment. Most of the time, this happens on a normal process, and there's not a lot of questions.

But if there's ambiguity in the stock assessment, this is when communication is especially important. And we note that in such cases, when the Agency is making a stock status determination, we'll consult with SSC and consider any of their input before finalizing those stock status determinations.

And then of course in the case where a stock is determined to be experiencing overfishing, overfished, or approaching an overfished condition, we will notify the council, and we will provide rationale for those decisions. If there - again, if there's ambiguity or disagreements, then we'll make sure to -- then I think that rationale is even more important, and

we note that in the document.

So the last point here, which is the second bullet, but didn't flow well for me, is that in this document, we treat BSIA decision-making as a process and not a kind of final end product. There are a lot of differences in how regions do this.

There is a little bit of lack of clarity between the Agency and SSC roles, and so given this, establishing a really consistent and sequential BSIA process in a national-level document was very challenging.

So, this document attempts to aid in that by clarifying expectations and aiding in coordination and communication.

Another thing that I wanted to highlight that the document does is that it notes that the peer review should explicitly and separately consider the scientific basis for these four aspects of fishery management.

So, they should consider separately and explicitly the scientific basis for overfishing

based on the SDC in your FMP. It should consider explicitly the overfished -- the scientific information for overfished. It should consider the scientific information for the harvest control rules, and then the peer review should look at any proposed changes to the SDCs or management actions.

And the reason this is important for the BSIA process is that currently, sometimes peer reviews sort of lump some of these actions and these decisions together, and it makes it a little bit more ambiguous.

And we've had cases where when these scientific issues are lumped together, it creates more chances of the SSC and the Agency having different interpretations of the same information, which has happened on occasion and which is part of the reason we are doing this document.

So this is something I wanted to highlight that we're going to be trying to pay more close attention to making the peer review documents explicitly and separately consider all these factors.

So, those are the major highlights that I wanted to mention. As I said, it's a short document, so you should read it. We have a lot of time in this session for questions and discussion, and as I said, Patrick and Rick are on the phone. Deb Lambert is in the back of the room. And Cisco is here, obviously, and so am I.

Some of the questions we had for you is this paper was developed due to some concerns that were raised by specific councils, so I think first of all the question is, does this paper address those concerns? And the second question is, does the paper address the stated purpose, which is to provide clarity and transparency in the BSIA process.

The third question is basically recognizing all the regional differences that we heard from you about and that we are aware of. Do we need more detail in this document, or, could that detail be better captured in these regional implementation documents that are meant to describe how each region, center, and council group are going

to apply this framework?

So those are the key questions that we have for you. While you're thinking about those questions, I can give you a sense of the next steps. So, we'll take your feedback today, and we would love any additional feedback you have. If you can provide that in advance of the next -- of the May CCC meeting, that would be ideal.

But if not, by July would be fine. The goal is to address that additional feedback and finalize the document in the fall. And here are your points of contact to get that feedback to. You can contact any of these folks, all of them, or you can just use Rick as a liaison.

You can also feel free to contact me, StephanieHunt@NOAA.gov. I'm happy to answer any questions, or talk about this. And that's all I have. I will go backwards to the discussion questions and leave those on the board, and I'm happy to help facilitate any questions you have of the experts in the room or on the phone.

CHAIR HULL: Very good, Stephanie,

thanks very much. So, beginning with, at any point, Mike.

MR. LUISI: Thank you. And thanks for your presentation, Stephanie. I think the process that you laid out -- I don't remember exactly what slide it was regarding the BSIA process looked very straightforward and kind of we're familiar with the process as it currently stands.

I'm interested in whether or not you have plans to address I think it was a question or a concern that was raised about stocks that don't begin with a draft assessment. When we make management decisions on stocks we don't have an assessment for. Is that something that you would plan to have further discussions on?

Is that going to be part of what this document contains? Because I didn't see any followup from that concern that was raised. Thanks.

MS. HUNT: Yeah, I can try to chime in, and then hopefully Rick or Patrick can follow on. So we definitely recognize that the document is

more heavily focused on management actions that are driven by stock assessments. We do note that in cases where, for example, you're making a decision about an OFL that was developed through a previous stock assessment that was considered BSIA, then nothing needs to occur.

We would still consider that BSIA. But do you have a specific example, or Rick, do you have any additional information or feedback you want to provide to Mike?

MR. METHOT: Yeah, thank you Stephanie. This is Rick Methot. And thanks again for the presentation that you gave for us, Stephanie. I think the question really gets to what are we doing in these data-limited situations where we, you know, are looking at some information that is not much more than past catches and we're trying to use that to come up with advice on where to go from here.

The document does not explicitly get into the data-limited situations. I think it's something that we could attempt to try to go a bit

further in that direction, but we are only looking to cover management actions that are based upon basically the harvest specification and the status determinations.

We aren't looking at other FMP kind of actions here. We're really trying to keep the scope narrow on the harvest spec.

CHAIR HULL: Okay. Other questions? And feedback, too. Doug?

MR. GREGORY: Thank you. Thank you for the presentation. In one sense, I have a difficult time knowing where to start with this. It seems like a lot of the historical way the SSC operates is being usurped by NMFS in that the SSC has invariably in the Gulf identified the stock assessment as the Best Available Scientific Information.

They have recommended stock status determination criteria, and they have rejected stock assessments and said, this is not acceptable, and they've asked for other scenarios. And it seems like the SSC is being relegated to a lesser

role in this.

And so I'm hoping we can take this to our SSC at our May meeting and get some more direct feedback from them and also the council and get some information, you know, more comments for you all to consider.

But so if NMFS does the stock assessment, and then NMFS accepts it and determines the stock status determination, does it have to be different divisions of NMFS, or one done by the center and the other is done by the regional office in order to not violate the NS2 principles that whoever does the assessment can't review and approve the assessment?

I mean, I think there's some more work to be done here, but the important thing is that you all are trying to clarify the role of the SSC as strictly advisory in almost all aspects, and I'd be curious to see what some of our members think about that.

MR. METHOT: This is Rick. Another important aspect of that, and that is a question

that we really are trying to address here and trying to acknowledge the strong goal of the SSC's end process.

And the role of the SSC is embedded in the, in your case, the SEDAR process where we try to do the heavy lift of the technical review of the assessment involved in the SSC, and having a process that meets, you know, what the council expects as well as what the Agency expects as a good, technical review of the assessment and then have the SSC that is involved with that process be able to use it and to give, you know, their value-added consideration to it.

We are trying to acknowledge the strong role of the SSC in the process, but we also are recognizing that the Agency has the role of, you know, making the status determinations. We're trying to clarify this dual process of making the status determination and making the harvest specifications and doing it all as harmoniously as we possibly can.

CHAIR HULL: Yeah, Doug?

MR. GREGORY: Yeah, the other thing I'm not quite as sure about is I think the current SEDAR process, the peer review you referred to in this document, is the same as our SEDAR review workshop, and I thought SEDAR had evolved to not have the review workshop identify status determination or to implement control rules and left that up to the SSC.

So, that appears to be another change in the process that's being positioned here.

MR. METHOT: No. This is Rick. We are not seeking to change that process at all. We expect the peer review to work only to determine whether or not we have an adequate scientific basis to apply the control rules.

Not to make the status determination, but only to verify that the sufficient scientific information is done as correctly as it can be so that when the status determination steps occur, when the control rule steps occur, they will have a good technical basis. The technical review is only on the technical basis for it and not on the

determination itself.

CHAIR HULL: And Cisco wants to weigh in, too.

DR. WERNER: Yeah, thank you, Mr. Chair. Just a couple of points on whether there's a perception of the SSC being advisory, and there are several places where the SSC or SSC members are actually part of this.

For example, in the peer review, many times an SSC member or more than one SSC member is on the peer review, maybe even chairing the peer review.

In the previous document, we said that there was this question about making sure that when that different hat was worn by the SSC member to kind of keep those separate, but that there was a continuity between the input indirectly I guess or with a different hat the SSC was providing to the peer review was then followed up during the SSC consideration and then going on to the actual harvest recommendations and so on that might emerge from the Council.

So it seems like the role of the SSC, as Stephanie and Rick have pointed out, appears in various places, and in some sense, it does seem to shore up, you know, that recognition of the importance of the SSC in various steps. So, I'm not sure if, you know, it might be perceived as advisory.

On the other hand, I think it's actually quite consistent throughout the process. And I'm not sure if Rick or Stephanie, you want to comment on that, but whether that came through in the document, or whether that perhaps needs to be re-emphasized.

MS. HUNT: Well, we did try to clarify that the SSC has a clear role in providing harvest recommendations, and they have an important role in clarifying that those are based on BSIA. That's in the National Standard 2 guidelines.

But the Magnuson Act gives the Agency, the secretary, the authority to make status determinations, and that has been delegated down to the AA. It hasn't been delegated even to the

regions. So that happens at the Agency level, and it happens at the AA level. But I mean, trying to parse out the SSC and Agency roles in this was definitely the hardest part.

As somebody said, you know, it looks pretty straightforward, but it's not. And we did try really hard to emphasize the SSC role, but if you have additional input on how we could do that better, we are definitely open to it.

CHAIR HULL: Okay. Tom?

MR. NIES: Thank you, Mr. Chairman. Thanks for an interesting presentation, Stephanie. In my opinion, this document is a step in the right direction, but I still have some questions.

I thank Rick for his clarification, I think, on paragraph two, if you go a little bit back to slide nine. Paragraph two in the document where it talks about the peer review evaluates the entirety of the assessment and considers whether it provides a good scientific basis for four subsequent management actions.

I was confused by that section, and I

think Rick's explanation helped me understand it. But I guess I struggle a little bit to know how the peer review can know whether the assessment provides the right information for modifying harvest control rules or other management actions.

Certainly they can provide what -- can say whether the assessment provides biological information for that, but those are the types of decisions that incorporate a whole lot of information.

In addition, at least in our region, quite often the peer review panel is coming from the Center for Independent Experts, and frankly, quite often, there's only one person on the peer review panel who has the remotest idea of how the Magnuson Act works, because we get a lot of international experts.

So I'm a little concerned about that being put on the peer review. One of the other things that I think this document is still a little weak on is that presumably, the Agency is bound

by National Standard 2 when it makes these determinations that disagree with the SSC, and you know, National Standard 2 has all this guidance on openness and transparency and all this other stuff, and the document is really silent on what the internal process is that the Agency uses for making these determinations.

Are they made at the science center? Are they made by the science center and the regional office? Are they made by NOAA headquarters? I mean, I think we've got examples from our region, and again I think, because it's not really transparent, where a determination made by the regional office was changed by NOAA headquarters.

And so you know, we don't really know how that happens. And this document doesn't explain how that happens. MS. HUNT: So I don't know if, Rick, you want to -- well, I don't know. I mean, as I mentioned, the AA makes the decision so we didn't try to document our internal process of how that -- I don't know. We'll

have to think about that a little bit more. I don't know if, Rick, you have anything to add on that or the first question.

DR. METHOT: Yeah. I can add a little bit on the second question here first. This is one of the areas where we recognize that trying to nip it in the bud early the potential misinterpretations or diverging interpretation you need to get it early and that's why we recognize that the SSC knows that they can ask the agency if things are getting divergent. Or if the agency thinks that things are getting divergent, we will go to the SSC.

We want to try to get that communication early on so we can sort it out and make it more transparent on how we can come to a common understanding of the uncertainty that we always face.

We always are faced with uncertainty. We are never going to have really clear cut answers. I think that is the step that we have inserted in order to help.

Tom, on your other question, the makeup of peer review panel really can change depending on the product that is being analyzed. We should always constitute the panel with the right range of experts.

Yeah, we rely upon the CIE to provide fully external experts, but as we work more towards having operational assessments, you've done a great job in your region of putting together an operational assessment process where you quickly update a large number of the assessment.

It's sort of a different composition for that. Largely QA/QC check of a standard product is different than getting really external experts to come in and look at the new methodology and help us to develop that new methodology for future assessment as well as we can.

The products have changed. If the product is something like the proposed revision to the Harvest Control Rule, then that could well be a request that comes from the council to the agency to do some work along those lines. We would

come in with a little bit of a different product.

We wouldn't simply embed it into a Harvest Control Rule. I think the recent work in the northeast to do the MSE for herring is actually a great example of that where it was a little bit of a different sort of product.

I think we need to work together on how we come up with the right review of a product like that that is intended to help us make revisions to make our Harvest Control Rules more comprehensive in the tradeoffs that they take into account.

As we do that, the products get a little more complicated. We'll need a different sort of review and transparency to get them moved through the process. So we are prepared to work on that so we recognize that's a little bit of a different product. It still needs to have a good scientific basis for it.

MS. HUNT: I just remembered the document that we worked on for the last many, many

years. I don't know if you've seen this procedural directive that we do highlight in this document in footnote 13.

It does describe in excruciating detail the step-by-step process that we go through internally to prepare the status determination memos. That might be helpful in clarifying that process.

CHAIR HULL: Stephanie, is footnote 13 in the white paper that we received or is that in --

MS. HUNT: Correct. Yeah, it's called Procedures to Determine Stock Status and Adequate Progress.

CHAIR HULL: Tom.

MR. NIES: So that document, my recollection is it goes through excruciating detail on who does what. Right? But what it doesn't do is it doesn't -- I don't think -- at least, I don't think it does, and we haven't gotten anything, it doesn't explain how a different scientific determination is reached.

In the process that's outlined here, for example, we have an assessment that goes to the SSC or somebody from the science center at the meeting to explain the agency's concerns. SSC makes a decision it goes off. Let's assume that the agency reaches a different decision. There's nothing that explains how does the agency get to that different decision.

Are we to assume that everyone of the agency's concerns are going to be laid out by that person at the SSC meeting so that they are debated in public and evaluated in the scientific venue? Or does the agency come back and look at what the SSC says and internally say, "We don't agree with this stuff."

The thing says consult with the SSC but I struggle a little bit to know what that means given the timing of a lot of these things. There's councils that have an SSC meeting in December and are submitting things right away. It's not clear to me exactly how that step works, the scientific determination works.

Who is bringing the information in? How do we know that they are considering other information brought in? Does anybody from the SSC get called up and say, "Explain to me why the SSC thought this way," and argue your case for us. That might be an extreme but that's the type of detail that's not in there.

CHAIR HULL: Okay. I have Chuck next. I don't know, Dr. Balsiger, if I missed you earlier. Then we'll go to the other side.

MR. TRACY: Thank you. Thanks for that question, Tom. That was something I was wanting to get out a little bit, too. It's focusing a little bit on the role of the NMFS, NOAA Fisheries representative at the SSC deliberations; who is that person and who do they represent. And is there an evaluation or report back from them? Presumably the council would get to consider when they hear the SSC recommendations.

I guess I'll move on to maybe a slightly different question, and that is a little bit on timing. You know, the time it takes to make the

final determination of BSIA. We've experienced it a few times recently in terms of determining what stocks are rebuilt, for example, so we can send out a press release and tell everybody the good news.

But it takes awhile. It takes a week or so even though people are working as hard as they can on it. Often the council has to act on that information at the council meeting.

The people who are doing the subsequent analysis using that information, often it's tough to wait a week or two before they can start doing their job or have to change the analysis based on the result that the council hasn't had a chance to consider.

I guess the timing is of concern to me in that these determinations are made after the council has finished it's business and given its direction and established its alternatives that are going out for public review perhaps.

Then I guess maybe one other related aspect is the National Marine Fisheries Service

representative on the council votes to approve what the SSC is recommending. How is their role dealt with?

I mean, are they going to have to recuse themselves now to preserve the flexibility of the AA from here out? I mean, how do we handle that as well? Mostly the timing situation.

MS. HUNT: On the timing one thing, the procedural directive that I mentioned to Tom, the purpose of that was to lay it out so that we can speed it up. Everybody understands roles and responsibilities. I know your council situation is different than a lot, but the last couple of status determinations we've made we have been able to turn it around quickly.

It was all about setting expectations and people understanding the timing and their roles so I think we can turn them around quickly. We have, but I agree that's a challenge. I think that procedural directive is helping us. That's what it was designed to do.

On the second question I would love for

Rick or Cisco or somebody else to weigh in.

DR. METHOT: I can but, Cisco, do you have any words first?

MS. HUNT: Sorry. What did you say, Rick?

DR. METHOT: Cisco first and then I can go or --

MR. WERNER: Thanks, Mr. Chairman. The way I would have interpreted it, Chuck, is that the vote, I guess, or the consent or the assent to what comes out of the council meeting following the steps here would be more along the lines of a recommendation from the council.

It isn't meant -- according to my understanding of how we have outlined the determination of BSIA, it still allows for that one final step for review and determination within the agency of the BSIA.

I don't necessarily see it inconsistent of having somebody sitting on the council and voting on, I'll just use the word, recommendation to them before it becomes final. Was that your question,

Chuck?

MR. TRACY: Yeah, I guess generally. You know, I guess it follows on from there after the council accepts the SSC recommendation, then they move to adopt OFLs and ABCs for the purposes of setting their management measures and their specifications.

I don't know. It just seems odd. I mean, there have been instances where the National Marine Fisheries Service representative has recused themselves in order to preserve the discretion of the secretary. It seems like this is kind of one of those that we're hearing.

I guess I'm hearing that is sort of what's being contemplated here. I guess I'm just wondering, you know, how that works. I'm wondering how the council continues to conduct its business after that recommendation is accepted without the official approval of BSIA for the rest of that meeting or until the next council meeting. That's a long time to wait in order to act on stuff.

DR. METHOT: Chuck, this is Rick.

Nothing has really changed in that regard. We're looking really to clarify that's how things happen today. 95 percent of the time plus, things go smoothly and there's no questions to ask.

We breeze through that process and the council makes their recommendations and we just sign off on it at the end because no one has any sense that things did not go through the process appropriately. We are simply identifying that there is a safeguard here.

If something goes wrong along the process, there is an opportunity for us to take an action at the end that would attempt to provide a correction. That's rare. It's rare today.

We hope it will get increasingly rare. The process itself that normally is followed doesn't need to change because of these guidelines. We are really trying to write down what it is that we're doing today.

CHAIR HULL: Okay. I have Dean and then Greg.

MR. SENSUI: Thank you, Mr. Chairman.

I've got a question regarding how a BSIA determination and existing ACLs might sync up or fail to synchronize. Let's say, for example, we have an ACL that's already in place.

Then the SSC comes up with a peer review determination as to stock status or whatever. If there's three years remaining on the current ACL, would the council have to reconsider an entirely new ACL prior to the expiration of the remaining three years, or would the current ACL remain in place until its expiration before a new ACL were to be developed by the council?

DR. METHOT: This is Rick. I would say that, you know, it would depend upon the FMP as exactly how your control rule and your ACL rule was written. It would seem quite possible if we have new information coming into play that this new status determination would provide an opportunity to enter into a process to revise the ACL. But it really, I think, would depend on exactly how your control rule was written.

CHAIR HULL: Sam.

MR. RAUCH: Yeah. I think in that circumstance it would somewhat depend on what the new finding was. If the new finding is that you are now subject to overfishing, then the Magnuson Act requirements to address overfishing in a certain time frame will kick in regardless of what your other -- regardless of when you otherwise would have planned to revisit it.

If it's not subject to overfishing, if you're not changing that status but you're just adjusting other things that don't rise to the level of overfishing or overfished, then there's many reasons why you might just wait until the normal council process comes around to address it.

But if it is the stock was not subject to overfishing and now it is, the statutory requirements to address that within a certain timeframe will kick in regardless of what other plans would have been.

CHAIR HULL: Okay. Greg?

MR. WAUGH: Thank you, Mr. Chairman. Thanks, Stephanie, for the

presentation. The overall process is consistent with our process in the South Atlantic now. We're glad to see that there will be a rep at the SSC meetings. I think that will be a big help. We will follow up with our comments after our council meeting next week.

I did want to pass along some comments relating to feedback to the council. If the agency makes a status determination that is contrary to the assessment results and SSC recommendation, it would be helpful if there was some follow-up in the next SSC meeting so there could be an exchange of information.

In terms of council notification of BSIA, it says, the center may notify the council. We would suggest that it says, will notify the council of BSIA determination. We have to know those determinations as we move forward.

Then timing was raised before. I think what it says now is as soon as possible. We would suggest specific timing. Something like 30 days after the completion of the SSC report or something

like that so there is a specific date that we know that determination will be made by.

Then, finally, the council should be notified of the status regardless of determination, not just if it's overfished or overfishing. Those trigger clocks. But we also may need to take action to address an SSC/ABC recommendation when the status is not overfished or overfishing so we still need that determination.

But overall this tracks our practices very well and we appreciate all the changes.

CHAIR HULL: Chris.

MR. OLIVER: General comment sort of in response to Tom and Chuck's questions. I agree that process isn't exactly crystal clear in this, perhaps. I don't know whether every SSC has NOAA representation on it or whether it's the right expertise if they do.

I can say that in my experience that you have a recommendation coming from an SSC which typically includes federal representation. It then goes through the council and is approved by

the council, which also includes a regional administrator. I would expect it to be an extremely rare event speaking for myself as AA where I would second guess the opinion of the SSC.

CHAIR HULL: Thanks, Greg and Chris, for those comments.

Phil.

MR. ANDERSON: Thanks very much, Mr. Chair. I appreciate those remarks, Chris. It's not surprising it's similar to what Rick had to say about the rarity of a finding that we're not using the best scientific information available.

I will say up front that I'm extremely frustrated with this process. It is one that is going to create uncertainty in my mind as we take action based on the information and recommendations we get from the SSC.

We don't have the luxury of waiting for weeks or months or until the next council meeting to take those follow-up actions so we're going to be -- we're going to be betting, hoping, praying that we don't get a finding that we are not using

the best scientific information available when you folks complete that process.

I don't agree with Rick's characterization that this is -- we've always done it this way. This is just we're formally putting in words what we already do. This doesn't feel like that to me.

I think it's putting the councils in a difficult position of having to make decisions betting that we're going to get a favorable decision by NOAA in your review which, as you say, 99 times out of 100, or maybe 999 out of 1,000 times it's going to be, you know, agreed that we're using the best scientific information available.

I would ask a question about salmon. We have somewhere on the order of 78 preseason forecasts for salmon stocks that feed into the council process, none of which, to my knowledge, are done by NOAA. They are all done -- they are either done by the states or one or more of our 24 treaty Indian tribes in Washington. Several of them are in Oregon and one of them in Idaho.

They come in several weeks before our March council meeting where we structure options to send out for public review and we may file decisions on management measures for the following -- for the upcoming year in April.

Now, many of those stocks are covered by the Regional Fishery Management Organization, the RFMO, because their stocks are engaged in the Pacific Salmon Treaty, or they're listed under the Endangered Species Act. But there are some of them that are not.

While I believe the methodology for making those forecasts has been reviewed, there are some year to year changes in the methodology in terms of trying to determine, for example, ocean productivity parameters.

So can you offer me some comfort in how we go about proceeding with our preseason process for establishing our salmon seasons within about a seven to eight-week time frame from the time we get the preseason forecast from an outside entity to the time we make decisions about regulations

and forward those to you for approval?

CHAIR HULL: Chris.

MR. OLIVER: Well, I guess I don't have previous experience particularly with reviewing this, particularly the context of West Coast salmon. It's difficult for me to answer. Maybe I can ask a question to help clarify, Phil. How has the process worked in preceding years? Have you had problems?

MR. ANDERSON: No, we have not had problems, nor have we -- maybe we had it hanging over our head and I didn't realize there was the potential that NOAA could determine at some later date that our preseason forecast for one or more of our salmon stocks was not the best scientific information available and shouldn't have been used. So maybe it is the same. It's just that I wasn't aware that I had this guillotine hanging over the top of my head.

MR. OLIVER: Maybe I would throw that question to Dr. Methot and ask him whether or not he feels that this is a change from previous

practice, or perhaps, not to put words in Phil's mouth, but whether or not this is necessary.

I don't know if Phil was suggesting a different approach or that this approach was not needed. There's a bunch of questions in there, maybe one to you and one to Rick, which is how is this different than prior practice when this wasn't written down in a document?

DR. METHOT: I don't think that this changes the salmon process. We recognize that there are both regional differences and within regions there are FMP differences. We have this process that we've laid out here.

It's sort of our goal to strive for it and get as close as we can to it. There are timing issues on salmon. The fact that the product is coming in mostly from non-NOAAempow entities using a variety of data sources.

That is the reality that we live with and there's different variations on that reality all over. I'm treating this process as a direction we are trying to move into to clarify.

Even on that salmon process, even the SSC rule, even the degree to which the SSC has had opportunities to review the salmon preseason process, there was a wait on that coming as well.

There was a well-established process and as the SSCs have gotten more engaged overall in really looking closely at the science that gets used. And we've gotten more engaged in trying to help provide science products to help that whole thing.

I don't see that changing. I don't see anything that needs to be different. We do recognize that we are always looking for situations that are encountering difficulty and we are prepared to say, "Hey, we need to make some changes."

We're not looking to bring any new science to the table after the fact. We are simply looking to have a well-documented process. I think the degree to which the SSC documents their decision process and how they come to their conclusion is a big part of it.

If that is well done and if the assessments are done in a way to more clearly lay out a process to blend across the uncertain science and formulate an answer, then I think we can all be comfortable that in the end we've done the best we could. We're not looking to second-guess that. I don't see that the salmon process needs anything new because of it.

MR. ANDERSON: That makes me really happy.

MR. OLIVER: I would note it's a white paper, it's not a regulation. It's not even a policy directive. I would just reiterate what I said earlier that speaking for myself as long as I'm here it will be a very, very rare day you would find me second-guessing the kind of information we're talking about.

CHAIR HULL: Maybe one of the things the councils are looking for, and I hesitate a little bit in weighing in on this because it's not my area of expertise at all, but is there some signal that things wouldn't be approved along the way so

councils can prepare for that. Otherwise, there's a tension between the presumption in the guidance document that as long as the process is followed, everything will be fine as it has been in the past versus council concern that it's not clear that there's a final decision point at the end of the council process.

Bill.

MR. TWEIT: Thanks, Mr. Chair. As I've listened to the last part of the discussion about salmon, I understood Dr. Methot's words, but when I go back and I look at the white paper, I don't see the same words.

For instance, in the steps there, you know, I work inside the US v. Oregon process when I'm not doing North Pacific council so I'm pretty aware of how the forecasts come from the managers, as Phil described, and are received by the council.

I just don't see room in there for this step two called the peer review step. I don't understand how that's going to work. It certainly doesn't, at least in my mind, comport with how we

do business now. It looks to me like there is an entirely new step being inserted in there that I have a lot of questions about.

Does that need to be an open publicly available peer review process for the salmon forecasts that are being provided by the tribes and the states as Phil describes?

DR. METHOT: You know, I can respond to that. The issue is not that the products get peer reviewed. It's that the process to produce the product is based upon the best science. So we review our data sources. We review the models that get used.

The salmon model has been reviewed. We know how it works. We know where shortcomings might be. We understand the scientific tools that we're using. We don't need to re-review them every time we use them.

Once we get our review process more focused on the tools that we use, then it's a whole lot easier for us to get more assessments done quickly. That's what you've achieved with salmon.

That's what North Pacific has largely achieved with their process.

They have an ability to use a pretty standard process to move the new data through the system and produce the new results with a light review. I sometimes would characterize it as a QA/QC step because the way they got to that new product has been well reviewed, so we are simply adding in new data of the same type and report.

That's how salmon works. That's why there is a comfort level with salmon. There are other situations that are like that. We want to try to work with the councils of SSC to achieve that kind of a smooth-flowing system in more cases so that when we bring CIE in, we bring those external reviewers in, they are helping us build better approaches.

They are not reviewing a product so much. That is the only way that we achieve the through-put that everybody wants, the timeliness that everybody wants. We need to keep moving in that direction.

This whole process of reviewing our assessment product more and more if you have a really standardized process, you almost don't need that full technical peer review step which is really just the SSC looking over the latest product that came out of it. That's the direction we're liking to move so that we can get the kind of through-put and timeliness that you want.

CHAIR HULL: Chris.

MR. OLIVER: Yes. A question. This is Chris, Rick. Bill's question spawned another question in my mind as I'm looking at this, too, because the step two peer review, one of the parentheticals of an NS2 compliant process is the SSC. Then step four is delivering it to the SSC. Now I'm a little confused about the SSC reviewing its peer review, for example. Can you help me with that?

DR. METHOT: Sure. Sure. We recognize that the thing we call the NS2 compliant review process is something we all documented with the Federal Register two years ago. It's

basically, you know, the SAR and the SEDAR and the SAW/SARC. The established processes that we've created that have SSC involvement in them.

In some cases, in particular the North Pacific, the SSC itself does much of that peer review. The National Standard 2 guidelines themselves recognize that for the SSC where they do operate as reviewers, we really need them to get the review done and then put on a different hat to make a recommendation based upon that review.

We recognize the time could be really short but those processes end up somewhat blurred together but we should be thinking about them as separate steps. Review the status of the technical information and then use it to make new recommendations and not have it too intertwined.

So we recognize that the SSC is engaging as members of the review process. They often times chair the peer reviews. That's a separate step from them then getting the results from that peer review, understanding it well enough so that they

can make a recommendation on the basis of it.

Often times they will ask more technical questions at that stage. We want to try to keep that to a minimum so those technical questions are more thoroughly evaluated at the peer review stage and then the SSC could act efficiently to use it to acknowledge the uncertainty that is in that assessment product, to use what came out of the peer review to make their recommendation. I hope that helps.

MR. OLIVER: I have a follow-up then, Rick. For example, the process I obviously have experience with is in the Northern Pacific. I know other regions have different processes, but can I assume then that in that particular example that the NS2 compliant process would encompass the North Pacific council's ground fish plan teams?

DR. METHOT: That's correct.

MR. OLIVER: Thank you.

CHAIR HULL: Phil.

MR. ANDERSON: Just one more. I would like to have the opportunity to spend some time

with Stephanie, Rick, whomever, to talk about this salmon situation a little bit further. I heard what Rick said and that was comforting but, as Bill said, it does not align with the words on the paper.

I just want to make sure that when this is finally approved that we've had a chance to have that dialogue and to make any changes that NOAA deems appropriate to ensure that we are not setting ourselves up for failure relative to how we manage salmon on the west coast.

MR. OLIVER: I'm confident that Stephanie and Rick and others will be happy to have that discussion. This is why we wanted to bring this up to make sure we don't put something out that you're not comfortable with. Absolutely.

DR. METHOT: Happy to do it.

CHAIR HULL: Okay. Any further questions or comments for Rick, Stephanie, Patrick, or Mr. Oliver?

Yes, Doug.

MR. GREGORY: Yes. I would just like to note that I can't seem to get the link in footnote

13 to work, but I did find the document a different way, or Carrie found it. It just seems to be an internal procedures document, internal within NMFS. It would be nice if we can get the right link. It probably has something to do with the website changing, the NOAA website.

CHAIR HULL: Okay. Thanks for noting that, Greg -- Doug, Greg Dugory. Sorry.

MR. GREGORY: As long as you don't call me Skull Dugory.

CHAIR HULL: I'll leave it at that.

Okay. I think that was a good exchange. We'll close this agenda item and go on to National Standard 1 Technical Guidance Update.

Thank you, Patrick and Rick.

DR. METHOT: We'll stay on the line and listen on this topic.

MR. RISENHOOVER: All right. Thanks everyone. I think we can move through this one hopefully fairly quickly because it is an opportunity one, right?

I wanted to talk to you a little bit

today about some technical guidance to National Standard One. I hesitate putting the word workgroup up there but bear with me until slide two, right?

The goal of this is we put together some folks internally to start looking at developing some technical guidance on NS1. Technical guidance meaning, no, it's not something you absolutely positively have to follow but it's some ideas, best practices.

Now that we've got a couple years under our collective belts on the new National Standard 1 guidelines, we thought it would be a good time to look back at the existing NS1 technical guidance document, the Restrepo document, that is, I think, turning 20 years old this year so it's probably time to look back at some of those core principles and other things that are outlined in that document.

We're putting together this work group to look at developing if there's some additional technical guidance that will help you meet the

latest revisions to the National Standard 1 guidance.

With regard to the organization, the group is currently made up of regional science center and regional office folks within fisheries. They are going to look at three broad things -- three broad areas through that work group.

Before we do that, since we are all one now, the partnership work group involves y'all. What we wanted to do was to spend a minute here talking about council participation in that partnership and it can be voluntary or, if you so choose, it can be mandatory.

I've also gotten some indication from some folks around the room that there is some interest in participating so we would really like to see that. We're looking to get council and SSC input, but I don't want to do it in such a way that we create another work group that has another timeline that people may or may not have time to participate in.

That's the voluntary nature of this.

I'll go through the specifics a little later in the presentation and the timeline we're thinking about. But I do want to say if council or council staff, in particular, have interest in the topics that we're going to go over here in a minute and would like to engage in this work group, they are welcome. We are open to that possibility.

I don't know that we need a person from every council on every work group. More of something where if there is an interest in expertise or something your council really wants to participate in, let's see if we can do that.

Additionally, and I know Rick is still on for this part, the National SSC or SCS, whatever we're calling it now, may have an interest in this as well.

I know that group is looking for topics for upcoming meetings and may want to be involved in some of these work groups, or look at some of the products that come out of these work groups before they go final. Again, offering an opportunity here on the following topics.

The first subgroup has a number of things that we think they can be looking at. It's focused on updates on calculating and using reference points to implement the ACL work group. Some of the products here will vary.

We may have tech memos, white papers, one-pagers, or even some peer review journal articles. Again, this is going to be for the subgroup to look at and decide what's the best product that meets the need to get the information out there.

I've got some folks here in the audience who can answer any question, especially those I can't.

Subgroup 2 is going to focus on harvest control rules. We think the outcome of this likely would be a tech memo, some advice and recommendations for designing, evaluating, and implementing in particular carryover and the phase-in provisions that we included in the 2016 NS guidelines.

Again, I think this would probably be

best as a tech memo and we are aware of a couple councils are considering, or even looking at, developing actions that include additional carryover provisions or phase-in provisions. We have some experience to date but let's look at some best practices as we move forward to try and help with that.

Third group, or third subgroup, is on data gaps and alternative approaches. Again, probably a tech memo looking at best practices and recommendation on alternative approaches to meeting ACL requirements, in particular in data-limited situations.

They've looked at three objectives under this. Identify best practices for applying an ACL framework in data-limited situations. Identify specific criteria or circumstances when applying the ACL framework in the NS1 guidelines that is not appropriate due to data limitations.

A number of councils have those issues. And provide examples and general guidance on alternative scientific methods, corresponding

management measures that could be used when applying those.

So that's a quick overview. We can dive into some of the specifics of those subgroups if you'd like, but I wanted to move fairly quickly to the next steps. The timeline is to start trying to draft these products in the coming year and hopefully get something done by the end of the year.

Again, whether or not the councils or the CCC have folks participating in those individual work groups, we want to have the ability to have the CCC or the individual councils review those.

Our goal is to release the drafts by the end of the year because we need a goal. We may not make that but let's set some goals. Then we'll work to figure out the best way to have the councils look at those products, review them, and give us comments where appropriate before we go final.

That's a very quick overview. I think

we'll stop there and see what questions people have, or if they want to discuss any of those specific work groups, or push your volunteers to the front now. Thank you.

CHAIR HULL: Okay. I think the volunteers might not be in the room. They will be pushed forward later.

MR. RISENHOOVER: That's the best kind of volunteer. Right?

CHAIR HULL: Kitty.

MS. SIMONDS: We're volunteering.

MR. RISENHOOVER: I don't think we need answers right now of which work groups. Some may be more appropriate. Again, I don't want to make this some bulky thing where we have 16 people on every work group and it takes 16 years to get something done.

I meant to say, and I should have, if you do have ideas of staff or others that you think would be appropriate for these work groups, either shoot me an email or if you really want action, probably CC Kelly Denit on that or Erin Schnettler

and we'll start forming this up with the folks that have already volunteered internally.

CHAIR HULL: Okay. Thanks, Alan. So that's an open invitation to the councils whether you want to state that now or wait until after the meeting.

MR. RISENHOOVER: It's an open partnership. No? Okay. It's an intrinsic open partnership because we're allies.

CHAIR HULL: So does anybody want to get into the details at this meeting, or do you want to wait for further progress?

Any other questions for Alan at this time?

Tom

MR. NIES: Just real quick, Alan. Subgroup One. Is Subgroup 1 going to address, or is it within their purview to address the issue on an assessment that says that reference points are unknown?

