

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FISHERIES COUNCIL COORDINATION COMMITTEE MEETING

Silver Spring, Maryland
Wednesday, September 23, 2020

- 1 PARTICIPANTS:
- 2 JIM BALSIGER
- 3 MEL BELL
- 4 DANIELLE BLACKLOCK
- 5 TONY BLANCHARD
- 6 SARAH BLAND
- 7 NICOLE BONINE
- 8 JOHN CARMICHAEL
- 9 KRISTINE CHERRY
- 10 MORGAN COREY
- 11 ROY CRABTREE
- 12 JOSHUA DeMELLO
- 13 KELLY DENIT
- 14 DALE DIAZ
- 15 PAUL DOREMUS
- 16 GUY DUBECK
- 17 HOWARD DUNAM
- 18 MICHAEL DUNEAS
- 19 RUSSELL DUNN
- 20 DIANA EVANS
- 21 ROBERT FOY
- 22 TOM FRAZER

- 1 PARTICIPANTS (CONT'D):
- 2 BRIAN FREDIEU
- 3 GRACIELA GARCIA-MOLINER
- 4 MARC GORELNIK
- 5 JOHN GOURLEY
- 6 ELYSIA GRANGER
- 7 MARCOS HANKE
- 8 JON HARE
- 9 NICOLLE HILL
- 10 STEPHANIE HUNT
- 11 EMMA HTUN
- 12 NATE ILAOA
- 13 ADAM ISSENBERG
- 14 SIMON KINNEEN
- 15 KRISTEN KOCH
- 16 LINDSEY KRAATZ
- 17 DREW LAWLER
- 18 STEVE LEATHERY
- 19 JENNIFER LUKENS
- 20 MIKE LUISI
- 21 MARIAN MACPHERSON
- 22 DIANA MARTINO

1 PARTICIPANTS (CONT'D):

2 JESSICA McCRAWLEY

3 KARA MECKLEY

4 GLENN MERRILL

5 MARK MITSUYASU

6 CHRIS MOORE

7 STACEY NATHANSON

8 KATE NAUGHTEN

9 TOM NIES

10 CHRIS OLIVER

11 BRIAN PAWLAK

12 MIKE PENTONY

13 BRAD PETTINGER

14 NICHOLAS PIEPER

15 JOHN QUINN

16 SAM RAUCH

17 ALESIA READ

18 ERIC REID

19 KATIE RENSHAW

20 FELIX REYES

21 MIGUEL ROLÓN

22 MICHAEL RUBINO

1 PARTICIPANTS (CONT'D):

2 MIKE RUCCIO

3 SCOTT RUMSEY

4 MARLOWE SABATER

5 MICHAEL SEKI

6 CARRIE SIMMONS

7 KITTY SIMONDS

8 ARCHIE SOLIAI

9 SYLVIA SPALDING

10 BARRY THOM

11 MICHAEL TOSATTO

12 WES TOWNSEND

13 CHUCK TRACY

14 BILL TWEIT

15 MATTHEW VAN KLEUNEN

16 JENNI WALLACE

17 ED WATAMURA

18 CISCO WERNER

19 DAVE WHALEY

20 DAVID WITHERELL

21 RYAN WULFF

22 * * * * *

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

C O N T E N T S

ITEM:	PAGE
Welcome and Introductions	
Approval of Agenda and Minutes	
NOAA Fisheries Update and FY2021 Priorities MAFAC Report on Establishing a National Seafood Council	
Recent Issues with Council Operations and Agency Operational, Science, and Regulatory Issues NMFS Provides Overview of COVID-19 Related Issues	
Report on NMFS Reintegration Plans, Status of CARES Act Funding	
Observer Waivers	
Update on MRIP/Status of Data and Monitoring Outlook for 2021, Report on Funding for Basic Surveys	
Rule on Council Member Financial Disclosure and Recusal	
CEQ Final NEPA Regulation	
Legislative Outlook	
Public Comment	

* * * * *

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

2 (1:30 p.m.)

3 MR. SOLIAI: Good morning everyone, or
4 good afternoon, depending on where you are located
5 for the September CCC meeting. Hopefully
6 everybody is doing well and staying COVID free. I
7 know very early in some parts of our council
8 family. But I think this is mostly the fishing
9 window, so I want to welcome everybody to our
10 meeting. But before we start I'd like to open
11 this meeting with a word of thanks to our Heavenly
12 Father for his grace. I'll lead us in a prayer.

13 Our gracious and loving Father, we come
14 before thee of the council family to thank you and
15 praise you for all the blessings which you have
16 provided us. And although our country continues
17 to face turmoil over COVID-19, we are so thankful
18 that you are able to protect us. We ask that you
19 continue this protection upon us and guide us
20 through CCC and the work of the councils and
21 partners so that we may continue to solve our
22 country's wild fisheries. Forgive us today and

1 forgive us over the coming day. Amen.

2 Our meeting is officially open. I want
3 to welcome everyone. We've got an agenda on
4 laptops, not too long of an agenda, and I hope we
5 will move along with it. So we'll start off with
6 questions. We'll start here in American Samoa
7 then work our way around our council family.

8 So my name is Archie Soliai, I'm the
9 Chair for West Pac.

10 MR. DUNN: Hello, I'm Howard Dunn,
11 American Samoa Vice Chairman.

12 MR. SOLIAI: Can we start from the left,
13 please, with our introductions?

14 MR. NIES: Hi. This is Tom Nies,
15 Executive Director of New England Fishery
16 Management Council.

17 MR. SOLIAI: Mid-Atlantic.

18 MR. MOORE: This is Chris Moore,
19 Executive Director of New England Council.

20 MR. LUISI: Hi everyone, this is Mike
21 Luisi, Chair of the Mid-Atlantic Council.

22 MR. TOWNSEND: Good morning. This is

1 Wes Townsend, Vice Chair of the Mid-Atlantic
2 Council.

3 MR. SOLIAI: South Atlantic.

4 MR. CARMICHAEL: John Carmichael,
5 Executive Director of the South Atlantic.

6 MR. BELL: Mel Bell, Chair of South
7 Atlantic Council.

8 MR. POLAND: This is Steve Poland, Vice
9 Chair, South Atlantic Council.

10 MR. SOLIAI: Gulf Council.

11 MS. SIMMONS: Carrie Simmons, Executive
12 Director, Gulf Council. I know the Vice Chair is
13 not on, and I believe the Chair as well.

14 MR. SOLIAI: Okay. Maybe they can enter
15 their appearances later. Caribbean Council?

16 MR. RUBINO: Miguel Rubino, Head Counsel
17 of Southern Atlantic Council.

18 MR. CANFIELD: Michael Canfield,
19 Chairman, Caribbean Council.

20 MR. BLANCHARD: Tony Blanchard, Vice
21 Chair, Caribbean Council.

22 MR. SOLIAI: Pacific Council.

1 MR. TRACY: This is Chuck Tracy,
2 Executive Director of the Pacific Council.

3 MR. GORELNIK: This is Marc Gorelnik,
4 Chair, Pacific Council.

5 MR. PETTINGER: This is Brad Pettinger,
6 Vice Chair, Pacific Council.

7 MR. SOLIAI: North Pacific.

8 MR. TWEIT: Bill Tweit here, Vice Chair
9 of the North Pacific Council. I'm not sure, I am
10 quite sure David Witherell was planning on being
11 on, our Executive Director, so. Just making sure
12 that no Pacific Council or Dave was on there.

13 MR. SOLIAI: Okay. They can introduce
14 themselves when we get a chance. Continuing on
15 with the Western Pacific.

16 MS. SIMONDS: Kitty Simonds, the
17 Executive Director.

18 MR. WATAMURA: Ed Watamura, Vice Chair,
19 Hawaii from West Pac. Good to see you all, it's
20 been a while. Good to see you doing well.

21 MR. GOURLEY: Good morning, John
22 Gourley, Vice Chair, CMI.

1 MR. SOLIAI: Thank you. Thank you
2 everyone, and welcome to our CCC meeting. I'm
3 very thankful today that we have Chris Oliver with
4 us. He's a man that needs no introduction, and
5 he's very familiar with our different councils in
6 the region. So I'd like to turn the floor over to
7 him for his opening remarks.

8 MR. OLIVER: Thank you. Thank you, Mr.
9 Chairman. Good to see everybody. As I said the
10 last several times we've gotten together I'm sure
11 disappointed that we're not able to meet in person
12 but I am virtually imagining I'm there in Hawaii
13 though, I've got my, you know, Bombay shirt on and
14 I got a turtle right here, looking at Hawaii on my
15 globe right here so I'm trying to imagine I'm
16 sitting on a beach there with you all.

17 Anyway I'm actually coming to you from
18 my basement office in Anchorage. I just thought I
19 could telework from home for a little while and
20 enjoy fall in Alaska, which, you know, in Alaska
21 is the best three weeks of the year here. So good
22 to see all of you. I don't have a whole lot more,

1 I'll have some more remarks here in a moment when
2 we get into the agenda. But just again, hi,
3 everybody. I hope everybody's doing well and
4 safe.

5 MS. SIMMONS: Mr. Chairman, I'm getting
6 texts that a couple of people are having trouble
7 getting into the meeting. And I know we don't
8 want to get behind, but could we just wait a few
9 minutes?

10 MR. SOLIAI: Can we have everyone
11 introduce themselves seated around.

12 MR. OLIVER: Yeah. Archie, Chris here,
13 of course. And I know we have several of my
14 leadership team and all our science directors I'll
15 go around the hall, maybe start with Ed and go
16 down the row.

17 MR. RAUCH: Yeah. This is Sam Rauch,
18 Deputy Director.

19 MR. DOREMUS: This Paul Doremus, good to
20 see you all.

21 MR. WERNER: Cisco Werner, Chief Science
22 Advisor, and it's good to see everybody.

1 MR. HARE: John Hare, Northeast Fishery
2 Science Center.

3 MR. CRABTREE: Roy Crabtree, Southeast
4 Regional Administrator.

5 MR. BALSIGER: Jim Balsiger, Alaska
6 Administrator.

7 MR. WULFF: Ryan Wulff, Sustainable
8 Fisheries ARA, West Coast Region.

9 MR. TOSATTO: Mike Tosatto, Pacific
10 Island Regional Administrator.

11 MS. DENIT: Kelly Denit, Director of
12 Sustainable Fisheries.

13 MR. ISSENBERG: Hi, this is Adam
14 Issenberg, with Fisheries.

15 MS. BLACKLOCK: Danielle Blacklock,
16 Director, Office of Aquaculture.

17 MR. PAWLAK: Hi, Bryan Pawlack with
18 North Fishing Budget Office, only sporadically
19 here this afternoon. Thank you.

20 MR. SOLIAI: Do we have anybody else for
21 our introductions?

22 MR. TRACY: Just note that Kristen Koch

1 for our Southwest Science Center Director is on as
2 an attendee.

3 MR. SOLIAI: Okay. I guess we'll move
4 on to our agenda. But again, if your cohorts
5 signing on later, please, we can let them
6 introduce themselves so we'll know that they're
7 on.

8 We'll begin the agenda with the approval
9 of the agenda and minutes. I trust that
10 everybody's gotten a chance to take a look at the
11 agenda and review the notes from our May CCC
12 meeting.

13 So unless there is any objection, I'm
14 going to ask for approval of the general minutes.
15 There being no objections, the general minutes are
16 approved. So we'll move on to NOAA Fisheries
17 Update, and I'll turn the floor over to Chris
18 Moore.

19 MR. MOORE: Thanks, Archie. Good
20 afternoon/morning again to everybody. Thinking
21 kind of some big picture ideas about where we are
22 at and where we're moving forward. But coming

1 into this meeting, you know, we realize that most
2 sectors of our seafood industry, pricing,
3 processing, recreational fishing, continue to
4 suffer some very significant adverse impacts from
5 the situation we're in, and we're far from being
6 back to normal.

7 But there are some good things. You
8 know, the CARES Act Funds are being currently
9 allocate on a state by state basis. So those are
10 starting to go out the door, that's great. We
11 have the recent presidential order on promoting
12 American seafood competitiveness. And associated
13 with that is the creation of the Seafood Trade
14 Task Force, which we're going to hear a little bit
15 more about tomorrow.

16 I think those things, in combination
17 with things we've been working on at NMFS on our
18 sector by sector seafood impact assessments are
19 all hopefully going to feed into coming out of
20 this crisis as a strong or stronger position as
21 some went in. Where much of our workforce, as the
22 years with the councils, are almost as effective

1 as ever through teleworking and the technologies
2 that we currently enjoy. But we will continue to
3 work as closely as we can with you.

4 We also recognize there have been some
5 huge impacts, particularly to our science mission,
6 our ability to conduct surveys throughout the
7 coast has, you know, mostly been cancelled. It
8 has the latent effect of missing those surveys is
9 going to vary just as before, totally upset, but
10 it's going to vary across regions to fill in the
11 type of series as this is the data strains,
12 etcetera.

13 But, you know, I hope this is from the
14 regulatory and science perspective it's going to
15 be keep doing whatever we can to make things that
16 support the fishing and seafood industry.

17 So going into 2021, I don't have a
18 crystal ball. As I said, the majority of our
19 operations were continued. But more vessels are
20 still not running, our white ships are not, we're
21 still working with old data and protocols that we
22 will develop going into next year that will allow

1 those ships to operate. But we have to assume
2 that we may not be fully back to normal for at
3 least some portion of the year. So in light of
4 that our strategy for determining and using the
5 best available science remains a priority. We are
6 taking steps to enhance our ability to do that in
7 the absence, in particularly this year, the
8 absence of most of our surveys through our
9 autonomous vehicle sail drones, etcetera.

10 I guess to highlight a few things going
11 into next year with those vessels not running,
12 we're going to continue to try alternative data
13 collection methods and approaches and managing in
14 a data limit environment, we need to, it's not
15 just the white ships, but many of our surveys this
16 year there's very much charter vessels who were
17 also cancelled.

18 So the continued use of your artificial
19 intelligence, electronic monitoring, I think we
20 can't switch. I know there's a lot of concern
21 about (inaudible) and fishing policy with certain
22 waivers to maintain, observers, and at least most

1 of our fisheries. I think we need to, we can't
2 switch to electric monitoring in all of our
3 fisheries that we would like, but I think this
4 really put an increased emphasis on the need for
5 us to further develop those EF technologies in all
6 the fisheries in which it can be used.

7 I mentioned artificial intelligence. We
8 have unmanned, unscrewed vehicles, the fields of
9 nomics and genomics that Cisco's talked about to
10 you before. And again, in my mind I've tried to
11 really stress through just going through our
12 center directors to find out a dire need to fully
13 explore all the opportunities we have outside of
14 our white ships who are partnering with the
15 fishing industry, whether that be charter or other
16 ways to collect fishery-dependent data and perhaps
17 get with the industry positive research, for this
18 really to be the situation where, again, further
19 underscores the need to aggressively pursue those
20 opportunities to work with you to identify where
21 they are.

22 The issue of seafood markets, again,

1 we're going to have a report on the Seafood Trade
2 Task Force tomorrow. Hopefully to continue to
3 increase access to foreign markets, resolve
4 barriers to those export markets through trade
5 analysis. Trade analysis, a policy which isn't
6 NMFSS' bailiwick, so to speak, but we did
7 co-chair, NOAA did co-chair that Seafood Trade
8 Task Force. So I think we're positioning
9 ourselves to be better advocate for trade
10 (inaudible) and various sort of location
11 agreement.

12 And we have a promoting seafood campaign
13 for our communication campaign on Eat Sea Food
14 America. And again, we'll do whatever we can to
15 advocate for consumer purchase of U.S. Seafood.
16 And we're seeing different markets and market
17 trends, and some of those are going to obviously
18 continue well through this pandemic and well past
19 it. And so what we can do to promote that base
20 information on the health and sustainability of
21 U.S. caught seafood and the importance of the U.S.
22 seafood industry to our economy as well as the

1 communities definitely remain a priority for us.

2 So I'll stop there. I look forward to
3 the discussion over the next few days and hearing
4 from all you about challenges. And again,
5 particularly suggested reactions and solutions for
6 all of us to get through this.

7 So thank you again. It's good to see
8 all of you. And after that I'm going to turn it
9 back over, I believe, to Paul to speak to the next
10 part of this agenda item. Thank you, Mr.
11 Chairman.

12 MR. SOLIAI: Thank you, Chris. Paul,
13 will you follow now with the next item, please?

14 MR. MOORE: Are you there, Paul?

15 MR. SOLIAI: Paul's not ready. Why
16 don't we move on to Kelly Denit in the Working
17 Groups? Kelly, are you ready?

18 MS. DENIT: I am actually. I'd be happy
19 to do that.

20 MR. SOLIAI: We'll come back to 1a when
21 Paul gets set up. Thank you, Kelly.

22 MS. DENIT: Sure, sounds great. Good

1 afternoon, good morning, everyone, good to be with
2 you again.

3 So National Standard 1 Work Group, this
4 is something that we have discussed a few
5 different times, and frequently at our meeting in
6 May. Just as a quick reminder, there are three
7 different working groups. Working Group 1 is
8 looking at reference points. Working Group 2 is
9 focused on carryover and phase-in. And Working
10 Group 3 is looking at data poor approaches. I'm
11 just going to kind of step through each working
12 group.

13 The working group on reference points.
14 They're focused on estimation of FMSY, BMSY, and
15 their proxies. They are still continuing to
16 percolate through their work. I know we had
17 originally mentioned that we were hoping to have
18 something for you all to look at by late fall of
19 2020, but here we are in sort of the start of fall
20 of 2020 and I can tell you that it's more likely
21 going to be in early 2021.

22 Once we do have a draft that's completed

1 internal agency review it will go out to all of
2 you and your SSCs for your review. So that's
3 where that is.

4 With respect to Working Group 2, which
5 was the carryover phase-in. They have completed
6 their final tech memo, that was shared with all of
7 you back in July by Jenni Wallace. If you don't
8 have it or can't find it in your inbox, please let
9 us know and we will make sure and get it.

10 We do greatly appreciate the comments
11 that you all and your SSCs provided for us. It
12 certainly helps improve the paper. So thank you
13 for that.

14 In addition I would flag that there is
15 another paper coming out from the Northwest
16 Center, Dan Holland and John Wiedenmann, from
17 Rutgers that looks at the MSE using MSE to explore
18 different carryover policies. If you're
19 interested in that paper, please just let me know
20 and we can make sure and get you a copy.

21 With respect to Work Group 3, this is
22 the data poor work group which I know several of

1 you, and Kitty particular, have been keenly
2 interested in. This group continues their work.
3 They're focused on looking at the flexibility in
4 NS1 that allows alternative approaches for data
5 points and data for fisheries. And we continue to
6 have internal discussions on this aspect,
7 providing it's got a whole bunch of ideas that we
8 are trying to explore, in particular with general
9 counsel. And I know that you have been waiting
10 for this, but it's kind of moved a bit more from
11 the science technical into the policies and so
12 that's what we need to work through before we're
13 going to have something that is ready to share and
14 get out to you folks.

15 So I think I will stop there. I also do
16 have a little bit of an update on the known to
17 unknown guidance, and a couple other topics, Mr.
18 Chair. But maybe I'll pause there to see if there
19 are any questions on the Work Group update as well
20 as responses to that.

21 MR. SOLIAI: Thank you, Kelly. At this
22 time I'll open it up for questions or comments

1 from our council. Starting from New England.

2 MR. NIES: Thank you, Mr. Chair. If I
3 might I've got a couple questions. The first is
4 with respect -- I guess I got a couple questions
5 and then a comment.

6 The first is with respect to Working
7 Group 1. With the reference points it's unclear
8 to me, and I know I've asked this before. It's
9 unclear to me whether this is going to address the
10 issue of creating reference points using empirical
11 approaches for FMSY and BMSY cannot be the
12 explicitly estimated? Is that part of this
13 report?

14 MS. DENIT: I stand to be corrected by
15 Stephanie or others who are on the line, but I
16 believe yes, Tom, that that's part of the proxies
17 that they're exploring and looking at.

18 MR. NIES: Great. Thanks.

19 MS. DENIT: Stephanie, please chime in
20 if I got that wrong.

21 MR. NIES: And I guess I do have a
22 comment. When you ask for comments from our SSC,

1 at least in our council we prefer you direct that
2 to us and not go directly to the SSC. The SSC
3 reports to us after all.

