

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

OFFICE OF SUSTAINABLE FISHERIES

+ + + + +

COUNCIL COORDINATION COMMITTEE

+ + + + +

MEETING

+ + + + +

TUESDAY

FEBRUARY 28, 2017

+ + + + +

The Committee met in the Ritz-Carlton Pentagon City, 1250 South Hayes Street, Arlington, Virginia at 8:30 a.m., John Quinn, Chair, presiding.

PRESENT

JOHN QUINN, New England Council; Chair
 TERRY STOCKWELL, New England Council; Vice Chair
 JIM BALSIGER, Alaska Region
 LEANN BOSARGE, Gulf of Mexico Council
 JOHN BULLARD, Greater Atlantic Region
 ROY CRABTREE, Southeast Region
 MICHELLE DUVAL, South Atlantic Council
 ED EBISUI, JR., Western Pacific Council
 WARREN ELLIOTT, Mid-Atlantic Council
 CARLOS FARCHETTE, Caribbean Council
 STEVE FREESE, West Coast Region
 JOHN GOURLEY, Western Pacific Council
 JOHN GREENE, Gulf of Mexico Council
 DOUGLAS GREGORY, Gulf of Mexico Council
 MARCOS HANKE, Caribbean Council
 BOB HARMAN, Pacific Islands Region
 DAN HULL, North Pacific Council
 MICHAEL LUISI, Mid-Atlantic Council
 CHRIS MOORE, Mid-Atlantic Council
 TOM NIES, New England Council

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

CHRIS W. OLIVER, North Pacific Council
HERB POLLARD, II, Pacific Council
CHARLIE PHILLIPS, South Atlantic Council
MIGUEL ROLON, Caribbean Council
CARRIE SIMMONS, Gulf of Mexico Council
KITTY SIMONDS, Western Pacific Council
CHARLES TRACEY, Pacific Council
BILL TWEIT, North Pacific Council
GREGG WAUGH, South Atlantic Council

NOAA STAFF PRESENT

SAMUEL RAUCH, Acting Assistant Administrator for
Fisheries
PAUL DOREMUS, Deputy Assistant Administrator for
Operations
FRANCISCO WERNER, Director, Scientific Programs
and Acting Chief Science Advisor
ALAN RISENHOOVER, Acting Deputy Assistant
Administrator for Regulatory Programs
TOPHER HOLMES, Office of Legislative Affairs
ADAM ISSENBERG, NOAA General Counsel
EMILY MENASHES, Office of Sustainable Fisheries
CAROLINE PARK, NOAA General Counsel
MIKE PENTONY, Greater Atlantic Region
MARK STROM, Northwest Fisheries Science Center
BRIAN FREDIEU, Office of Sustainable Fisheries
HANNAH HAFEY, Office of Sustainable Fisheries

ALSO PRESENT

BILL BALL, House Natural Resources Committee
Staff
JEFF LEWIS, Senate Commerce Committee Staff
MATT STRICKLER, House Natural Resources
Committee Staff
DAVE WHALEY, Council Coordination Committee
REBECCA LENT, Marine Mammal Commission

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

CONTENTS

Welcome/Introductions	
John Quinn.....	5
NMFS Update & FY '17 Priorities	
Samuel Rauch.....	6
Management and Budget Update	
Paul Doremus.....	15
Brian Pawlak	
Council Member Conflict of Interest and Recusal National Guidance Update	
Adam Issenberg.....	40
Break	50
Legislative Outlook	
Topher Holmes.....	50
Congressional Staff CCC	
MSA Reauthorization and CCC Comments	
Gregg Waugh.....	68
Tom Nies	
Lunch	85
Marine Mammal Commission Introduction	
Rebecca Lent	
Marine Mammal Commission.....	85
National Standard 1 Guidelines: Questions and Clarifications	
Samuel Rauch.....	89
Emily Menashes CCC	
Break	116
National Bycatch Reduction Strategy Update	
Emily Menashes.....	90

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

CONTENTS

Marine National Monuments and Fishing Restrictions	
Ed Ebisui.....	116
Kitty Simons.....	117
CCC	
Update on the Scientific Coordination Committee Meeting	
Chuck Tracey, Pacific Council.....	122
Day 1 Wrap-Up	
Tom Nies, New England Council.....	131
Adjourn	142

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

8:28 a.m.

CHAIR QUINN: I call this meeting to order. My name is John Quinn. I am the chair of the CCC and the chair of the New England Council.

First I want to welcome you here. I know we had a good session yesterday with the council members. And so the first order of business is to introduce ourselves. So we will go, starting with me, to the left. Again, John Quinn, chair of the New England Council.

MR. NIES: Tom Nies, executive director, New England Council.

VICE CHAIR STOCKWELL: Terry Stockwell, vice chair, New England Council.

MR. BULLARD: John Bullard, regional administrator, GARBO.

MR. PENTONY: Mike Pentony, ARA for SF and GARBO.

MR. ELLIOTT: Warren Elliott, vice chairman of Mid.

MR. MOORE: Chris Moore, executive director, Mid-Atlantic Council.

MR. LUISI: Mike Luisi, chairman of the Mid-Atlantic Council.

MR. PHILLIPS: Charlie Phillips, vice chair, South Atlantic Council.

MS. DUVAL: Michelle Duval, chair, South Atlantic Council.

MS. BOSARGE: Leann Bosarge, chair of the Gulf Council.

MR. GREENE: Johnny Greene, Gulf Council vice chair.

DR. CRABTREE: Roy Crabtree, Southeast Regional Administrator.

MS. SIMMONS: Carrie Simmons, deputy at the Gulf Council.

MR. ROLON: Miguel Rolon, executive director, Caribbean Council.

MR. FARCHETTE: Carlos Farchette, council chair, Caribbean.

MR. HANKE: Marcos Hanke, vice chair, Caribbean.

MR. HARMAN: Aloha. Good morning. Bob Harman, sustainable fisheries, Pacific Highlands Regional Office.

MR. GOURLEY: John Gourley, vice chair, Wester Pacific.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. EBISUI: Good morning, Mr. Chair,
2 committee members. Ed Ebisui, chair, Western
3 Pacific Council.

4 MS. SIMONDS: Kitty Simonds, the
5 executive director.

6 MR. FREESE: Steve Freese, West Coast
7 Region, Sustainable Fisheries.

8 MR. TRACEY: Chuck Tracey, executive
9 director, Pacific Council.

10 MR. POLLARD: Herb Pollard, chair,
11 Pacific Council.

12 MR. BALSIGER: Jim Balsiger, regional
13 administrator, Alaska.

14 MR. HULL: Dan Hull, North Pacific
15 Council chair.

16 MR. OLIVER: Chris Oliver, executive
17 director, North Pacific Council.

18 MR. TWEIT: Bill Tweit, vice chair of
19 the North Pacific Council.

20 MR. STROM: Mark Strom, acting science
21 director, Northwest Fisheries Science Center.

22 MR. ISSENBERG: Adam Issenberg, NOAA
23 general counsel, Fisheries and Protected Resources
24 Section.

25 DR. WERNER: Cisco Werner, acting
26 chief science advisor, Fisheries.

27 DR. DOREMUS: Paul Doremus, deputy
28 assistant administrator, NOAA Fisheries.

29 MS. MENASHES: Emily Menashes, acting
30 director, Office of Sustainable Fisheries.

31 MR. RISENHOOVER: Alan Risenhoover,
32 acting deputy for Regulatory Programs.

33 MR. RAUCH: Sam Rauch, acting
34 assistant administrator, NOAA Fisheries.

35 CHAIR QUINN: And maybe we will go
36 around the outside - introduce yourselves.

37 (Off microphone introductions.)

38 CHAIR QUINN: Okay. Thank you very
39 much.

40 I also want to welcome the
41 administrative officers who are meeting
42 simultaneous in the next room over and will be
43 coming in and out during the course of at least
44 today, if not tomorrow as well.

45 So I am going to now turn it over to Sam
46 Rauch for purposes of welcome and then start in on
47 the first agenda item.

48 MR. RAUCH: All right. Thank you,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 John. Welcome to everyone and thank you for being
2 the new CCC chair this year and to Tom Nies for all
3 the work that your council has done helping set up
4 this meeting and planning for the next meeting up
5 in Gloucester.

6 I understand that you're going to be
7 stepping out briefly this afternoon and Terry is
8 going to be taking over. So we will try to suffer
9 through that. Hopefully, we will be fine.

10 I look forward to our discussions this
11 week. I am going to start, as we seem to always
12 start with some personnel discussions. I'll talk
13 a little bit about transition.

14 I will turn it over to Alan to talk about
15 the implications of number of regulatory
16 directives we received from the administration and
17 then once we are done with that we will probably
18 take some questions on that and then transition to
19 our budget discussion.

20 But first, transition. So last night,
21 as you may be aware, the secretary of commerce was
22 approved by Congress. So he'll technically get
23 sworn in at some point and start at - officially
24 at some point this week.

25 That's a good thing because we have not
26 had significant political direction. We have had
27 a very few number of political folks, most without
28 titles, in the department.

29 Now that the secretary is in place we
30 will start filling in some of the title positions.
31 There will be nominations and those kind of things
32 that'll go through and we will get - start getting
33 back to sort of regular order.

34 We have been in about a month of
35 somewhat uncertainty without a secretary. Now
36 that we have a secretary a lot of things can fall
37 into place again. So we look forward to that.

38 We do not, at this point, have a NOAA
39 administrator announced, much less approved. We
40 do not have a Fisheries AA announced, much less
41 approved.

42 I think now that we have secretaries
43 some of those things will start to happen. I don't
44 know what the schedule will be. Your guess is as
45 good as mine as to when we will get around to doing
46 that.

47 But now that there is a secretary those
48 things will start to happen at a relatively - at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a lot quicker pace than they were before. So
2 hopefully we will see new people at that point.
3 Whenever we get the new AA I will go back to my prior
4 job and we will - I'll talk about that in a minute.

5 But we are also looking for the new
6 administrator. Paul is also - just so you're
7 aware, is acting as an assistant secretary for
8 conservation and management, which is one level
9 under the NOAA administrator.

10 There is two of those. That's a
11 Senate-confirmed position. We are also expecting
12 at some point the president will nominate somebody
13 for that position.

14 So Paul is wearing two hats. I am also
15 the deputy assistant secretary for international
16 affairs, I think. Many of you may remember Russell
17 Smith, who was important for a lot of our
18 international negotiations.

19 That is a political position. I am
20 acting in that role until there is a political
21 appointee there as well.

22 So as I said, I am acting as the AA.
23 Alan is acting as the deputy AA for regulatory
24 programs, which means he oversees the regional
25 offices and headquarters offices, sustainable
26 fisheries, habitat, protected resources and
27 aquaculture.

28 Because Alan is acting, Emily is once
29 again acting as the head of sustainable fisheries
30 like she did before. So that - if you'll recall
31 three years ago, that's basically what we are
32 doing. We are doing that again.

33 Richard Merrick - maybe many of you
34 remember Dr. Merrick, who was our chief scientist
35 for a long while. He is retired.

36 And Cisco Werner, who introduced
37 himself, he's acting in that position and he will
38 do that for the duration until we can find a
39 permanent person to fill that slot.

40 Addition here - we have got - still got
41 the - is Mark here? Did Mark - yeah. Mark is
42 acting for the Northwest Center director. John
43 Stein retired. Mark is acting for that once again
44 until we can fill that slot.

45 Kristen Koch, is she here? She is the
46 acting for Cisco at Southwest Center. And then we
47 do have actually for real a new director, John Hare,
48 who many of you have met, is the new Northeast

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Center director for real.

2 So he will be doing that for the
3 foreseeable future, I hope. So that's that in the
4 regions. In the West Coast Region, Steve Freese
5 is acting. Bob Turner, who is retired, was the SF
6 ARA for the West Coast Region. Steve Freese is
7 acting for that position - Steve, there you are -
8 while we look for a replacement there.

9 So I think that's all. Oh, one other
10 person I wanted to introduce and make sure you knew
11 who that is. Kristen Gustafson, who introduced
12 herself before, she is - she is actually the deputy
13 general counsel in charge of most of the attorneys
14 who work with us. She is sharing time as acting
15 general counsel - NOAA general counsel, which is
16 a political position. So she is right now the NOAA
17 general counsel replacing Lois Schiffer until that
18 position is filled.

19 So I just wanted to say a few things
20 about our priorities and directions before I turn
21 it over to Alan. One thing is we have not gotten
22 any directions on any specific issues from the
23 administration on anything at this point directly
24 relevant to fisheries.

25 It's not surprising. We didn't expect
26 to get anything. Now that the secretary is
27 confirmed we expect that that will start to happen.

28 My initial discussions with the
29 administration has been very supportive of the
30 council process. A lot of the folks that are with
31 this administration were with prior Republican
32 administrations, understands the values that the
33 - the partnerships that we have with councils, the
34 values that the council brings to this table and
35 they have been very supportive.

36 We'd like to see that continuing. That
37 has had some bearing in the regulatory discussion.
38 I'll let Alan talk about that. But I think that's
39 a good sign. So I do not expect, and we certainly
40 aren't proposing, any radical changes. The Hill
41 staff will come in here and tell you what their view
42 is on the Hill for things.

43 But, in general, I think there is
44 broad-based - seems to be broad-based support for
45 the council process, for it to continue, for it to
46 go, essentially, unchanged. Maybe there is some
47 tweaks here or there. Maybe there is some changes.

48 But the process is sound. It has led

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to good results for U.S. fisheries and fishermen
2 and that's what I expect to continue. We will see
3 when we get the leadership and things happen.

4 But for right now, I am not concerned
5 about the future of this organization or anything
6 else. I think that a lot of the good measures were
7 put in in past Republican administrations.

8 I think they view that taking - the
9 Republican Party takes a lot of credit for some of
10 the good things that have been done and I think that
11 they want to see that continue.

12 At least, those are the discussions
13 that I've had with a number of folks so far. Not
14 folks in leadership because we haven't had the
15 folks in leadership yet, but folks who might be
16 influencing them.

17 So I am looking forward to that. I
18 think it will continue. I think we are in a good
19 stead. I think we have got a good solid footing
20 to show how much value this has been to the country
21 and I see this continuing.

22 I do want to - there is been a lot of
23 questions in particular about regulations that
24 have not been directed particularly at us but at
25 the government writ large and we do issue a lot of
26 regulations - a lot of regulations that come
27 through the council process, most of them.

28 And so I want to have Alan talk about
29 that for a few minutes and then we can have, if there
30 is any questions for me or Alan, if you want before
31 we move on.

32 Alan.

33 MR. RISENHOVER: Thanks, Sam, and
34 good morning again.

35 I think we all know that regulations
36 have been a focus of this administration and there
37 is a lot of moving parts on that with memorandums,
38 executive orders and legislation on the Hill.

39 I am going to try to cover those three
40 areas just broadly and quickly and then I think the
41 takeaway message is, as Sam said, from a fisheries
42 management council perspective and the regulations
43 needed to issue fisheries regulations, we have been
44 doing well and those are moving through. And as
45 the beginning of any new administration there is
46 always some time to get the new folks up to speed,
47 get them familiar with what our processes are and
48 what's going on.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Timing is probably the one thing we need
2 to talk a little bit about. So we have been working
3 primarily under two of the new administration's
4 requirements.

5 The first is the January 20 regulatory
6 freeze pending review memorandum. That's also the
7 one we will call the Priebus memo. And then
8 secondly, there is a January 30th executive order
9 on reducing regulation and controlling regulatory
10 costs. So those are the two primary ones. I'll
11 mention some others as we go through.

12 So first, under this Priebus memo, it
13 required initially that any regulations that were
14 not effective January 20th be delayed for 60 days
15 beyond January 20th.

16 So at the start we initially delayed
17 several regulations from whatever their effective
18 date was to 60 days from January 20th, which was
19 March 21st.

20 There were probably a handful of those,
21 10 or so, that we delayed that. It included
22 several regulations. We then subsequently worked
23 with the new administration and changed that
24 effective date to an earlier time.

25 For example, we were able to move
26 bluefin tuna effective date back toward February
27 so we could apply some more quota to that fishery
28 as it moves forward.

29 So the administration has been very
30 good at listening to our concerns about we need to
31 regulate fisheries and the way we do that,
32 obviously, is through regulations.

33 So we can talk about those. We only
34 have four that are currently still delayed until
35 March 21st, some bycatch testing manual
36 requirements, South Atlantic Snapper-Grouper Reg.
37 Amendment 16, some dolphin-wahoo actions and the
38 SBRM.

39 The others we have been able to adjust
40 to a date that aligns better with the regulation
41 of their fisheries.

42 In general, and again, this is in
43 general - as Sam mentioned, we don't have new
44 political appointees onboard.

45 But at the present, fisheries
46 regulations seem to not be subject to that memo as
47 long as they've come up through the council. So
48 as things come forward in general we are able to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 move those along.

2 There is a briefing requirement that we
3 talked to the folks in the new administration,
4 again, just so that they know what's going on and
5 we have, hopefully, no surprises so that there
6 won't be any further review of those fisheries
7 regulations under that regulatory memo.

8 For other regulations, and we issue
9 some under the ESA or the MMPA, those are still
10 pending review and we will work those up as they
11 come through.

12 And, again, with Secretary Ross
13 confirmed now, I think we may see a little bit of
14 slowing. As new people get on board we will need
15 to brief them, get them familiar with our process
16 and what the pending regulations are.

17 So, again, thanks to folks at the
18 councils and the regions for taking the time to get
19 me and Emma Htun some more information on these
20 regulations just so we can get them moving through
21 as we need to.

22 Also, NOAA and the department general
23 counsel have been very helpful with us working with
24 OMB, again, to keep those regulations moving.

25 The second broad - well, I guess it's
26 an executive order I'll speak a minute about - is
27 the two-for-one memo that we have heard about.

28 So that executive order requires that
29 any regulatory actions under Executive Order
30 12866, which has been around a long time, that are
31 deemed significant are subject to that memo.

32 When it comes to fisheries regulations
33 and national marine fisheries, NOAA fisheries
34 regulations in general, we don't have many
35 significant regulations.

36 But we will continue to work with OMB
37 on which ones will be determined to be significant
38 and will be applicable to that two-for-one
39 requirement.

40 Also, that executive order requires a
41 cost accounting that you have no new cost without
42 offsetting costs. So, again, both the two-for-one
43 and the cost accounting we are still working with
44 NOAA, the department and OMB on how we will
45 implement those.

46 But, again, right now we don't have any
47 fisheries regulations - counsel-derived
48 regulations - that fit that criteria. So they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 would still fall under the executive or the
2 regulatory freeze memo but in general we have a
3 process in place that lets those go forward.

4 So since we only issue a handful of
5 those, that's something we will be looking at in
6 the near future and working with folks to make it
7 work for us as well and make sure people understand
8 that.

9 Just a final note on nonregulatory
10 actions, there was some early concern about
11 publishing anything in the Federal Register. Now
12 working through the department we are publishing
13 notices for meetings, notices of intent to issue
14 IESs or other actions. Those are all going fairly
15 normally right now or as they have in the past.

16 Again, we may get a question now and
17 then on what does this mean and what are you doing.
18 But that, again, is normal for any new
19 administration.

20 Just a quick note on in-season actions
21 that don't actually change the code of federal
22 regulations but implement those - we are able to
23 move forward with those typically without any
24 review.

25 Just we are giving folks downtown and
26 up the chain any heads up if they may be
27 controversial or kind of a major closure of
28 fisheries, things like that.

29 So those are the two main things - that
30 Priebus memo and that one executive order. Friday
31 a new executive order was issued that's going to
32 establish some regulatory reform task forces at
33 each department and within each agency.

34 Since we only got that last Friday we
35 will, again, be working with the new administration
36 to figure out how we implement that effectively.

37 The other part of this story is there
38 is a lot of legislation on the Hill right now
39 addressing regulatory reform.

40 We are looking at those. We can talk
41 more about those during the legislative piece if
42 we need to. None of those have passed yet, I don't
43 believe, and have been signed.

44 Some of them sound very similar to the
45 things I've outlined here, especially Executive
46 Order 12866.

47 So I think we are seeing some move to
48 put in legislation some of the requirements of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 these executive orders. But, again, we will
2 continue to work internally with those and make
3 sure we represent the Council regulations and the
4 need for those to go forward.

5 So I think the bottom line is right now
6 things are moving. There may be a little bit of
7 a slowdown as we - as we brief anybody, again, as
8 we do with any new administration. So time
9 considerations in talking with the regional
10 administrators.

11 I've indicated that we need to be very
12 careful about telling people we think something
13 will be done by a certain date because we don't
14 quite have the process moving smoothly yet, again,
15 but I think we are getting very close to that.

16 So, again, the sooner we get
17 regulations in the sooner we will be able to brief
18 up our chain and get those out in a timely fashion.

19 So without that, I'll stop and see if
20 there are questions.

21 CHAIR QUINN: Thank you very much to
22 both of you. Questions? Mr. Stockwell.

23 VICE CHAIR STOCKWELL: Thank you, Mr.
24 Chairman.

25 Alan, you mentioned deemed significant
26 subject to the memo. What does it - what does
27 significant mean?

28 MR. RISENHOOVER: Okay. Under the
29 Executive Order 12866 a significant regulatory
30 action is any rule that has an annual effect on the
31 economy of \$100 million or more, creates a serious
32 inconsistency or interferes with other actions
33 planned by the agency, has a budgetary impact on
34 entitlements, grants, user fees or loan programs
35 or raises novel, legal or policy issues that the
36 administration and the Office of Management and
37 Budget would like to look at.

38 VICE CHAIR STOCKWELL: Thank you.

39 MR. RAUCH: And I would add that's not
40 a new set of criteria. That's been around for
41 decades.

42 MR. RISENHOOVER: Yeah, a long time.

43 MR. RAUCH: Right.

44 CHAIR QUINN: Any other questions?
45 Going once, going twice.

46 All right. I guess we will move on to
47 the next topic. Paul Doremus, management and
48 budget update.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 DR. DOREMUS: Thank you very much.
2 It's a pleasure to see everybody here this morning,
3 have an opportunity to talk to you about our overall
4 situation with the budget.

5 I am actually going to step through a
6 few things, the budget status as it stands today
7 and with some particular attention to council
8 funding issues that have been addressed by this
9 body for some time and then a couple of points on
10 our major grants of interest to you and EMER and
11 Saltonstall-Kennedy grants and then just a very
12 quick note on our approach to the way ahead.

13 These slides have been posted so you've
14 had a chance to look at them. And I'll step through
15 some of the front end of this fairly briskly. We
16 do always like to point out where we are in the
17 federal budget cycle but it seems the federal
18 budget cycle always seems to change a little bit
19 and that's the case now. It's especially the case
20 in transitions.

21 We have, as you know, and I am actually
22 going to start in the bottom left here with kind
23 of where we are with the FY '17 budget. We are
24 moving in a continuing resolution pattern. I'll
25 have a little bit more to say about that.

26 But that's sort of a hold in terms of
27 decision making on the budget. We did get House
28 and Senate remarks but there is no scheduled
29 conference.

30 And '18 is also delayed. The president
31 has announced his intent to put forward what they
32 are calling a skinny budget - it's, like, a budget
33 outline - in mid-March and we are getting just a
34 - we expect to get a glimpse into that imminently
35 and start to get a sense of how those priorities
36 are going to come forward and what their bearing
37 will be on NOAA, among other agencies.

38 And then we also are anticipating -
39 right now, in a normal budget year we would be
40 working at the front end of the FY '19 process and
41 that is being pushed back because of the status of
42 '18 accommodating the timing of the transition.

43 So that's - those are some key
44 adjustments. This is laid out in sort of a linear
45 way for you to see that.

46 But the key thing is the appropriations
47 environment in this quite significant shift in the
48 policy environment and we expect that to possibly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 play into '17.

2 One thing we don't know is what the
3 decision making will look like at the time that the
4 current continuing resolution lifts, which is
5 April 28th.

6 Those have been at various points in
7 time. I would have dealt with CRs in the past -
8 those are decision points for Congress - and we are
9 optimistic that we will carry through with a full
10 year CR, given that, I believe, attention will
11 shift to FY '18 as a policy discussion.

12 But there is some possibility in '17
13 still that there could be some adjustments to the
14 budget - rescissions, in effect. So we don't - we
15 don't know and can't guarantee that we will have,
16 effectively, an FY '16 level budget throughout FY
17 '17. So that's a piece of uncertainty there.

18 And on our time frame here for any
19 single budget, this is always helpful to point out
20 where things go and the many, many steps from our
21 thinking internally to the agency on what our
22 requirements are, what that means in terms of a
23 balanced budget, going through the formulation
24 process with the president's request, all the
25 adjustments made by Congress.

26 But what often gets left off in people's
27 thinking and calculations are these last couple of
28 pieces which add time and also adjustments.

29 The apportionment process, which gives
30 us authority to spend, sometimes adds additional
31 time and can be a delay between appropriation and
32 when grantees, council's commissions, among
33 others, see resources in any given year and then
34 there is also adjustments in the form of
35 rescissions and other costs and you all with your
36 council table are familiar with that -- that
37 council and commission line is adjusted up from
38 other lines and it's adjusted down for rescissions,
39 for management administrative costs as the primary
40 things. And we have been over that detail at great
41 length and happy to talk about that as always.

42 But we do like to point out that there
43 is a lot of steps but there is also a big set of
44 adjustments in time required after an actual
45 appropriation.

46 Just a couple of quick slides recapping
47 where we are in FY '17. So we are progressing under
48 continuing resolution. These are our top line

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 numbers comparing the president's budget for FY '17
2 with '15 and '16 so you can see the progression
3 there in terms of what the request level has been
4 and then the response level in these blue-shaded
5 columns from Congress and the enacted budgets for
6 the '15, '16 and '17.

7 The budget that we have the greatest or,
8 really, our program budget -- our operations
9 research facilities budget coming out of the House
10 and Senate for FY '17 was around \$855 million. So
11 relative to the PB, the program funding request,
12 it was about 5.5 percent below that request level
13 and just a slight bit about half a percent above
14 our FY '16 enacted. So '17, largely, continuity
15 from the year prior.

16 The reason the president's budget
17 included increases, so what has been not pursued
18 in that 5.5 percent delta is captured in this table
19 and we have showed this to you, I believe, in the
20 past and this is a very helpful cut.

21 I think the big takeaway here is because
22 of the long-term trends in our budget and growth
23 in demand for a lot of our core capabilities we have
24 been focusing a lot of our investments in,
25 essentially, shoring up these core mission
26 functions where we have demand outstripping
27 capacity and that shows up in all these budget lines
28 and we were asking in particular for significant
29 increases in our ESA MMPA Section 7 consultations
30 and EFH consultations.