MR. RISENHOOVER: I don't know if we thought of that or not specifically.

Erin?

(Off mic comment)

MR. RISENHOOVER: Just to repeat, that was a strong possibly. I think it's something that has come up and, as Erin said, they are still prioritizing. Again, you know, let's figure out what the range of topics are that folks want to address, prioritize those, and try to hit the high points first.

Thanks, Erin.

CHAIR HULL: Any other questions or comments?

Okay. Thank you, Alan.

MR. RISENHOOVER: Thank you. If you do have other questions, shoot us an email. Otherwise, let us know who wants to participate on what. Thank you.

CHAIR HULL: All right. The members of the New England Council, several of them are going to be leaving so before we take our break I would like to pick up the first item which is the discussion about a possible letter to BOEM.

Dr. Quinn, you have the floor.

DR. QUINN: Thank you very much. Certainly in light of the comments and discussions we had, publicly as well as the side bars, we think this should be postponed or tabled until the May meeting if at all. Certainly different councils have different views on this. We don't want to ask anybody and put anybody in a compromising position to sign it or not sign it. We think at this point it's best to withdraw it or table it and maybe take it back up in May.

Several of these public hearings will be concluded by then that are going on over the course of the next month or so, so maybe we'll be in a better position at that point in time.

CHAIR HULL: All right. Thank you, John.

We did have some correspondence from the Office of Policy that I'll just read to you because they thought there might be some confusion among the CCC members about comment timelines.

The public comment -- the current

opportunity for comment closes on March 9th. However, there will be another opportunity to provide comments for 90 days once BOEM publishes the proposed program and draft programmatic EIS likely late in 2018.

At that point BOEM will likely have refined the number of planning areas where they propose to hold lease sales and the number of lease sales. As BOEM moves through all the stages, the agency typically narrows the number of proposed lease sales and the number of planning areas in which those sales will be conducted. It is also at this point when BOEM will produce it's analysis of potential effects through publication of the PEIS.

Therefore, the CCC members -- if CCC members do not have sufficient time to prepare more substantial comments by March 9th, there's going to be another opportunity later this year once the areas have been refined. I think that's helpful to us and is consistent with what you are recommending.

I'll open the floor if anybody has anything to add to that. Okay. Let's take our break and come back at 10 minutes to the hour.

(Whereupon, the above-entitled matter went off the record at 2:35 p.m. and resumed at 3:05 p.m.)

CHAIR HULL: All right. We're onto our last lap with the overview of our CCC committees, and I know David wanted to highlight some of the potential agenda topics for our main meeting.

I'm not going to take too long with this. I will outline what I think the different committees are going to be doing based on this overview, and then if there's any particular discussion folks want to have, we can do that. Chuck has got a brief update on the SCS work.

So as our Terms of Reference state, we've got four, three standing committees, and we've added our Communications Work Group as a committee, I believe that, the three plus one.

And they are required to report

annually, and the CCC provides them with tasking so they don't go off on their own and just do what they want.

So based on our discussions during this meeting and this overview, we know that the communications group is meeting in Sitka. There's an agenda attached.

They're going to do some work and report out to us at the end of our May CCC meeting trying to identify communication projects that will benefit the regional councils.

Sorry, Brian, I'm making you run through, but I wasn't going to go through that agenda in any detail unless folks wanted to.

We've got a Habitat Committee. Diana Evans is picking up as chair of that right now. They've had one teleconference, and they're going to have another one and report to us in May on a proposal on what they think they could do for us. And then it's at that point, we could determine whether to task them with that work going forward.

Our Scientific Coordination

Subcommittee has had a recent workshop in January. Chuck will give a brief overview or update on that, and they're going to provide a full report of the workshop to us in May.

And then for our Legislative Committee, we've talked a bit more about that. We know we need to identify a vice-chair for that group. Gregg will continue as the chairman. Thank you very much for taking that on.

I think that there's an expectation the Legislative Committee will continue its review of Magnuson-Stevens Act Reauthorization legislation, continue to update the working paper as needed.

And I think also review and track progress on aquaculture legislation, and I'll look to Gregg if there's anything else or different to add on that. And we'll probably have, we'll certainly have a report in our main meeting as well from that body.

So that's my outline. Again, I think if members of the CCC want to join any of these groups and they're not on it, then please let David

or I know through your EDs.

And with that, I'll go to Chuck. Do you want to give your brief update? And then if there's any further discussion on the committees after that, we can certainly have that.

MR. TRACY: Thanks, Dan. Brian, if you could put that up. So I didn't, wasn't really able to get a nice succinct summary of the outcome for you today, so I did just put up the agenda topics so that you can take a look at what they looked at.

They met, the SCS met in early January down in San Diego to talk about management strategy evaluations. They had a three-day meeting, very well attended, had a lot of positive feedback about the outcome.

The format was pretty open discussion. There weren't a lot of, you know, invited speakers. There was a little bit of, each topical session had an invited speaker that spoke for about ten minutes to sort of set the stage and then most of it was open discussion amongst the SSC members and

staff.

And people really liked that format. They thought they got a lot more out of it than they would if it was largely a downhill flow from invited speakers and those sorts of things.

There were no concurrent sessions. It was all plenary, which was also well-received. And I thought it was a very well-run meeting.

So all I guess really want to talk about is sort of the end of their meeting and maybe this will play into our role here for the CCC and into what's going to happen in May perhaps.

But, I just thought I'd go over their discussion about what the next steps might be, what their ideas for the next SCS meeting focus areas would be.

So they kind of ranked these into two groups, top priority and lesser priority topics. Integrated biological, social and economic assessments was at the top of their list.

I don't think there's a real, within these areas, I don't think there's a real priority

here. And they didn't have any one single thing that they thought was, you know, overriding, which I think they kind of did last time with the MSEs. They really wanted that.

So these are just some ideas for, that they put out there that we can consider as we go forward and provide them some guidance perhaps.

Secondly, effective communication and coordinating among SSC's councils, stakeholders. This might be a little overlap with the communications group. I'm not sure if this is a good SSC or SCS topic or not, but there was some interest.

Identifying representative approaches for climate and fishery impact analysis and recreational fishery survey assessment modeling. Alternatives to MSY, including defining OY in ways that consider ecosystem and economics and multi-model inference.

Some of their lesser priorities included improved processes for setting harvest specifications, lessons learned in the evolution

of regional SSC processes, ways to implement flexible arrangements including data-poor species, technical interactions with choke species and ways to incorporate impacts on protected species in models.

And then, I guess, they just noted that whoever is fortunate enough to host the next meeting might have some influence on what the ultimate topic selection would be.

So that's all I really have. If there's any questions, I'd be happy to answer to answer them. I will have hopefully a, well, certainly a more, something on the results of the MSE SCS meeting at the May meeting.

If all goes really well, we'll have the proceedings completed by then, which would be great, but there will at least be some more information for you to take a look at in detail.

CHAIR HULL: All right. Thanks, Chuck. Any questions for Chuck on the work of the SCS? Okay, how about any questions or comments on our committees and what they will be doing

between now and May? Very good. David, you have the floor.

MR. WITHERELL: Thank you, Mr. Chairman. Before we get into the details of the May CCC meeting, I have been taking notes as we've gone through this agenda, and I've got some ideas about items that we probably need to also bring into the May agenda.

And once I go through these, you can give me some feedback and then I would anticipate that I would work with Brian over the next month or so to get a final agenda for your review and approval.

So at this meeting, under Aquaculture Initiatives, there was some discussion about receiving a report from the Gulf of Mexico Fishery Management Council on lessons learned relative to the preparation of their aquaculture FMP. So that might be a topic that we put on the agenda.

Under MSA Reauthorization, it sounded like we might have a amended 1520 and an H.R. 200 to maybe perhaps provide CCC comments on or at least

update the working paper relative to those changes.

Under Oil and Gas, we talked about whether or not that we would consider sending a letter at that time, but since I wrote this note to myself, it sounded like it might take longer before they narrow down the list of leasing areas. So we might have to put that off until next year.

Budget Updates, we have information relative to the outcome from the continuing resolution and course of grants, grant timing, I guess, for the rest of 2018.

Additionally, there was a request from Chuck, I think, relative to discussing the prioritization of different policy directives, and I think that really falls under the budget topic, but I don't want to lose that. So that's where I've parked it for now, and we can break it out into a separate agenda item.

We have our proposed rule for the recusal policy that would be ready for comments, so I've got that listed. There is a policy directive that will be out on the electronic

monitoring relative to cost allocation.

We have a followup briefing from Sam on plans relative to EBFM. Maybe it won't be Sam, but he can delegate it to somebody else this time.

And then there's an item that came up in our council, and I know that there is at least one other council that's interested in perhaps discussing different approaches to research priorities.

How the councils develop their research priorities and how they're used by NMFS and others in the development of the science center priorities for example, as well as looking at how the science centers develop their priorities and how they are able to be flexible in their funding to address kind of the sudden unexpected changes that will likely happen more frequently under climate change.

So those are the items I have for the May agenda at this point, Mr. Chairman, and I would anticipate that we will get other items from, suggested from headquarters, as well as the other executive directors.

CHAIR HULL: All right. Thanks, David. Any thoughts from the councils at this time? All right. Any final words for the group? Yes, Gregg? I'm sorry. We do, we do have a couple of --

(Simultaneous speaking.)

MR. WAUGH: -- the details.

CHAIR HULL: And so David, why don't you, want to run through the details? And then we've got a few more items.

MR. WITHERELL: Sure. Thank you, Mr. Chairman. About a year ago when Chris and I talked about where to hold the CCC meeting, the next CCC meeting, he really wanted to go to Dutch Harbor.

But, I twisted his arm and convinced him that Sitka was the place to go. So we've scheduled it for Sitka on May 22nd through 24th. The official meeting will start in the afternoon of the 22nd with morning available for the groups to discuss other items as they need to do.

The good news is we're going to follow New England's lead and have a business casual dress

code with no ties. Our meeting room will be at the Centennial Hall, which is about two blocks downhill right on the water from the hotel.

The hotel is at the Westmark, and it's not, the hotel is not sophisticated enough to be able to allow booking individually at the group rate, so our group rate of $179, we have a number of rooms blocked.

But, we've got to put together a list of names with dates of check-in and check-out or at least estimated dates at this time and give that to the hotel in the next couple of weeks.

So I'm asking NMFS and all the councils to get me a list of names and at least approximate check-in and check-out dates for each of those people.

And we'll supply a list to the hotel, and then each individual would need to call up and confirm with a credit card their room. And at that point, you can make the adjustments to your check-in and check-out dates. Go ahead, Chris.

MR. OLIVER: Just a question in that

regard. This would be a question for you and myself or Brian, but how soon do you think we'll be able to pin down or at least largely pin down the agenda, because that will, of course, inform us of what folks we need to have at the meeting, for example? Is that something that can be done in the next couple of weeks, at least a first draft?

MR. WITHERELL: We could certainly do that, I think, in the next couple of weeks, have a first draft and when it comes to the list of people, I think if you give us your best list, and we can add a few placeholder names, for example, that we can easily switch those names out with the hotel as need be.

So I think if you give us an approximate list of people, for example, that will attend, that's probably enough for the hotel, enough information for the hotel

MR. FREDIEU: It'll be a similar exercise when we do group travel requests for DOC anyway, so it'll be the same information, we'll just provide it to Dave too.

MR. OLIVER: Excellent.

MR. WITHERELL: I plan on having the staff, at least the day before the meeting, try to meet the planes with a van or two to shuttle, help shuttle people to the hotel, because there is a hotel shuttle, but it gets a little chaotic when everybody's trying to get there at once.

We have a couple of receptions planned. We have one at the Sitka Fine Arts Center on Tuesday night. And then on Wednesday night, I've signed a contract with the Cruise Catamaran to take us around Sitka Sound. And at that point, you should be able to see various seals and sea lions and perhaps whales, that sort of thing.

It will not rain. Sitka is never rainy. In fact, it's really warm. It's just like New England last year, 95 degrees, sunny. But most people would bring a rain jacket and a whole lot of layers of fleece, because -- the meeting is, it will begin Tuesday afternoon on the 22nd and continue until about, we'll schedule it through 5:00 p.m. on the 24th and adjust as necessary.

So you won't need to rent a car. Sitka's quite small, and the two places that you might venture off to where you would need wheels, would be probably the Channel Club, which is a nice place to eat, and there's a shuttle from the hotel, and the Baranof Brewery is sometimes worth the trip. But, we're going to do our best to get you the local beers at the reception.

I've had a lot of questions about fishing recommendations, and so I've put together kind of a list of charter operators that have participated in the council process, as well as, some recommendations from a previous council member in Sitka.

If you're interested, I can forward that information to you. There is quite a bit to do in Sitka, so we're looking forward to it, and I think you'll have a good time.

And at any point, send me an email or give me a call if you have any questions, and I'll be glad to help out, as would Shannon Gleason in our office.

CHAIR HULL: Doug?

MR. GREGORY: Yes. Will you be able to broadcast the meeting via webinar?

MR. WITHERELL: We're not planning to broadcast the meeting. We are planning to record it so that we can do transcripts like other meetings but not by webinar, no.

MR. SOLIAI: David, were you suggesting that you're going to be having some friendly fishing competitions amongst the different councils in May?

MS. SIMONDS: Hey, I love that.

MR. WITHERELL: I wasn't suggesting it, but I bet you you might find people that are competitive enough to take you on with that, Archie.

CHAIR HULL: All right. Thanks for the overview, David, and there will be further communications via email on the agenda and other items for the May meeting.

So Gregg, my apologies for not bringing those additional items up earlier. You have the floor.

MR. WAUGH: No problem, Mr. Chairman, thank you. And while we're talking about meeting, if people just mark on their calendar for May of 2019 the meeting dates for when we're hosting in Charleston will be May 13 through 16, 2019.

The first item, and I'll be very brief with these two items, but the first is looking at ways to increase the penalty for non-reporting. We wanted to gauge the other councils' support for working together to have the penalties increased for non-reporting.

And we're not talking about reports that are a couple of days late. We've got situations in our snapper-grouper fishery where fishermen go the whole season without turning in any reports.

And then when they go to apply to get a permit, they're told their application's incomplete. They send in data, and they get their permit.

So we had a report, and this is in some of the material that's attached from Karen Raine.

She looked at cases over the time period March 2011 through May 2017, just failure to report or reporting late.

So that's six years, and nationally, there were 18 cases, so three cases a year. So this is not getting a lot of attention. And written warnings over that time period are about $6,000.

So our council is interested in how to pursue this, and some of the approach that we're talking about is perhaps more rigorous use of fines for late reports, making sure that the reporting systems automatically generate an email if those reports are late.

And so our council approved a motion that we come to the CCC and request, gauge interest for pursuing this. And so I'd just like to hear if there is any interest. And then the other item will very quick on the app.

CHAIR HULL: All right. Thanks, Gregg. Comments from council members or questions for Gregg on what the South Atlantic would like to hear or would like to do? Yes, Bill?

MR. TWEIT: Thanks. And certainly, it does seem to me that a focus on compliance is always useful, but I'm just wondering how broadly reporting, how broadly you're, how broad this sort of investigation or scoping could be, because reporting is a very, very broad category.

I know you were talking about some fairly specific incidents, but is there a way to keep this sort of focused in your mind or is there, is it, were you thinking more of a broad scoping to start with and then focus down or --

MR. WAUGH: Well, I think our council's interest is how do we improve the compliance within our fisheries and specifically our snapper-grouper fishery, where the commercial fishermen are filling out log books. That's one specific interest.

But the cases I cited, that was just looking at failure to report or reporting late, just those two specifics.

CHAIR HULL: Charlie?

MR. PHILLIPS: Yes, and it's causing a problem with, you know, when we get our closing

dates, you know, because if we've got a lot of reports that aren't out, they're, I forgot the term, but they're kind of calibrating, guessing what they would be and using those and sometimes they're right and sometimes they're wrong.

So it's led to where we closed early and then we had to open back up for a week, and it's a problem. I think, but there's no financial benefit for these guys to report late.

They're just not doing it for whatever reason. I don't know if they don't care, forget, whatever the case may be, but there's no financial reason not to report.

They're not going to get their permit renewed if they don't. So how do we make them, encourage them, whatever term you want to use? And if we have a stiffer, if there's a bigger bat, then maybe that will help them.

And, you know, we pack fish, so if we, if my secretary's out and she forgets a report, she's sick, whoever was supposed to do it didn't do it, you know, we get an email. So we get stuff

caught up.

But some of these guys, especially log books from the fishermen, they don't get a report, especially if they forgot to send in a No Fishing report.

So you know, this might be a tool to help us figure out, you know, how to make them understand this is really important, that it needs to happen.

CHAIR HULL: And Charlie or Gregg, did NOAA GC or the region in your area identify ways you might address it within the region? Maybe you stated that and I missed that in the overview.

MR. WAUGH: We've talked about it quite a bit, and where we need to focus the law enforcement side of the shop is done out of the regional office, and the monitoring of the log book reporting is done in the center.

So I think we've identified that is an area that they need to work more closely together. And I think part of the issue has been getting the reporting systems refined enough so that they

can give notification so that the individual has an opportunity to provide those reports.

Working out some of those details and then getting the center and law enforcement working more closely together, those are areas that we're focusing on.

CHAIR HULL: So you do have ongoing work there to try to address it internally at least --

MR. WAUGH: Yes.

CHAIR HULL: -- to begin with on the reporting side and better communication internally? Other thoughts from other councils? Yes, Adam?

MR. ISSENBERG: I can't comment to the, you know, the question of the communication between law enforcement and the region. Just on the point of the penalties, you know, NOAA GC enforcement section has a penalty schedule that they use.

It's a policy that establishes what the penalties should be depending on the factors in a given case. Of course, the maximum penalty is

set by statute. Generally, these penalties are much lower than that.

That policy is available on the NOAA GC enforcement website, and they do update that from time to time. They adjust it. And so if the South Atlantic Council or the CCC wants to, you know, provide input or suggest adjustments, you know, they've indicated they're certainly happy to consider those as, you know, they, you know, they look the next time to amending that policy.

CHAIR HULL: They being?

MR. ISSENBERG: That's the NOAA GC enforcement section.

CHAIR HULL: Okay. All right. So is that, perhaps this is something that you want to bring back to the group if there's particular progress that you think warrants the CCC's reporting again?

MR. WAUGH: Sure. I could give a brief update on what we've done at the next meeting. I'd be glad to do that. So the next item, this has to do with a Fish Rules app.

And GARFO, thanks to GARFO, they paid for getting this established in the New England and Mid-Atlantic area. And it's a way to make your recreational regulations available to fisherman.

And we had our own app that we paid for and developed that applied to recreational and commercial, and we had to update that. And so we looked around, and we said well, if there's an app that's in use in New England and in Mid-Atlantic, it makes sense to use that same approach so that fisherman regardless of where they are are getting their information from the same place.

And just to run through this quickly, this shows, you know, some of the items that are available on there. The phone's GPS shows the relevant information.

If you're in state waters, it gives you state regulations. If it shows you're in federal waters, it gives you federal waters. It uses a calendar to show if species are open and closed.

So it's an easy way to get a lot of information to the fisherman. Next slide, please.

And it works offshore. You don't have to have a signal.

And you get a lot of information on usage. You can track how often this information is being viewed. You can see events that prevent the use or contribute to high usage recreational fishing. Next.

And this just shows the regulations reviewed obviously in our area, Florida Atlantic State waters and Gulf State waters were the two primary areas. Next.

Most common species that they're looking up. Next. Weekly variability in the regulations viewed. So this gives you some idea of the activity that's going on. And you can see a spike when you're around red snapper regulations. Next.

When during the week are they checking regulations? Next. And it gives information on species ID. They can move the picture around to get identification clues, give season status.

Again, the GPS shows your location and

filters regulations appropriate. Next. And you can tap on Aggregate Bag Limits. It just makes it very easy for the angler to find out information, gear limits. Next.

The location page tells you where the regulations apply, where you are. You can manually set your location. It's recommended that you use a map location. Next.

And if you check the Fish Rules app when you're inside a closed area, it tells you that you're inside a closed area. Next. And it shows in some instances, this is where we have different migratory groups of cobia, different regulations New York to Georgia versus in Florida. Next.

And so that's it for, this is a way to make the information very available to recreational anglers. And the ask here is whether the CCC would be interested in working together and working with NMFS and trying to get NMFS to contribute a little bit of funding to expand this to other areas, expand it to commercial.

The cost to us to do this for

recreational was $26,000 for five years. So it's not an expensive proposition, and it's a very effective way to get regulations in the hands of fishermen.

So we've got recreational fishing on the East Coast covered. It'd be nice to expand this to the commercial. So again, the ask is just is there interest in expanding this to other areas or is this something we should, you know, just consider working with NMFS on our own on? Thank you, Mr. Chairman.

CHAIR HULL: All right. Thanks, Gregg. Any questions on the app or experience in other areas? Yes, Mike?

MR. LUISI: Yes, thank you. Gregg, maybe you can answer the question as to where, so this is a real-time, you assume that when you hit the Fish, when you hit the app, that you're getting real-time information feeding back to the system.

And so I guess my question is, what data system is that information available for that real-time draw? Because the concern that I have

would be when, like for the state of Maryland in the Mid-Atlantic, we can make recreational modifications to season, size limit and bag limits within 48 hours' time through a process that we have internally.

And so therefore, you know, we're considering summer flounder, black sea bass regulations right now. What's on the books is not likely, it's going to change within the next month, but we're not even sure when that change will happen.

So if we make those changes along with the other states in the Mid-Atlantic, are we then responsible for providing that information to another system so that it can be drawn from?

And I would be concerned that we would find ourselves in this continued loop of every time we make a change in our own state or in our region that we're going to then have to feed another area.

And that would just be a concern of mine that we would miss that. Someone with a Fish app, the Fish Rules app would be showing an officer this

is what it says, knowing that, and it would be hard to enforce the current rule given what's on the Fish app.

MR. WAUGH: Now, I'll use Adam's term, you know, the answer, it depends. In our case, we have taken on the responsibility of keeping our federal regulations up to date.

Some states are using this system now, so they keep the regulations up to date. And right now, in the GARFO area, the Fish Rules, the folks that own this and run this, they keep it up to date. So they try to keep on top of regulations.

But, there also is a disclaimer in here that, you know, these are available for informational purposes and, you know, it's our, it's the best way of getting information out to the fishermen as quickly as possible.

But that's a, who maintains it and keeps the information up? We wanted to take on that responsibility so we can ensure that it was timely.

And that would depend on who's doing it for each area, who they want to have that

responsibility.

CHAIR HULL: Chuck?

MR. TRACY: Thanks. Thanks, Gregg. That's a very interesting system. We've talked about it at our council, something similar in terms of having some sort of georeferenced, real-time regulation access.

So I think, you know, we're interested in your experience at the very least. My question is then, your $26,000, was that for development and maintenance of the app or does that include any costs of maintaining the database that you guys were just discussing and those sorts of things?

MR. WAUGH: Thanks, Chuck. And the other document that's in the briefing materials has some background information as well. And it has where you can scan and get access to this. So you can download this now and try it out.

The $26,000 covers the development and then maintenance. It does not include our staff time over that time period to keep it up to date. So that's an ongoing cost.

We feel we have to do something to get the word out to anglers anyway, and so this is a lot easier, more effective vehicle to do that.

And, again, this system is out there. If somebody wants to apply it to their area, you just supply them the data, and it's a pretty easy process to do.

That $26,000 also included training two or three of our staff members too to access the system and maintain it.

CHAIR HULL: Marcos?

MR. HANKE: I think it's very interesting and it will help us on the process of collecting better data. And how customizable is things that we can add to the application?

For example, one incentive for the fishermen to use it, it will be to have like a button of emergency with a code or something that the smaller artisanal boats can use as an extra safety equipment. And they will be encouraged to download the application and to use it.

MR. WAUGH: Yes. I would encourage

you if you've got questions like that, email albrey@fishrulesapp. They are very excited about expanding this.

They worked with us, and they were very willing to address the different features that we wanted to have in there. So they're very interested in working with different groups.

So contact them and ask them the question. I'm sure that's something they could work out for you.

CHAIR HULL: Bill?

MR. TWEIT: Thanks, Gregg. I'm rather amazed by this because, and I haven't been close to it within my agency, but we are now beta testing something very, very similar within Washington Department of Fish and Wildlife for, both for our freshwater areas, as well as our marine areas, which is right now our regs pamphlet's about that thick.

So it really, we see a real need for this at the state level, and I can see where it would benefit at a regional level too. But, I have a couple of questions about it.

One is have you thought about having it also function as a catch reporting app? And what's your debate been about that? Because we're having that debate within my agency.

Actually even before it's really out on the street, we're already debating it, which I think is a mistake, but interested in your thoughts.

MR. WAUGH: We have not. We have a separate effort that we are exploring a reporting app for the private recreational anglers. It will do licensing and reporting.

We tested that last season in our red snapper limited open season, and the response was good. It wasn't as much as we had hoped, but it gave us some important information that showed the effects of weather on how many trips were cancelled.

And that was a factor in our regional administrator's decision to reopen the season. So right now, we're keeping the two separate and looking at a separate reporting app.

This could be customized to also allow

reporting, but right now, we're approaching it separately.

CHAIR HULL: Bill?

MR. TWEIT: And even without the reporting, the thing that really stunned me was that looking at your data on usage, I mean those are huge numbers.

What, it was over six million hits, is that, I mean, that just, yes, which, and I mean, look at all that data. That's, and so I'm wondering if your science center and others are beginning to mine these data for utility and management, because that's a picture of angler effort that's just extraordinary.

MR. WAUGH: That's a good point. We hadn't approached that yet, but that's an excellent suggestion, yes. You start getting to where anglers can provide this information, and you get a lot of information, and sifting out what can be used becomes very important.

CHAIR HULL: Gregg, I'm wondering if in the development of this, were there particular

violations that your council thought that this would help to prevent in terms of communication or is it general information for everybody, because they're so complex. Just wondering about that aspect.

MR. WAUGH: It was more general information, and the more information you get out, the better your voluntary compliance is. But we, again, we had a previous app that we used.

So we've been doing this for a while, but it's just when it became time to upgrade it, we looked to, you know, the system that GARFO had funded, and it made sense to expand that, tap into it.

CHAIR HULL: All right, thanks. Anybody else? I think this is, for us in our region, I'd be glad to post this as one of the documents from our CCC meeting, and we'll see what kind of interest there is or might be.

Certainly, we've heard from other councils here that it's an interesting application, an improved tool for communication so even if it's

premature to get, you know, strong support behind all the councils to ask for funding, it certainly sounds like there's interest in how it works and how it might be applied in other areas.

MR. OLIVER: I just want to note that it's a good thing there's no enforcement people in the room, because Sam just downloaded the app, and it shows that he's fishing in a closed area for snapper.

CHAIR HULL: Well, then it's good there isn't a violations app attached to it. All right. Any other comments on this, on Gregg's presentation?

Okay. Did we miss anything on our agenda? Any last words other than thank you to Brian and Hannah and thanks to all the presenters for coming to the meetings the last couple of days.

It was a productive session for us, and there'll be further communications for the May meeting. And we'll adjourn this one. See you in May.

(Whereupon, the above-entitled matter

1 went off the record at 3:47 p.m.)

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
OFFICE OF SUSTAINABLE FISHERIES

+ + + + +

COUNCIL COORDINATION COMMITTEE

+ + + + +

MEETING

+ + + + +

TUESDAY
FEBRUARY 27, 2018

+ + + + +

The Committee met at the Holiday Inn Washington Capitol, 550 C Street, SW, Washington, D.C., at 8:30 a.m., Dan Hull, Chair, presiding.

PRESENT
DAN HULL, Chair; North Pacific Council
PHIL ANDERSON, Pacific Council
JIM BALSIGER, Alaska Region
LEANN BOSARGE, Gulf of Mexico Council
MARK BROWN, South Atlantic Council
DAVID CRABBE, Pacific Council
ROY CRABTREE, Southeast Region
ED EBISUI, Western Pacific Council
WARREN ELLIOTT, Mid-Atlantic Council
CARLOS FARCHETTE, Caribbean Council
JOHN GREENE, Gulf of Mexico Council
DOUGLAS GREGORY, Gulf of Mexico Council
MARCOS HANKE, Caribbean Council
MICHAEL LUISI, Mid-Atlantic Council
JOHN MCGOVERN, Southeast Region
GLENN MERRILL, Alaska Region
CHRIS MOORE, Mid-Atlantic Council
TOM NIES, New England Council
MIKE PENTONY, Greater Atlantic Region
CHARLIE PHILLIPS, South Atlantic Council

JOHN QUINN, New England Council
MIGUEL ROLON, Caribbean Council
MICHAEL RUCCIO, Greater Atlantic Region
DEAN SENSUI, Western Pacific Council
KITTY SIMONDS, Western Pacific Council
ARCHIE SOLIAI, Western Pacific Council
TERRY STOCKWELL, New England Council
MICHAEL TOSATTO, Pacific Islands Region
CHUCK TRACY, Pacific Council
BILL TWEIT, North Pacific Council
GREGG WAUGH, South Atlantic Council
DAVID WITHERELL, North Pacific Council
RYAN WULFF, West Coast Region

NOAA STAFF PRESENT

RDML TIM GALLAUDET, PhD, Assistant Secretary of Commerce for Oceans and Atmosphere and Acting Under Secretary of Commerce for Oceans and Atmosphere
CHRIS OLIVER, Assistant Administrator for Fisheries
PAUL DOREMUS, PhD, Performing Duties of Assistant Secretary for Conservation and Management
MARK GRAFF, NOAA FOIA Officer, Bureau Chief Privacy Officer
TOPHER HOLMES, Office of Legislative and Intergovernmental Affairs
ADAM ISSENBERG, NOAA Office of General Counsel
EMILY MENASHES, Office of Sustainable Fisheries
CAROLINE PARK, NOAA General Counsel
BRIAN PAWLAK, Acting Deputy Assistant Administrator for Operations
SAM RAUCH, Deputy Assistant Administrator for Regulatory Programs
MICHAEL RUBINO, Director of Aquaculture, NOAA Fisheries Service
ALAN RISENHOOVER, Office of Sustainable Fisheries
FRANCISCO WERNER, PhD, Director of Scientific Programs and Chief Science Advisor

ALSO PRESENT

MEGAN DAVIDSON, Bureau of Ocean Energy Management

FERN GIBBONS, Counsel and Policy Director, Senate Commerce Science and Transportation Subcommittee (Majority)

JEFF LEWIS, Counsel, Senate Commerce Science and Transportation Subcommittee (Minority)

DAVE WHALEY, Council Consultant

AGENDA

Welcome/Introductions 5
by Dan Hull

Agenda Approval 12

NMFS Update & FY18 Priorities 13
by Chris Oliver

Aquaculture Initiative Updates 29
by Paul Doremus and Michael Rubino

Regulatory Reform Update 112
by Alan Risenhoover

Legislative Outlook 131
by Topher Holmes, Fern Gibbons,
and Jeff Lewis

MSA Reauthorization & CCC Legislative
Committee Report 160
by Greg Waugh

Proposed National Offshore Oil
and Gas Leasing Program 214
by Megan Davidson

Management and Budget Update 286
by Brain Pawlak

FOIA Guidance 255
by Adam Issenberg

Recusal Policy Update 322
by Adam Issenberg

Adjournment 328

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

8:31 a.m.

CHAIR HULL: All right, good morning. Welcome to the interim Council Coordination Committee meeting, and thank you all for making the trip from across the continent and beyond for these two days.

I'm Dan Hull, one of Alaska's representatives and Chairman of the Northern Pacific Council, and it's oddly familiar to be sitting next to Chris Oliver, having him on my right, but I recognize he's got a distinctly different role to play this time around as opposed to last year's CCC meetings.

As you know, the interim meeting is hosted by the National Marine Fisheries Service headquarters and the primary purpose is to give the agency an opportunity to discuss budgets and provide information on important changes and updates on policies and programs.

And I want to thank Brian Fredieu, Hannah Hafey, and others who have helped to organize

the meeting, as well as everybody who is prepared to present materials. I know a lot of work goes into preparation and we all appreciate the close communications that make these meetings productive, so thank you.

There are a number of new council representatives here and other folks around the room, so why don't we start with introductions beginning at that far end there and we'll work our way around?

MR. WULFF: Yes, good morning. I'm Ryan Wulff. I'm the Assistant Regional Administrator for the West Coast for NMFS.

MR. CRABBE: Hi, good morning, David Crabbe, Vice-Chair for the Pacific Council.

MR. TRACY: Morning, my name is Chuck Tracy. I'm the Executive Director for the Pacific Council.

MR. ANDERSON: Good morning. My name is Phil Anderson. I'm Chair of the Pacific Council.

MR. QUINN: John Quinn, Chairman of the

New England Council from Massachusetts.

MR. NIES: Tom Nies, Executive Director of the New England Council from New Hampshire.

MR. STOCKWELL: Terry Stockwell, Northern Vice-Chair from Maine.

MR. RUCCIO: I'm Mike Ruccio. I'm the Acting Assistant Regional Administrator from GARFO.

MR. ELLIOTT: Good morning. I'm Warren Elliott. I'm the Vice-Chair from the Mid-Atlantic.

MR. LUISI: Good morning, everyone. Mike Luisi, Chairman, Mid-Atlantic from Maryland.

MR. MOORE: Chris Moore, Executive Director, Mid-Atlantic.

DR. BALSIGER: Jim Balsiger, Regional Administrator, Alaska.

MS. PARK: Morning, Caroline Park. I'm with the General Counsel for Fisheries in Silver Spring. I'm Deputy Section Chief.

MR. ISSENBERG: Good morning, Adam

Issenberg, also with NOAA GC in Silver Spring.

MS. MENASHES: Emily Menashes, Office of Sustainable Fisheries in Silver Spring, Deputy Director.

MR. RISENHOOVER: Morning, Alan Risenhoover, Director, Office of Sustainable Fisheries.

DR. DOREMUS: Good morning, everybody, Paul Doremus, Deputy Assistant Administrator for NOAA Fisheries, currently acting as Assistant Secretary for Oceans and Atmosphere.

MR. OLIVER: Chris Oliver, Assistant Administrator for Fisheries.

MR. WITHERELL: Dave Witherell, Executive Director, North Pacific.

MR. TWEIT: Bill Tweit, Vice-Chair of North Pacific.

DR. WERNER: Cisco Werner, Chief Science Advisor, Fisheries, and also acting for a little bit longer as the Southeast Center Director.

MR. PHILLIPS: Charlie Phillips, South

Atlantic Council, Chair.

MR. WAUGH: Gregg Waugh, South Atlantic Council, Executive Director.

MR. BROWN: Mark Brown, South Atlantic Council, Vice-Chair.

DR. CRABTREE: Roy Crabtree, Southeast Regional Administrator.

MR. GREGORY: Doug Gregory, Director of the Gulf of Mexico Fishery Management Council.

MS. BOSARGE: Leann Bosarge, Gulf Council Chair.

MR. GREENE: Johnny Greene, Gulf Council Vice-Chair.

MR. FARCHETTE: Carlos Farchette, Caribbean Council Chair.

MR. ROLON: Miguel Rolon, Caribbean Council Executive Director.

MR. HANKE: Marcos Hanke, Caribbean Council Vice-Chair.

MR. SOLIAI: I checked the weather report back home. It's 82 degrees, so I bring a warm talofa over from American Samoa. I'm Archie

Soliai, Council Member for the Western Pacific Council.

MS. SIMONDS: I'm Kitty Simonds, the Executive Director.

MR. EBISUI: Aloha kakahiaka, Ed Ebisui, Western Pacific Chair.

MR. SENSUI: Dean Sensui, Vice Chair, Western Pacific.

MR. TOSATTO: Mike Tosatto, Pacific Islands Regional Administrator.

CHAIR HULL: And why don't we go around the outside of the room, Brian?

MR. FREDIEU: Brian Fredieu, Office of Sustainable Fisheries, NOAA Fisheries.

MS. HAFEY: Hannah Hafey, Office of Sustainable Fisheries, NOAA Fisheries.

MS. WALLACE: Jenny Wallace, Office of Sustainable Fisheries.

MS. GRANGER: Elle Granger, Western Pacific.

MR. MITSUYASU: Mark Mitsuyasu, Western Pacific Council.

MS. SIMMONS: Carrie Simmons, Gulf Council staff, Deputy.