4 I guess I also have a question on Work
5 Group 3. How come it's taking so long? When are
6 they going to see some progress here?

7 MS. DENIT: Well, thanks, Tom, it's a
8 tricky one. That's why it's taking so long. And
9 I think in part we've had a bit of fits and
10 starts. We also, as many of you with your staff
11 during these times are trying to navigate a number
12 of different priorities. And so we're doing our
13 best to keep everything moving while still
14 balancing different priority projects that we need
15 to keep moving.

16 MR. NIES: Thank you. That's all I
17 have, Mr. Chair. I don't know if John or Eric
18 have any questions.

19 MR. REED: No, I'm all set too.

20 MR. SOLIAI: Thank you. We'll move on
21 to Mid- Atlantic Council.

22 MR. MOORE: I have no questions, Mr.

1 Chair.

2 MR. SOLIAI: Nothing from Mid-Atlantic.

3 We move on to South Atlantic.

4 MR. CARMICHAEL: Yeah, John Carmichael
5 here. I just appreciate Tom bringing up to route
6 SSC request for comments through us. And also to
7 request to give us ample time to get that done and
8 get comments developed.

9 This is a pretty important issue and it
10 has been going around for a while. It would be
11 nice to fit it into our regular SSC meetings. And
12 we did not have time to schedule a meeting that
13 was in the federal register, given time to review
14 it, and get comments back to the council. So I
15 know it takes a while, we understand, but it would
16 be nice to run something this important through
17 the full process.

18 MR. SOLIAI: All right, thank you. Move
19 on to Gulf Council.

20 MS. SIMMONS: No questions, Mr. Chair.
21 But I'll just echo those comments, just make sure
22 we have adequate time to provide feedback. Thank

1 you.

2 MR. SOLIAI: Thank you, Kerri.

3 Caribbean.

4 MR. RUBINO: No questions, we're on the
5 same page with everybody else.

6 MR. SOLIAI: Thank you, Miguel. Pacific
7 Council.

8 MR. WETHERELL: Thank you, Mr.
9 Chairman, we don't have any questions.

10 MR. SOLIAI: All right. Western
11 Pacific?

12 MR. GOURLEY: We don't have any
13 questions.

14 MR. SOLIAI: Western Pacific.

15 MS. SIMONDS: Thank you, Mr. Chairman,
16 we have a presentation, following Kelly's report.
17 But we also echo Tom and everybody else's in terms
18 of, you know, Number 3, because we have to be
19 closing, one of our options is closing federal
20 waters in teeny weeny American Samoa, and so we
21 need to get to allowing us to review these other
22 ways to deal with a data limited stock. We are in

1 a terrible situation. Thank you.

2 MR. SOLIAI: Thank you, Kitty. Any
3 other comments you want to mention on this
4 subject? Okay. If not we'll move back to Agenda
5 Item 1a).

6 MR. GOURLEY: Mr. Chairman?

7 MR. SOLIAI: Sorry.

8 MR. GOURLEY: Kitty, we supposed to do
9 the prep consortium.

10 MS. SIMONDS: Yes, when Kelly has
11 completed her report.

12 MR. GOURLEY: Okay. Also there are some
13 concerns that we have with Subgroup 3 that Kitty
14 mentioned. We've got some very serious issues in
15 our island groups, at least American Samoa and
16 Guam, overfishing, experiencing overfishing is
17 taking place in American Samoa and overfished
18 determination for Guam. And unfortunately it is
19 kind of a double edge sword because the fishermen
20 know that these determinations are very
21 questionable because of the data that we have.

22 We're working with extremely poor data

1 and we really need to move forward on this. And
2 it kind of appears Kelly would mention that there
3 are some tricky issues in reviewing the technical
4 guidance with respect to policy. What tricky
5 issues are there on this? What's well, the fly in
6 the ointment? What's slowing it down?

7 MS. DENIT: Yeah, John, thanks for the
8 question. So there's a number of things. One,
9 just to give a couple of examples, are how you
10 define data poor, what the stocks actually are
11 encompassed by that terminology, how do we
12 describe that in the best way possible. There's
13 also challenges around the different meanings of
14 specific terms like "annual" and "catch," versus
15 rate versus other things in various documents from
16 Magnuson Act and as well as others, all of which
17 require us to kind of dig through and make sure
18 that we're being consistent with those
19 requirements of the law, continuing to explore the
20 flexibility that we built in in HQ.

21 And I would note that even though we're
22 working on this technical guidance, there is

1 nothing that precludes the council from developing
2 its approaches and trying to put together its
3 ideas for what it thinks could work consistent
4 with the NS1 guidelines.

5 MR. GOURLEY: All right. Okay. So we
6 can move despite the fact that works has not
7 actually disseminated the final results, we can
8 move forward with relates to flexibility and
9 determining other alternative means to apply? Or
10 do we need to wait? Do we need to wait for them
11 to actually produce the guidance document?

12 MS. DENIT: It is my perspective you
13 could be working with the regional office, science
14 center, and GC to be figuring out based on the
15 facts of your specific FMP, which I think in this
16 case is the American Samoa bottom fish because
17 there are proposals and potential alternatives and
18 options.

19 MR. GOURLEY: Excellent. Excellent. So
20 we don't have to sit around and wait anymore, we
21 can move forward. Thank you.

22 MR. SOLIAI: I'm glad to hear that.

1 Kelly, do you have a second part of your
2 presentation?

3 MS. DENIT: Well if I could I was going
4 to shift gears to talk about the known-to-unknown.
5 So I'm happy to do that.

6 MR. SOLIAI: Yes. Please go ahead.

7 MS. DENIT: Thank you very much, Chair.
8 So very briefly I wanted to update you on the
9 known to unknown guidance, which you all reviewed
10 over the summer and provided some very thoughtful
11 comments on.

12 Again, we appreciate your input. I know
13 it wasn't as long as you all would have liked to
14 have, but we really appreciated that input that
15 you provided. So I wanted to step through the
16 feedback you provided in the responses that we're
17 making in response, which is redundant, sorry
18 about that.

19 So quickly, all the councils except for
20 the Caribbean provided comments, general support
21 for the guidance as drafted with various questions
22 in areas that you are seeking clarification. So

1 I'll step through those and then take any
2 additional feedback or questions that you guys
3 have.

4 So overall there were several comments
5 that came in that were outside the scope of the
6 actual guidance, that got into various local
7 assessment issues and/or caps about
8 determinations. We do not make any changes to the
9 guidance for those outside the scope.

10 But in terms of buckets of comments.
11 The biggest bucket was almost all the councils
12 commented on Scenario B, which was the aging
13 assessments scenario. And so we have changed
14 language in there to clarify that the 10 years is
15 not an imposed limit. Several of you have
16 expressed concern about that 10-year timeframe.
17 There is no standard for what the age and
18 assessment is. We tried to make it clearer that
19 the age of assessment can be a reason to move the
20 unknown, but that's going to depend on the life
21 history of the CCC to clarify the ties to the
22 stock assessment improvement plan and the overall

1 stock assessment prioritization process, in
2 response to those comments.

3 The other big bucket of comments was
4 under Scenario D, which was the situation where
5 the assessment has status determination criteria,
6 SDC, about our difference from what the ends
7 occurs at SMP and savings that the agency is going
8 to use for SDC that are in FNP in order to make
9 determinations. And so putting the onus on you as
10 the councils to make those changes and make those
11 updates for status determination criteria.

12 Many of you already have in place status
13 determination criteria such that you have a
14 process to update yours as separate from ours.
15 And so we've tried to clarify that further to make
16 that clear that nothing is changing about the
17 decision making, it is the decision of the council
18 what the SDCs are, and make it more clear that
19 we're going to use the SDCs that are in the SNPs,
20 a little alphabet soup on this Scenario D. So
21 we've added language to clarify that.

22 The other big buckets were a couple

1 comments related to the BSIA. And again, just to
2 remind folks that this guidance is working in
3 conjunction with the BSIA framework that you all
4 approved, and there is nothing in this guidance
5 that is superseding BSIA.

6 The last kind of bigger area where there
7 were multiple comments was with respect to one of
8 the scenarios where data is rejected. There was
9 concern that the guidance, the new known to
10 unknown guidance was somehow putting bounds around
11 when data might be rejected or requirements were
12 slated to be rejected.

13 So we've tried to clarify and make that
14 clear that that is not a part of this guidance.
15 Decisions around what data is appropriate to be
16 incorporated into an assessment will be done by
17 the stock species scientists and peer reviewers.
18 That is not a part of this guidance. But the
19 known to unknown guidance does acknowledge the
20 very real situation that we've all had at
21 different times where, you know, part of that
22 stock assessment and/or peer review, certain data

1 might be rejected from inclusion. And so we tried
2 to make that more clear.

3 So with that, Chair, I would be happy to
4 hear any feedback from folks, or if there are
5 additional questions. Thank you.

6 MR. SOLIAI: Thank you, Kelly. Do we
7 have any questions on this part of Kelly's
8 presentation coming from New England Council?

9 MR. NIES: Thank you, Mr. Chair. This
10 is Tom Nies. Kelly, I'm a little confused by your
11 opening comment, I'm not quite sure I understood
12 what you meant. You said some of the comments
13 referred to past decisions of past actions. And
14 I'm a little confused on why those experiences
15 wouldn't, at least in turn, would develop in the
16 policy guidance since they represent experiences
17 that we have and highlight (inaudible). But I'm
18 not sure I really understood your comment.

19 MS. DENIT: Yeah, thanks, Tom.
20 Obviously this guidance is built on all of that
21 experience and, you know, the challenges, in
22 particular that we know that you guys have up in

1 New England. So that's not what I was trying to
2 say. I think it was more specific, more that
3 certain instances where past decisions have been
4 are not being revisited as part of the development
5 of this guidance.

6 MR. NIES: All right. Thank you. And
7 then if I might, I have just one other question.
8 Throughout this discussion you talked about we
9 clarified this, we clarified that. We don't have
10 a document in front of us to look at. Is it your
11 intention now to go straight and publish this, I
12 forget whether it's policy directive or guidance
13 or what. Or is your intention that you'll
14 circulate the draft so we can at least see it
15 before it gets published?

16 MS. DENIT: I was hoping to get feedback
17 today and then be able to move forward, Tom. So I
18 welcome feedback from you all on how you would
19 like to move forward. My hope was that this
20 conversation today would be enough.

21 MR. NIES: I was reserving comment on
22 that until other councils have spoken. Thank you,

1 Mr. Chair.

2 MR. SOLIAI: Thank you, Tom. I was
3 going to ask the same question around the
4 comments. So hopefully we'll get more
5 clarification of that. Comments from Mid
6 Atlantic?

7 MR. LUISI: Nothing to add at this
8 point, Mr. Chair. Thank you.

9 MR. SOLIAI: Thank you. South Atlantic.

10 MR. CARMICHAEL: Nothing to add here.
11 Thanks.

12 MR. SOLIAI: Western Pacific Council.

13 MS. SIMONDS: No additional questions.
14 Thank you.

15 MR. SOLIAI: Caribbean.

16 MR. WATAMURA: No comments at this time.
17 Thank you so much.

18 MR. SOLIAI: Pacific Council?

19 MR. TRACY: Thanks. No questions, but I
20 am anxious to move back to Tom and get his.

21 MR. SOLIAI: North Pacific.

22 MR. TWEIT: No questions or comments.

1 MR. SOLIAI: Western Pacific.

2 MR. GOURLEY: No comments at this time,
3 from Gourley.

4 MR. CONNORS: Bill Connors from Ed
5 Watamura. I may have some later when we get to
6 the data corrections.

7 MR. SOLIAI: Okay. Anything else on
8 data request? Any follow up comments before we
9 move on? If not we'll move on back to Agenda Item
10 1a) on MAFAC. I think that was Jennifer Lukens.

11 MR. DOREMUS: Thank you. This is Paul
12 Doremus. Thank you, Mr. Chair. Jen Lukens
13 actually got called to jury duty so I'm presenting
14 today. Apologies to you and the council for the
15 interruption. And I really appreciate Kelly
16 stepping in out of sequence and warming up the
17 committee, getting us all ready to go.

18 I wanted to have an opportunity here
19 today, we're going to take a different approach,
20 so I'm to share this presentation from my screen.
21 It was being run separately before and I think
22 that might have cut me off, some problems with

1 that.

2 I am going to pop up the presentation
3 here and get to the business of the day here on
4 our update around our Marine Fisheries Advisory
5 Committee. This should be projecting for
6 everybody now, and we do appreciate the changeup
7 here.

8 So my goal is to step back here and look
9 at some really key recommendations that have come
10 forward and real contributions from our federal
11 advisory committee. This is a very prestigious
12 committee, the membership of it, they report
13 directly to the secretary, and they have been
14 doing some phenomenal work on our behalf.

15 Overview here of just a few things that
16 have come forward in recent months over the course
17 of the summary, couple letters to the secretary,
18 very quick response on their part to industries'
19 circumstances as a result of the COVID pandemic.
20 Noting as all of us did very rapidly, there was a
21 great deal of disruption that stemmed from the
22 onset of all the social distancing requirements

1 around many of our markets.

2 And so they noted a whole range of
3 different things, ways to reduce financial burdens
4 and otherwise relieve temporarily some of the
5 requirements on industries that sort of changed
6 the cost equation a little bit and try to allow
7 some degree of forward motion there. So that was
8 much appreciated.

9 They also, having just in May, early
10 May, seen the release of the president's executive
11 order promoting American seafood competitiveness
12 and economic growth, wrote a letter of endorsement
13 speaking to many of the long-term concerns, as
14 the EO does, for building out a stronger seafood
15 sector as a whole. We'll be talking at greater
16 length, as Chris mentioned, about the EO as we go
17 through our agenda.

18 They also offered to provide a forum for
19 stakeholder consultations in the future around the
20 provisions in the EO and how they are functioning.

21 So those are a couple of, you know, kind
22 of quick letters to the secretary. They also did

1 two major reports, and we'll be talking about one
2 here, the second, the recommendation to establish
3 a National Seafood Council. And I also wanted to
4 note beforehand the (audio skip) -- and how all of
5 this really needs to be done right, funded right,
6 and make sure that we can communicate adverse
7 impacts where they happen, for the particular
8 purpose, obviously on commercial and recreational
9 fishing.

10 A range of different recommendations,
11 those are some of the highlights, and recommend
12 that to those of you who are interested in the
13 whole issue, which is substantial, and not going
14 away.

15 I'm going to talk today about their
16 recent recommendations, a National Seafood
17 Council. We posed a question to them over a year
18 and a half effort, centering on what we could do
19 to help increase U.S. consumer confidence in
20 consumption of U.S. seafood. This has been a
21 long-standing question in the industry. It has
22 been a perennial topic, if you will, and different

1 attempts have been made in the past to address
2 this issue directly, and none of them have really
3 stuck.

4 We have noted over time fairly flat per
5 capita consumption of U.S. seafood despite
6 overwhelming evidence of the health benefits of
7 the higher portion of seafood in the diet.
8 Increasing awareness of the environmental benefits
9 of seafood and ocean-based food products generally
10 being a comparatively low environmental impact
11 mode of food production, increasing awareness of
12 that. We still need to pick up the consumption in
13 the United States, as its much lower than lots of
14 other countries.

15 So part of that links to consumer
16 confidence, these things go together. Why is it
17 that consumers are not purchasing and consuming,
18 in a variety of ways and places, a greater portion
19 of seafood? Let them think about it in a
20 contemporary context. And they started exploring
21 this and looked at results from the past, such as
22 what was done in the mid '80s under the Fish and

1 Seafood Promotion Act that was established some
2 time ago to fundamentally do the same thing that
3 we wrote this question about, to really establish
4 a national marketing capability to address these
5 issues of consumer knowledge of, awareness of,
6 confidence in, seafood and consequently increased
7 consumption of seafood.

8 And they noted there that there was a
9 National Fish and Seafood Promotion Council that
10 was established by the Fish and Seafood Promotion
11 Act in 1986. It was federally funded, some said
12 after five years. And the intent was that
13 industry funded species-specific councils would
14 grow in the wake of this standup effort in the mid
15 '80s. That did not happen.

16 I think the conventional wisdom in the
17 industry for a long period of time was just around
18 some of the structural barriers to getting
19 coherence in highly fragmented industry, divided
20 by species group, by region, by other methodology.
21 And there was that sort of galvanizing capability
22 that just didn't happen at that time, and hasn't

1 happened since.

2 We have noted that there are other
3 types, as indicated here at the bottom, other
4 types of commodity boards where that sort of
5 concentrated, collective industry funding of a
6 common marketing campaign does take place. So
7 they looked at histories of seafood surveys, they
8 looked at how this type of program has played out
9 in other sectors. They interviewed very broadly
10 and across the seafood community generally, all
11 kinds of folks in different parts of the country
12 and different sectors, different stages of the
13 supply chain, if you will, to get industries'
14 current views on the importance of this question
15 and what could be done about it.

16 So they ended up bottom line
17 recommending a reestablishment, we've got the
18 authorities out there, the mechanisms exist, we
19 can kind of reignite that but do it in a different
20 way. Revise the underlying Fish and Seafood
21 Promotion Act language, rightly, and take a
22 different tact.

1 And here I've got a couple of slides on
2 the major recommendations. And they have, first,
3 really a strong effort on this being industry-led
4 and to have an initiative unequivocally and fully
5 endorsed by industry, by industry leadership with
6 the purpose centered on promoting use of seafood.
7 Conducting education, research, promotion, and
8 marketing to do the very things that were set out
9 at the beginning, to increase per capita
10 consumption, to realize the benefits to American's
11 health that comes with greater concentration of
12 seafood in their diet. And to increase return on
13 investment to industry, you know, to generate
14 economic value. So there's this public and
15 private benefit to seeing this happen. And that's
16 what MAFAC recommends as being the real focus of
17 all of this.

18 They also recommend focusing on U.S.
19 Seafood as a whole, whatever the production
20 methodology. Again, a need to sort of build a
21 concept of seafood that spans all of our different
22 industry groups.

1 And this is the bottom line point
2 presenting a unified voice, consistent, common,
3 and positive. This is consumer-based mind you,
4 so the whole notion is to generate a positive
5 association between seafood and real consumer
6 welfare, if you will, broadly construed. Pin it
7 down to this notion of changing the consumer
8 mindset from one of caution and uncertainty to one
9 of very positive inclination and increased
10 willingness to change their diet, change their
11 buying practices.

12 The whole concept from MAFAC's vantage
13 point is to complement existing marketing efforts.
14 This is meant to unify but not replace. There are
15 a number of different regional and species
16 considered marketing boards. Born from them,
17 linking together, amplify those messages, the idea
18 is collaborate not compete. This is
19 pre-competitive collaboration, classic in
20 economics and in marketing terms.

21 MAFAC also talked about this being an
22 opportunity to elevate U.S. seafood as a brand, if

1 you will, a very strong association between U.S.
2 produced seafood and quality, sustainability,
3 local, you know, domestic jobs, domestic resource.
4 That is a big part of this thinking. It is not
5 about certification, that's a different theme.
6 It's not about lobbying, this isn't policy, this
7 is about a marketing message to consumers to
8 change the brand recognition and consequently the
9 willingness to purchase U.S. Sourced seafood,
10 bottom line.

11 Highlight, if you will, that seafood is
12 a good and healthy choice, and if you're buying
13 U.S. sourced seafood you have nothing to worry
14 about. The only thing you need to worry about is
15 how quickly can you prepare it.

16 So that's the kind of a core thinking
17 that MAFAC puts forward to the secretary and to
18 us. Along with that are, you know, some good
19 business concepts, right? This has to be run with
20 a business plan of running a marketing campaign.
21 There needs to be accountability, transparency,
22 metrics driven, specific objectives, and regular

1 evaluation. They recommended that this be an
2 industry-led function but with no oversight, which
3 is consequently a need as well, given the
4 long-standing challenges of collective
5 pre-competitive action in industry, but in
6 particular at this time, obviously not foreseen
7 when MAFAC started this. But since late winter,
8 especially in the spring and since then, an
9 extraordinarily urgent need to help provide ways
10 to grow demand, help industry, not just for cover,
11 but become more resilient over the long term.

12 So this notion was recognized way
13 earlier, but certainly now far more urgent that
14 this notion of concerted pre-competitive action to
15 provide a benefit to all U.S. seafood producers,
16 to the U.S. seafood supply chain generally, just
17 increased urgency around that.