31 Similar kind of situation there. This
32 is a throughput issue. The number of staff
33 determines how many consultations can be
34 conducted.

35 We'd like to have increased capacity
36 there so we don't become a rate limiting factor in
37 the permitting process. And there has been,
38 pleasantly, some responsiveness to that in both the
39 Senate and the House mark. Not at the level of our
40 request but notably. And likewise, we have some
41 other key things here including facilities that we
42 put in the core capacity investment line.

43 We asked for a range of things as well
44 in the science front and very little of that was
45 tended to in the House and Senate marks and we
46 wouldn't anticipate that to change if there were
47 a bill.

48 And we also have here noted some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 strategic issues where we are dealing with new
2 needs and this is carrying on a little bit of a mark
3 in FY '16 where we are focusing on IUU and trying
4 to enhance that capacity and this was an additional
5 add related to the management of fair trade and to
6 bring in our state enforcement partners in some of
7 the IUU international related issues and that also
8 was acknowledged in the Senate mark and not the
9 House mark in partial measure.

10 So that's a very nice quick kind of
11 synopsis of the state of play. Bottom line, from
12 my vantage point, largely inability to address new
13 needs and reduce stability to maintain core
14 capacity where we have accelerating demand and
15 really fundamentally staff or resource limitations
16 when it comes to things like facilities and
17 physical infrastructure assets.

18 So that's the reality of '17 that we'll
19 carry forward with us. I've already mentioned the
20 continuing resolution extending through the 28th.
21 Pretty close to the '16 level. It's slightly below
22 for technical reasons.

23 And as is typically the case under
24 continuing resolutions we can continue contract
25 activity. We can continue with work that has
26 already been awarded.

27 We can't do new starts. That's the big
28 difference in continuing resolutions and
29 operationally that makes -- that's significant for
30 all agencies.

31 And, again, we are hoping for a fully
32 year CR but we are not out of the woods with that
33 if there is some possibility that that decision
34 could be altered and we have some adjustments to
35 make in '17. If that happens it would likely be
36 downward reduction.

37 Quick note on discussions, picking up
38 on the last CCC meeting where there was some
39 discussion of the explicit direction that was
40 provided and this got to the challenging language
41 that we were dealing with as well.

42 So, first, this is just a timing issue
43 and I do want to make a little bit of a correction
44 here. We have made a big effort to try to move as
45 quickly as possible under the terms of the CR to
46 move out money to those -- back it up one slide --
47 these existing grants where we know and we have a
48 long-standing grant commitment.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We have been trying to move as quickly
2 as possible under the terms of the CR and we were
3 anticipating right now having at this moment about
4 half of the anticipated FY '17 level out of
5 council's commissions.

6 And that was our expectation. We are
7 actually not there. We understand from our --
8 right now, the grants are still being processed by
9 our grants -- by NOAA's grant management office and
10 those grants, we are told, are imminent.

11 It should be a matter of days. So a
12 little bit of a mea culpa here for the -- for the
13 overly optimistic accounting. But that's just
14 emblematic of what we have been trying to do. We
15 have been pushing the system hard. We have been
16 trying to move resources through to the maximum
17 extent allowed and we don't control the whole
18 process but we will stay on it and in a matter of
19 days those of you who haven't seen your second FY
20 '17 allocation that is within days of hitting.

21 So we should be at a 50 percent level
22 soon and, again, I will just note the possibility
23 of adjustments in the balance of FY '17. May not
24 happen but it could, and I just want you to be aware
25 of that.

26 So we will keep you posted with any
27 changes in this but we are moving towards as early
28 as possible release of funds.

29 And then this is the second issue.
30 There is timing and then there is adjustments, and
31 there was this language that I understand everybody
32 talked about at great length in the Senate CJS
33 report language detailed here where this
34 interesting phrase of equal proportion was
35 directed for amount above the FY '16 level.

36 And at the time that we all last spoke
37 we were kind of looking at different ways that that
38 could be exercised. And what we think would make
39 most sense from our interpretation of the
40 circumstances is to use this notion of
41 proportionally literally. The increase would be
42 allocated proportionate to the size of the -- of
43 the budgets as this sort of, if you will, base
44 distribution would indicate.

45 And we provide a detailed table and
46 backup. I can get into that if you would like --
47 I think it's slide 24, 26, something like that --
48 that shows what that would actually mean if you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 split it 50/50 or if you split it proportionally.
2 In the net, it's a -- it's a fairly small difference
3 but it is an allocation difference and we just
4 wanted to give you a heads up what our
5 interpretation of this is.

6 Proportional is proportional to the
7 existing budget and not a 50/50 or some other type
8 of split and that's where we think it would make
9 most sense. So welcome to -- I'll get into those
10 details if you would like to in the Q and A session
11 here shortly.

12 A couple notes -- we do like to, as
13 always, emphasize some of our external grant
14 programs that we are heavily indebted to our
15 partnership with you to execute -- to formulate,
16 to execute and we are very excited about these
17 areas. Obviously, one of the top tier ones for us
18 is our electronic monitoring and reporting grant
19 program. This has been exercised to our National
20 Fish and Wildlife Foundation partnership where we
21 have been able to complement federal money.

22 So the match here is noted in the third
23 bullet. It is about \$3.23 million and we are very
24 pleased National Fish and Wildlife was able to
25 bring in the Gordon and Betty Moore Foundation as
26 an additional funder in this area. But our 16
27 grant program had this nice combination of
28 resources and we are anticipating continuing to
29 press ahead in this direction.

30 Our goal of integrating electronic
31 technology into our core management process and
32 getting all the benefit in terms of quality,
33 accuracy, speed, which is a big one, is -- remains
34 a goal and we are playing that out as aggressively
35 as possible and as resources such as these grant
36 resources allow us to on a region by region basis.

37 So we are very optimistic and are
38 pleased to have this type of grant capability and
39 the type of partnership in place to be able to
40 exercise it and all of your contributions on a
41 regional level in particular I think are well known
42 and well appreciated as we move forward there.

43 We also have a Coastal Resilient grant
44 that's due. What changed with this in FY '17 was
45 the consolidation of these grants in the National
46 Ocean Services budget, carrying forward what
47 previously had been sort of two reliance-oriented
48 granting efforts, one in NOS, one in NOAA

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 fisheries, and these are fundamentally oriented
2 towards what you could broadly call the resilience
3 of coastal communities.

4 The orientation of the -- this kind of
5 simple cut on the difference between these two is
6 the orientation of the Natural Ocean Service grants
7 is towards built infrastructure, human community
8 interactions and the orientation of natural fish
9 and -- the Natural Marine Fishery Service portion
10 of this is around the coastal ecosystem dynamics,
11 around the natural infrastructure, which has a big
12 bearing on the coastal communities and the built
13 infrastructure.

14 So they are obviously complementary.
15 We are running them as a unified grant program.
16 There was a funding announcement put out but we are,
17 you know, estimating what the funding available for
18 this will be. But we are still in this uncertain
19 place with FY '17. So that remains an estimate at
20 this point in time.

21 On the Saltonstall-Kennedy front, this
22 is a wonderful grant program that we have been very
23 pleased to be able to continue to advance.

24 We have not changed priorities. We
25 anticipated around \$10 million being available in
26 FY '17. We haven't changed priorities from
27 previous years, and I am going to return to this
28 in a minute but keep that kind of list in mind of
29 seven priority areas because I do think, looking
30 ahead, we might want to come back to this.

31 One thing we did change -- so the
32 priorities were steady -- one thing we did change
33 was the process a little bit. We introduced a
34 preproposal mechanism and this was designed and
35 approved to be effective by our initial look at
36 things to decrease the number coming in for full
37 review and increase the quality of the ones that
38 do come in for full review and that is how things
39 did indeed play out.

40 We received 667 preproposals,
41 encouraged about 256 to come forward and we got a
42 few more than we encouraged. So 277 applications
43 being received.

44 So we reviewed a lot of short proposals
45 to be able to give the option for full development
46 of more -- of complete proposals and our attention
47 is turning to those now.

48 So the schedule here includes, as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 always, our technical review process, which is the
2 real core of the review -- competitive-based
3 technical review. And we anticipate the top 90
4 applications going forward for the full panel
5 review after that.

6 And in the end, like last year, our
7 rough anticipation is that available funding will
8 cover about 50 applications. That's what we are
9 expecting.

10 So pretty big demand knocking down from
11 667 ideas to 50. Clearly, there is a lot of
12 capability out there and we are pleased to have the
13 resources that we do have to be able to go after
14 really significant regional efforts in each of
15 those priority areas.

16 I do want to kind of pause here and thank
17 the councils and commissions for their
18 contributions to this process at many levels, one,
19 just conceptually at the level of formulating the
20 priorities.

21 And I do think, and we have had some
22 internal discussions just starting now, looking
23 ahead to FY '18.

24 Should we have the advantage provided
25 by Congress to continue this program in the future,
26 which we do hope for, we will have an opportunity
27 to look at those priorities again and I think it's
28 time for us to rethink those, at least in number
29 and composition. And has been the case in the
30 past, we will come back to you for that.

31 Your contributions bringing regional
32 perspective in on where the priority areas should
33 be and how we should modify those as absolutely
34 critical to the long-term success of this process
35 and we will look forward to your thoughts and
36 engagement there.

37 Also, the other area is in the actual
38 execution of the review process and we are very
39 grateful for the help that the councils provide to
40 the national program in the review process itself.

41 Your nominations for panel members are
42 critical. To get the right people on these panels,
43 obviously, key. In a lot of cases, my
44 understanding is that councils are sending staff
45 to these panel meetings that are coming up in April
46 here, it's noted, and everybody's kind of
47 sequestering themselves to go through this massive
48 review process in the first few days of April out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in Boulder.

2 And some of your staff will be sitting
3 in on that process and I think that that'll be a
4 very -- as always very informative and very intense
5 few days. And coming out of that once we get panel
6 scores and a ranking we do ask and provide an
7 opportunity for your final review concurrence.

8 We look for balance by priority,
9 balance by region. I think you're familiar with
10 that process and we appreciate your perspective and
11 input as we move towards that. So continuation in
12 FY '17 of how we did things in '16. The only
13 difference was this proposal process.

14 We have got our overall timing working
15 a lot better. We are anticipating in FY '18 a plan
16 for an FY '18 process that would be even a little
17 bit more accelerated. We would like to get out a
18 federal funding opportunity notice in June, if
19 that's at all possible. So earlier in the summer
20 so that we can provide due attention to the very
21 extensive application and review process that SK
22 grants require.

23 And I am going to make a quick note, and
24 that is while there is a lot of change in our policy
25 environment there isn't a lot of change in demand
26 for what we do.

27 In my thinking, that's the bottom line.
28 And we are going to have -- I am going to see in
29 the coming days, weeks, months some opportunity to
30 really think through how we execute our priorities
31 but our priorities fundamentally aren't changing.

32 We are both feet on the ground and our
33 two core mission functions of ensuring the
34 sustainability of fisheries and fishing
35 communities and recovering and conserving
36 protected species.

37 We are always trying to tighten up the
38 organization that supports that enterprise and we
39 have a continued commitment to organizational
40 excellence and a lot of things that we are doing
41 on the operational side to that end.

42 But the demand for these things, the
43 underlying mission drivers in Magnuson, in the
44 Endangered Species Act, the Marine Mammal
45 Protection Act and many, many other statutes that
46 we implement, those being the core that drive these
47 two functions, those have been with us for some time
48 and we anticipate continuing to meet those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 objectives at whatever level of resourcing we are
2 able to realize in what is obviously going to be
3 a very competitive environment for federal funding
4 in the coming months and the coming couple of fiscal
5 cycles, as we will see shortly.

6 But these are our core -- our reason for
7 being here and we are really looking forward to
8 carrying on with the full agenda and dealing with
9 the core business of sustainable fisheries and
10 fishing communities and the good work that the
11 councils contribute to that process.

12 As Sam mentioned, new people coming in
13 and so for some of you who have been around and seen
14 these transitions for some time one of the great
15 and interesting things is seeing people come in to
16 the Department of Commerce with a lot of thinking
17 about economic policy, a lot of thinking about
18 trade and very often not realizing how much of the
19 Department of Commerce is dedicated to managing
20 fisheries.

21 And it's always a good educational
22 process people get in. There is so much depth to
23 the Magnuson-based execution machinery that we
24 have in place. The council-led process is
25 absolutely central to it all and it is a process
26 that I think, once people understand how it works,
27 is impressive, very business-like and in the
28 interest of the nation, the regions, the resources
29 and the people to continue forward and we are
30 looking forward to maintaining our press ahead on
31 our priorities.

32 We are maintaining our core business
33 functions in this area. Historically, it has been
34 a bipartisan function. It's about the resources
35 in the communities and we hope that that's the type
36 of environment that we have moving forward and can
37 maintain business as usual to the greatest extent
38 possible.

39 So with that note, I will open it back
40 up and turn the mic back over to the chair. Thank
41 you, Mr. Chair, and willing to answer any questions
42 you may have.

43 CHAIR QUINN: Thank you very much,
44 Paul. Questions? Chuck.

45 MR. TRACEY: Thank you. Thank you,
46 Paul, for the presentation. Very informative.

47 A quick question about 2017 budgeting.
48 Has the -- has NMFS decided -- well, maybe a little

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 backup.

2 So in the last couple years, there is
3 been some changes in how the region has received
4 their discretionary funding -- their phase two and
5 phase three funds -- and I was wondering if the
6 decision has been made for '17 on how those might
7 be allocated similar to '16 or more like '15. So
8 I guess that's my first question.

9 My second question involves the temp
10 funding -- request for proposals that went out this
11 fall and how close NMFS is to making a decision on
12 those programs.

13 DR. DOREMUS: Well, on the first
14 question, I think carrying forward with the process
15 in '16 is most likely. The temp funds I don't have
16 a -- off the top of my head I don't know the timing
17 on those.

18 But that is an area -- we are looking,
19 generally speaking, at the timing and resource flow
20 across the board and temp funds are getting a lot
21 of tension in that regard.

22 But I don't -- I don't have a precise
23 answer for you at this point in time. But we will
24 get back to you as soon as we do have one.

25 CHAIR QUINN: John Bullard.

26 MR. BULLARD: Well, I had a question on
27 SK and I know I could ask you this, you know, offline
28 but I didn't want to ask it in front of -

29 DR. DOREMUS: You put me on the spot
30 instead, huh?

31 MR. BULLARD: In front of the councils
32 because it's a concern. I wanted to see if it were
33 shared by others.

34 And it is, as you've said, an incredibly
35 valuable program. We put a lot of effort into it
36 but we are very happy to do so because of what it
37 can do for the industry.

38 And the concern in have is that as you
39 note in the -- in the figures it's an incredibly
40 competitive program and the priorities, I think,
41 are good priorities.

42 One of the attributes of the program is
43 it tends to encourage partnerships between members
44 of the academic community and members of industry.
45 But it is a challenge, I find, in our area, to
46 develop those partnerships and to reach out to
47 industry, and I think many members of industry see
48 it as a -- as a closed shop or hard to break into.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And I think that one of -- as it gets
2 competitive and people start to weed out the weaker
3 proposals they -- I think the way they focus on it
4 is to get to which has the best scientific merit
5 or the greatest research value and that can tend
6 to weed out the ones with industry participation.

7 And so I wonder and I don't think this
8 is a research program, although it provides
9 necessary research for the industry. I note that
10 one of the most successful applicants 10 years ago
11 was Ken Coons, whose son is now a senator from
12 Delaware.

13 I wonder if there could be a criteria
14 and the reason I raise this in front of this wider
15 group is it may be just me that sees this as a
16 problem and if so, you know, you should ignore this.

17 But if others see industry
18 participation as something that should be further
19 encouraged then I wonder if one way to tweak this
20 might be in the criteria to add something -- to look
21 at how well does this proposal foster or encourage
22 science industry partnerships or something like
23 that so that as people are going through the various
24 levels of review that criteria is being looked at
25 if is a legitimate goal.

26 So those proposals that do foster that
27 necessary partnership between science and industry
28 that do that well are still being scored well and
29 still staying near the top.

30 And, again, I say that because I may be
31 the only one who thinks that that is important but
32 that's why I wanted to raise it in front of the
33 group.

34 DR. DOREMUS: Thank you, John. Thank
35 you, Mr. Chair. A couple of observations on that
36 and I would encourage and welcome input from others
37 as well and thank you, John, for putting it out in
38 that spirit.

39 We have heard these kinds of concerns
40 before and we have made a number of changes and I
41 think there are three areas that we have been
42 tending to and continue to do so to try to make sure
43 that these funds are as available to industry as
44 anybody.

45 And I think one thing we do want to keep
46 an eye on, just as a contextual note, is what is
47 most valuable about this type of program is the core
48 concept of competitive merit and I think we need

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to stick to that.

2 So my comments are oriented around how
3 to make industry-oriented proposals more
4 competitive and to get more of them because it looks
5 like we aren't at this point in time getting the
6 level that we would like to see.

7 So a couple of things that we have
8 introduced into the process self-consciously to
9 address the issue of industry access to SK funds.

10 One is the actual composition of
11 priorities and I am going to point here to this one
12 called promote, develop and marketing, which is
13 very, very expansive and is intended to be the --
14 there is industry equities in all of these. Data
15 collection, aquiculture is hugely industry
16 oriented and where we have a lot of industry
17 contributions already -- bycatch obviously.

18 But there is also -- we added in, I think
19 -- was it FY '16, Dan, that we added that or earlier?
20 FY '15. We added to promote, develop and marketing
21 in as a priority to try to encourage greater
22 diversity in industry -- direct industry
23 applications and that has -- that has yet to really
24 take off. We are not getting as many quality
25 proposals there as we would like to see.

26 So I think the priorities area and continuing
27 to tune that is one way to address, John, the
28 observation that you made. The other is industry
29 engagement.

30 We hold webinars on applying to federal
31 grants is -- of any type is a bit of an art in itself.
32 Academic institutions make this a core business
33 function. It's how they get their resources.
34 They are very good at it.

35 So we have done two things here on the
36 engagement front. One is direct outreach to
37 industry to make sure they know about this. They
38 know what the criteria are, how to apply, what the
39 topic areas are, what kind of things have to be in
40 a competitive proposal. But we also encourage
41 industry to do joint ventures, particularly with
42 academic institutions that have the sort of
43 grant-making institutional capacity and history to
44 be more -- generally be more competitive in
45 science, research-based grant programs.

46 So we have been encouraging joint
47 ventures and have been seeing a lot of those. The
48 third major area, in addition to the priorities,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the engagement strategy -- the third major area is
2 one that all of you contribute to and that is making
3 sure we have the right composition of panelists.

4 In the technical review we ensure that
5 but also in the constituent review, which is
6 designed to bring in that type of perspective and
7 all of those things are they working perfectly?
8 No. Are they helping? I believe so, and we'd like
9 to push them more aggressively and would welcome,
10 Mr. Chair, any other comments that people might
11 have on this part of how SK is currently
12 functioning.

13 CHAIR QUINN: Great. Before we go on
14 to any additional questions, any comments on the
15 SK issues that have just been brought up? Comments
16 or concerns in your region?

17 Okay. Seeing none, back to the open
18 question session. Gregg?

19 MR. WAUGH: Thank you, Mr. Chairman.
20 Thanks, Paul. We got word yesterday our grant is
21 being processed so thanks for moving that along.

22 A couple of questions. Going back to
23 that slide number 11 about the wording on how you
24 split that potential increase and how you equal
25 proportions.

26 That language is not operative yet,
27 right? It needs to -- if it's approved in the
28 conference mart then that comes into play and we
29 are -- okay. And we are wondering -- a little
30 background of why the council commission line was
31 combined and what is the potential for splitting
32 that line apart to where the council and
33 commissions are separate. I am wondering if you
34 could shed any light on that.

35 DR. DOREMUS: I do not know the history
36 on when they were combined -- when they were put
37 together in that formulation, and we have actually
38 been moving with a lot of encouragement, generally
39 speaking, from our broad budget and policy
40 community.

41 We have been moving more towards
42 aggregation and disaggregation of the budget. At
43 different points in time our budget was very, very
44 highly parsed into a lot of pieces and there has
45 been an effort over some time to modify the budget
46 so that like programs are aligned and better
47 managed both fiscally as well as programmatically.

48 And I do believe our grant programs to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 our key authorized strategic partners -- the
2 councils and the commissions -- make sense to look
3 at together. We do -- we are able to and provide
4 information to you already on how that line breaks
5 out in great detail and we can always speak to the
6 component pieces.

7 But for the actually budget process
8 itself I think it does make sense to look at them
9 holistically and for our kind of deliberations and
10 engagement with you we can always break down into
11 the component pieces.

12 MR. WAUGH: Thank you.

13 CHAIR QUINN: Tom Nies.

14 MR. NIES: I guess I got a couple budget
15 questions. With respect to this one on the
16 commissions, could you remind me which slide it was
17 that explains how you're interpreting this? Did
18 you say there was an example and you said you could
19 get into it in more detail?

20 DR. DOREMUS: I think it's slide 24. I
21 can page that here -- 24 or 26. It's in your backup
22 slides near -- oops, okay. Mike's going to need
23 to help me here because I went too far.

24 But there is a slide that shows what the
25 execution of a 50/50 versus a proportional would
26 actually look like and I will go slower through the
27 stack to try to call this up.

28 That's your council table, which shows
29 the detailed breakout that we are typically looking
30 at. That's our SK regional breakout. Oh, it's
31 not here. Sorry about that.

32 We can provide it. But all this does
33 is show you the '16 level, the '17 request level,
34 which you know, and then it breaks out what the
35 numbers would be if we did a 50/50 split versus a
36 proportional split and I'd be happy to make that
37 table -- it's just a table -- and make that
38 available to you and what the implications would
39 be.

40 So this, again, is for the delta from
41 '16. So the '17 request from the president has an
42 adjustment to base in it of, like, leave \$784,000.
43 Yes. And if you split it 50/50, the regional
44 council's addition would be \$392,000 and -- if you
45 split it 50/50 and the interstate fisheries
46 commissions -- the three commissions would add 36
47 and the Interstate Fisheries Commission, Atlantic
48 Cooperative Management would increase by \$356,000.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So that total of those three things
2 would be \$784,000 adjustment to base, and in a
3 proportional split the addition to the regional
4 councils instead of \$392,000 in a 50/50 the
5 proportional would be \$595,000.

6 It will be proportionately less,
7 obviously, for the fish commissions -- about 18 for
8 the three commissions and 171 increase for
9 interstate fisheries commissions -- again, all
10 totaling 784,000 and this is all if there is a delta
11 and if this language is implemented that's how it
12 would break out. So those are the numbers and it's
13 just a table that shows what 50/50 and proportional
14 would mean in terms of the fiscal breakout. And
15 we can make that available later.

16 MR. NIES: Thank you. I have another
17 question related to the budget and then with the
18 chair's permission one more on SK funds. I am
19 trying to talk slowly to make sure our next people
20 can get in the room.

21 With respect to the budget, so far we
22 are only getting the PPA amounts. We are not
23 getting the NEPA and the SSC stipends, I believe,
24 is what you say in your slide.

25 Do you have any idea when or if we might
26 see the rest of it? Are we waiting to see what
27 happens at the end of this continuing resolution
28 or --

29 DR. DOREMUS: Yes, that's exactly it.
30 So right now we are about or within days, in a couple
31 instances, half of the mainline. Here's what Tom
32 is talking about. This regional council line is
33 what I am -- 50 percent of this line is out and these
34 lines we are not able to distribute not knowing
35 these additions in these different programs --
36 NEPA, ACL implementation, et cetera -- and these
37 add, I think, in total around four or so to the
38 budget for the councils and commissions and we
39 can't distribute those until after we get the
40 clarity on the balance of the fiscal year and we
41 know what those numbers actually are.

42 So the intent is to move on that, again,
43 as quickly as possible once we have the authority
44 to do so. But right now we don't.

45 MR. NIES: And am I remembering right,
46 the current CR runs out sometime around the end of
47 April?

48 DR. DOREMUS: April 28th.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NIES: And if I might, Mr. Chair,
2 one more question on SK. With respect to the
3 process, in past years you've come to the executive
4 directors before this meeting in Boulder this year
5 where you asked us to take a look at the nominations
6 going to that panel and you've said, you know, what
7 do you think about the numbers by priority and what
8 do you think about the numbers by region that are
9 going forward to that meeting?

10 If you anticipate doing that this year,
11 I wonder if it would be possible to give us a little
12 bit more information. I always find it difficult
13 to give a reasonable evaluation of that without
14 knowing what the full universe that was submitted.

15 You know, when you asked me how does the
16 distribution look by region and I see Alaska gets
17 two or three, I tend to look at it and say, you know,
18 that doesn't seem fair, given the magnitude of the
19 fisheries out there.

20 But on the other hand, if it turns out
21 that there were only two or three submitted for the
22 Alaska region, well, then perhaps it does make
23 sense.

24 But I always find myself when you --
25 when you send that email out and ask us for that
26 I always find myself struggling on how to give you
27 an honest answer unless I just look at it and say
28 well, you know, you didn't give enough to New
29 England -- you should give more.

30 And the other thing is that sometimes
31 it seems like there is some conflicting guidance.
32 You know, you've sent basically the same email a
33 couple times in a row and sometimes I am rustling
34 because it seems like that issue is difficult to
35 deal with and then sometimes I feel like the
36 guidance on how to evaluate this is a little bit
37 confusing.

38 You know, in one place it says consider
39 these five factors. In another it says consider
40 these four factors, and I am, like, okay, which is
41 it -- which one are you looking for.

42 DR. DOREMUS: It's actually the six
43 factors.

44 MR. NIES: Six.

45 DR. DOREMUS: Thank you, Tom. We will
46 certainly be happy to look at providing greater
47 contextual information. If you or others on the
48 CCC would like to advise us on what would be most

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 helpful in making those kinds of considerations we
2 would welcome that input. We are always balancing
3 flooding you with information versus the -- versus
4 not.

5 And we will look at the criteria closer
6 to make sure that -- and anything that you see as
7 an internal contradiction. I wasn't aware of that
8 but we will look closely to make sure that the
9 criteria are clear. And these questions of
10 balance are always difficult and there is a lot of
11 things you need to take in consideration.

12 We did have for a number of times very,
13 very well in excess, if I recall, years ago of 50
14 percent of SK funds going to the Northeast and in
15 part that was because that's where all the
16 applications were coming from and in part it
17 reflects the greater density of academic
18 institutions that do marine and coastal and
19 fisheries-oriented research in that region. And
20 yes, Alaska has large fisheries but it doesn't have
21 as deep a research and technical base. So there
22 are reasons to expect regional variation like that.