MS. EVANS: Diana Evans, North Pacific Deputy Director.

MS. BAKER: Rachel Baker, Office of Sustainable Fisheries in Silver Spring.

MS. LUKENS: Good morning. I'm Jennifer Lukens. I'm the Director of Policy for NOAA Fisheries.

MR. MARKS: Hi, folks, Rick Marks, fisheries advocate here in town.

MS. RIOUX: Danielle Rioux, NMFS Policy Office.

MS. SAGAR: Heather Sagar, NMFS Policy Office.

MS. LOPEZ: Maria Lopez, NOAA Fisheries, Southeast Regional Office.

MS. MOORE: Meredith Moore with Ocean Conservancy.

MR. SANE: Peter Sane with Ocean Conservancy.

MR. ORESKA: Matthew Oreska, Sea

Grant, Office of Management and Budget.

MS. FERR: Emily Ferr, Sea Grant, NOAA Fisheries, Office of Habitat Conservation.

MS. MUELLER: Janelle Mueller, NOAA Fisheries, Office of Habitat Conservation.

MS. CHERRY: Kristine Cherry, Policy Advisor for NOAA.

MS. BRUNNER: Danielle Brunner, Oceana.

MR. WHALEY: Good morning, Dave Whaley, consultant to the CCC.

MS. BRYANT: Laurel Bryant, Office of Communications for NOAA Fisheries External Affairs.

MS. SHARID: Alesia Read, Office of Assistant Administrator.

MS. TAN: Emma Htun, NOAA Fisheries, Office of the Assistant Administrator.

CHAIR HULL: All right, thank you, everyone. We'll move on to approval of our agenda. I only have one minor addition to add under other business, and one more bullet under other business

is the Fish Rules app which the South Atlantic Council wants to present to the group here today. And I believe those materials have been posted online along with the rest of the materials.

That's the only addition I have. Are there any questions from the group on the agenda or other additions? All right, very good, seeing none, we'll approve the agenda with that addition.

Excuse me. A couple of reminders for everybody, our lunch hour today is just going to be one hour from 12:35 to 1:30 and everybody should be back a little before 1:30.

We want to start promptly because the Rear Admiral, Timothy Gallaudet, will be here to present to us and speak to us on NOAA update and administration priorities, so I want to remind folks on that. With that, we'll go to Mr. Oliver.

MR. OLIVER: Yeah, I'll just add to that, Mr. Chairman. Our Acting Under Secretary, Admiral Gallaudet, had meetings on the Hill all day today, but he adjusted his schedule. So he

wanted to be able to meet all of you and address you, so hopefully we'll all get back by 1:30.

And, yeah, with that, we have set aside a half-hour on the agenda just to talk generally to give you some of my perspectives on my first eight months in this position and see what kind of questions you might have.

It's a little bit -- after 20 years involved in this process, in the CCC process, it's a little bit surreal to be sitting on this end of the table, but it's a little bit comforting also because I'm just sitting to Dan's right, which is a place I know well, so it feels good sitting here, Dan.

And anyway, I wanted to just reflect generally on some of my experience in the eight months that I've been here.

It's been quite a learning experience, learning all of the different fisheries around the country, having been sort of myopically focused in the North Pacific for so many years, learning the bowels of the bureaucracy and how it works,

and doesn't work, and when it works, and how, you know, it works well in many cases and not as well in other cases, and also just the lines of dynamics and communication amongst the different line offices in NOAA, within and up the chain to NOAA, with the Department of Commerce, with the Hill. It's been quite an experience.

You know, I've said this before, my main experience with politics in the Hill was I'd fly back to the East Coast, provide testimony at a Congressional hearing, go make the requisite visits on the Hill to our Congressional delegation, and fly back to Anchorage, so it's been quite an experience.

I've had hundreds of meetings with constituents, hundreds of internal briefings on different issues and processes, dozens of meetings on the Hill, and it's been quite an experience.

I was thinking of something that Bill Tweit warned me about when I took this position. He said, you're going to learn more about Pacific Coast salmon than you ever wanted to, and it's true.

So much of what I -- what's come at a little bit of a surprise to me is how much of our mission and focus is surrounded -- or in the context of our ESA and MMPA consultation obligations, whether it be seismic activity in the Gulf, or looking at the West Coast, hydropower, LNG siting, agriculture, water storage, and dealing with that, and I believe, if I'm not mistaken, 27 different runs of either endangered or threatened salmon or steelhead on the West Coast.

So you were right, Bill. That's been a consuming experience and I'm still enjoying learning about it.

I want to -- one of the things I've realized, and I wish -- since Sam's not here, Sam Rauch, my new best friend, Sam Rauch -- is one of the things I've learned and gained a great appreciation for is -- as you know around the table, over the past 20 years, I've taken exception at times with some of the things the agency has done, the agency leadership has done that we -- or at

least I thought, well, that was actually dumb. Why are you doing that?

Well, I've gained an incredible appreciation and understanding -- not necessarily agreement -- but understanding of why the agency sometimes does or takes some of the positions they do that the Council, the CCC, may not always agree with.

I haven't -- and I've come to really appreciate Sam's role and how good and critical Sam is to the running of this agency. I haven't drank the Kool-Aid yet. In fact, we're switching from Kool-Aid to Gatorade, so that's the new attitude.

I did -- I just talked a little bit about general overarching goals and priorities of this administration. I think we sent out recently to you our 2018 NOAA Fisheries Priorities document, and in that document there are three overarching goals that then feed into a number of more specific priorities that then feed into a list of anticipated outcomes.

And it's not written in concrete. It's a guide. It's both an internal guidance document and an external facing document to give folks an idea of the general approach we're taking.

And the three overarching goals, I changed them from what they were the previous couple of years. The first one was ensuring sustainability of fisheries and fishing communities. And I added the words, maximize fishing opportunities while ensuring the sustainability of fisheries and fishing communities.

The second one was recover and conserve protected species, and I added the words, while supporting responsible fishing and resource development. And the last one was improve organizational excellence and I added the words, and regulatory efficiency.

And I don't have to -- I think those are subtle language changes, but I think they are important in that they reflect -- much better reflect the underlying approach and philosophies

of this administration.

And you all well know how focused it's been on the issue of regulatory efficiency, which is an issue near and dear to my heart for all of those that I've worked with in this forum for almost 20 years, whether it's NEPA or other issues. That one's near and dear to my heart and we're going to have an agenda item on that issue specifically later on.

So I think that, you know, I came into this position with an underlying approach based on my experience in the North Pacific toward long-term sustainability and a reliance on science, and I don't want to roll back that attitude. I don't want to roll back any of the successes that we've had, but I think there is room for flexibility in how we approach that. I think there's room for a more business-minded approach.

And, you know, we want to rely on science, and we have a regulatory process, and we have statutory obligations, but I think there's a greater role for common sense in the process as

well, and so I want to try to strike that balance the best I can.

In 2018, I think, you know, one of my focuses is to make sure that we maintain that basic science mission, and, you know, things like maintaining our basic stock surveys or expanding them in regions where they're lacking is a critical goal of mine.

I want to continue our work to create efficiencies in the Endangered Species Act and the Marine Mammal Protection Act permitting consultation processes, and we've made tremendous progress in that over the past year and actually reduced our consultation times by 25 to 30 percent and greatly reduced the backlog of MMPA permitting consultations that we have on the books. I want to continue that trend.

I want to highlight the efforts that we have internally to not only promote a marine aquaculture initiative, but look at promoting U.S. seafood production in a much greater sense that includes not only aquaculture, but finding --

maximizing our commercial fisheries to the extent that we can, maximizing to the extent we can our export position with regard to all of our fisheries, and maximizing where we can our recreational fishing opportunities.

And Paul Doremus, I believe, is next on the agenda, and he's going to talk more specifically about our aquaculture initiative because that's an important component of this administration's overall approach.

I want to go -- I think all of you that know me know that I consider the Fishery Management Councils to be a critical partner in our management process -- not a constituent, not a stakeholder, but an actual real partner in this process -- and I don't think you're going to see me do anything that doesn't reflect that attitude.

I don't want to talk too much longer because I want to leave a little time for informal exchange, but I do want to update you on some personnel changes happening at NMFS and NOAA. I want to congratulate Mike Pentony for his selection

as the Greater Atlantic Region, GARFO Regional Administrator.

We have several -- well, at least three science center director positions that are at various stages of being filled in the southeast and southwest. We have folks that we hope are shortly going to be announced for those positions.

And for the Alaska Fishery Science Center, Doug DeMaster is retiring in April. We're fairly far along in that process as well and it may be another month or two before we can actually make an announcement on that.

Last fall, about three months ago, we already mentioned this, Admiral Gallaudet was announced as the Acting Under Secretary. He will be joining us at 1:30. And just within the last month, we have a new political team at NOAA that's come on board.

Stu Levenbach is the Chief of Staff who will be working directly with the Under Secretary. Kevin Wheeler is the Deputy Chief of Staff for

Policy, and I think some of you probably know Kevin. He was previously with -- most recently -- Seafood Harvesters of America, and Brandon Elsner who is with Senator Wicker's staff as a Senior Policy Advisor.

And just the day before yesterday -- or, I guess, yesterday actually, Dr. Neil Jacobs came on board as the new Assistant Secretary of Commerce for Environmental Observations and Predictions, basically the weather and satellite dry side of the house.

So it's been an interesting experience getting to know and work with all of those people, and I very much look forward to working with you all in my new position, and I will stop there and say good morning, good to see all of you.

Congratulations on the new Council appointments. Congratulations to Charlie on his Chairmanship, to Phil on being the new Chairman of the Council, and I'll stop there and leave time for any questions or discussion you all want to have for a little while.

CHAIR HULL: All right, thanks very much, Chris, and welcome again in your new role here. Do Council representatives have some questions?

MR. OLIVER: You don't have to. I'm just giving you the chance.

CHAIR HULL: Here is your chance. Yes, Ed?

MR. EBISUI: Thank you, Mr. Chair. Welcome, Mr. Oliver. I think I speak on behalf of the group, we are pleased beyond whatever to have you in the AA position. It's great. It's a good day for fisheries.

I appreciate your comments about your three priorities and your characterization of your added language about maximizing fishing opportunities. It's subtle, but important. It's hugely important.

I would just like to mention that I think that as a corollary to maximizing opportunities is also reduction or minimizing prohibitions against fishing, so we look forward

to your work, Mr. Oliver.

MR. OLIVER: I appreciate that, Ed, and, you know, there are examples around the country. I know the west coast is one prime example where while we may not have tremendous headroom in our wild capture fisheries, there is some headroom, and we've got regulations on the books that are now archaic given new management programs.

We also have regulations in development by the Council, all of which collectively could realize -- I know in some cases we're leaving maybe up to 30 percent of the fish that could be caught in the water, and so I want to see us get rid of those regulations that don't allow us to get the most that we can while still ensuring long-term sustainability.

We do believe -- and I mentioned this earlier -- when you look at, you know, feeding the world, and you look at our overall seafood production and our import/export imbalance, aquaculture is an area where we think there's a

tremendous amount of headroom, and so again, we're going to hear more about that shortly.

CHAIR HULL: Others around the table? It's a silent group for the start of the day.

MR. OLIVER: I expected a lot more grilling than this.

CHAIR HULL: Yeah, Gregg?

MR. OLIVER: You all are being really nice.

MR. BROWN: Thank you, Mr. Chairman, and congratulations, Chris. We look forward to working with you as well.

In terms of improving organizational excellence and regulatory efficiency -- this is something that will come up a little later on the agenda -- but there's always been this delay after the Council takes action on a plan until we get the regulations and get the amendment through the review process.

And we certainly recognize with the new administration that adds some time, but it seems as if we're sliding backwards in terms of the time

necessary to begin review of amendments after a council finalizes a document.

And so we're very interested in working together with you and our region to see what can be done to try and speed that up so that there's not this year of delay before anything gets published in the Federal Register after the Council takes final action.

MR. OLIVER: I hear you.

CHAIR HULL: Anybody else? The floor is still open. All right, I'm sure perhaps as we walk through the rest of the agenda there'll be some other questions, but, you know, reflecting a bit about your opening remarks, Chris, I don't think any of us can fully understand the amount of time that it's taken to understand, as you said, the other side of the coin or other side of the fence, so I appreciate you highlighting that for all of us.

MR. OLIVER: Just to make one other comment relative to the issue of learning about other fisheries and other issues, I'm still on the

steep part of the learning curve, but I do want to make a commitment that I do intend to come and visit each of the regional council meetings at some point in the near future, as well as our own regional offices, our own science centers, our own laboratories.

We have, you know, six different science centers, and I think 27 -- or maybe closer to 20 -- different laboratories, nearly 3,000 employees, many of whom I haven't met. So I've been trying to stick close to home, so to speak, because I'm on the steep part of that learning curve, just learning internally all of our issues and processes, but I do intend in the next few months to try to get around and visit each of the council meetings.

CHAIR HULL: Very good, thank you. Okay, we'll move on then to a presentation by Paul Doremus on Aquaculture Initiative updates.

DR. DOREMUS: Thank you, Mr. Chair. I will be doing an introduction to this topic that the head of our aquaculture program, Michael

Rubino, will be providing to you, and it's a great pleasure to introduce Michael and introduce this topic in the context of my current responsibilities.

A little over the last year, I've been assisting NOAA in the transition to new administration leadership with Chris coming on board.

I am currently occupying the position that Rear Admiral Gallaudet was nominated and confirmed by the Senate, and immediately upon getting into the organization, he was asked to act as NOAA Administrator as the Under Secretary until the administration's nominee, Mr. Barry Myers, is confirmed by the Senate.

He is still awaiting confirmation. We don't have any schedule or understanding of when that might happen. We're looking forward to Congress taking up additional nominations soon, and we'll change and adapt as that happens.

We now have two assistant secretaries in place -- which is very fortunate for NOAA --

on colloquially the wet and the dry side, and I will be holding in this position until Admiral Gallaudet is able to step into it as Mr. Myers comes on board pending Senate confirmation. So those are the next steps.

It's been a long and gradual transition, and it's been a real pleasure for me to have the opportunity to work with the new team, to meet with the Secretary, to understand their objectives for NOAA and how we can best respond to them.

And it's wonderful. The Admiral went to great lengths to be able to talk to you today, and you will hear from him that seafood production is one of the two top priorities that he, that Mr. Myers, that the administration has for NOAA.

They are trying to do fundamentally two things during their tenure here, implement the Weather Act and improve seafood production and competitiveness in the United States, so they're taking a very holistic approach to this as Chris was indicating.

We have opportunities for refinement in how we're managing and operating our wild capture industries. We have opportunities to open up export markets more thoroughly and more efficiently, and we have enormous opportunity to improve the overall production profile for seafood in the United States through aquaculture.

This is the area where we think we are most well-positioned for substantial change and it's great to see the administration come on board and see the potential in full relief, and commit to both the trade implications but also the domestic production opportunity.

We've had in the U.S. a long and relatively slow development of aquaculture industry. You all are familiar with the great growth and increasing diversification in shellfish industries in coastal waters, and we have continued promise and rapid growth rates there.

Finfish aquaculture is a nascent industry and we are nowhere near international standards for production capability there,

particularly given the resources that we have to work with in the marine environment in particular.

And strategically, I think we are at a real turning point in terms of aquaculture as a component of our entire seafood production system. We turned the corner on overfishing a while ago.

You all are testament to the Magnuson-based system that we have in place, rooted in science, grounded in principles of sustainability, and as we look for future opportunities for meeting the scale of demand, both domestically and globally for seafood products.

When we look forward to sustainable seafood production and the ability to support our coastal communities, our fishing-dependent and ocean-dependent communities, we see that aquaculture needs to be a part of that seafood future as a complement to our wild capture industries and as a mechanism for diversifying, in effect, our production system as a nation.

And we have, I think, a great opportunity here to apply those same principles of science-based decision making of sustainability and capture a substantial part of the farmed seafood market that exists on a global basis, both in the U.S. with the demand for local seafood supply, as well as premium products in international markets.

We have the great advantage of having Michael Rubino on board to lead this effort internally. He's in a position here today to talk to you about how we're approaching this challenge and what might be involved as we step forward under new administration leadership.

But we really, you know, need to, in my view, today think about realistically what kind of challenges and opportunities we have out there. We need your advice, your recommendations, your understanding of the direction that we're taking.

We have one fishery management plan in the Gulf of Mexico now. There's different ways that that could evolve, but overall, the

opportunity for integrating aquaculture within our domestic seafood production system is what we need to talk about here today and we need your advice and recommendations on how to accomplish this.

So we are in a position to talk about what we're doing and what some of our target concepts are for regulatory streamlining, for improving the science base, for working with industry, and we're really pleased to have the opportunity to kind of broadly convey the direction that we're taking here so that we can have a good discussion and get best advice from all of you and your deep knowledge of the seafood industry and how aquaculture can best be integrated within that framework.

So with that, I'll turn it over to Michael to step through a through briefing, and then we have plenty of time here, Mr. Chair, I believe, for a question and answer period, which I very much look forward to, so thank you and Michael?

DR. RUBINO: Good morning. Thank you,

Paul. Can everybody hear me okay? Good. Some of you probably knew Harry Mears who worked for the agency his whole career, I think more than 40 years. Unfortunately, he passed away early in the past couple of months.

But when I first came into the agency about 10 years ago and went up to what was then the northeast regional office, Harry brought out a large stack of aquaculture reports, policies, legislation, results of stakeholder meetings going back to the 1970s.

So you might say, what's new and different now? You know, we've been talking about this for my whole career and for the career, the whole careers of many of you about how to fit aquaculture within, marine aquaculture at least, within our oceans management and coastal uses.

Paul gave a great introduction about some of the drivers that are different now, but I think two things have hit me. One, if you go - and one of my sons works for a fish wholesaler here in the Washington, D.C. area.

If you go early in the morning and see what comes in, and what's being processed, and what's going out the door, there's very little local component to it, and we in the agency are hearing more and more from the broader seafood community that it's local that sells.

Chefs, restaurants, supermarkets would like local and we're not supplying that to them, and it's hurting the place of our domestic wild capture fisheries in seafood markets as well because the reliability of supply is not there and chefs or supermarkets can't keep it on the plate or on the shelves. You know that.

So these stakeholders running across the spectrum are increasingly asking us to be involved, to try to figure this out. I think that's fundamentally what's different.

So I think we've gone through a number of these take home messages. You have this presentation. You can go back to it in terms of reference. I'm going to skip over some of the slides quickly and focus on sort of the specific

activities that we think we can get done in the next couple of years with your advice and with your support.

You know about the drivers generally as well in terms of global seafood markets, what's happening around the world, our nutrition guidelines, and so on.

One of the things that's different is that the Department of Commerce, not just our NOAA fisheries or our NOAA aquaculture policy, but the Department of Commerce has said, this is a priority.

So whether we have an aquaculture initiative or a seafood initiative to sort of rally political support behind this, the Agency and the Department have some deliverables to meet. So we, as staff, with your help, need to figure out how to do this.

Over the past several years, the biggest supporters of the aquaculture program within NOAA have been the shellfish associations. Eighty percent of marine aquaculture or more is shellfish farming now in the United States. It's

mostly happening in coastal waters.

The other big supporter has been sort of the agricultural feed sector, the Soybean Association. You know, if you could put together coastal states with square states, you'd have a powerful political coalition in this country to move aquaculture forward, and that's what's happening through some of these new stakeholder coalitions that have been formed.

The most recent one is called Stronger America Through Seafood led by companies like Cargill and Pacific Seafood, Taylor Shellfish, Highliner, Pentair, the equipment supplier, a number of investment companies, Red Lobster.

They've been meeting for the past several months and also meeting with the National Aquaculture Association, the National Fisheries Institute, the Shellfish Associations to say, how do we move this agenda forward particularly in marine aquaculture?

We know the opportunity. We know what the constraints are as well. Yeah, we've got

complicated regulations. We inherited the English town system where everybody gets a say, local, state, federal, tribal. We've got people who live along coasts that don't want to see an oyster farm or a fish farm. We've got conflicting uses. We've got some fishermen who see this as competition.

I think though, yeah, we've got all of these complications, but if we had the sort of political will, the social license to work through that, you can collapse those regulations and make it efficient.

You can work in coastal communities and have it be their form of aquaculture to move forward. So I think it's really the social and political things that are standing in the way. It's not investment money. It's not technology. It's not know how. It's not even labor force, although that could help too.

Especially if you live on east coast, you're seeing lots and lots of people going into oysters, clams, mussels, seaweed, even fish farming. The Fisherman's Cooperative in

Portsmouth, New Hampshire is growing steelhead in cages and mussels and seaweed on the outside of that.

So fish farming doesn't have to be large scale like it is in Maine, or in British Columbia, or in New Brunswick. There are lots of different ways to do this.

On the west coast, our major seafood companies are amongst our largest aquaculture producers in the United States.

So what can we do? We've boiled it down to sort of three components. One is the regulatory streamlining, not reducing regulations, but being more efficient about how we go through that process.

Two, it's helping sort of on a precompetitive basis to jumpstart production through pilot projects, demonstration projects.

Third is the longer term research and development that we need to do with USDA, the private sector, universities, the extension network and so on to support an industry.

So what we do mean by regulatory streamlining? In the coastal environment, it's largely shellfish. It's largely working with the Corps of Engineers on programmatic approaches to shellfish permitting. Some of you have probably heard about Nationwide 48, or state general permits, regional general permits.

So if you can fit 80 percent or so of shellfish farms in terms of gear types, locations, do consultations with the Fisheries Services, Fish and Wildlife Service, work with state agencies on the types of locations and gear that are acceptable and that have minimal environmental effect, those permits go through quickly.

It doesn't mean you can't apply for a permit outside that box, but then the burden of proof is kind of on the permit applicant. So if we can sort of, in effect, pre-permit areas, types of gear and so on, it goes through the process much quicker, so we'd like to do more of that. We've spent, colleagues have spent a lot of time in Washington state with some success going through

this process.

That's what Washington state looks like in terms of what you have to go through to get a shellfish permit. So the Corps, NOAA, the state, and other agencies have collapsed that permit, and for the first time in 15 or 16 years, they're issuing new shellfish licenses in Washington.

Another way of doing this is to sort of look at and do site analysis or marine spatial planning, going through that dance with coastal communities and all of the users on where the best places to do aquaculture might be. So some of it is GIS-based exclusion mapping. Some of it's looking at where the best sites are.

Again, if you can, say, look at mussel farming off of California and New England, or find the best places to do finfish farming in the Gulf, or look at the best places to do seaweed farming in Alaska, and do the analysis that's required for environmental impact statements under the National Environmental Policy Act or NEPA, get all of that out of the way in advance, when a permit applicant

comes in, yeah, they're going to have to do an environmental assessment perhaps, but the hard work of identifying sites, and going through a consultation process, and going through talking to your neighbors about where this might happen has been done, so that's another thing we would like to do and we're well underway in a couple of places around the country.

As a federal agency, we have particular responsibilities for federal waters. Yeah, we can permit aquaculture under Magnuson as the Gulf Rule has done. The Western Pacific Council is looking at this. There are requests for councils on the east coast to look at how you might regulate the fisheries management questions of aquaculture under Magnuson, so that's one way to do it.

Another way is through national legislation. Senator Wicker, in part because of the interests of the seafood community in the Gulf of Mexico, has drafted a bill to sort of fix the federal waters' issues of aquaculture, as well as to set up a larger research and development program

for all of marine aquaculture, so that's another option.

We haven't been sitting still during my tenure here in terms of the tools that we need to be good managers or that you need in terms of assurances about, is aquaculture going to be done right? I should have added at the bottom economics as well.

You know, yeah, aquaculture done right is one of the most efficient ways to produce protein, and we've learned a lot over the past 20 or 30 years about what to do and what not to do, and how to site facilities, how to monitor, evaluate reporting and so on.

We're also beginning to look at suppose you bring on three or four million pounds of red drum in the Gulf. What happens when sablefish, which is almost ready for prime time in aquaculture comes on the line? How do we work that into our marketplace?

What's going to be the effect on existing fishermen and their prices? What's going

to be the effect on existing aquaculture producers and their prices?

So Jim Anderson at the University of Florida is looking at these issues with his team in the Gulf, and we've got a team led by Northern Economics in the northwest looking at these questions for sablefish, so sort of two pilot cases on what about market competition and then how could you build a market with wild and farmed and hatchery-raised together to sort of promote U.S. grown and harvested and local?

I talked a little bit about the partnerships. Let me give you a couple of examples. The Port of Ventura is working with their stakeholders in that region and with the federal and state agencies on seeking to sort of pre-permit or permit a 2,000 acre area either in state waters, maybe more likely in federal waters after discussion with the fishermen, for mussel farming off Ventura.

So they go through the whole process with the Corps. They would, in effect, hold a

master permit. They would then sublease or subpermit to about 10 to 20 mussel growers, but again, all the NEPA analysis would be done. The siting analysis would be done.

The conflicting use analysis would be done. The issues of whale and turtle entanglement would have been looked at, and it would be lot easier for a permit applicant to come in and gain access to one of those sites.

The Port of San Diego is doing something similar. We'd like to look off New England at mussel and seaweed farming on sort of a programmatic basis. Hubbs-SeaWorld Research Institute has proposed doing a fish farm off San Diego, and another group has proposed doing a fish farm off Long Island in federal waters.

As public/private partnerships, they'll put up the investment money, but they're looking for the broader community to participate in terms of learning about it, having stakeholders become comfortable with this, the science aspects, the gear aspects and so on, so that they're willing

to be guinea pigs, but, you know, being a pioneer is very costly and very risky. They'd like our support to go ahead and do that.

Longer term, my former deputy, Lorenzo Juarez, who has worked in the shrimp industry and with fish farms, he's now back in the private sector, has this great presentation where he says, okay, now you're a fish farmer. Now you're an oyster farmer. Here are the 20 things that can go wrong, disease, changing environment, nutritional aspects, bottlenecks in hatcheries. Who do you turn to? Where is our sort of supporting infrastructure?

We have some of that for commodity corps, for our terrestrial animals through the USDA Research System and Extension Network. We have some of that for commercial fishing and recreational fishing in terms of the cooperative institutes that do a fair amount of research.

We don't have that really for aquaculture in this country with the exception perhaps of catfish and trout. So that's something

over time that we need to build, you know, looking at oyster genetics, genomics, larval nutrition in hatcheries, which is a bottleneck for any finfish.

These are things that have been identified by the research community that we're ready to move ahead with, but we're going to need support in terms of research and development. We're going to need partnerships with the private sector and with the universities to do that.

We have some tools in terms of our competitive grants programs to do that. This year for the first time, the regional commissions have been engaged in issuing aquaculture grants. They're right at the beginning of that process. So these are tools that we have to work with industry.

So again, as Paul said, this is not about reducing our commitment to fisheries, to fishing, whether it be commercial fishing or recreational fishing.

It's about broadening the horizons, not

thinking about seafood in terms of wild or farmed, but thinking about it as a spectrum of technologies to produce seafood, thinking about it as another complement to what we already have in our coastal communities, to strengthen their resilience, their opportunities, their jobs. This is happening now, you know, but as Paul said, we need your advice, your engagement, your commitment to work with these communities. Aquaculture is the new kid on the block.

You know, all of us grew up reading books to our kids about the family farm, about pigs, and cows, and horses, but we didn't grow up reading books about our local fish farm or our local oyster farm. People don't know what these are. They don't have a concept of it. It's kind of a boogeyman. It's new and different.

When folks have done public surveys about aquaculture, one of the things that's come up off California and the Gulf is they equate aquaculture to oil spills. Think about that. So how do we make this tangible, real?

How do fishing communities, coastal communities participate and then work that back through the seafood markets, through educational systems, through our elementary schools to understand that, you know, aquaculture is part of our community? It can be your friend too.

So let me stop there and I think we've got lots of time for discussion.

CHAIR HULL: All right, thank you, Dr. Rubino. Let's see if members of the group do have questions. Oh, Mr. Oliver?

MR. OLIVER: I just want to add something and echo something Mike just alluded to, and as we approach this initiative, one of the things I'm particularly looking at, one of the key components of that is making NOAA the, for lack of a better term, the one-stop shop to coordinate the permitting process.

And when we talk about making that process more achievable, we don't mean that we intend to deregulate aquaculture. I think we all realize there are aspects of aquaculture that need

regulation. We don't want to adversely impact through siting or other aspects of aquaculture our recreational or commercial fisheries.

And one of the things that I've talked to a number of folks about is how we approach this initiative in a way that doesn't compromise or unduly create fear, strike fear in the hearts of commercial fisheries because there will always be a competition aspect when you look at many aquaculture species.

So I would certainly be keenly interested in any insights or thoughts this group has along the lines of that issue and how we can do this as a complement rather than see it as a competition with commercial fisheries, or what we can do to ease concerns that people have from the perspective of recreational and commercial fishing.

CHAIR HULL: Yes, Terry?

MR. STOCKWELL: Yes, thank you, Mr. Chairman. Thanks, Mike, for the presentation. Being a resident of Maine, and it's well known that

Maine has a long history with aquaculture, primarily shellfish and Atlantic salmon.

In my previous employment, I worked for the Maine Department of Marine Resources, and aquaculture was an important and very time consuming and expensive component of the agency.

You've mentioned some of the impediments, invasive disease, seafood safety from the state perspective, gear conflicts and enforcement.

These are really expensive, and I'm trying to understand how NOAA anticipates moving forward into states' water fisheries, and if so, if they're going to provide any funding because I think that's probably about the only way you're going to attract the attention of the states and the councils if the councils are going to be asked to be involved.

DR. DOREMUS: I think we're going to need to look at different scenarios, what kind of development path we're looking at if we don't have additional resources, how we can work partnerships

and other strategies to improve what we can currently deliver on.

There are scenarios that we're discussing and we hope to have the opportunity to work through that would involve greater resources, but it's a very difficult environment to attract resources at the federal level, so I think we need to look really hard at how best we can use our existing capabilities.

And there's a lot we can do on that basis, but certainly recognize the need, particularly when you look at the full breadth of things that we'd like to and industry is telling us that they need, especially on the science side, but in other areas as well on the resource management side.

Our path really would work optimally in my view if we're able to augment our existing resources, but I just want to acknowledge that it's a very difficult environment to do that in.

We've had the great benefit of strong support from the administration and from Congress over a

long period of time for U.S. fisheries generally, and that's a good, stable platform, but we'll see how that evolves.

There's no guarantees it will be able to assist the states in the manner that you're talking about now, but we can certainly coordinate federal engagement with the states much more effectively than we do today.

DR. RUBINO: Let me just add I think we can learn from the states as well, and Maine is a prime example of that.

The picture of the gentleman on the top there is Matt Barrette, a second or third generation fishing family growing mussels in the Portland, Maine harbor, and looking at also growing fish and seaweed, taking that model from Portsmouth, New Hampshire.

You know, in the state Maine, somehow they've worked it out and aquaculture is moving forward with the support of the lobster industry, sometimes grudging, but in other times, quite supportive, especially in terms of sons and

daughters working in the industry.

If you go up to Cook Aquaculture's recently permitted sites in Maine, you've got lobstermen. There was no opposition to those sites and lobstermen put their pots right alongside, so they've worked it out within those communities.

At the state level, the state issued, has a bond issue that was recently done to support the seafood development more generally around Maine, but aquaculture in particular.

The business community has rallied behind this as one of their four top priorities in the state of Maine, so I think we have a lot to learn from states as well as we adopt this to our federal rule.

CHAIR HULL: Terry?

MR. STOCKWELL: Quick follow up, there have been some attempts to have some open water aquaculture in state waters. They've been unsuccessful because of the expense, the gear conflict with the lobster fishery.

The lobster fishery has not been very

supportive of sharing that water, and really the oceanographic conditions, good for growing, good for growing the fish, but bad for retaining the cages.

CHAIR HULL: Charlie?

MR. PHILLIPS: Thank you, and I do clam aquaculture, so I'm familiar with the bottlenecks and stuff. What I think I just heard was there's not any money to help the councils do these fishery management plans for aquaculture.

We just got a letter from North Carolina stating that they'd like to have one in the south Atlantic, and so, you know, we would need to hire some staff to be working on that.

We're already tight on what we can do with our staff that we have, and I'm not quite sure how the councils would have a fishery management plan and yet they're going to get the permits from up here.

So it seems like it's going to be a problem with no money to do more regulations for more management plans, and I'm not sure exactly

how that all works.

CHAIR HULL: Paul or Michael?

DR. DOREMUS: I don't have a great answer for you on that. We're all in the same boat as far as that goes.

We're being asked to look within the resources that we do have at ways to modify effort, to be able to respond to new opportunities in areas where, in our organization, we can realize greater efficiency gains and put resources into these types of needs on the permitting front, on the resource management front, as well as on the science front.

So I can't promise additional resources to put on the council efforts to build regional fishery management plans. We would like to be able to address increasing scope of requirements with resources, but we're living in a world where that's rarely the case anymore.

So I do think we need to be very aware of what we can do, what kind of pace is entailed, if we're able to approach it differently, what level

of acceleration could we provide or not, and just be very clear about how we can best operate under existing conditions.

We'll certainly be advocating for enhanced and making sure everybody knows in our budget and policy stakeholder community what our organization can do with additional resources to promote and better manage the seafood responsibilities that we have broadly speaking.

But as I indicated earlier, it is a very difficult budget and policy environment to hold a promise of that, and I think we need to work very aggressively at operating within existing resources.

CHAIR HULL: Yes, Archie?

MR. SOLIAI: Thank you, Dan. Dr. Rubino, I appreciate the presentation. I realize that some communities and councils are more developed when it comes to aquaculture, but for - a lot of it has to do with Congressional funding, and NOAA historically has worked with commissions, state commissions within the various councils, but

in the Western Pacific, I think everybody knows also that there is no commission.

How can NOAA - how can the Western Pacific Council get some of the share of the funding that's available to the other commissions when we don't have a commission?

DR. DOREMUS: We have a number of different ways that we can get at that question. We've got the three commissions to work with. They can operate at both the regional and at national scale, and we want to make sure that there's opportunity available throughout the states and territories that we support, so I will look into how best to do that.

We do have other resources that we try to use to similar effect. A strong complement to the Congressionally directed effort that you're referring to here that we executed through the commissions is provided by S-K, our Saltonstall-Kennedy Grant program, and we anticipate and will be talking with you in the future.

Aquaculture has been a priority within the S-K program and we're talking about, in effect, making that a little bit more prominent priority. We also have and have been working aquaculture grant programs through the National Sea Grant partnership as well.

So good question on the sort of access to the commission resources. I will get back to you on exactly how that could flow.

CHAIR HULL: Phil?

MR. ANDERSON: Thanks, Mr. Chairman, and thanks for the presentation. So I've spent the majority of my professional career in fisheries management in Washington state. We have an extensive aquaculture industry in Washington state within state waters, primarily in shellfish, but we also have some experience in aquaculture relative to Atlantic Salmon.

We had a bad experience here four or five months ago. We had an escape of about 300,000 Atlantic Salmon up in the north part of Puget Sound up in the San Juan island area causing a lot of

concern, particularly for our species of Chinook salmon that are listed under the Endangered Species Act.

I listened carefully to the presentation and was recalling back to a presentation that Dr. Hogarth gave the Pacific States Marine Fisheries Commission over a decade ago advocating aquaculture.

And I don't stand in the way of looking for ways to expand aquaculture, but what I was listening carefully for is what is the ask of the councils? I heard, we're looking for your advice. We're looking for your engagement. We're looking for your expertise -- which, those are good words.

But in terms of when I think about the Pacific Council and the areas from three to 200 miles off the Washington/Oregon/California coastlines and I think about aquaculture, and I think about what role the Pacific Council could play in trying to advance aquaculture or support the initiative of aquacultures as NOAA has

described it, I'm still asking myself as I listen to this what is the ask of the councils, and I wondered if you could speak to that?

MR. DOREMUS: I'd be happy to start on a couple of dimensions of that, Phil, and Chris and Michael may have additional comments to add.

But at the highest level - and Chris articulated this very clearly - I think it would be very helpful on both a national and a regional basis through the councils to use our understanding of the seafood sector, and the direction that we're taking, and the broader need to meet increasing demand through a much more diverse seafood production system.

So to ask is to step back and look at a regional basis at how we can best support our coastal communities, our coastal producers over time in meeting increased demand. That's improved management of our wild capture fisheries. Ed asked some questions along those lines, based on the, Chris's early comments.