18 So particularly being in a position, not
19 in a great position to fund before, and not in a
20 position to fund at all now, the notion was to
21 initially fund this through federal
22 appropriations. Not looking at 10, probably more

1 like 25. And if you look at some of those other
2 commodity boards and the funding levels that you
3 see there, 25 is closer to the range given the
4 size of the industry. If you're going to do a
5 national marketing campaign you need to do it
6 right, and that's a big part of the challenge over
7 time that it's resource intensive.

8 And look at how that can grow over time
9 as industries stand back up, become more
10 profitable, more productive, increased opportunity
11 for industry funding. And you could see kind of a
12 change or reversal over time of the private
13 balance in terms of the funding responsibility for
14 this.

15 The initial notion was that the council
16 would be around 17 people. Obviously cutting
17 across marketing experts, retail folks in the
18 seafood service industries, as well as commercial
19 fishing industry, multiple components, aquaculture
20 seafood processors, distributors. You know, it
21 cuts across the whole segment as well as
22 appropriate regional diversification on the

1 council as well.

2 Seventeen people is, you know, you can't
3 touch every corner of the universe, but it should
4 be enough. And somewhat like MAFAC itself, which
5 is broadly representative of our stakeholder
6 community around national fishery service. The
7 notion here that you'd have that kind of breadth,
8 regional diversity, functional diversity, in the
9 oversight and the sort of operations of this whole
10 thing.

11 So that's in a nutshell that's MAFAC
12 report. It is online. Everything that MAFAC does
13 and produces, all the things in the first slide
14 are available, very easy to find through MAFAC's
15 web presence that we host. And all of these have
16 been transmitted to NOAA leadership, to the
17 department. And in MAFAC meetings, as is
18 customary with our advisory board, we obviously do
19 that with fisheries and with others who are
20 assigned to the advisory board.

21 When they come forward with
22 recommendations, we respond. So we're working

1 through a response now regarding internal
2 briefings with NOAA. There's very strong
3 recognition and endorsement of the general
4 concept, and we're trying to work through now what
5 would be an appropriate response. Our job is not
6 to do everything that they tell us to do, what is
7 our job is to take their advice and to consider
8 from our vantage point how we can respond, given
9 the conditions that we're currently in across the
10 board in terms of policy, budget, organizational
11 capability, etcetera.

12 So you'll be hearing more about this,
13 and we really wanted to brief you given the scope
14 and significance of this to the industry as a
15 whole. Certainly at this time we wanted to make
16 you all broadly aware, draw your attention, and
17 certainly welcome any feedback that you might have
18 for us, things that you would like us to consider
19 as we step forward in responding to MAFAC's
20 recommendations, and I'm sure many of you already
21 otherwise have contributed to this effort given
22 the broad input that they gathered during the

1 course of developing this report. But we're now
2 figuring out what to do and what our next steps
3 will be and we welcome any input or insight that
4 you may have.

5 So thank you, Mr. Chair, I'll return it
6 back to you and figure out how to un-share my
7 screen. Before that I just note here on our final
8 slide we're in late October for the next meeting.
9 And it's a public meeting so anybody can join in.
10 And as we are doing here today, everything is
11 being done virtually. So thank you for the
12 opportunity to run through this. And, Mr. Chair,
13 I will turn it back to you.

14 MR. SOLIAI: Thank you, Paul. I
15 apologize for the mix-up on the agenda. So we're
16 open for comments or questions. So we want to
17 start with New England.

18 MR. NEIS: Thank you, Mr. Chair. I
19 think Mr. Reed has a question.

20 MR. REED: Yeah. My name is Eric Reed,
21 I'm the Vice Chair of New England. I didn't get
22 in and introduce myself earlier, and good morning

1 and good evening to everybody.

2 So I guess my question is where exactly
3 do the councils fit in? The industry I can
4 understand, and certainly having members from that
5 sector among the 17 are important, and some of
6 them may be council members in their other job,
7 but I'm struggling a little bit where the councils
8 fit in.

9 I mean obviously with covid-19 it proved
10 out that the consumption of seafood in general is
11 highly dependent on the restaurant sector, the
12 food service sector. And those guys are regulated
13 by the Health Department, the FDA, they've got
14 labeling restrictions. I mean I agree with the
15 branding, but we all know that once it comes out
16 of the box, nobody knows where it comes from. And
17 maybe we can pick our game up on that.

18 Obviously import restrictions to meet
19 our standards, whether it's our health standards
20 or our management standards, those are critical to
21 us being able to compete in this business.

22 So that's my question. Where do we fit

1 in? Thank you.

2 MR. DOREMUS: Part of what we need,
3 there's a huge array of stakeholders involved at
4 the end of the day in thinking about what this
5 type of campaign looks like. I can't give you a
6 clean answer to that. I appreciate the question,
7 we'll certainly take that into account as we go
8 forward.

9 But I do think a good process of
10 oversight would benefit from the regional
11 perspective and the sort of scope and visibility
12 that the councils provide to the health of the
13 industry at any given point in time. So I do
14 think it's a good recommendation, we'll look at it
15 and think about how best to do that. And in
16 future discussions we should be able to address
17 more directly what's sort of the options for
18 engagement.

19 MR. REED: Okay. Thank you.

20 MR. SOLIAI: Thank you, Eric, that was a
21 good question. Mid-Atlantic.

22 MR. MOORE: Thank you, Mr. Chair, and

1 thank you, Paul. Actually, my first question was
2 just asked so it's good to hear that response. I
3 have a couple other quick ones.

4 What are your insight, Paul, you
5 mentioned you want the initiative or the council
6 associated with us to lead the industry. What
7 does that mean exactly? Does that mean that all
8 the members of the counsel would be interested
9 folks, or does that mean it would be some
10 oversight pool, or what's the reference to that?

11 MR. DOREMUS: The notion that it is a
12 seafood, national seafood council itself, would be
13 a council of industry participants from the full
14 range that I was mentioning. And it would have an
15 oversight board that would be orchestrated by
16 NOAA. So NOAA fisheries would be responsible in
17 their formulation, what the recommendation is.
18 That includes our organization providing as
19 oversight function.

20 So we have that kind of connectivity to
21 the industry as a whole. We're pursuing at a
22 number of different levels, policies that have a

1 broad intent to serve the health of the industry
2 as a whole, and we have that sort of non-committed
3 public component to it. So they thought that
4 having the neutral third-party that is deeply
5 vested in the health of the industry, the benefits
6 derived from a healthy industry over time, would
7 serve that kind of oversight function. Which I
8 would presume would include things like agreeing
9 to and providing oversight on the metrics, the
10 value for the investment, what's being done, and
11 like an oversight board would, and a lot of
12 corporate board type functions.

13 So that was the notion that they put
14 out, and that's the recommendation that we're
15 starting with. That's how that function, Chris,
16 would be served.

17 MR. MOORE: Great. Thank you. If I
18 could, Mr. Chair, just another brief question.

19 One of the things that you said
20 referenced that you are seeking a brand. You said
21 something like there was a discussion that
22 suggested that we could have a seafood, your

1 seafood brand without certification. And I'm
2 curious about that, because it would seem to me
3 that we have to have some certification in order
4 to have that sort of brand.

5 MR. DOREMUS: Yeah. I don't want to
6 speak for MAFAC, but that's my understanding and
7 our thinking, and we'll clarify this. But my
8 understanding is I think they wanted to make sure
9 that the council was not seen as a certification
10 authority.

11 They talk about brand in a very broad
12 way. And they think that the work of the council
13 could effectively create a brand recognition
14 around U.S. sourced seafood that kind of purchase
15 on the U.S. consumer. To get to that may well
16 require some type of certification process. But I
17 think the general thinking and the general advice
18 that we got from industry is that should evolve
19 from some industry process like most certification
20 programs do.

21 So that's my recollection of where the
22 thinking is on this. And we can look at the

1 report to make sure and follow that down. But
2 it's not brand in the narrow sense, it's brand in
3 the sort of comprehensive sense of a positive
4 association in the consumer's mind between U.S.
5 Seafood and I don't need to worry about anything
6 else, right, so that's good.

7 And that's the whole issue that people
8 are trying to grapple with is that so many people
9 pause when they get to the seafood case or to the
10 freezer and it's like what's the right thing to
11 get, is it this fish, that fish, this harvest
12 methodology, that harvest methodology. Look, if
13 it's U.S. sourced then you don't have to worry
14 about it. It's sustainable, it's high quality,
15 good for your health. And that's the kind of
16 brand concept that they want to be in the council
17 formulation really focused on.

18 MR. MOORE: Gotcha. Thank you.

19 MR. DOREMUS: Yep.

20 MR. SOLIAI: Thank you. We're up to
21 South Atlantic.

22 MR. CARMICHAEL: Nothing here, thank

1 you.

2 MR. SOLIAI: Okay. Gulf council.

3 MR. FRAZIER: Yeah. This is Tom
4 Frazier. I would like to follow up real quick on
5 a couple of the comments that Eric and Chris both
6 made.

7 We really appreciate, you know, the
8 recommendations and the need to have a
9 representative council and representative and
10 inclusive, and so it's not clear to me as if
11 there's an initial list of potential stakeholders
12 that was provided in that report, and if we could
13 get it for review because as you said, Paul, it's
14 difficult to capture everybody, but it would be
15 good at least to have a full complement of
16 potential players for the agency to consider.

17 MR. DOREMUS: Thank you, Tom. And point
18 well taken. It has been the recommendation of
19 MAFAC to have representation of the entire
20 industry. And you know, we'll have to define what
21 that actually means. They gave examples of
22 industry segments, if you will, in the report, and

1 we can point to the pages later. But I think the
2 most important thing was the recommendation for
3 this to be a holistic campaign, it's balanced
4 geographically, it's balanced by industry species,
5 and it has this unifying effect for the industry.
6 Out of all of the recommendations there is a lot
7 of discussion, and really very strong energy
8 around this concept of unifying the industry to be
9 able to get through, break through this consumer
10 either indifference or lack of confidence in U.S.
11 seafood.

12 So I think that's the most important
13 goal. Exactly how you do that, that's all in the
14 details, right, we'll have to figure that out as
15 we step the implementation.

16 MR. FRAZIER: Thank you.

17 MR. SOLIAI: Thank you. Caribbean
18 council, any questions or comments?

19 MR. HANKE: Thank you very much for the
20 opportunity. This Marcus Hanke from the Caribbean
21 Council. (Inaudible) how best to engage in the
22 idea of the MAFAC how we are included on the whole

1 plan?

2 MR. DOREMUS: Its part of the picture.
3 And we could make sure looking forward, Marcus,
4 that that's real clear. But that's all
5 encompassed in the thinking around U.S. seafood is
6 that it would be our broadly managed
7 jurisdictions. And that's part of this holistic
8 equation. So that's how we would think of it and
9 step forward from here with that in mind.

10 MR. HANKE: Much like giving that you do
11 that. Thank you.

12 MR. DOREMUS: Thank you, Marcus.

13 MR. SOLIAI: Pacific Council.

14 MR. TRACY: No further questions.

15 Thanks.

16 MR. SOLIAI: North Pacific.

17 MR. TWEIT: No questions. Thank you.

18 MR. SOLIAI: Western Pacific.

19 MR. WATAMURA: Yeah. Hi, this is Ed
20 Watamura, Hawaii. Yeah, I wanted to add a couple
21 of fine points, suggestions, and as they say in
22 Hawaii, I wanted to give it a little bit of a

1 local flavor.

2 So one of the things that we talk about
3 is truth in labeling. And in Hawaii, you know, we
4 have unique names for fish, ahi, mahi mahi, aku.
5 These names should be what's on the label. I mean
6 and also it should be illegal for fish coming from
7 other areas to be called ahi or mahi mahi or aku.
8 This would give immediate recognition to something
9 that is local caught and is, you know, saved, it's
10 not from IOU fisheries.

11 And as far as restaurants are concerned,
12 you know, there's a famous restaurant on Maui
13 called Mama's Fish House. I don't know if any of
14 you have ever been there, but if you notice the
15 items on the menu actually the fish have, when you
16 order a fish, the item actually says the
17 fisherman's name. And, you know, if more
18 restaurants did this, you know, I think that it
19 would really promote the fact that this fish is
20 caught locally and the fishermen are given
21 recognition. And, you know, I think across the
22 nation that kind of thing could be implemented.

1 So it's just a suggestion, and like I
2 said, local flavor.

3 MR. DOREMUS: Thank you. That's good to
4 hear some local flavor, and really appreciate the
5 input. Thanks very much. These are among the
6 things that the council will have the pleasure of
7 working through is thinking how to respond to
8 local, regional, international context.

9 Thanks for those observations, really
10 appreciate it.

11 MR. SOLIAI: Now thank you. But
12 (inaudible) questions or comments from the other
13 council members for MAFAC's consideration that Wes
14 Pac did not have a member on MAFAC for many, many
15 years. Although he had a little of Number 6 of
16 the U.S. for commercial value. And then while the
17 Western Pacific has had the largest pelagic
18 fishery within the U.S. So that should offer
19 something at least for when you're still thinking
20 about that for your consideration. So just a
21 comment.

22 MR. DOREMUS: Thank you, Mr. Chair.

1 Noted.

2 MR. SOLIAI: So any other or follow ups
3 from any of the folks? All right.

4 MR. OLIVER: Mr. Chair.

5 MR. SOLIAI: Go ahead.

6 MR. OLIVER: Mr. Chair, before we move
7 off of this part of the agenda, I just wanted to,
8 on a personnel front, I know that there's at least
9 one principle and very long-time participant in
10 the Council Coordination Committee for whom this
11 will probably be the last CCC Meeting. And he's
12 now made it official but after a very long and
13 very distinguished career with the agency. Willie
14 Crabtree, Dr. Crabtree is retiring. I believe
15 early next year if I'm not mistaken myself.

16 I just wanted on behalf of myself and
17 the agency, I worked with him many years, a great
18 member of the leadership team, but he's a real
19 great guy and fun to hang out with. So if I don't
20 get to see you in person before the end of the
21 year, I hope to at some point. But
22 congratulations on a great career and great

1 participation in ICCS task force.

2 MR. CRABTREE: Thanks, Chris. I
3 appreciate that. It's been a real pleasure and an
4 interesting career. It's kind of odd to have a
5 thing like this with all the (inaudible) but
6 anyway I wish you all well, I look forward to
7 seeing you.

8 MR. SOLIAI: Thank you, Dr. Crabtree,
9 for your contributions to CCC, echoing Chris'
10 comments. Thank you.

11 That concludes Agenda Item 1a), so we
12 move to Agenda Item 1b). We have a presentation
13 from John Gourley.

14 MR. GOURLEY: I believe Marcus Hanke has
15 his hand up, Mr. Chairman.

16 MR. SOLIAI: Oh, I'm sorry.

17 MR. HANKE: That's from before, I'm
18 sorry. I'll lower that.

19 MR. SOLIAI: Okay. Mr. Gourley.

20 MR. GOURLEY: Okay. Thank you,
21 Chairman. Can we bring the presentation up?

22 We had 25 slides to begin with but we

1 cut it down to five. I hope you all don't mind.
2 And it will be very quick.

3 Basically we just wanted to emphasize
4 the H2 flexibility in determining management
5 strategies in full compliance with NS1 guidelines.
6 We previously mentioned that the data that we have
7 on many of our fisheries are just not available to
8 serve as an MSY-based reference point. We cannot
9 manage to that reference point. We are guided by
10 MS80's annual catch for management purposes, but
11 our fishery data is very uncertain. Despite the
12 determine BSIA bottom fish stock assessments that
13 were done, I believe, last year, the data volume
14 or amount of data, in addition to the quality, was
15 not very good. And it resulted in some stock
16 assessments that have caused quite a bit of
17 controversy in our region.

18 So we would like to kind of hang our hat
19 on the H2 flexibility issue that we discussed
20 earlier and Kelly gave basically the go ahead for
21 us to pursue other alternatives in management
22 regimes. Next slide, please.

1 Technical guidance for subgroup 3 is
2 complete. Very good. The signed stage is done
3 and we seem to be stuck, or NMFS seem to be stuck
4 on policy. Perhaps maybe we, the council, could
5 help by joining NMFS and trying to get through the
6 policy stage and also having the results end up
7 being something that the councils can work with,
8 at least those councils that have data poor stocks
9 to manage. Next slide.

10 Some of the example for alternative
11 approaches that we came up with is, well that
12 base, average length approach, fishing mortality
13 rate from LBSDR, trip limit approach, combined
14 trip limit, I'm sorry, combined length trip limit.
15 And we have actually used the average length
16 approach and the fishing mortality rate from LBSDR
17 on reef fish in (inaudible) ground. And since
18 that time we have moved our reef fish into an
19 ecosystem component because we just, we cannot
20 manage our reef fish. There's too many reef fish,
21 there's no way to, it was an impossible task under
22 MSA using catch language data. I think these data

1 poor stocks, we really need that extra
2 flexibility. Next slide.

3 Recommendations, please. We need to
4 release the technical guidance memorandum and data
5 limited stocks for the SSC and council review. We
6 will be moving forward in designing some
7 management approaches through our data poor stocks
8 as previously stated by Kelly.

9 This kind of leads us to the next step
10 on how we can get through the policy issue.
11 Perhaps maybe we can form a working group and we
12 can make sure that the alternative approaches, of
13 course, stating (inaudible) including but not
14 limited to fishing mortality rate based, length
15 based, or trip limit, etcetera, managing data,
16 limits of stocks. Pursuant to H2 we have included
17 in the results of your policy review. And that's
18 it.

19 Thank you very much, Chairman.

20 MR. SOLIAI: Thank you. Tom Neis, do
21 you have anything to add to this, you know,
22 questions or comments?

1 MR. NEIS: I do not, Mr. Chair.

2 MR. SOLIAI: Okay. We're opening it up
3 for questions or comments. Start from New
4 England. Mid-Atlantic.

5 MR. LUISI: We have none, Mr. Chair.

6 MR. SOLIAI: South Atlantic.

7 MR. CARMICHAEL: Yeah, thank you. We
8 support those recommendations. We have been
9 watching the fish closely since we do have a lot
10 of data limited species, so we support that and
11 the opportunity to review or come down with the
12 memorandum.

13 MR. SOLIAI: Thank you. Gulf Council.

14 MS. DENIT: Nothing to add, thank you.

15 MR. SOLIAI: Caribbean.

16 MR. HANKE: I say that I like the
17 presentation, I like to support everything
18 recommended. Thank you.

19 MR. SOLIAI: Pacific Council. North
20 Pacific.

21 MR. TWEIT: I have no comment.

22 MR. SOLIAI: Western Pacific, anything

1 else?

2 MR. WATAMURA: Hi, this is Ed again.

3 Yeah. There's that word in that presentation,
4 pretty impressive as you can see. And I had the
5 unique opportunity to actually be fishing with
6 those fishermen in American Samoa. I just want to
7 say that the huge (inaudible) that were procured
8 there were actually caught on the banks that were
9 off of American Samoa, and the fish were caught in
10 I think about three to four hours at a time. And
11 it was just a massive amount of fish, which really
12 points to the fact that, you know, the
13 determination that some fish are overfished is
14 just very questionable when you see stuff like
15 that.

16 And I actually was able to experience it
17 too, so I just wanted to add that. Thanks.

18 MR. SOLIAI: Thank you, Ed. Do we have
19 any comments from Mid-Atlantic? Well hearing
20 none, we'll move on to Agenda Item 1c). Anything
21 else on those issues?

22 MR. OLIVER: One quick thing, Mr.

1 Chairman, Chris here. I apologize, I just wanted
2 to let you know that I have to jump off line for
3 another call, hopefully a brief one at 3:30
4 eastern, which I believe is 11:30 my time. And
5 again at 5:30 when we're scheduled to end I have
6 to jump off. So I just wanted to let you know if
7 you see me disappear it's hopefully briefly and
8 calls that I had to do. Thank you.

9 MR. SOLIAI: Thank you, Chris. Did you
10 have anything else programmed with us? Then we'll
11 move on to Agenda Item Number 2, Recent Issues
12 with Council Operations and Agency Operational,
13 Science, and Regulatory Issues. I think that
14 first one there is Paul and Kelly.