23 But generally speaking, we are hoping
24 to -- we didn't want to have more than 50 percent
25 going to one region. That's generally a good sense
26 of -- sign of things not being quite balanced. And
27 we have been encouraging even areas where we get
28 low volume of applications -- we have been
29 encouraging a larger number of stronger
30 applications.

31 We have been investing a fair amount
32 trying to make that happen, for instance, in
33 territories and even put kind of a priority area
34 there to draw that forward, recognizing that there
35 are kind of structural disadvantages to receiving
36 high quality applications when you have an even
37 more distributed research and scientific
38 enterprise in different parts of the country and
39 our territories.

40 So those are things we try to pay
41 attention to. Your -- one of the ways we get a
42 check on our sense of balance is by seeing what your
43 kind of executive judgement is on these matters.
44 So your input alone is helpful to us when you
45 eyeball it and say, you know, this is about right
46 or it isn't and for what reasons.

47 So we want to use common criteria. We
48 will make sure that it's either four or five but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 not both and provide as much contextual information
2 as we have and that would be helpful to you in making
3 those kinds of judgment.

4 CHAIR QUINN: Thank you. Any other
5 questions for Paul? Gregg.

6 MR. WAUGH: Thank you, Mr. Chair.

7 Paul, you know we have asked about
8 funding into the future for fishery independent
9 data programs and particularly in the Southeast we
10 have seen the available funding level at best and
11 without some of the supplemental funding from the
12 center our Monument program which provides the
13 fishery independent data for our snapper-grouper
14 fishery would face severe cuts.

15 We don't even -- we don't have any
16 fishery independent programs for some of our major
17 fisheries -- king mackerel, Spanish mackerel,
18 cobia dolphin, wahoo, and we have looked at this
19 and looked at what resources would be necessary and
20 they are significant.

21 But I was just wondering if you have any
22 feel for where we are likely to see available
23 funding for fishery independent data programs as
24 we move into the future.

25 DR. DOREMUS: Thank you. This is -- I
26 am glad you brought that up. It does relate to a
27 number of things here. One is long-term priority
28 and we have heard both through this venue, through
29 our regular work with the councils as well as
30 through our efforts to work even more closely with
31 the state marine resource directors, all of whom
32 have put these types of data programs as their
33 number-one priority and it is ours as well.

34 We are working hard. If you look at
35 some of those core -- the types of things that you
36 mentioned -- CMAP, RMAP, the FINN funding -- that
37 -- those funding levels have been flat for a decade
38 or more and, you know, in real terms with inflation,
39 cost of doing business, that's actually a year by
40 year erosion of capability. We are well aware that
41 one of the things we have done for the last few years
42 is actually use a portion of the SK funds to help
43 augment the highest priority data gaps in those
44 programs in some sort of data modernizations
45 efforts as well.

46 It's not long-term solution. It's a
47 year by year. It's not guaranteed that we can do
48 it every year. It's subject to the availability

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of SK funds.

2 But that signal and that concern from
3 the council community, from the commissions, from
4 our state directors, has been uniformly allowed and
5 the best and only available resource we have to work
6 with was SK funding.

7 So we have tried to put more resource
8 onto the existing grant programs because of that
9 year after year erosion of capability and their
10 need are very significant and our dependency on
11 those data streams is very high.

12 The opportunity to start new ones is a
13 challenge and I think what you're going to hear,
14 and we saw this when we did our Science Center
15 reviews of all the data programs and all of the
16 regional Science Centers, there are going to be
17 choices involved. We need to look at what the
18 highest priority data streams are, what's required
19 to do them most efficiently, and areas where we have
20 existing data gaps we will need to look at
21 tradeoffs.

22 If we are to take those on, what -- how
23 do we do that with our existing resource set and
24 those are the choices that you all, in our
25 collaboration with the states, will be a part of
26 informing as we go forward in this kind of
27 environment.

28 So we -- bottom line, high priority.
29 We will do whatever we can to protect funding for
30 those data collection efforts and but it's a
31 difficult environment and I think we are going to
32 have to face the cost of data collection pretty
33 seriously in the coming years.

34 CHAIR QUINN: Kitty.

35 MS. SIMONDS: Hi, Paul. So what is the
36 total SK pot?

37 DR. DOREMUS: We are estimating \$11
38 million for the Saltonstall-Kennedy grant program
39 for FY '17.

40 MS. SIMONDS: No, no, no. I am talking
41 about the total SK pot.

42 DR. DOREMUS: That's it.

43 MS. SIMONDS: Ten million dollars?

44 DR. DOREMUS: You might -- you might be
45 thinking about the promote and development
46 account.

47 MS. SIMONDS: Right. Exactly.

48 DR. DOREMUS: Okay. Yeah. So that -

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SIMONDS: But I mean, that was --
2 that was the SK fund. I mean, that was the name
3 of the act.

4 DR. DOREMUS: No, it's slightly
5 different. So just to -- it's a -- it's budget
6 arcane but very significant.

7 All of this -- the Saltonstall-Kennedy
8 grant program is a component of the promote and
9 develop account which is funded through import fees
10 on seafood and some other products.

11 MS. SIMONDS: Right. I understand.

12 DR. DOREMUS: So that varies in any
13 given years based on import receipts, essentially
14 -- import tax receipts -- and it has been on the
15 order of low 130s. And Congress makes the decision
16 -- we estimate what they think they are going --
17 what they've done in the past, what we think they
18 will do in the future. But Congress, since the
19 70s, has used those tax receipts to offset portions
20 of the operations research and facility budget that
21 to promote in development type things -- our core
22 fisheries functions. There is four PPAs that it
23 funds.

24 So, in effect, they are displacing --
25 through those tax receipts they are displacing the
26 need for appropriated resources and whatever -- and
27 then they leave a balance for Saltonstall-Kennedy
28 grants or they don't.

29 In FY '11 and FY '12 there was no
30 Saltonstall-Kennedy grant program because
31 Congress decided to put all of the promote and
32 development funds on this offset.

33 And that could happen again in the
34 future but in recent years Congress has seen the
35 benefit of the SK program where -- as all of you
36 have seen and contributed to.

37 And what the actual level is is a
38 function of that internal congressional decision
39 making and the actual size of the tax receipts.

40 MS. SIMONDS: Right.

41 DR. DOREMUS: So we can estimate future
42 years but it's guessing on both those fronts.

43 MS. SIMONDS: Right. No, I understand
44 the program. I just, you know, didn't remember
45 what it is today. So 130 -- I remember when it was
46 \$10 million, like, 25 years ago. So it's grown
47 considerably.

48 DR. DOREMUS: Yeah. Seafood imports

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have grown enormously. That's a benefit to the SK
2 program and it's something for us to think about
3 from a national seafood supply point of view.

4 But yes, imports have been up and those
5 tax receipts have continued to grow and they
6 probably will again in FY 18. So we think that
7 number is likely to increase.

8 (Off microphone comments.)

9 DR. DOREMUS: Yes.

10 CHAIR QUINN: Any other questions for
11 Paul? Gregg.

12 MR. WAUGH: Thank you, Mr. Chairman.

13 And so going forward, you know, budgets
14 level at best likely declining. So it seems
15 imperative that as we look to address our data needs
16 we are going to have to avoid any duplication of
17 effort.

18 And one of the things we are looking at
19 is we have -- in our for hire fishery our head boats
20 are completing electronic reporting now. Our
21 chartered vessels we have just approved an
22 amendment that will be sent for formal review that
23 will put log books on the federal charter vessels.

24 We have also received approval for a
25 project that will look at electronic reporting in
26 the private recreational fishery.

27 And so we see a move to electronic
28 reporting as a way to address a lot of our data needs
29 with significant cost savings as long as we don't
30 develop duplicative systems to handle that data.

31 We have got pilot projects where that
32 data is going to the ACCSP program now. The agency
33 can pull the data from there.

34 And I know that you all were trying to
35 fill some staff positions dealing with electronic
36 technology and I was just wondering if you were
37 going to be able to do that so that we have folks
38 that we can reach out to as we explore ways to use
39 electronic reporting to meet some of our data
40 needs.

41 DR. DOREMUS: Thank you. Couldn't
42 agree more on all fronts. Cautionary note,
43 though, on the cost piece. I think, as is often
44 the case with data modernization efforts and
45 bringing new types of data on stream you need to
46 take a long-term perspective on the cost dimension
47 and I do think in many areas electronic gathering
48 of information, of processing, distribution, is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 obviously more efficient, more cost effective.
2 But EM/ER types of programs generally I don't think
3 are going to necessarily drive down our costs. We
4 hope -- we are going to use them as effectively as
5 possible. I think we need to look at our data
6 collection systems in their entirety and ask the
7 same types of questions.

8 We have very, very complex data
9 systems, if you will -- data gather from lots of
10 different sources using different types of
11 techniques.

12 So there is data integration
13 challenges. There are interoperability
14 challenges. So there is a lot of areas where I
15 think we can focus on generating efficiency gains.

16 They very often will require some
17 up-front investment to get those capabilities in
18 place and operating at a level you get the long-term
19 savings. So that's the cautionary note.

20 Staff -- it's a priority but, like our
21 fiscal environment, we are in a challenging
22 environment for staff and I am remiss in not making
23 some note of this in the budget discussion.

24 One of the things that the new
25 administration has done that you all are, I am sure,
26 quite well aware of is implemented a 90-day hiring
27 freeze.

28 But the bigger issue is the hiring
29 freeze is intended to be replaced by a policy that
30 we don't yet know the details about that will
31 involve some sort of attrition-based process
32 reducing the number of federal government
33 employees. That's the stated goal.

34 So we are going to be looking at
35 staffing shortfalls and staffing priorities in the
36 context of a net decline in our staff levels.

37 We have seen a decline in recent years.
38 We are several hundred positions down from where
39 we were in FY '11. Our workforce used to be in
40 total close to -- around 3,400. It is now slightly
41 below 3,000 and we don't know how much further we
42 are going to be asked to take it down.

43 So the cautionary note on the staff
44 hiring priority is it's a tough environment for
45 bringing people on board, period. And like the
46 data collection comment that I made about
47 prioritization we are going to have to do that in
48 terms of where we backfill staff through the normal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 process of attrition, generally 4 to 5 percent in
2 most agencies.

3 And we hope to have the flexibility to
4 be able to address highest priority needs in that
5 replacement process so that we can maintain a
6 commitment to our strategic priorities.

7 CHAIR QUINN: Any other questions?
8 Leann.

9 MS. BOSARGE: Yeah, just out of
10 curiosity that promotion and development import
11 tax bucket, what species make up the bulk or the
12 lion's share of those import taxes? Do you know
13 off the top of your head?

14 DR. DOREMUS: I don't know. I saw the
15 list once and it was astounding large. There is
16 a very, very large number. But I don't recall
17 where the largest receipts come from. I think we
18 could find that information and provide it to you
19 and we will do so. It's a -- it's interesting and
20 the composition has changed over time.

21 We will look it up. It's been a long
22 time since I looked at the list. But it's a very,
23 very long product list. But you're probably right
24 in assuming that the bulk of it comes from a limited
25 -- a more limited number of high import, high volume
26 import areas. So we will find it out and see if
27 we can provide it to you.

28 MS. BOSARGE: Thanks. I would venture
29 to guess there is some of it that comes from where
30 I hail from -- a good bit of it. I just wondered
31 out of curiosity.

32 CHAIR QUINN: Any other questions?
33 Seeing none, we are going to make a slight change
34 in the agenda. We are running ahead of schedule.

35 We think it's important that we do the
36 legislative outlook and the Magnuson-Steven
37 reauthorization in tandem.

38 So we are going to pull up from the
39 afternoon session the conflict of interest and Adam
40 Issenberg is going to do that. Then we are going
41 to take a break and then do those two back to back.

42 Adam.

43 MR. ISSENBERG: Thank you, Mr. Chair.

44 So this -- the recusal issue is -- the
45 conflict of interest issue is a topic that we have
46 discussed. I was trying to count -- I think it's the
47 last four meetings -- and I think, as most of you
48 will recall, I think the genesis for the discussion

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 on this has been a couple of recusal decisions
2 coming out of the North Pacific Council
3 specifically relating to the manner in which an
4 interest in a subsidiary is attributed for purposes
5 of calculating the 10 percent threshold when
6 determining whether recusal is required.

7 We have discussed that -- the basis for
8 the 10 percent threshold and for the allocation
9 approach specifically being that you -- that we
10 attribute the entire interest in a subsidiary to
11 the council members' interests.

12 So, for example, if there is a business
13 that has a 40 percent interest in a subsidiary we
14 don't attribute 40 percent of the harvest by that
15 subsidiary but we attribute the full harvest, 100
16 percent, to the council member in terms of
17 determining a financial interest.

18 The other thing that we have discussed
19 in this context is, you know, an interest in greater
20 transparency and predictability in how recusal
21 determinations are made.

22 And while at the last council meeting
23 I think I hope we have exhausted the discussion of
24 attribution, I think the open point has been the
25 development of additional procedures to provide
26 more transparency and predictability.

27 So to that end, in your briefing books
28 I believe you have two documents. You have a four
29 or five-page policy directive -- draft policy
30 directive and then you have a 10 or so page set of
31 procedures. And we provide those to you for your
32 review. I think you've only had them a few days
33 so we are not necessarily anticipating that you're
34 going to have extensive comments on them today.

35 But I'll briefly describe what's in the
36 two documents. The first document -- and I should
37 say that both of these documents were existing
38 documents governing -- addressing financial
39 disclosures and recusals.

40 We have elaborated on both of those
41 things, primarily on the recusals. So the policy
42 directive, which is the shorter document
43 primarily, the new piece of it is primarily two
44 things.

45 One is a requirement for regional
46 recusal determination procedures and the second is
47 a requirement for the development of regional and
48 headquarters-based websites to contain all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 procedures related to recusal, recusal -- actual
2 recusal determinations so that those are available
3 for review to, you know, provide a basis for
4 comparing how these standards are being applied
5 across regions, and then also to include any appeal
6 decisions that are made by NOAA general counsel on
7 appeal from the recusal determination by a
8 designated official.

9 The -- so that's what's in the shorter
10 document, the policy directive. The longer
11 document, the procedural guidance, primarily
12 contains two pieces.

13 One is it sets out the standards that
14 we have discussed for the attribution of financial
15 interests and I think you'll find that the
16 standards there are largely or, I should say, fully
17 consistent with the discussions that we have had
18 most recently at the last -- the last spring meeting
19 in St. Thomas. And then it also sets out guidance
20 for the development of the regional procedures.

21 As I've discussed at prior meetings,
22 the point here is not to have different standards
23 across regions. The substantive standards that
24 should be applied from region to region should be
25 and have been fully consistent.

26 The point of the regional procedures is
27 to recognize that fisheries vary from region to
28 region, from counsel to counsel and the nature --
29 the way in which the procedures are applied, the
30 recusal determinations are made may vary from
31 region to region because of differences in those
32 fisheries.

33 So the procedures address the thing --
34 the procedural guidance addresses the things that
35 should be in the regional procedures.

36 There is eight or 10 points there. I
37 think I am going to -- I am going to focus on four
38 of them because I think those are the most
39 significant.

40 One is identifying the fisheries and
41 sectors that will be reviewed for purposes of
42 making the determinations. I know that that has
43 been one question that has come up is how do you
44 identify whether an interest is in a particular
45 fishery or sector.

46 So each set of regional procedures
47 should identify how those determinations will be
48 made based on the nature of the fisheries in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 particular council's purview.

2 The second is the timing of recusal
3 determinations. Each region -- each set of
4 regional procedures should address when those will
5 be made and as well as how notice will be provided
6 to council members and to the chair and the
7 executive director.

8 And then the last point is procedures
9 for identification of the designated official. I
10 think these vary from region to region in part
11 because in some regions you tend to have a single
12 NOAA GC attorney who attends the meetings for the
13 full length on the meeting. In other regions you
14 may have people subbing in and out, depending on
15 particular species or stocks or particular issues.

16 And then the last piece of that is that
17 the guidance also addresses the procedures for
18 council review and input on the specific regional
19 procedures and provides that each council should
20 have the opportunity to review those procedures at
21 at least one meeting.

22 So that's kind of a big picture overview
23 of what's in these two documents. The -- we are
24 interested in your input on the documents.

25 Our thought on this is that we'd like
26 to provide each council an opportunity to consider
27 this at one of their council meetings if their -if
28 they choose to do that. And then to tee it up for
29 a discussion if you think it would be useful at the
30 May meeting and then we would expect to finalize
31 these two documents soon after the May meeting and
32 get the regions started on the regional recusal
33 determination procedures.

34 Those would initially be developed by
35 NOAA GC in the NOAA GC regional offices in
36 coordination with the NMFS regional offices and
37 then as I mentioned they would be provided to the
38 councils for input by the councils.

39 And I think that is everything I have
40 and I am happy to take questions or comments.

41 CHAIR QUINN: Thank you very much,
42 Adam. Questions? Gregg.

43 MR. WAUGH: I've got a couple of
44 questions but first on the timing issue, you know,
45 our council meets next week. Council members
46 haven't seen this. So the first council meeting
47 we'd be able to address it would be June. So I see
48 some serious issues with your intended timing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. ISSENBERG: You know, I mean, I
2 think we can certainly adjust that to ensure that
3 your council has an opportunity to review it in June
4 and, you know, would not finalize until after we
5 received input.

6 CHAIR QUINN: Chris.

7 MR. OLIVER: Hey, thanks, Adam. Can
8 you help me with Section 3.1.2.2 versus 3.1.2.3?
9 I am trying to figure out the difference. I had
10 a brief moment of joy when I thought you all had
11 revisited the attribution -- the attribution
12 question.

13 But you're telling me you have not
14 revisited the attribution question. But I am
15 confused at the difference between those two
16 sections.

17 MR. ISSENBERG: Okay. So you're in
18 the longer document, right?

19 MR. OLIVER: Yes. Yes. Sorry.

20 MR. ISSENBERG: Okay. And that's 3.1.

21 -
22 MR. OLIVER: Point 2.2 and .3 -- their
23 attribution section, which was our issue,
24 obviously.

25 MR. ISSENBERG: So the distinction
26 between those two sections relates to whether
27 you're looking at the interest of a subsidiary or
28 a parent.

29 So 3.1.2.2 relates to -- that's the
30 section that really relates to the question that
31 we have discussed in the past. How do you allocate
32 or attribute the interest of a subsidiary to the
33 parent.

34 3.1.2.3 is a broader question that I
35 don't think we have actually discussed in detail
36 in our prior meetings on this and it wasn't
37 specifically the topic of one of those recusal
38 determinations that gave rise to this discussion.
39 That relates to how you look at whether you
40 attribute the interest of a parent company to the
41 council member.

42 So if -- on that second point if the
43 council member has an interest in a company or
44 organization and that is partially owned by another
45 organization do you attribute the parent company's
46 interest to the council member and on this
47 particular point we have followed guidance that is
48 in the general office of government ethics

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 regulations.

2 The question that we have discussed
3 about how you deal with a -- with a subsidiary is
4 not addressed in those regulations because that's
5 something unique to us.

6 In the Office of Government Ethics
7 Regulations, the regulations that apply to federal
8 employees generally you attribute any interest.
9 There is not a 10 percent threshold like there is
10 in the recusal regs because there is slightly
11 different language. It talks about any direct
12 interest rather than a significant interest, which
13 is the Magnuson standard.

14 So for the subsidiary situation, we
15 have to decide how to determine what's a
16 significant interest. In the parent situation
17 there is this Office of Government Ethics
18 Regulation that says if there is greater than a 50
19 percent interest then if the council member's
20 business is more than 50 percent owned by the parent
21 then you attribute the parent's full harvest.

22 If it's less than -- well, it doesn't
23 specifically speak to harvest because it's not in
24 a fishery situation. But you attribute the
25 parent's full interest. If it's less than 50
26 percent then you don't.

27 So I know that's confusing. We can try
28 to provide some additional clarity on that. But
29 that is, again, not the situation that we have
30 talked about in the past.

31 CHAIR QUINN: Follow up?

32 MR. OLIVER: So just -- I am sorry, I
33 was confused. So just to be clear, the situation
34 that we have talked about in the past where we
35 argued for a different attribution policy that has
36 not changed?

37 MR. ISSENBERG: That has not changed.

38 MR. OLIVER: Thank you.

39 CHAIR QUINN: Warren.

40 MR. ELLIOTT: Thank you, Mr. Chairman.
41 Thank you, Adam. I am just wondering, having just
42 reapplied for my council seat and I filled out NOAA
43 Form 88-195, I saw that it's set to expire on
44 3/31/17. So I am just wondering is this discussion
45 going to lead to the development of a new financial
46 disclosure form?

47 MR. ISSENBERG: No. This is not going
48 to change the form. The form was recently revised

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 within the last few years in response to an IG
2 report and I think at this point it's up to date.

3 CHAIR QUINN: Bill.

4 MR. TWEIT: Thank you, Mr. Chair, and
5 thanks, Adam. I do appreciate the walk-through.

6 I am trying to think about the
7 requirement then for a process for identifying the
8 fishery or sector of the fishery affected by the
9 action, and I have two questions about that.

10 One is, clearly, then that -- once
11 that's defined for each action that then describes
12 the universe of attribution. Is that the --

13 MR. ISSENBERG: Right. That's the
14 issue and that was an issue in one of those recusal
15 determinations from the North Pacific Council.

16 MR. TWEIT: So each region then has its
17 own ability through this to define its universe a
18 little separately? Is that correct? Because
19 you're leaving this up to each region to define a
20 process.

21 MR. ISSENBERG: I think the issue there
22 was that, you know, there was some question and some
23 disagreement with that particular action and I
24 don't recall the details of it about whether to look
25 at a specific sector or a broader element of the
26 fishery and the idea here is to look at the way the
27 fisheries are comprised in each particular council
28 and to provide some predictability as to how those
29 determinations will be made, recognizing that
30 fisheries are composed differently and managed
31 differently across councils and across regions.

32 And so the guidance is not prescriptive
33 as to how that will be carried out. But the idea
34 there is to enable a local solution so that there
35 will be predictability as to how those decisions
36 will be made so that it won't come as a surprise
37 that we use -- that, you know, this sector as
38 opposed to this broader composition in terms of
39 making the attribution decisions.

40 MR. TWEIT: And then one final on that.
41 So is the sort of suggested intent then that this
42 happen essentially when the council first sees
43 maybe the first draft of the regulatory impact
44 review or the NEPA documents -- that there be an
45 additional section that would essentially identify
46 the fisheries or sectors that would be looked at
47 for recusal at that point so the councils would then
48 have an early warning then of who's likely to be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 affected? Is there a -- I am trying to think just
2 about the mechanics of this and how that
3 contributes to the council's understanding of what
4 may come up at final action.

5 MR. ISSENBERG: No, I think that's a
6 good point. You know, we -- I haven't -- we haven't
7 specifically talked about it in terms of, excuse
8 me, the NEPA document or the RIR. That's one
9 possibility.

10 You know, I think that's -- that's
11 something to work out that I think, again, may vary
12 from council to council depending on how complex
13 the particular fisheries are. But I think, again,
14 the point is to provide early notice for the sake
15 of predictability so that's something that, you
16 know, the North Pacific Council could discuss with
17 the Alaska section with Lauren Smoker and, you
18 know, try to figure out what would work best in that
19 context and other regions could do the same.

20 CHAIR QUINN: Michelle.

21 MS. DUVAL: Thank you, Mr. Chairman.
22 So Adam, if I am reading the policy directive
23 appropriately, the burden lies on both the regional
24 office as well as the executive director to review
25 council members' disclosures and make a
26 determination prior to every council meeting as to
27 whether or not a recusal determination might be
28 needed?

29 MR. ISSENBERG: The recusal
30 determinations are the responsibility of the
31 designated official who is the -- under the
32 regulations a NOAA general counsel attorney.

33 I think what you're reading is there is
34 a reference in the policy directive to a
35 requirement for the regional office and the
36 executive directors to occasionally review the
37 financial disclosure forms to ensure they are
38 complete.

39 MS. DUVAL: What I am reading is
40 reviewing, and this is in terms of the
41 responsibility of the executive directors
42 reviewing current financial disclosure forms prior
43 to council meetings to determine the potential for
44 a conflict of interest in advising the regional
45 office, NOAA GC, et cetera.

46 So I am just wondering who starts the
47 dance. That's all.

48 MR. ISSENBERG: Again, in terms of who

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 starts the dance, I think that may depend -- you
2 know, that's one of those things that may vary from
3 region to region based on the complexity of the
4 fisheries and how often this comes up.

5 You know, this never comes up in some
6 fisheries. It comes up every meeting in others.

7 And so, you know, I think that
8 responsibility to sort of identify early where
9 there may be situations I think is shared for a
10 reason because, you know, there are a number of
11 people who may have knowledge of a potential
12 conflict.

13 So I think the responsibility to, you
14 know, spot an issue and raise an issue is a sign
15 to a number of different people. I think it's
16 shared by the executive director, the regional
17 office and NOAA GC.

18 The responsibility to actually make the
19 determination is in the hands of NOAA GC.

20 CHAIR QUINN: Gregg.

21 MR. WAUGH: Thank you. And so
22 following up on that then there is -- is this a new
23 responsibility on the executive directors to look
24 at this prior to each meeting and then in the more
25 detailed document post-council meeting action it
26 says that council ED should record instances of
27 recusal and submit these records to the NMFS
28 regional office.

29 We record all our meeting. So that
30 would be in the minutes. Is this looking at a
31 separate memo, if you will, after each meeting and
32 then compiling that data at the end of the year and
33 providing that?

34 MR. ISSENBERG: On the first question,
35 I don't think that's a new requirement. I think
36 -- I think the language is clarified a little bit
37 in the documents. But I think that requirement has
38 been there.

39 On the second question, think the
40 point of providing the report afterwards is that
41 since now we are going to have this website where
42 the recusal determinations are supposed to be
43 reported on the website we need a mechanism so that
44 we can ensure that, you know, those recusal
45 determinations are identified and then they get on
46 to -- they get into the hands of the person that
47 has to put them on the webpage.

48 The mechanics of it in terms of a memo,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you know, I think that's something that, again,
2 you know, that may be a comment you'd want to
3 provide so that we can, you know, we can flesh out
4 how the mechanics work.

5 CHAIR QUINN: Tom.

6 MR. NIES: I am looking at Section
7 3.1.1, which is the information to be used for
8 recusal determinations and I guess I am struggling
9 a little bit to understand how the different bullet
10 points are consistent.