Increasing efficiency, and how me

manager under the, under the existing regime. And then how we can best bring those same principles of science-based decision making and sustainability to the aquaculture sector, which operates very, very different.

The Gulf stepped out, and was the first to do that. They answered the question about species with a requirement for native species. That's one way to do it.

The council's offered an opportunity for regional determinations of those kinds of issues. So that's a, I think that's a key component of managing how that discussion takes place over time.

The most direct ask is to carry on, right now, lacking statutory direction to the contrary. And there are discussions on the Hill about an aquaculture bill. Senator Wicker will, has, has told us that the, they will be introducing a bill in early March that does open up alternative ways to look at marine aquaculture production, and NOAA's responsibilities relative to Magnuson.

But right now, we're operating under a system where we would need fishery management plans for aquaculture in each of the regions, and that's probably the single biggest ask of the council, is acknowledging the workload, and the complexity of managing wild capture fisheries that you all do on a day in, day out basis.

So those are the two major asks from my vantage point. Taking an integrated view of the seafood sector, advising us on how to, how to manage wild capture and aquaculture dimensions of the seafood industry, if you will, and then working in particular towards regional fishery management plans.

And I'll see if Chris or Michael would like to add to that.

CHAIR HULL: Let's go ahead with Chuck, and then Tom.

MR. TRACY: Thank you. So, you know, as I looked at the presentation, I saw a lot of ideas on, you know, or maybe focus on, you know, improving the ability for aquaculture to produce

more product. And I guess I didn't see very much on making sure that aquaculture development doesn't harm things like essential fish habitat - which, you know, you said they're kind of the new kid on the block. Well, they're not really. They've been around a long time, and they've been, a lot of placement of aquaculture facilities in our estuaries, particularly Washington and Oregon, Northern California.

So I guess I would be interested to hear your thoughts on sort of improving the aquaculture technology to, you know, sort of further reduce the impacts of aquaculture on coastal habitats.

You know, most of those estuaries, particularly eelgrass beds, are all habitat areas of particular concern in our fishery management plans. And I guess I didn't see much consideration given to, to how those affect that aspect of our wild capture fisheries.

And so I guess I'd be interested to hear your, your thoughts about that, or, or providing some incentives to, you know, look at some different

technologies that could help reduce some of those impacts in the future.

DR. RUBINO: Yeah, so thanks for the question. I did have a slide earlier on about all of the - excuse me - we like to call them tools for rules, looking at siting, proper siting, which is the first step in terms of environmental considerations, genetics and escapes questions, effects on habitat, both positive and negative of aquaculture, looking at aquatic animal health management in a broad sense, and then also the economics questions, in terms of broader socioeconomic questions, in terms of broader society.

So those are things that we've developed very sophisticated models for siting. The GIS base, there are, you know, in another year or two you'll be able to use those models personally to look at different regions around the country and play what-if games - thank you - with those regional siting models.

We at NOAA will have additional

information, mostly from the Department of Defense, that will provide another layer of siting analysis that will be available, but we can't make it public, obviously.

There are very sophisticated water quality benthic models available for fish farming in particular. We have the so-called OMEGA model developed from salmon hatcheries, looking at the effects of actually deliberately releasing salmon.

You know, Washington state and Alaska have the largest aquaculture operations in the country called salmon hatcheries. We've learned a lot from them on genetics.

So you can use that same modeling effort, and say okay, you're going to get so many brood stock from the wild. You've got a brood stock management program for domestication. If you then get five escapes, or 10 escapes, or 100,000 escapes, should we be concerned about impacts on the wild stock?

So that model is now available, is being tested around the country with different, different

stocks. We've done it for sablefish. We're working on red drum in the gulf. I also think amberjack on the West coast, and one, eventually one of the species on the East coast to groundtruth that.

In terms of your question about shellfish farming, you know, if you, shellfish also attracts eelgrass. And there's, so we're also looking at, what's the habitat value of shellfish? And comparing that to eelgrass beds, and how does aquaculture of shellfish work within eelgrass beds and around eelgrass beds?

It's a contentious issue in some places, but a lot of work is being done on that. And we've also got cases on the East coast, where I know that shellfish farmers come in, they set up operation. Eelgrass then colonizes their shellfish farm. They have an incentive to rip up that eelgrass, because otherwise they may, going to lose their lease.

That, you know, we can't have these kind of perverse incentives either. So I know a number

of states on the East coast are working through that issue.

The one area where we as an agency are, are not very strong is aquatic animal health management, whether it's shellfish or fin fish. USDA's Animal Health and Plant Inspection Service, or APHIS, has the lead in the United States.

As you know, in the animal sector field, disease is the biggest production issue. It's likely to continue to be the biggest production issue in aquaculture. So that's something, and we, you know there's integrated pest management, there's area-wide management, there's good biosecurity measures, all those best management practices we know about.

But as a regulatory agency, that's a capability that we need to work on.

CHAIR HULL: Tom? And then we'll go to Dr. Balsiger.

MR. NIES: Thank you. Thanks for all this information you've given us. You know, we've had a formal aquaculture policy since 1997 that

was adopted by our council.

And I, you know, as far as I know, I don't think there's been any reference to it since we adopted it. I don't know that anybody's used it.

And I, I look at marine aquaculture. I think it's currently running about $100 million, or as of 2016 was $100 million, and the struggle whether we should put emphasis on increasing that, or figuring out a way to capture the $100 million worth of haddock that we're leaving in the water off New England every year.

But I guess I've got two questions after those comments. And, and one is, I'm confused the way the discussion is going, because I can readily see how NOAA has an interest in what goes on in state waters.

But I find it difficult to know how you think the state are going to allow the councils to weigh in on activities which in many instances, your examples, you're talking about eelgrass beds, and shellfish places, are in state waters. They're

not going to let us into that. They're not going to let this council get involved in that.

And then, so my question is, what are we talking about here? Are, are you talking about involving us in federal waters? Or are you talking about trying to get us involved in the state waters?

And then my, my second question relates to this Senate bill. I've heard rumors that the Senate bill would exclude NOAA from aquaculture. Do we know that for sure?

MR. DOREMUS: Thank you, Tom. Couple things on that front.

We're, certainly don't want to create the impression that we're asking you to step into state decision making.

The FMPs that we hope to be able to gradually build around the country would be for aquaculture in federal waters, and we're really looking at marine aquaculture opportunities, and clarifying how that can best be done within federal waters.

As well as, a good part of what we're

doing, both on the science side as well as on the regulatory streamlining side does involve more effective state-federal interaction in the permitting process. And that's on us. That's not really a council issue.

I think the broader ask is about envisioning aquaculture as a component of US seafood industry. We collaborate very closely with the states, obviously, in our production systems for wild capture fisheries, and we, we need to do the same.

The center of gravity for federal management in federal waters is the council process. And that's the path that we hope to be able to open up and clarify, because right now it's a big question mark in the eyes of any prospective producers - and we have a number of them, shellfish and finfish, who would like to produce in federal waters, and don't have a clear regulatory pathway for doing that.

So that's clarification number one.

On the point about the Wicker Bill, if

that's the bill you were referring to, that bill very clearly positions NOAA as the lead agency for marine aquaculture, and gives us a number of responsibilities that are very consistent with the direction that Mike laid out in his presentation.

It authorizes a very substantial research program. It positions NOAA To resolve a lot of these sort of legal regulatory questions. It establishes aquaculture management outside of Magnuson, which is a pretty substantial step.

It has a number of other provisions in it that are quite significant for Congress to consider.

So I would offer those answers, and see if there's other questions related to them.

I, at the same time, I would like to step back, because this resourcing question has come up on a number of times, and, and emphasize - as is the case in just about every budget year, we're always looking at the business case for augmenting our resources, and how we would best deploy additional resources in the organization.

We are doing that with NOAA. As all of you know, the federal budget cycle, we have Presidential budgets that are under consideration by the Hill for both '18 and '19, FY18 and '19 now. And FY20 will be developed within the administration in the course of the spring.

So now is a very good time for us to understand and articulate what could be done with additional resources to promote US seafood production, broadly speaking.

We'll be engaged in those discussions internally. You have the opportunity to talk with Admiral Gallaudet today, who will play a substantial decision-making role in NOAA's budget profile for FY20.

Given the prominence of implementation of the weather act, and of these areas where we can improve the environment for US seafood production - both domestic and export environment - I would anticipate that that would be a very, very significant consideration in the administration's FY20 budget, and we hope to make

that the case.

So I just wanted to be clear that we're certainly advocating for resource augmentation. We're optimistic that we have, I think, one of the better cases for doing that in the sort of budget discussions that I'm aware of.

But I don't want to promise anything. It's a long pass towards an appropriation, and you're all familiar with how things evolve. So I just wanted to add that clarification.

MR. OLIVER: Just to add to that. Thanks, Paul, because kind of in response to Greg's question that, we all understand the budget climate we're operating under now. Everybody's seen the '19 budget.

But, but I have some cautious optimism that we do have an opportunity, as we develop this 2020 budget, not just in the context of aquaculture, but in the terms of other regulatory development through the council, not just repealing old regs but developing new ones that can generate additional, fill that headroom.

And Tom brought up the haddock example, so I don't need to express that we're looking, where this agenda item was aquaculture, but I want to stress that as we look at ways to develop and promote aquaculture, we don't want to do it to the exclusion, or ignoring these other things that we need to be working on too.

And I think we have an opportunity, in the broader seafood promotion/production context to make the argument over the next few months for additional resources to accomplish that on the regulatory front, and on the aquaculture front, and on other fronts, to argue for additional resources for both the agency and the council.

So I have some cautious optimism that we can leverage the, the administration's own desire to promote these into getting a, a more positive budget outlook for both of us.

CHAIR HULL: All right, we're going to continue around the room. Dr. Balsiger, then Bill, then I'm going to go down that way.

DR. BALSIGER: Thank you, Dan. So I

enjoyed the presentation.

So I, with particular reference to the regional siting models, and sort of the front-end work to do about water quality and those kinds of issues, sort of preemptively, or that, that's not the right word, but getting some of the work done ahead of time before the applications.

Do you see an opportunity to take a look ahead of time before particular permits are put in to do the Section 7 kind of analyses that have to be done? People with the North Pacific council will recall that any prospective clearance of the Section 7 issue is hard to get done, because you have to know exactly what's going to happen before you can look at it.

But I'm wondering, in terms of broader siting things, if it, if you can maybe think of what the, is there any change of getting this Section 7 clearance, I guess?

CHAIR HULL: Dr. Rubino?

DR. RUBINO: Yeah, thanks, Jim. The types of programmatic work that we're doing with

the Corps of Engineers, for example, on nationwide permits, or regional or state general permits, a lot of that has to do with the conservation measures that would be required through a Section 7 consultation.

So it doesn't catch everything. You still have to come back sometimes on a project-specific basis, but at least it sets the general parameters for most of the things that you would run into.

So that's something we've looked, we've done in Washington state. We're working on some issues in Northern California through that. There are some states on the East coast that have done that as well.

In terms of federal waters, one of the big issues is going to be entanglements with whales or turtles, for example. Even though there's very few, if any, documented cases of a whale entanglement in a mussel farm around the world, it's a legitimate question. You know, we only have 500 right whales on the east coast.

And so going through that analysis is going to be key to citing any facilities off the East coast.

And so some of that work has been done. A couple years ago, we brought together all the whale and turtle experts in the Northeast, I think at the New England Aquarium. Had a meeting, there's a literature review that's been done.

Our Section 7 biologists in the GARFO region have gone out and looked at gear types for mussel farming. We're looking at learning from the fishing industry, in terms of the types of gear types they've had as well.

So that's the kind of work we really need to do more of, and would like to do more of.

CHAIR HULL: All right. Bill. And then Dean.

MR. TWEIT: Thanks. My questions sort of follow up on, on some of the response to Tom's questions - and in particular, Chris's last point.

I find it a little puzzling that at this point in the Northwest - and I guess I'm speaking

a little bit more with my state hat on than my council hat - that we actually have aquaculture facilities that are essentially shuttered at this point because of declines in federal funding.

I'm speaking particularly of the Mitchell Act. And, and the, the effect of that decline in Mitchell Act funding over the years has been a pretty dramatic decrease.

Those facilities, with minor modifications, are ready to go, and ready to start producing salmon again. In some cases, modification is necessary to bring them up to date in order to meet HGMP specifications or some other things.

But that's an area we could be, by simply restoring funding that had been occurring, and has just been slowly eroded, we could fairly dramatically increase Northwest production of salmon right there.

The administration's budget for FY19 doesn't fit with the priorities you just described, and I know Chris referenced that to some extent.

But reducing Sea Grant, eliminating Sea Grant - in the Northwest, at least, Sea Grant has often provided technical advice to aquaculture operations, as well as helped develop new aquaculture operations.

Reduce, eliminating Saltonstall-Kennedy - many of those grants have been used either directly for pioneering efforts in aquaculture, but equally for developing in the Northwest, mark-selective fisheries that have allowed us to focus harvest on hatchery fish. And really, we're able to commercially harvest stock that we otherwise would not be able to harvest, given wild stock constraints.

The administration's proposing to reduce funding for HGMPs. Those plans are designed to allow us to maximize production of salmon out of hatcheries while minimizing impacts to the associated native stocks.

So I, and I'm sure I'm missing others in here that also provide funding that would enable us to do a better job with our existing facilities

for aquaculture.

CHAIR HULL: Yes. Paul.

MR. DOREMUS: Thank you, Mr. Chair, and thank you for the questions. A couple of broad observations on the budget environment.

Certainly appreciate your observation that there is capacity, that, that could rapidly be brought back on. We need to make it clear where and under what case, and what the return on investment would be from these sorts of capabilities.

And you make a very good case as far as the Mitchell Act of funding goes, and that's a budget environment unto its own that we navigate with both the administration and with Congress every year.

More broadly, a couple of observations on the, on the budget. One is - and you will undoubtedly hear in some measure from Admiral Gallaudet - the administration has made it very clear, and I think in the delivery of the FY19 budget that they have, at the highest level, a very strong

focus on ensuring that our national defense capabilities are fully funded.

And their overall budget strategy reflects that in large measure.

But the budget environment is really very different now in two respects. FY20 will be the first budget that will have been developed with administration appointees at the helm at NOAA, so we expect there to be a different opportunity for discussion about the relative value of these programs, internal to the administration.

And second, there is a new budget act in Congress that the administration and Congress recently agreed to that modifies our ceilings substantially. So we expect the top level under the modification of Budget Control Act, for our agency to be very different in FY20 than it has been under the President's assumptions for FY18 and FY19.

So the, the overall nature of the budget constraint might change, and I think the opportunity to articulate the economic and

environmental case for NOAA's functions is very different in FY20 than in prior years.

It's just part of the whole transition process, and something that I think you would naturally expect.

With some of the programs that you identify, there have been, it's a great opportunity for people to talk about the value of these types of programs with Congress as they make their decisions on resource allocation for FY18 and FY19.

And there have been very, very many people pointing out, as you well-articulated here, the value of programs such as, grant-based programs such as Saltonstall-Kennedy and the Sea Grant funding that's provided to the very objectives that we're outlining here.

So, so thank you for acknowledging that. And I think the kind of observations I'm making here are among the reasons Chris and I are cautiously optimistic about FY20 setting a good path for us with respect to these overall objectives for US seafood production.

CHAIR HULL: Just, yeah, Chris.

MR. OLIVER: To add, in, in discussions we've had recently at the secretarial level at the, with the new NOAA political leadership, the words return on investment come up over, and over, and over as we talk about budget formulations 2020 going into the future.

So your point, Bill, is very well-taken, and you bring up some examples, you know, Mitchell Act perhaps, and the ability to, perhaps for a relatively small amount, leverage that into a great return on investment.

So I take that to heart, and hope you can help us make that case as we move forward.

CHAIR HULL: Okay. I've got Dean, and then Leann.

MR. SENSUI: Michael, thank you very much for your presentation. It's very encouraging.

Hawaii agrees with the objectives of trying to increase food production, because right now our governor has the goal of trying to double

food production in the next couple years.

During a meeting, I suggested that it's easier that if he asked everybody just to eat half as much, but that idea didn't fly.

Hawaii has a really long history of aquaculture. Hawaiian, what the Hawaiians would do is take a, an existing environment, protect it, optimize it.

The primary fish produced was mullet. Because of the type of algae that it would consume, the mullet was especially tasty. It's different in Hawaii.

So one of the largest fishponds was almost 600 acres, and the total production of mullet in the beginning of the 20th century was something close to 400,000 pounds annually.

That massive fishpond is now a subdivision. Other fishponds along the south shore of Oahu are also subdivisions, have been covered up and built upon, turned into peninsulas.

There's a bit of a renaissance right now to try and restore some of the existing

fishponds, and what's particularly interesting about that type of aquaculture is that because it's a natural existing environment, very little input was required to get these mullet to grow.

It was just basically sunshine, the infiltration of fresh water to create a brackish water environment that would allow these, that specific type of algaes to thrive.

And that's especially important in a place like Hawaii that's so isolated. You don't have to produce another resource to make this resource grow.

As, I like to quote Ray Hilborn. He always says that wild-caught fish feed themselves, and that's basically what the Hawaiians did. It was a pretty ingenious idea.

And what I'm kind of wondering is that because it's in state waters, and it's not federal waters, would NOAA be able to or interested in helping to fund projects like these, because there are, there are other fishponds that really do need to be restored. It's very expensive.

You know, there's that long issue of trying to permit work on these structures because they're near shore. There's been some streamlining of the permit process so that becomes a one-stop shop, so that some of these things can be done.

But part of the requirements is that most of the work be done manually. And some of these rocks are pretty big, so it precludes the use of heavy machinery.

Anyway, yeah, basically the question is how would federal funding come into play with something like this, if at all?

DR. RUBINO: Some of you may remember Alan Everson, who worked for the Pacific Island Regional Office for many years. And his last, he retired a couple years ago, but his last job was as the aquaculture coordinator.

He was intimately involved with that regulatory streamlining to get a number of these traditional fishponds back into production - working with the Army Corps, working with the state,

doing the environment analyses that were required for that.

I'd have to go back and check, but it may be that some Sea Grant aquaculture competition money and SK money has gone into those fishponds as well.

If not, it's, those programs are available to do that kind of work.

CHAIR HULL: All right, Leann, and then Charlie.

MS. BOSARGE: Yes, thank you. In the Gulf, you know, as you know, we do have an aquaculture FMP, and at our last meeting we actually were presented with an exempted, exempted fishing permit for a federal water offshore finfish project, a net pen project.

And we were pretty tough on the applicant, but I think rightfully so. I mean, this is going to set a precedent. But we didn't decline the EFP. We said look, there are some things we want to know more about. We really want to see some engineer drawings. We need to talk some more

about your siting, user conflicts, things like that.

And we put that in writing to give them something to go by, and they're going to come back us and show us some more information. Maybe we can get comfortable with it, and see where we can go.

Now, having been through that initial phase of going through one of these - and this is not a full-blown permitting, this is just an EFP - I can see where your regional siting model, that could probably be very helpful for some of these applicants - because in their defense, they really don't, they don't have a full scope of what those user conflicts are.

And I could almost picture --- and there's a lot that's going to go into a regional siting, but one component of that would be conflicts with existing users, your existing domestic fisheries, right?

And I can see where you could almost have a stoplight color-coded map of the Gulf of Mexico that says, all right, this green area, you're

probably pretty safe putting something out there. You won't run into too many headwinds.

This yellow area, you're starting to get into some conflicts. This red area, you're probably not going to get anywhere if you try and permit something there.

In other words, it's kind of open-ended, but it gives that applicant a starting point, a jumping-off point to use. And so I could see where maybe the councils could be helpful in developing something like that with your agency.

The other thing I'd like to maybe highlight that could be part of your program is if we are going to move forward with aquaculture in the US, I think a big piece of that success is contingent upon making sure it's on a level playing field with aquaculture overseas, which is going to be their competition, right?

In our FMP in the Gulf, we actually talk about the use of drugs, pesticides, and biologics, and how those must comply with all applicable FDA, EPA, and US Department of Agriculture regulations.

You talked about the $14 billion trade deficit when it comes to seafood. So if you want a specific example of how you can put us on a more level playing field, and be a win for aquaculture, and a win for that actual domestic fisherman here in this country?

If you focus a little bit on that, that would help us out from a domestic standpoint in a wild-caught fishery, because those are our competition as well.

And what we've seen is, you had a slide up there that showed where a lot of the imports were coming from. So, for example, that $14 billion. In 2017, $6.4 billion of that were shrimp imports. The bulk of those shrimp imports are aquaculture grown shrimp, all right?

In recent years, the notification on imported shrimp that are contaminated with antibiotics have been climbing drastically. And the bulk of those notifications are coming out of India, Vietnam, and China, imports from those countries.

I think part of your policy needs to focus on leveling that playing field for our domestic aquaculture industry as well. If we're going to require our domestic aquaculture industry to abide by those standards, which we should. We don't want to import seafood that has chemotherapy drugs used upon it to get rid of some virus. I mean, that affects us all around this table.

But I think that should be a big component of what you do. I know you'll probably have to work very closely with US Customs and Border Patrol to try and enact something like that, but I would encourage you to do that, because it is a win-win for both your aquaculture program and the domestic fishing industries here.

CHAIR HULL: Paul.

MR. DOREMUS: Thank you, Mr. Chairman. Thank you, Leann, for your extended observations on the EFP.

I, it's wonderful to see the close attention that the council's providing to that. That's exactly what we would want to see. And I

do think the folks who go through these applications under the new FMP, and hopefully further in other regions - they're assuming, basically, the costs of being the first.

And that's part of what we need to go through, is understanding how best to answer these fundamental questions.

And I hope, and I think under the EFP that that proposal will be a successful one. And this is one of those early-stage things that we would like to take the best advantage of, is the ability to do pilots, to do them on a modest scale for a period of time, and with some specific expectations about what we want to see under the terms of the regulatory standards and requirements that are set forth under the FMP.

So I think that it's fabulous that, that there's close consideration and effort to move that forward. And I think with those proof of concepts, we'll be able to see follow-on investment.

Everybody's waiting to see how this works out. And the folks who do do that, and get

production in the water, I think, are really going to be paid a lot of attention to not just in the Gulf, but elsewhere.

So thank you for that.

On the siting assistance, that is indeed, Michael talked earlier about tools for rules. That is indeed one of the most powerful things we can do, and you very well captured why that's of value to industry, why that's of value to the public sector, to governments, both at the state and national level.

And the councils could play, indeed, a significant role in understanding and helping navigate these use issues.

And that's true for fisheries as it is for other ocean uses. That's part of the challenge of increasingly dense use of ocean resources. We need to do it intelligently, we need to do it sustainably, and the mapping capabilities allow us to lay out those uses and make choices. And the councils can certainly play a very helpful role in that.

There's a lot of dimensions in your third point about leveling the playing field, particularly with respect to shrimp. But more broadly, our organization has certainly committed where we can to do that, and we're looking at a, developing right now a fairly comprehensive trade strategy for the seafood sector that cuts across a variety of areas.

The food safety issues that you refer to in part around the export, or the level the playing field comment, are dominantly the providence of the Food and Drug Administration. We collaborate really closely with them.

And I do think that having fundamentally equivalent standards, domestic and international, that's what the name of the game is at a lot of different levels.

I also think, with the type of monitoring required, and the sustainability considerations that go into any domestic fishery's activities, whether it's wild capture or farmed, are among the things that provide consumer

confidence, and I think would help US-produced fishery products compete in global markets as well.

So the under, going back to your original observation about the type of scrutiny and care that the Gulf Council's providing to the EFP, I think that's part of what's going to build that fundamental confidence as well, that'll ensure sustainability, and ensure the type of reputation that our wild capture fisheries have, and that I do think provides a distinct market advantage when you look at it from the vantage point of sustainability.

So thank you. And we're really, really pleased that, to see the progress under the Gulf EFP.

CHAIR HULL: Charlie.

MR. PHILLIPS: Thank you. I'm just sitting here listening and thinking, and I'm thinking the low-hanging fruit, if you want to pick up your production of aquaculture, is obviously going to be in shellfish. It's already running.

And I'm a little bit curious of how you

can help, because the states pretty much drive that train on the rules and regulations. Seed transport, I can't go 75 miles across the state line, but I've got to get a health certificate.

And we've been talking about regional seed transfer for 15 years, since the late '90s when I started, and we're no further along now than we were then - maybe further behind.

So I don't know if you all can help with things like that, interstate seed transfer, but the states drive the train on all of that - and what gear we can use, what gear we can't use. Certain gear's okay in South Carolina, it's not in Georgia. It's okay in Florida, it's not in Georgia. Seasons are different.

So I don't know that you can do a whole lot, but you may be able to do something with seed transfer. And, you know, shellfish, I work with NGOs, so we're consistently telling them, if you take care of your water quality, then you can have these things.

And shellfish clean water. There's

nothing added. So that's a huge plus. Everybody is on the same page there.

And aquaculture also helps keep infrastructure up, docks and stuff. If I didn't have aquaculture, I wouldn't be packing any wild fish anymore, I'd be gone. I'd, you know, there wouldn't be a dock there anymore.

So it helps with infrastructure, and so there's - everything's tied together, as you well know. But if we can get that message out about, you know, the good side of aquaculture - that it can clean the water, it helps support other stuff - then maybe we can start getting some, you all can get some money that we can spread around to go do the regulatory stuff we need to do.

And again, to Chris's common sense stuff, it doesn't, it's common sense that anything that I've got south of Savannah River, they're going to have 75 miles north of Savannah River. Why do I have to wait on a health certificate that has never failed to get something 75 miles away.

That should be low-hanging fruit that

can help our, you know, help our numbers go up.

DR. RUBINO: Yes, thanks for that, Charlie. Let me just answer the, try to answer the shellfish question, I guess, which a number of us are well aware of.

NOAA participates a little bit in these issues. Seafood Inspection Lab and Seafood Inspection Program are, you know, regular attendees at the Interstate Shellfish Sanitation Commission meetings, where this question's been discussed.

States tend to be risk-averse in terms of moving seed around. They're not really, maybe haven't caught up with sort of the scientific facts. So maybe working with state labs and federal labs, we can do more of a survey approach to what is going on, do a literature review, get some of that out there so that everybody can see sort of what the latest scientific evidence is.

Some of our labs, like the Milford Lab at Connecticut, and our Northwest Lab, do provide, on the pathogen and parasite questions, some support to the shellfish industry. But it's on

a limited basis in that sense.

MR. DOREMUS: One thing, also, that I would add to Michael's comments that it is helpful for us, and I think this forum provides an avenue, just as you're suggesting, to look at where some of the issues come forward state to state.

And one of the things that we're in a position to do is help states learn about how things operate in different parts of the country.

And we've been doing a little bit of that. I mean, a lot of folks come to us from the Gulf, and you know, kind of wanting to accelerate aquaculture opportunity in the Gulf. And we help them engage with producers in the Northeast and in the Northwest so they could learn from how things are done in different states and bring back some of those ideas in their own communities.

So I think the additional thing that we could add to the types of capabilities that Michael referred to is some cross-fertilization across the states so that we could gradually work towards more harmonized state capabilities.

DR. RUBINO: If I may, I would just add, picking up on Leann's question as well.

The, the group of sort of fishing community representatives from the Gulf of Mexico that went up to visit Maine last summer, one of the outgrowths of that, the Southeast Regional Office using the Marine Resource Education Program, or MREP, is doing an aquaculture component for that.

And there's a group of fishing and seafood interests in the Gulf that are working through that. And James Morris, from our Beaufort Lab, who's developed these regional siting models, GIS-based, is going to come down and play what-if games with fisherman and others, looking at these various different areas.

You know, so you can sit there at the computer, and actually say oh, well I know about that area, that area, and that area, and sort of build a catalogue and a vocabulary about where some of these things are.

And that was an outgrowth of that trip we took to Maine last summer.

CHAIR HULL: Charlie. You have a follow up.

MR. PHILLIPS: And just a quick follow up. Another thing that would probably help is some ongoing baselines on ocean acidification.

Last two years, seed have been, for some reason they just, they couldn't get it, once they got it out of the hatchery and got it in the water, it just wouldn't go.

And I mean, it was not just Florida, South Carolina. Whether it was ocean acidification or some other runoff chemical from excessive rainfall or something, they still don't know. All they know is to wait, and just keep doing it, and sooner or later they'll get some seed to come up.

But there's, but seed supply, and things like that.

But ocean acidification is going to be important. It is important.

CHAIR HULL: Yes, Michael.

MR. LUISI: Thank you, Mr. Chairman.

Just a quick question.

Given the priority of the administration, do you expect that there might be a request for councils or for regions that don't currently have an FMP to develop an FMP prior to the request from industry that there's an interest in that region?

CHAIR HULL: Paul or Michael?

MR. DOREMUS: I would expect there to be a rapid growth of industry interest. And I think part of our ask is to be prepared to respond to that.

I don't think what, it, we can set out, I mean, all this needs to be looked at in the context of each council's overall work plan, where the demands are, and where the foreseeable demands are coming from.

So I think right now we're talking about what we would expect to see in terms of competition and demand. I think if we start to see commercial scale pilots being done in the Gulf of Mexico, it's going to accelerate really rapidly.

So I don't think that we're in a position to, if you will, require the development. But we can certainly encourage that, and I think part of what we're looking at here today is the makings of much broader expressions of interest that the councils will need to respond to as we start to map out how production can be done in federal waters.

We're seeing demand in the Gulf, we're seeing demand in the Northeast with both finfish and shellfish, and in other parts of the country as well.

So I think it's coming, and we need to look at how we can best respond.

CHAIR HULL: So Paul and Michael, this is an update on the aquaculture initiative that the administration sees as a priority.

And I wonder if you can explain a little bit what the next iteration might look like. I think you've heard some pretty good questions and comments.

In particular, I think what is the ask

of the councils may not be particularly clear. If we are going to develop FMPs, would there be some kind of public scoping sessions or regional action plans?

What, how do we engage on a council by council basis?

So if we were to take this up in May, I'm just thinking ahead to the future. If there is a, if you would expect there to be another iteration of the initiative, that would help us to understand better, and clarify, and refine what you're looking for.

MR. DOREMUS: Thank you, Mr. Chair. I do think that we need to start looking at what stepping out with a broader suite of FMPs would look like.

We have a great example from the Gulf to learn from, and I think lessons learned from that whole approach, and development, and current use would be something to consider in terms of next steps.

What might that suggest for how we go

about things? How would you have done things differently, knowing what you know now?

So I think mapping out and beginning to understand what regional FMPs would look like, and what the requirements are producing them.

To the resource issue, you know, how big a constraint is that, what would be the requirements on the councils if we were to develop FMPs similar in nature to what the Gulf has done?

I think that's a reasonable next step. I think the evolution of the administration's focus will be articulated, it's been articulated in part through the department's strategy.

If you look at the department's strategic plan, there's a very prominent role for aquaculture. We do expect there to be more visible discussion about this at the secretarial level. That might happen.

We also expect to see the administration weigh in on Congressional legislation that's designed to promote aquaculture development, and the first out of the gate on that

appears to be the Wicker bill.

So those are things that we'll be developing relatively soon, that we will need to be in a position to talk about how our agency and how our fisheries management enterprise, broadly construed, will be able to respond.

So I think looking ahead, and thinking of ways that we can progressively get into a richer discussion about what the implication are, and how we would go about doing it, would be a very welcome next step.

CHAIR HULL: All right. Thanks very much. Any final comments from members of the group? Otherwise, we should move on to our next agenda item.

And I hope the, what you've heard from all of us has been helpful.

MR. DOREMUS: If I could make a closing comment on this.

CHAIR HULL: Absolutely.

MR. DOREMUS: Thank you. More than anything else, very helpful conversation points,

understanding what your perspective is, and many issues that you brought to our attention that we need to take into consideration.

And we look forward to future interaction with you as this evolves, as we get clearer about the path towards a more diverse seafood productive system in each region, what that might look like.

So thank you. This is very much what we were looking for, and we'd like to continue this conversation in the future.

Thank you, Mr. Chair.

CHAIR HULL: All right, thank you, Paul, and thank you, Dr. Rubino.

Next up is Alan Risenhoover.

MR. FREDIEU: Just one little logistics point.

CHAIR HULL: Sure.

MR. FREDIEU: When you guys talk into the mic, some people are doing it well, but if you want to get a little bit closer so folks over here can hear you and our transcription folks can hear

you, that'd be helpful. Thank you.

CHAIR HULL: Okay. Thanks, Brian.

MR. RISENHOOVER: Thanks, Brian. Thanks, Mr. Chairman.

I'll try to be fairly brief here, because we've talked about this in the past. And just to pick up on what Chris said first thing this morning about regulatory efficiency, this involves that topic.

This is really a topic and an action that the administration is very interested in, and it's definitely one of those where we need your help.

So I'll start with my ask right up front, and that is: we're going to need your help.

What we're going to do today is just remind you of a few things. I've got an extensive set of background slides I won't go into, but they talk about the specific Executive Orders and actions.

What I want to do is just give a quick overview of where we're at, what we're doing now,

and where we want to go.

Just recall that the purposes of these Executive Orders, in particular EO 13771 and 13777 are to alleviate unnecessary regulatory burdens placed on the American public and people.

I think this is one of those things where the councils fit in very well. It's something that's not new to you. It's something you address at every meeting throughout the year.

What we're asking here is just increase the effort, incorporate it into your current processes to meet some of these.

Again, just talk about what we've completed, a little bit of your plans for moving forward, and then some ideas on some next steps.

Starting with kind of where we've been. In the agency, we've done a little bit of organization, and created a fisheries-level working group internal that's led by our Office of Policy. Jennifer Lukens and Heather Sagar are here. They're leading - because this regulatory reform is, it's more than just fisheries. And I'll

get to that. It's more than just an MSA activity.

What that group is trying to do at the Headquarters office is just simply make sure we're roughly, you know, either quantitatively or qualitatively determining what rulemakings that are coming up could be listed as regulatory, deregulatory, or ones we need to take a closer look at on determining exactly what they mean.

And so you'll see there's some brief statistics there on, in 2017, we had 60 regulatory actions. I'll tell you a little bit more about those. And about $1 million in savings.

The first step was really, as I mentioned, the councils are doing this anyway. So let's take credit for what we're doing now. We came out of the gate faster than anybody else in Commerce. There was only one other deregulatory action in 2017 in Commerce that had no savings associated with it.

We were able to look at actions that were already in process and moving through the system and show the administration that those were

deregulatory.

I've listed the six deregulatory actions here, and it's not a question whether you supported these or not. These are deregulatory and met the definition.

The first one, on the hard caps in the Pacific Coast, that reduced requirements.

The next one resulted in less regs, issuing regulations every two years instead of one.

Changing the timing of closures in the Caribbean to make sure that those don't hurt the fishermen by having those closures over the holiday periods.

Electronic submission, allowing fisherman to do that instead of providing just hard copies.

Easing restrictions on using the Capital Construction Fund to make sure those investments that they've made in those funds are something they can get at much easier.

And then finally, continuing a recreational season in the Gulf of Mexico and South

Atlantic. When the commercial season is closed, the rec fishery could continue.

If you add up the economic estimates we had associated with those actions, it saved the public about $1.1 million. We're hoping to increase that in following years.

So if we want to talk about those in specific, we can do that a little bit later.

But just moving on, the second part was, well, what does the public think about what we're doing? So we've taken credit for what we were doing. What does the public think we should be doing in the future?

We issued a Federal Register notice seeking comments across all the Executive Orders, instead of individually by executive orders.

Recall, there were ones for energy and infrastructure, and the general regulatory ones.

The comments broke out in four or five large groups. There were some that said, you're doing fine. Keep up the status quo. There were some that were very specific to the councils,

specific regulatory requests the public had.

There were a number of comments associated with our protected species, Protected Resources Programs, ESA, MMPA, and I'll get to that.

There were questions and comments on aquaculture. How can we do aquaculture better? How can we improve the permitting that Michael talked about to make that more streamlined?

And then a broad array of other comments dealing with things like funding, and some other things that weren't exactly related to us.

So that's what the public thought. Moving on, then, you know, what are some of those things that we're continuing to do under that guidance?

We reviewed those 165 or so public comments. Working through this internal group, it came out that about half of those comments were council-related actions that were either completed or ongoing.

You may remember a couple months ago, we sent you those comments. So the councils now

have those comments as well. We also looked internally. Some of those comments were associated with our Atlantic Highly Migratory Species Office, and, as well as the Protected Resources and Habitat Programs.