15 MR. DOREMUS: Thank you, Mr. Chair.
16 I'll follow if you don't mind, with a couple of
17 observations, just following up with a consistent
18 theme in our meetings over recent months. To let
19 you know on the evolution of our operating status
20 as we adjust to changing circumstances with the
21 presence of covid-19 around different parts of the
22 country.

1 And then Kelly will step in and talk in
2 particular about the status of one of the major
3 efforts we undertook in Congress' direction to
4 provide some direct relief to industry
5 experiencing the market disruption that they did
6 from the pandemic.

7 Just a couple of points on the operating
8 status. We have been gradually following
9 protocols established by the administration and
10 communicated to us through the department, phase
11 changes from Phase Zero, as we've talked about
12 before, which was a mandatory telework, no
13 questions asked, and that left us unable to do
14 certain things that we've talked about for weeks,
15 principally surveys, field research, and work that
16 required access to our labs and other facilities.

17 We have 47 sites that have more than 10
18 people in them, those are the primary sites that
19 we're tracking. We're managing all of our sites,
20 obviously. The more remote ones are being managed
21 locally, the 47 are being managed more at a
22 national level in terms of the phase changes. And

1 we're now at 45 out of the 47 are in Phase One.
2 We have not yet gotten there with our facilities
3 in Hawaii, our trends look favorable. I could
4 foresee a change in phasing there relatively soon.
5 We're also still in Phase Zero in the Miami area
6 with our laboratory there.

7 So we're coming up right, and under that
8 we have a whole system of review for activities
9 during Phase One. The general focus there is on
10 those mission and central functions that can't
11 take place without access to our facilities or to
12 other types of vessels and field work.

13 And we have a process for managing those
14 determinations across the whole agency based on
15 the same criteria. Just what types of things
16 qualify for that type of work and for that type of
17 status I guess you'd say, and what measures we
18 need to take in any of these different
19 environments to ensure that they protect our
20 people and our partners that we work with.

21 So that's been a quite significant
22 effort, and under those terms across the whole

1 organization we have approved on the order of 150
2 return to the office work type activities. What
3 that says is we're restarting things that could
4 not happen because of lack of access.

5 It does not mean those are the only
6 things we're doing. Obviously I say this every
7 time. We never closed, we have been working
8 throughout this whole thing, and we're in the
9 process of really taking stock now at the end of
10 the fiscal year of impacts, both at the level of
11 the organization, of our major programs, which
12 we'll be providing more information about in the
13 future. We're accumulating them now and the end
14 of the fiscal year.

15 And input for our people. And we've
16 noted as a community we're all conducting work
17 more fervently than ever. And it's not as though
18 these technologies and techniques are new to us.
19 But the extent to which we have to rely on them
20 are new. And we're finding, as a lot of
21 organizations are, that you can do an awful lot
22 virtually, but it's a very different mode of doing

1 business and sometimes it requires changing your
2 way of doing business so that it's not as taxing
3 on people.

4 But generally speaking, the fundamental
5 impression that I get from our analysis and
6 evaluation so far is that people have really
7 stepped up and gone above and beyond in their
8 efforts to keep things running where we can.

9 So there's still an enormous amount of
10 work, an enormous amount of productivity in some
11 work units compared to prior years, despite having
12 not just the disruption but also the overlay of
13 the different activities. And, you know, high
14 priority, requests in terms of responding to the
15 pandemic. One of those obviously was the CARES
16 Act direction for us to allocate 300 million to a
17 range of sectors that were in the seafood world
18 that were affected by coronavirus, and that
19 substantial part of that responsibility fell on
20 our fisheries organization, and Kelly Denit's been
21 right in the center of all that. And I'd like to
22 turn, Mr. Chair, the mic over to her to give her

1 account for the status of that effort, which again
2 we've been reporting on in previous meetings.

3 MR. SOLIAI: Thank you, Paul.

4 MS. DENIT: Thanks, Paul, thanks Mr.
5 Chair. So I'll be quick because I know we're
6 already behind in our agenda. I'll be happy to
7 answer any questions.

8 So first of all, as you all will recall,
9 we used the interstate commissions in order to get
10 the CARES Act funding out as quickly as possible.
11 At this point we have 11 states' send plans that
12 have been approved and we're in various stages of
13 running their applications back to get funding to
14 fishermen.

15 We have several more spend plans, draft
16 spend plans that we're reviewing and that I expect
17 will be approved here in the coming few weeks.
18 And of course we do still have some states that we
19 have not yet received drafts and plans from. We
20 of course continue to answer questions and be as
21 responsive as we can to anything that is coming
22 in.

1 I would also flag that with respect to
2 federally recognized (inaudible) we have about 30
3 of those applications and spend plans that we have
4 just received last week and are in the process of
5 reviewing. So overall the funding is starting to
6 be able to get out the door as those application
7 periods are open in the respective states. And I
8 would be happy to answer any questions. Thank
9 you, Mr. Chair.

10 MR. SOLIAI: Thank you, Paul and Kelly.
11 We'll open it up for questions. New England
12 Council.

13 MR. NEIS: No questions.

14 MR. SOLIAI: Mid-Atlantic.

15 MR. MOORE: Mr. Chair, thank you, Kelly,
16 I have a quick one. Why haven't you received all
17 of the drafts and plans? From the states that
18 haven't submitted them to you, why haven't they,
19 what's the reason?

20 MS. DENIT: Thanks, Chris. Yeah, it's a
21 range. Some are still working through various
22 public processes with their stakeholders, other

1 spend plans have been developed by the fisheries'
2 agencies and are pending approval in their
3 governor's office. So there's a range of reasons
4 why we haven't received plans. It's only a few
5 states.

6 MR. SOLIAI: South Atlantic.

7 MR. CARMICHAEL: Thanks for the update.

8 MR. SOLIAI: Gulf Council.

9 MR. FRAZIER: Tom Frazier here. Just
10 curious, on spend plans that have been approved
11 have those moneys have actually been distributed
12 to the recipients at this point?

13 MS. DENIT: Thanks, Tom. I need to
14 double check because California's application
15 period was closing sometime here in September, so
16 I believe that their check should be going out
17 soon, if not, if they haven't already. And then
18 there are a couple other states that have
19 application periods that are closing here in
20 September or early October.

21 MR. FRAZIER: All right. Thanks.

22 MR. SOLIAI: Caribbean.

1 MR. WATAMURA: No comments for now,
2 thank you.

3 MR. SOLIAI: Pacific Council.

4 MR. TRACY: Thank you. Yeah, I do have
5 a couple questions, Kelly. I was looking through
6 my notes from a previous call and noted something
7 about a September deadline but it doesn't sound
8 like that's necessarily in effect since you're
9 talking about October already. So is there a
10 timeline for applications or distribution of the
11 funds that folks need to be aware of?

12 MS. DENIT: Yeah, thank you, Chuck.
13 There is a deadline specified as September of 2021
14 for all the funds to be expended. Obviously we're
15 expecting this phase will be moving as quickly as
16 possible once they get their spend plans approved,
17 but that's probably where that September deadline
18 that you're thinking of came in. That in itself,
19 the money has to be expended by then.

20 MR. TRACY: Okay. Maybe just to move
21 slightly off the CARES Act. I think at our May
22 meeting, we had a recommendation about if other

1 funds become available, you know, we recommend
2 that there be some consideration for further
3 advising folks that had applied further. So are
4 there other funds on the horizon? You know, I
5 know we have the U.S. Department of Agriculture
6 has a program out now, and others. The HEROS Act
7 has not been passed, but anyway is there any other
8 sort of relief funds, relief programs on the
9 horizon that we need to be aware of?

10 MS. DENIT: Yeah, Chuck, I have no idea
11 what Congress is going to do and whether there
12 will be another round of fisheries related funding
13 that we will be provided. And if there is, what
14 will be the stipulations around that or not.

15 MR. TRACY: Okay. Thank you. No other
16 questions.

17 MR. SOLIAI: Thank you. North Pacific.

18 MR. TWEIT: We have no questions at the
19 moment.

20 MR. SOLIAI: Western Pacific.

21 MR. WATAMURA: No questions for me,
22 thanks.

1 MR. CANFIELD: I do have a question
2 regarding responses to my other questions, Kelly.
3 (Inaudible) proposals, if the standing is
4 September 2021, but the time limit to get those
5 in?

6 MS. DENIT: So we have pushed everyone
7 to have their plans to us by the end of August.
8 And as I mentioned, we've got drafts of the vast
9 majority. So there is no other deadline
10 associated with the submission of those spend
11 plans. Hopefully we will get those few that have
12 not submitted anything, hopefully very soon.

13 MR. OLIVER: I think it was kind of a
14 soft deadline. Hopefully we'll get through that
15 soon.

16 MR. SOLIAI: All right. Do we have any
17 other questions or follow ups from any council?
18 If not we'll move on to the next agenda item. I
19 think that would be the Observer Waivers.

20 MR. RAUCH: Yes, Mr. Chair, that's the
21 setup. I think I have this topic with Mike
22 Ruccio. Let me just give a brief opening

1 statement and then I'll turn it over to Ruccio for
2 a more focused discussion.

3 Ever since this pandemic began we have
4 faced difficult issues with observers. We have
5 all kinds of different observers around the
6 country. Some of them are federal contractees,
7 some of them are employees of third-party
8 providers that the industry contracts with
9 directly, some of them are in 100 percent required
10 observer fisheries and you can't take a trip
11 without an observer, and other ones are in much
12 less percentages.

13 Obviously the pandemic also hit
14 different parts of the country in different ways,
15 and there were different local restrictions which
16 either effected the fishing industry broadly or
17 effected travel, which had difficulties not just
18 with them getting crews but with us getting
19 observers to various places.

20 This has been a difficult issue to deal
21 with. We have nevertheless had observers on
22 vessels in significant parts of the country

1 throughout the pandemic, and we've yet to have an
2 observer call us on an incident related to covid.
3 So that's good, it doesn't necessarily have to
4 continue so we want to be vigilant. But that has
5 been good, hundreds of trips with no incidents so
6 far that we are aware of.

7 With that being said, we have had
8 regional waivers we've had to put in place because
9 not every region has the ability to waive,
10 recognizing the ongoing dynamic nature of the
11 circumstance. But regional waivers in place, we
12 still have the ability for the regional
13 administrators to offer case by case waivers, and
14 I think Mike is going to talk about that in more
15 detail.

16 So with that brief overview, Ruccio, you
17 want to go into this in some more detail?

18 MR. RUCCIO: Yeah. Thank you, Sam. So
19 for those of you who we've not met before, my
20 name's Mike Ruccio, I'm the Activing Division
21 Chief in our Domestic Fisheries Division at
22 Headquarters, and it's a pleasure to meet you

1 although it's virtually.

2 I'm going to give you an update on where
3 we stand with our current observer waiver process
4 and give you some thoughts on what we've beginning
5 to spin up for the future. On September 21st we
6 published an extension to the Emergency Rule that
7 allows waiving observer requirements. This is a
8 continuation of the emergency action that we had
9 taken earlier this year in March. And the
10 extension provides the ability to continue to
11 waive requirements as well as some of the training
12 and program requirements. And these are designed
13 to ensure health and safety of the fishing
14 industry observers and observer training staff.
15 And this extension is currently in place now until
16 March 26, 2021.

17 The extension states that the observer
18 coverage may be waived on a regionally decided
19 basis, as Sam alluded to. There's some criteria
20 that were in the initial rule, those have been
21 carried forward. We can waive if placing an
22 observer conflicts with travel restrictions or

1 other requirements addressing covid-19 related and
2 various issues issued by the local state or the
3 national government for private companies that
4 deploy observers but qualified observers aren't
5 available because of complicated training issues
6 related to the pandemic.

7 We also clarified in this extension that
8 we will continue to follow those criteria and that
9 waivers may be considered if observer providers
10 can't meet the safety protocols imposed by a state
11 on a commercial fishing crew or if the vessel
12 company has specific requirements that they are
13 adhering to before sailing.

14 As Sam mentioned, regions have been
15 deploying observers consistent with these criteria
16 since early August. Many of our regions were
17 deploying observers throughout the pandemic on a
18 number of vessel sizes throughout a very diverse
19 array of fleets. Given the Health Insurance
20 Portability and Accountability act, the HIPAA Act,
21 requirements, we can't provide specific details on
22 COVID testing related to observers, but as Sam

1 mentioned, we can report to date there have been
2 no incidents of observer transmission of virus to
3 vessel crews.

4 And at this point we're beginning to
5 discuss and plan for what may be necessary when
6 this emergency rule expires in March in 2021.
7 Given what we know today, it's likely that an
8 additional mechanism to consider observer waivers
9 would be necessary. So we're going to be
10 discussing that internally and we'll be consulting
11 with the councils moving forward as needed.

12 And just kind of continue acknowledgment
13 that this has been a challenging time for
14 everyone, fishermen, fishing communities, observer
15 providers. We remain in very close communication
16 with a number of the observer providers and try to
17 understand and discuss and address the specific
18 logistical challenges. As Sam mentioned, our
19 approach has been very regionally based given the
20 differences in terms of fleet coverage
21 requirements, things of that nature.

22 So that's the quick update. We have

1 extended our rule into March, and we're beginning
2 a process to highlight what we may need to do
3 after that extension expires.

4 MR. RAUCH: Okay. Mr. Chairman, that's
5 our presentation, but I'm happy to open it up and
6 to take questions.

7 MR. SOLIAI: Thank you, sir. Good to
8 see you again. We'll open it up for questions or
9 comments. Start with New England.

10 MR. NEIS: This is Tom Neis, I do not
11 have any.

12 MR. SOLIAI: Mid-Atlantic.

13 MR. LUISI: Nothing from us, Mr. Chair,
14 thank you.

15 MR. SOLIAI: South Atlantic.

16 MR. CARMICHAEL: No questions, thank
17 you.

18 MR. SOLIAI: Gulf Council.

19 MS. SIMMONS: No questions, thank you.

20 MR. SOLIAI: Caribbean.

21 MR. HANKE: None for the moment.

22 MR. SOLIAI: Pacific Council.

1 MR. TRACY: No questions.

2 MR. SOLIAI: North Pacific.

3 MR. TWEIT: No questions.

4 MR. SOLIAI: West Pac. No questions or
5 comments. I do I just want to add a real brief
6 comment, appreciate the info about extension of
7 the emergency rule. I was just asking this
8 morning whether we have heard about the extension,
9 so glad to hear that. As you know, (inaudible)
10 fishery requires 100 percent observer coverage and
11 it's really logistically impossible for, you know,
12 (inaudible) leaving here at work and send them off
13 to the field observer, so I'm glad that's been
14 extended but hopefully we can find a more
15 sustainable solution in the future.

16 Okay. Any other questions or comments
17 from anyone before we move on to our next agenda
18 item? If not we'll move on to Number 3, Update on
19 MRIP. So, Cisco.

20 MR. WERNER: Yes. Good afternoon.
21 Thank you, Mr. Chairman. Thank you for the
22 opportunity to speak to you today, and the

1 council. And I will be speaking on where we are
2 on MRIP and fishery survey, the status of where we
3 are, given all the effects of the pandemic this
4 year.

5 Both of these topics, the MRIP and the
6 fishery surveys have to do with data. There's a
7 well-known statement by an engineer, Edward
8 Deming, that says without data you're just a
9 person with an opinion. And I think that this is
10 something we all share, it's a hugely important
11 part of what we do. And, the challenges that
12 we've had that we suffered in being able to
13 collect the data is something that I'll talk
14 about. But also, where we hope to go next. So if
15 I could have the next slide, please.

16 As I said, I'll be focusing on covid-19
17 impacts both to recreational data fisheries
18 collection first here, and then I'll talk about
19 our ship based surveys. Next slide, please.

20 Here is a quick map of where the
21 regional recreational or data collection programs
22 are. You are all familiar with these they take

1 place nationally and though we might have
2 different local overall, I think we're all
3 familiar with the goal of limiting the number of
4 fish saltwater anglers catch and the number of
5 trips that they take. Could I have the next
6 slide, please?

7 We'll run through very quickly, we'll
8 start with the bottom figure there with the three
9 circles and go all the way to the right. And the
10 total catch is an estimate of the catch rate and
11 the effort. And those two bubbles of catch rate
12 and effort are measured differently. And if we
13 start with the effort, the pandemic has had
14 relatively minimum impacts on the mail and
15 telephone surveys used to make effort. Where the
16 issue comes in in terms of us meeting the catch
17 rates. Covid-19 continues impacting shore side
18 and at-sea samplings, and it does create
19 significant gaps into the data used to estimate
20 then the recreational catch. Again, it's part of
21 the problem, and part of the challenges, and a big
22 part of the challenge is us meeting that catch

1 rate. And I'll talk a little bit about that next.
2 Next slide, please.

3 The status of data collection next. The
4 APAIS, the Access Point Angler Intercept Survey,
5 covers the regions between Maine and Mississippi.
6 All the decisions to suspend, modify, or resume
7 the surveys are made at the state level.

8 Between March and August 17 states have
9 reduced or modified the conduct of APAIS. And as
10 of August 1 was our state partners have resumed
11 shoreside angler sampling but some aspects such as
12 the APAIS head boat samplings still being
13 suspended. So it varies depending on the type of
14 sampling that takes place. Next slide, please.

15 And continuing still on the APAIS, the
16 conduct of APAIS was resumed. It is impacted by
17 social distancing and other guidelines that looks
18 to everyone's safety both the samplers protocol as
19 well as the fishermen who are contributing to the
20 data. And so this is something that is impacting
21 how the data is collected. This a picture that
22 was taken before the COVID pandemic, it

1 illustrates how we all need to consider and follow
2 the local ordinances.

3 The next slide shows just briefly an
4 update of where various surveys are. The large
5 pelagic surveys, which are basically reflecting
6 intercept and telephone surveys. The At-Sea
7 Program takes place in Maine through, Virginia,
8 has been suspended. As I mentioned earlier, the
9 head boat surveys, North Carolina to Texas have
10 also been suspended. And the states' creel
11 surveys, the state partners will administer their
12 own angler sub-surveys have also experienced
13 disruption and modifications to their sampling
14 protocols.

15 It's clear that we did see that, impacts
16 to their disruption, where we're also beginning to
17 see resuming, although the presumption, if you
18 will, of the data collections. Next slide,
19 please.

20 It shows that the Fishing Effort survey
21 runs Maine through Mississippi and Hawaii, and
22 For-Hire surveys between Maine and Mississippi.

1 Again, the offsite mail and telephone surveys are
2 being conducted with minimum disruptions. And
3 this has allowed us to publish some estimates of
4 wave level fishing estimates and also to monitor
5 any impact for effort or estimate components that
6 are drawn normally from the APAIS, which are those
7 intercept surveys.

8 Between the offsite mail and telephone
9 surveys and other ways we've been able to publish
10 some of the grade levels. Next slide, please.

11 And again a little bit on the impact in
12 2020 on catches and effort estimates. And in
13 terms of effort estimates we have published the
14 preliminary off shore estimates for our estimates
15 for Wave Two and Wave Three. Those are for March
16 through April and May through June. And these
17 estimates were produced using standard methodology
18 but with some elements lacking that normally would
19 have been derived from surveys such as the
20 intercept survey, the APAIS.

21 A lot of these estimates can be
22 downloaded from the recreational fishing downloads

1 web page. And where available, you know, they are
2 still in progress.

3 And the next slide talks about the
4 estimate from catch. And so that's one of the
5 things that we talked about earlier is that we do
6 have significant data gaps in catch, and we will
7 not publish this preliminary catch estimates
8 because of the uncertainties in them. The data is
9 available but the estimates are something that we
10 just feel we cannot publish given that the errors
11 are so big.

12 We are working on how to assess the
13 impacts of these decisions with the regional
14 offices and science centers. And I think we can
15 tell that it's really difficult to predict how the
16 full extent of the data gaps will allow us to
17 produce reliable catch estimates.

18 I will talk about some options now of
19 what can we do despite these challenges on catch
20 estimates, with regard to the next slide and the
21 one after that.

22 So catch estimates, what can we do given

1 that there's limited data? We continue
2 approaching, we're are exploring approaches for
3 estimating catch, and three of them I will
4 discuss, but mention here briefly. A large domain
5 estimation, which means involving pooling data
6 across loads to produce catch estimates for a
7 larger time period.

8 The second alternative or option could
9 be data imputation, which means involving
10 replacing missing data with substitute data from
11 other years. And of course you have to see how
12 you have to do a lot of sensitivity analysis how
13 that might work.