11 So the very first bullet points says
12 NOAA GC will use information reported on a member's
13 financial interest form and any other reliable and
14 probative information provided in writing to NOAA
15 GC.

16 So, you know, I am not quite sure who
17 provides this information to NOAA GC -- if
18 something comes in, you know, over the transom and
19 how is NOAA GC supposed to evaluate whether it's
20 reliable and probative.

21 And then you look down at the last
22 bullet and it basically says NOAA GC is not
23 responsible for determining the veracity of
24 reported information on the financial interest
25 form. They are just to assume that what's reported
26 on the financial interest form is correct.

27 So, you know, I can easily envision a
28 situation and I think we actually had one in our
29 council about two or three years ago where NOAA
30 looked at the financial interest form and said
31 there is no conflict of interest and then we get
32 a letter in that said well, yes, there is, you know,
33 and we want you to make a determination and rule
34 that this -- there is a conflict of interest in this
35 case.

36 And I don't quite understand how NOAA
37 GC is supposed to make the evaluation of whether
38 information they receive, say, from a third party
39 is reliable and probative and particularly if it
40 conflicts with information that they are supposed
41 to assume is correct because it was provided on a
42 financial disclosure form.

43 MR. ISSENBERG: I think the basic point
44 there is that, you know, we take the forms. Unless
45 we have other information -- this may need to be
46 clarified -- unless we have other information we
47 assume that information is complete and correct.

48 We can't ignore other information

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that's provided to us. I am not familiar with the
2 situation you reference. But I do know that within
3 the last few months we had a situation in other
4 council where we received a letter from someone who
5 said, you know, I am not going to go into the details
6 but this council member has a conflict because they
7 have an unreported interest in this company that
8 will be affected by council action and what the
9 designated official did in that situation was to
10 first contact the council member, get information
11 from the council member and ultimately, you know,
12 made their best determination as to what was
13 reliable and what was probative.

14 And I think -- I don't know if it's in
15 this section -- but it does say -- well, okay, it's
16 the second bullet that says NOAA GC may contact the
17 council member to better understand the reported
18 financial interest or any information provided in
19 writing to NOAA GC. You know -- you know, we can
20 think about whether we should clarify that in the
21 even that we have outside information.

22 You know, in that instance we should
23 consult -- you know, I think it would be prudent
24 to consult with the council member to get their
25 input on that other information. But I don't think
26 that we could ignore other information that comes
27 in.

28 CHAIR QUINN: Any other questions?
29 Seeing none, it's now 10:15. We will take a
30 15-minute break until 10:30 and then get back on
31 the legislative outlook.

32 Thank you.

33 (Whereupon, the above-entitled matter
34 went off the record at 10:15 a.m. and resumed at
35 10:37 a.m.)

36 CHAIR QUINN: All right. We are going
37 to start -- we are going to start the next session.
38 Can you please get back to your seats so we can start
39 the session?

40 The next session that's scheduled on
41 the agenda is the legislative outlook. I am going
42 to turn it over to Topher Holmes to lead the
43 discussion and then introduce the congressional
44 staffers that are here for comments.

45 Topher.

46 MR. HOLMES: Thank you. As he said, my
47 name is Topher Holmes. I am with the NOAA Office
48 of Legislative Affairs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 As in past years, we are usually asked
2 to provide a legislative update. But rather than
3 have me tell you what's going on on the Hill we like
4 to invite our partners from the Hill to come down
5 and talk with us as well.

6 With us today we have Jeff Lewis,
7 counsel of the -- on the Senate Commerce Committee,
8 Subcommittee of Oceans, Atmosphere, Fisheries and
9 Coast Guard, and we also have Bill Ball,
10 professional staff with the Water Power and Oceans
11 Subcommittee of Water Power of House Natural
12 Resources, and Matt Strickler, senior policy
13 advisor on the minority staff.

14 So we like to invite them down to
15 provide their perspectives on the recent changes
16 in the election, changes to the committees and
17 outlook -- possible outlook on upcoming actions
18 within the committees themselves.

19 So these guys are on our authorizing
20 committees. They have oversight over, obviously,
21 Magnuson-Stevens as well as other legislation
22 relevant to all of us.

23 So with that, I'll turn it over to Jeff
24 Lewis.

25 MR. LEWIS: Good morning, everyone.
26 Thanks for having us here this morning. It's a
27 pleasure to be with you.

28 As Topher said, I am Senator Bill
29 Nelson's counsel on the Senate Commerce Committee
30 staff for fisheries and Coast Guard issues on the
31 Oceans, Atmosphere, Fisheries and Coast Guard
32 Subcommittee.

33 We are excited about some of the changes
34 in our subcommittee lineup this Congress. We have
35 -- we are sad to have lost Senator Rubio from the
36 committee and to have lost him as our subcommittee
37 chair. He's gone over to Appropriations now.

38 But we have Senator Sullivan of Alaska
39 as our new chair and so I think that we are going
40 to see a very active subcommittee this Congress,
41 looking at a variety of issues that will no doubt
42 be Alaska-centric but will probably also touch on
43 issues in other regions of the country -- other
44 management regions.

45 I was looking at some of the materials
46 on the website in advance of the CCC meeting and
47 I saw that you had information on the new Republican
48 members of the committee and the subcommittee but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 maybe you went to press before the news came out
2 about the Democratic side. So I can tell you now
3 that Senator Peters of Michigan will be our new
4 ranking member on the subcommittee, replacing
5 Senator Booker, who will stay on the committee but
6 will no longer be ranking.

7 Senator Cantwell will remain on the
8 committee as will Senator Blumenthal --
9 subcommittee, excuse me -- as will Senator
10 Blumenthal, Senator Schatz, Senator Markey and, as
11 I said, Senator Booker. And we have added Senator
12 Baldwin of Wisconsin, another Great Lakes state
13 senator to the committee and to the subcommittee.

14 So I think that she has a great interest
15 in NOAA dry side issues. But I am sure that she'll
16 wade into some of the -- some of the marine fishery
17 management and other wet side issues as well.

18 In terms of legislative outlook, I
19 would say that there seems to be an interest among
20 our members in looking at a Magnuson-Stevens Act
21 reauthorization.

22 There was a brief flirtation, you may
23 recall, those of you who may have been following
24 it, last year with the possibility of starting a
25 reauth process. But it kind of foundered in spring
26 of last year.

27 So I don't know about timing of those
28 things. I can tell you that the first thing out
29 of the gates that we anticipate at this point will
30 be a subcommittee hearing in the latter half of
31 March dealing with Coast Guard issues, which, of
32 course, also loom quite large for our subcommittee.

33 After that I would imagine we will see
34 some sort of a foray into fishery management issues
35 and so we will keep you posted on that.

36 That's my kind of main update that I can
37 give you at this point so I'll turn it over to the
38 others.

39 MR. BALL: All right. Well, first and
40 foremost, they always tell me the guy that speaks
41 in the middle is the one that gets forgotten. So
42 let's hope that doesn't happen.

43 Most of you guys know me. I am Bill
44 Ball. I work on Natural Resources Committee for
45 Chairman Bishop. I took over for this guy a couple
46 years ago and I am working on it, you know.

47 I haven't done that great of a job but
48 I am working on it. We got a lot done last

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Congress. No, but we are very excited. We got
2 some new members. Chairman Bishop's still there
3 but on the subcommittee Fleming is gone from
4 Louisiana. We now have Doug Lamborn from
5 Colorado, not somebody who would typically have a
6 lot of fisheries interest, I know.

7 But because of that we brought Daniel
8 Webster, who came to the committee, from Florida
9 as our vice chair on the subcommittee to kind of
10 help balance out the subcommittee between the
11 fisheries issues and the Western water and power
12 issues.

13 So we have a good roster. We have some
14 new members. New for coastal we have Webster. We
15 have David Rouzer from North Carolina and we have
16 -- shoot, who am I forgetting? Oh, Mike Johnson
17 from Louisiana.

18 So we do got some good fisheries
19 representation for districts that are -- these
20 issues are important, too.

21 Before I get into anything I kind of
22 want to thank the -- right at the end of the year
23 I was able to work with these guys to get the Pacific
24 fisheries bill done that was specific kind of to
25 the North and South Pacific conventions and had
26 some other pieces in there.

27 So certainly a special thanks to the
28 councils of interest -- the Northwest and Pacific
29 Councils. They worked a lot with us, with all of
30 us and spent a lot of time on the phone with us
31 trying to walk through that bill and we greatly
32 appreciate that input.

33 You know, you guys are the ones on the
34 ground dealing with the stakeholders. So it's
35 super valuable that we have an open line of
36 communication to you guys and so far it's been
37 nothing but that.

38 So also, you know, I think it was maybe
39 it came out of the CCC last year -- the letter that
40 the councils wrote supporting a provision in last
41 and this Congress' MSA reauthorization.

42 It's very important to us, which is MSA
43 is the ultimate management authority in federal
44 fisheries management regardless of if it's in an
45 MPA or otherwise. I think we'd all agree here that
46 federal fisheries management in this country is
47 probably the best anywhere and, you know, what
48 better way to show our councils that we support what

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they do and their progress they've made and
2 allowing them to do their job. So appreciate that
3 as well.

4 Getting into the new -- the new
5 Congress, I mean, this is much more than a new
6 Congress. Obviously, this is a new
7 administration. I think the priorities of this
8 administration have already been, we have already
9 seen, are very different, at least on the big
10 picture.

11 You know, obviously, it's all about
12 jobs and reg reform right now and some other stuff
13 that's not important to us right now. But and, you
14 know, that, to us, is huge.

15 Coming from somebody who's been on the
16 water all my life and from a commercial fishing
17 family I know that we have -- commercial fisheries
18 have been continually bearing the burden of federal
19 regulation and it's really choking a lot of
20 different -- a lot of different industries.

21 So that's big. You know, it's not just
22 reg reform but it's working to get more power to
23 the regions, to the councils and commissions and
24 so that they can make a decision based on this open
25 democratic transparent process that we have
26 through the councils.

27 Some other things, I guess. Kind of,
28 you know, following up on what Jeff said, it's kind
29 of hard to give a comprehensive legislative outlook
30 because we don't know who's going to be where.

31 You know, the people that come into
32 these different leadership positions in Commerce,
33 NOAA and NMFS are going to have a huge input and
34 driver on how we kind of navigate through
35 legislative issues this next Congress.

36 So, you know, definitely looking at
37 another MSA bill I know Congressman Young wants to
38 lead those efforts again. He's already put a bill
39 out there that's largely the same as what passed
40 out last year, with some minor changes.

41 We have been talking with him a lot and
42 I know, you know, with Sullivan over in the Senate
43 that's big, too. You know, that's a pretty dynamic
44 duo to, hopefully, we can get some stuff done.

45 But to that effect, with a bill like
46 that, you know, we kind of have to see who's where,
47 how the pieces fall before we can move ahead with
48 something like that because we want to make sure

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that with this new administration we are as much
2 as we can be in coordination and lockstep with them
3 on things.

4 So certainly going to be looking to
5 working with all you guys on that but it's kind of
6 echoing what Jeff had said. It's something that's
7 probably not going to come down the pike
8 immediately because we got to kind of see where the
9 pieces fall before we take on something of that
10 magnitude. Whereas in 2015, you know, we came
11 right out of the gates in the House doing that bill
12 and were out -- by June it was out of the House.
13 We will probably take a slower approach, wait for
14 things to get into place and then try to put
15 something together that we can get done.

16 You know, outside of that, again, kind
17 of just feeling things out until we get people in
18 place. We are going to be looking at a couple
19 things.

20 A big -- again, a big thing to us is this
21 administration's push for regulatory reform. You
22 know, they've done the reg EO early on and they've
23 also done the task force stuff and some other
24 things. So I think that's going to be huge, going
25 forward, and kind of to that effect, you know, as
26 we look ahead we are going to be, you know,
27 certainly looking at any way we can -- we can lessen
28 the regulatory burden on U.S. industry and that
29 definitely applies to the fishing industry.

30 So Chairman Bishop will be reaching out
31 to each of the councils and formally requesting
32 comments on how we can relieve the regulatory
33 burden on ESA and MPA and in Magnuson on behalf of
34 the councils and the people on the ground.

35 We -- you know, he very much values you
36 guys' input. You know, he's -- well, he's from
37 Utah. You know, we have had him. He just got back
38 from the West Pacific where he was out in Hawaii
39 and American Samoa and Guam and CNMI. You know,
40 he's been to New Bedford.

41 He's been down to -- he's been to Long
42 Island. He's been to Southern Miami -- or Southern
43 Florida on fishery stuff. So, you know, he's,
44 while somebody that doesn't deal with these things
45 directly he understands the regional differences
46 and he really understands the part that the
47 councils play and your input's invaluable.

48 So you will be seeing that coming from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 us very shortly. I look forward to answering any
2 questions you guys have and I'll pass it to Matt.

3 MR. STRICKLER: Thanks, Bill.
4 Thanks, everybody, for having me today. My name
5 is Matt Strickler. I know a lot of you as well.

6 I worked for the minority staff on the
7 House Natural Resources Committee. Our ranking
8 Democratic members is Raul Grijalva, who
9 represents the Third District of Arizona, which has
10 not been a coastal district for about 250 million
11 years. But he does care very deeply about ocean
12 conservation and fisheries management in
13 particular.

14 Our subcommittee ranking member on the
15 Water, Power and Ocean Subcommittee is more
16 directly involved with fisheries issues and that's
17 Jared Huffman from Northern California. He has a
18 lot of fisheries' interests in his district and he
19 will be handling kind of the -- you know, taking
20 the lead on most of these issues as they come
21 through the subcommittee.

22 We also have kind of a different look
23 than the rank and file of our committee membership
24 this Congress. We have got six new members, some
25 of whom are coastal. Colleen Hanabusa from Hawaii
26 is back in the House now after a brief hiatus.

27 Nanette Barragan from California, also
28 a coastal district, is a new member. Darren Soto
29 from Florida. Jimmy Panetta from California is
30 replacing Sam Farr, so an important coastal
31 district there represented on the committee. And
32 then Don McEachin from Virginia and Anthony Brown
33 from Maryland who are not coastal members but both
34 have interests in the Chesapeake Bay and a lot of
35 coastal issues for those states as well.

36 So given that and given the fact that,
37 you know, it seems like Magnuson reauthorization
38 is kind of our biggest, you know, fisheries and
39 oceans issue before the committee this Congress,
40 we are hopeful that the process will look a little
41 bit different than it has recently.

42 Last Congress, as Bill mentioned,
43 partially because, you know, the bill that had gone
44 through was kind of old business. We had an
45 expedited process where we didn't have any
46 oversight hearings, where we didn't have, you know,
47 a legislative hearing on a bill. We went straight
48 to markup and then straight to the floor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Our members hope is that given our new
2 membership, given some of the -- you know, there
3 is just some small changes to the bill but also the
4 fact that the National Standard 1 guidelines are
5 out and need to be implemented that we would have
6 a more robust and kind of inclusive and
7 deliberative process looking at reauthorization
8 attempts this time around.

9 I think it's been made clear, given
10 what's happened the last two Congresses, that H.R.
11 200 is not going to be the vehicle for Magnuson
12 reauthorization.

13 I think, you know, we need to take a
14 fresh look. I am interested to see what the Senate
15 comes up with and I am hoping that Bill and I can
16 sit down and maybe some of our members and kind of
17 talk through the -- you know, the suite of issues,
18 the things that are in H.R. 200 and then also a
19 number of things, particularly on the recreational
20 side that aren't included that we need to pay some
21 attention to.

22 So that's the -- kind of the minority
23 perspective on what we are hoping for this Congress
24 on that big piece of legislation.

25 Other things that are hanging out
26 there, we have already passed through the House
27 under suspension of the rules the Dungeness crab
28 management bill, which is a good step.

29 We couldn't get it done last Congress
30 because of some issues there up in the Senate. We
31 had similar issues in the Senate this time. My
32 understanding is that a certain senator from
33 Louisiana is holding that bill over red snapper
34 issues.

35 So we have got some troubleshooting to
36 do there. So we are hopeful there if this can be
37 gotten through the House quickly that we can make
38 that happen at some point soon. But kind of
39 remains to be seen.

40 I mentioned the red snapper issue. I
41 am sure that we will have continued oversight
42 action on the committee on that issue, and although
43 it does seem that the -- you know, the Gulf Council
44 and all the stakeholders down there are making some
45 good progress on, you know, alternative
46 management. So that's encouraging to see.

47 That's pretty much what I have as far
48 as an update. Bill mentioned the Pacific

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 fisheries bill that got done last Congress, which
2 was good. You know, obviously, implementing the
3 new treaties and getting some -- you know, some
4 additional fixes for our IUU enforcement
5 legislation.

6 The last thing, I guess, I'd like to say
7 is, you know, given the regulatory freeze and all
8 the uncertainty around the one in one out policy,
9 I just want to give a shout out to Sam and Alan and
10 their team for doing such a nice job of lining up
11 rules to get things that are really important out
12 the door and kind of keep the -- you know, keep the
13 trains running so we don't have too big of a
14 bottleneck.

15 I know a lot of those kind of rules that
16 maybe the big picture political folks don't think
17 about are necessary to -- you know, to get -- you
18 know, get fisheries opened and closed and modified
19 in real time. So, you know, the -- NOAA's team has
20 done a really nice job with that so I just want to
21 say thanks. Happy to answer any questions as well.

22 MR. HOLMES: So I think we will be
23 moving to Dave Whaley here shortly. But before
24 then, if there's any questions that you guys would
25 like to ask of the congressional staff, please.
26 Mr. Chair?

27 CHAIR QUINN: Bill.

28 MR. TWEIT: Thanks, Mr. Chair. Bill
29 Tweit from North Pacific Council but also from the
30 state of Washington.

31 So definitely interested in what your
32 thoughts were about the next steps for Dungeness
33 crab on the Senate side.

34 MR. LEWIS: So I am glad you asked that
35 question. The bill -- is it a Herrera Beutler
36 bill? Yeah. That the House has sent us has been
37 held at the desk in the Senate. We have plans to
38 mark up the Senate bill as well, which is identical
39 -- an identical companion just for purposes of
40 fullness of process.

41 I don't anticipate any changes in
42 committee to the bill because it's very simple and
43 straightforward in what it does. And we have been
44 able to -- through the majority staff, Fern
45 Gibbons, who wasn't able to be here today, by the
46 way, but sends her regards -- has confirmed
47 apparently that the certain senator that Matt
48 referred to is not objecting to the legislation.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So that's kind of an update from what
2 the conventional wisdom was just, you know, as of
3 a week ago. We were still thinking that maybe it
4 was somehow entangled in the question of state
5 management of red snapper in the Gulf of Mexico and
6 the perception that it's kind of -- you know,
7 everybody's equal but some are more equal than
8 others kind of Animal Farm treatment.

9 So that's, I think, as a result of that
10 bill that it bodes well for the legislation that
11 maybe we can actually get it done promptly.

12 CHAIR QUINN: Any other questions?
13 Kitty.

14 MS. SIMONDS: I have a question for
15 Matt. Hi, Matt.

16 MR. STRICKLER: Hi, Kitty.

17 MS. SIMONDS: Section 5 of H.R. 200 --
18 I was curious to know what your side of the aisle
19 thinks about that particular section which says
20 that -- which says that the Magnuson Act should be
21 in control in terms of all the other acts.

22 MR. STRICKLER: Sure. Thanks for the
23 question, Kitty.

24 I think my side's been pretty clear that
25 our members had some concerns with that language.
26 I mean, obviously, the Magnuson Act does a -- has
27 done a very nice job of managing fisheries'
28 resources.

29 There are other ocean resources out
30 there that people have, you know, an interest in
31 protecting and conserving. Whether that be, you
32 know, marine mammals, you know, other protected
33 species -- sea turtles, sea birds, things like that
34 -- and also habitat areas that the Magnuson
35 essential fish habitat protections do not give
36 enough -- you know, enough legal strong protection
37 to.

38 So I think -- you know, the idea of, you
39 know, of making sure that anyone who's managing a
40 sanctuary or, you know, another marine protected
41 area, or has authority for implementing a different
42 statute than the Magnuson Act is working closely
43 with the councils and working closely with NMFS to
44 implement those laws in a way that, you know, has
45 the least impact on sustainable fisheries is what
46 our folks are looking for.

47 But we certainly are not -- you know,
48 our members are not in favor of any sort of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 preemption language.

2 MS. SIMONDS: Okay. Thanks. And my
3 other question is which subcommittee does
4 monuments come under? Marine monuments -

5 MR. BALL: Yes. So terrestrial-based
6 monuments would go to the Federal Land
7 Subcommittee. We would handle marine-based
8 monuments.

9 MS. SIMONDS: Okay. Good. Thank
10 you.

11 CHAIR QUINN: Any other questions for
12 the panel? Seeing none, we will move on to Dave
13 Whaley.

14 MR. WHALEY: Thank you, Mr. Chairman.
15 For those of you who don't know me I am an advisor
16 of the CCC. I am a former Hill staff, worked on
17 the Hill for 32 years.

18 I survived it so these guys will survive
19 as well. I lost a little hair and what I have is
20 gray but part of the job.

21 For those of you who were not living
22 under a rock, you know there was an election in
23 November, right? It wasn't just a presidential
24 election.

25 We also had 34 senators who were up for
26 reelection and every single member of the House of
27 Representatives was up for election.

28 As a result of that, we have seven new
29 senators and as a result of Senator Sessions going
30 downtown to be the new attorney general we now have
31 eight new senators. So these guys have some new
32 folks to work with.

33 As a result of the election, we have 55
34 new House members. In addition, there are now four
35 vacancies in the House. Three of those vacancies
36 are a result of House members being appointed to
37 positions with the administration and one is result
38 of a member retiring or resigning to take a state
39 attorney general position. So there are four
40 openings that still need to be filled.

41 The breakdown of the Senate and the
42 House right now, the Senate has 52 Republicans, 46
43 Democrats and two Independents. The House has 238
44 Republicans, 193 Democrats and the four vacancies.

45 The reason I mention this is because the
46 party with the majority of seats control the
47 committees, they control the agenda in the
48 committees.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 They control the agenda on the floor.
2 And the ratio of members on the committees is
3 basically the same ratio as the ratio in the full
4 House or the full Senate.

5 So you'll notice the Senate is a very
6 close ratio overall. You'll notice on the
7 committees it's a very close ratio between
8 Republicans and Democrats.

9 It's a little different in the House,
10 a little bigger margin. So the Republicans have
11 more members on the committees and the
12 subcommittees.

13 As these guys mentioned, we have some
14 new leadership in both the Senate and the House
15 committee that you guys are interested in.

16 As Jeff mentioned, we have a new
17 chairman of the Subcommittee on Oceans,
18 Atmosphere, Fisheries and Coast Guard -- Stan
19 Sullivan from Alaska -- and a new ranking member,
20 Gary Peters from Michigan, a noncoastal state,
21 although when I used to work for a Michigan member
22 we always thought we were coastal because we viewed
23 the Great Lakes as being coastal states -- not as
24 far as the Magnuson Act is concerned.

25 On the House Natural Resources
26 Committee, as Bill mentioned, on the Subcommittee
27 on Water, Power and Oceans we have a new chairman,
28 Doug Lamborn from Colorado -- again, not a coastal
29 member -- and the ranking member, Jared Huffman
30 from California, is a coastal member and is
31 returning in the ranking position.

32 Since it's a new Congress, new members,
33 some new chairmen, there may be some new
34 priorities. We are going to have to see how that
35 shakes out. The Congress has only been in session
36 for a little over a month. But here's some general
37 things to keep in mind.

38 On the Senate Commerce Committee on the
39 Ocean Subcommittee, only seven of the 15 senators
40 are from coastal states. So less than half. So
41 there are going to be other priorities for that
42 subcommittee.

43 Having said that, the chairman is from
44 Alaska. He has control over the agenda. So
45 coastal issues may take a priority.

46 On the House Natural Resources, the
47 Water, Power and Ocean Subcommittee, only eight of
48 the 19 members are coastal. More importantly,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 probably, eight of the members -- eight of the 19
2 are from California and two more are from Western
3 states.

4 So 10 of the 19 members are probably
5 interested in Western water issues. So that is
6 probably going to be a big priority for that
7 subcommittee.

8 Some general things about legislation,
9 and I'll try and do this quickly so that we can go
10 to more questions -- as of Sunday, I didn't have
11 a chance to look at this again last night but there
12 have been 1,200 bills introduced in the House and
13 407 bills in the Senate, and that doesn't include
14 commemorative that are for, you know, National
15 Easter Day or whatever.

16 More specifically, there has only been
17 one Magnuson Act reauthorization bill introduced
18 so far and that's H.R. 200 that we are going to talk
19 about in a little bit.

20 In both the House and the Senate, as was
21 mentioned, bills have been introduced to extend the
22 state management of the Dungeness crab fishery.
23 The House has already passed that. Looks like we
24 have some good reports on maybe getting that done
25 this year.

26 As Kitty is aware and has brought to my
27 attention a couple times, there is a bill to amend
28 the Billfish Conservation Act that was introduced
29 on the Senate that I think Council has a little bit
30 of heartburn with.

31 There is also -- I don't know if anybody
32 has noticed this -- there is also a bill to
33 authorize the secretary of commerce to award
34 competitive grants to combat certain species of
35 lionfish in both the Atlantic and the Gulf of Mexico
36 that was introduced in the House. So there are
37 bills that are very targeted to specific fisheries
38 or specific problems that I'll try and keep you guys
39 up to speed on.

40 On some of the other issues of interest
41 that you all have expressed interest in, on the
42 issue of national monuments -- now, this isn't just
43 marine monuments but includes changes to current
44 monuments, boundary changes or to change a national
45 monument from a monument to some other federal
46 designation.

47 For example, there is a bill to make a
48 national monument a national historic park and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reason they do that is under the national historic
2 park generic legislation there are rules on what
3 you can and can't do in a park which may be different
4 than what you can and can't do in the monument.

5 So there are a number of those bills.
6 There are eight bills in the Senate that have
7 already been introduced and seven in the Senate.
8 So this is an issue that even in the first month
9 people are already paying attention to the fact
10 that we have a Republican House, Republican Senate
11 and Republican White House has some people thinking
12 that they might actually get some monument changes
13 done this year, and that's going to be true of some
14 of these other issues as well.

15 Regarding bills that amend NEPA or
16 exempt certain action from NEPA reviews, there have
17 been five bills in the House and three in the
18 Senate.