And then recall last time we met in May - I think it was May, whenever it was - we talked about well, what do we do next? What's the councils' actions that they want to do?

We requested from each of you a summary of plans on how you're going to move forward to A, address those 82 or so comments across all eight councils. But then also move forward to actively look at your current regulatory programs, look at your upcoming regulations, and look at your regulations on the books, and see where we could have, either eliminate regulations or reduce the burden of those regulations, again, as Chris said, meeting the demands of the Magnuson Act for the, for sustainability.

Each of the councils responded to that, that over the next few months, that they're going

to look at their regulations, they're going to have separate public hearings or public sessions where the public can tell them, or inform them, or make recommendations of where additional regulations could be removed or revised.

Then by July 1, you were going to provide a list to us of what those regulations are. And I just want to be clear that the statement here, it says approval and submission of a list. It's not approval and submission of those changes, but just what your ideas are.

And what we need are those ideas so we can put those in our outplanning, get them on the unified agenda and other things coming up, to make sure the administration and the public knows where you're going to be looking at taking additional action.

So it's not final action by July 1. It's just letting us know your ideas by July 1.

The Caribbean and the Western Pacific had a little bit of a different process. Since they're looking at their ecosystem plans over the

next year or so, they're going to incorporate that, as they would have probably anyway, in their decision-making on those.

So again, highlighting that the councils do this routinely. We just need to focus on it, and again, take credit where we are reducing those regulations around the country to meet this administration goal.

And as I mentioned, this isn't just a Magnuson-Stevens Council activity. So I wanted to spend just a few minutes, since you all know basically what the councils are doing, doing a quick summary of what's going on in some of the other programs.

For Protected Resources, they're looking at their permit authorizations. And by the middle of next year, they hope to have a, as Chris mentioned, a 25 percent reduction in the time it takes to issue Incidental Take Authorizations, and the time it takes to issue MMPA and research or enhancement permits.

And to a large degree, they're making

more progress than they thought they were and are approaching those 25 percent reductions already.

Under ESA Section 7, improving the consultation process, again, looking for an average 25 percent reduction in the time relative to the historical averages of moving those consultations forward.

Additionally, they're looking, in coordination with the Fish and Wildlife Service, at the ESA Section 7 listing in critical habitat designation regulations. So a big move is also occurring in the Protected Resources area, as well as the council.

Habitat conservation, something the councils are involved in. The habitat folks are looking at having a consultation tracking system. They're coordinating that with the endangered species consultation tracking system.

Then, as we heard in, in the aquaculture and elsewhere, looking at programmatic consultations, doing things up front so that they don't take as much time during the end.

Again, the goal here is to improve timeliness, reduce those redundancies, and then also increase regulatory certainty for our stakeholders.

On the international and seafood front, we're also taking action. The Trusted Trader Program proposed rule is out. The comment period ends in March. Should that go final, it would be probably in the fall of 2018.

We look at this as being deregulatory, and an expected cost saving based on the economics analysis in that of about $900,000 - and again, remember, this is if enacted.

So this is based on the proposed rule. We'll see what the comments say before we move forward with that.

The Seafood Inspection Program is working with the industry, and starting to talking about, talk about revising their regulations - and in particular, just to mention a couple, looking at the way we issue certificates. And I heard Charlie mention that. I don't know if this would

help with the certificates he was mentioning, but look at export certificates and other things to try and make sure those programs are moving as efficiently and effectively as possible.

And then also looking at our grading standards that have been in place for a number of years.

So just kind of recapping what's next and what's coming up. We're going to be continuing to look at existing regulations as we go. All the councils have a plan on that.

We don't see that we need to do new, additional economic analysis. The economic analysis that's conducted routinely with your fishery management regulations are enough that we think those will guide how we can go forward.

We'll continue to look at the impact on small businesses, just as we always have. And we look forward to working with you over the next year on those regulations that you are identifying for either repeal, reform, revision, or increase the efficiency of getting those moving through.

So just a comment on that before we see if there are any questions. I think prioritization is going to be very important, both at the council level, the council regional level, and as we move through headquarters on that, to make sure, you know, we're getting the biggest bang for the buck we can on these regulations, moving those forward with what we need to do, and how we need to revise our regulations.

And I understand there may be some timing issues with regulations. Maybe we need to look at some of the numbers associated with that to make sure we're processing those per our previous regulatory streamlining work that we've done in the past.

I know there's an issue concerned with some throughput of regulations across the regions. Again, how do we make sure we have the, the staff in place to get those moving on our side as well? And I think the real key there is making sure we're on the same page with our priorities.

So with that, I am going to stop and

see if anybody has some easy questions I can answer.

CHAIR HULL: All right. Thank you, Alan. Are there questions from the group? Maybe in particular about council plans or agency direction? We have a few minutes. We could take a few questions.

Tom?

MR. NIES: Alan, this one will probably be real easy. Has there been any progress in coming up with a simple way to get rid of regulations, or are we going to have to follow the normal, make an amendment to the plan through a framework, or amendment, or something like that?

MR. RISENHOOVER: Right, I think it's going to be depending on what regulation you're trying to get rid of. Early on, we thought maybe we could collect all the regulations, and do a secretarial type amendment, and just move on.

But it's going to depend on what type of regulations, and where we landed is, I think it's the simplest for the councils to go through and do that.

And we've been talking to the new folks in the administration about, you know, to repeal regulations takes a regulation. And to change everything we do takes a regulation as well.

So just stopping regulations doesn't get to what you want. It's, we need to take some action. So I think that really depends on what the regulation is you're looking to repeal, whether it takes an amendment, or whether it's something we can do separately.

CHAIR HULL: Anybody else? Bill.

MR. TWEIT: Thanks, Alan. Your list of actions already taken includes, number six was adopting a framework approach, and I'm assuming that that framework approach is instead of a more regulatory, a more detailed regulatory approach.

But I, and this is an issue we've raised before, that we get conflicting guidance on whether or not the councils can use framework approaches for managing fisheries. And the guidance we've been getting at the North Pacific is that no, that's not an available tool to us.

In the past, that's been frustrating to us, because we've seen it as a somewhat more flexible, somewhat less regulatorily-oriented approach.

And so I'm wondering if this is indicative of a change in legal guidance to councils, or was there some special circumstance here?

MR. RISENHOOVER: Yes, it was not a change in legal guidance, and I think the councils and the regions use some words a little differently. You know, a framework in one region may not be called a framework in another.

But if that's something you all want to explore, we can definitely work with our regions and your folks to find out if there are additional opportunities in the North Pacific to do what they call a framework in the South Atlantic and the Gulf.

CHAIR HULL: All right, did anybody else? Kitty.

MS. SIMONDS: I'd just like to add that there are a number of regulations that we would

like to get rid of, but it's very difficult because of the litigation that goes on every time the council approves an amendment.

So for example, we have 100 percent observer coverage in our swordfish fishery, and the science center did an assessment and said that to accomplish, to achieve what we want to achieve, we don't need 100 percent observer coverage, that 20 percent observer coverage is fine.

But we have these discussions with our attorneys, and in our case, it's maybe better to be more prudent. But we also haven't figured out how much money that would save if you reduced that observer coverage.

So, you know, that's something else that we'd have to look into.

The other is hard caps for, on our turtles. So we're discussing this at our next meeting, but you know, our, the advice that we're getting is that we should just leave everything the way it is because of litigation and bad judgment on the part of the Ninth Circuit Court, and I can

go on, and on, and on.

So we'd like to get rid of a lot of regulations, but it's kind of difficult.

MR. RISENHOOVER: Yes, and every situation's going to be different. And so that's where we just need to work where we can, as quickly as we can.

CHAIR HULL: All right, if there are no other questions for Alan, we'll take our morning break. We're - why don't we come back at 10 minutes to the hour, and we'll go to the legislative outlook. I know we're maybe a little bit constrained on our time going through the agenda until after the Rear Admiral comes, so we'll try to stay on track.

Ten minutes, 10 minutes to the hour, we'll come back.

(Whereupon, the above-entitled matter went off the record at 10:40 am, and resumed at 10:54 am.)

CHAIR HULL: All right. There are still a few members that are going to filter in, but let's

go ahead and begin with our legislative outlook. We have Topher Holmes from the National Marine Fishery Service OLIA legislative information or liaison. I'll let Topher introduce himself, and then also Jeff Lewis and Fern Gibbons.

MR. HOLMES: Thank you, Mr. Chair. Again, my name is Topher Holmes. I'm with NOAA's Office of Legislative and Inter-governmental Affairs. Per our usual custom, rather than have someone from our office come down and tell you what's going on on the Hill, we like to invite our partners from the Hill with us to join us.

We have Fern Gibbons. She's the counsel and, I believe, Policy Director for the majority on the Senate Commerce Science and Transportation Subcommittee, Committee, with the Subcommittee on Oceans, Atmosphere, and Coast Guard.

We also have Jeff Lewis, counsel for the minority.

We had also reached out to House Natural Resources. Unfortunately they're still, have a

hearing, so they won't be able to join us this morning, but I will turn it over to Fern and Jeff.

What, basically what we're going to do is just, they'll provide an update and expectations for the upcoming session.

MS. GIBBONS: Yes, and thank you, and thank you for having us. And I think we both ---

CHAIR HULL: I'm sorry, Fern, if you could pull the mic up ---

MS. GIBBONS: Yes, sure thing.

CHAIR HULL: --- a little bit closer, that would help.

MS. GIBBONS: Is that better? Yes.

Thank you for having us, and I think, you know, generally, it's, tends to be my preference, and probably Jeff's also, to leave plenty of time for questions. So we'll give a pretty brief update of what we've been up to.

Yes. Obviously, we've been somewhat busy holding a variety of fish hearings, and it is certainly our hope to have an MSA reauthorization bill introduced in the not too distant future.

You know, that said, we've had that hope for some time now, so you know, I think probably any day now, much like we've been saying for six months.

So, but that said, you know, on Wednesday the committee is going to mark up the S. 1520, which is the recreationally, recreation-focused Modern Fish Bill. You know, and I think that in and of itself has spurred a lot of conversation among our committee members as to what they'd like to see in, both with respect to changes to that bill, but as well as, you know, the outstanding issues that an MSA reauthorization could address for commercial fisheries as well.

So we've had a lot of chatter on the topic, and you know, are in a position to, I believe, successfully report out the Modern Fish Bill. But it's kind of the committee's hope that that would be eventually paired with a broader MSA reauthorization, and we'd do that as, you know, a comprehensive bill rather than kind of weirdly dividing rec and commercial interests

legislatively.

Let's see. The other thing that's been on our agenda is, you know, Senator Wicker has expressed an interest in doing an aquaculture bill and has been working on a draft of that for quite some time and involved an awful lot of stakeholders.

We've been reviewing that draft, trying to make sure that it, you know, actually executes and, you know, kind of walks that line between preserving the wild-caught fisheries, not upsetting too much the environmental lists and, you know, but actually facilitating domestic aquaculture industry since, you know, it's our position that there is a lot of potential out there to really expand our aquaculture production.

But, you know, we obviously have to be cognizant to do it in a responsible way and a respectful way of the existing ocean users.

Yes, and the, you know, the final thing, just to circle back to MSA reauthorization. You know, obviously, my boss is from South Dakota, so we don't have a ton of parochial interest as to

what we'd like to see.

But you know, our top priorities would be a bill that doesn't send the councils back to the drawing board unnecessarily on anything, and doesn't create, kind of, work for the sake of creating work, and doesn't create any unnecessary legal uncertainty - obviously, understanding that any time you modify MSA, there will probably be lawsuits out of that.

But you know, to the extent that we can really minimize that, to the extent that we can, you know, preserve what works and make relatively modest changes to improve aspects that maybe are not working well, you know, I think that is kind of our overarching philosophy, is status quo by and large, and only fix what absolutely needs to be fixed, and not tinker just for the sake of tinkering, since I think that inevitably lands us in trouble when we do that.

So that's all I have to say.

I don't know, I'll let Jeff talk for a little.

MR. LEWIS: I would just, I would just say ditto.

I mean, we had, just, it occurred to me - Fern didn't mention it, but we had a, what I think we all thought was a very productive hearing on the aquaculture issue about a month ago.

And for those of you that are interested, all of that is archived on the committee's website. So you might find it interesting.

I mean, it was the first hearing in a while where I had people just kind of coming up to me, and saying gosh, that was really informative. Gosh, that was a great hearing.

And I met, and you ---

MS. GIBBONS: Yes.

MR. LEWIS: --- sounds like, Fern, you did too.

So, but hopefully we'll be able to maybe focus more on that issue. It certainly has kind of laid dormant for a while legislatively.

CHAIR HULL: All right, Topher?

MR. HOLMES: And with that, just for your background, we had just completed a session with, where Paul and Dr. Rubino had provided an aquaculture update, including a discussion of the, the Wicker bill, the likelihood of that coming out shortly.

But with this update, we'd also happy to do questions and answers at your discretion, Mr. Chair.

CHAIR HULL: All right. I'm sure there are some questions for the three of you.

Who wants to start?

No questions.

I'm sorry, go ahead.

MR. DOREMUS: Thank you, Mr. Chair, and thank you both for being here and commenting on some of the legislative matters that are coming forward.

Jeff, you mentioned the hearing, which it did capture a lot of interest, and I think was extraordinarily productive.

What do you both think would be required

for broader Congressional attention to essentially diversifying US seafood production through aquaculture?

It's a, you indicated, Jeff, a discussion that has been dormant for a while, and it seems to me a ripe time to start building out on that interest, and I was wondering what both of you think about what would be needed to do that, and how could the agency in particular be helpful in that process?

MS. GIBBONS: So one thing I would say that the agency could be helpful is not assuming that Congress will fail at this task.

But if you assume Congress will in fact fail at this task, there's - I feel like there's a lot of regulatory harmonization that can probably happen in the absence of statutory direction.

And, you know, and maybe this works in tandem with a bill, but just understanding like how we could help align the multiple federal processes that need to occur to get an offshore aquaculture permit.

And, you know, are there ways for the administration to align them without direction, or do you need specific direction from us, and if so, what is that direction?

I think that would probably be what we would find most helpful for the agency, because there is a sense that the process to get an offshore aquaculture permit, as you know, is just so burdensome that it's not attractive to industry at all.

And, like, how do we fix that without jeopardizing the important protections that those permits all do provide? And I think there probably is a way to improve that process without undermining the purpose of any of those permits.

So that would be helpful, and then I think probably something that Jeff and I have been working on but will continue to work on is just, you know, getting a good bipartisan bill.

And Senator Wicker has brought a lot of that energy that's required to move legislation, but it obviously makes everything easier if that's

bipartisan.

MR. LEWIS: Yes, it's exciting to see Senator Wicker taking up a leadership role on the issue, and so we have been involved in pretty active discussions about what a bill should look like.

A foundational thing, though, all, that I think we need to set us up for potential success is a dialogue with the commercial fishing interests that may, at first blush, view aquaculture as, purely as competition with them.

But you can foresee a future, though, where perhaps domestic aquaculture supplants the foreign mass-produced seafood that's purchased at Costco and Wal-Mart and places like that - and also at restaurants that, you know, that are not trying to place a premium on their seafood dishes that they serve.

And that that could, that could actually increase the marketability, and allow for additional branding and enhanced value of the wild harvested fish, fishery products that are out there.

You know, now there's an additional premium, that this is actually, you know, caught from the sea, grown in the wild.

And so, and there are some efforts to do that already. There's an interesting consortium of restaurants and other interests, large purchasers, large purchasing interests of seafood that is coming together that - those of you who know Margaret Henderson, she's working with them, and so -- what did, it's got a - Stronger America Through Seafood. Exactly.

So that's, I think that that bodes well for that foundational dialogue and understanding that needs to happen.

CHAIR HULL: Bill.

MR. TWEIT: Thanks, Mr. Chair. Jeff and Fern, I don't know if you were here for much of the last presentation before break, but there was a bit of discussion about, well, in terms of discussing aquaculture, I asked the question about the President's budget for FY19, which zeroes out a couple of programs that have long been fairly

supportive and important to developing aquaculture, and that's the Sea Grant Program and Saltonstall-Kennedy Grant Program as well.

And part of the discussion that we had about that was, well, expect that maybe that'll look different in FY20 in the President's budget.

But if, obviously, if those two were actually zeroed out in FY19, it kind of doesn't matter what the FY20 budget looks like. Once you've zeroed out Sea Grant, it's going to take a long time to rebuild it.

I'm wondering if you have any insight into what the Senate's reaction, at least, is going to be to those types of proposals.

MR. LEWIS: Since Fern is a fellow Sea Grant, or former Sea Grant fellow, I'm going to defer.

MS. GIBBONS: Yes. Right. I appreciate that.

You know, Sea Grant is obviously a widely popular program with broad constituent and grassroots support. And so the last budget, which

also zeroed it out, you know, was met with a loud and vigorous outcry.

So, you know, that's really helpful for our appropriators to hear.

I fully anticipate that that will be funded - certainly, at least on the Senate side, pretty much how it was funded last year. I don't anticipate our appropriators following the President's budget with respect to zeroing out Sea Grant.

It's, you know, NOAA's budget took a really big hit in the President's budget. It was like a 20 percent cut. And Sea Grant's an easy way to cut an awful lot of money quickly from, if you're just looking at, you know, the ledger sheet, because it's mostly a grant program.

And so you - it's an easy thing for OMB to do and save a lot of money very quickly. That said, you know, obviously it enjoys tremendous Congressional support, so I do not anticipate at all those cuts actually happening.

That said, last time, I thought it was

useful that the community of folks who would be impacted by those cuts did weigh in with their senators and let people know that the Sea Grant was in fact important at the state and local level, and, you know, I think that's how the program has been, managed to survive multiple zeroing-outs in the president's budget, because it's well-supported and people are vocal when they see those cuts. So.

MR. LEWIS: Yes, and on SK, we had one year a few years ago - I can't remember which year it was - when there was no money put to the grant program, and 100 percent of it went to offsetting receipts for operations, research, and facilities.

But I think that the appropriators kind of learned a lesson from that. I think the reaction to it was, I think it might have been a, kind of a test balloon to see if people cared about that remaining eight to 10 percent of the funds that are generated each year from the duties that are assessed on fish products.

And so since then, they've been,

they've gone back to providing, about $10 million or so per year.

And so I think that on the Senate side - I can only speak for the Senate side. I do not understand the House.

But on the Senate side, I think that -- and I shouldn't, right? I mean.

MS. GIBBONS: Not your job.

MR. LEWIS: Not my job.

But I think that they will see, you know, the need and the importance of continuing steady funding for that program as well.

CHAIR HULL: So I have a question.

Fern, you mentioned that it's important to combine commercial and rec fish interests into the reauthorization, and you used the 1520 bill as an example of pairing up those interests.

And I'm wondering if there are other key factors going forward in reauthorization that are similar in importance for the bill.

MS. GIBBONS: No, that's a good question. I mean, it's -- it is somewhat hard for

us to predict where various members come out on fisheries issues, because a lot of our members can sometimes stay quiet until they really have to be vocal and so that can come, create kind of surprising situations for us.

It's just, I don't know. It's just a really hard space to navigate because you have such varied interests and, you know, such strong regional differences which, you know, kind of the current setup embraces those regional differences.

But then, it can become a challenge for us to try and solve a problem for one region that doesn't exist in another, and obviously, as you guys know, that creates, you know, a conflict among regions, which is just not helpful for us trying to legislate.

So it's just tough. I would say trying to, you know, not undo any of the positive aspects of the law, which really work well, while solving some of the outstanding issues that are largely regional will be a big challenge.

MR. LEWIS: I think that S. 1520 is a

good, and its House counterpart even more so, is a good example of how there can be a blend, an unfortunate blending of very legitimate goals for improvements in the law or just studying how the law could be improved, for that matter - kind of blended with punitive payback-type provisions that want to ding commercial folks on exempted fishing permits.

Or want to, you know, it purports to be trying to provide, or really clarify that there are additional tools available for the management of recreational fisheries that some councils may not realize they have, although I think by now they do.

You know, but it's blended with taking away tools and with temporary moratoria, which, I mean it's kind of inconsistent to say, well, we're handing, we're trying to hand you these tools, but we're going to take this tool away.

You all should have as many of the tools at your disposal as we can possibly provide you that will facilitate your continued - and by the

way, bravo to you all - your continued sustainable management of our fisheries now into the act, as it currently stands.

So getting the sides to step away from some of the, I don't know, I want to use the word petty, but I'm not trying to say that, it's just, it's shortsighted.

Let's say the shortsighted view that really is more about, I'm angry about what happened yesterday, rather than I'm willing to work with you despite what happened yesterday to make something positive happen tomorrow.

But getting folks to that point can be a challenge. And it varies from region to region, of course. But as you all know, you deal with it in your jobs on a daily basis. It can be a challenge.

CHAIR HULL: All right. Thanks for those insights. Doug.

MR. GREGORY: As the Director of the Gulf Council, I just want to say, and since I'm outgoing, I can probably get away with saying it, that I really

appreciate hearing how you all understand what's really going on. Thank you.

CHAIR HULL: Okay. Others? No questions or comments? Well --- Greg.

MR. WAUGH: Thank you, Mr. Chairman, and thanks for your comments.

In terms of aquaculture, we talked this morning about the councils, some of us have been requested to develop FMPs, and in the NMFS presentation, that was one route. Legislation is another route.

In the legislation that's being considered, what's the role of the council, because we've got concerns about EFH, and siting, obviously, and how this would interact with size limits, possession limits, seasons that we have for similar species?

MS. GIBBONS: Yes, the legislation does not envision going through the council process, but would kind of envision a robust dialogue with the councils.

And I think exactly how you make that

a productive dialogue that gets everyone's voices heard kind of on the front end is quite frankly, something that we'd love, you know, to have a discussion with you all about, because you know, I feel like in permitting processes, generally, you can either solve your problems on the front end or the back end.

And it's always easier if you try and figure out as many of those issues on the front end. So you know, I think as we get closer, we'd actually just love, you know, your eyes and contributions on that legislation, and figure out how to make that process work well for the councils.

If, you know, since I, there is a preference to have that process work outside of the council process.

MR. LEWIS: I mean, I would, I'm sure we would welcome views on what the council's role should be from you all.

And the, certainly, we all know about the Gulf of Mexico council's FMP that was issued several years ago now, and I know that it's still

the subject of some litigation.

So is it something that you all prefer to have in your domain, or is it something that you simply want adequate input to, to ensure that the interests that you are there to serve are taken care of, and that it doesn't pose, you know, as I think Fern put it, problems for the existing users that are out there on the water.

CHAIR HULL: All right. Anybody else? Charlie?

MR. PHILLIPS: Yes, and I'm thinking as I go, which is always scary. But yes, I can't envision it working well without going through council process and our public hearings and all of that other stuff that we do. I mean, we do a lot of stuff interacting with the stakeholders - all of the stakeholders.

I really don't see how it's going to work very well circumventing all of that. And then, well, we're going to talk to them, and then we're going to go do what we want to do.

I don't see that working well.

MS. GIBBONS: Yes, I mean, I think it's a fair point. So we will, yes. I mean, let's be in touch as we work on legislation.

MR. HOLMES: And I think we're all eager to see the legislation released. Once the draft comes out, we'll have something more concrete with which to react to, and that you guys can also take into consideration on how best to move forward and comment or react to.

CHAIR HULL: Archie.

MR. SOLIAI: Thank you, Mr. Chair.

It's my understanding that the Senate recently passed the amendment to the Billfish Conservation Act, and the House is currently considering their proposed amendments.

But those amendments, you know, significantly impacts the Hawaii, that particular fishery within the Western Pacific, particularly for the Hawaiian fishermen, whereas billfish caught in those waters are going to be prohibited from being sold into the US, on the mainland.

But the question would be for NMFS.

Could we ask what the advice was given to Congress in consideration of the impact that would have on this particular fishery?

MR. HOLMES: In terms of advice, we don't proactively comment on legislation. If these guys ask, we do work with them to provide comment on impacts and possible outcomes of legislation.

MR. SOLIAI: Were you guys asked to provide advice?

MR. HOLMES: So, no, the administration has not done a views letter or taken a position on the legislation.

MR. LEWIS: I think in 2009 and 2010, when the act was enacted by unanimous consent in the Senate and passed very easily in the House of Representatives, I think that that original legislation was the subject of at least a request for administration views at the time.

I think that the legislation you're talking about now is viewed as a very technical amendment to the bill that is merely fulfilling the original intent of Congress, as you can see

in reading the committee report and other comments and background materials that go along with it.

And so I seem to recall, though, that we asked for administration assistance with the actual legislation. But of course, that was almost 10 years ago. So.

CHAIR HULL: Kitty.

MS. SIMONDS: Well, I disagree with you. It wasn't simply a technical amendment. It prevented our fishermen from selling billfish, which is healthy and sustainable in the Pacific Ocean, as opposed to the Atlantic Ocean and the Gulf, where billfishes are in the toilet.

So that's exactly what that legislation did, is to prevent us from selling our billfish across the country.

MR. LEWIS: Do you think that legislation that's entitled the Billfish Conservation Act could have been intended to put Hawaii in the position of being an international hub for the harvesting of those very species, and to sell to the US mainland in an ever-expanding

market, potentially to sell them elsewhere around the world?

Or do you think, Kitty, that that might be what we would call in the legal world an absurd result that Congress could never have intended?

MS. SIMONDS: Well, what you're talking ---

MR. LEWIS: What's your - what is your opinion?

MS. SIMONDS: What you're talking about is absurd. We're just talking about our fishermen who fish for billfish and tuna. That billfish that goes across the mainland has a certificate that tells you the boat that it came from, when it was caught. It has all of those details on it when that billfish goes across the country, so you know who caught that fish.

We're talking about US-caught fish.

So using the term technical amendment, as far as I'm concerned, was not correct. And that's what you told - well, that's what our senators in Hawaii were told. It was simply a

technical amendment.

It's not.

And Mr. former House staff member who helped us craft this legislation eight years ago, or whenever it was, the problem was that NMFS never acted on that legislation. It just languished.

The NMFS did not do a proposed rule. They just left it alone because of, well, politics. You know, the fishermen on the mainland opposing this. And so that's what happened.

So then this other bill was introduced, and we have explained it, and so, just telling you that you're wrong.

MR. LEWIS: And I'll tell you that you're wrong.

(Laughter.)

MS. SIMONDS: Well, let's go and duke it out at lunch.

MR. LEWIS: I like you too much to duke it out, Kitty.

MS. SIMONDS: Yes ---

MR. LEWIS: But I understand ---

MS. SIMONDS: I know you.

MR. LEWIS: ---were you're coming from, though.

MS. SIMONDS: I know you.

MR. LEWIS: Yes, ma'am.

CHAIR HULL: It's too far across these tables to throw things, or even punches. So I think we'll move on to other questions.

MS. SIMONDS: Thank you.

CHAIR HULL: All right. Tom.

MR. NIES: Thank you, Fern and Jeff. I've got a question on the, a comment I think that's in the Senate mark on appropriations.

Last year, I think there was a line in the Senate report that said, the council commissions line, if there's an increase, the funding should be distributed proportionally.

I think this year, the language says that if there's any increase over the fiscal 2017 amounts, all the increase should go to the commissions.

Do you know if this is being viewed as

a one-year thing, or is this going to go into the language every year now, and they're basically saying the councils are flatlined going into the future?

MS. GIBBONS: I actually don't have any insight on that, but I think Jeff and I are both happy to follow up with our respective appropriators, and see what they're up to. So.

CHAIR HULL: Okay. Any other questions for Fern or Jeff?

All right. Thank you both for coming and providing us with your views, and Topher as well. So.

MS. GIBBONS: Okay. Thank you for having us.

MR. LEWIS: Thanks for having us.

CHAIR HULL: All right. That brings us to our Magnuson-Stevens Act reauthorization and CCC Legislative Committee Report. And I'll turn it over to Greg Waugh.

MR. WAUGH: Thank you, Mr. Chairman.

And we're going to be working from that

topic overview, and I'm going to give a brief overview, and then I'd like for Dave Whaley just to give some further updates on some of these items.

So the first topic is MSA reauthorization. The hearings have been held, and we've got the information as an attachment.

We are fortunate that Dr. John Quinn, Chair of New England Council, testified to the Senate on August 1, on behalf of both the CCC using our working paper, and the New England Council.

And on the 23rd of August, Chairman Dan Hull of New England - of the North Pacific, testified at a Senate hearing as well.

So we've had good input there. A number of the councils have been asked to comment on various - by various individuals, and all of those letters are posted to the website. So if you want to see the councils' positions, those are available.

But the HR 200 as amended, we haven't seen that bill as amended yet, but Dave will have a few comments about that. But that appears to

be the vehicle on the House side.

And as you've heard, on the Senate, 1520 is going to be marked up, and then that will possibly be combined with something else in the future.

So what we're looking for here is any input from the agency on their, any position they have on reauthorization. And then in terms of the CCC action, discuss this and determine if there's any further work for the CCC to do, individual councils, or the legislative committee, in terms of reauthorization.

And then to touch on topic two, the legislative committee report, I thank our members of our work group. We had a really hardworking crew that put together a great document, and we inherited a good document from the Mid-Atlantic Council, and we expanded on that.

So we've got the working paper attached as attachment 5A here, and that outlines the positions of the councils - the consensus positions as well as the individual positions.

And there's a spreadsheet there, 5B.

One of the items in the working paper talks about timing. We talked about this a little bit, and there were some examples from the South Atlantic and the New England Councils in terms of how long these documents are taking.

And there's just some concern that we're being asked now to, whereas before we were asked to give the agency six months to review a document and get it implemented, that now that process apparently is going to take a year.

And so this really causes some impacts, and Bob Zales sent an email to the Secretary of Commerce on January 3 outlining some of the real costs of these items. And we've got some of that in the - our working paper as well.

But as far as a process, the CCC intends to continue this working paper as a source document. It's very useful for individuals that come into the council process. It outlines the different regional perspectives.

And so this will be kept for work as needed, and the lead council each year will be

responsible for maintaining that responsibility.

And again here, any input from the administration on positions for reauthorization, and then from the CCC, any guidance on what we do from here forward with that document in the work group.

And if Dave could just give a few additional comments.

Thank you, Mr. Chairman.

CHAIR HULL: All right, thank you Greg. Dave Whaley.

MR. WHALEY: Thanks Mr. Chairman and thanks Greg. Just a couple of quick things. As Greg mentioned, the response from the Hill to the working papers has been very good.

It's a great document for them to look at the see where the Councils are and also the provisions that we put in there where each Council talks about how something would affect their Council or their region has been very helpful.

Going by my experience in past years, it's helpful to have a document like that so that

I don't have to go out and ask for something and the you have to go to your Council and ask them and it takes a couple weeks. So anyway, the document has been very well received, so I think that's a real testament to the working group.

As Greg mentioned H.R. 200 appears to be the vehicle that's going to run through the House. It's been ordered to be reported by the committee. It has not yet, the report has not yet been filed. Once the report is filed, you will see a copy of the amended version. But as I mentioned earlier to some of you, the reason the report has not been filed is under house rules, once the report is filed, you can no longer add co-sponsors. So, in order to potentially add more co-sponsors, they're keeping that unfiled.

We talked a little bit about S1520. Fern mentioned that was kind of the Recreational Sector's kind of wish list bill when it was introduced in the House. A lot of folks commented on it and when the Senate version came out, it was a little different, looked a little bit better.

The Wicker substitute amendment that is apparently is not yet available but I got a copy of it the other day. It actually moves a little bit further to address some of the things that Jeff said. Where we're getting away from some of the sector fights. So it's moving in the right direction.

That bill's going to be marked up tomorrow. Amendments were due at noon yesterday. None of those have been filed on the website, so the only one I've seen is the Wicker substitute. I know it took care of a lot of the concerns that were out there, but Laurel just showed me, there's already some opposition coming up from some groups. So tomorrow, sometime in the afternoon, we'll know whether the bill has passed and what the vote count was.

As Greg mentioned, and somebody else mentioned earlier, Senator Sullivan is working on a draft reauthorization. S.1520, although it amends the Act significantly, it does not reauthorize the Act.

Senator Sullivan is going to do something more comprehensive that amends the Act and reauthorizes it. So, we have that to look forward to. They're going to wait and see what happens on S.1520 tomorrow before they finalize their draft.

Just a quick note on politics, I know you're going to have a hard time believing this but we're in an election year again. Election years make politics a little different. People vote a little differently when they're up for reelection. So, all of the House members, all 435 House members are up for reelection.

One-third of the Senate is up for reelection, so 34 Senators are up for election. Interesting to note, there are eight full committee chairmen on the House side who are retiring. That's a lot of full committee chairmen, which leaves a little bit of a knowledge void beginning next Congress.

Of the Senators that are retiring, 16 are coastal senators and eight -- I'm sorry, not

retiring -- who are up for reelection, 16 are coastal senators and eight are on the Senate Commerce committee. So that's a pretty fair number of coastal members and members of the committee. So just keep that in mind.

On Magnuson, we've talked a little bit about this. There are a number of other issues out there that could play into Magnuson. There are four bills dealing with shark finning, and my understand is there is soon to be a fifth bill that the House is working on.

There are three Red Snapper bills. There are three Billfish bills. There are two bills that would add seats for Rhode Island on the Mid-Atlantic Council. There were two bills dealing with Dungeness crab, although that's become a public law, so that's off the table, but one Summer Flounder bill, and then there are a number of other somewhat related bills that are out there, all which could come together as Magnuson moves forward.

Talked about next steps. The House,

the next step for the House will be the House floor. Next step for the committee in the Senate side will be a bill that will be introduced.

My understanding is they will not hold any more hearings, that once the bill is introduced, they'll put it out for comment, and then they will move it to markup.

I'll skip over a lot of this because you've already heard about this.

Aquaculture, there's been a lot of discussion, including the presentation this morning. I have seen the Wicker draft. Let me give you a couple things that give me pause, that might give you pause as well. And having said that, this is the fourth version of the bill, so obviously it's changing as it's going through the process. So it's not a final, but here's some things that gave me pause.

The first is it creates a new Office of Aquaculture at the NOAA level, not at the Fisheries level. It creates an Aquaculture Division in every single region, so it's making

Aquaculture a very large issue for NOAA. There are three places where the Councils are specifically mentioned, but they are all only consultative roles.

There's a provision that permits for aquaculture will not be considered fishing under Magnuson. And finally, it authorizes $350 million over five years. So those are some of the big things that stood out for me.

One of the questions that Greg and I talked about a little bit was whether the Councils should talk amongst ourselves about what we think the role for Councils should be, and maybe do kind of a white paper like we did for Magnuson on issues that Councils see as potential issues.

I think I'll stop there and see if there are any questions.

CHAIR HULL: All right. Thanks, Dave. I think we're learning more about aquaculture then perhaps we expected to this evening, at least I am.

Questions? Dr. Balsiger?

DR. BALSIGER: Well, I find that very interesting. So we'd have a Department of Aquaculture under NOAA with a division in every region. So I presume that the division would not be part of the Fishery Service either. They would be a NOAA office in every region, to parallel the Fishery Service regions?

MR. WHALEY: That's my understanding, yes.

DR. BALSIGER: Thank you.

CHAIR HULL: Kitty?

MS. SIMONDS: So, it has to be in one of the agencies. Is it going to be in NOS? I'm following up on what he just said.

MR. WHALEY: I'm trying to find it in the bill, but it says, "The Secretary shall establish and provide resources to an Office of Aquaculture within the National Marine Fisheries Service at the National Oceanic Headquarters." Oh, I'm sorry, it would be within NMFS then.

CHAIR HULL: Okay.

MR. WHALEY: And aquaculture divisions

in each of the national, or each in the NOAA Regional Fisheries Office. Okay. I take it back. I read it, misread it this morning. So it would be within NMFS then. Okay.

CHAIR HULL: Okay. Other questions for Dave on aquaculture or Magnuson or any other legislation.

CHAIR HULL: Leann?