14 And then there's a small area estimation
15 which is really a modeling approach. So
16 irrespective though of whichever method that we
17 take any catch estimates we're able to produce
18 will need to be revisited and revised once we're
19 able to return to normal sampling and obtain more
20 complete data. So we're trying to still bridge in
21 between this challenging situation of the limited
22 data while still trying to produce estimates.

1 And the next slide talks a little bit
2 about that the alternative estimation programs to
3 address these data caps. We are considering
4 whether statistical approaches, and we're working
5 with partners on what these approaches might be.
6 Using data collected, say in 2019 to test when
7 some activities are incorporating those data to
8 make up for data gaps. You kind of have to see
9 how this would do, how that changes our estimates
10 for '20. So these are methodological approaches
11 that we're considering to be able to then estimate
12 on those estimates.

13 And those are things that are ongoing
14 now. Next steps include evaluating options for
15 imputation. Again, that's a model based
16 approaches and filling in data gaps and using
17 proxy data. And trying to see which of these
18 methods were the best under some criteria for
19 providing estimates for 2020.

20 And the last slide on what we expect for
21 2021. The states have done a great deal of
22 upgrading into developing an effective sampler

1 safety protocol that we anticipate some impact to
2 sampler's ability will continue in terms of
3 ability to collect data, lengths, weighs, or
4 counts. State budgets, of course, might affect
5 their ability to do the survey. And at the same
6 time I'd like to say that we are optimistic about
7 data collections. It will be normal, closer to
8 normal in any case, than 2020 was.

9 I'm going to move now to a different
10 circle, the inner circles and kind of jumping out
11 to the ship-based surveys and how we're
12 considering various funding and other aspects.

13 So next slide, again, we're talking
14 about the surveys on the NOAA vessels. I just want
15 to make sure that we're talking about that surveys
16 that we do at sea, that either are commercial
17 vessels, our charter vessels, and at the beginning
18 of that process that then sees to the stock
19 assessments and ultimately the management advice.

20 And so the next slide is a brief summary
21 of say the last four years of where we were in
22 different uses of survey platforms. So again,

1 it's four years, 2017, '18, '19, and '20. Its
2 days at sea, that's what the DAS stands for. The
3 blue is the use of our fishery and our fishery
4 vessels. The orange are charter days. And
5 relatively speaking, our fishery DAS declined
6 between 2017, '18, and '19, for the use of our
7 fishery vessels, between 1300 and 1500 days at
8 sea. The use of charter vessels is over 1600 DAS
9 or so.

10 2020, as you see, is, you know, the year
11 that we have that we had to cancel over 50
12 surveys, and you see the impact. And so here we
13 are doing a comparison of how many days at sea we
14 actually had, again, using the charter and as well
15 as the fishery vessels, and orange is the charter.

16 There are some other numbers here just
17 for backup because we've been estimating how much
18 it's going to take to get fully back out to sea
19 and even try to recover some of the data, make up
20 for some of the gaps. We want to recover the
21 data, but make up for some of the gaps. And we
22 are considering everything. We are considering

1 our newer vessels, our commercial charter vessels
2 and also the UNOLS the academic vessels. I put
3 the number there in terms of daily cost, because
4 these will come in as we try to predict, if you
5 will, as full as we can, field season next year.
6 And we can get into the numbers later, but maybe
7 we don't need to right now. Next slide, please.

8 I've talked to you before and will share
9 and discuss what the impacts have been. Covid-19
10 has clearly created new challenges for all of us
11 and will continue creating challenges for 2021.
12 We are conducting an inventory and full cost
13 analysis in terms of again how we can have as full
14 a survey year as we can next year. We are
15 evaluating data gaps, prioritizing data that needs
16 to be collected, and developing a survey strategy
17 to face these challenges.

18 You know the process is a factor but, we
19 also need to factor in that the day rates are
20 increasing. You know, if we talk to our numerous
21 academic partners, you know, their costs are
22 increasing because they took such a hit in '20.

1 And the same with charters as well. So it's a
2 factor that we need to consider, although it's not
3 something that I think is a show stopper in any
4 way.

5 And as I said, those are the last two
6 points here. There are small issues that we need
7 well, relatively small issues we need to consider
8 but they're regal in terms of how we plan and
9 prosecute our surveys forward.

10 The next slide, what happened 2020. I
11 think you have a sense, I think you've all heard
12 from the local science center directors and the
13 regional administrators and others at your
14 councils how we have had to cancel surveys.
15 Assessments still proceeded. Assessments next
16 year of course will be challenged because of the
17 missing data that resulted from this year.

18 We were able to do some things. In the
19 next slide I'll just point to one success area,
20 which is the deployment of unmanned systems, sail
21 drones, which I think you've all seen and heard of
22 before. We were able to deploy Sail-drones in the

1 Bering Sea. And these are three that we deployed
2 that took off from Alameda, California and
3 executed a survey, not quite with the same
4 intensity and resolution as our NOAA vessel
5 surveys, it was perhaps, you know, it's a reduced
6 intensity, if you will, it was successful. It
7 completed the survey in roughly the same amount of
8 time as our NOAA vessels would have. Again, half
9 the transects so you would have seen twice the
10 number of those patterns in terms of the zigzags
11 that you see down there.

12 And there's also some limitations in
13 that, of course, you know, we didn't collect fish.
14 I mean there's no biological sampling so there's
15 no size, age, composition. And we will wait to
16 see when the Sail-drones come back, if, you know,
17 how full that data is and whether it came back in
18 good shape. But our indication so far is that it
19 may have worked, and it will allow us to provide
20 some information to the customers, otherwise we
21 would have had none.

22 And my last slide, one more slide after

1 this. What are we going to do in '21? There will
2 be some reduced days at sea on the NOAA ships. We
3 are working closely with our partners at OMAO on
4 the quarantine and other protocols, safety
5 protocols, to make sure that everybody that goes
6 out to sea safely and minimize any impact for the
7 next year. There are other adjustments in terms
8 of even the cadence or the reasons that the ships
9 can take, we're working on that now what we will
10 refer to as a 45/16 cadence, which means the ship
11 will go out for 45 days max, come back, and then
12 16 days in shore to clean the ships, retest
13 everybody, etcetera. So this adds a little bit of
14 a constraint in terms of the limit of surveys that
15 we can have, but it's something that our vessel
16 coordinators have been able to work through.

17 And, you know, there's other things that
18 we'll look at. The success with the ongoing
19 mitigation, which is one that I point to. Clearly
20 the partnership for fishing industries to collect
21 biological data during fishing operations is
22 something that we would like to get more deeply

1 into. And finally evaluating the impact on stock
2 assessments that we know are going to happen next
3 year, and we'll try to estimate those, you know,
4 as we take on the assessments in '21.

5 And the last slide is supposed to be a
6 hopeful slide. You know we all look to the day
7 when we're back out at sea and conducting our
8 mission. It's something that our studies and take
9 into account the safety of our people,
10 prioritizing what we need to collect, maximizing
11 the time at sea, and again as I say, going back on
12 the water.

13 And with that I'll stop. And thank you,
14 Mr. Chairman and the council, for the ability to
15 provide this update.

16 MR. SOLIAI: Thank you, Cisco, for the
17 very informative presentation. We'll open it up
18 for comments or questions. New England Council.

19 MR. NEIS: Thank you, Mr. Chairman.
20 Thank you, Dr. Werner, for the presentation. I
21 have one question. It's slide 19, I have to think
22 there's a typo there, or does (inaudible) really

1 cost \$18 million per day at sea?

2 MR. WERNER: You're right, very good.

3 Thank you.

4 MR. NEIS: Thank you. But the specific
5 question is, you know, the bigger (audio skip)
6 complete of surveys this year. You know the
7 research vessel Shark did not do a shark survey
8 this year. What happens to those dollars that
9 didn't get spent for those surveys? Are they
10 going to be spent next year, do they go into a
11 bank somewhere and get spent in the future? Can
12 we expect additional shark surveys next year to
13 spend those dollars? Where do they go?

14 MR. WERNER: We try to bank and forward
15 fund those that we can. And that's part of the
16 strategies that we're talking about, estimating
17 what we need to do, what are the areas, another,
18 some other charter, some of the charters we have
19 already forward funded, you know. And again the
20 discussions we really get into in terms of what
21 the costs are going to be next year for the
22 charters. It's going to be a factor, but as I

1 said, I think we should be able to overcome some
2 of it in terms of, you know, where we don't expect
3 the crafts to work so much that they might be
4 prohibited.

5 So the short answer to your question is
6 that the funds that we were not able to spend on
7 the surveys this year, you know, some they're not
8 going to be fully available because some have been
9 used for our labor, etcetera, that was getting
10 ready to go out to sea then couldn't. Those funds
11 are available to the charters and any other vessel
12 that we can, we will use toward that. I mean
13 that's really the intent. We have a big year
14 ahead of us to try to recover the gaps that were
15 generated this year.

16 MR. NEIS: Thank you, Doctor. I think
17 my vice chair has a question, Mr. Chair.

18 MR. REID: I do. Thank you, Tom, thank
19 you, Mr. Chair.

20 So my question is about catch, and that
21 factors into this. Commercial catch is down not
22 because of lack of abundance, but lack of markets

1 have failed. You know a lot of boats are on trip
2 limits, prices are down, so they don't spend much
3 effort per species. So my question is how do you
4 expect to account for that?

5 And I just want to make one point, that
6 this exercise about inability to conduct surveys
7 will be, maybe it's going to be a help because in
8 New England sooner or later we're going to lose
9 historical survey areas to wind farms. So this
10 will help us prepare for that in kind of sick,
11 sadistic way. The question is how are you going
12 to account for the decrease in catch due to market
13 failure? Thank you.

14 MR. WERNER: Well particularly with the
15 commercial side, that fishery deep end data, will
16 be way helpful. But as you say, it's going to be
17 different because for the reasons that you
18 mentioned, that they couldn't fully prosecute the
19 fishing as well, right? So that's something that
20 hopefully between the catch and the effort that we
21 know is out there we could still use the data by,
22 you know, through catch and effort and other ways

1 of accounting for the differences that you
2 mentioned. So I think that's something that
3 certainly we'll talk to customers, will take
4 place. I mean we will consider that and see how,
5 even with the catch one, we will probably lower
6 it, but it's probably also an effort that we will
7 also lower, so I would assume that those things,
8 we will be able to account for.

9 With regard to the wind farm, yes,
10 that's going to be an interesting challenge in
11 terms of not being able to sample in areas we used
12 to. But we are working actively on a number of
13 things. I mean how would we choose a survey so
14 that we fill that necessary information, or at
15 least appropriate enough information albeit
16 without sampling in certain areas and/or, you
17 know, can we use some of these novel methods, you
18 know, whether it is unmanned systems or molecular
19 approaches or others to make up for not being able
20 to be conducted, the ship-based surveys, but
21 probably other kinds of surveys to get into those
22 locations. Hopefully we can make progress on

1 both.

2 MR. REID: Thank you, I appreciate that.
3 I look forward to the time when we actually use
4 CPUE in New England for stock assessment. Thank
5 you.

6 MR. WERNER: Thank you.

7 MR. SOLIAI: Okay. Mid-Atlantic.

8 MR. OLIVER: Thank you, Mr. Chair. One
9 question. Thank you, Cisco, for the presentation.
10 When should we expect the catch estimates for
11 2020? You said some of the by wave. So you're
12 had a release of some of the effort estimates
13 wave? What about the catch estimates?

14 MR. WERNER: The catch estimates are, of
15 course, the priority ones, you know, the effort
16 estimates is the combined. I should get back to
17 you on that because, you know, as I said, you
18 know, in some of the slides there I showed that
19 the catch estimation options, we're trying to use
20 all these different approaches, you know, whether
21 it's model approaches or, you know, looking at
22 last year's to see if we can, you know, how that

1 would estimate this year. So let's see, what
2 month is this? September of 2020. Let me get
3 back to you with that. But it will depend on how
4 the analyses of these different approaches pan
5 out.

6 But hopefully early in the next calendar
7 year, but I'd better not say more than that until
8 I can talk to my folks.

9 MR. OLIVER: Gotcha. You know typically
10 we have some catch estimates for the current year
11 in earlier day by now. We understand the scope of
12 the data situation, but some just having an
13 expectation that like how can we get any of those
14 catch estimates on the way this year would be a
15 good thing to know. It sounds kind of like
16 (inaudible) and after the 2020 Okay. (Inaudible)
17 it's going to be before we do see those estimates.
18 So, yeah, if you could get back to me that would
19 be great. Thank you.

20 MR. WERNER: Thank you very much.

21 MR. SOLIAI: South Atlantic.

22 MR. CARMICHAEL: So, thanks, Cisco,

1 appreciate the update. As you can imagine,
2 there's been a lot of attention in the South
3 Atlantic where the end estimates are going.

4 A few points, I'm looking at the three
5 different ways. Hopefully you guys will make it
6 clear at least to the state partners and the
7 councils and others what method was selected and
8 why, that would be very helpful.

9 And a question that we've been kind of
10 getting from is we are on a states, for the most
11 part I think we're back sampling Wave 4, you know,
12 if not earlier even in some cases. So just sort
13 of curious as to why we're not getting any
14 estimates for the entire year. I understand
15 nationwide maybe the sampling isn't fully back
16 under way. That certain states and regions
17 probably will grow, I think in our case some of
18 the states would really appreciate having some
19 insight into what's going on, particularly since,
20 unlike the commercial fisheries where the effort
21 is there. We have seen in a lot of cases that the
22 recreational effort is not.

1 MR. WERNER: I'm sorry about the catchup
2 for those waves, is that right?

3 MR. CARMICHAEL: Yeah, the catchup.

4 MR. WERNER: In talking to our folks I
5 think that there are estimates out there but the
6 error within them is so large that it's worse than
7 (inaudible), if that's possible, at least that's
8 one way for me to say it. That's not their words,
9 it's mine. But the errors, it's just kind of, you
10 know, it could be perfect data to the closest
11 thing to actually our catchup, is beyond something
12 that we feel comfortable doing.

13 But okay, so in answer to your question,
14 when will we be having and what method will we
15 use. Yes, but that's the intent, as soon as, you
16 know (inaudible) the questions you're asking into
17 terms of well what can we say, we will do so.

18 MR. CARMICHAEL: Okay. Just a quick
19 follow up. I know before Dave retiring and
20 everything, the thing you talked about was setting
21 from PFP standards and if the data was too
22 uncertain not publishing it? So I'm just

1 wondering if there's any progress on that and how
2 that might be factoring into that. You know,
3 we're accustomed to get these over 50 percent of
4 some species, approaching 100 percent when you
5 look at the annual estimate. So we're sort of
6 wondering how much, how much PFP is too much in
7 this conversation.

8 MR. WERNER: I'll get back to you on
9 that as well. I'd say the right thing, but I mean
10 but the data is published, you know, it's
11 something that we do, it's the estimate given the
12 uncertainty in the data that's not going. So that
13 allows for anyone to take a look at it and, you
14 know, perhaps see the same challenges that we're
15 seeing with the data and the condition it's in.

16 MR. CARMICHAEL: Thanks.

17 MR. WERNER: Yeah.

18 MR. SOLIAI: Okay. We move on to the
19 Gulf Council.

20 MS. SIMMONS: Yes. Thank you. On Slide
21 8 of the presentation, Cisco, on Slide 8 you
22 mentioned that the Toffee Headboat Survey has been

1 suspended. Is that still true, or was that only
2 suspended earlier in this year, the first couple
3 waves of this year?

4 MR. WERNER: Well this is the
5 information that I investigated last week. If
6 they have reopened it, then I was correct, let me
7 know and we'll correct the information. As far as
8 we know we even had a chance to talk about it
9 today and we believe it's been suspended. If it's
10 not I'm wrong.

11 MS. SIMMONS: Okay. Thank you. I guess
12 we just weren't aware of that. I texted Roy and
13 he said to ask you, so just so you know.

14 MR. WERNER: Okay.

15 MS. SIMMONS: We did have one other
16 question. So is there an approach, a regional
17 approach, national approach for what's going to be
18 done for stocks with end season monitoring and
19 payback measures, accountability measures that are
20 largely managed by the recreational sector and
21 really rely on this APAIS information? Is it
22 going to be largely left up to the region to

1 decide how that's handled and come up with
2 predictions based on the effort and previous
3 catch, or is there a process you see nationally
4 that has been placed for that?

5 MR. WERNER: Yeah. Great question. You
6 know, I think my best answer is we're sorting that
7 out now. I mean and, you know, the way data
8 presents its own challenge just because of all the
9 things you just mentioned, you know, getting that,
10 I'm trying to see where we were here. You know
11 the effort part is relatively straightforward like
12 I said, but relatively minimum impact, but the
13 catch data I think every region and every fishery
14 has a challenge with it. And this is where we're
15 spending a lot of our time.

16 And so I'm not picking on your question,
17 what I'm trying to say is we're trying a number of
18 options to try to see which one would work out
19 better because it might depend, you know, whether
20 it's (inaudible) submission or the data
21 imputation. And so we want to understand what
22 data we have first and what method works best for

1 providing that input, or that output, you know, to
2 answer your question.

3 We're in the midst of resolving all of
4 that right now with help from everybody.

5 MS. SIMMONS: Thank you.

6 MR. FRAZIER: (Inaudible) Cisco. Tom.
7 (Inaudible) the catch estimates, you know, and
8 this highlights both to Carrie's question and John
9 Carmichael's question. The uncertainty
10 surrounding those estimates may be so great, you
11 know, when you finally get them in 2021, that we
12 won't be able to (inaudible) payback or carry
13 forward; is that right? I guess at what level of
14 uncertainty would you say that's not a
15 possibility?

16 MR. WERNER: Can I also get back to you
17 on that? Because you're asking very specific
18 numbers and in terms of what those estimates and
19 uncertainty levels are going to be. So I think
20 these are all valid questions, but it is probably
21 best to have, you know, some of the folks actually
22 give us that understanding of where we are

1 relative to being able to say something. So I'm
2 sorry to say I'll get back to you, but I prefer to
3 get back to you at least with a better answer than
4 the one I can give you right now.

5 MR. SOLIAI: If there are no more
6 questions from the Gulf Council we'll move on to
7 the Caribbean.

8 MR. HANKE: Thank you very much. Thank
9 you, Cisco, for the presentation. My question is
10 a little lighter so it's easier to answer.

11 About the sail drone, is there any
12 chance they will be dispatched to the Caribbean or
13 a large research done by some scientists here and
14 (inaudible) using the drone for those purposes.
15 That's my question.

16 MR. WERNER: Sorry, you broke up a
17 little bit. Sorry. So was the question having to
18 do with drones, did I get that right?

19 MR. HANKE: Yes. The sailing drones, if
20 that's the correct name. They're plans to use
21 them in the Caribbean, especially for to identify
22 new organization area and to monitor already

1 (inaudible) areas.

2 MR. WERNER: I should think not that I
3 know of. The sail drones, you know, I believe
4 you're talking about research and such may be
5 challenged in some ways because of the proximity
6 of the fish to the bottom. So if we're talking
7 about aggregation for the more-near surface, that
8 could be possible, or mid (inaudible). As I said,
9 I'm not aware of Alaska planning, by that I mean
10 are centrally supplying sail drones for that
11 purpose. But if there is, it's an ongoing effort,
12 by email I'd be interested in knowing a little bit
13 more about it.

14 MR. HANKE: Thank you very much. Thank
15 you.

16 MR. WERNER: All right. Thank you.

17 MR. SOLIAI: Thank you. Pacific
18 Council.

19 MR. TRACY: Okay. I want to follow up a
20 little bit on Marcos' comment there. I was just
21 going to ask if there are plans for expanding the
22 sail drone fleet. You know, on the west coast

1 they've been collecting data, I think they got a
2 pretty good use in the Bering Sea this past year
3 so is any of the savings going toward investing in
4 expanding the fleet?

5 And then maybe just another question
6 while I had it in mind. Under the 16 days
7 cleaning cadence, will you be utilizing either
8 sail drones or charter vessels to sort of augment
9 that time, you know, they're not capable of doing
10 everything but they must be capable of doing some
11 of it, so will you be utilizing that (inaudible).