19 On the issue of Endangered Species Act,
20 there have been nine bills introduced in the House
21 and four in the Senate and there have been two bills
22 that would affect the National Marine Sanctuaries
23 Act.

24 Both are in the House. There is been
25 one bill in the House that would amend the MMPA and
26 so far there has only been one bill that mentions
27 red snapper and that's H.R. 200, which we will talk
28 about a little bit later.

29 As mentioned before, the continuing
30 resolution goes until April 28th. That means that
31 both the House and the Senate need to do something
32 to either extend that or finish out the fiscal year.

33 So let's take a quick look at how the
34 Appropriations Committee stacks up. On the House
35 Appropriations Committee we have a new chairman,
36 Congressman Frelinghuysen from New Jersey, and the
37 ranking member is Congresswoman Lowey from New
38 York, so both from the same region.

39 Of the 52 members of the committee only
40 15 are coastal in the House. On the Commerce,
41 Justice, Science and Related Agencies Subcommittee
42 the chairman is Congressman Culberson from Texas
43 and the subcommittee ranking member is Congressman
44 Serrano from New York. And of the 11 members on
45 that subcommittee only three are coastal.

46 The committee has announced what they
47 call Member Day, which is where they have an open
48 day for members of Congress to come in and talk

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about their priorities, what programs they like,
2 what programs they don't like.

3 That Member Day for the Commerce
4 Subcommittee is today. So we will know at least
5 a little bit later on who actually testified, what
6 they testified about.

7 On the Senate Appropriations
8 Committee, the chairman is still Senator Cochrane
9 from Mississippi and the vice chairman, which is
10 the term they use rather than ranking member, on
11 that committee is Senator Leahy from Vermont.

12 Of the 31 members, 16 are from coastal
13 states. So that's good.

14 And on the Commerce, Justice, Science
15 and Related Agencies Subcommittee, the chairman is
16 Senator Shelby from Alabama and the ranking member
17 is Senator Shaheen from New Hampshire. And of the
18 17 members, 11 are from coastal states.

19 The Senate Commerce Subcommittee has
20 not scheduled any hearings or at least has not
21 announced any hearings on the Commerce, Justice,
22 Science bill so far. So stay tuned.

23 Finally, as was mentioned earlier,
24 Secretary Ross was confirmed by the Senate
25 yesterday by an overwhelming vote of 72 to 27 and
26 the word is that he will be sworn in Tuesday.

27 So, obviously, once that happens, the
28 ball starts rolling on other appointments. And
29 lastly, it hasn't been mentioned yet today but for
30 those of you who are interested, the State of the
31 Union is tonight.

32 We don't know how much specifics the
33 president will get into on issues. You may
34 remember President Obama, at one point, did bring
35 up salmon and the confusing management. So
36 anything could come out in the State of the Union.

37 So thank you, and if you have any
38 questions -- I know that was a lot of stuff to throw
39 at you, a lot of numbers -- but if you have questions
40 please let me know.

41 CHAIR QUINN: Thank you very much,
42 Dave. Any questions of Dave? Kitty.

43 MS. SIMONDS: Legislation is my
44 favorite subject. So Dave, you brought up the just
45 introduced recreational bill having to do with
46 billfish.

47 So the service never completed a final
48 rule, correct, Sam? And why was that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. RAUCH: So we submitted a proposed
2 rule to OMB. OMB had indicated it was significant
3 and we talked about that earlier.

4 We submitted it to OMB in the last
5 administration. OMB never acted on it, and as is
6 the normal course for most of these bills, if OMB
7 doesn't act on it they request this at the very end
8 of the term to withdraw them all -- to have a clean
9 slate for the next president.

10 So we withdrew it. So that's the
11 status of it. We never issued a proposed rule. We
12 withdrew it from OMB consideration.

13 MS. SIMONDS: I guess what really
14 bothered me about that legislation because we had
15 some discussion when that was going on is that that
16 whole bill was prefaced, especially in the
17 preamble, about how all of the billfish were in the
18 toilet.

19 And so we said well, great, that's on
20 the Atlantic and the Gulf but not so in the Pacific
21 Ocean so why should we have to follow the same
22 management as, you know, whatever was being
23 proposed.

24 So, you know, we tend to -- we intend
25 to argue this one out. I think it's
26 unconstitutional to make us in the Pacific Ocean
27 not be able to sell our fish when that's what we
28 have been doing all of these years, and our billfish
29 are healthy.

30 So my suggestion to those people in the
31 Gulf and the Atlantic is if their fishery is so bad,
32 why do they have those kill tournaments? You know,
33 people -- it's out there who brags about how many
34 billfish they've killed.

35 Well, you know, stop fishing. So I
36 just thank you, Dave, for bringing that up because
37 I almost forgot to mention this. Thanks.

38 CHAIR QUINN: Dan.

39 MR. HULL: Thank you, Mr. Chairman.
40 My question is related to the North Pacific
41 Fisheries Commission and the implementing
42 legislation. I am not sure if it's best answered
43 by the staff or Dave or even perhaps Sam.

44 And, as you know, the legislation
45 provides for three of the five commissioners to be
46 the chairs of the council to the Western Pacific
47 and the Pacific and the North Pacific.

48 And when it was signed by the president

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 he said in a statement that there were some concerns
2 about the council chairman representing the U.S.
3 and it's my understanding that that -- there was
4 some difference of opinion between Department of
5 Justice and NOAA counsel and the State Department
6 about what the roles of the council chairs were as
7 commissioners. And I wonder if, going forward,
8 how that might be resolved.

9 CHAIR QUINN: Adam.

10 MR. ISSENBERG: Thank you, Mr.
11 Chairman.

12 We are -- so we have been working with
13 DOJ and the State Department. We have actually
14 been talking to them over the course of the last
15 week or 10 days to address that issue.

16 I am not really prepared at this point
17 to talk about the substance of the issue but we are
18 working with -- working on that issue.

19 We are, certainly, letting our partners
20 at DOJ and State know, you know, about the council's
21 interests and ensuring their representation and
22 participation on the delegations and I hope that
23 we will have a solution fairly soon. But that's
24 really the most I can say about it at this point.

25 MR. WHALEY: I guess -- Bill, did you
26 have any --

27 MR. BALL: Well, I just wanted to kind
28 of reiterate that in this -- working through that
29 bill that was an extremely important provision to
30 us and our members.

31 And there was -- seemed to be a little
32 bit of difference of opinion. You know that the
33 Justice Department, obviously, wrote a letter to
34 the Senate on their bill and had some issues with
35 it.

36 But I think it's pretty clear what the
37 -- what our members' intent was and I know I'd asked
38 maybe a week ago of NOAA and there seemed to be no
39 clarification.

40 So I'd assume you guys could give us
41 clarification of better because, again, that was
42 a piece of that bill that was extremely important
43 to us that these councils are involved because I
44 think we have seen in the past that sometimes the
45 negotiations don't always go in favor of U.S.
46 industry.

47 We want to ensure that our industry is
48 only supported. So we think the councils do a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 great job bringing their things to the table.

2 CHAIR QUINN: Adam.

3 MR. ISSENBERG: And just to reiterate
4 the point, I think all three agencies recognize the
5 importance of having the council's involvement
6 and, you know, we are working very hard to find a
7 structure that will allow for that.

8 MR. HULL: Thank you. If I may, Mr.
9 Chairman, I guess it's my understanding that --
10 just a comment that the council chairs, as
11 commissioners, we certainly recognize that the two
12 other commissioners, whether, I think, it would be
13 State or National Marine Fishery Service or the
14 Coast Guard would be lead delegation.

15 So with respect to the roles of the
16 council chairs I'd be -- definitely be interested
17 to learn more how that's resolved.

18 I guess a general question, though, is
19 what -- what do you see as the time line for formally
20 establishing the commissioners then and the
21 advisory panel or advisory board and the
22 organization so that we would all be ready for a
23 July NPSC meeting.

24 CHAIR QUINN: Sam.

25 MR. RAUCH: I don't have an answer. We
26 will get back to you on that.

27 CHAIR QUINN: Kitty.

28 MS. SIMONDS: So my question is why is
29 it an issue now when it wasn't an issue in 2006?
30 In the Western and Central Pacific Commission,
31 there are five commissioners.

32 Four are not government employees.
33 Two of them are chairs or designees of the two
34 councils and -- three councils, right? But no, you
35 don't have one. The Pacific Council and us, and
36 then the other two are industries -- industry
37 representatives.

38 So, you know, one government -- we just
39 have one government commissioner and that
40 government commissioner always leads the
41 delegation.

42 So why now? No problems before.

43 MR. ISSENBERG: You know, I can't speak
44 specifically to the Western and Central Pacific
45 Commission.

46 You know, as I said, we are working to
47 ensure a structure in this context that will ensure
48 council involvement.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SIMONDS: Okay. So whatever you
2 decide is not going to affect the Western and
3 Central Pacific Commission and the U.S.
4 delegation.

5 MR. ISSENBERG: That hasn't been part
6 of the discussion at this point.

7 MS. SIMONDS: You need to follow this
8 very closely.

9 CHAIR QUINN: Any additional questions
10 on the legislative outlook? Topher, you? Great.
11 All right. Much appreciated for your
12 participation. Good transition into the MSA
13 reauthorization. I am going to turn it over to Sam
14 for a minute and just one comment. Sam made
15 reference.

16 I've got a -- I am going to miss the
17 afternoon session so I am going to turn the gavel
18 over to Terry Stockwell for the afternoon session.
19 So Sam.

20 MR. RAUCH: Yeah, I'll be brief. I
21 just want to -- on the agenda is a discussion of
22 the MSA reauthorization so there might be
23 legislative discussions.

24 I want to reiterate that although the
25 federal people are participating here in the CCC
26 we are not going to be taking a position. We don't
27 have any position on legislation. It would be
28 inappropriate for us to take one.

29 And so while we appreciate the views,
30 from our perspective of the CCC we are going to be
31 abstaining from this discussion.

32 CHAIR QUINN: Thank you very much.
33 Thank you very much. I am going to turn it over
34 to Gregg Waugh, who's the chair of our legislative
35 committee. Gregg.

36 MR. WAUGH: Thank you, Mr. Chairman.

37 The legislative committee met on
38 January 30th via conference call and the materials
39 are included in the meeting materials.

40 And that legislative committee -- there
41 is a committee report included. The committee --
42 I am the chair. Michelle Duval representing the
43 South Atlantic Council, Terry Stockwell the New
44 England Council, Kitty Simonds the West Pacific,
45 Dan Hull North Pacific and David Whaley is an
46 ex-officio member.

47 So the committee reviewed H.R. 200 with
48 the intent to work from the last CCC letter. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 had received input that in all likelihood we could
2 be requested to provide some comments fairly
3 quickly and we wanted to have a comment letter that
4 would be able to be used.

5 And so we worked very closely from the
6 previous letter and that's included so that you can
7 see what changes were made.

8 The idea when we approached this was to
9 try and build this comment letter based on the
10 previous position so that we could approve that at
11 this meeting and have a quick response.

12 The other issues that are in a working
13 paper the legislative committee will continue to
14 work on those and, indeed, if anyone finds
15 something in this letter is too controversial right
16 now it'll get bumped into that working document.

17 So the attachment two is a draft
18 position paper. We will get into that in a few
19 moments. And one thing we wanted to clarify, and
20 we should have some discussion to make sure this
21 is correct, our interpretation of the intent of
22 what we were trying to do is not a specific response
23 to H.R. 200.

24 It's to work from our general comments
25 but to have those be informed by what's in H.R. 200.
26 So we just want to verify that you all are
27 comfortable with moving forward.

28 And as I said, what we'd like to do is
29 get approval of that letter if not today by close
30 of business tomorrow if at all possible.

31 You also have the text of H.R. 200 as
32 well as some summary materials that Dave Whaley put
33 together. Once we get finished with the letter
34 other items that we want some clarification on or
35 the committee members there may be some interest
36 in adding to the legislative committee.

37 There are lots of amendments and
38 interest in the Gulf so it might be good to have
39 someone from the Gulf. We could also look at the
40 makeup of the House and Senate Committees and we
41 may want to add some members with some particular
42 expertise there.

43 So with that introduction, if we could
44 just work through this draft position paper, and
45 my suggestion would be that we go through page by
46 page and see if anyone has any issues with what's
47 on the page and then move through.

48 And, again, if there are any complex

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 issues then we can just remove those from the letter
2 and I'll revise the letter and distribute it to
3 everybody again so you'll have it if, indeed, we
4 want to see it again before final approval.

5 CHAIR QUINN: That sounds like a good
6 approach, Gregg. Before I do that, I am going to
7 call on Matt Strickler just for a quick question.

8 MR. WHALEY: Sorry, I meant to say this
9 before we all left the table. But I am going to
10 stick around for this discussion. I think Bill and
11 Jeff are too. We are certainly interested to hear
12 what the councils have to say about H.R. 200 and
13 Magnuson reauth.

14 CHAIR QUINN: The floor is yours,
15 Gregg.

16 MR. WAUGH: Thank you, Mr. Chair.

17 So with that, we have got a general
18 introduction, mentioning that we looked at H.R.
19 200. Point out that our discussions were informed
20 by this legislation but not specific to it. And
21 then we get into the management flexibility, the
22 first item dealing with rebuilding plans and then
23 management of mixed stocks. Are there any
24 questions or comments on the information on Page
25 1?

26 CHAIR QUINN: No problems with Page 1?
27 Seeing none.

28 MR. WAUGH: Then if we move to Page 2,
29 we are dealing with transboundary stocks, data
30 limited fisheries -- deal with those two sections.
31 Any questions on those two?

32 CHAIR QUINN: Chuck.

33 MR. TRACEY: Thank you. I guess maybe
34 just a little clarification on what is meant by a
35 transboundary stock. Are we talking about
36 international transboundary stocks? Are we
37 talking about council -- multiple council
38 transboundary stocks or what's -- what
39 specifically is being discussed there?

40 MR. WAUGH: My understanding is it
41 would address both because we do reference the
42 illegal unreported unregulated fishing. So I
43 think it would cover both.

44 MR. TRACEY: So this includes stocks
45 that are subject to treaties and the like as well?

46 MR. WAUGH: Yes.

47 CHAIR QUINN: Tom Nies.

48 MR. NIES: I have a question on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 transboundary stocks and I think it's actually a
2 sentence that was carried over from our letter last
3 year. But I am struggling a little bit with the
4 first sentence because I was trying to figure out
5 what particular section of H.R. 200 it's talking
6 about.

7 I mean, this is very specific. So as
8 we support language to develop annual and in-season
9 quota trading programs for transboundary stocks.
10 And I was having difficulty figuring out what
11 specific language in H.R. 200 proposes that. I
12 just couldn't find it. If you could point it out
13 to me.

14 MR. WAUGH: And there may not be.
15 This, as you say, comes from a previous letter and
16 that predates my involvement here. So I am not
17 sure why that was put in there originally.

18 But, again, these comments are -- this
19 is not just a specific response to H.R. 200. So
20 it's building off those prior comments.

21 CHAIR QUINN: Any additional comments
22 on transboundary or data limited? Tom?

23 MR. NIES: No.

24 CHAIR QUINN: Okay. Gregg.

25 MR. WAUGH: Okay. Then in terms of
26 definition of overfished and transparency, any
27 questions there?

28 CHAIR QUINN: Chuck.

29 MR. TRACEY: Thank you. So I guess
30 with regard to the distinction between overfished
31 and depleted, I think that -- you know, I think
32 that's a good approach. You know, I know there is
33 some discussions about whether depleted is the
34 actual right word.

35 But it seems like there is also been
36 some previous discussion about making a
37 distinction in the Act between overfished and
38 overfishing or in this case depleted and
39 overfishing.

40 The terms overfished and overfishing
41 are kind of used interchangeably in the act and I
42 think it would be worth taking a look at that
43 a little closer, maybe look at some of the previous
44 suggestions we have had on that to make sure that
45 that -- if that remains a CCC position that we
46 address that issue specifically.

47 MR. WAUGH: And Chuck, is that
48 something that -- it seems to me that's something

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that we should address in this working paper to
2 develop it because we don't have any wording now.
3 And maybe you have some suggested wording because,
4 again, what we are looking to do is have this
5 initial letter ready to go in case we get requests
6 for comment and then things like that, to me, would
7 go into the working paper. The legislative
8 committee will work on that between now and May and
9 then bring another version to the CCC in May.

10 MR. NIES: That would be fine.

11 CHAIR QUINN: Anything else on
12 overfished or transparency? Seeing none, Gregg.

13 MR. WAUGH: Thank you.

14 CHAIR QUINN: Chuck -- sorry.

15 MR. TRACEY: Thank you. On
16 transparency, I guess I am struggling with this one
17 a bit in particular with regard to the SSC link
18 there.

19 You know, having video or audio
20 recordings available for SSC meetings is -- I
21 guess, to me, that -- I struggle with that. It
22 seems to be -- seems to me that the SSC -- you know,
23 while the meetings are open to the public and that
24 they are, certainly, you know, want to be
25 transparent, their ultimate recommendations come
26 to the council and the council approves those
27 recommendations or not. And I am not -- I am not
28 sure I see the need for, you know, broadcasting or
29 keeping an archive of those meetings. It
30 certainly would be a logistical issue for our
31 council to accommodate that.

32 I guess if somebody -- I mean, if people
33 are really interested they should be coming to the
34 meeting anyway. But there is also a requirement
35 in there for a 30-day limit on providing
36 transcripts, which, when we have two council
37 meetings in 30 days I don't know how we possibly
38 get transcripts out, you know, within 30 days.

39 That seems also like a unreasonable
40 time limit on that. So I guess I would -- I would
41 not -- would not be in favor of including support
42 for that particular aspect of the bill.

43 CHAIR QUINN: Gregg.

44 MR. WAUGH: Yeah. Chuck, the 30 days,
45 is that coming out of H.R. 200? Okay. Yeah,
46 because that's not in the letter, and our council,
47 we routinely webcast and record and produce minutes
48 from our SSC and actually our SSC minutes are our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 top seller. There is a lot of demand for those
2 minutes and they get read, analyzed, scrutinized,
3 dissected.

4 MR. TRACEY: Well, we produce SSC
5 minutes as well but the broadcast -- you know, that
6 requires somebody to be there with the microphones
7 and another hard internet line and sometimes those
8 are difficult and expensive to come by.

9 CHAIR QUINN: Chris Oliver.

10 MR. OLIVER: I guess I just want to echo
11 what Chuck said. Our SSC produces extremely
12 detailed lengthy minutes that capture the
13 discussions and the recommendations. But having
14 to webcast and record those I am not sure where
15 that's coming from or why it's necessary.

16 Obviously, council meetings are -- we
17 do full audio transcripts, if you will. We no
18 longer do written transcripts. We have searchable
19 audio and we webcast them. But I just don't
20 understand the need to do that for our SSC meetings
21 as well.

22 You know, we have an advisory panel,
23 too. We have committees and, you know, where do
24 -- where do you stop. But I just don't understand
25 the inclusion of the SSC in terms of recording and
26 webcasts.

27 CHAIR QUINN: Gregg.

28 MR. WAUGH: Well, again, that was right
29 out of the last letter and we do qualify it by saying
30 to the extent practicable. So it gives you some
31 flexibility. But I think Dave may be able to offer
32 some additional explanation.

33 MR. WHALEY: I think we are talking
34 about two different things here. One is that the
35 letter talks about the council's agreeing with the
36 idea of transparency. The question, I think, that
37 you guys are raising is specifics that were in the
38 legislation which, I think, would be good to raise
39 later on.

40 But just as an aside on this, the
41 language that's in H.R. 200 has been around for a
42 number of years. In fact, it was in the bill when
43 I was on the Hill three years ago.

44 The concern was not necessarily with
45 your two councils and the SSC process. But there
46 are some councils where the SSC's deliberations
47 were viewed as being secretive, not transparent and
48 at a time when fisherman couldn't be there to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 participate or to watch.

2 So the concern was that we wanted --
3 that Congress wanted to have rules in place so that
4 the SSC was a very transparent process.

5 Now, if there are specifics about that
6 that are going to make it unworkable I think those
7 are things that you guys need to communicate to
8 congressional staff.

9 But the idea is that the SSC process
10 needs to be as transparent as the council process
11 and, again, that was coming from specific regions
12 and not necessarily either of yours. Is that
13 helpful?

14 CHAIR QUINN: Terry Stockwell.

15 VICE CHAIR STOCKWELL: Thank you, Mr.
16 Chairman.

17 We agonized over this issue at length
18 several years ago, and as Gregg just pointed out,
19 at that point including also in our subgroup's
20 discussion, the -- to the extent practical resolved
21 all the angst that we had in the past and we had
22 in the subcommittee.

23 And I do want to comment that much like
24 South Atlantic, the SSC meetings are of keen
25 interest to New England. They're well attended.
26 We record everything and the recordings are well
27 -- you know, are well reviewed.

28 So I am comfortable with the language
29 as it stands.

30 CHAIR QUINN: Michelle.

31 MS. DUVAL: Thank you, Mr. Chairman,
32 and I think, you know, we carried over those
33 sentences from the previous letter that point out
34 the difficulties in terms of, you know, the budget
35 concerns and the difficulties with video
36 recordings of meetings as well.

37 So I think we point out that, you know,
38 the challenges associated with producing that --
39 those types of recordings. I mean, we webcast our
40 SSC meetings and we have the audio recording that
41 is available and the transcripts that are produced
42 but we don't have the -- a video recording of the
43 meeting at all.

44 CHAIR QUINN: Anything additional on
45 that section? Chuck.

46 MR. TRACEY: Thank you. With regard
47 to the last sentence there talking about developing
48 a policy and its SOPPs, I guess it seems like it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 been difficult to modify and get SOPPs approved in
2 a timely manner.

3 So I would -- you know, I think if there
4 is another mechanism to do that we have our council
5 operating procedures, which are, you know, I guess,
6 less formal or less binding than SOPPs but it's
7 something that we routinely review and it's
8 available for people to see how our advisory bodies
9 operate and the council operates and I guess I would
10 make a request that there be other vehicles besides
11 SOPPs for documenting these procedures.

12 CHAIR QUINN: Gregg.

13 MR. WAUGH: So we can add after that or
14 similar document, because we have a handbook that
15 we update routinely.

16 CHAIR QUINN: Tom.

17 MR. NIES: I wonder if it would be
18 helpful for this section if we perhaps modified the
19 first sentence or maybe the second sentence a
20 little bit, and I might have to massage this.

21 But in order to address the issues
22 raised by Chuck and I think to some extent Chris,
23 you know, the first sentence which talks --
24 supports a transparent public process including
25 clear documentation of all council and SSC
26 meetings, and then period, and then a sentence that
27 says something like, you know, this requirement
28 could be met through webcasts, recordings,
29 detailed minutes or summaries -- a sentence like
30 that so that we make it clear that yes, we want the
31 SSC and council meetings to be clearly documented
32 but because of the regional differences between the
33 councils and remoteness of locations and things
34 like we don't really want to prescribe how that role
35 is met as long as it is met.

36 You know, that there is a -- like you
37 say, you do detailed minutes of our SSC. Our SSC
38 gives a report of their decisions but I would
39 hesitate to call it detailed minutes.

40 But if anybody wants to go back they can
41 listen to the recording of the decision. So it
42 seems like any of those methods would meet the
43 requirement.

44 The way the first sentence is worded now
45 it seems like we are leaning to prefer webcasts and
46 recordings which, I think, there is at least some
47 councils that are leaning that way. It's just a
48 suggestion for some edits that might make that a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 little more palatable to people.

2 CHAIR QUINN: That sound good?
3 Without objection, we can maybe tweak that language
4 in the final draft. Done with the transparency
5 section? Okay. Move on to Page 3.

6 MR. WAUGH: Then we have got NEPA
7 compliance, and maybe we will take these one at a
8 time because I imagine there will be some
9 discussion on them.

10 So NEPA compliance first.

11 CHAIR QUINN: Questions on the NEPA
12 section? Chuck.

13 MR. TRACEY: I'll start if off, I
14 guess. Well, you know, this is something that our
15 council has been interested in for a long time and
16 I think a couple years ago we had a NEPA white paper
17 about maybe some ways to accomplish that. I don't
18 think we were -- have been totally satisfied with
19 the -- with the NMFS response to the previous
20 Magnuson Act reauthorization.

21 So, you know, I guess I would support
22 having something in there about this. I think my
23 initial thoughts are that, you know, what's in
24 there is something we -- what's in 200 is something
25 that I think we could work with.

26 But I guess I would support the --
27 having something in the letter like that.

28 CHAIR QUINN: Gregg.

29 MR. WAUGH: And can you provide me some
30 wording that you would like to see in there and then
31 we will put that in the revised to present tomorrow.

32 MR. TRACEY: Thank you. Well, you
33 know, again, you know, if we are not talking
34 specifically about 200. We are just talking about
35 this general letter. I think what's in here is
36 good.

37 CHAIR QUINN: Yeah. The intent of
38 this letter is to be, you know, overarching, not
39 specific to 200. So I think that general language
40 like that would be sufficient. So Chris.

41 MR. OLIVER: Okay. Then with that
42 clarification, I guess the language that's in there
43 now I think is probably appropriate.

44 As I mentioned before, I have actually
45 -- I've been -- this NEPA reconciliation has been
46 sort of my pet peeve for a long time and I actually
47 -- I think -- well, let me just say that the language
48 that's in H.R. 200 I have some serious concerns with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 which I am afraid that it implements a process --
2 as much as it pains me to say implements a process
3 that -- a whole new process that basically leads
4 us right back where we started and so I am not sure
5 that the language that's in H.R. 200 is the right
6 fix.

7 But since we are not specifically
8 talking in this letter to that provision I guess
9 the language that's up there is probably
10 appropriate, and I just wanted to make that note.

11 CHAIR QUINN: And I think following the
12 completion of review of this letter we are going
13 to talk specifically about 200. So I think at that
14 point in time we can raise those issues. But this
15 discussion is about the letter -- the general
16 letter.

17 Anything else on the NEPA compliance
18 section? Seeing none, Catch Share program
19 section. Doug.

20 MR. GREGORY: Thank you. That last
21 sentence I think we should talk about where it says
22 management -- it could reduce the council's ability
23 to implement the appropriate management program
24 for their fisheries that could include new catch
25 share measures, I think we need to add that could
26 include modification of exiting catch share
27 measures or new catch share measures because we are
28 looking at a five-year review of our IFQ program,
29 or catch share program, and if we want to do any
30 major change we have to go through a referendum and
31 the people in the fishery with the existing program
32 that like it are going to support status quo and
33 our hands are effectively tied at being able to
34 really effect any changes that we might have
35 overlooked in the initial implementation of it.