MS. BOSARGE: Yes, well, just a little feedback for you. As we went through that exempted fishing permit process for aquaculture in the Gulf, I can see where the Councils are very valuable in that process. When that applicant came to our meeting, most of your fishery stakeholders are there in the room. I mean obviously there are fishery stakeholders around the table that are asking him questions, but it's a very open and transparent process where you have a lot of different types of stakeholders in the room. So you have your environmental stakeholders in the room. You have lots of different fishery

stakeholders in the room, whether it be refish fishermen, shrimpers in the room, things like this, where you're going to have some interactions and some conflicts, and I think it's a great venue to have all those people in one place listening to the questions, listening to the answers. There's a public comment period directly after, when we had the EFP discussions so that stakeholders are able to actually, that were in the back of the room, you know attending, not around the table, are able to stand up and say, hey, this is my concern, you know, are we going to ask him this or that or the other. So I think it's a very open and transparent process that should be utilized, if at all possible. I definitely would want the Councils to have say in that, in that permitting.

CHAIR HULL: Yes. John?

MR. QUINN: Thank you very much. Dave, you certainly gave us a great update. I don't know whether you'd like to offer your prediction or handicap, what you think's going to happen with Magnuson? It seems the last couple years we've

said, you know, this is the year, this is the year, and it hasn't happened. So just curious if you're in a position to share your inside knowledge?

MR. WHALEY: I'm still cautiously optimistic. The fact that we're close to House action and that the Senate appears to want to move something. You heard from both Fern and Jeff that they have it as one of their top priorities. I think that's good. The fact that it's an election year makes it more difficult. The fact that we have a lot of outside issues, like gun control, immigration, health care that are going on, don't help. But having said that, I would give it about a 55/45 prospect.

Also, remember, the last reauthorization that we did in 2006, it was passed during a lame duck session, and the House chairman had just been defeated for reelection, so he was on way out. He could have said, I'm done. But, they did pass the reauthorization in the waning days of the Congress. So.

CHAIR HULL: All right. Chris?

MR. OLIVER: I just had a few comments that I wanted to make, Mr. Chairman, with regard to the reauthorization process, a couple of general comments and one specific comment. I have testified twice on Magnuson reauthorization issues since I came aboard as the assistant administrator. And in both those instances I was somewhat constrained in what I could say in terms of taking positions on various major provisions of the bills, particularly the bills that are out there. H.R. 200 obviously has been a focus, certainly on the House side. However, if you, I'm hopeful that at some point, we will actually take an Administration position on many of these bills. We are looking at internally H.R. 200 at the moment, and at least drafting what could be, end up being a views letter on H.R. 200, whether or not the we are able to get that through NOAA and the Department in terms of actually offering it as a views letter remains to be seen. If you look at -- even though I was somewhat constrained in what I could say, some of what I said will probably be somewhat familiar to

you as you look at the Council working paper that has been evolving over the last few years. If you look at the most recent version of the North Pacific's Council's comments, I believe from October. Both those documents look very familiar to me because I had a significant role in drafting both of those documents. And so, you probably wouldn't be surprised that many of the things I said generally are consistent with that.

Now, whether or not in the end those particular views, how they align with what ultimately might be administration positions, I think it remains to be seen and an evolving question. But, I do think that you're familiar with at least my general perspectives on many of these issues. And at least, again how those align with the administration remains to be seen but I haven't changed my spots a whole lot since the last time we talked about this.

And so in the process of, as we continue to draft what may end up being an administration

position, I'm keenly interested in any other thoughts you have today and keenly interested in the CCC working document. I'm keenly interested in the individual council comments that have been developed by each council. There's one issue I want to specifically speak to and that is the Magnuson-NEPA intersection issue. Without taking a position on it, I want to simply note a particular aspect of H.R. 200 that I hope folks are keenly aware of and that, and it's captured in the February 2nd letter that was submitted by the Pacific Council to Senator Cantwell in response to her request. In an earlier version of H.R. 200, going all the way back to when it was called 1335, there was a whole section added called the Fishery Impact section, and that was in response to a many, many years long debate over the interaction of NEPA and Magnuson. And that entire section was partially the product of a working group of this body, of the CCC in which I participated. And the whole intent of that section was to essentially bring the provisions of NEPA within the Magnuson Act.

And there was a very important last paragraph to that section that read, "actions taken in accordance with this section are deemed to fulfill the requirements of the National Environmental Policy Act and all implementing regulations." And even with that language, there was a debate over whether we were better off sticking with our existing NEPA process, which we've gotten quite good at, versus bringing this new process, what could be a new process, essentially the same process frankly, but bringing it within the Magnuson Act. And as you may recall, when I was still on, a member of the CCC last year, I was torn about it. And being a part of an administration that hasn't taken a position on this, I'm definitely torn about it right now. But what I can tell you is the most recent version of H.R. 200 that passed, came out in December removed that last paragraph. And so the effect of removing that paragraph is to entirely moot the point of the entire section on fishery impact statements. So whether you believe that section originally was good or bad, I can tell you

and I hope you're aware of and taken into account as this evolves, that the deletion of that paragraph completely moots the points of the entire section. So without taking a position on it, I just wanted to make sure you were aware of that.

CHAIR HULL: All right. Thank you, Chris. And we noted that when our Legislative committee reviewed the amended H.R. 200. Further comments or questions from the group, and this is a good time as Chris said, he's interested in Councils' specific comments. Perhaps not everybody has submitted a letter on amended H.R. 200, but this would be a good time to offer comments if anybody cares to. Chuck?

MR. TRACY: Thank you. Thank you, Chris, for pointing that out. I guess I would maybe go a little further and say that, you know, with that particular language omitted, it not only, you know, moots the benefit of that whole section, it actually imposes some costs without having the benefit, the potential benefit of that, so that's why it's a little worse than just that.

That being said, we have heard that perhaps that omission was an oversight and that there will be some consideration for looking at that again in the House bill. So we're hopeful that, that will at least be there for people to debate, to take a look at that. You know, and I guess, just to reiterate the Pacific Council's feelings, the original impetus for that came out of the 2006 reauthorization that required National Marine Fisheries Service to revise its NEPA procedures. And we do not feel that that has been full addressed, and so we're interested in continuing, at least continuing that debate in some form.

CHAIR HULL: Thanks Chuck. Anybody else? Yes, Dave?

MR. WHALEY: If I might, Mr. Chairman, there were discussions ongoing between Chairman Young, who's the author of the bill and Congressman Huffman, who's the ranking member of the subcommittee about a number of issues, and NEPA was one of the top issues that Mr. Huffman had

concerns about. So, it's unclear whether that language will stay in the bill as it moves to floor action, but I've been told by staff that if the language remains in the bill, that, that provision that got dropped, which was apparently inadvertent will be back in. So as Chuck mentioned, they realized that it not only doesn't do what they wanted it to do, but does add a significant burden to the Council, so that was not the intent. But having said that, there are negotiations ongoing that could strip that out entirely. So, just so you're aware of that.

CHAIR HULL: Okay. Thanks, Dave. Any other observations, or Dave or Greg, do you have any further thoughts for the group?

MR. BROWN: Just that my understanding is we'll see what happens with this mark up and then we will respond, and if there's something that we need to do, the Legislative committee will get active and contact folks. Thank you.

CHAIR HULL: Yes, I think that's correct and I want to say again, thank you, Greg

for leading the Legislative committee and everybody in the group has done a great job so I anticipate we will continue to work on the working paper and add topics as needed based on a Senate bill and in addition further review of legislation that comes forward on Magnuson perhaps is, the aquaculture bill as well. The reauthorization is the main focus but it sounds like the aquaculture bill might be another one. We will take up any details of staff tasking or the committee tasking tomorrow at the end of the meeting. But that's my sense right now, and I'll open the floor if members here have any different views or additional thoughts?

Okay, seeing none then, thanks Dave and Greg. And it looks like you're going to get your hour-and-a-half for lunch anyway. So that, if there's no further business for us under this agenda item, we will break for lunch. And everybody, please come back in advance of 1:30 so that we can all be seated for the Rear Admiral's appearance. So maybe come back at 20 after 1:00, we'll be set

to go. Thank you.

(Whereupon, the above-entitled matter went off the record at 11:53 am and resumed at 1:31 p.m.)

CHAIR HULL: Okay. Let's come back to order. We are welcoming Rear Admiral Timothy Gallaudet. And thank you very much for joining us and appreciate that you're taking time and recognize the importance of the partnership between the agency and the councils, and sound science-based conservation and management of our marine resources. So I'll turn it over to Mr. Oliver.

MR. OLIVER: Just by additional brief introduction. I've known the Admiral now for about five months, and it's been really exciting. I mentioned this morning that it was kind of surreal and exciting at the time to be with this group of people I've worked with for 20 years, but be on this side of the table. So this is a great bunch of people, and a key partner in our fish management program.

The Admiral came from a background that -- very much knowledgeable about many of the aspects of NOAA's mission, particularly with many of our other line offices, but probably less knowledgeable of the fishery side of stuff. So one of the exciting things that I and all the people that work for the Agency have seen is the Admiral's keen interest in all the work that we do, a very inquisitive mind, and some would say, an insatiable appetite for information. And he really is interested in the mission that we do, and we see it every day. And it's been exciting to see that. And so I'm happy to be part of the team and welcome you to the CCC meeting.

RDML GALLAUDET: Thanks, Chris -- put my back to you all because you're definitely the varsity team here, right? Okay. So yeah, I just wanted to say a couple things. And I really regret that I can't, I could not stay in this whole meeting and meet you all, and I'm sure you have a fantastic

happy hour planned, Chris, as your MO is usually, I think. But I'm meeting with -- how about that. No, I'm meeting with the five congressmen right after this, and then hopping on a plane to hit our satellite launch, the GOES launch. So just, this was a busy day, but hopefully there'll be another venue where I get to get around. I've met some of your virtually, and I've met some of you in person, just very briefly. But I'd like to do more of it. As Chris said, the fisheries side of NOAA was one that I had really very little exposure and experience in, and I think Lindsay probably could attest, it is the one area that I am just so deeply fascinated in. The rest is sort of, you know, I've seen before. But this is so, every day, I'm learning something new, important and very impactful about what fisheries does. And so it's just been a really terrific journey for me to just see these things that we all, you all lead and manage. And it's just so important, too, in that the Secretary of Commerce here looks at our fisheries as a really important part of our economy,

and he wants to reduce our seafood trade deficit, and he's charged us to figure out a plan and do it. And that's what we've done. We've put together, Paul, Chris, all of us, with your assistance, an initiative that I am in the final, kind of stages of reviewing line by line, to tee up for a decision for the Secretary to approve and help us with. And that, we're calling this the National Seafood Production and Competitiveness Initiative. And it involves three main parts, which you all assist with. It's intended to reduce our seafood trade deficit, but with the elements of promoting and advancing aquaculture, improving our trade posture and market access, and also the optimizing yields of all our fisheries while, you know, sustainably conserving the stocks. So really interesting things. I'm involved with all of them. And so I just thank you all for helping us advance this initiative and manage our fisheries to a degree that is the world standard, which is a really neat thing to brag about when I go out in public, or go out visit other stakeholders today

on the Hill. It's a great thing what we've done in restoring most of our stocks and compared to what I remember in the 1980s when I was first beginning my professional career, and that was, you know, a real decline in everything in the environment. And so it's great to be part of a team that's turned that around and moving it forward. And so, that's kind of it in a nutshell, I think. I could talk longer, but I don't have much time, so I'd rather, I'd be more interested in having a discussion, hearing comments or questions from you all and certainly, you know, meeting some of the folks, kind of just in this very brief setting that I've heard so much about. So over to you.

CHAIR HULL: All right. Members --

RDML GALLAUDET: Thank you for blocking that. Who did that? Thanks. What's your name? Brian? And you work in Sustainable Fisheries? All right. Well, thanks for that. That was a good assist there.

CHAIR HULL: Okay. The floor is open

for members. And I guess I'll just start by offering an invitation to you to come to Sitka for our annual meeting in the middle of May. We'd love to have you.

RDML GALLAUDET: Hey, I would love to go. Alaska's a beautiful place, and I've only been to Anchorage, Barrow, and the Chukchi Sea. So I'd like to get more around. Thanks, Dan.

CHAIR HULL: Other members of the group? Perhaps some questions on the initiative that you've outlined, trade, harvest and aquaculture were the three main points that I wrote down. And with respect to the importance of science, perhaps you will want to touch on that aspect of the initiative?

RDML GALLAUDET: Sure, Dan. I view the science part of it as underpinning all three, and it certainly has this great role, both in aquaculture, because we've been able to transfer all lot of, tech transfer, if you will, a lot of what we've learned.

I was up in the Northwest Fishery Science Center in Seattle and while they're doing fantastic things, I saw the Gulf Coast -- Thad Cochran, Aquaculture Research Center as well, so I'm really learning a lot about that and seeing how much we're helping industry. And yesterday we met with the East and Pacific Shellfish Growers Association, and they both have then, kind of just showered praise on us and our science teams for helping them out. Things that I am so interested in. You know, going in the field, I've just met some people that they're doing incredible work. So at Northwest for example, and do we, forgive me for not knowing everybody who's here but do we have a, we don't have any of the science center directors here do we? We don't. Okay. So Kevin Werner is leading that terrific team and there was a guy named Adam Luckenbach, I think. And he was doing this really interesting, like hormone control on sablefish so that the resulting stock that was bred would only be females, because they're 40 percent larger, and they would only be females so

there wouldn't be competition, you know, because when you've got males and females in the mix, just like people, they tend to fight a lot. And so that kind of interesting, you know, genetic-related work is just incredible and we have people going it all over. So it really, kind of Noble Prize winning type work that is just impressive. So science is very important, and I wouldn't say, there's not a, it's not one of the three pillars, it underpins them all.

CHAIR HULL: Charlie?

MR. PHILLIPS: Thank you. Charlie Phillips, South Atlantic Chair, and I do aquaculture clams. And ocean acidification is really important to us and, you know, we've seen where they have to go grow their seed in Hawaii, bring them back to Washington state. So are you all working on baselines on what, where we are now so we can see where we're going and things like that?

RDML GALLAUDET: Sure, we, NOAA is, we are. And in fact, the folks I saw at Northwest,

they are doing much research into that, certainly with respect to shellfish. And very interesting, I mean it's sort of like, in the Beltway people just talk about these climate change issues in as much a policy sort of wonks and having discussions and PowerPoint briefs, but this is like, this is in the trenches. You know, the troops on the front lines facing it and it's real. It's kind of like what the Navy was doing with respect to Arctic change when I was in the Navy and going up to Alaska and seeing the changes in the ice and how it was affecting operations. So we're doing much. Our ocean acidification program, we are continuing. It was not plussed up in the President's budget, of course. It took hit, but I'm going to go meet with Congressman Pingree. This is going to be my second meeting. And she's interested in this and I'm sure she'll work on, she's on the Appropriations committee. And they will probably, they'll probably look at ocean acidification as a target for some interest. So Charlie, good to meet you.

CHAIR HULL: Mark?

RDML GALLAUDET: Yeah, where's Mark?

MR. BROWN: Yes, Mark Brown from the South Atlantic.

RDML GALLAUDET: Oh, okay. Hey, Mark.

MR. BROWN: And we're getting ready to see a presentation in a little while and my question is, what is NOAA's position on the gas and oil exploration in the South Atlantic?

RDML GALLAUDET: Right. So that's something I'll be talking to members about as well. What we're in our role is to do ESA and MMPA reviews. And we're not, our role is to meet our statutory requirements to perform those reviews. And our position, you know, going forward is to ensure we do those in a streamlined, efficient way, so they don't bog down, you know, potential development. We don't have a necessarily position on should it be developed or not. What we do is we do our scientific assessment, our EISes and let those tell the story. But our position that's different from the prior administration is, it shouldn't be a bureaucratic nightmare. And we

don't want to bog it down in red tape. So we're trying to streamline the permitting processes, but we maintain that we'll continue to underpin those like good conservation baselines. So that's, this administration does want to promote the development, but our role is not really, it's not here or the other. It's just to perform the science behind it, and whether it should be done.

MR. BROWN: Some of this, you know, we've talked about this quite a bit, you know, at different meetings, and we're just kind of concerned about the type of exploration, you know, the way that they use the types of equipment that they sound the bottom with --

RDML GALLAUDET: Yes, so I think --

MR. BROWN: -- and how much, yes, and how much damage it could cause. So, you know, there's a lot of unknowns, you know. We ask questions, and sometimes we get the bureaucratic answer, and we just don't really know.

RDML GALLAUDET: Right. Well, and exactly and that's something we need to continue

to improve upon, understand the impacts of acoustic, of sound on marine life on the ocean. In fact, I'm working with a Consortium for Ocean Leadership. They've convened several meetings on this topic, and again, we want to just understand the science better, so we can make the most informed assessments and rulings. I happen to work with a pretty renowned research, John Hildebrand at Scripps doing marine mammal studies and acoustic studies of marine mammals. So I'm again, an area I'm interested in and like all things fisheries, poor Chris, you know, actually I've tried to keep you from this but I'm really enjoying looking under the hood and seeing how everything works in detail. And so that's an area I definitely want to support understanding better. We all could benefit from that, the ocean and the economy. Does that answer your question? Okay. Thanks, Mark.

CHAIR HULL: Bill and then Kitty.

RDML GALLAUDET: Hey, Kitty. Okay. Someone else?

MS. SIMONDS: I think Bill's going to

go first.

RDML GALLAUDET: Okay. Someone else? Where are you Bill.

CHAIR HULL: Go Bill.

RDML GALLAUDET: This is a big room. Okay. Bill, how are you?

MR. TWEIT: Thanks Rear Admiral for appearing here. I'm Bill Tweit and I sit on the North Pacific Fishery Management Council. And just want to see, if as you put together the initiative on seafood production, if you've got that connection between the underlying science that we just absolutely rely on, and our ability to actually then allow harvest. At least in our management system in the North Pacific, and I think it's fairly similar in a lot of the other councils, the fewer the surveys, the more uncertain the information about the stock, the lower the harvest we can then derive. There's a very clear correlation between our investment in our stock assessment survey work and the actual size of the harvest. And it's a positive correlation.

RDML GALLAUDET: I understand that.

MR. TWEIT: I'm hopeful that the initiative captures that. And you did describe the importance of a scientific base, but I think the initiative should really capture that every penny we invest in stock assessment positively correlates then with the allowable harvest that we're able to have.

RDML GALLAUDET: That's great, Bill, and absolutely agree, 1,000 percent. And in fact, this is the going-in argument that we'll continue that and in fact, I view this as a great opportunity because there's so much that technology is offering us today. The folks at Southwest have developed this concept called acoustic toll gate to monitor stocks as they migrate north and south, and that's stuff I'm familiar with, the technology. But it's also the kind of thing that we just, it doesn't cost a lot and can dramatically improve our stock assessments. I see a huge opportunity in unmanned systems development so we have a great project, OAR does with, and I think Southwest, too,

Fisheries, with this outfit called Saildrone, which is -- and pardon me for giving you, sending my back to you all -- but the Saildrone's an unmanned surface vehicle and we're going to have five of them underway in regions of the Pacific to sort of demo the technology of doing acoustic surveys, fish surveys to inform stock assessments. So I couldn't agree more. Improving our models, in fact, Lindsay, I just had an exchange with you yesterday about a model for what? It was guy named Mark Mauder (phonetic), remember that?

But so I am a, so Lindsay also could attest, I'm looking, I'm trying to understand our models better and how good they are, and what we need to do to get better. So absolutely an important part of this initiative that, you know, I will make sure before I put my signature on it, it's up front and center.

CHAIR HULL: All right. Kitty and then Phil.

RDML GALLAUDET: Kitty. Hi Kitty.

MS. SIMONDS: Hi, Admiral. In your

career, have you been out to the Western Pacific?

RDML GALLAUDET: Very often, in fact I was stationed there. I was stationed in Japan on an aircraft carrier. Unfortunately, most of my time was spent in the Arabian Gulf, as we tended to do during the Iraq War. But I love your coast and I love the Western Pacific.

MS. SIMONDS: Thank you. Well --

CHAIR HULL: Kitty, could you pull your mic up? Sorry.

MS. SIMONDS: In your program reducing the seafood deficit, obviously aquaculture is one of the things that you all are promoting. What are the other highlights that you're promoting in terms of reducing the seafood deficit?

RDML GALLAUDET: Well, as Bill had mentioned, so improving our science behind stock assessments so we can optimize yields. We are just starting to understand what the opportunities are with respect to advancing our position in respect to trade and exports and market access. When we were first, when I first came onboard, the focus

had been aquaculture. Interestingly here, the Secretary of Commerce was zeroing in on this, but he has this whole department called the Department of Commerce and he's got, you know, the U.S. Trade Representative, and he's got ITA. So we've started to meet with these folks and they're helping inform us how to go into future trade negotiations and bring up fisheries so we can increase market access for our producers. And so that's just starting. We really haven't gotten underway farther. Our first meeting was this week. But there's opportunity there, too. That's just a few, and that's, there's more under each in detail that we can go. I mean just the stock assessments are one is, and the technology behind them I think could just take dozens of pages, so.

MS. SIMONDS: Well, what I hope that you'll be promoting is reviewing, allowing the U.S. fishermen to fish in U.S. waters. As you know, previous administrations have, Presidents have exercised their rights under the Antiquities Act, and so unfortunately, parts of the U.S. having

closed U.S. waters to U.S. fishermen. And we're talking about areas where the fisheries are healthy, sustainable. So I hope that you add that to your mission to help the Department of Commerce improve trade, improve the deficit because that is one step that will certainly help your mission.

RDML GALLAUDET: Absolutely. We are, we're conducting the review that the President directed in terms of our monuments and our sanctuaries. The focus from the President was to look at minerals and oil potential. But we're looking at fisheries as well and I couldn't agree with you more. In fact, we allow fisheries in some of our sanctuaries, so, most of them, I think. And so we're definitely revisiting that. We want to ensure, you know, this is where I came from in the Navy. We have the world's second largest EEZs. And we should know them and fully use them sustainably more than anybody else. But we have foreign competitors coming into our EEZs illegally fishing and exploiting and surveying, which I cannot, I cannot tolerate that way. So I'm with

you.

MS. SIMONDS: Right. And you know, we have the largest U.S. EEZ, the Western Pacific.

RDML GALLAUDET: Yes, absolutely.

MS. SIMONDS: 1.5 million square miles.

RDML GALLAUDET: Where's your office? Is it Guam?

MS. SIMONDS: No, Honolulu.

RDML GALLAUDET: Honolulu. Okay.

MS. SIMONDS: Right.

RDML GALLAUDET: Absolutely.

MS. SIMONDS: So I'm glad you brought up minerals because I know that there are minerals around the Northwestern Hawaiian Islands, and in the Marianas. And I understand that Governor Torres, in his comment letter on this Reviewing the Energy asked, you know, perhaps there might be an opportunity because people have come to visit him to explore, to have some exploratory, you know, project going on out there in the Marianas. So I hope you look at his comments and our comments,

as well on that energy EO.

RDML GALLAUDET: I will. I will. But I know that some of our foreign competitors have been in there and we need to own that, own our EEZs.

CHAIR HULL: Phil Anderson.

RDML GALLAUDET: All right, Kitty. Thank you.

MR. ANDERSON: Thank you. Off to your left here a touch.

RDML GALLAUDET: Okay. Phil, how are you?

MR. ANDERSON: I'm good. First of all thank you for being here. Thanks for taking the time out of your busy schedule to be with us.

RDML GALLAUDET: Sure. You're welcome.

MR. ANDERSON: I think I have a softball question for you.

RDML GALLAUDET: Bring it on.

MR. ANDERSON: I was going to throw it right down the middle of the plate and see how you do.

RDML GALLAUDET: All right. Okay.

MR. ANDERSON: I've had the privilege of being part of the council process for a long time and I consider it a privilege because I always considered the job of managing our nation's fisheries responsibly as it's an honor to be a part of that. The council process is very unique though in all of government. I don't know of any other process, federal or state that compares to the council process and the partnership between NOAA and the region councils. I've seen a lot of administrations go through and leadership transitions in NOAA. We're very, very fortunate to have Chris Oliver, who is very experienced in the world of fisheries and the important, recognizes the importance of the interaction between the Council and NOAA Fisheries.

RDML GALLAUDET: Amen.

MR. ANDERSON: I want to know where you stand? I've seen, I've gone from administrations who have emulated the attitude that we're a necessary evil for NOAA to deal with. I mean, it's

part of the statute, got to do it, but boy are they a pain in butt. And I've seen, on the other end of the spectrum, leadership that has fully embraced it and made the most out of the partnership and the unique system that we have. We have a great opportunity to do that with Chris but only if he has the support from his leaders. I want to know where you stand on that continuum?

RDML GALLAUDET: It's easy to tell you. I stand behind Chris 1,000 percent and the council process. And I tell you, I am new to it. I'm very much a novice but it's a little known secret that I can read. Right? So I've studied this very closely since probably a month before my confirmation hearing, and I have to say, I've marveled at the sort of unique nature of the process and the system. It is unique in government but it works. And I also like is, you know, Fisheries in not a, we have a National Fisheries Service and program, right, but it's very local. It's very regionalized, it's specific, because of the nature

of stocks and the oceans. And so that what you have is a process that appreciates that. You also have with the Council is a process that is collaborative with all the different stakeholders, right? You've commercial fishermen, recreational fishermen, you have everybody's interest represented. Academia, us, and so, government and states, so you have, you have a really interesting process here where everybody gets say, and they work together. I also find it fascinating and I'll just throw it out there, I would, I think it's fair to say that some regions might be working a little more smoothly than others. Is that probably fair to say? And so that's an interesting challenge. And so what I would hope to help at my level, overseeing it all is to foster all the good behavior that's happening maybe in some areas, to happen in the others. Not to call anybody out, but, you know, that's just how it is. So but anyways, I'm fully behind it and it works great. It's a neat, new thing to me, like most the fisheries. But I think it's a wonderful example of just figuring

out how to make something work in an adaptive, collaborative way.

MR. ANDERSON: I appreciate that response. We're one of those councils that has a great partnership with the region on the West Coast, and I think we make the most out of our partnership. Thank you very much.

RDML GALLAUDET: Good to hear, Phil. Thank you.

CHAIR HULL: Tom Nies?

RDML GALLAUDET: Are you Tom?

MR. NIES: You're looking at the same place.

RDML GALLAUDET: Okay. Right there.

MR. NIES: Thank you. I'm the executive director up in New England. You may be aware that the coastal waters of New England, Gulf of Maine is one of the fastest warming bodies of water in the world.

RDML GALLAUDET: Yes, I am.

MR. NIES And I guess I'm concerned when I read in the President's budget that he's

cutting $54 million from climate research. Is that going to leave any ability for NOAA to continue the basic climate research that's going to look into the impacts of this?

RDML GALLAUDET: Sure. I understand your concern. You might know that my past life, I was the Navy's Climate Change Task Force director. So I'm not a denier. Okay? I understand it's real. And I've been watching Maine by the way.

We just, the Ocean Service just developed a new regional ocean forecasting system for the Gulf of Maine. I don't know if you're aware of it. Check it out. It's quite good. And I'll be meeting again with Representative Pingree soon, in about an hour. And so I'm ready for this. We're not zeroing out climate research. Okay? We are doing, we are still conducting it. We're required to do it by the Weather Act, this Weather Research and Forecasting Innovation Act that was signed by the President in 2017.

In fact, it's one of our main budget priorities. We have two. We have two. It's to

implement that Act so we can more effectively save lives and protect property, and climate research using the name seasonal to subseasonal, because that's just what the Congress and President, how they wanted to describe it but it's climate.

And so we're continuing to do it. We are still doing, just in OAR alone about $158 million of climate research. And then if you look at all the line offices, they are all doing some degree of climate-related research, whether it be, you know, focused on ecosystems and fisheries, or regional change in the ocean surface, et cetera. So it's not zeroed out. It's just reduced.

There's a lot of things reduced in the President's budget and again, my job, which I'm doing today is that's the President's budget. There's a budget process. Right? You're all familiar with this and that involves meeting with the appropriators and having discussions about what's important to the American people.

And moving forward with what the Congress will ultimately do, and that's why I'm

meeting with five appropriators today. Fair enough? Now, I'll also just say this. You know, when I was in the Navy, I've gone to the Hill and the standard response was, I support the President's budget.

I'm part of the administration. I acknowledge that. But then again, we work across government to advance our efforts that support the economy and the people. And so we'll see how that all kind of shakes out. Okay. Good to meet you, Tom.

CHAIR HULL: Admiral, do you have time for another question?

RDML GALLAUDET: Do I have time for another question?

Okay. How about one?

CHAIR HULL: Leann.

MS. BOSARGE: Oh great, your problem child gets to go last. That's the Gulf over here. So yes.

RDML GALLAUDET: And I'm from your neck. Where you from?

MS. BOSARGE: The Gulf. We're from the Gulf.

RDML GALLAUDET: Where?

MS. BOSARGE: I'm from Mississippi.

RDML GALLAUDET: Where?

MS. BOSARGE: Pascagoula.

RDML GALLAUDET: Very good. I was just in your neck of the woods. We have three ships there, you know.

MS. BOSARGE: Yes.

RDML GALLAUDET: And a great, the seafood inspection lab, another science lab there doing neat fisheries work. Have you been there?

MS. BOSARGE: Yes.

RDML GALLAUDET: A great place. And I live in Slidell and I've lived in Diamondhead, too. How about that.

MS. BOSARGE: I'm liking you more and more.

RDML GALLAUDET: How about that? I love the Gulf.

MS. BOSARGE: So I was actually, you

touched on aquaculture and also trade. And I made the comment earlier but I thought it might be apt to make it again. So I can see those two things fitting together quite well. We have a $14 billion trade deficit when it comes to seafood. Almost half of that is made up $6.4 billion by shrimp.

RDML GALLAUDET: Shrimp, foreign shrimp?

MS. BOSARGE: That's right. Foreign shrimp imported into this country. And the comment I made earlier is that as we progress with our aquaculture initiative it would be amazing if we could make sure that aquaculture in this country is on a level playing field competitively with aquaculture in other countries.

And what I mean by that is that we have rules in this country as to what you can use from an antibiotic standpoint and things of that nature to treat any aquaculture product. Overseas, the rules aren't quite there. They're not up to par with what we have.

And unfortunately, because of the huge

amount of product that's imported into this country, we're not able to really police it the way that we would like to. We only test and sample, I think it's less than one percent of those shrimp that come into this country. And we're finding things like chemotherapy drugs in this product.

So if you, that seems like it'd be low-hanging fruit. Like one side of the equation is increasing domestic production. The other side is maybe taking a hard look at imports and decreasing those if they don't meet our standards. So if you can find a way to pull that in, that would be amazing.

RDML GALLAUDET: We are working it. You know, we have the seafood inspection and monitoring program. I know there's a stay on shrimp. We're just working on 14 or so species right now.

The stay on shrimp is kind of complicated but we're working to lift that stay as soon as possible. We can't do it right away because we're kind of concerned about WTO

challenges to that.

But once we can get in place a similar process for aquaculture, we are -- we'll lift that stay. And it's a big goal of ours to turn that rule over. So I got you. Your name is Leann. It's nice to meet you. And I'm sorry I didn't meet you all but I'm going to go before I trip. God, there's a lot of wires here. And so, but it's wonderful.

Thanks for the chance to address you all. I really apologize. I'd much more liked to meet with you individually, and if I get a chance to do that in the near future, including Hawaii, the Gulf and everywhere else. So have a great afternoon.

CHAIR HULL: Thank you very much. All right. Thanks again for coming. We'll look forward to hopefully seeing you in Sitka.

RDML GALLAUDET: All right. Thanks very much, appreciate that.

CHAIR HULL: Okay. Our next agenda item is, we will hear from Megan Davidson, a

biological oceanographer with the Bureau of Ocean and Energy Management in the Division of Environmental Assessment. And it might just take a minute or two to get set up, so welcome Megan and you have the floor.

MS. DAVIDSON: All right. Great. Can everybody hear me? A little bit closer? Is that better. Okay. Great.

Hi, so thanks for having me here today to talk to you guys a little bit about the development of the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program.

As it was mentioned, my name is Megan Davidson. I work in, very specifically in the Office of Environmental Programs. So I'm on the side that writes the EIS. We also have the other side of the office that writes the program document, and I'll talk a little bit about both of those today.

So just to get started, BOEM's mission. Our mission is to manage the development of the U.S. Outer Continental Shelf, the energy and mineral resources in environmentally and

economically responsible way. So we have to balance both the environment and the maintaining the nation's resources.

The Oil and Gas program is what I'm going to talk about specifically today. We have other programs as I'm sure most of you are aware. We also have a marine minerals program, which runs basically, it does lots of things but for the large majority of it, sand, beach renourishment projects.

And then we also have a renewable energy office. And that program does mostly wind energy, but we've also got some other things going on with potential wave energy and floating wind. But I won't talk about those two programs today. Just more specifically the Oil and Gas Program.

We have several key responsibilities. Basically, we are responsible for maintaining a leasing program and we have to do that in a comprehensive but transparent way. We also conduct environmental assessments and to scientific research to inform decisions about that development. That's what I mainly focus on in my

day to day job. We identify and inventory the nation's offshore energy endowment. We develop appropriate financial terms to ensure the nation reserves a fair market value and we also protect the U.S. taxpayers in the United States in general from financial loss or a potential oil spill impacts.

As a result in the change in administration, we had several executive orders and secretary orders that came out that is the result of why we have a new 2019-2024 program being proposed. We have been, in April 2017, they requested that we replace the 2017-2022 program that had just be finalized, and go back and look at all the possibilities again.

And I'll explain in a little bit in more detail. But basically the executive order is encouraging us to expand our energy exploration and production and to make us again a global energy leader. As a short follow on to that executive order, the Secretary of the Department of Interior then issued an order that basically asked BOEM,

look at the program, go through the resources, see if there are places we can expand?

Are there ways to make it better? How can we change what the decisions were in the 2017-2022 program? Do we want to keep it the same? Are there good reasons why or good reasons not to change what was decided?

The OCS Lands Act, Section 18 is what our program -- is the law that our program is based on. Our environmental impact analysis is based on the National Environmental Policy Act. So those two laws are what we're trying to fulfill our obligation for.

So along with the Section 18 requirements, our job at BOEM is to periodically prepare and revise the leasing program and it's very specific to size, timing and location of where those lease sales might occur. This is a programmatic level document, so it includes OCS lands off of the United States.

The decisions that are made are made by the Secretary of the Interior, and they're based

on eight factors. These factors can be balanced equally, but the Secretary does not have to balance them equally. They just have to make sure that they're considering them, all eight of them.

So the eight things that he has to look at are existing information on the geological information, so what sort of resources are out there, geographical information, ecological characteristics, what are sensitive areas, equitable sharing of the benefits and the environmental risks, the location of these resources with respect to regional and national energy markets, locations with respect to other uses of the sea -- that's where you guys come in -- the laws, goals and policies of affected states as would be indicated by governors of the states, interest of potential oil and gas producers, the relative environmental sensitivity and marine productivity and the environmental and predictive information.

The environmental impact statement that my office works on address six of the eight

of these factors. The program document addresses the rest and some of those environmental ones as well.

Basically, our task is to balance the potentials for environmental damage, discovery of oil and gas and adverse effects on the coastal environment, all while assuring receipt of a fair market value for the United States citizens. What I definitely want to highlight for you is the that the Section 18 process is a narrowing process. We're at the national program level.

This is the highest geographical scope as this goes. The process, if you look at the inverted triangle, from the top to the bottom where it says national program to production could take anywhere from 10 to 15 years. It's a very long process. It's collaborative.

At each one of these stages, we have environmental reviews where we allow for public input and stakeholder input. There are decisions at each one of these stages, and it is a winnowing process, meaning, decisions that are made at the

national program level can then be narrowed further as we go down it through the process.

The one thing to keep in mind, that unless that it is discretely expressed in the process, that with the winnowing process, once an area is removed through this process, it cannot be added back in. So that's what the bullet at the very bottom is, is that unless the Secretary says, I'm still considering this excluded area, they can't go back and add it back in.

They have to initiate a new program, which starts the five-year process all over again, starting again at the top where it says national program, which is essentially what we're doing today.

This slide is busy. I understand that. What I want you to see with this slide is that is a very complex process. Each one of the lines that you see represents, the top one is the representing of the national program level of analysis. The next one is planning for specific lease sales in specific areas. Those are pre-lease

activities.

Post-lease activities then are, we've had a lease sale, and now we are going to do exploration plans. These are very specific to specific companies. And then after that, they have to submit oil and gas development and production plans.

And at each one of these stages there's an environmental review and opportunities for decisions to be made, areas to be removed and public input to come in. I also want to highlight just the national program stage.