12 MR. WERNER: With regard to the sail
13 drones on the west coast, our intent was actually
14 to use them this year, and we were hoping to
15 launch them to do a West Coast survey maybe a
16 month or two after the launch to the Bering. And
17 what happened was the southern south got caught up
18 in not being able to deploy the sail drones
19 because of their own supply chain or, you know,
20 had problems. And so the plan there we would have
21 actually, you know, hundreds of projects and was
22 ready to go and then sail drone said, sorry, we

1 can't get the sail drones out this year. And they
2 said that they would be able to do it in '21. It
3 was something, you know, I think was part of the
4 learning curve that everybody had to go through
5 with the COVID situation.

6 With regard to the 45/16 cadence and the
7 gaps that might result, we're working on that.
8 We're working on a number of things. One is the
9 use of sail drones to fill those gaps so that, you
10 know, if the shipper is out or in dock for 16 days
11 that the serving quote continues and then the ship
12 picks up, you know, where the sail drone left.
13 Another option is to try to see how we can use the
14 two ships, the Alaska and the Shanara, in a way
15 that maybe we can schedule it so that we stagger,
16 one is in the 16 day in port and the other one
17 goes out. And so this is something that I've
18 asked our science and the directors to consider.
19 How could we use the two NOAA vessels to minimize
20 any gap in the 16 day in ports?

21 And then the last part would be when the
22 industry, it's always been something we wanted to

1 do and we want to do this year with this CPS, the
2 coastal projects, that was part of, you know, what
3 we're going to work with folks in this area on the
4 west coast. But they were going to do some of the
5 sampling either near shore or in other areas, and
6 it couldn't work out. And so they, you know,
7 working with industries is always something that
8 we can try to do during the West Coast surveys.
9 It's something that we have found successful in
10 the past and so we certainly could see continue
11 doing it in the future.

12 So the answer is (inaudible) questions
13 in terms of how we're going to make this happen
14 again to minimize any gaps and ensure continuity.

15 MR. TRACY: That's a very good answer.
16 Thank you.

17 MR. WERNER: Thank you.

18 MR. SOLIAI: All right. Thank you.
19 North Pacific.

20 MR. WITHERELL: My Vice Chair, Bill
21 Tweit, has some comments and questions.

22 MR. TWEIT: Hi, Cisco, Bill Tweit here.

1 Thank you so much for the presentation, appreciate
2 what you've been struggling with to try to begin
3 operations again.

4 As you know, we sort of do keenly feel
5 the lack of surveys this year in the Bering Sea
6 and the Gulf, and we'll be grappling, the sea and
7 the council will be grappling with that this fall
8 as we begin to put together specs.

9 One of several consequences of that is
10 to be felt particularly in crab where, as you
11 know, we're at a low point in several of the crab
12 populations. And loss of the survey will
13 definitely, it's already clear, will further
14 increase the size of the uncertainty by way of we
15 have to put around that there are already low crab
16 population estimates. And so we're already seeing
17 sort of a real time ramifications of not having
18 those surveys.

19 I understand why they didn't, this isn't
20 a criticism per se of what we have to do in order
21 to get through 2020, just to let you know that as
22 we see it really does have real impacts to our

1 ability to manage. I'm sure we'll be uncovering
2 more as we work through the ground fish specks
3 process.

4 I was listening very carefully to your
5 presentation, it's obviously more hopeful for next
6 year, as I would expect. We're all learning how
7 to adapt to the pandemic and begin to conduct
8 business. But I'm still I think struggling with
9 timing. A lot of those decisions have to be made
10 over the next couple of months. And what I wasn't
11 really hearing in your presentation was how those
12 decisions were going to get made in a timely
13 enough fashion to begin to get some of the
14 information that, you know, otherwise the Gulf is
15 just going to get wider.

16 So do you have a sense of the timeframe
17 for decisions regarding what type of platforms can
18 be used for 2020, for some of these major surveys?
19 2020 is a big year for us, particularly given how
20 much we lost in 2019. Will we know enough in time
21 to be able to really comment on it at our December
22 meeting is I think is my ultimate question? Will

1 we have enough concrete knowledge of the agency's
2 plans for the 2021 season by our December, 2020
3 meeting for us to weigh in?

4 MR. WERNER: Yeah, no, thanks, Bill.
5 Great questions, and, you know, these are the
6 things that I've been working on very, very
7 closely with Bob Foy (phonetic).

8 In terms of we have some of the surveys,
9 big, big surveys that will have to go out I think
10 are January to Alaska and then, you know, goes
11 into the Bering and others. We are also beginning
12 to work on preparing for those schedules, I mean
13 for those surveys. I mean all the staging that
14 has to happen and people going back to the lab and
15 such. We have worked with OMAO on ensuring that
16 the vessels will go out and in any kind of dry
17 dock that needed to happen is being accelerated,
18 if you will, or at least used to the left in terms
19 of when ships going into dry dock so that they're
20 ready for next year.

21 We forward funded some of the charters
22 when possible. We have lots of work internally,

1 you know, with his staff to ensure that the
2 schedule, if you will, lined up of who can go when
3 and whether they will go.

4 And then we also have worked on this
5 45/16 cadence, you know. It is something new, we
6 understand we need to work with it. And I said,
7 there are also particulars they feel that they
8 have worked out. While there might be some impact
9 in terms of the number of days in port with the
10 required, we will still be able to conduct the
11 surveys.

12 And we are of course watchful in terms
13 of what the ocean conditions might be, you know,
14 what happens in the Northern Bering in the coming
15 deployment that would require going up there,
16 depending on the kind of ice year it is, is
17 another concern that they may be looking at.

18 So our plan, and again, and in working
19 with Bob is we are learning and we don't see any
20 reason why we would not be able to process the
21 surveys that we were not able to do this year. We
22 have talked to our colleagues internally, we have

1 talked to, you know, our staff internally, we have
2 talked to, you know, the vessel partners, and so I
3 think that in answer to your question about what
4 happens in December 2020, unless something really
5 unexpected happens, you will probably hear that
6 we're ready to hit that survey, I think it's set
7 in January, late January when they start going out
8 in the Gulf of Alaska and such.

9 So our intent is to have a full survey
10 unit next year.

11 MR. TWEIT: Wow. That's (inaudible). I
12 wasn't prepared to hear quite that optimistic
13 prognoses given all the challenges that you've
14 been facing. But certainly given the changes
15 we're seeing in the Bering Sea right now, the eco
16 system level, that is great news to be hearing.
17 So thank you, and we will thank Bob when we hear
18 from him.

19 MR. WERNER: Yeah. And like I say,
20 there was highly, you know, there's a
21 prioritization of what's important, you know,
22 we'll be out posting something that we will share

1 in terms of, you know, the stocks that might be in
2 most need of assessment or data collection. All
3 of that will be folded in there. But we're
4 starting at the beginning in some sense, we really
5 need to go back and see what happens, so to speak,
6 you know, to make sure that the gear, that
7 everything is calibrated, etcetera. So it is
8 something that we're working on right now. I mean
9 so we're already working in preparation for that.

10 MR. TWEIT: Much appreciated, Cisco,
11 thank you.

12 MR. WERNER: Thank you.

13 MR. SOLIAI: Thank you. Moving on
14 Western Pacific.

15 MS. SIMONDS: Thank you, Mr. Chairman.
16 We would just like to echo what other councils
17 have recommended about using sail drones. We were
18 to have a habitat survey this year for the
19 Marianas, so obviously that was cancelled. And
20 next year a habitat survey is supposed to be done
21 for American Samoa. And we'd like to see those
22 habitat surveys done as soon as possible because

1 that's the other part of our issues with (audio
2 skip). Yeah, we have catch issues and then we
3 have habitat issues, so however, you know, Cisco
4 and company can use the sail drones if their white
5 ships aren't available next year.

6 Thank you.

7 MR. SOLIAI: Thanks, Kitty. Any other
8 follow up comments from anyone?

9 MR. WATAMURA: Hi, this is Ed Watamura,
10 Vice Chair, Hawaii. (Inaudible), Cisco, thanks for
11 your presentation.

12 MR. WERNER: Thank you.

13 MR. WATAMURA: As you recorded (audio
14 skip) data and monitoring have been stymied by the
15 threat of covid- 19. However, we are still moving
16 forward with data collection from the fishermen.
17 Especially the bottom fishermen in American Samoa.
18 The data collection from them is critical as the
19 result of the most recent bottom fish stock
20 assessment reflects a poor data situation. Due to
21 the small number of fishermen in the fishery, the
22 data should be acquired directly from the

1 fishermen rather than from creel survey
2 expansions.

3 The Western Pacific Council has
4 implemented a Smartphone app called "Catch it
5 log-in" to move in this direction. The efforts on
6 training the fishermen and extending the effort to
7 all non-commercial fishermen in this fishery is
8 moving forward, and we are seeking additional
9 support from them for this electronic recording
10 effort.

11 The use of apps is an evolution as the
12 consequence of COVID and needs to be promoted
13 according. It is the ultimate in social
14 distancing. Thanks.

15 MR. MAYCOCK: Thanks, great point. The
16 development of bottom fish survey, the B Fish as
17 we call it, is really a success story, you know,
18 and done in collaboration with the fishermen and
19 the fishing industry. So that's something that
20 we're actually quite excited to see.

21 The matter of the Smartphones and such,
22 within MAFAC, which is, you know, something that

1 Paul talked about earlier, there is a committee
2 that is looking at the Smartphone usage. It is
3 certainly an important and useful tool as long as
4 we know what it's measuring. So we need to be
5 sure that it's used properly, that people report,
6 you know, they report all they need to report.
7 And some of those biases that we need to work out
8 are some of the things that we're working on. But
9 I agree with you, once we work out and perhaps
10 have a full conversation with the folks using the
11 apps and they come to some understanding of making
12 sure that they use it right, not just when they
13 catch something or they don't catch something, we
14 need all the data. I agree with you, it will be
15 something that will be very helpful. And as you
16 say, the ultimate social distancing because, you
17 know, that would work.

18 We still need some checking, we still
19 need some calibration. So when people come to
20 shore we can readily report to that, let's see if
21 you really caught that, maybe you made a mistake,
22 it was a lung fish, etcetera, and, you know, you

1 misidentified it or something. But it is
2 something that we're working on with MAFAC, within
3 our offices, and I can certainly see that
4 developing quite positively.

5 MR. SOLIAI: Okay. Thanks, Ed. Are
6 there any further questions or comments? If not,
7 we are behind schedule about 40 minutes, and we'll
8 take a 15 minute recess based on that. We'll
9 break for 15 minutes. It is 2:00 my time, that
10 would make it 4:00 p.m. Eastern Time. So we'll
11 reconvene in 15 minutes.

12 (Recess)

13 MR. SOLIAI: All right folks I think we
14 are ready to restart. Before we continue on with
15 our agenda. I just want to ask for those of you
16 who need to make comments, public comments will
17 come up at 5 pm eastern time on our agenda. So I
18 am not sure if you are aware of the time in
19 eastern time (audio skip) to two minutes, I think.
20 Two minutes for public comments. All right so.
21 We are just going start in about another two
22 minutes we have to wait for (inaudible) to get

1 back online. So we will give another one or two
2 minutes extension on the break before we start.

3 All right we are ready to start. We
4 will pick up where we left off. Agenda item
5 number 3. The Rule on Council Member Financial
6 Disclosure and Recusal, so I turn the floor over
7 to Adam and Brian.

8 MR. ISSENBERG: Thank you Mr. Chair, I
9 hope everybody can hear me okay. I am going to
10 keep my remarks relatively brief and hope to
11 contribute to getting us back on schedule. I as
12 folks probably know at this point the final rule
13 on recusals was published just under two weeks ago
14 on September 11th. And becomes effective in just
15 over two weeks on October 14th. The rule deals
16 with three primary issues. One is clarifying how
17 an agency and designated officials will apply the
18 close causal link language in the statutory
19 provision. The second is, addressing how we will
20 attribute financial interests. And the third is
21 implementing a requirement for regional
22 procedures. The rule is largely unchanged from

1 the proposed with one exception which is that in
2 response to comments and in response to some of
3 the discussions we've had in this open public
4 forum. We did change the approach to attributing
5 direct ownership where before we had a 50 percent
6 cutoff such that if someone earned more than 50
7 percent of the subsidiary they were, they were
8 attributed. What was subsidiary, if they earned
9 more than 50 percent of an entrust in another
10 entity. They were attributed 100 percent of that
11 entity and if they owned less than 50 percent they
12 were attributed a proportioned share. So what did
13 make that a straight proportional approach? But
14 other than that the rule is essentially the same
15 as it was, when it was proposed it is essentially
16 the same as it was when we've talked about it
17 previously. The next steps for the agency are
18 that we are going to begin development of the
19 regional procedures and revising the policy
20 directive that governs implementation of the work
21 community provisions. We are collecting our
22 working group and we are going to get started on

1 that and then the other thing that we will be
2 doing to the extent of the individual councils
3 with like presentations on the final rule. We are
4 happy to provide those. The regional attorneys
5 will provide those for your individual councils
6 and just let them know that you would like to have
7 them do that.

8 I am happy to answer any questions. I
9 am going to say at the outset, that at this point
10 I am going to largely leave it to the regional
11 attorneys to address the implementation of the
12 rule. I know that we didn't necessarily make all
13 of the changes that were requested. The
14 explanation for those changes is in the final rule
15 in response to comments. I am not going to
16 elaborate on these responses, I'm going to let the
17 rule speak for itself. And to the extent there
18 were questions as to how it will apply to specific
19 situations. I think that that really ought to be
20 answered by the regional attorneys who are going
21 to be the ones dealing with the fact specific
22 implementation of the rule. So with that, Mr.

1 Chairman I am happy to entertain any comments or
2 take any questions.

3 MR. SOLIAI: Thank you Adam. We will
4 open up for questions or comments for North
5 Atlantic.

6 Anyone from the Mid- Atlantic.

7 MR. MOORE: Thank you Mr. Chairman,
8 thanks Adam for the presentation. I have nothing
9 to add at this point, thanks.

10 MR. SOLIAI: Okay, South Atlantic.

11 MR. CARMICHAEL: Just thank you for the
12 update, nothing to add.

13 MR. SOLIAI: North Council.

14 MS. SIMMONS: Yes, same here. Thank you
15 Mr. Chair.

16 MR. SOLIAI: Pacific?

17 MR. GORELNIK: No Comment.

18 MR. SOLIAI: Pacific Council? You have
19 nothing more Pacific?

20 MR. WITHERELL: Yes, Adam and Chris and
21 everyone who worked on this. I just want to
22 express my appreciation on your addressing this

1 satisfactory. We appreciate you having the
2 proportional attribution for us all with the
3 ownership. And I think that reflects the
4 ownership types that are here in Alaska. So I
5 definitely appreciate that change. Relative to
6 the policy directive that you are revising, will
7 the councils have the opportunity to see that?

8 MR. SOLIAI: Yes, we will circulate that
9 with the councils and then also regional
10 procedures we will include for the councils as
11 well.

12 MR. WITHEELL: Great and I will tell you
13 that Laurence Fogel, from our region has already
14 offered to provide to council presentation on this
15 and we appreciate that as well. I don't have any
16 other questions but perhaps my chairman Simon
17 Kineen who is on the line.

18 MR. KINNEEN: Thank you Dave. No
19 questions here, again this is Simon Kinneen, North
20 Pacific Council. I just wanted to add and my
21 thanks that I gave to Chris and thank you Adam for
22 taking ours into account. It's been a long

1 discussion and certainly a long time coming and we
2 certainly appreciate your response.

3 MR. SOLIAI: Thank you.

4 MR. OLIVER: Mr. Chairman, Chris here.
5 If I could make a comment as well. I just want to
6 express my kudos and thanks to Adam and his team
7 and the other folks that otherwise worked on this.
8 It's been a high priority for me when I got here
9 three years ago. I can remember my previous
10 position writing at least one or two or three
11 letters to the agency expressing concerns with the
12 rules that were being implemented and so I'm glad
13 we are able to get this one over the finish line.
14 And again thanks to Adam and his team and
15 everybody who worked on it, thank you.

16 MR. ISSENBERG: Thanks.

17 MR. SOLIAI: Western Pacific. I have a
18 brief comment to make. Thank you Adam for the
19 description of the published ruling. And in
20 contrast to what the Chair said we are not at the
21 finish line because of the issues that (audio
22 skip)

1 Any others?

2 MR. OLIVER: Yeah one last comment, I
3 did not intentionally mean to overlook the fact
4 that not all of the concerns that have been raised
5 wherein fact addressed. Obviously the primary
6 concern that some of the pacific get underscoring
7 that some of yours did not. I don't know if
8 anyone has a response to that specific.

9 MS. SIMMONDS: I have a comment for
10 Adam. So Adam when do you think these procedures
11 will be ready for the general councils in the
12 regions to work with the councils. We did ask our
13 GC representatives to review this with our council
14 last week in our meeting. And he said that he had
15 to wait for your roll out. So I hope it happens
16 before our December meeting. I'm just trying to
17 get a sense of timing.

18 MR. SOLIAI: So Kitty is what you are
19 asking is not about the regional procedures that
20 are required by the rule but rather the
21 presentation on the others' remarks. So by
22 December they should be ready to present out

1 there. This year with the last council meeting it
2 might have been the timing of the little things.
3 The fact that we were not exactly sure when it was
4 going to be published. So I think that was
5 probably the issue there. And just to follow up
6 on Archie's comment as I said I mean I do
7 understand that we have not addressed all of the
8 concerns and I am just going to let the rules
9 speak for itself. I'm going to say because this
10 is what the rule says that I think on that
11 particular issue my hands are tied by the statutes
12 and we were basically stuck. So that's as far I
13 think as I can go in commenting on that and then
14 I'll just refer you back to the response to the
15 comment.

16 MS. SIMMONDS: Right because we did
17 review that. And I think that this one sentence
18 has that is an affected individual may not vote on
19 a council decision that would have a significant
20 and predictable effect on the financial interest
21 of either the employer or the employee. And
22 that's where the lawyers come in to review things

1 to see whether or not it is a significant or
2 predictable affect. Because we don't think that
3 you have a significant or predictable effect on
4 potential interest of his or their employer.
5 Because the only thing is that in some years, like
6 one year we had three council meetings and Archie
7 couldn't go to any of them he had to recuse
8 himself. So anyway, thank you guys very much for
9 offering this to discuss this. We will see because
10 we do understand that if the individual disagrees
11 with the determinations by GCS, there are avenues
12 that that person can take right?

13 Mr. ISSENBERG: Right the regulations
14 did provide for an appeal procedure and the appeal
15 is to the NOAA General Counsel rather than the
16 designated official. And within the OGC I think
17 we have explained this in the past we do have
18 procedures to ensure that it is truly a fresh look
19 at the issue in terms of the appeal in any given
20 case. That would not be a procedure to address
21 any concerns about the rule as a whole; it's just
22 to address a particular recusal determination.

1 MS. SIMMONDS: Right, I just wanted to
2 have that out there so thank you guys very much.

3 MR. ISSENBERG: Yeah.

4 MR. SOLIAI: All right thank you Adam
5 thank you Chris. If nothing further, any other
6 comments from anyone on this. If not we will move
7 on to agenda item number 4. I'll turn it over to
8 Steve, Katie and Amarian.

9 MR. LEATHERY: Thank you this is Steve
10 Leathery speaking. I am the National
11 Environmental Act Policy coordinator. Can
12 everyone hear me okay?

13 MR. SOLIAI: Yes we can.

14 MR. LEATHERY: Thank you very much. So
15 I am here today to discuss the new NEPA regulation
16 issued by the Council of Environmental Quality
17 very recently. It came out on the 14th of
18 September. So, we have a brief powerpoint
19 presentation. I'm going to kind of lead the
20 presentation and turn it over to Katie Remshaw for
21 the second slide not quite yet. And Katie is with
22 the Environmental Review and Coordination Section

1 of NOAA General Counsel. So this is my
2 introductory slide. I'm going to let Katie talk
3 about what she's done at the NOAA level as the
4 NOAA NEPA Coordinator. And then I'll talk about
5 what we are doing in NMS and our proposal for what
6 we would think would be a good way to engage on
7 this issue with the councils moving forward. So I
8 guess now, if she is available, I'll turn this
9 over to Katie Renshaw to talk about the next
10 slide. Is that okay Katie?