36 CHAIR QUINN: Is that acceptable,
37 Gregg?

38 MR. WAUGH: Yes.

39 CHAIR QUINN: Okay. Anybody else on
40 the catch share program section? Seeing none,
41 collection and use of fishery data. Seeing none
42 -- oh. How about the subsection, electronic
43 monitoring? Recreational fishery section? Tom
44 Nies.

45 MR. NIES: I don't know if we brought
46 this up before so maybe this is something we want
47 to add to the list for May rather than addressing
48 this letter.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But do any of the other councils have
2 concerns over the current data confidentiality
3 provisions? We have run into -- occasionally run
4 into problems within our council with data
5 confidentiality restrictions making it sometimes
6 difficult to provide information to fisherman that
7 they need in order to determine what they think
8 about a proposed management measure, typically in
9 the catch share program, because the data
10 confidentiality provisions, for example, apply to
11 the permit owner and in some cases the permits have
12 changed hands, the permit owner may have died,
13 whatever.

14 This has become problematic. But
15 there is also been some issues surfacing in our
16 region a little bit about, you know, how much of
17 the data should really be protected, to what level
18 of protection is needed when you're talking about
19 data that's being used to manage a public resource.

20 And we have actually heard some of this
21 from some members of the industry as well as other
22 people. So if this is an issue that's come up in
23 other regions maybe we should add this as something
24 for the work group to talk about and bring back in
25 May. But I don't know if it's come up anywhere
26 else.

27 CHAIR QUINN: Gregg.

28 MR. WAUGH: Thank you, Mr. Chairman.

29 It has been an issue in our council. We
30 have some species. Rec fish is one that we can't
31 track the quota. You can't show what poundage has
32 been landed.

33 We have had issues before where stock
34 assessments -- difficulty doing a stock assessment
35 because of data confidentiality.

36 So yes, it's an issue and I think, as
37 we deal with the loss of fish houses in our coastal
38 communities it becomes increasingly difficult to
39 even look at annual landings at the state level.

40 So I wouldn't say we have any sort of
41 consensus from our council on what should be done
42 but I agree with the suggestion to make that an item
43 that's looked at in the work group.

44 CHAIR QUINN: Fair enough. Anybody
45 else on that section? On to the other federal
46 statute section. Comments or questions on that
47 section? Chuck.

48 MR. TRACEY: Thank you. I just had

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 some general comments on that and this seems like
2 it needs a little bit more -- you know, maybe some
3 little explanatory language that might go in there.
4 So I do have some suggestions. I can read them to
5 you if you'd like or add something like when
6 fisheries' restrictions are put in place through
7 other statutes frequently the fishing industry and
8 stakeholders are not consulted.

9 An analyses of impacts of
10 fishery-dependent communities are not considered
11 and the regulations are either duplicative,
12 unenforceable or contradictory. So just a little
13 more explanation of why -- what the problem is.

14 CHAIR QUINN: Gregg.

15 MR. WAUGH: Yeah, Chuck. If you email
16 that to me I'll add it in this revised Word version.

17 CHAIR QUINN: Anybody else on the other
18 federal statutes section? Seeing none, policy
19 directives section. Tom Nies.

20 MR. NIES: I agree wholeheartedly with
21 this sentiment. I am just not entirely convinced
22 the sentiment belongs in this particular letter,
23 unless we are thinking that maybe we need
24 legislative action to cap the number of policy
25 documents the agency can publish. Two.

26 MR. WAUGH: Two for one -- applying the
27 two for one here.

28 CHAIR QUINN: Any comment?

29 MR. WAUGH: And I would encourage the
30 legislative committee members to chime in here
31 because this is something that -- a paragraph that
32 we added and there was -- there was some discussion
33 should it -- should it go in here or is it better
34 in some sort of other outreach venue and we'd be
35 looking for guidance from you all.

36 CHAIR QUINN: Dan.

37 MR. HULL: Thank you, Mr. Chairman, and
38 this was a particular section that we wanted to make
39 sure that the CCC had a full enough discussion on
40 and could come to grips with.

41 I guess as I read through it again, I
42 agree with Tom, it probably doesn't fit quite as
43 well with the rest of the -- of this general comment
44 letter and -- but could potentially work in some
45 -- in other communications that -- in work that we
46 provide along the way.

47 CHAIR QUINN: Anybody else on the
48 policy directives section, in or out? Michelle.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. DUVAL: I am good with that
2 approach as well. I mean, we did talk about this
3 and the additional burdens on council. So I am
4 fine with the suggestion to, I think pursue that
5 through communication through other means.

6 CHAIR QUINN: Should I make the
7 suggestion that we put the policy directives back
8 into the working group? If that's acceptable then
9 we can revisit it in the future? Okay.

10 And then the general comment section.
11 Any questions or discussion on that section that's
12 carryover from the prior letter or new language?

13 MR. WAUGH: That was from a North
14 Pacific letter.

15 CHAIR QUINN: All right. No
16 questions, comments? We will move on to the next
17 section if there is a next section. Right. So if
18 people have edits that were discussed if you get
19 them to Gregg and he could edit the document, get
20 it back to us tonight or first thing tomorrow then
21 we could have a motion under other business
22 tomorrow or somewhere else that we can fit it in
23 to adopt the letter as edited. Sound like a plan?
24 Very good.

25 All right. That portion is concluded.
26 Now, back to you, Gregg.

27 MR. WAUGH: So that -- one other item
28 we wanted to ask was there any additional CCC
29 members that wanted to volunteer to be on the
30 legislative committee, and let me take this
31 opportunity to thank the legislative committee.
32 They did a lot of the heavy lifting putting these
33 comments together.

34 And in looking at the working document
35 that was left from before, there is a lot of sticky
36 issues in there and we have got a few we added here.

37 So we would definitely benefit from
38 some additional participation. You can give --
39 speak up now or give that some thought between now
40 and when we deal with the final letter and, again,
41 I think it would be good, given all the interest
42 coming out of the Gulf, to have someone from the
43 Gulf, and then we heard from the legislative
44 briefing some of the committee people.

45 So if we have some good contacts there
46 we can look for some volunteers there. And then
47 I guess directing the legislative committee, which
48 you all sort of already had is to work on revising

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and updating that latest working paper that was
2 dated January 2015 and bringing that forward at the
3 May meeting.

4 I don't know the utility of trying to
5 get into any of the specifics right now in H.R. 200.
6 We heard, during the legislative briefing, that
7 that's likely not to be the vehicle that was going
8 forward.

9 Certainly, some of those issues are in
10 the -- in the working group but we are open to the
11 discussion here. And I don't know, Dave, if you
12 wanted to add anything to that.

13 MR. WHALEY: I don't know how to say
14 this. Yes, one of the staff did say that H.R. 200
15 was not going to be the vehicle but I didn't hear
16 the other two agree with that.

17 So I don't know that that's the case.
18 There is -- there is no other bill out there in
19 either the House or the Senate yet. So -

20 CHAIR QUINN: I'd make a suggestion.
21 Maybe we could open up the floor for a couple of
22 minutes of comment. I know a few people who had
23 some thoughts on specific sections in H.R. 200. So
24 maybe open the floor to that. Chuck.

25 MR. TRACEY: Thank you. I guess -- I
26 guess before we get to that just to address the
27 legislative committee membership.

28 Pacific Council would like to
29 participate on that but I am not sure we are quite
30 ready to name a name yet, just -- and I guess one
31 question.

32 We had thought that perhaps somebody
33 other than our chair or vice chair might be a
34 possible contributor. Another council member
35 that's the chair of our legislative committee, for
36 example, might be interested, if that would meet
37 with the other councils. We'd be all right with
38 that if we had another designee to do that.

39 CHAIR QUINN: Doug.

40 MR. GREGORY: My response is the same.
41 We will help with identifying a staff person to help
42 with that.

43 CHAIR QUINN: And there is no objection
44 to it? Not -- a member other than the chair or the
45 vice chair? Tom.

46 Any other general comments on H.R. 200?
47 Doug.

48 MR. GREGORY: I am thinking I'll bring

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that to our council in June for a review. We did
2 review it in 2014 but that was before we were given
3 advice that we can't support or object to specific
4 items.

5 So it might be worth us taking another
6 look at it, since it's essentially the same thing
7 with a different viewpoint of how this or that might
8 impact us.

9 CHAIR QUINN: Anybody else on H.R. 200?
10 Chuck.

11 MR. TRACEY: Thanks. I've got several
12 specific comments or questions or issues that I
13 think -- I don't know if we are going to -- I guess
14 maybe I'll just raise them and see if there is
15 anybody -- toss them out there and see if anybody
16 rises to the bait.

17 But there were several things in the
18 bill that I thought were interesting and probably
19 worthy of comment. One of them was the emergency
20 rule language, which is different than what we have
21 had before, which I believe is now instead of two
22 180-day periods are now two one-year periods.

23 So I think that's something worthy of
24 a comment. There is the use of terms like informal
25 transboundary agreement. I am not sure what an
26 informal transboundary agreement is. There is
27 also the use of terms like species rather than
28 stocks for transboundary issues.

29 So there is some need for clarity there.
30 There is a requirement for stock assessment plans
31 and time line which, you know, could be problematic
32 for the Pacific Council. We have over 90 stocks
33 in our ground fish fishery management plan. Many
34 of them we never have enough data to do a stock
35 assessment on.

36 There is some call in there to require
37 the use of certain data sources as best available
38 scientific information and so I have some concerns
39 about requiring the use of as opposed to requiring
40 the consideration of and, you know, so the
41 determination of what's the best available science
42 should not be dictated. I think it should be
43 considered but I am -- you know, I am troubled a
44 little bit by requiring its use.

45 And I got another note here that I can't
46 recall what it means so maybe I'll just give it --
47 give it a rest.

48 CHAIR QUINN: Any comments as to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Chuck's suggestions or additional comments on it?
2 John.

3 MR. GOURLEY: Thank you. We'd like to
4 echo the concerns of the BSAI. We have had some
5 problems in the Western Pacific on published papers
6 where the authors have taken the results and put
7 out press releases, and I am not quite sure whether
8 appropriate.

9 It would be like junk science, and we
10 need to very cautious about being required to take
11 some of this data that people are collecting and
12 having to use it for stock assessments. I think
13 it would -- it would really -- it could possibly
14 really hurt us and confuse the issue. Thank you.

15 CHAIR QUINN: Thank you. Any
16 additional comments? Dave.

17 MR. WHALEY: If I can piggyback on that
18 sentiment. The language also not only -- not only
19 tells the councils what information they have to
20 use but it also says that if you don't use some of
21 the information that's submitted you have to
22 explain why you didn't, and I think that may be a
23 real burden on councils. So that -- pay attention
24 to that language as well, if you would.

25 CHAIR QUINN: Tom Nies.

26 MR. NIES: You know, I am not sure this
27 might be an answer to Chuck but the language
28 informal transboundary agreement seems to refer to
29 an understanding that we have with Canada, to be
30 honest. That's the exact language we use to
31 describe how we jointly manage three transboundary
32 stocks on George's Bank.

33 The paragraph before that addresses
34 ACLs when there is an international agreement and
35 then that paragraph talks about ACLs when there is
36 foreign fishing that is outside of an international
37 agreement or an informal transboundary agreement.

38 I don't know if the staffers can clarify
39 that but that didn't look unusual to me because of
40 the term of art we are using on how we manage those
41 George's Bank stocks.

42 MR. WHALEY: Yeah, that's my
43 understanding as well that there were a number of
44 stocks that were under a transboundary agreement.
45 There were some that were not under a formal
46 agreement.

47 NOAA had concerns that the language
48 that was in the act didn't cover those fisheries

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 despite the fact that they were very similar to
2 those that were under an agreement. So this was
3 a catch-all provision to cover a couple very
4 specific issues in your region and I think there
5 may have been one in the Caribbean region as well.

6 CHAIR QUINN: Thank you. Anybody
7 else on H.R. 200? Seeing none, back to Gregg.

8 MR. WAUGH: Mr. Chairman, I think
9 that's everything we had to cover. Thank you and,
10 again, we -- if there are any additional
11 individuals besides the Pacific and Gulf Councils
12 that are interested serving that let us know. Dave
13 had -

14 MR. WHALEY: One last thing. I
15 provided for the legislative committee a section
16 by section as well as a bullet point paper and also
17 a paper that described the changes between H.R.
18 1335 which passed the House last year, and H.R. 200,
19 which is the bill this year.

20 I don't know if those are on the website
21 or if they've been distributed to everybody but if
22 you want those we can make those available.

23 CHAIR QUINN: Tom Nies.

24 MR. NIES: Yeah. With respect to
25 that, they were distributed to everyone. They
26 were not put on the NMFS CCC webpage because of some
27 concerns that were expressed.

28 I'd have to look. I think they were put
29 on a Regional Fishery Management Council webpage
30 but I need to double check that. I don't know if
31 they made it there yet.

32 CHAIR QUINN: All right. That
33 concludes the morning session. We are ending a
34 little bit early but we had scheduled an hour and
35 15 minutes for lunch.

36 So if we get back at 1:15. There is
37 some sense that the National Standard 1 may take
38 longer than the allotted time. So it's probably
39 good that we have an extra half an hour in the
40 afternoon.

41 So with that, we will adjourn for lunch
42 to reconvene at 1:15.

43 (Whereupon, the above-entitled matter
44 went off the record at 11:59 a.m. and resumed at
45 1:18 p.m.)

46 VICE CHAIR STOCKWELL: Okay, good
47 afternoon everyone. We are going to reconvene the
48 CCC. I hate to jinx us but we are running a little

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 bit ahead of the schedule, and because of that, we
2 have had a request from another federal agency, the
3 Marine Mammal Commission, to briefly address the
4 CCC. So, Rebecca Lent.

5 DR. LENT: Thank you very much. Thank
6 you, Chair, and thank you all for the opportunity
7 just to spend a couple of minutes to tell you about
8 the Marine Mammal Commission in case you've never
9 heard of us.

10 So again, my name is Rebecca Lent and
11 after a 22-year career at the National Marine
12 Fisheries Service I went over four years ago to the
13 Marine Mammal Commission.

14 This is a federal nonregulatory agency
15 charged with oversight and implementation of the
16 MMPA. So we work with Department of Interior,
17 Bureau of Ocean Energy Management, Fish and
18 Wildlife Service.

19 We work with the Navy and other
20 military. But our biggest collaborator, customer
21 and partner is NOAA fisheries.

22 So the idea is that we take a look at
23 how these agencies are doing with implementing the
24 MMPA. We provide formal letters with
25 recommendations and comments on proposed rules,
26 draft policy guidelines, other issues.

27 The agencies are not required to follow
28 the recommendations of the commission but they are
29 required in 120 days to give us a reason in writing
30 for why they weren't able to follow our
31 recommendations.

32 So in my exit interview with Sam Rauch
33 -- I am sure you remember Sam four years ago -- Sam
34 said, whatever you do, Rebecca, don't sit down
35 there two miles down the road and just write us
36 letters. Come and see us. Let's work together.

37 Really good advice, and so that's what
38 we have been doing. A lot of emphasis on front
39 loading, trying to avoid problems before they
40 become crises, before they become lawsuits.

41 I am not sure we can actually keep track
42 but we are trying our best to make it more of a
43 conversation and a partnership. So we like to
44 convene players around the table, work on
45 public-private partnerships. I am really happy
46 that NOAA fisheries has joined us in a number of
47 those, including bycatch partnership that we
48 announced at the Our Oceans Conference, and Kitty

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and Terry were there, where we had NGOs, fishing
2 industry and others joined us in putting money
3 forward for various bycatch efforts.

4 I just want to tell you about two
5 highlights of what we are working on right now. We
6 are focusing very heavily on the Arctic and most
7 specifically the rights of indigenous populations
8 to harvest marine mammals.

9 This is part of our job. It's part of
10 our mandate. And we have had listening sessions
11 in the Arctic. We had an annual meeting wrap-up
12 there. We send our commissioners up there to work
13 with the indigenous populations. It's really
14 important effort that we think we'd like to be able
15 to continue funding -- allowing.

16 And our other big area is fishery
17 bycatch, global bycatch, domestic bycatch.
18 Globally, fishery bycatch is still the number-one
19 direct source of mortality for marine mammals
20 around the world and a lot has been done in the
21 United States, as I am sure all of you would agree
22 around the table.

23 So we are focusing a lot on foreign
24 fisheries. We have people -- we have a marine
25 mammal commission rep on each of the TRTs but I want
26 to branch out more into some of the efforts underway
27 at the Regional Fishery Management organizations,
28 efforts underway for capacity building in
29 developing countries. Sometimes it's small-scale
30 coastal fisheries. And one of Sam Rauch's
31 favorite rules, which is the MMPA import rule,
32 which we started -- I can say we because it was about
33 10 years ago when we first got the petition.

34 But the idea is leveling the playing
35 field for U.S. fishermen. Our fishermen have to
36 compete in the market with foreign product, which
37 comes in at huge volumes. For shrimp, TEDs are
38 required in foreign fisheries. But for gillnet
39 cut fish, pingers are not required. But Sam's
40 going to change that. Thank you, Sam.

41 As part of this effort to address
42 bycatch, we want to be more engaged with the Fishery
43 Management Councils. I was really fortunate that
44 we were invited to come up to the New England
45 Fishery Management Council.

46 The big reason behind that was we wanted
47 to announce our annual meeting was going to be in
48 your back yard. But I hope that we can get to some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 other council meetings. We won't do it without
2 asking you first to check into the agenda to see
3 if we could just come up and listen and learn.

4 We are having our annual meeting in
5 April -- April 5, 6, and 7 in Woods Hole -- near
6 Woods Hole -- and the two big topics there, one of
7 them is recovering marine mammal populations, and
8 I know this is an issue on the West Coast, and it's
9 -- for gray seals it's becoming a bigger issue in
10 New England -- and the other one is North Atlantic
11 white whales and entanglement with fishing gear as
12 well as ship strikes.

13 We are inviting DFO -- Department of
14 Fisheries and Oceans, of Canada and we hope some
15 Canadian constituents will come as well. Again,
16 this whole idea of making sure we are looking at
17 the bigger problem for marine mammals.

18 So that's our report, Mr. Chairman. I
19 did leave our annual report -- it used to be about
20 600 pages long. Since I got there, it became a
21 two-pager with a lot of links. But it should be
22 -- give you a nice glimpse of what we do and I look
23 forward to working with you at your future council
24 meetings.

25 Thank you, Mr. Chairman.

26 VICE CHAIR STOCKWELL: Thank you,
27 Rebecca. Are there any questions before she
28 leaves? Gregg.

29 MR. WAUGH: Thanks, Rebecca. One of
30 the issues we have struggled with is, you know, as
31 these stocks continue to rebuild by definition
32 you're going to have more interactions.

33 And when you look at ecosystem
34 management -- we had a council member from North
35 Carolina whose saying was there was only so much
36 carbon out there -- you got to choose what it's in.

37 And is there any discussion in you all's
38 community about what an appropriate population is
39 for the multiple species and how we deal with them
40 at that higher population and have fisheries?

41 DR. LENT: Thank you, Gregg. Well,
42 there are levels that are specified either in the
43 Marine Mammal Protection Act or in some of the
44 guidance that's been prepared primarily by the
45 National Marine Fishery Service. There is an OSP
46 -- optimum sustainable population level. There is
47 K, which would be as much as the system can hold.
48 But I think what's really important, as you say,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is to focus on where these interactions are
2 increasing.

3 We mentioned at the New England Council
4 it's no longer, in some cases, a matter of how
5 fishing affects marine mammals but how marine
6 mammals impact fishing, and we need to pay
7 attention to that.

8 I was really hopeful, and maybe Sam has
9 an update for me, but really hopeful that we would
10 have the nonlethal deterrent guidelines ready for
11 public input in time for our annual meeting.
12 Doesn't look like that's going to happen.

13 But that's the kind of thing that the
14 NMPA actually provides for. It's to develop
15 guidelines for dealing with whether it's fishing
16 or property -- coastal property and that type of
17 interaction. So there are levels that are
18 specified. There are measures in NMPA for dealing
19 with recovering populations. I guess the smart
20 people in Congress thought maybe this is actually
21 going to work -- we are going to have recovery of
22 some populations and we are going to have some
23 critters like gray seals coming back to where they
24 used to be and now there are humans. So an
25 important problem. Thank you.

26 VICE CHAIR STOCKWELL: Other
27 questions? Seeing none, thank you, Rebecca.

28 DR. LENT: Thank you very much. I
29 appreciate it. Thank you.

30 VICE CHAIR STOCKWELL: Okay. We are
31 moving on to the National Standard guidelines.
32 Sam.

33 MR. RAUCH: Thank you, Mr. Chairman --
34 Vice Chairman, I'll call you at this point.

35 As you know, we published the final
36 revisions to the National Standard 1 guidelines on
37 October 18th, 2016. We have then gone around to
38 most of the councils except for the Western Pacific
39 and given specific presentations to Western
40 Pacific.

41 One is scheduled in March, I believe.
42 We have also met with a number of the SSCs around
43 to discuss the guidelines. So I want to first
44 thank all the councils for hosting us and allowing
45 us the opportunity to have those discussions. I
46 think they've been very useful both on our end and
47 hopefully on your end as well.

48 We are going to have Emily go through

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a brief presentation that summarizes the topics
2 that we have gleaned from all of these discussions.
3 We also know that before this meeting you gave us
4 a list of 25 questions about implementing the
5 National Standard 1 guidelines and we do not have
6 -- we may answer some of them but we don't have a
7 comprehensive set of answers right now.

8 We are committing, though, that we will
9 get you those answers in writing. I am thinking
10 that it would be useful to have -- the questions
11 are good questions. It would be helpful to put
12 them out in some way that it's publically
13 discernible for everybody to see and it's
14 comprehensive.

15 So we are going to get you that at some
16 point here. We just don't have them today. We may
17 answer a few of those questions, and we may get some
18 more clarity from you on what some of those
19 questions are.

20 But with that, Emily, do you want to go
21 through the presentation?

22 MS. MENASHES: Thank you. Yeah. So
23 as Sam said, what we wanted to do today, and we just
24 have -- I don't have too many slides -- just kind
25 of touch on the -- kind of finish the National
26 Standard 1 guidelines. Some of the major themes,
27 not necessarily an all-inclusive list of
28 everything we heard at all of the council meetings
29 but some of the major things that we heard and then
30 talk a little bit about next steps and then, as Sam
31 mentioned, we were hoping to use the time today to
32 hear more from you, whether it's expanding on the
33 questions that you provided us or other
34 observations that you had that maybe aren't on that
35 list.

36 I do believe the list of questions is
37 on the -- on the webpage so that you could kind of
38 see that compiled list as well so that we can make
39 sure that we are as responsive as possible as we
40 respond to those specific questions and then also
41 help us figure out, as we are moving forward, are
42 there additional areas for clarification, guidance
43 work or tools that we should be working on to make
44 the National Standard 1 guidelines as useful as
45 possible.

46 So as Sam said, the NS 1 final rule
47 published in October, and just to remind you our
48 objectives when we started out with this process

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of updating the guidelines was to both improve and
2 streamline them, hearing some of the challenges
3 that people had had going back to the initial
4 guidelines that came out after the Magnuson was
5 last reauthorized and then also provide some more
6 flexibility to meet the Magnuson requirements.
7 There was a lot of flexibility.

8 Some of them weren't fleshed out as much
9 in the guidelines as they could have been so we
10 tried to -- kind of listening to those -- some of
11 those concerns tried to be clear about some of those
12 areas where there is flexibility within the
13 guidelines that still meet the requirements of the
14 Magnuson Act.

15 And then just to emphasize, unlike the
16 last guideline revisions, this latest one does not
17 establish any new requirements or require councils
18 just to revise current FMPs. It just provides some
19 additional clarity and some tools and flexibility
20 so that if you choose to revise your FMPs you can
21 use these guidelines to help you do that.

22 Overall, reception of the final rule
23 was fairly positive, which -- and there weren't
24 really any big surprises, which we were happy with.

25 We had a fairly extensive process of
26 getting public comment throughout the process. As
27 Sam mentioned, I think most of you except for the
28 Western Pacific Council yet, have had
29 presentations by our two NS 1 experts -- Erin
30 Schnettler, who's here today, and Deb Lambert, who
31 I am not sure if Deb is here today or not.

32 We have been around to all the councils
33 except the Western Pacific. We will be seeing them
34 in March. Also have given presentations to a
35 number of the SSCs and then other groups as
36 requested.

37 We had some initial webinars when the
38 rules rolled out and had fairly healthy
39 participation in those webinars as well.

40 We are happy to continue to give
41 presentations, talk about the various groups about
42 NS 1 as needed. And as Sam said, thank you for
43 making time for us on your agendas and for providing
44 good comments on the proposed rule and continuing
45 to talk with us about how to make the guidelines
46 work as well as possible.

47 So I was going to go through a couple
48 of slides, just pulling out five of the topics that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have gotten the most attention across the council
2 meetings.

3 Again, this isn't everything that we
4 have heard on this and this isn't necessarily also
5 the more detailed questions that we have gotten
6 from you recently but just sort of some of the high
7 level points that have gotten a lot of attention
8 across multiple councils.

9 The carryover ABC control rule is
10 probably the topic that's gotten the most council
11 attention where there is been a lot of interest in
12 how to figure out how to use that flexibility.

13 You know, we have heard things about how
14 to implement that within the ABC control rule and
15 have tried to talk to the -- talk to all of you about
16 there is multiple ways that we could use those
17 carryover provisions within the ABC control rule.
18 Some of the frameworking processes that are used
19 already could be modified to explain in an FMP up
20 front how you would account for ACL underages and
21 use them again in the future.

22 We have also received a number of kind
23 of implementation questions about when a council
24 could use and how to apply a carryover provision
25 in the fishery.

26 So, for example, if an underage occurs
27 in year one, do we have to apply that in year two
28 or can we move that to year three to allow time for
29 data to come in and fully understand that. I think
30 we have talked with folks that talked -- that, you
31 know, a strict reading of the guidelines suggests
32 that an underage from year one would be applied to
33 year two but recognizing that there is probably
34 some flexibility to carryover some amount into year
35 three.

36 But, ultimately, what a lot of this goes
37 back to is, you know, considering the natural
38 mortality, other population dynamics and the
39 reasons for the carryover when establishing those
40 ABC controls to account for carryover and that's
41 sort of the fundamental aspect of that provision
42 within the National Standard 1 guidelines.

43 We still require the SSC to make those
44 ABC recommendations. That hasn't changed a well.
45 One of the other topics that has gotten quite a bit
46 of attention is the stocks in need of conservation
47 and management.