So what I want to point out here, is again as I mentioned earlier, that's a two-part process. Under the OCSLA process, we write the program document. And under the NEPA process, we write a programmatic EIS. For a time line just to give you an overview, our request for information came out in July 2017. We had a 45-day comment period. We then released the draft proposed program, an NOI for the programmatic EIS on January 4th.

We're now in the 60-day comment period. It ends on March 9th. So we have another week or so. The stages that will follow these are the proposed program and draft PEIS being published. The proposed final program and final programmatic EIS being published, and then the program approval.

I'll elaborate bit on these in a second, but I basically want you to show is that this is about a two-and-a-half year process at a minimum. It's really hard to make it any shorter because of these designated comment period times and the administrative delays it takes as far as writing the document, things like that.

So typically, it can take longer but we have been asked to do it in a two-and-a-half year time frame. So just to elaborate a little bit on each of the stages, the RFI comes out and that's an opportunity when we initiate the program.

So as soon as the Secretary order came out, we were told, write your RFI, get your information together. That came out in mid-July. And there was a comment period where governors

and the public were able to provide their information. It was a 45-day comment period.

When that comment period closed, we initiated the notice of intent to prepare an EIS, as well as the draft proposed program document. And elaborating a little bit on how it's a winnowing process.

The draft proposed program, or the DPP as we call it, is the largest document, as far as the number of OCS areas that can be included. There are 26 planning areas included on the Outer Continental Shelf. This is the point where they can all be included. They don't have to be, but they can be.

And we move into the next stage, we would have a 60-day comment period, which is what we're in right now. Then we'd publish a proposed program and a draft programmatic EIS. The proposed program document is a second decision proposal point.

This is when the Secretary has an opportunity to narrow from the 26 planning areas

that may have been included and the lease sale schedule that may have been included in the draft proposed program, to narrow down to something smaller.

The draft EIS, something to note is that it analyzes all of the areas that were included in the draft proposed program but they're narrowing potentially in the proposed program document. The next stage after a 90-day comment period, this is when we take comments on what is actually written in the draft EIS, so providing comments if you agree or disagree.

We left out information. There's a new species listed. All sorts of information that's super valuable during that 90-day comment period.

We go into the proposed final program. This is the third and final decision document. They can narrow even further, but as I said, it has to narrow from the document previously published. So it would be narrowing from the proposed program document. Also, they can reduce

the number of lease sales again in this document.

The final EIS comes out at this point and typically the final EIS is going to be a refined version of the draft EIS. It will also include the public comments that have been submitted on the draft and how we've responded to those comments.

For timing, we're anticipating our draft programmatic EIS to come out in late 2018. We're anticipating the final proposed program and final EIS to come out in late 2019. And then there's a 60-day congressional period, where the President and the Congress has time to think about the decision, what's been proposed, and to basically announce the decision, which is what's called a record of decision for NEPA.

So getting into the details of the 2019-2024 proposed program included 25 of the 26 planning areas. If you look at the map on the Alaska side, you can see the one area that has not been included is the North Aleutian Basin.

The reason this area, likely reason

this area was not included is because it's under a presidential moratorium, or a presidential withdrawal area, which means it's not simply just added on to the table. There are some steps that have to be taken to reverse that.

This particular one does not have an expiration date, so they just left it out. The one thing that you will notices, is on the side of the continental United States is the Eastern Gulf of Mexico.

The hash marks on the Eastern Gulf of Mexico are there because that planning area, while it is included in the draft proposed program decision, it is under congressional moratorium until 2022. And then an EIS process takes at least a year, so you won't see a lease sale in the Eastern Gulf of Mexico planning area until 2023, if it is included in the final decision, end of 2019.

So I just wanted to highlight that for you. Moving forward, in addition to the other executive orders, we received a secretary executive order for streamlining NEPA. Lots of reasons led

to that Secretary order. Basically what it's asked us to do is limit the number of pages in an EIS.

As some of you may be aware, EISs are quite lengthy. Over time our documents have been many, they've been up to thousands of pages. The last EIS, the one that was in the 2017-2022 program was only about 386 pages, not counting appendices, but the appendices were probably several hundred pages in themselves.

So while we're being asked to reduce our document to 300 pages or less with limited appendices, we were on our way there. I can't speak for all agencies, but that was where we were headed because I think we saw the writing on the wall as far as that goes.

The other thing that we've decided to do to help streamline the programmatic EIS is that while doing NEPA, we have been told that we can, we are preparing a discretionary EIS. What that means is the DC Circuit Court has told us that at the programmatic level for this project, we're not required to do an EIS, but we've chosen to do one

anyway to support the program document to do the environmental analyses.

But what we're doing is tying it to OCSLA Section 18 process a little closer then may have been done in the past. And where you'll see that is with those comment periods. For example, for NEPA, your comment period after your draft EIS only has to be 30 days. We're matching the 60-day comment of the program document for OCSLA process.

Same for the next comment period. For NEPA it only has to be 45 days. We're matching the 90 days. Several reasons why? One it just makes it simpler for the public. We don't have to have two dockets on regulations.gov.

We can match our public scoping meeting so everybody can come and talk about the same process at the same time and learn. Other things that we're going to do for help to streamline the programmatic EIS, is we're going to try to use more graphics and maps to display concepts where we can reduce the amount of text showing the story in images and then saving that text area for the more

specific, regional specific content.

What you're going to see in our EIS is the resources described at an ecosystem scale, providing conceptual, broad, high-level analysis. We're looking at like resources, how similar things are impacted by similar activities rather than in discrete, 25 resource areas, meaning marine mammals, turtles, fish, social cultural systems, those sorts of things.

You'll see them lumped into three categories, meaning physical, biological, human, how those things all interact with other. And largely you'll see us describing environmental issues that are related to national impacts or cross-boundary, highly migratory species, those sorts of things.

Here's an example of one of the, what we're calling graphics threading of how we're going to introduce the concepts of the high-level general concepts that go across the regions. For example, you'll see in our affected environment section, you'll see a graphic similar to the one on the left

that gives you a cartoon sort of image that describes the environment that's out there.

It's going to vary based on what region you're in. The Gulf of Mexico is largely different from what the Arctic is. However, we can prevent a lot of repetition by presenting a graphic up front, and then in text, highlighting the very specific difference in each area.

The one on the right, you'll see is a graphic that these are -- I should also say these are still in development. They're not final graphics. But the one on the right is in an impact producing factors graphic. Basically it shows from the left to the right the life cycle of an entire oil and gas process, starting from seismic surveys all the way through production to decommissioning.

We may refine these based on what region they're in, how much development might be there, those sorts of things. But this is sort of an idea of how we're going to streamline our document and take a lot of the text out.

Moving into a little more detail about what we can use from you. Comments from the public and from our stakeholders are really important especially at the draft programmatic stage, learning what's important areas that are very biologically sensitive areas, unique areas, areas that are important for fishing.

This particular region is important for this. This particular region is important for that, but what's most important for us at the programmatic stage are these region-wide impacts. If it's going to impact the entire Atlantic, tell us about it. If it's going to impact during different sizes of areas, different timings of different areas, those are all very valuable comments.

Now, we've received some comment letters from some of the councils already and there's been some really valuable information in there. Maps are always great. Those are super helpful for us, defining areas that maybe you want to propose an exclusion for a whole area, and it

would be great for the Secretary to choose to remove it completely.

But if he doesn't decide to remove it completely, what about we have a time area closure from this month to this month. That sort of information is also helpful. So what I'm presenting for you right now are the maps that were included in the draft proposed program of the potential exclusions that we have proposed.

This is only the beginning. They don't have to be the same ones included in the proposed program. We will likely have many more. Some of these may go away. But to look at what we've proposed so far, is we've been directed to analyze a 25-mile buffer in the Atlantic Canyons, in the Atlantic.

We are looking at a -- I can't remember the miles -- 15-mile buffer off of Baldwin County in Alabama. That's for viewshed reasons. We've got several buffers off the coast of Florida in the Eastern Gulf of Mexico. It's not all of them; it would likely be one of them, but there's

different options to be choosing from. And then in the Arctic we've got whaling areas, subsistence areas, a lot of those sorts of sociocultural uses and migrating whales. So again, these are examples of what we're analyzing so far in the draft proposed program, provide comments on the, and during the scoping process if you want to see additional things included and definitely provide any information, maps, like I said, super helpful.

So right now we have our combined DPP and scoping meetings ongoing. The grayed out meetings are the ones that have already happened. We have meetings, there's one happening today and through the rest of this week and next week.

The remaining meetings you'll see we have decided to hold meetings in the state capitals because of the large breadth of the decision that was proposed in the draft proposed program. There will be another chance for additional meetings during the draft proposed program stage.

Likely these locations may expand. They may narrow based on the areas that are included

in the proposed program document. But we may have, for example, many more in a particular state because other areas have dropped off.

And just a note of, logistics were hard in Juneau, Alaska, so we went to Anchorage instead. Otherwise it was pretty consistent across the board at state capitols.

In addition to having public meetings in an open house format, what we've done is for folks who can't get to a meeting in person, we recognize state capitols are exactly in everyone's backyard, we've posted on our website at boem.gov/National-Program, a mini version of what you would experience if you went to an open house public meeting.

If you click on each one of the circles, you can basically walk through the stations that you would if you were in the room. The only difference here is that you're not speaking to a live person, which is, if you were in the room you could ask questions.

Here you would be able to see the

informational video that's at our first station. You could see all of these fact sheets. So like for example in the center you can see the fact sheets that pop up on the first page. And each one has a different fact sheet present.

Lots of information in there and you could also get all of the handouts. If you don't want to go through all of the steps, you can get them all in one zip file, if you like. So again, just want to highlight the commenting process. We're in the public comment period right now. Or regulations.gov docket number is here on the website for you.

Again, providing as much input as you can, data, maps, any kind of information that's new, what are the important fisheries, what are the important areas, not just scallops are important, but why they're important, what are the important areas? What are the important times of year?

That sort of information, and then again, not just scallops, but how scallops are

impacting the other fisheries. And I just used scallops as an example. Please forgive me. I'm not picking on any particular one.

So then there are several ways to submit your comments. Coming to a public meeting, going through regs.gov and of course, you can always contact us at BOEM or send something in through regular mail. So I would go ahead and close.

If anybody has any questions for me, this is my email. Again, I work on the side with the programmatic EIS. I'm project manager for that project, but I work very closely, hand in hand with the program side and if I can't answer your questions on that today, I can contact you today with the correct person who can do that.

CHAIR HULL: All right. Thank you very much, Megan.

MS. DAVIDSON: Sure.

CHAIR HULL: I appreciate your coming and presenting to us. I'm sure there's been a lot of interest elsewhere throughout the country on the program. I'll open the floor to questions.

Yes, David?

MR. CRABBE: Thank you, Mr. Chairman. Just a quick question on the seasonal information that you're after. I was trying to find out the benefit to that. Is there technology that allows for energy extraction seasonally like that, that would be out of the way during certain times of the year?

MS. DAVIDSON: So that's a very good question. Largely, I indicate the seasonal because of, it could be a mitigation. So, for example, we can require areas to be, they can require them in their lease stipulations to avoid certain areas during certain times of year.

I use the example of the right whale habitat where they're migrating. They can be in certain areas at certain times, and when the whales are there, they can't be there. So but to answer your question, that's mostly related to probably exploratory, and then once something's produced and say there's an oil rig there, it's going to stay there year round.

But they may have other restrictions that can be put on them as far as reducing noise and those sorts of things. But that would be specific to, not necessarily an exclusion but a mitigation that we could employ at the programmatic level, or if it's refined enough and it's not, it's not appropriate for a programmatic mitigation, we can also encourage them to include it at the lease sales stage, which is more specific to more site-specific areas.

CHAIR HULL: David Witherell?

MR. WITHERELL: Thank you, Ms. Davidson. Thank you very much for being here. Thank you for your presentation. A couple of observations and then a question. First, I'm very impressed that you're planning to do 300 page programmatic EIS.

The last one we produced in our council was 6,500 pages. So, 300 pages is a great target. Secondly, I really like the idea of using cartoons. In fact, if we could just make all our analyses be a big comic book, we'd probably have a lot better

readership.

My question is really, what type of information would benefit you from the fishery standpoint at this time because we can supply you with maps to swamp your computer of essential fish habitat, habitat areas of particular concern, fishing activity maps where value is from fisheries, community maps. I guess I'm trying to ask you, at what scope or scale of information would a comment from the Fishery Management Councils as a group be helpful, most helpful to you at this point?

MS. DAVIDSON: That's a very good question. And I think I want to highlight the more board the better. I know, we also have, there's so much discrete information we could swamp everybody. But large areas, this particular area is important, and the area next to it is important, and the area next to it is important.

Give us the broad map. Exclude this large area for all of these reasons, and maybe if you can narrow it to a time of year, that's for

example, if that's something that can be done. Highlight areas that maybe there are migratory species moving through this area, so we could reduce activities in that area during certain times of year, but maybe it's open during other times of year for vessels transiting back and forth, those sorts of things.

Again, because we're at the programmatic level, the larger more hundred thousand foot-level information is really important. Like for example, when you're proposing these exclusion areas. If you can provide a shape file of an exclusion area and all the reasons why it would benefit from excluding that area, versus the benefits of keeping it in.

So if we circle back to those eight factors, if it's really, really important for fisheries, but there's lots and lots of resource there, then they have to balance. Right? So we can explain the reasons why it's best to just exclude that area altogether. Does that help answer that question?

MR. WITHERELL: Yes, thank you.

MS. DAVIDSON: Good.

CHAIR HULL: Mark?

MR. BROWN: Does BOEM have any information on the potential effect of the sound from the seismic surveys on marine life, like in the Gulf or something that's published somewhere?

MS. DAVIDSON: That's a good question. I don't do a whole lot myself on the G&G side of things. I could definitely put you in contact with the folks that are. But what I do know from just peripherally, is that we do stay in tune with it.

I'm not sure that there's a report or anything that I could tell you, go to this report. But we do have G&G EIS documents. There the Atlantic one, I believe they're looking at an update to that document, and then there was the Gulf of Mexico one, as well. So, and those were all within the last five years or so that they've come out.

So, we're definitely looking at the science, but if I could point you to one particular place, it would be those two documents, and other

than that I would have to, I would have to reach out to someone else and ask the question.

CHAIR HULL: Other questions? Bill?

MR. TWEIT: Thanks Mr. Chair. Thanks Ms. Davidson. In your presentation, when you walked through the eight factors that are on Slide 5, I understood you to say that you sort of viewed the councils as really weighing in on D, location with respect to other uses.

And I guess I was a little surprised by that because I think council, well, councils obviously have information on a fair number of those, but councils have opinions that I think should be weighed, and input that should be weighed particularly on environmental risks and B, as well as relative environmental sensitivity and marine productivity.

I think we have a pretty keen understanding of that in G. And we're beginning to handle a lot of environmental and predictive information now, too.

So I as, and maybe I read too much into

your comment, but it seemed to me that if BOEM is sort of expecting council input primarily relative to D, then we're probably not really on the same wavelength as you.

MS. DAVIDSON: I apologize. I may have mislead you there. I think that what you're saying is exactly right. Your input would be taken into all those environmental locations, as well. I was just highlighting the other uses section because that's the area where we look at species conflicts.

So other uses is where we look at DoD activities, NASA's launching activities, commercial fishing activities. Where are areas where we're actually sharing the ocean, and that is only one of the eight factors. You're right, environmental information in included in all of these other areas, as well.

And areas where the habitat's a particular concern and EFH, and special, you know, species of high commercial value. All of that stuff, recreational value, all that stuff is also

taken into account, and is very important.

CHAIR HULL: Leann?

MS. BOSARGE: Yes, thanks. Leann from the Gulf. So obviously the oil and gas industry is fairly mature in the Gulf, and you know, there's mixed feelings about that.

I come from an industry that's a bottom trawling industry, and I think that obviously we see the Gulf of Mexico as ours. Right? All that bottom. We certainly didn't want to give up any of it to anybody. But it happened.

I think that one of the safeguards in the Gulf that's built into our system for the fishermen, for the bottom trawling aspect of it, is that there are few NTLs that essentially lay out the requirements for the oil and gas industry when they're finished with that piece of bottom. In other words, when you're done with it, you will put it back the way it was before we, the fishermen let you use it for that 30 or 40 years.

You have to pull your structure. You have to plug it. You have to cut it below the mud

line so we don't hit it with our gear. You have to sweep the seafloor and clean up all the debris that's fallen off that rig for the last 40 years, and I think that's very, very important to the fishermen in our area.

And so I tried to do a little research on it, on those two major NTLs. I think it's NTL98-26 and NTL10-05. And I was surprised that it actually is specific to the Gulf of Mexico. I just assumed that would be for any oil and gas drilling off the coast of the United States.

So I guess my question is, as you all seem to be progressing with these lease sales, the possible lease sales in areas where there have not been oil and drilling in the past, are you looking at those end of life decisions and letting those oil industry participants know what's going to be expected of them up front, what the fishing community expects in other areas?

Have you begun those discussions? Are they, are there already NTLs on the books that I just couldn't find? Where are you at on that?

MS. DAVIDSON: That's a good question. So to my knowledge, because I'm not really involved in the NTLs so much at the programmatic stage.

Those typically come into play at the later stages in, you know, in that big graphic at the bottom right, where it goes into production. That's when those NTLs come into play.

But I will caveat that with, I know that when we were originally looking at the Atlantic G&G EIS, there was plenty of discussion at the programmatic stage that those NTLs likely would transfer over to the Atlantic. Again, I can't speak, because it's above my pay grade to say yes, they will be, but I can tell you that the discussion have been happening.

The reason to my knowledge that those NTLs are specific to the Gulf of Mexico is because that's where the activity is. And it is very likely that if there was to be activity in another area, that those NTLs would be amended to include other areas, or specific to certain areas. So for example, the bottom in the Arctic is probably quite

different from the bottom in the Gulf. So they may have to be amended slightly based on what they say. But to say that they would be included is very likely.

CHAIR HULL: Leann?

MS. BOSARGE: Thank you, sir. Yes, I would just encourage you to have those conversations, and let's lay that groundwork ahead of time because that does play into their decision as to whether to drill the well or not. I mean sometimes it can be over nine figures to decommission one of those structures.

Well, when you look at what the possible production on that facility is, it may not be a well that you want to drill. It may not outweigh that cost at the end of life. And I think for the fishing community, we want to know that there's some security there if this goes forward. There are a lot of people in this room that don't want it to go forward at all.

I'm from the Gulf. Please don't take mine to be representative of everybody. But from

the Gulf's perspective, that's important to have that laid out ahead of time because there is a lot of flexibility there. I mean, what if you decide not to be as critical as the Gulf is when it comes to take up those structures.

Or, what if there's certain regions of the country that want you to be more critical and go with a more of a North Sea approach where you have to get it back to clean seabed, take up your pipelines and everything. I think those are discussions that you should have with the fishing community.

MS. DAVIDSON: And thank you. That is a very good comment. I will take that back to my office and we'll have some discussions about that.

What I will add is that in our programmatic EIS, while we are looking at a nationwide, you know, region by region analysis, we are also looking at the life cycle, so we are looking at from the seismic all the way through decommission, as far as environmental impacts go.

So it only makes sense to do exactly

what you're saying, is to look at the cost, is it cost prohibitive to an area that's maybe what we consider frontier for them to go through that entire life cycle, and then, you're right, they need to know what they're getting into.

CHAIR HULL: Tom Nies.

MR. NIES: Thank you for an interesting presentation. I do have a question. When you talk about your programmatic EIS and your EISs at other stuff, has BOEM intend to ask any other federal agencies to be cooperating agencies, or have any federal agencies asked to be cooperating agencies on a programmatic EIS?

MS. DAVIDSON: Yes, absolutely. That's an excellent question. Now is the time we can have cooperating agencies at the programmatic level.

Last EIS we had three requests. One was Park Service, one was the state of Alaska, and one was -- I just lost what it was. But there was a third one. Oh, NASA. And NASA has already requested a cooperating agency status.

That was part of the NOI is that if you want to be a cooperating agency, just send us a letter. We'll have a conversation and decide. What we try to do with cooperating agencies is to get input from the group that's asking to be a cooperating agency, sharing data.

In addition to that there are conversations that can happen with you before the document gets published, that wouldn't necessarily happen if you were not a cooperating agency. So something to keep in mind. But as today, we've just have NASA Wallops Island request.

CHAIR HULL: Okay, any other members? Okay. I guess that's all for the questions. Again, thanks very much Megan for coming.

MS. DAVIDSON: Sure, and thanks again for having me.

CHAIR HULL: Okay. So before we go onto our next agenda items, I want to ask, again there has been some interest among councils about sending a letter to BOEM regarding the lease program.

And I just want to return to that now and find out if there's, that's something the group wants to talk about at this time or do you want to wait and have side conversations? Tom?

MR. NIES: Thank you, Mr. Chairman. We would be interested, I think -- we, the New England Council, anyway, I think, would be interested in finding out whether the CCC is interested in sending a comment letter on the draft program plan.

I think Megan pointed out that the comment period ends early March, March 9, perhaps. And so this is our chance if the CCC wishes to send any kind of comment letter, I think this is really our opportunity to get it spelled out.

New England has taken the opportunity to circulate a revised draft to the executive directors this afternoon. Brian has it available as well. I don't know if the executive directors have passed that on to their chairs and vice chairs yet, however.

The letter in a nutshell that we've

drafted, if you have it in front of you, you can see that it basically says that fishing is a key contributor to the economy.

It needs to be taken into account as the draft program plan is written and points out that the Councils have considerable expertise dealing with the fishing industry that stands ready to help BOEM to work on their draft program plan.

I think there may be differences of opinion amongst the CCC members about whether a letter like that is advisable, but we probably need to have that discussion.

CHAIR HULL: All right. Thanks, Tom. And I apologize for surprising you with the question or surprising the group perhaps. But I thought it was important at least to acknowledge that there was that interest among some Councils for considering it.

Perhaps the best thing to do is for the Councils to review that document and revisit that tomorrow under other business. So I think that's the best way to proceed.

All right. With that, we will move on to -- we're going to shift gears in a number of ways to FOIA guidance. And I know this was an issue that came up from the Gulf. But perhaps the best way to take it up is with the presentation from the Agency, Adam Issenberg and colleagues. And then as it relates to the various Councils, we can pick that up in discussion if that's acceptable? Okay.

MR. ISSENBERG: Thank you, Mr. Chairman. I'm going to turn this over initially to Mark Graff, who is sitting to my left. He is the NOAA FOIA Officer.

And he is going to give a short overview of FOIA and how the FOIA requirements apply to the Councils and the process as between NMFS and the Councils and then after that Mark and I will be happy to address any questions or comments.

CHAIRMAN HULL: All right. Thank you, Adam. Welcome, Mark.

MR. GRAFF: Thank you, Mr. Chairman. First I'd like to thank the Council for having me

to be able to go through this a little bit. It's an extraordinarily important topic that is becoming increasingly visible and that's the Freedom of Information Act.

There is a common understanding that FOIA frequently is the profile through which the Bureau and federal agencies seen by the public outside of media releases.

So if you have a FOIA request -- virtually anyone can submit a FOIA request. There are very few restrictions on who can submit a FOIA request. And all federal agencies are subject to the FOIA and subject to the exemptions and three very narrow exclusions.

The public has access to request virtually any agency record as it's defined. The only groups who cannot avail themselves to the FOIA are essentially federal agencies themselves cannot submit their own FOIA requests. Fugitives cannot submit FOIA requests and foreign intelligence agencies.

Other than that, it's fair game.

Anyone can submit a FOIA request other than those three particular groups. As a result of that, Agency records, as they're defined are subject to this provision. And the FOIA requests are growing in complexity, and they are growing in the frequency of their submission.

Because of that, the Agency records that are either created, controlled or come into the possession of a federal agency are subject to these requests.

Now that definition is relatively important particularly in this context of what is subject to being requested by the public.

NOAA does not provide access to records that are not under Agency control at the time of the submission of the request. So requesters can't ask for something that's going to be created. It can't say give me this report that's going to be created every year. They have to ask for records that are already in the possession or control of the Agency at time the request is submitted.

They also cannot ask for records that

aren't under our control because they're held by somebody else. So they would not be asking NOAA to provide local agency records or someone's own personal email records. But anything that comes into the possession of the Bureau can be sought then at a later point in time if it's under our creation or control.

The initial response has to be made promptly. That's one of the reason that these are so urgent is there is a clock ticking from the point of the perfection of that request.

From that point on, there's 20 working days. That can be extended 10 days. Under 15 CFR 4.6, you can get a 10 day extension, but that still is a very abbreviated time to respond to these requests.

On day 21 or 31, as the case may be, they have standing to file suit under constructive denial. And so because of that sort of Sword of Damocles that's hanging over all federal executive branch agencies and some offices of the White House, there is a quick turnaround on these requests.

And the Agency is allowed to charge fees in some circumstances. NOAA issues fee estimates and collects fees under 15 CFR 4.11. It essentially breaks down who is charged fees and what we can charge them.

As it relates to Council records, extremely important, for the purposes of the FOIA, Council officers and their staff are treated as part of the Agency subject to certain exceptions. But globally, as a general rule, 15 CFR 600.150 essentially says that Council officers and their staff are treated as part of the Agency.

That means that, for the most part, the records that are created or controlled there are considered Agency records subject to the FOIA. That means that they are then under the same fee provisions and the same disclosure timelines as any other requested record.

The Council staff then are equally then required to respond to taskings from the regional FOIA coordinator to compile cost estimates or for conducting searches for responsive records and to

do a preliminary review for responsiveness to make sure that the records being produced actually respond to that request if challenged by the requester, whether administratively appealed or in litigation, as the case is in a few requests currently.

Council staff are not required to review the responsive records for segregability, for exemption, applicability. That ordinarily would be done by the FOIA coordinators and liaisons for the respective offices.

And so they are not required to make a determination on what exemptions apply. And they would not have to sign off as the denial authority. They would have to defend those exemptions. And that lies to the Agency personnel and Mr. Rauch as the denial authority who signs a whole lot of these.

And so we, in conducting searches, ask that the interpretation for the scope of the request be construed liberally so that we don't lose on an adequacy of the search challenge.

We want to make sure that we locate any responsive records that are likely to be found in the locations that are tasked for a search.

NOAA has had in the past challenges that were successful, challenging the adequacy over searches, and that costs significant attorney's fees when they can show eligibility and entitlement to attorney's fees on failure to conduct an adequate search. That's painful.

And so we always want to conduct adequate searches and at times that includes Council records. And we certainly more than sympathize with the frustrations in responding to FOIA requests. This is an onerous burden.

NOAA has had eight FOIA lawsuits filed in this fiscal year alone. The current burden is rising dramatically, and we recognize that.

We don't want to ask any burden, of course, on Council staff members that NOAA themselves is not also subject to and that the efforts of NOAA also are a burden because of this.

There has been a 550 percent increase

in FOIA litigations filed against the Department since 2016 is the most recent number. So it is growing. We recognize that. That is a very significant burden, and we sympathize with that.

But the burden still is statutory and any FOIA that comes in has the potential to turn into litigation. So it's an extraordinarily important requirement that we respond within that time frame.

And we're trying to take measures to try to lift that burden as much as we can. And I wanted to go through a few of those that have already taken place and that we are still advancing.

One of the ones that actually came about because of our understanding of the burden that it's placing on Council staff was that we asked the Department to change the regulations as to the assessed fees that are estimated and sent to the requester.

We want to make the fee estimate process as simple as possible. And so last year Stacy, Sam and Sam Rauch and also GC had suggested, and

we brought to the Department a suggestion, that fees instead of being on an individual basis, a searcher by searcher basis, having to get the salaries and amounts that each person is going to expend, we got approval to aggregate those in general lump categories.

So now fee estimates, as of the publication of the new regulations which took place last month, those can just be on flat fee estimates. All we need is a number of hours. Everything else the FOIA coordinators and the liaisons for the office can plug in for you.

And so we will be asking for fee estimates, but we no longer are going to require that on an individual searcher-by-searcher basis, not calculating multiplications of salaries.

There are simply flat salary averages that are now incorporated into the Department's regulations that should lift the burden for search estimates significantly.

Also we are working with GC to consistently narrow the scope of the request before

it ever touches the threshold of your doorsteps so that the search is as circumspect as possible and is as narrow as possible so the searches are less onerous.

We also have been trying to conduct centralized searches as much as possible. And hopefully you're noticing that the searches, when possible, are conducted centrally through UMS.

Through the email global Unified Messaging Service of NOAA, if we can grab those records by searching at a top down level so that the searches don't have to be conducted by individuals, Council staff members are trying to do that now with much more frequency, particularly on the high complex, high volume records.

So, for example, when we had the litigation with Friends of Animals, the current litigation with cause of action. Those we're trying to do at a centralized search level so it doesn't have to be conducted at the individual level.

That's essentially the basics of what

we're trying to do to lift the burden for Council and staff members. Contacts are there. Please reach out any time.

If there are any questions, feel free to reach out. We want the burden to be as minimal as possible while still fulfilling our duty of transparency and disclosure under the FOIA.

And I'll turn the time over for any questions.

CHAIRMAN HULL: All right. Thanks very much, Mark. Doug.

MR. GREGORY: Doug Gregory with the Gulf Council. I infer from what you said that the time we spend searching can be charged to the person requesting the FOIA.

We were told the opposite at our last FOIA request. And it was confusing. We were told to fill out the form, and then later we were told, well, your time and effort is not going to count. So what is it?

MR. GRAFF: It varies, requester by requester. Not all requesters will be assessed

a fee. Fees are assessed depending on the category of requester. So, for example --

MR. GREGORY: Sorry to interrupt you, but that's not the question. The question is: if someone is charged a fee, an individual, does our time and effort count in assessing that fee?

We were told in our last FOIA that we dealt with, after we filled out the form, that the person said, I apologize but you're a contractor. Your time and effort doesn't count in the fee that we determine for the requester.

So then my question is: does our time count in determining the fee or not when the fee is applicable?

MR. GRAFF: Under the current regulations, any Agency time spent searching, whether that be an Agency personnel, contractor or direct costs associated with compiling the records can be assessed depending on the fee category. That's under the OMB fee guidelines of 1987. So, yes, that would be a direct cost that is associated with the search in processing that

request.

What that means is that depending on the category of the requester, whether that's commercial, they have to pay for search, duplication and review. Or whether it's an all other, that would be any Joe off of the street. They have to pay for search and duplication.

If it is a favored fee requester, such as a news media or an educational institution, they only have to pay for the duplication. In those cases, the search is essentially being done for free, yes.

Or there are those where the fees are waived. That is where -- there's a balancing test. There are six factors there.

And if the factors weigh in favor of public disclosure as opposed to the commercial interest of that requester, they get it for free.

And then in that circumstance, yes, that essentially would be fees are waived, and we are doing that work for free when the public interest outweighs the commercial interest of the requester.

I hope that answers the question.

CHAIRMAN HULL: Doug.

MR. ISSENBERG: May I just -- Doug, do you know who gave you the -- who communicated that -- I assume what you're saying was they told you that Council fees as opposed to Agency fees are not compensable?

MR. GREGORY: Correct.

MR. ISSENBERG: And do you know who that was?

MR. GREGORY: It was a lawyer associated with either headquarters or the Southeast Region at a FOIA request.

MR. ISSENBERG: Okay. We can try and follow-up on that and make sure that there's a consistent answer being provided.

MR. GREGORY: Right. Because we did all the work. Right? So the fee ended up being really small, but it took us days to do it.

MR. GRAFF: And it may be that there was not enough clarity on the different level of fees that can be assessed and the nature of the

requester and whether or not they are assessed fees.

And so in a lot of cases, fees do end up being waived, and the work is done for free because of the nature of the requester and whether or not there is a significant public interest in disclosure of the records. In those cases a lot of times, yes, the fee is waived.

MR. GREGORY: It wasn't one of those. I got one more question. Is there a place --

CHAIRMAN HULL: Before you -- I'm sorry. I think Chris wanted to --

MR. OLIVER: Go ahead. I'll follow.

CHAIRMAN HULL: Okay. Go ahead, Doug.

MR. GREGORY: Is there a place where I can see what sorts of items are not provided, you know, like private information or is it salary information? Because you said, we are not responsible for reviewing and making that decision, but we're curious about what is passed on and what's redacted.

MR. GRAFF: Yes. So what you're asking for is to have visibility into the records after

they are released to the requester so you can see what they're actually getting.

And there are two ways that that can be done. One of them is the records when they're released are actually made publicly available at foia.regulations.gov.

A release to one under the FOIA is technically a release to all. So we cannot favor one requester in what they receive over another other than Privacy Act requests.

If it's a regular FOIA request, releasing to one requester is a release to the general public. And so those will be viewable at foiaonline.regulations.gov.

The second answer to your question is if you want direct visibility, we can request that you be copied on the final action letter that is transmitted to the requester.

Those are two ways that visibility can be increased for those who have a particular interest in the responsive records being released.

CHAIRMAN HULL: Chris.

MR. OLIVER: To follow-up on Doug's question, for many, many, many years, almost 20 years, I sat on the other side of this table.

And we have been told repeatedly, as Councils have been told repeatedly over the years, that their time in searching and responding to FOIA requests, which is significant -- I can't tell you how many hours we've spent when I was with the North Pacific Council responding to FOIA requests -- we were told over and over at various times over the years that regardless of how much time we spend, and whether or not we recorded it, that time did not count toward the assessment of fees.

So I am very pleased to hear that it does because I always thought, and I still think, that it should.

And I also just want to make a comment on waivers. It seemed like over the years there are certain FOIA requesters that file repeated voluminous FOIA requests and seem to, for some reason, get their fees waived.

And I just hope that -- I would just

make the comment that it seems that there should be a higher standard, if you will, for waiving fees for FOIA requests, particularly when you have repeat FOIA requesters that make humongous requests that cost all of us many, many, many hours of time to respond to.

MR. GRAFF: And that's a very fair point. It's unfortunate the current court decisions are going the opposite direction, and they are leaning more and more in favor of a fee waiver.

In particular DDC has leaned more towards granting a fee waiver, largely because of the blurring of the line of who is considered a news media requester. With online blogs and those online forums, the definition of a news media requester has been lowered. And that bar has been somewhat ameliorated for the requester community.

As a result of that, a lot of requests do have their fees waived. And that's an unfortunate byproduct of the six factor test for a fee waiver.

And so there will be -- I would say the majority of the requests that will come through the door seeking Council records will have had the fees waived largely because the nature of the requester community that's seeking Council records oftentimes do meet that threshold. They're seeking records for public interest purposes rather than commercial purposes.

MR. ISSENBERG: And if I could just add onto that on the point of the repeat requesters. You know, as Mark said, you know, FOIA allows virtually anyone to file a request, and it doesn't limit them to, you know, one request or five requests. You know, it allows those requests.

And so the question of whether it's a repeat request isn't really a factor that can be taken into account in determining whether to waive fees.

MR. GRAFF: And the underlying obligation here is to increase the transparence of the Agency. We want to fulfill our FOIA obligations. A lot of times that does include

processing voluminous requests.

And we have to have a blind eye to whether or not, you know, one requester happens to file multiple requests or if it happens to be voluminous.

We do look at those regulations. And it's 15 CFR 4.11. It's that one that I cited earlier. That burden, it's a static inquiry. That balancing inquiry kind of is what it is.

And so a lot of times they will tip in favor of the fee waiver. And so if the fee is going to be assessed, we will, of course, have that out for a fee estimate to be compiled. But if the fees have been waived, then it will go straight to the search phase of that request.

CHAIRMAN HULL: All right. John Quinn.

MR. QUINN: You've talked about the federal public records laws. Have you been involved in any use of state public record laws to get to federal documents?

I'm kind of going through the back door.

Many Council members have state emails and state things. Maybe you could comment on that.

MR. GRAFF: Many times, yes. The way that that functions is sort of a one-way door. Let me explain that a little bit.

We saw that primarily at Homeland Security where I used to work because you would have state law enforcement records that then cross-pollinated with federal law enforcement investigations. And it's a very clear line of how that's handled.

So state records, if they come into the possession of the Bureau and are relied upon to make Agency decisions, that's an Agency record. That tripped the threshold. And because of federal preemption and the supremacy clause, federal disclosure laws govern Agency records.

So we all the time have to process and release state records pursuant to federal FOIA disclosure laws. Always as a courtesy, we'll give that state agency a heads up and say we have your records. We will disclose them pursuant to these

federal disclosure laws.