11 MS. RENSHAW: Yes great thank you Steve.
12 Morgan, could you go to the next slide please?

13 And as Keith said thank you again for
14 having me to speak to you all. My name is Katie
15 Renshaw, I'm in the office of the General Council
16 and I serve as NOAA's NEPA coordinator.

17 So my focus is primarily on, as Steve
18 suggested, the NOAA wide compliance with these new
19 regulations and transitioning to those procedures
20 and then giving support to NMPF as they go through
21 their version of that. So I wanted to provide an
22 update. I know we have spoken at the last couple

1 of meetings about the new regulations and update
2 to where we are in implementations. As Steve said
3 the regulations that were issued in July went into
4 effect on September 14th. So to assist with NOAA's
5 NEPA practitioners and decision makers. My office
6 issued interim guidance that came out on the 14th
7 to address, as it says, immediate questions
8 implementation. These are the pressing questions
9 about what rules to apply, how to determine if an
10 action falls under the previous regulations and
11 the new regulations. Give them some very high
12 level interpretations that were potential causing
13 holdups in moving forward. We created a waiver
14 process which would allow under the new
15 regulations to address challenges with time limits
16 and page limits where there are conflicts. So
17 under the regulations agencies kind of have two
18 approaches to deal with conflicts from time
19 intermittent. One is to address the agency NEPA
20 procedures which is kind of a longer term process.
21 The other, the agencies were directed to designate
22 a senior agency official at the Assistant

1 Secretary or higher who could on an address looks
2 like a quest for a time and page limits. So on
3 August 31st NOAA at the appointment of the
4 Secretary of Oceans and Commerce which is
5 currently held by Rear Admiral Gallaudet as NOAA
6 senior agency official. So the interim guidance
7 we created a process by which he can waive time
8 and pay as necessary while we are able to address
9 conflicts in a more long term fashion. (audio
10 skip) officials are going to require agency action
11 either at a NOAA level or at my office level in
12 order to be implemented. We are still looking at
13 additional short term guidance on key provisions
14 of the regulations that people are grappling with
15 now and want to kind of pursue. And in particular
16 we are looking at how they put together all of the
17 various parts of the regulations and talk about
18 particular procedures or functional cores so that
19 NOAA practitioners are healthy and they need to
20 think about that in the same framework.

21 We are also still undergoing our
22 internal audit to determine what changes will need

1 to be made to NOAA NEPA procedures which are
2 currently NOAA administrative order 2166A and its
3 companion manual so we are doing an audit of those
4 documents to figure out how much of a change will
5 need to be done to make those consistent with the
6 new regulations. And if we want to do anything
7 else to modify those procedures. That will
8 culminate and (audio skip) and in consultation
9 with CEQ to prepare those provisions which we are
10 required to propose within one year of September
11 14th. So that process is well underway or
12 engaging with the National Fishery Service through
13 the non NEPA working group.

14 And with that I think it's a good
15 transition to talk about what you all are doing
16 Steve.

17 MR. LEATHERY: Thank you very much
18 Katie. Could we move the slide to the next one
19 Morgan, thank you.

20 So, like Katie said, there are a number
21 of pieces of this that we are looking at and I
22 have two slides. This is our short term, one year

1 term compliance that we are working on. And in
2 the next slide I'll talk about the longer term.

3 So in the one year term. Katie put out
4 guidance recently across NOAA, we are looking at
5 that to develop new specific guidance. Especially
6 for Magnuson actions. We are working with the
7 regional NEPA coordinators that are in each of the
8 newest regions and NOAA General Counsel and in
9 this initiative right now.

10 The challenge with Magnuson actions in
11 MSA and NEPA is we integrated two different
12 statutory requirements into one. And our existing
13 NEPA procedures are combined with Magnuson and
14 it's not easy to say where does Magnuson starts
15 and where does NEPA begins. Because they are
16 integrated documents and the process, we used the
17 counsel's process, as part of the NEPA process.
18 So over the short term we want to get away from
19 having time limits that may be restricted
20 especially related to council meeting schedules
21 and other things. That leaping out and thinking
22 of the time requirements and timing requirements

1 is not simple and straightforward. So it's
2 something we need to work on so that's why we'd
3 like to have at least over the near term the
4 ability to request waivers and work with Katie and
5 our NEPA team, headquarters and regional.

6 Next slide please. We have had
7 discussions with Sam and Chris about this
8 proposal. And what we believe is the best
9 approach for the council in process for Magnuson
10 and the NEPA process, is to form a working group
11 within NMPFs that would be regional and
12 headquarters, NEPA people, general counsel and
13 especially strong representation by sustainable
14 fisheries in regional general counsel who work
15 with the councils on a day to day and regular
16 basis. So on that internal working group, and the
17 question today do we want posed to the CCC is how
18 would you like to engage with this working group
19 because we have a relatively aggressive schedule
20 to do this within a year. And given the council
21 meeting schedule, it's hard to think up. The
22 other issue is that last bullet, when we really

1 start rule making, you know proposed rulemaking.
2 We would have challenges of FACA issues and ex
3 parte communication so we are thinking to invite
4 the CCC to consider whether it could form a sub
5 group to work with us outside of the CCC meeting
6 schedule. And there is present in the past ever
7 since the 2007-2006 Magnuson revisions which gave
8 us 304 i provision or revised updated Magnuson and
9 NEPA procedures. We've worked on this a good
10 amount, it's been very successful and we have had
11 an extremely, we collectively, the councils and
12 National Fisheries Service. Have had a very
13 positive litigation history over the past ten to
14 fifteen years. We want billable in that history,
15 memorialize our best practices and get whatever
16 savings and benefits we can regulate. The new
17 NEPA regulations inform a NMPF specific regulation
18 for Magnuson that we think would get us the most
19 gain for efficiency and be a very legally
20 defensible approach to this. And CDQ has
21 expressed support for that while during the rule
22 making because of the very unique nature of the

1 Magnuson Stevens process in how we have integrated
2 NEPA into it. So, that's really the request, we
3 are happy to discuss this today. And what we
4 really want to hear from the CCC is how would you
5 like to engage with us as we embark on this kind
6 of rule making process over the next year.

7 Next slide please. This is just a very
8 generalized first approach at what that process
9 might look like and whether if we could, if there
10 was an agreement to form a workgroup and form a
11 workshop. We would want to do it soon enough in
12 this process to meaningfully engage, look at
13 what's working, look at challenges, what do we
14 need to fix. And then after that start kind of
15 our rule making and strong end stuff. So it's just
16 laid out there's a generalized proposed approach
17 you know that kind of conceptual approach. And
18 the next slide is the more questions and
19 discussion slide. So, Marian Mac Pherson and I
20 have worked on this together with councils and CCC
21 in the past for many years. Marian is working
22 with us again. Marian is here in case you know if

1 necessary help answer questions or is part of the
2 discussion. Marian if you want to say anything
3 now, feel free but if you don't have anything to
4 add that's fine we can just open it up for
5 questions and discussions.

6 MS. MAC PHERSON: Yes, thanks Steve, I
7 just wanted to say hello to everybody and am
8 looking forward to working on this project again.
9 Thanks.

10 MR. LEATHERY: And that's all from me
11 for now. I am happy to take questions and discuss
12 them.

13 MR. NEIS: Thank you Mr. Chair. Thank
14 you for the presentation Steve. I open, of
15 course, with support in participating in some type
16 of workgroup, whatever the other councils think is
17 the appropriate way to go, we will go along with.
18 I do have a question in the timeline you put out.
19 I didn't look at the presentation too closely but
20 I don't believe I saw the words functional
21 equivalence in the timeline. Is that considered
22 to be a part of this effort that's going to take

1 place by the September 20, 2021 or are you looking
2 at that as a follow on?

3 MR. LEATHERY: We would look at that
4 during that process and try and utilize functional
5 equivalence to the extent possible under the new
6 regulations. So, Magnuson is not functionally
7 equivalent to NEPA, the way we have developed our
8 collective process to utilize NEPA during the
9 Magnuson process that is our state practice that
10 is very defensible. We want to use rule making
11 and lay that out and map that out and clarify how
12 that would work and how that would satisfy NEPA
13 requirements. SO let me pause and see if you have
14 a follow up with that.

15 MR. OLIVER: Can I follow up? This is
16 Chris here, I'll follow up with Steve. You all
17 know this has been an issue near and dear to my
18 heart NEPA for many many years and it looks like
19 we may have another opportunity to get towards
20 that functional equivalency thing and so I think
21 that totally why its imperative that we do that
22 and throughout the core coordination collaboration

1 with the council representation from the CCC. I
2 know I participated in a similar work group with
3 Dan (Inaudible) and others back in time working on
4 that as to go the fixed authorization. And we may
5 have another opportunity here to achieve something
6 like that. And so I'm ready to (audio skip). But
7 I certainly want to make sure that through
8 whatever mechanism that they decide we will make
9 sure the councils are involved.

10 MR. NEIS: I don't have any further
11 questions Mr. Chair. Thanks Chris and Steve.

12 MR. SOLIAI: All right we will move on
13 to the Mid Atlantic.

14 MR. MOORE: Thank you Mr. Chair. Hi
15 Steve. Just supporting the guys like Tom would
16 support before some of the workgroup stuff. I
17 have nothing else to add at this point. Thanks.

18 MR. SOLIAI: All right, South Atlantic.

19 MR. CARMICHAEL: Yeah, thanks so we are
20 just in support to the guys and do the equivalency
21 issues so we can keep things moving.

22 MS. SIMMONS: Yes, thank you Mr. Chair.

1 Hi Steve. Hi Marian. Just a quick question, you
2 may have said this and I perhaps missed it in the
3 presentation. The purpose of the workshop, at the
4 end of the year, is to get CEQ involved. Could
5 you remind me again what the main purpose of that
6 is?

7 MR. LEATHERY: It's to engage with the
8 councils and have collaboration about how we
9 should proceed before we really start rule making.
10 Once we, before we move into rulemaking it's more
11 challenging to engage in meaningful discussion
12 with the councils. So it's kind of trying to
13 front load that process to address FACCA and
14 regulatory requirements. It's really our proposal
15 of how to best engage with the CCC in a timely
16 manner.

17 MS. SIMMONS: Okay thank you.

18 MR. SOLIAI: All right. Caribbean?

19 MR. HANKE: Nope I don't at this time,
20 thank you.

21 MR. SOLIAI: Okay, Pacific Council?

22 MR. TRACY: Yes. I've got a couple

1 questions. So, now with the, I guess in terms of
2 how the council, councils engage in this process
3 and just wondering about the model sort of like
4 the national standard one workgroups. Included
5 council staff, for example, on them if that, if
6 something like that is workable modeled? As
7 opposed to having, sort of keeping the council
8 group; I think what was I saw on the slide
9 presentation under the question, do we want to
10 have our own group, then sort of somehow interface
11 with the group? Is there an option to do
12 something more where we're all together a little
13 bit more?

14 MR. LEATHERY: I would also ask for
15 others to follow up on this. I don't know exactly
16 the process and how long it took for the other
17 process that you are referring to. I'm not as
18 familiar with that. We're challenged here because
19 of an aggressive timeline and your need to finish
20 up by September a year from now and backing that
21 up and all of that. And so in a discussion with
22 Sam and Chris and attorneys was this kind of

1 proposal seemed like the best process. Sam, do
2 you have any thoughts on that or others? Again, I
3 am not as familiar with what was used in the
4 other process.

5 MR. RAUCH: Yes, Mr. Chairman with your
6 permission this is Sam Rauch. I think the
7 difference between the two is the national
8 standard on workgroups is not designed to lead to
9 a regulatory change. This we are contemplating
10 regulations so we can rely on (inaudible) and
11 there is a point in the regulatory process we
12 think gets more formalized. It is very different
13 if you are talking about how we are going to
14 informally implement the regulation that has just
15 been issued. There is a lot more flexibility to
16 work in coordinating with the council who helps to
17 work with the council on a great deal on things
18 like that. But this is a national regulation.
19 There may be other models, this is a model that we
20 used last time which is why we use, Chris is on
21 that group. I think it works well, I don't think
22 it's not all that different in terms of getting

1 your input at the outset. We intend to try to, we
2 are looking for ways to get council input and to
3 work closely with them. But we are mindful at
4 some point that it becomes a NMPF's regulation and
5 it becomes, there are some issues with that. But
6 that's the two differences between the two models.
7 We have more flexibility when we are not talking
8 about developing a regulation.

9 MR. TRACY: Yeah, I guess, you know my
10 concern would just be just you know and again,
11 just to get in early into the discussions and not
12 have to wait until the NMFS working group for
13 their recommendations to present to us.

14 MR. RAUCH: That's exactly why we want
15 to have this, all of this stuff before we start
16 writing anything.

17 MR. TRACY: I guess I would say that I'm
18 pleased to hear that functional equivalency is
19 part of this, I didn't expect that. I think the
20 last time we had an update there was some talks
21 that it's not a requirement of the new rule and so
22 that might come later. After the requirements

1 guidance and implementation guidance for the
2 components that were completed so. I'm glad
3 because that is very important to us and the
4 sooner that gets integrated into this I think the
5 better. So, I am very happy to hear that. I
6 think that's all I've got for now.

7 MR. SOLIAI: Thanks Chuck. We will move
8 on to North Pacific.

9 MR. WITHERELL: Thanks Chuck, I have a
10 couple of questions. First, Katie mentioned
11 interim guidance, is that something you can share
12 with the councils? I don't believe we got it.

13 MS. RENSHAW: I know it is with council
14 staff, but it hasn't been shareable. It's an
15 internal document. So we would ask to not
16 broadcast but I think it is shareable.

17 MR. WITHERELL: Great we will. The
18 second question I have is about the interim
19 waivers. We are going to have probably a half a
20 dozen or so environmental assessments acted on in
21 the next September, and you said 2021. And all of
22 those integrated documents are going to exceed the

1 page limits of seventy-five pages. So my question
2 is, should we be looking at, in this interim
3 period, breaking out the NEPA sections and not
4 having an integrated analysis because we could
5 probably keep the NEPA part under 75 pages. And
6 then putting the rest of the appendices as
7 separate documents or should we rely on getting
8 waivers for every one of those?

9 MR. LEATHERY: Katie I will start and
10 you can finish. So that's a good question, and
11 thank you right we have had a lot of recent
12 discussion with the regional NEPA coordinators
13 about these kinds of nuts and bolts thing right?
14 We think during this interim period we want to
15 maintain a high degree of legal defensibility and
16 we think it's better to try to kind of keep doing
17 what we have been doing a lot like we have been
18 doing it over this year period to maintain legal
19 defensibility. And when asked in discussions with
20 Katie about and discussions Katie is having with
21 the Admiral on the waiver issue; could we have a
22 blanket waiver potentially to cover all these

1 actions or do we need to do it action by action.
2 And it gets to be really problematic doing it
3 action by action that's just too much
4 administrative stuff. So, Katie's had recent
5 dialog, we've had discussion amongst the NEPA team
6 and OGC. And we are kind of looking a short time
7 from now we hope to have a better read on that.
8 So, generally the message, I believe we want to
9 deliver, like for the interim is we should keep
10 trying to do things a lot like we are doing them
11 now and then we get some more guidance to you from
12 GM specific. But let me pause and let Katie
13 follow up if she has something else that she wants
14 to say.

15 MS. RENSHAW: No, I think that became a
16 role addressed over long term but below the level,
17 at the mid level. I believe the regulations
18 referring to page commit. We have been raising
19 this concern with CQ at the outfit because we do
20 so much NEPAs as integrated. I do acknowledge
21 that a document could identify certain pages as
22 NEPA pages versus Magnuson pages. How to do that

1 is something that's probably going to have to be
2 addressed in kind of later guidance, but I don't
3 think if that were the approach you took you would
4 necessarily have to break those out to be a
5 completely separate document.

6 MR. WITHERELL: Thank you. Just to
7 confirm, I caught the discussion, but the
8 functional equivalence discussion and
9 determination is going to be done between now and
10 May essentially and be part of that proposal that
11 gets published after that time.

12 MR. LEATHERY: Yes, and again the idea
13 for rulemaking was to knock out everything we do
14 under Magnuson NEPA currently and figure out how
15 to map that to the new regulations and some of
16 that may be functional equivalent elements.
17 Others do it by doing rulemaking we're saying I
18 agree and this is how I am satisfying the law like
19 we are doing it now. So we are definitely going
20 to address all the functional equivalents we can
21 gain during one year proposed rulemaking period.
22 That's our intent, absolutely.

1 MR. WITHERELL: I have no more questions
2 Mr. Chairman.

3 MR. SOLIAI: All right thank you Western
4 Pacific.

5 MS. SIMONDS: Thank you Mr. Chairman.
6 We would like to just echo all of the other
7 councils that we are pleased and moving forward
8 with this and there is going to be a workshop
9 where we can collaborate. And our staff has been
10 working with regional SF staff on this and so the
11 regional staff they have shared the interim
12 guidance with our staff. So I am assuming it's
13 happening in other parts of the country, thank
14 you.

15 MR. SOLIAI: Kitty, thank you Kitty.
16 Any other comments from NMFS?

17 MR. LEATHERY: Nothing else from me
18 thank you very much.

19 MR. SOLIAI: All right thank you Steve,
20 Katie and Adam. We will move on to the
21 Legislative Outlook. David?

22 MR. WHALEY: Thank you Mr. Chairman.

1 Can everyone hear me okay?

2 MR. SOLIAI: Yes we can hear you fine
3 thank you.

4 MR. WHALEY: Okay, I'll try to do this
5 as quickly as I can. First issue, for those of
6 you who don't know there is an election coming up
7 in a couple of weeks. A presidential election,
8 one third of the Senate is up for election and
9 that includes 17 coastal seats and all 435 house
10 members are up for election so kind of a big
11 election. Just as a reminder, a little bit of a
12 civics class here. Every congress is two years
13 long. We are at the tail end of 116th Congress.
14 We have about three months left of the congress
15 and then everything that has been done goes away.
16 The memory remains but all of the bills that have
17 been introduced go away. All committee hearings
18 are gone, we start over. So in January, January
19 3rd we will start a new Congress. It will take a
20 little while for committee assignments to be made
21 for jurisdictions to be set for the Chairman to be
22 elected. We won't be starting off very quickly in

1 the new year but one thing's guaranteed there will
2 be change. For those of you also who don't know,
3 currently the House is controlled by one party the
4 Senate is controlled by the other. They have
5 different priorities, they have different
6 constituencies and as a result we are not on the
7 same page as Washington. Even in normal times
8 there can be disagreements but because it's an
9 election year those disagreements can be
10 magnified. On top of that, with the death of
11 Justice Ginsburg the Senate is even more divided
12 on what to do in replacing the Justice so the rest
13 of the year is a little bit in a flux. One of the
14 things that we talked about yesterday was the
15 continuing resolution. The current funding
16 appropriations cycle ends on September 30th, just
17 about a week away. There is a continuing
18 resolution that has been negotiated between the
19 House and the Senate and the White House. It
20 actually passed the House last night after we
21 talked. It will fund the Government through
22 December 11th. So that means when Congress will

1 have to come back after the election to continue
2 the appropriation cycle for fiscal year 21.

3 According to some Senate contacts, the bill could
4 be taken up as early as tomorrow or it could be
5 pushed into next week. And to answer one of the
6 questions that I heard earlier, there does not
7 seem to be any interest by either party in
8 shutting down the government this year. On the
9 additional regular appropriations, the House has
10 passed 10 of the 12 appropriations bills. The
11 Senate, unfortunately, has not passed any. So
12 that's going to be an issue when Congress comes
13 back in the lame duck after the election. The
14 rest of the Congress, as I have mentioned, is a
15 lame duck. The House of Representatives is
16 scheduled to go out on October 2nd, but I have
17 heard rumors that they might go out as early as
18 this Friday. And they may not come back until
19 after the election. The Senate will stay in
20 session until the CR passes which I mentioned it
21 could be as early as tomorrow. And its likely
22 they will go out of session until after the

1 election. Having said that, while the Senate will
2 not be in official session, the judiciary
3 committee will probably be holding hearings on
4 the new Supreme Court Justice. That vote will
5 probably not take place until after the election
6 but the process for nominating and voting on the
7 new Justice will be ongoing during the election
8 cycle. One of the issues we have talked about is
9 the COVID relief package. As everybody knows the
10 CARES act went through and had money for fisheries
11 disasters. We talked about that a little bit
12 earlier. The House in May passed a bill called
13 the HEROES Act. That included 100 million for
14 fisheries disasters. There was a bill that was
15 introduced in the Senate that included 500 million
16 for fisheries disasters. That bill has not passed
17 the Senate. And I'm told the likelihood of
18 passage of that bill is slim. So, hopes for
19 another COVID relief package this year, I think is
20 unlikely.