48 When we -- when we rolled the rule out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 -- we recently had the UCIDA finding. There has
2 been a little bit more examination of what that
3 means and how it might apply to different
4 fisheries.

5 GC is here and can go into that a little
6 bit more detail. But a lot of the issue with UCIDA
7 is that it's very fact specific. So we are still
8 looking at an analysis of the 10 factors that we
9 listed in the rule and the specific facts in the
10 case with each fishery that you are managing in
11 terms of whether the UCIDA lawsuit applies and
12 makes -- affects how you may manage your fisheries.

13 We have gotten a lot of questions about
14 how the 10 factors -- how do we use them, how do
15 we apply them, document those and how do you
16 incorporate the analysis and the conclusion on
17 whether you need to add or remove a fishery from
18 an FMP related to that. That was also addressed
19 quite a bit in your questions and we are working
20 on some additional clarity there.

21 I did want to say one other point was
22 that, you know, intentionally we are not
23 prescriptive in the guidelines about those 10
24 factors and how to use them, believing that because
25 of the variation in fisheries around the country
26 it was important to leave that flexibility. And
27 now we recognize we have heard from folks that
28 potentially there are some more questions that we
29 can help respond to.

30 Three of the other topics that have
31 gotten a bit of attention across the councils is
32 the aggregate MSY and choke stocks. I think the
33 basic point here is that, you know, ultimately the
34 concept of aggregate MSY is not intended to allow
35 overfishing.

36 It's intended to allow for an approach
37 that better accounts for multi species
38 interactions. But we still need to, where we can,
39 manage the ACLs and prevent overfishing. That's
40 a core requirement of this.

41 In terms of the multi-year overfishing
42 status determination, we had a lot of questions on
43 implementation on that. I mean, that is something
44 that does need to be described with an FMP if you're
45 planning to use that flexibility. Again, we will
46 continue to work with you on understanding your
47 questions there.

48 And then last but not least, we have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 gotten a number of questions about the relationship
2 between NS 1 and Magnuson reauthorization. A
3 number of the bills that had been introduced in the
4 past addressed NS 1 issues and so questions about
5 where did NS 1 address some of these issues that
6 had been raised in previous Magnuson bills that had
7 been introduced.

8 We did put together a crosswalk between
9 H.R. 200 and the NS 1 guidelines. There were about
10 five topic areas that overlapped and those have
11 been made available on the website for you to look
12 at in more detail on.

13 So in terms of, you know, next steps,
14 as I said, today we'd want to hear from you a bit
15 more about your questions, other concerns, issues,
16 perspectives you have on the revised guidelines.

17 The list up there is sort of a compiled
18 list of the topics that you all had sent us. There
19 is multiple questions under each of those topics
20 but just kind of to remind you about the main topics
21 that you all had sent us recently.

22 And, you know, as I said up front, we
23 want to -- and Sam said we will -- we have committed
24 to responding to your questions as much as we can.
25 They may be frequently asked questions.

26 We are also looking at the technical
27 guidance. The RESTREPO 1998 report is kind of the
28 core technical guidance that we currently have.
29 That's almost 20 years old so we are having some
30 conversation about whether there is a need to
31 update, relook at some of those aspects within the
32 technical guidance.

33 We are having some folks that are
34 talking about some of those technical questions
35 already. So something that we have put out there.
36 We have not -- don't have specific plans in place
37 about what we would do, how we would approach that.
38 But we are having some discussions. So some of the
39 input we all get from you may help also us focus
40 on what some of those issues are where we may want
41 to do some further work.

42 And then with that, I will turn it back
43 to the chairman and then for further discussion.

44 VICE CHAIR STOCKWELL: Thank you,
45 Emily. Are there questions or clarifications on
46 her presentation first? Bill.

47 MR. TWEIT: Thanks, Mr. Chair.
48 Thanks, Emily. That was really useful.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Did you describe any potential timing
2 for coming up with your thoughts about the UCIDA
3 case?

4 MS. MENASHES: I would turn that over
5 to GC, if you want to respond.

6 MS. PARK: Sure. I don't think that
7 there is necessarily going to be -- if your question
8 is is there going to be some new document or
9 something that comes out, like, on a time frame,
10 I think that at least as far as general counsel on
11 the attorneys in the regions that are advising each
12 of the councils they will be working with you on
13 individual FMPs and other regulatory actions to
14 ensure that it's consistent with or takes into
15 consideration different concerns that have arisen
16 as a result of that case as well as the NS
17 guidelines, like, what they've laid out.

18 So I don't think that we are necessarily
19 envisioning the a new document under certain time
20 frames. It's just as questions arise I expect it's
21 going to be very fact and situation specific.

22 Like, in a particular case what does the
23 record look like, how is the council thinking about
24 the different factors under the NS guidelines.
25 But I don't envision that we will be doing some kind
26 of definitive document that's going to be applied
27 across, you know, all the regions.

28 VICE CHAIR STOCKWELL: Other
29 questions? Gregg.

30 MR. WAUGH: Thank you, Mr. Chairman.
31 One of our questions is sort of timely in that we
32 were asking whether that control rule needed to be
33 modified to include the phase-in. We are looking
34 at phase-in in our golden tilefish fishery. Does
35 that have to -- does the control rule have to be
36 modified, put in an amendment and effective before
37 the council can use a phase-in provision? Or can
38 we concurrently modify the control rule and lay
39 that out and use the phase-in in one amendment?

40 MS. MENASHES: I think the -- and,
41 again, these are some of the very case specific
42 things that sort of hearing from you about the more
43 detailed of your questions.

44 But the -- within the NS 1 guidelines
45 was the idea that in order to phase in changes to
46 the ABC you should articulate that in the FMP and
47 when you're using those provisions.

48 So that needs to be done kind of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 up-front to explain those criteria and the process
2 for that. Whether or not you could sort of do some
3 of those within one action I think is something we'd
4 be happy to talk to you about. But we do need to
5 have that sort of how you would use those provisions
6 documented in the FMP.

7 VICE CHAIR STOCKWELL: Further
8 questions? Tom.

9 MR. NIES: I guess I am a little
10 confused about the next steps here. Are you -- do
11 you have specific questions you're going to ask us
12 to elaborate on today from our list of questions
13 you gave us or do you envision contacting the
14 councils that pose the questions to explain further
15 what they mean and then come back to this at the
16 May meeting? I am a little confused about what
17 process you want to follow.

18 And that kind of bears on whether I want
19 to get into detailed questions about some of our
20 questions or not.

21 MR. RISENHOOVER: Well, Tom, I think
22 it's a little of both where we have your questions.
23 We are going through them now, preparing answers,
24 and as Sam and Emily indicated we thought everybody
25 could learn from those responses.

26 And since we only got those questions
27 a week, 10 days ago, something like that, we haven't
28 gone through our whole review. So if there are
29 certain areas that go beyond the 25 or so questions
30 you all asked or if there are ones -- you know, as
31 Gregg brought up, we can give you some initial
32 thoughts and responses.

33 But a lot of times I think the questions
34 are asked with a specific goal in mind or you want
35 to go a specific direction and we had headquarters
36 may not know all the background with that. We
37 would reach out to our field folks to make sure they
38 are aware of those questions and what the
39 individual implications may be per council,
40 region, fishery, what have you.

41 So I think a little bit of back and
42 forth. If you have some specific things or want
43 to add some additional flavor to the questions you
44 ask that would help us answer them instead of we
45 give you a document with the answers to 25 questions
46 and kind of missed what you were going at in those.

47 VICE CHAIR STOCKWELL: Sounds like
48 you're queued up, Tom.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NIES: So I guess I'll -- we had
2 several questions on the concept of stock complexes
3 in aggregate MSY and I won't repeat the questions
4 which are listed here but you can look at them.
5 Some of them in some cases are quite detailed in
6 part because we thought it might be easier to --
7 for you to frame answers if you were looking at
8 somewhat specific examples rather than nebulous
9 examples.

10 But the underlying -- I think the
11 underlying thrust of it is that some of the
12 discussion of what's required if you have a stock
13 complex or an aggregate MSY in the guidelines we
14 found somewhat confusing because in our read anyway
15 in some cases when you read the guidelines that it
16 seems to imply that you can do certain things.

17 But when you read the responses to
18 comments it seems to be more constraining than what
19 the guidelines actually say.

20 And so, you know, as an example, one of
21 the bullets we have got there, the one that starts
22 -- second one down, I think -- that starts response
23 to comment 17 sort of highlights the problem.

24 It says even when aggregate level MSY
25 is estimated, stock specific MSY must still be used
26 to inform single stock management. Other annual
27 reference points within the ACL framework must also
28 be specified in order to prevent overfishing from
29 occurring in single stocks.

30 So this particularly attracted
31 attention in our council because we have under
32 development a fishery ecosystem plan where the
33 proposal on the table right now is to establish
34 functional groups which will have catch by
35 functional groups and then an overall cap on the
36 ecosystem as a whole much like the North Pacific's
37 cap, and then individual stocks would have a
38 minimum biomass level.

39 But you'll notice what I left out of
40 that discussion was any ACL for individual stocks,
41 any overfishing level for any individual stocks.

42 And in some cases when you read the
43 guidelines themselves it implies that yes, you can
44 do that and in fact we have gotten some comments
45 from some of the people involved in our EBFM process
46 who work for the agency that says yes, you can do
47 that.

48 But when I read the responses to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 comments I read this to say no, you cannot do that
2 because, you know, you're supposed to have these
3 individual status determination criteria which
4 includes individual ACLs, overfishing stuff, all
5 that stuff that's defined.

6 And then there is some other examples
7 here. So, you know, I think, you know, without
8 getting into more detail than that I think that
9 there is some confusion in our minds about exactly
10 what we can and cannot do with stock complexes in
11 aggregate MSY.

12 And it's not just related to the concept
13 of choke stocks but it's related to the agencies
14 and our interest in pursuing ecosystem-based
15 fisheries management at a -- you know, at a
16 fundamental change level from the way we manage now
17 in New England, anyway.

18 I don't know if that helps you
19 understand our questions, where we are coming from
20 or not.

21 MR. RISENHOOVER: Well, I'll start and
22 then Emily, you're -- as Emily mentioned, we have
23 got some other experts in the room who can follow
24 up on that.

25 And I think what that illustrates, Tom,
26 is some of the background -- we need to answer the
27 specific question you're asking. So I glanced at
28 that question and some of the initial thoughts
29 folks had on it and it sounds like you're talking
30 about the Skate fishery or are you talking about
31 others?

32 Because I think part of this is going
33 to be very specific to the fishery; on whether you
34 have information? Have you set ACLs in the past?
35 Are those stocks subject to overfishing? Are they
36 not?

37 What level of information do you have?
38 So part of this is going to, on our part, require
39 a back and forth with John and Mike and perhaps the
40 Center folks in the Northeast to answer these
41 questions. Whereas if we just answer broadly and
42 you try to apply it to a specific question we don't
43 want you to think oh, I'll just take that general
44 answer, apply it to a specific situation and then
45 us have to go no, wait a minute, now that we know
46 the details perhaps it's a slightly different
47 answer.

48 MR. NIES: I'll follow up. I mean,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you're exactly right. I mean, we chose -- the
2 three examples we highlighted there were one of
3 them is an existing plan. One of them is an
4 existing plan that could be modified and the third
5 is an FMP that is, you know, in the early
6 development stages.

7 So, you know, that's -- we chose those
8 examples. You're right, the first one is the Skate
9 FMP. That's exactly where it came from. The next
10 one is potentially the ground fish FMP and the third
11 is the idea of an EBFM fishery ecosystem plan.

12 MR. RISENHOOVER: And so that's part of
13 the concern that we don't sit around this table and
14 make those sort of decisions.

15 That's something you should have at
16 your individual council meetings to discuss are
17 Skates different than, say, another one and what
18 are the specific, I don't know, facts, instances
19 around that, whether fishermen can determine the
20 different between Skate A and Skate B. I don't
21 know that from sitting here.

22 So we will try to give a broader general
23 answer to these 25 questions. Some of them, you
24 know, we can answer with broader question, with
25 broader answers.

26 Others we were a little cautious that,
27 you know, us answering a question we may not know
28 the background enough to give you a good answer and
29 we want to explore that.

30 And also, you know, as -- you know, I
31 don't know that we want to go council by council
32 but hear the concerns, the questions, the issues
33 you all have and that'll help us prepare better
34 answers as we go along.

35 VICE CHAIR STOCKWELL: Thanks, Alan.
36 Thanks, Tom, for teeing off this conversation. Is
37 there discussion from the other councils on these
38 questions? Michelle.

39 MS. DUVAL: Thank you, Mr. Chairman.
40 I will just say that, you know, the questions that
41 have been posed by the New England Council about
42 use of aggregate level MSY approaches I think are
43 also applicable to the South Atlantic given, you
44 know, our -- the nature of some of our mixed stocks
45 and the fact that we don't have MSY estimations for
46 them yet we do have annual catch limits, you know,
47 just based on landings only types of approaches and
48 we have aggregated them into stock complexes with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the help of SSC.

2 So, you know, I guess since so much as
3 there might be some generalities that could be
4 applied to these situations and help us determine
5 if we can use this, you know, we'd appreciate it.
6 But recognize that every fishery is individualized
7 and that, you know, we may be approaching you all
8 for more guidance on this as we, you know, look to
9 try to utilize some of this flexibility.

10 And then if I might, Mr. Chairman, just,
11 you know, another question and, again, this is in
12 the list of questions. It's coming from the South
13 Atlantic. But in terms of how long we have to end
14 overfishing, I know we talked about this a little
15 bit before.

16 I mean, the Act says end overfishing
17 immediately but we have two years to go through that
18 FMP and rule making process.

19 So what do we do? I mean, we have been
20 in a -- we have requested emergency action before
21 to, you know, reduce our annual catch limits, you
22 know, significantly by over 60 percent to try to
23 get down to a point where we are below an
24 overfishing level. But do you all have any
25 generalities on what immediately means?

26 MR. RISENHOOVER: Yeah, I think part of
27 it is as you know you have to have an ACL in place.
28 So, you know, what is your management framework.

29 Can you just simply change the ACL to
30 get below that overfishing level? Or do you need
31 a plan amendment? Do you need to bring that stock
32 into management. So, again, some more specifics
33 help inform the answer to that where I could say,
34 you know, immediate is by the next season, right?

35 Or immediately is, you know, within two
36 years. But I think immediate has -- and the
37 lawyers are probably thinking about this, too --
38 you know, some term of how fast can you do it, right.

39 If you need some sort of plan amendment
40 or to even bring the stock under management that's
41 going to take longer. If it's a stock currently
42 under management and you get new advice can you just
43 simply change the ACL and how would you change the
44 ACL depending upon the plan? Caroline.

45 VICE CHAIR STOCKWELL: Go ahead.

46 MS. PARK: And I think just to add to
47 what Alan was saying, so the provision you were
48 describing the end overfishing immediately comes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 out of the rebuilding provision of Magnuson.

2 So when a stock's been declared
3 overfished two years -- I don't have the exact
4 language in my head but two years to develop the
5 plan to rebuild and end overfishing immediately
6 that's triggered by the determination of an
7 overfished stock. But separately we have -- and
8 that's in 304(e) of Magnuson -- separately under
9 303(a)(15) all FMPs are supposed to have a
10 mechanism established for specifying the ACLs and
11 their accountability measures to address the
12 overfishing.

13 So I think what Alan was describing is,
14 you know, you could have a rebuilding plan where
15 you're trying to create the new rebuilding plan
16 that will end overfishing. But our FMPs all have
17 mechanisms or should have mechanisms for ACLs.

18 So there might be a variety of tools
19 available to address the overfishing. It could be
20 your existing ACL framework working fine while
21 you're revising.

22 It could be that some bigger changes are
23 needed. So it's going to depend, I think. In that
24 part of the statute -- the 304(e) -- it is, just
25 for me personally, kind of interesting because
26 304(e) pre-existed the ACL requirement.

27 So to some extent how do these things
28 work together. I mean, all FMPs are supposed to
29 have the ACL mechanism to ensure overfishing
30 doesn't occur. So it's -- I think there is just
31 going to be a variety of tools available and then
32 the question is what's happening with your science,
33 your fishery at the time as you're trying to develop
34 the building plan.

35 We will probably at that point ask okay,
36 which of these tools is the right one to be using.
37 Is it just change the ACLs? Is it something more
38 major that's needed.

39 VICE CHAIR STOCKWELL: Gregg.

40 MR. WAUGH: Thank you, Mr. Chairman.

41 Just to follow up on that, then can we
42 agree that immediately doesn't mean that we should
43 always request emergency action?

44 MS. PARK: I believe that emergency --
45 I am going to say -- be bold and say that's correct.
46 It's not that just as soon as you have an overfished
47 situation you're supposed to say boom, I am going
48 to request an emergency rule in our measures.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We have to take a look at what the
2 existing regulatory framework is. It could be
3 that your ACL mechanism is working great -- there
4 is no need for an emergency rule. It could be that
5 we'd have some serious concerns and the council
6 wants to make that request.

7 And so I would say there is not a once
8 size fits all. I think we want to look at the very
9 specific facts. When invoking the 3058 emergency
10 rule or interim measures to reduce overfishing
11 provisions we will want to make sure does it fit
12 the facts, does the record support use of this --
13 of one of these tools or not.

14 But, again, it could be that your
15 existing regulations already provide an ability to
16 adjust the fishing levels as needed. So yes, not
17 one size fits all.

18 VICE CHAIR STOCKWELL: Are there any
19 other comments? Thoughts? Guidance? Alan.

20 MR. RISENHOOVER: Just while they are
21 thinking, one other thing to think about is kind
22 of the outline of questions Emily presented it's
23 the general areas councils were interested in or
24 wanted additional clarification.

25 If you could -- you could look at those
26 and just make sure those are correct or if there
27 is another one or something like that. Again, part
28 of it is we need to answer your general questions.

29 We need to answer your general
30 questions. We need to answer your specific
31 questions. We need to keep answering those as
32 different issues come up. But in general are those
33 the four, five, six, whatever that is areas.

34 VICE CHAIR STOCKWELL: Thanks for the
35 prompt. We will see if it works. Is there a
36 response? Anybody have any thoughts or comments
37 before we move on? I mean, this is a pretty big
38 deal. Tom.

39 MR. NIES: So, again, this relates to
40 next steps. Then is the idea here that we should
41 have this on our agenda in May for further update?
42 I am a little puzzled here about whether we need
43 another discussion of this or not. There doesn't
44 seem to be a lot of discussion going on now.

45 (Laughter.)

46 MS. MENASHES: Well, I do think they
47 are -- as I said, we have already started kind of
48 working on responses. So there are some of these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 questions that are pretty straightforward and I
2 think we can provide written responses to much
3 sooner than May.

4 There may be some of them where, as we
5 get into it and whether we ask you some follow-up
6 questions or talk with the region and the Center
7 where it's a little bit more complicated and maybe
8 as we have talked about some of them are very
9 fact-specific situations which we may be able to
10 provide some general clarity but, again, wouldn't
11 want that to necessarily confuse what's happening
12 in a specific situation.

13 You know, I think we are just sort of
14 finishing up the rounds and we have one more council
15 to talk to. Absorbing a lot of that information
16 about what we are hearing from the councils about
17 where we may be able to provide some clarity where
18 there may be some other tools or some other guidance
19 that would be helpful.

20 And so I think part of it is -- I mean,
21 I hope we would be able to not come back in May and
22 have to discuss these same 25 questions -- that we
23 can resolve those prior to that.

24 We may have some more clarity by then
25 about areas of technical guidance that we may be
26 thinking of focusing on. But, again, we are still
27 internally even just starting to talk about that,
28 following up from what we are hearing from the
29 councils and the SSCs as well. So I am being wishy
30 washy on whether we want to actually talk about that
31 in May.

32 Whether we will have anything at that
33 point I don't -- I don't know that we will have an
34 answer to that.

35 So part of what we were thinking about
36 is as we -- we are working through the draft
37 responses is recognizing that some of these may be
38 very issue specific.

39 Some may be things we can answer more
40 completely, that having everyone here was
41 potentially a good opportunity if you wanted to
42 clarify your questions, provide some more
43 perspective or maybe some of the councils may have
44 some additional things to add on to, you know,
45 questions that North -- that New England had or
46 questions that somebody else had as well.

47 So we are fairly flexible on that. I
48 don't think we need to plan to go through these 25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 questions in May, though.

2 VICE CHAIR STOCKWELL: Is there
3 further discussion? Chris.

4 MR. OLIVER: The question may be for
5 Tom or Emily. One of the questions that came up
6 repeatedly in our review, at our SSC and at our
7 council was this issue of the 10 factors and what
8 consider means in terms of the number of them or
9 some implied or implicit weighting of them, and I'd
10 be happy if you had any initial thoughts on that
11 question, Emily. But my questions to the bigger
12 group was -- or to Tom -- were, were we the only
13 council that brought that question up or were
14 others -- did others struggle with that as well?
15

16 MR. NIES: I think you were the only
17 one who worded it that way. I think the Western
18 Pacific had some questions about what's the process
19 for considering the 10 questions and I think there
20 might have been one other -- one other council that
21 was a little curious about the waiting factors,
22 much like you are.

23 VICE CHAIR STOCKWELL: Is there
24 further discussion? Everybody clear about the
25 next steps? Crystal clear, right?

26 Okay. Thank you, Sam, Alan and Emily.
27 I think, Emily, you're still on deck for national
28 bycatch reduction strategy update.

29 MR. RAUCH: Well, let me introduce
30 that. So a year and a half ago at the June CCC
31 meeting 2015 we talked about how reducing bycatch
32 was a key mandate for NMFS and the councils.

33 We have collectively done an awful lot
34 over the years to reduce bycatch and oftentimes we
35 don't get full credit for how far we have come in
36 those -- in those efforts.

37 So one of the things we needed to do is
38 to -- is to better assess that. We have talked with
39 this group over the years about how we have done
40 it, how we can better keep track of what the bycatch
41 is.

42 We also saw an opportunity to improve
43 the coordination and effectiveness of our efforts
44 and to clarify both national and regional
45 priorities.

46 So our meeting last February we had just
47 released the draft of a new national bycatch
48 strategy. Our older one was over 10 years old at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the time. So we released a draft of the new one.
2 We also had just released a draft of the proposed
3 standardized bycatch reporting methodology rule,
4 which both of them together look from different
5 angles, talk about bycatch.

6 So we discussed that with this group
7 then. Since that time, we have finalized both of
8 those documents after taking into account not only
9 the views of the various councils but also of the
10 public as well.

11 So we wanted to take an opportunity here
12 to close the loop to give you an update on the final
13 product that we issued. We have a short
14 presentation that summarizes the final version of
15 these two projects to make sure that you're aware
16 of them and what the next steps are and we also want
17 to be clear that as we have throughout the councils
18 have been an important part of this, an important
19 part of the strategy. They've been an important
20 consideration and the SBRM rule and so we want to
21 make sure that we continue moving forward along
22 that line.

23 So we have got this -- Emily, are you
24 going to do this as well?

25 MS. MENASHES: Unless you want to.

26 MR. RAUCH: No, I don't want to. I
27 want you to do it.

28 (Laughter.)

29 All right.

30 MS. MENASHES: Yeah. As Sam said, we
31 have done a lot of work over the last year in
32 particular. About a year ago, we rolled out the
33 draft bycatch strategy and the standardized
34 bycatch reporting methodology, SBRM proposed rule.
35 So we have completed both of those efforts.

36 They are not necessarily over. There
37 is always more to be done. But we thought this was
38 a good opportunity just to kind of highlight the
39 final results of all of those and kind of close the
40 loop on that discussion with all of you.

41 The bycatch reduction strategy we
42 finalized in December. The goal of that strategy
43 is guide and coordinate our efforts to reduce
44 bycatch and bycatch mortality in support of
45 sustainable managing fisheries and recovering and
46 conserving protected species.

47 So fairly broad scale wide reaching
48 goal for that. And we wanted to use that process

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 both to affirm our commitment to minimizing bycatch
2 and bycatch mortality across -- it's across all of
3 our mandates. It's not just Magnuson but also work
4 that we need to do under MMPA and ESA as well.

5 We wanted to make sure that people
6 understood that we had accomplished a lot. There
7 have been a lot of work that is done. There is a
8 lot of progress that we have made but that there
9 is always additional work that you can do and
10 improve our coordination internally and with our
11 partners to reduce bycatch and bycatch mortality.

12 There are a couple of things I just sort
13 of wanted to highlight that were areas that we got
14 a lot more comment on on the draft strategy and one
15 of the things that we heard a lot about and we heard
16 this from the councils as well was just some
17 clarification of the statutory authorities. Both
18 the draft strategy and this final strategy cross
19 over all of the statutory mandates that NOAA
20 fisheries has.

21 But we did try and be aware that that
22 was -- how specific solutions are implemented does
23 depend on the statute that is sort of driving that
24 whether it's Magnuson, Marine Mammal Protection
25 Act or Endangered Species Act.

26 So in the -- you know, we clarified
27 still in the strategy that we are talking about
28 bycatch broadly but that the development and
29 implementation of specific measures to address
30 bycatch occurs according to the appropriate
31 statutory authorities.

32 We also includes some more detail in the
33 final strategy explaining the distinctions between
34 those three primary statutory drivers that we have.

35 We are not putting out a new definition
36 or new requirements for bycatch. It's still drive
37 -- it's still driven by, you know, in the case of
38 fisheries what's the definition of bycatch in the
39 Magnuson Act.

40 When you're dealing with the Endangered
41 Species Act what are the take issues that you're
42 dealing with. So those still kind of drive the
43 specific solutions and then as well as how you
44 implement them.

45 We also got quite a bit of comment about
46 the topic of utilization, which was something that
47 we originally had incorporated into the
48 overarching goal in the draft strategy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We pulled that out of the top level
2 goal. It's still within the strategy as something
3 -- we think it's important to be aware of and try
4 and work on. But we recognize in this strategy
5 that reducing bycatch can include minimizing the
6 amount of bycatch and minimizing the impact of that
7 bycatch -- mortality, serious injury, adverse
8 impacts -- but also looking for opportunities to
9 increase utilization of fish that would otherwise
10 be economic discards.

11 But one of the comments we got was some
12 confusion and concern that that -- are we intending
13 that to override conservation and management
14 issues and we wanted to clarify that no, this is
15 still within our overarching responsibilities to
16 address those conservation and management
17 requirements of the statutes that we are working
18 under.