There's no question, though, that those constitute Agency records. It's very well settled in the courts. Those are Agency records for the purpose of FOIA disclosures.

The reciprocal of that is not true. If federal records find their way into state records repositories, we are the only ones who can assert a denial authority, release those records or exempt those records. Because if it were appealed, obviously they do not own the equity over which an exemption is being asserted.

So if a state finds NOAA records in their databases, they must consult with us in order to release them.

We handled this same thing with local law enforcement, with local agencies, state agencies. It is a one way door there. And state records can become federal records --- Agency records, I should say, for the purposes of FOIA disclosure. But federal agency records that find their way into state databases are governed by

federal FOIA laws.

CHAIRMAN HULL: Other questions. Kitty?

MS. SIMONDS: Okay. So you said that we're agencies of the Department, right? That's what you said.

MR. GRAFF: For the purposes of the FOIA, Council offices and their staff are treated as part of the Agency for FOIA disclosure, yes. So that's 50 CFR 600.150.

MS. SIMONDS: I'm just checking because we're always asking, who are we? You know, for the last so many years, we are. We aren't, whatever.

The other thing is that Greg said that they called him a contractor. What was that? If we're an agency, why was he considered a contractor?

MR. GRAFF: I'm sorry; I don't know the context.

MS. SIMONDS: Greg, didn't you say that? That they said you're a contractor?

MR. GREGORY: In the sense that where

I was not an employee of the federal government, therefore my time didn't count toward the fee.

MS. SIMONDS: Oh, B.S.

MR. GREGORY: It was in that discussion.

MS. SIMONDS: That is really stupid. Some lawyer better explain that to me.

MR. GRAFF: Let me clarify that one. So any time that Agency personnel, contractors or direct costs contribute to the costs of processing a FOIA request, OMB fee guidelines from 1987 allow us to recover those depending on the fee category and whether or not fees have been waived.

So federal personnel, contractors and direct costs, including Council members, if it's an assessable fee, that counts towards it.

MS. SIMONDS: Yes. Well, I don't think Greg is a contractor, so --

MR. GRAFF: No, no. And I hope that didn't come across that way.

MS. SIMONDS: Right. And I wonder who said that to him.

But the other thing is that, so you all got a FOIA request from a law firm called Arnold & Porter on behalf of Senator Brian Schatz for records having to do with the PRIAs. We call them the PRIAs, but it's the remote U.S. islands in the Pacific of which there is now no fishing at this time by U.S. fishermen.

So couldn't that senator just have written to you all and asked for information?

MR. GRAFF: And this is another nuance that unfortunately takes a bit to explain, but it makes sense afterwards. So when a senator or a congressperson requests records, they can do so in two different capacities at a minimum.

The two capacities we're concerned with are whether they're submitting it in their individual capacity or whether they are requesting that on behalf of a committee or a subcommittee.

If they are requesting it on behalf of a committee or a subcommittee, they are not subject to the provisions of the FOIA that would ordinarily be responded through the Office of Legislative

Affairs.

If they are requesting it individually, not on behalf of a committee or subcommittee of Congress, then they are treated the same as any other requester. And their records will be produced subject to the FOIA exemptions and exclusions in the ordinary course of processing through FOIA online.

MS. SIMONDS: Right. So he didn't really have to have a law firm represent him for this FOIA request?

MR. GRAFF: No, but the request was still processed in its ordinary due course as if --

MS. SIMONDS: Right.

MR. GRAFF: -- he had been any other requester who had submitted --

MS. SIMONDS: Right.

MR. GRAFF: -- under the purview of the --

MS. SIMONDS: No, I understand it. I was just curious about --

MR. GRAFF: Yes.

MS. SIMONDS: -- how he, as a U.S. senator or as a private individual, how would he go about doing this. So anyway, that letter though is not on foia.gov.

I was curious. When we went to look for that letter, it's not, you know, in the public domain. Your summary is in the public domain, but that letter from Arnold & Porter isn't there. So I would hope that you would put it on there.

MR. GRAFF: Ordinarily, the request as well as the responsive records would be disclosed at the time of the closure of the request. Simply, in the alternative that information is discovered in processing the request that cannot be put on the forward facing site, we wouldn't find that until the request has already been processed.

So ordinarily the request as well as the responsive records are not put forward facing until the closure of the request. Very good point though. Thank you.

MS. SIMONDS: So just your summary is

posted. Okay. Just checking.

MR. GRAFF: Yes. And then at the closure of the request, the request itself and the responsive records would be forward-facing. Thank you.

CHAIRMAN HULL: Chris.

MR. OLIVER: I just wanted to note that when I was on the Council staff recently over the past few years, we were granted government CAC cards that we had to go to the military base to get.

And on our government CAC cards, in order to get access to the federal building that we worked in as well as other federal buildings, I'm identified as a contractor. And the reason for that was because they had no idea what else to call us. And that's the honest answer.

And, you know, some of you that have been around a while will remember a question I've asked numerous times on and off over the years and perhaps before my tenure is done in this position I'll be able to ascertain an answer to that question.

And you may recall what it is. It's what exactly does it mean to be an executive agency of the Department of Commerce? Because we have been identified as unquestionably an executive agency.

And this has come up in the context of FOIA. It's come up in the context of insurance discussions. It's come up in the context of many other administrative operational questions. And so maybe I can find out an answer to that question before I'm done.

MS. SIMONDS: Well, I hope so. That's why I brought up this federal agency when you came back into the room because I think you and I have always asked these questions.

In 1978, I think, there were, like, about three legal opinions calling us different things. And I think one of them was that we are an agency of the Department of Commerce. So that's what I use.

CHAIRMAN HULL: Adam is going to tell us exactly who we are.

MR. ISSENBERG: Well, I'll tell you the same answer I've been telling you for the last however many years which is it depends.

You know, the truth of the matter is, you know, as Mark alluded to, there are different definitions of Agency that apply in different contexts. And so FOIA has its own definition so that's why we've given the answers we have in the context of FOIA.

And then it also depends whether the particular statute applies to an agency or to employees, and that can also affect the answer.

But, you know, Chris, I am now at your disposal. So now you can talk about this at length if you'd like.

MR. OLIVER: As you will find out soon, I have been using my available time with Adam to pursue the recusal issue first, so --

CHAIRMAN HULL: Okay. Any further questions for Mark or Adam? I appreciate you coming, Mark, and others, too. You clearly have a very detailed knowledge of all these rules and

regulations to follow. Thanks for helping to clarify.

MR. GRAFF: Thank you for having me.

CHAIRMAN HULL: Okay. That will bring us to our break. Let's come back at 3:30, and we'll get going on management and budget update.

(Whereupon, the matter went off the record at 3:10 p.m. and went back on the record at 3:32 p.m.)

CHAIRMAN HULL: All right. If everybody will take their seats, we'll continue with our meeting. I want to make one announcement before Brian Pawlak presents an update on management and budget.

At the 21st Amendment, this is the bar here that's a part of the hotel, at 5:00 or soon after we close, there will be a little area there for us to have a no host gathering.

So thanks to Brian and Hannah for setting that up. And, obviously, everybody is invited to come. I think the 21st Amendment, was that from our Ground Fishery Management Plan in

the Gulf? I can't remember if that's what it was named for, but ---

So, after we end today, everybody is welcome to the 21st Amendment for a little no host reception for fun.

And with that, we'll continue with the management and budget update. Brian Pawlak is going to present the information.

And we also have the administrative and finance officers from the Councils listening online so they can hear as well. So good afternoon.

MR. PAWLAK: There's a brighter green mic. There we go.

So as a good example there, I just demonstrated the problem. Don't do that so the folks on the phone can hear. So for the group of people on the phone, so if you're speaking, the request here is to get right into the microphone so the administrative officers can hear.

So I know this is rough duty going from FOIA to a budget in the afternoon. But we'll try to make it as entertaining as we can here.

We'll give an overview of where we stand with FY18. Maybe unfortunately for some of you who have seen this last May when we were meeting in New England, a lot of stuff here is the same information because we are still in a budget environment.

We are still under a CR plus we've got the new information on FY2019 President's budget that we'll walk through. But much of this will seem familiar to you and it's similar to past presentations because in many places we are -- kind of an overarching story here, we are looking at a flat budget environment. And we are also looking at just waiting for appropriations from the Hill.

Just as a reminder for how this works, again, many of you may have seen this before. Some of you may be the first time seeing it. Just looking at the budget, we are in the land of continuing resolution right now for FY18 in theory and probably only theory only.

October should be the time frame where we have our FY18 budget. We haven't had that in

quite a few years so we are in FY18 executing the budget under these continuing resolutions, which I think we're in Number 4 or Number 5 of that.

This continuing resolution expires in March, which we hope to have a full budget then. And we'll soon be in the summertime kind of key events here, upcoming summer months.

We hope to be looking at Congressional Senate and House marks on FY19 already. And obviously, we just do have the President's budget release. And we're moving into some initial planning for 2020 at the NOAA level.

One new environment that this whole timeline is taking place in is the recent passing of the Budget Act where Congress increased the ceiling limits for the different appropriations amounts so roughly $60 billion added to the non-defense caps.

I do not know how those will fall out into our appropriations committee. I do not know how that will fall out to Commerce or NOAA, if at all.

But the things that are going on right now in the Hill are how to deal with putting an '18 budget in play. And they do have some flexibility in room from their spending caps at the appropriations level where they can consider adding funds to where maybe they haven't had them in their House and Senate marks of this past summer.

And just a little more flagging just oriented to where we are in the budget. Budget planning is starting at the Commerce level and at the NOAA level.

And that is really the budget planning up here. Starting here is really starting to look at 2020 budget. Budget formulations and a budget request will be produced for that for the 2020 budget obviously.

Congressional action, we're obviously waiting here for '18. And again, summer, a few months from now, we're hoping to start looking at FY19 House and Senate marks and getting a feel for what they think about the current administration's proposal.

The piece we talked about before and that at times has frustrated the ability for Council to actually get funds in their hands through our grant process, our execution process.

Once we get a budget, we need an apportionment from OMB and that must be signed at the OMB level before we can issue the grant. A couple years ago, we had challenges with that. And that resulted in kind of a late distribution of funds to you.

I think we've largely got around that. And we'll talk about that in a second.

But once that budget is appropriated, there could be rescissions and other costs that happen, other impacts to the budget lines. Again, we'll talk about this more.

If it's a Congressional rescission that could impact budget line, typically things that are bill payers or costs at the NOAA level, we typically exclude the Councils from those expenses.

The point of just flagging this is even once the budget is enacted, it takes us time to

get things apportioned, allotted and allocated. And that's roughly a 30-day process for us to make it available.

Under the CR, I think this is pretty straightforward. The language here is basically saying you can continue to do what you've always done in the past. You can't start anything new, and you shouldn't stop any activity that you're already undergoing.

So the 2018 Council funding, presently we've released, I think, about 25 percent to the Councils out of the generic Regional Council's fisheries management line. That's not the plus-ups that come from the program lines.

Again, this is referring to -- you know, a couple years ago we had challenges getting this money out under CR, and we often didn't. But we've been able to do that and we got money out in quarter one.

We think a second release should be out here at about March 9. And we think that will bring most of the Councils up to 50 percent level for

the '18 budget.

And we are tracking where your budgets are, what you have still under your authority for if there's any issue or concern with folks running out of money.

We don't think that's going to be an issue particularly if we follow this pattern of distribution that we hope to do here.

And again, clarifying this is for the base funding for the Regional Council's budget line and not the other lines where you do draw some funding, such as NEPA or what have you.

A snapshot here into what just '18 looks like. It's just a big color eye chart here to just kind of reflect where the impacts to the budget -- where the impacts are felt from the President's budget.

It's going to be a similar looking profile for FY19, which I'll get to a minute, and we don't have here.

I think you can largely ignore these other accounts funds. Those are mandatory

accounts. It's not funding that we get direct from appropriations through some receipts of funding. That's more of an accounting issue.

But our big reductions in the President's budget, and, again, this will be true for '19 just for a visual where it sits. It's the Pacific Coastal Salmon Recovery Fund, habitat small reductions that also continued in '18.

You will notice this will say amended budget so there is a significant reduction in the '18 presentation to the Hill, although that wasn't really quite publicly available and public knowledge until the FY19 budget, and we'll talk about that some.

So something to take from these slides here is the President's budget depicts some different reductions, Senate and House mark largely put back the proposed reductions that were put forward by the President.

Walking through some of these specifically, some are obviously more specific to you than others or more interest to you than others.

On the House mark, we have Regional Council's Commissions funded at $34 million, that's the total line. There's Interstate Commissions and other things, and they're not just the Fisheries Management Councils.

The Senate mark, a little more generous mark, and I've heard this has already come up for conversation. I know we talked about it last time we met. And we'll highlight this language in another slide or two here.

The language directs the distribution of any increase in this funding line to the state Commissions and not to the Councils, which long story short ends up level and flat funding for the Councils. And we'll highlight some of that in the next slides here.

I think Paul Doremus spoke to you this morning about agriculture and some efforts and interest there from the Department of Commerce.

And obviously at least one side of the Hill's interested in that, intrigued about the opportunities potentially in agriculture and

wealth so there is an increase in agriculture in the Senate mark.

I think most folks are aware of the Congressional direction to focus on independent sampling and surveys in the Gulf of Mexico. That remains in the House and Senate mark as well.

The electronic monitoring/electronic reporting language in the Senate, that's pretty consistent with how we've been executing funds in EM/ER. And we spend at least this, if not more, on this anyway, but still interest in us working on that effort.

One highlight here, I think just to flag rather than all three of these here is the FY18 President's budget, and it continues in the FY19 President's budget, a proposal to eliminate the Saltonstall-Kennedy, the S-K grants funding.

But again, House and Senate here rejected that proposal and that's ballpark what it would be in '18 if those receipts were made as we expected them to.

Again, I don't this language is new to

you or this slide is new to you. This is the top line level of funding in the Regional Council's and Commission funding line.

A little more generous in the Senate mark than House mark. The President's budget in '18 close to being level through enacted but not -- or a little higher than enacted in '16.

But again, the challenge here with this language is the direction we have, which basically, you can read it here, that any increase above the fiscal 2017 enacted amounts shall be distributed only to the Interstate Commissions.

And again, that's Congressional language. We don't have much ability to impact that or change that. And, again, that's been in there now since summertime. And I think the year before that there was also some language about a 50/50 proportional split.

If you remember, we went through an exercise that split that differently than we had in the past where there was more distributed to the states than had previously been done. But it

also left a good share of the increase in the Councils' line. This obviously would remove that.

What that effectively does for the Councils is whether you're under the House mark or Senate mark -- again, they're working all this out right now -- it largely leaves the funding flat even though there's a big difference in the two marks here given the no increases to the Councils.

It largely leaves those flat and, again, largely, plus or minus the few 100k here, it leaves you at flat budgets from past years.

So switching gears a bit to 2019. If you're not familiar with our budgeting process, this all can be found online. We produce a document called the NOAA Blue Book, which is actually a very gorgeous document with glossy pictures. It's a beautiful document that describes, unfortunately, the decreases we might be seeing here.

But if you want all access to the public information, it's available. I think just putting in context of where we sit within NOAA, NOAA in the FY19 President's budget is more than $1 billion

below the enacted level.

And so putting it in context with Fisheries, we're 17 percent of NOAA's budget. Even with the $1.1 billion reduction in the President's budget, we keep our percentages share of the NOAA budget within Fisheries.

So I think there is some, at least even with the challenges with the reductions proposed in the President's budget, I think there is some signal to take that Fisheries' mission and core mission is largely maintained and protected and still at least on par with NOAA.

I also just flagged the NOAA budget. Again, we are a player in a huge entity. It's not just Fisheries when we're talking about the budget and challenges and how we resource items and how we talk to the Hill.

There's a lot of other components just within NOAA that we have to contend with and potentially compete with and flag the importance of our partnership with OMAO where we do rely on their fleets and their vessels for our platforms

for doing our survey work.

Again, the current budget prioritizes the core government functions. I think a good sign for us is that it supports the government's legal obligations to manage and conserve marine resources. These others I'll let you read.

So there is a focus in the design of the President's budget. It is focused on core mission mandates. And as you'll see, the reductions proposed are largely things that have -- funding streams that have gone outside of Fisheries and to constituents and through our grant programs.

So this is the 2019 President's budget. I'm calling it the tough choices slide here because it's the choices between southern border security and national defense.

That's the priorities the administration are focused on. And how they chose to get to those priorities is a reduction to some of these non-defense programs.

Just to flag a few for you for context,

some of these, such as Hatchery Genetic Management Plans, Genetic Stock I.D., these are decreases that really were just pulling back to what the President had originally asked. Congress had bumped these up last year for us so these weren't necessarily requests.

So the budgeting construct is usually back out any Congressional increases that were given. So those aren't necessarily statements of programmatic priority as much as the accounting to do the budget.

the Prescott Grants Program is obviously the Marine Mammal Stranding Network. If you aren't familiar with that, reef fish stock assessments, again that is the plus-up that the Hill provided us for Gulf of Mexico independent sampling and survey there.

Cooperative Research, that would reduce some of the funding on probably about 10 projects of external award to cooperative partnerships.

Catch share would obviously reduce effort on catch share. There is less need in this

area as there are less new catch shares being proposed and developed.

IJ, I think that's pretty well clear what that's about.

The new one here which I think, you know, might be a surprise to folks, is new and was not presented in the '18 budget is the reduction and actually elimination here of the Cooperative Enforcement Program.

So this is our Joint Enforcement Agreements for which our Office of Law Enforcement partners with state entities, provides grants to state entities and kind of long story short deputizes state enforcement officials to be able to enforce and undertake federal enforcement actions on our behalf.

A slight reduction in fisheries habitat restoration, that was not there before. PCSRF, that's a common item for consideration of elimination. And, again, we mentioned the Saltonstall-Kennedy Grant Program is proposed again for elimination within the '19 budget.

Again, this is just a zoom-in focused on Regional Councils' and Fisheries Commissions funding line against that top level line of where the President's budget puts the Commissions and the Councils.

Again, if there's a good news story here, it is to solve the $110 million worth of reductions. There is no reduction here. It is largely level funded.

And I think that is kind of the key point here. It's an environment that Fisheries is working in, static budget. We know there's rising costs.

It's flat budget. Rising costs tend to get you less buying power. We acknowledge that. Recognize that.

But if there is a positive to some of some of this in this reduction is that there still is a recognition that fisheries management is a core function of the Department of Commerce. A lot of that is still maintained and intact, and we stand at kind of where we've been.

And that is the key overview of budget. I'll turn to direct questions as you like.

CHAIRMAN HULL: Okay. Thank you, Brian. The budget is usually a topic of interest to all the Councils. So let's see what kind of questions folks have. Chuck.

MR. TRACY: Thank you. Maybe just a couple questions for clarification, I guess, really. Back on Slide 8, there's some terms there that I want to make sure I'm clear about.

So, for example, we see on about the third line down, we see some terms like agriculture funded at a value. And then the next bullet is directs $2-1/2 million for regional pilots.

So when you see directs, that means spend the money you've got as opposed to getting more money or getting some additional money?

MR. PAWLAK: No.

MR. TRACY: Is that true or?

MR. PAWLAK: Good question. What the Senate mark is saying here is they're providing agriculture funding at $15 million. Again, that's

$5.7 million above what we have had in our enacted budget in the past.

So if they provide that, they are then directing $2.5 million of this to go to those regional pilots and $5 million for this.

So the President's interpretation would be is if they give us this money at those levels, we would put this activity into the funding they -- with the funding they provided us.

MR. TRACY: And so then that two lines down, it directs 3.5 for EM/ER. No additional funds provided. So where does that $3-1/2 million come from?

MR. PAWLAK: So this, I believe, we've had in our base for awhile, for several years, and I think they actually gave us an increase of $6 million roughly a couple years ago.

So this is within our base. I think this is referencing -- in '17, they only directed us to use $3 million for this activity. So we're flagging that we would have to ensure we find 500k within our base for this.

But I don't think this one is so challenging for us because we've typically spent above this amount anyway. It might be unique that this .5 needs to go to this versus a different use, which has, I think, largely been our grant program with NFWF.

MR. TRACY: So, again, I guess, the directs term -- I guess, I'm still trying to make sure I'm clear on this directs.

MR. PAWLAK: Yes, no. Direct --

MR. TRACY: Directs means whether you get new money or not, you've got to spend it.

MR. PAWLAK: Well, that is --

MR. TRACY: And if half of that is more than last year, then you've got to spend more. You've got to take it out of something else in order to spend that much.

MR. PAWLAK: That's correct.

MR. TRACY: Okay.

MR. PAWLAK: So if they took away all the money and still directed us, we would still have to do that activity. That's a legal command

of you shall.

MR. TRACY: Okay.

MR. PAWLAK: But as it's written and constructed, they're providing the sources of funding here.

MR. TRACY: Okay.

MR. PAWLAK: But yes, you could get, and other times we have gotten, you could get a direction to do something or even spend at a certain level without the funding provided.

MR. TRACY: Mm-hmm.

MR. PAWLAK: We largely don't have that here, I don't think. Yes, the directs is Congress telling you by law you need to go undertake that activity.

CHAIRMAN HULL: Terry.

MR. STOCKWELL: Yes. Thank you. I'm a little bit struck by zeroing out the -- if you go back to your slide with the 2019 budget tough choices, the zeroing out of the Cooperative Enforcement Program.

The State of Maine has worked long and

hard in partnership. And we've got a fairly significant right whale issue we need to deal with.

I'm wondering if you have any idea what the status of OLE's budget is in this President's budget.

MR. PAWLAK: Yes. So this -- and let's see if I got the notes on their exact budget here. But I don't know if I'll be able to find it right off. But what this reduction here, this is truly the portion of Office of Law Enforcement's money, our enforcement budget line that goes externally to the states.

So the target here is the amount that went out to grants of the states. The remainder, and I don't know if my budget person is back there, I think, $60 million for law enforcement.

Yes, so this minus the 65 or 60, Office of Law Enforcement's base core program remains untouched. So this is the full amount of the grants that had gone out to states for the Cooperative Enforcement Program partnerships.

MR. FREDIEU: Get a little close to the

mic, Terry, when you talk. Thanks.

MR. STOCKWELL: Sorry about that. This would zero out the at-sea enforcement though, which is fairly critical to the Councils.

MR. PAWLAK: The partnership of the at-sea enforcement.

MR. STOCKWELL: That's correct, yes.

CHAIRMAN HULL: Gregg.

MR. WAUGH: Thank you, Brian. In our Council, we sent a letter to Chris Oliver and hit two points on budget, one of which was getting money to the Councils at the start of the calendar year and express our gratitude that part of that money has been allocated.

That's very helpful to keep the engine running. And the second portion coming will be very helpful as well. And I guess we just hold our breath on the remaining add-ons because all of this is coming out of that Regional Council PPA. And, you know, we're planning and counting on that remaining portion as well. And we appreciate you all's help and attention to that.

MR. PAWLAK: Yes, no, and I think the expectation as long as those lines are funded as they have been in the past that there will be funding to the Councils from those lines.

And right now the indication from the House and Senate mark is those lines will be funded. Again, we don't know how that will -- what the full result that will be for a couple weeks probably, and we don't know if there will be additional bills that come from that rescission as such. But right now it's a positive outlook for those additional sources of funding.

CHAIRMAN HULL: Tom and then Phil.

MR. NIES: Hi, Brian. Thanks. I think it's the center report has got language that suggests that -- it doesn't suggest. It says that the Agency should prioritize funding for the Groundfish At-Sea Monitoring Program before spending any observer funds on standardized by-catch reporting methodology.

It's not clear to me whether that language is actually in the appropriations bill

or is just in the report. How do you guys -- do you have an interpretation of that language yet?

MR. PAWLAK: I'm not sure what side it sits in either. I know we're paying attention to that. I don't know off the top of my head.

I don't know if Sam has thought enough about that yet to know. And it might be just waiting dependent if it remains in there by the time it comes. And, Sam, it seems like we haven't figured that out quite yet. I'm sorry, Sam, for putting you on the spot.

CHAIRMAN HULL: All right. Phil.

MR. ANDERSON: I just wondered if there's any back story on the zeroing out of the money for the JEAs under the Cooperative Enforcement Program?

MR. PAWLAK: Not really other than the target and direction was looking for large grant programs that are external and to states and to things that the administration could address its priorities with, defense, homeland security, southern border issue.

And largely a view of OMB -- which you see across the federal government, not just in the fisheries -- that a lot of things that the federal government are doing for the states that maybe the states should consider doing for themselves.

I know it's challenging. And it's important partnerships for us but that's -- there's not much more behind it than that, I think.

MR. ANDERSON: Well, the state enforcement is doing work for NOAA, not the other way around with these.

MR. PAWLAK: No. There's a mutual benefit there, though, because the states are also receiving some funding and able to address some of their needs and that.

But that's a challenge for us because they are important partnerships and have served us well in the program.

CHAIRMAN HULL: Bill

MR. TWEIT: Thanks, Mr. Chair. Brian, I wanted to ask the question Phil asked, but I'll follow-up on your sort of push back on Phil. At

least for Washington it is -- I mean, our marine officers are out in the federal waters enforcing the federal laws.

I guess you can say there -- I mean, there's always benefits to the state when federal laws are enforced in federal waters. And I guess the reason I'm making that point is if that's how NMFS is characterizing this as a program that's benefitting the states as much as it is benefitting federal agencies, then I think that's a problem.

NMFS ought to be characterizing this as a way of very efficiently and inexpensively nationwide leveraging a service of about 600 plus state marine officers for a whole lot cheaper than NMFS is able to put federal officers out there.

And if NMFS is characterizing it as any other way than that, I think that's unfortunate.

MR. PAWLAK: Yes. No, and I didn't mean to imply that we were characterizing it that way. And we recognize that value. And Jim Landon definitely recognizes that value from the program.

I think we are in the midst of the

administration looking at some big targets for other priorities. And that's what this is representing. It's definitely not a characterization we're giving it nor is it Jim Landon's.

CHAIRMAN HULL: All right. Other questions. Chuck, go ahead.

MR. TRACY: Thank you. So I'm going to ask something about something I didn't see on your presentation, and that is your spend plan for 2018. What the status of that is, you know, particularly in terms of what allocations are going to go to the various discretionary pots, Phase I, Phase II, Phase III, those sorts of things? I guess what the status of that planning is.

MR. PAWLAK: No, I do not have much detail on that. You're talking about internal allocation spend plans for our report. No, without an '18 budget, I mean, we don't have an '18 budget either.

We are working on the '17 CR, which is looking at the '17 enacted. So we are not -- again,

when I kind of did that timeline to get the budget out in kind of the second slide there, this is often where we get into some of that detail on the spend plan internally because we don't have the budget yet either. We don't know what it's going to say.

To your point on some of those questions on the direction, we don't know what that direction is going to be and how that might shift our ability to do our spending.

CHAIRMAN HULL: All right. Anybody else? Kitty.

MS. SIMONDS: Yesterday we were talking about how could we get more funds from the NMFS in terms of the, you call them plus-ups. We call them add-ons, whatever. So can you just go back to the aquaculture, you know, the FY2018, just so I understand what this is about?

MR. PAWLAK: This thing?

MS. SIMONDS: So it says aquaculture funded at 8.0.

MR. PAWLAK: That's in the House.

MS. SIMONDS: It says 1.3 m, right?

And then did it always direct that, $5 million go for shellfish research? Or is that new?

MR. PAWLAK: There has been some direction in there about off-bottom oyster research for a couple years. I don't think at those levels. I'd have to go back and look.

MS. SIMONDS: Okay.

MR. PAWLAK: But I don't think at these levels it has been this direction in the past years.

MS. SIMONDS: And so then there's the Senate mark --

MR. PAWLAK: I don't know if, Karen, if she's got any idea.

MS. SIMONDS: -- the aquaculture fund at 15, 5.7 above FY17. And so two of that for regional pilot projects, I guess. And so it just seems to me there seems to be a little money in there that you could share with the Councils who work on aquaculture.

MR. PAWLAK: Yes. I think the direction on the regional pilots funding is for industry demonstration projects.

MS. SIMONDS: Yes. No, I get that. But I was trying to subtract all of that from the $15 million.

MR. PAWLAK: That would leave money over potentially.

MS. SIMONDS: That's what I see right here.

MR. PAWLAK: But it's also about a base of us having -- I forget if my base if it's $7 million or $9 million within the aquaculture line. So it's --

MS. SIMONDS: Right. I understand. I mean, but it just seems to me that looking at all of these that there seems to be something there unless NMFS changes how they, you know, spend money on things --

MR. PAWLAK: Right. And you have to remember these --

MS. SIMONDS: -- that are directed.

MR. PAWLAK: -- are proposals from House and Senate yet. Not in place, not enacted. We don't know --

MS. SIMONDS: I know that. I'm talking about the future as well so.

MR. PAWLAK: If we get it. Point taken. Thank you.

MS. SIMONDS: Thank you.

CHAIRMAN HULL: Chris.

MR. MOORE: Thank you, Brian. I'm going to ask you a question that I asked yesterday and that Tom asked this morning. And I thought maybe he'd ask it again. That language that applies to 2018 that references the Commissions.

MR. PAWLAK: Yes.

MR. MOORE: Do you know where that came from?

MR. PAWLAK: I don't know exactly where it came from; I bet it didn't come from the Councils.

MR. MOORE: Good guess.

MR. PAWLAK: No, I would only be speculating on where it came from and if it's the beneficiaries of that, it would probably be potentially the ones who proposed that. I don't know. I don't know that behind the appropriations

curtain on how that came up.

MR. MOORE: And just a follow-up, would that same language apply to FY2019?

MR. PAWLAK: No. We have not seen language at all yet on '19. That's why in the summer we would expect to see House and Senate marks to see if that carries and to see if that holds.

Again, I think the interesting about the language is the change between -- yes, sorry, between '17 and '18. So remember '17, it was odd language. It said something equal proportion split 50/50. It was an odd construct.

The way we treated that language was, again, I just mentioned, that we gave it more of an increase than the state Commissions would normally have gotten. But we also were able to provide significant increase to the Councils.

We took that approach. I'm sure that approach was observed by the Hill. We got this language. So I cannot -- I don't know what's driving their decision, but we took one approach, and we got different language that was stronger

and more directed, so --

MR. MOORE: Thanks.

CHAIRMAN HULL: Okay. Any other questions for Brian? Looking at the budget timeline, Brian, our May CCC meeting is going to come up, I think, a lot faster than --

MR. PAWLAK: Right.

CHAIRMAN HULL: -- we might expect. Are there particular decision points between now and then that Congress will take that will give us a better sense of either execution or FY18, 2019 to report on?

MR. PAWLAK: Well, I would sure hope by the we'd know '18 and have an '18 enacted budget. We're all going to be sitting on top of the CR or all be furloughed, one or the other. So hope to know that.

Of course, March 23, 24 is the end of the CR. I think that's the key signal for us. It will be interesting if we see anything from that Congressional process that is different than what we're talking about here. And the numbers we got

and then kind of on the slide and the House and Senate marks that already exist and see if there's any priorities that are reflected in the budget new that they have this new ceiling.

At least the appropriations committee has this new ceiling. It's yet to be seen if that passes down to NOAA or to Commerce at all. I think that will be the key thing and the key thing to read what they do with that.

And quickly following that, we'll have a House and Senate mark on '19. I mean, I think the clear signal we have with the House and Senate mark might think of '19, although we haven't, at least the Fisheries haven't, gone and briefed any of them yet, is that the Senate and House clearly reflect their view of '18 budget, which is similar to '19 in these marks.

CHAIRMAN HULL: Okay. Thanks very much.

MR. PAWLAK: Thank you.

CHAIRMAN HULL: I think that concludes this agenda item. So we'll look forward to the

update in May.

MR. PAWLAK: Thanks.

CHAIRMAN HULL: And that brings us to our last agenda item, which is an update on recusal policy. Adam.

MR. ISSENBERG: Thank you, Mr. Chairman. And I think this I going to be brief. So since we met last, within the Agency we have had a working group consisting of Agency attorneys and NMFS staff working on the recusal issue.

And the update that I have at this point is that we are in the process of preparing a proposed rule. Our goal is to have the proposed rule available for review prior to the May annual meeting.

Of course, I can't talk in detail about the substance of the rule. What I can say is that, you know, we've had a lot of discussions in this venue about the recusal issue. We know, you know, there are two key areas of concern that have been expressed in these meetings.

One is the manner in which partial

shares of businesses in which a member has a financial interest are attributed for the purposes of determining whether the 10 percent threshold for recusal is met.

The other issue relates to the question of whether there's a close causal link between, you know, the benefit from a member's financial interest and the Council action that is under consideration.

And in the context of preparing the proposed rule that we are working on, you know, we are very closely looking at those two issues. And I expect that, you know, the rule will address those issues.

You know, I can't, again, go into detail as to, you know, exactly what the Agency will propose in that regard.

So that essentially is my update. And, you know, my suggestion is at this point that, you know, we put this on the agenda for the meeting in May.

At that point, you know, we hope to have

that proposed rule out, you know, for public review. And we can plan on having some discussion.

You know, I would propose to come to the meeting prepared to give a presentation about what is in the proposed rule at that point and to provide, you know, some time for discussion.

CHAIRMAN HULL: All right. Thanks, Adam. Chris?

MR. OLIVER: Just to add to that, Mr. Chairman, not surprisingly because of the history -- my own history sitting on the other side of the table as a Council executive director and the issues that we experienced in the North Pacific, but also not just in the North Pacific, as Adam mentioned, particularly the attribution principle as well as the close causal link issue, one of the first things I did when I came to DC was to meet with Sam, and the leadership team Sam and Alan and Adam from GC and really try to make this a priority to address this issue.

And so I just want to say that a lot of work and thought has gone into -- I appreciate

all the time Adam and other folks in GC have spent on this.

And the result is we are developing a proposed rule, as Adam described, that we hope will lay out some options for addressing this issue and have the ability to present that to you in May and get feedback both from individual Councils as well as the CCC.

So I'm sure hopeful we'll be able to stay on that schedule and talk about this again in May. So thanks.

CHAIRMAN HULL: All right, thanks. Chris, thanks for the -- and Adam and others for your attention to this. Questions? Tom?

MR. NIES: Thank you, Mr. Chairman. Adam, is the idea that the proposed -- I seem to remember you were working on two policy directives. Is the idea that the proposed rule replaces those policy directives?

MR. ISSENBERG: You know, I think the proposed rule would most likely supersede or incorporate various aspects of those policy

directives.

CHAIRMAN HULL: Any other questions? Kitty.

MS. SIMONDS: So if I heard you right, when it becomes a public document and it goes out for public comment, is that when we see the document as well?

MR. ISSENBERG: That's when you would see the proposed rule, yes.

MS. SIMONDS: So the same as the public?

MR. ISSENBERG: Right.

MS. SIMONDS: So the end of your timeline was what -- I can't remember what you said -- for this to be final?

MR. ISSENBERG: Well, I didn't address the final rule. I think our goal would be to have a final rule -- I think our plan would be to have it out prior to the May meeting to allow 60 days for comment so that in addition to the CCC, each Council could have an opportunity to review and discuss it at a Council meeting and I think as a proposed rule.

And then that would, you know, bring the close of the comment period roughly around the end of the summer. And we would plan to have a final rule in place by the end of 2018.

MS. SIMONDS: Okay. That means that our American Samoa member who has had to recuse himself and will be recusing himself, and another American Samoa member, will not be voting on an American Samoa amendment. So I was hoping that you would complete this process before the end of the year.

He apparently holds the entire burden of the StarKist Company, which is global and international, on his shoulders when it comes to voting on an amendment that pertains to American Samoa.

And so that's why we find it totally ridiculous for him to not be able to, you know, to vote. That's a huge problem.

MR. ISSENBERG: Well --

MS. SIMONDS: He's only an employee of StarKist.

MR. ISSENBERG: And we are looking at those issues. And, you know, we'll be addressing those issues through the proposed rule.

CHAIRMAN HULL: All right. Any other members? I guess that's the process we have. The proposed and there's your comment period, and so that's how we work through it.

Okay. If there's nothing else for us on this agenda item, then we will adjourn. That's what Kitty was saying. I didn't quite catch it. Thank you.

All right. We'll resume tomorrow at 9:00 a.m., and see you all at the 21st Amendment after 5:00.

(Whereupon, the above-entitled matter went off the record at 4:17 p.m.)