21 Word of fisheries issues Magnuson

22 Stevens act reauthorization, we talked about this

1 a lot. There is still only one bill in either the
2 House or the Senate that reauthorizes the Act.
3 That's the bill that was introduced by Congressman
4 Young over a year ago. There has been no action
5 on the bill, and so I think it safe to say that we
6 will not see authorization this Congress. Having
7 said that, Congressman Huffman who is the chair of
8 the House of Natural Resources committee's water
9 oceans and wildlife subcommittee has been doing
10 listening sessions. He announced about a year and
11 a half ago that he wanted to do a listening
12 session in each of the council regions, or at
13 least that was going to be his attempt. He has
14 done seven listening sessions, there were three
15 regions that he has not gotten to when COVID hit.
16 So those listening sessions were put on hold
17 however, they just announced they were going to be
18 doing a New England session on September 28th, so
19 less than a week away. I'll send out a note on
20 the link so you can watch. They have not finalized
21 the participant list for that listening session
22 but I saw a draft list that had eleven people on

1 it. So, it could be an interesting discussion.
2 So there are two regions that Chairman Huffman has
3 not visited. One is the Carribean and one is
4 Alaska. So if he is interested in doing a
5 listening session in each region, he has two more
6 to go. Assuming he remains chair of the
7 subcommittee next Congress, these listening
8 sessions will probably serve as the basis for
9 whatever bill he might introduce. Having said
10 that, while these listening sessions were going on
11 he has requested comments on his website. So if
12 you go to his website it's
13 Huffman.house.gov/msa/events, you can watch all of
14 the previous listening sessions. There is a link
15 where you can submit comments as well.

16 The other big issue that we have been
17 tracking is aquaculture. As I mentioned before
18 there is only one bill that has been introduced.
19 It was introduced in the house. Interestingly
20 enough it was introduced by a Congressman from
21 Minnesota, who is the chairman of the House
22 Agriculture. But it was not introduced by a

1 coastal member so kind of interesting there.
2 Chairman Whicker had introduced a bill in the last
3 Congress. He has not reintroduced that although
4 he has mentioned it in one forum that it was
5 imminent. So we are waiting to see what that is
6 going to be. The Senate Commerce committee did
7 hold a hearing on aquaculture, so it's clearly an
8 interest of the chairman. But again, nothing
9 likely will happen again during this Congress.

10 There are a couple of bills that I am
11 keeping an eye on, that could have a little bit of
12 action before the end of Congress. I mentioned
13 yesterday Congressman Sablan shark finning bill in
14 the House that has passed the House and is now
15 awaiting action in the Senate. Senator
16 Feinstein's drift net ban bill has passed the
17 Senate and awaiting action in the House. There
18 are a couple of bills that have had hearings and
19 have been marked up by the relevant committees
20 that we could see action on. One is the American
21 Fisheries Advisory Committee act. And the other
22 is the young fishermans development act. So it's

1 possible we could see action on one or both of
2 those before the end of the year. And with that
3 Mr. Chairman, I will wrap up with any questions
4 you may have.

5 MR. SOLIAI: Thank David. Very
6 informative and good so we appreciated that. Does
7 anyone have any comments or questions for David
8 Mid Atlantic.

9 MR. OLIVER: Thank you Mr. Chair, Hi
10 Dave. I have nothing to add at this point.
11 Thanks.

12 MR. CHARMICHAEL: Thank you, we
13 definitely do appreciate all of your insights and
14 efforts so thank you.

15 MR. WHALEY: Thanks.

16 MR. SOLIAI: Gulf Council.

17 MS. SIMMONS: Yes, Dave thank you for
18 the report.

19 MR. SOLIAI: Thank You Carrie.
20 Carribean.

21 MR. HANKE: No comment at this time.

22 MR. SOLIAI: Pacific Council.

1 MR. GORELNIK: Dave, Marc Gorelnik for
2 Pacific Council, thanks for your report. I've
3 heard through the grapevine that there is draft
4 legislation floating around in the natural
5 resource; House natural resources committee on the
6 topic of protecting 30 percent of oceans and lands
7 by 2030. And I think an early draft had language
8 along the lines of prohibiting extractive actions
9 in 30 percent of the EEZ. I am not sure if that's
10 still alive. Have you heard anything about that
11 draft legislation and when or if that will be
12 introduced?

13 MR. WHALEY: Thanks Marc. I know that
14 has been an issue for some of the environmental
15 NGOs. I haven't even seen the draft language so
16 I'm a little hesitant to comment on it. BUt some
17 of those groups are opposed to any extractive use.
18 Some groups have talked about less restrictive
19 provisions. So I don't know what folks are
20 talking about at the resources committee but I
21 haven't even seen a draft so I don't think they
22 are very far along the process yet.

1 MR. GORELNIK: Thanks very much.

2 MR. SOLIAI: All right moving on to
3 Western Pacific.

4 MS. SIMONDS: Thank you Mr. Chairman.
5 And thank you Dave. I received a letter from my
6 friend Congressman Ed Case of Hawaii who said
7 similar things on Congress's limited ability to
8 meet this year. BUT he did invite us to send him
9 any thoughts and comments about while they are
10 working on reauthorization of the act. I'll be
11 sure to send this to our Lawyer so he has it on
12 file that we were asked by our Congressman for
13 thoughts and comments on the authorization.

14 MR. SOLIAI: Thank you Kitty. Let's
15 move back up to the west to the North Pacific.

16 MR. WITHERALL: I have no questions Mr.
17 Chairman.

18 MR. SOLIAI: Okay, Do you have anything
19 for either of the follow ups?

20 MR. RAUCH: Yes, Mr. Chairman, this is
21 Sam Rauch this out to Kitty and to others who
22 might be trying to take advantage of similar

1 invitations or the generic comment opportunity
2 offered by Chairman Huffman. There are certain
3 things that are perfectly appropriate for the
4 councils to comment on and others that are not.
5 There's no need to go over that now, I just would
6 encourage you to consult with our local general
7 counsel to make sure you don't cross that line.

8 MS. SIMONDS: That's why I send all of
9 these insights to our GC. And then I get all of
10 the instructions.

11 MR. RAUCH: Right.

12 MS. SIMONDS: Thank you Sam.

13 MR. RAUCH: You're welcome.

14 MR. WHALEY: Mr. Chairman, can I
15 interrupt at this point? The workgroup, the
16 legislative working group paper on Magnuson
17 reauthorization issues has been very helpful
18 especially for new members of Congress who many
19 not understand all of fisheries issues or may not
20 understand Magnuson very well. So I want to
21 compliment councils for keeping that up to date
22 and having that available.

1 MR. SOLIAI: Thank you David. Well that
2 concludes the agenda item number five. We are now
3 open to public comments. I'll ask staff with us to
4 see if anyone responded.

5 STAFF: Hi, thank you. One public
6 comment from Doug Coven. And I will be unmuting
7 him in a second here.

8 MR. SOLIAI: Okay, please remind them to
9 make sure to identify yourself.

10 STAFF: I think you should be good to go
11 now.

12 MR. COVEN: Okay, can you hear me? I am
13 Doug Coven thank you for taking your time to hear
14 me out. I want to comment on the US cost of
15 (inaudible), CCA, the National Association of
16 Charter Boat Operators, Southern Offshore Fishing
17 Association, many local fishing clubs, thousands
18 of fisherman both recreational and commercial have
19 all joined together. I have all of their support
20 on a letter that I have drafted. We all feel that
21 there is an imbalance currently in the system
22 causing an imbalance in shark depredation. The

1 catch estimate (inaudible). Target fishing in the
2 outer banks there are 10 sharks to tuna to harvest
3 for the guests. I personally watched 20 of the
4 sailfish I hooked last week, last season
5 (inaudible) get eaten by sharks. I spoke to local
6 charter boats that estimate 60 percent of sailfish
7 get eaten. There is no way to know how many get
8 eaten after release even. The numbers of grouper
9 and snapper that get taken by sharks is horrific.
10 I could go on and on. We need to increase the US,
11 United States, shark consumption. They are a
12 sustainable resource. I will say it again, the
13 overabundance of sharks is causing excessive shark
14 depredation. I invite any of the council members
15 to come down here to beautiful south Florida, near
16 Jupiter Florida. One day on the water will prove
17 my point. Throughout the day schools of bull
18 sharks and sandbar sharks circle the boat even
19 without bait in the water. It's scary. If you
20 don't want to take our word for it please come see
21 it yourself. But please please help all of us
22 with this issue. And please try to do something.

1 Thank you.

2 MR. SOLIAI: Thank you. We have one
3 more, Patrick Price.

4 MR. PRICE: Can you hear me?

5 MR. SOLIAI: Yes.

6 MR. PRICE: Hello?

7 MR. SOLIAI: Yes Patric, we can hear
8 you.

9 MR. PRICE: Okay, sorry about that.
10 Thanks for Allowing me to speak. I know this is
11 not the topic of discussion but I'd like to follow
12 up with what Doug's talking about. I'm sure you
13 guys are the best people to hear this. My name is
14 Patrick Price, I've been fishing professionally
15 for 26 years. I've traveled the world in sport
16 fishing boats and commercial fish now and operate
17 my own charter business out of Stuart, Florida. I
18 am here to raise concerns about the booming shark
19 populations that are leading the daily
20 depredations from Texas to North Carolina. As
21 Doug told you we've got a letter that is signed by
22 many groups, organizations and individuals that

1 ranges from Texas to Mid Atlantic at this point.
2 I am here as a representative of thousands of
3 anglers and divers of both commercial and
4 recreational that request immediate emergency
5 actions be taken to address and correct this
6 compounding problem depredation that I feel is on
7 a scale bigger than any of us want to admit. In
8 the last 4 to 5 years I started to see shark
9 encounters with my business increase. The first
10 single actions were unique and the lost fish was
11 rare and everyone was so exciting. But now the
12 wow factor is gone. Let's take species for
13 example, I personally have lost one sailfish to
14 sharks but I can confirm my entire career that was
15 January of 2013. This past winter, I confirmed 8
16 fish eaten by sharks during the fight. Let the
17 record reflect, this does not take into
18 consideration numbers lost after release.
19 (Inaudible) in Palm Beach lost 50 sailfish this
20 past winter. And estimates that 30 percent of its
21 release sailfish get eaten by sharks. Multiple
22 top tagging captains from the bell fish foundation

1 have stopped tagging sailfish in the south east of
2 may. Why? Because the extra time it takes to
3 properly place the tag for research and
4 conservation it's just enough time to tie the fish
5 off for sharks to take advantage upon release.
6 This is my first year tagging for the bell fish
7 foundation and I have the same concerns.
8 Unfortunately until changes are made this will be
9 my last year I order tags. I currently lead the
10 top Atlantic tops tagging division. As far as
11 bottom fish, where do I begin? Let's talk about
12 grouper, red snapper and blueback. (Inaudible)
13 The number of fish being lost in the way of my
14 favorite is infuriating and the mere thought of
15 the fish release lost is sickening and should be
16 enough to raise some eyebrows and realize again
17 that emergency actions need to be taken. For
18 example, three consecutive days of fishing and
19 getting nothing but snapper in 12 hours. Kept 16
20 but 14 were eaten by sharks. This was over a 25
21 mile area from 65 to 130 foot. The stock is in
22 great shape with so many fish in the 16 1/2 to 17

1 3/4 inch range. It's unknown how many made it
2 back to the bottom without getting eaten. Let me
3 read a quote from Captain David Willey, I have
4 fished as a commercial fisherman off the Jupiter
5 in Stuart for 30 years. In the last 3 years I no
6 longer get any kingfish off of Jupiter due to an
7 increased shark population. The sharks aggressive
8 learned behavior. I refuse to waste such a
9 valuable fishery where depredation from sharks is
10 over 70 percent on some days. I have also observed
11 an increase in depredation off Stuart the last 2
12 years, especially when bottom fishing. I've seen
13 many sandbar sharks. They are aggressive. Let's
14 talk briefly about Cobia. On how they targeted a
15 few fish by fishery and divers with recreational
16 and commercial in our region. Sadly many of the
17 for hire and commercial boats out of Stuart
18 including myself won't target cobia on our inshore
19 recs and reefs anymore as we want to protect the
20 ecosystem and the balance of the stock. Captain
21 George Gotts puts on fishing guides former real
22 time fish Florida sportsman, currently has a

1 national fishing show on five and fished the
2 waters of Stuart for 30 years. He said I have
3 seen the changes first hand regarding the problems
4 with sharks, especially while cobia fishing. I
5 have witnessed pack feeding and sharks eating
6 cobia in a nearshore recent effects. It's
7 instantaneous at times within seconds of the
8 hookup. I strongly believe there is a growing
9 need to reevaluate the way the shark population is
10 managed. There is a true common bond here by
11 watermen from Texas to North Carolina. I have
12 spoken to many people and have learned a lot in
13 the last couple of months. There is a major
14 constituent of people in south Florida that are
15 dealing with depredation daily and even multiple
16 times a day when they fish or dive. It's very sad
17 to see years of conservation efforts slip away
18 because of mismanagement of the apex predator.
19 I'm going to skip over the letter that everybody
20 signed including the bell fish foundation in June.
21 But we will send a copy to you guys. I want to say
22 thank you. But I'm concerned that everything that

1 you guys have invoked that has contributed
2 increased fish facts for anglers of all kinds
3 (audio skip) and while your time and efforts as
4 council members is currently flying out the
5 window. There is no data right now about fish
6 stock in the South Atlantic that is valid without
7 considering the shark depredation. Zero.
8 Seriously. Sadly I figure time and effort is
9 currently being wasted focusing on any other
10 species besides sharks. I appreciate your time
11 and I know it's off topic but it's a serious issue
12 to a lot of us who make a living on the water in
13 South Florida and up in North Carolina and into
14 the Gulf. And I know it's not the first that some
15 of you have heard about this and I'm happy I was
16 on the agenda and the HMS meeting. But I hope we
17 can continue to push forward with some resolution
18 to benefit not only our livelihoods but the
19 fishers and the future generations. Thank You.

20 MR. SOLIAI: Okay, Thank you Patrick.
21 Is there anyone with us in the other line?

22 STAFF: Yes we have one more comment

1 from Gregg, I am going to unmute him now.

2 MR. GREGG: Can you hear me?

3 MR. SOLIAI: Yes we can.

4 MR. GREGG: Thank you very much. My name
5 is Gregg -- I work for a fishery in New Jersey.
6 Thank You.

7 MR. SOLIAI: Thank you. Is there any
8 other public comments?

9 STAFF: No. No, there are no more
10 public comments.

11 MR. SOLIAI: Okay thank you. That
12 concludes our public comments. And now do we have
13 any recommendations? Are you able to pull that
14 up?

15 MR. DEMELLO: The first regard the NS-1
16 technical guidance on data limited stops. There
17 are two motions. Motion that the CCC asks the
18 NMFS circulate draft reports of the NS1 technical
19 working groups through the councils who will
20 consult with the SSEs. The review should provide
21 sufficient time for the councils to consult with
22 their SSCs and develop a response with their full

1 council. And the second motion is the CCCs
2 request the NMFS Office of Sustainable Fisheries
3 to form a working group comprised of NMFS and
4 regional fishery management council staff in
5 determining alternative approaches including but
6 not limited to fishing mortality rate based blank
7 based or trip limit etc in managing data limited
8 stops pursuant to 50.CFR 600.310 H2 stemming from
9 the technical guidance memorandum by Mids subgroup
10 3.

11 MR. SOLIAI: Thanks Josh, can I have
12 someone from the council put this in motion?

13 MR. MOORE: Mr. Chairman, I'll make a
14 motion for the first one. Chris Moore from Mid
15 Atlantic.

16 MR. SOLIAI: Chris Moore from Mid
17 Atlantic makes a motion, do I have a second?

18 MR. WITHERALL: Second it, David W.

19 MR. SOLIAI: Seconded by David Witherall
20 is there any discussion?

21 MS. SIMOND: Mr. Chairman, can we just
22 change asks that to requests? That's right thank

1 you.

2 MR. SOLIAI: Okay. Any objections to
3 the amendment? All right the motion's been made
4 and seconded, any objections? All in favor say
5 eye.

6 SPEAKERS: Aye.

7 MR. SOLIAI: Any Objections? All right
8 motion carried. On the second one can I have a
9 motion on the second one for NMFS?

10 MR. CHARMICHAEL: I will make the
11 motion, John Carmichael.

12 MR. SOLIAI: Thank you John makes the
13 motion. Will someone make a second?

14 MR. KINNEEN: I'll second. This is
15 Simon Kinneen.

16 MR. SOLIAI: All right Seconded by
17 Simon. Any further discussion? Call for motion
18 all say aye.

19 SPEAKERS: Aye.

20 MR. SOLIAI: Any objections. As there
21 are no objections, we will go on to the next one
22 of NEPA.

1 MR. DEMELLO: Regarding NEPA. The
2 regional councils on partners with NMFS and
3 meeting NEPA requirements of the actions taken by
4 councils and implemented by CCC. As such the
5 councils feel that it is important that they
6 understand and have meaningful contributions to
7 discussions regarding developing guidance for
8 implementation for the new NEPA rule. Therefore,
9 the motion is the CCC creates a subcommittee to
10 develop recommendations to NMFS internal working
11 group on developing guidance for the new NEPA
12 regulations as they relate to implementing the
13 Magnuson Stevens act including functional
14 equivalency. Each council may nominate one CCC
15 member or staff designates to sit on the
16 committee.

17 MR. SOLIAI: Thank you Josh. Could I
18 have someone submit a motion please.

19 MR. GORELNIK: Mr. Chair, Marc Gorelnik
20 with the Pacific Council. I'd like to make the
21 motion that I'd like to make one minor change. A
22 change in the reference to the subcommittee to a

1 workgroup. And the last word in the motion should
2 also say workgroup rather than committee.

3 MR. SOLIAI: Okay Marc. Thank you for
4 that.

5 MR. GORELNIK: And with those changes I
6 send the motion.

7 MR. ISSENBERG: Sir. This is Adam
8 Issenberg. For FACA purposes it's actually
9 important that the group be constituted as a
10 subcommittee of the CCC. That makes a difference
11 for FACA. It is fundamentally important.

12 MR. GORELNIK: Mr. Chairman, this is
13 Marc Gorelnik, Pacific Council. If there is a
14 legal difference that this remains a subcommittee
15 we can change it back to subcommittee in both
16 places. And with that, that motion is complete.

17 MR. SOLIAI: All right can I have a
18 second on the motion?

19 MR. WITHERELL: I second it, David W.

20 MR. SOLIAI: Okay, seconded by David
21 Witherell. Can we have any discussion, is there
22 any discussion? I'll call for the agenda. All

1 those in favor say aye.

2 SPEAKERS: Aye.

3 MR. SOLIAI: Any opposition? Motion
4 carried. That concludes our agenda for today.
5 Great job everyone. Thank you for getting us back
6 on track. So that concludes our agenda. We will
7 adjourn until tomorrow. CCC will now move into
8 social hour.

9 (Whereupon, at 5:32 p.m., the
10 PROCEEDINGS were adjourned.)

11 * * * * *

12

13

14

15

16

17

18

19

20

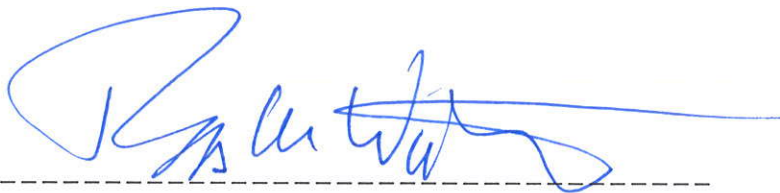
21

22

CERTIFICATE OF NOTARY PUBLIC

DISTRICT OF COLUMBIA

I, Thomas Watson, notary public in and for the District of Columbia, do hereby certify that the forgoing PROCEEDING was duly recorded and thereafter reduced to print under my direction; that the witnesses were sworn to tell the truth under penalty of perjury; that said transcript is a true record of the testimony given by witnesses; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was called; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public for the District of Columbia

My Commission Expires: May 31, 2024