19 But we did think it's an important
20 aspect of, you know, both addressing bycatch as
21 well as potentially providing economic opportunity
22 to look at bycatch in the lens of increasing
23 utilization.

24 And then, you know, so we tried to
25 highlight but, you know, in some respects this
26 isn't necessarily a new thing. There is already
27 a priority under the Saltonstall-Kennedy program
28 about supporting development of new products from
29 markets for seafood. So that concept is already
30 in there but it is something that is a little bit
31 different and that we did get a fair amount of
32 comment on.

33 The bycatch strategy identifies five
34 objectives and then the -- so this is organized a
35 little bit different. I think we had six in the
36 draft strategy. The evaluation and improvement
37 was something we pulled out as its own objective,
38 recognizing that's really something that cuts
39 across sort of all of these other objectives. And
40 so, again, that was an area where, you know, slicing
41 and dicing it different ways and trying to see what
42 made the most sense in terms of the flow of the
43 process of, you know, monitoring research, taking
44 management action, enforcing and all of that.

45 So the strategy identifies these five
46 objectives as well as, you know, ongoing efforts
47 to evaluate and improve, which is fairly well built
48 into the council process already.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 For each of the objectives, and I am not
2 going to go through these, we have a series of
3 actions that are intended somewhat at more of the
4 national level. We are not intending that
5 necessarily every fishery, every region will be
6 dealing with an action -- all of those actions when
7 we start to get into the implementation of it but
8 trying to organize the areas that we are working
9 on and trying to identify the priorities in these
10 five main objectives was one of the things we worked
11 a lot on, trying to clarify it with the final
12 version.

13 So the next steps are development of
14 both national and regional level implementation
15 plans. We are actually already working on the
16 national level plan, which we are trying to capture
17 those things we would do out of headquarters and
18 there is a number of those things or do in
19 coordination nationally that are identified as
20 actions in the strategy as well.

21 And we are targeting sometime this
22 spring or early summer to have a draft of that we
23 would share for review and comment.

24 And then following on that, there will
25 be development of regional action plans. Our
26 current plans are those would be developed with the
27 region and Center -- appropriate region and Center
28 working together and also reaching out to the
29 councils and other partners in the area to get input
30 on the more regional-specific priorities that
31 should be worked on in that -in that area. So there
32 is a little bit of a nesting of sort of more national
33 level efforts that we can take with more
34 region-specific actions.

35 So that will be coming later this year.
36 We also -- as Sam mentioned, we completed the rule
37 making for the standardized bycatch reporting
38 methodology final rule that was published January
39 19th, 2017.

40 MSA 303(a)(11) requires that any FMP
41 establish a standardize reporting methodology to
42 assess the amount and type of bycatch occurring in
43 the fishery -- the final rule focused on the process
44 for establishing, documenting and reviewing SBRMs.

45 We recognize that all FMPs have
46 established SBRMs consistent with the Magnuson but
47 they've been implemented in different ways and both
48 the documentation and explanation in different

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 FMPs varies considerably.

2 So the intent with this rule was to try
3 and clarify the basic requirements for
4 establishing SBRM, have some greater transparency
5 in the review development updating SBRMs going
6 forward.

7 We have never had regulations on this
8 provision of the Magnuson Act before. There has
9 been different kinds of guidance that have been out
10 there.

11 But due to the variation of approaches
12 around the country we have had some different
13 levels of litigation on this issue as well.

14 We thought that it was important to
15 interpret -- to provide an interpretation of the
16 basic requirements of this Magnuson provision.

17 Some of the key components of the rule
18 were defining standardized reporting methodology
19 to include the data -- data collection recording
20 and reporting procedures, and this is something
21 that is separate from both the assessment that
22 happens related to fish stocks and bycatch in those
23 -- related to those fish stocks as well as the
24 conservation and management measures that you
25 would take for bycatch.

26 We do require that the SBRM procedures
27 be documented, which are specifically the
28 procedures to collect, record and report bycatch
29 data documented in FMP and -- but that there are
30 a little bit more flexibilities for the analysis
31 and documentation of sort of the justification
32 behind that.

33 And we have identified four
34 considerations that councils must assess in
35 establishing and reviewing SBRMs. They are fairly
36 general and inherent in all of them or explicit in
37 all of them was recognizing that there is a great
38 deal of diversity in the fisheries and that
39 different SBRM are going to be appropriate in
40 different fisheries depending on the circumstances
41 for that fishery.

42 So that was a very important thing for
43 us to embed and recognize that regional variation.
44 And some fisheries, due to the characteristics of
45 bycatch, may require more robust monitoring
46 whereas others -- it's a different situation.

47 So the character -- the considerations
48 relate to the characteristics of bycatch and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 fishery, the feasibility of the methodology from
2 a cost, technical and operational standpoint, the
3 uncertainty of the data that results from a
4 methodology, understanding that, understanding
5 the quality of the information that you're getting,
6 and then how that data will be used to assess the
7 amount of bycatch occurring in a fishery.

8 In terms of the next steps, as Alan
9 mentioned at the beginning of today, this was one
10 of the rules that was caught up in the delay. So
11 we had delayed the effective date to March 21st.

12 But the date by which FMPs need to be
13 consistent with this final rule is still February
14 21st, 2022. So that's five years to go through
15 both a review of your FMPs for consistency with the
16 rule and then to do any amendments to those FMPs
17 if they are needed.

18 And we were clear that we are not
19 expecting necessarily that all FMPs will need to
20 be amended. That's why this sort of sets of a
21 process of a review first.

22 There are some that are already going
23 to be consistent with this on SBRMs that go forward
24 than this. But there are some that -- some of the
25 process and the documentation and the explanation
26 may require an FMP amendment.

27 And that is that. We will take
28 questions.

29 VICE CHAIR STOCKWELL: Thank you,
30 Emily. Are there questions or comments on her
31 presentation? Gregg.

32 MR. WAUGH: Thank you, Mr. Chairman.
33 Thanks, Emily. The last slide we have the five
34 years must be consistent and then you've got
35 bullets under conduct a review and then amend FMPs.
36 Does that mean that your FMPs have to be amended
37 within that five-year period if necessary?

38 MS. MENASHES: Yes.

39 MR. WAUGH: And I guess that means then
40 we have to get that to you with at least a six-month
41 lead in terms of meeting that time line, roughly?

42 MS. MENASHES: I think -- right. The
43 normal amendment process and the timing. I mean,
44 obviously, there is some amendments that are able
45 to move much quicker, some that take longer. So
46 but yeah, it would be kind of walking back that time
47 line appropriately, depending on the changes that
48 you might be including in an amendment.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 VICE CHAIR STOCKWELL: Is there
2 further discussion? Questions? Tom.

3 MR. NIES: This is a self-evaluation
4 for consistency?

5 MS. MENASHES: We had -- the councils
6 in consultation or working with fisheries would do
7 that. I think ultimately -- I can't think of the
8 language exactly -- is that the review should
9 provide information so that NOAA fisheries -- the
10 secretary ultimately can make that determination
11 about whether it's consistent.

12 So we were not terribly specific about
13 the exact mechanism but recognizing that it needs
14 to be a coordinated effort of reviewing it, kind
15 of agreeing that it's good or needs some changes
16 and then the normal process of actually making any
17 amendments if they are needed.

18 VICE CHAIR STOCKWELL: Kitty.

19 MS. SIMONDS: So I am just going to say
20 that I just talked to Bob and so the region will
21 take care of ours so we don't have to do it.

22 MR. HARMAN: In coordination with the
23 council.

24 (Laughter.)

25 VICE CHAIR STOCKWELL: Chuck.

26 MR. TRACEY: Thank you. Thank you,
27 Emily. Just a quick question on these -- the
28 requirement to comply with the new rule.

29 Have you reviewed the existing plans
30 for their compliance with the -- with what's likely
31 to be in the new rule and have you spotted any
32 problem areas that council should focus on?

33 MS. MENASHES: So we have not gone
34 through the rule and cross walked it with every FMP
35 and, you know, we don't have our own list of where
36 we think changes need to be made. But leading up
37 to the development of the proposed rule, we did a
38 very extensive look at trying to identify all the
39 individual SBRMs and what we found is they exist
40 but they are very difficult, in some cases, to pull
41 the pieces together that create that package for
42 what the SBRM is, various levels of documentation
43 in different places across fisheries.

44 So there is a lot of variability. So
45 we did, you know, do a very in-depth review of
46 what's out there feeding into the proposed rule.
47 But we haven't necessarily done that end point and
48 I think we think it's fairly important for that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 discussion to happen kind of in the council process
2 about what we want.

3 You know, part of it is going back and
4 looking at here's our bycatch, here's the
5 characteristics of what we have, here's what we'd
6 like to do, here's the kind of monitoring and
7 information we think is important for this fishery.

8 So bringing that into the council
9 process, having a good, robust and then transparent
10 discussion we think is fairly important and that
11 -- and recognizing that that's going to take quite
12 a while is why we built in a fairly long time horizon
13 for bringing existing SBRMs into compliance with
14 the criteria that we laid out in the rule.

15 VICE CHAIR STOCKWELL: Chuck.

16 MR. TRACEY: Thanks. Maybe just a
17 quick follow-up. So is there any integration
18 between the bycatch reduction strategies and the
19 reporting methodology?

20 I mean, so the regional plans for the
21 bycatch reduction strategy is that going to address
22 what's in the reporting methodology or are those
23 two completely separate animals?

24 MS. MENASHES: The bycatch strategy
25 references implementing the SBRM rule and there are
26 a number of aspects of the bycatch strategy as well
27 that talk about how we can improve our monitoring,
28 how we can improve our reporting.

29 But what we have in the strategy right
30 now is more sort of a national, kind of higher level
31 look at some of the major issues that we think would
32 be important to be working on, going forward.

33 It doesn't necessarily get into the
34 specifics of more fishery-level SBRMs and it
35 doesn't necessarily lay out beyond kind of what's
36 in the rule making itself what we would do to
37 implement the SBRM. It's pretty high level in
38 terms of implementing the final rule.

39 VICE CHAIR STOCKWELL: You're on a
40 roll.

41 MR. TRACEY: You know, so just to
42 follow up again, the -- but the plan is that there
43 would be regional bycatch strategy implementation
44 plans developed.

45 And so my question is, you know, is that
46 -- is that part of the process for identifying
47 improvements needed in the reporting methodology
48 or not?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. MENASHES: Yeah, I think that could
2 be as well. Yes.

3 VICE CHAIR STOCKWELL: Gregg.

4 MR. WAUGH: Thank you, Mr. Chair. I
5 know in the past we had an issue with funding for
6 bycatch programs. How are we going to handle that?

7 Because, I mean, I can see we can look
8 at self-reported data but there is always a feeling
9 that you need some level of observer coverage and
10 that is costly.

11 And if the councils have to put together
12 a plan that lays out the requirements then how do
13 we -- how do we deal with the funding? And I guess
14 Paul isn't here. Maybe he's off sorting that out.

15 MS. MENASHES: Well, we have no new
16 money and I think as Paul said we are not
17 necessarily anticipating a lot of new money.

18 But one of the things that we did build
19 into and we talked a lot about this in the -- in
20 the SBRM rule itself is that feasibility of the
21 methodology and trying to make sure that there was
22 some discussion at the council level for each
23 fishery. There may be the ideal of what you would
24 like to have but then what really can we do both
25 from a cost and then a technical as well as an
26 operational standpoint.

27 So that trying to get out that we need
28 to have that discussion that would allow us to
29 balance that and there is also an aspect in the rule
30 that looks at, and I can't remember the exact term
31 we used, but kind of the scalability, adaptability
32 of an SBRM to different situations.

33 And, for example, they've done this
34 with the Northeast Omnibus Amendment where there
35 is sort of different formulas, different resources
36 as you have. Then it may change how you're
37 applying those resources to meet your SBRM
38 requirements.

39 And so recognizing that yeah, we may not
40 have the resources to meet the gold standard of what
41 people would like so how do we -- what guidance do
42 we have from the councils in terms of prioritizing
43 that but still meeting the overarching objectives
44 of the Magnuson Act to have these standardized
45 reporting methodologies in place.

46 So that was some of the discussion that
47 we thought was fairly important to have and then
48 to recognize that we are not going to be able to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 do everything we'd like to do and getting some
2 guidance in the FMP about how you may prioritize
3 and deal with that if you don't have the full set
4 of resources that you would ideally like.

5 MR. WAUGH: Just a quick follow-up.
6 Then are we still looking to industry both
7 recreational and commercial to foot some of the
8 costs?

9 MS. MENASHES: The rule does not
10 address that. I think that's sort of a broader
11 discussion than specifically with that. But,
12 obviously, it's one of the ongoing issues about how
13 do we cover and pay for costs of monitoring that
14 it's greater than the resources we have available.

15 VICE CHAIR STOCKWELL: Leann.

16 MS. BOSARGE: Yeah. Thank you. I
17 guess my comment is more of an overarching national
18 type comment, and as I read through your national
19 bycatch reduction strategy there was one action
20 item that kind of jumped out at me and it's -- I'll
21 just read part of it.

22 It says review the data and analysis
23 presented in the national bycatch report to ensure
24 that the report informs national bycatch policy and
25 an understanding of national bycatch trends, and
26 that that was really the part that jumped out at
27 me because there will be a lot of effort that goes
28 into going through this data and really trying to
29 understand it a little bit better.

30 And I always try to look for the
31 positive in things, even bycatch. And so I can
32 almost see where bycatch, if we ever got deep enough
33 into it and had the right trends analyzed that it
34 could almost be a leading indicator for the
35 councils to manage their fisheries.

36 And I mean that in such that as we see
37 fish moving into areas where maybe they have never
38 been before or that we have never documented
39 historically in our fisheries management that
40 they've been before as we are seeing some climate
41 change things I think you're going to see that show
42 up first in your bycatch, right. Now, fishermen
43 are entrepreneurs so eventually it's going to get
44 landed.

45 But I think that first it would show up
46 in your observer bycatch. And if that kind of
47 trend information can be parsed out and fed back
48 to the councils I think it could help us be much

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 more proactive managers rather than reactive.

2 We may see the change coming sooner than
3 we have a problem because all the allocation is over
4 here but the fish are over here now. So I guess
5 that would be my one take-home is that as we go
6 through this if we could multitask and look for
7 those types of trends.

8 And I don't mean fish -- let me be kind
9 of specific here -- so if you're looking at, like,
10 king mackerel gillnet bycatch in the South Florida
11 area, what I would like to know is what specific
12 species are starting to show up in that bycatch that
13 maybe were never there before or what species do
14 you see significantly -- statistically significant
15 change increase or decrease in.

16 So species by species within the
17 bycatch, not the target fishery per se. But I
18 think that would be interesting information if that
19 could ever be garnered for us to utilize in a
20 positive way.

21 VICE CHAIR STOCKWELL: Is there
22 further discussion on bycatch? Seeing none, thank
23 you, Emily. We are down to our one last agenda item
24 of the day. I suggest we take a short break and
25 sidebar and see if we can't -- Tom, Sam and Brian
26 and I sidebar and see what we can't move from
27 tomorrow into this afternoon.

28 So let's -- it is now 2:28. Let's
29 reconvene -- I mean, 2:26. Let's reconvene at
30 quarter of 3:00.

31 (Whereupon, the above-entitled matter
32 went off the record at 2:26 p.m. and resumed at 2:50
33 p.m.)

34 VICE CHAIR STOCKWELL: Okay. Good
35 afternoon, everyone. We are going to reconvene
36 for our last segment of the day.

37 Following Kitty and Ed's presentation
38 on the monuments, we are going to move two agenda
39 items from tomorrow onto this afternoon's agenda.
40 One is going to be an update on the SSC meeting from
41 Chuck and if there is time Sam is going to discuss
42 EBFM roadmap implementation, and finally Tom will
43 give us a brief update on what he thinks he's heard
44 today for next steps.

45 So Kitty and Ed, take it away.

46 MR. EBISUI: Thank you, Mr. Chairman.
47 You know, beginning two administrations ago,
48 Western Pacific region -- large parts of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Western Pacific region came under National Marine
2 Monument control.

3 The Antiquities Act began to be used to
4 expand monuments into the marine environment. We,
5 in the Western -- and this has affected every island
6 group in the Western Pacific including the Pacific
7 Rim Islands. There is huge areas that's being
8 taken out. But the most offensive part of it is
9 that sustainable responsible fishing has been
10 displaced from the US EEZ through the large parts
11 of these monuments.

12 So we think that current political
13 climate at the Hill and also at the White House
14 presents an opportunity for us to rectify some of
15 these issues.

16 If I had to make an analogy to surfing,
17 for example, I think we would be at water level.
18 We will see the sets rolling in from the horizon.

19 We know it's time to get into position
20 and take off -- go for it. Now's the time. So with
21 that, I am going to turn it over to our illustrious
22 executive director, Ms. Kitty Simonds. Kitty.

23 MS. SIMONDS: Thank you, Mr. Chair,
24 Eddie.

25 So right now, monuments in the United
26 States comprise one-quarter of the entire U.S.
27 Exclusive Economic Zone and for us and the Pacific
28 -- well, it says 51, I always used 52 percent of
29 our entire U.S. jurisdiction is under the Marine
30 National Monuments.

31 And as Eddie pointed out at the
32 beginning, you know, we need to take this back. We
33 need to take it back to the Magnuson Act and for
34 the Regional Fishery Management Council to manage
35 fisheries.

36 So as you see up there at the top, I have
37 a list of those Magnuson-Stevens Act regulations
38 or management regimes that the council put in place
39 beginning in 1986.

40 That's when we did our first huge no
41 trawl enclosure in 1986 in the entire US EEZ of the
42 Pacific. And then following that, our long line
43 fishing prohibitions, false killer whale, southern
44 zone closures, bottom fish, ground fish -- many of
45 these things were in the late '80s.

46 And then alongside of that is, of
47 course, what the Antiquities Act did to all of this
48 so as you can see many -- the -- many of the Marine

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Monument closures overlay our council's management
2 regimes. Most all of them do.

3 And so for us, I mean, as Eddie said,
4 this is a huge thing for us. We are in the middle
5 of the Pacific Ocean surrounded -- just surrounded
6 by ocean.

7 So it's not like having a 200-mile
8 closure. We are talking about a 400-mile closure
9 because we are going around the islands -- as
10 opposed to closures, you know, on the continental
11 U.S. when it's just one side.

12 And so these are all the different areas
13 and when they were established -- 2006, that's an
14 overlay on our protected species zone. Rose
15 Atoll, the very same thing -- we already had a
16 closure.

17 Pacific Remote Islands, we had smaller
18 closures, and then the -- this huge 50 to 200, 400
19 miles around the Northwestern Hawaiian Islands.

20 So here we also are showing the
21 Northeast Canyons Monument that was established at
22 the same time that ours was last year. So this is,
23 adding all of this up, 25 percent of the US EEZ has
24 been closed to Monuments.

25 So we did the side by side in the
26 Antiquities Act and the Magnuson Act and,
27 obviously, the Antiquities Act wasn't meant to
28 determine marine monuments. It was to protect
29 Indian artifacts from grave robbers and these
30 designations were to be the smallest area
31 compatible.

32 They don't require public process like
33 NEPA and APA and they don't have to be consistent
34 actually with anything. So then, of course, you
35 see what we follow our primary law is the MSA and
36 we have to be consistent with 10 national standards
37 and, obviously, our process is public.

38 So this is the staff's play on words so,
39 you know, monumental problems. Direct impacts to
40 displaced fishermen -- so now our fishermen, if you
41 remember what the map looks like, have to fish
42 outside of the 200 mile zone and compete with China,
43 Japan, Korean and Taiwan.

44 And believe me, those countries are
45 fishing right outside of our 200-mile zone in the
46 Northwestern Hawaiian Islands.

47 We have seen the enforcement reports
48 and then there are those programs out there now

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 where -- free programs where you can go and see
2 where people are fishing. You can even identify
3 the fishing vessel.

4 So currently the buoys from Chinese
5 vessels are inside of our 200-mile zone and we have
6 asked enforcement about this. I mean, is that
7 fishing? You know, so we are waiting for an answer
8 to that question.

9 Then impacting shoreside businesses --
10 you know what that looks like -- and national
11 security. We include that because what's
12 happening is that we are considering this a
13 weakened -- you know, weakened U.S. fisheries and
14 the fewer fisheries we have out there that fosters
15 increased imports. The U.S. already relies on
16 foreign imports for 90 percent of the seafood it
17 consumes.

18 We don't see any material conservation
19 benefits. If anybody has one they should let me
20 know. And, obviously, this -- we consider this
21 federal overreach and increased administrative
22 burden.

23 We mentioned here poor federal agency
24 implementation record because in the areas where
25 the Monuments were established -- the Northern
26 Marianas and the Guam and American Samoa -- this
27 was in 2006 -- it's taken them that long, the feds,
28 to develop management plans. And also the CMNI
29 were -- they were promised millions of dollars, a
30 federal center -- all of those things. All the
31 promises that were made to our islands have never
32 been realized.

33 And obviously, we can't expect the next
34 administration to, you know, keep the promises of
35 the previous administration but at least whatever
36 the feds promised to do with the island areas in
37 terms of developing Monument plans.

38 Now, the Congress has provided funds --
39 \$3 million, I think, a year for Monuments. But the
40 islands don't see any of those funds. They are
41 used by NMFS and Fish and Wildlife Service for
42 projects, and we have asked them over and over again
43 to meet with the islands, to see what their needs
44 are -- not necessarily federal needs, because they
45 are the one -- the islanders are the ones, you know,
46 impacted. And then obviously, you know, public
47 process, no local government co-management and
48 zero adaptive management.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So what are we talking about here. I
2 need -- really needed to show you this quote from
3 Ray Hilborn, who is a member of our SSC. And this
4 is what he calls these monuments -- fake
5 protection.

6 That's true, because there is really
7 hardly any enforcement as well out in our part of
8 the world. We might get Coast Guard, let's see,
9 once a quarter flying up to the Northwestern
10 Hawaiian Islands, and as I said to you earlier
11 that's where all the foreign fishing takes place
12 -- right outside of our zone.

13 And I love that word corruption, don't
14 you? It's wonderful. Okay. Moving on. You get
15 the picture.

16 So in keeping with today's
17 administration, this is what we are saying.
18 Really, return our U.S. fishermen to U.S. waters.
19 They are not in U.S. waters. They've been kicked
20 out of U.S. waters and they need to be brought back
21 in.

22 So one of the terrible things that has
23 happened really is in American Samoa, where 52
24 percent of their GDP is dependent on the canneries,
25 there are two canneries there and last December the
26 U.S. American cannery shut down because the purse
27 seiners normally delivering fish for canned tuna
28 couldn't fish anymore in those PRIAs that we showed
29 you earlier.

30 So the farther they have to go and fish
31 and the closer they will be to places like Thailand
32 and Kiribati, they will go and deliver their fish
33 there because they are saving fuel.

34 So it really makes no sense to have
35 these Monument closures and for our cannery -- a
36 U.S. cannery to shut down because U.S. fishermen
37 can't deliver to a U.S. cannery.

38 So this is the action that we are
39 proposing that the -- you know, the SSC -- we have
40 a discussion about how we can remedy this travesty
41 and if you -- in your books I think was provided
42 some of the reviews on what -- what can, you know,
43 the next president or another president actually
44 do and the ABA and the Congressional Research
45 Service says that -- I mean, they kind of think that
46 a president can't just remove Monuments.

47 Well, what we are interested in is
48 fishing and so I wanted us to have a discussion

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about removing Monument fishing prohibitions,
2 about making this request, because then, I mean,
3 what would happen after that, right, is what?
4 Removing these restrictions returns management of
5 these U.S. waters to the Regional Fishery
6 Management Councils and in this case us, in New
7 England, and without the Monument fishing
8 restrictions our regulations would continue to
9 apply and U.S. fisheries would be managed according
10 to MSA national standards.

11 So our regulations in the Western
12 Pacific are still in place. We have actually never
13 removed them because it does take council action
14 to remove regulations.

15 So our regulations would be in place
16 because that's what we want. We want to keep those
17 that we put in place when we have them implemented
18 by the government.

19 All right. That's it. That's our
20 presentation. Oh, wait. Mahalo means thank you.
21 This is a cartoon that our newspaper did when the
22 first Monument was established so 10 years ago and
23 -- yes, '06. And so we thought it was pretty funny.
24 Wait until it happens to you.

25 VICE CHAIR STOCKWELL: It has.

26 MS. SIMONDS: So do you guys want to add
27 anything to this?

28 MR. GOURLEY: I am sure they've already
29 heard me rant on Monuments. But I just thought I'd
30 let you know that in the Marianas we had a very
31 unique Monument set up.

32 The Pew came in and had a very
33 high-dollar campaign and it was kind of thrown out
34 by the White House. We ended up with a Monument
35 consisting of three different components.

36 The first component was basically a
37 no-take area surrounding three Northern Islands.
38 Second component was the Marianas Trench where only
39 the bottom was part of the Monument. So the water
40 column was not part of the Monument, which allowed
41 us to fish. That was something that we put in.
42 And the third component are the volcanic
43 subterranean spots -- there is 30 of them -- and
44 the water column, again, was not part of the
45 Monument, which allowed us to fish.

46 So we thought we negotiated a pretty
47 good deal when we knew we were going to lose in the
48 first place.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I just found out last night that the Pew
2 is going to come back -- it's one of my favorite
3 NGOs -- and that they have started the sanctuary
4 process in the Marianas and I have got a document
5 that they submitted to NOAA their vision on what
6 a marine sanctuary is going to be for the Marianas
7 and it covers 57 percent of our EEZ. No take,
8 nothing. They are taking our rights away from us.
9 And with Pew's money and their sophistication of
10 the -- manipulation of media, we are going to have
11 a battle on our hands.

12 But we are going to fight them. But
13 wait -- you guys, wait until these NGOs --
14 high-dollar NGOs with staff, 50, 60 staff that do
15 nothing but work eight hours a day, five days a week
16 to take your rights away. Wait until they come in
17 to your water and take your rights away. It
18 doesn't feel good. It doesn't feel good at all.
19 Sorry.

20 MR. EBISUI: I guess I'll give closing
21 arguments here. I'll be brief. I think the cause
22 is just. The time is absolutely right and we are
23 asking all of the councils to join us because this
24 is, in the last analysis, an MSA question and
25 affects all eight regional councils. Thank you.

26 VICE CHAIR STOCKWELL: I don't know
27 where to begin. Thanks for your presentations.
28 Questions for the West Pacific. Chuck.

29 MR. TRACEY: Just a question of
30 clarification on your presentation, Kitty. Your
31 request is for the Trump administration to remove
32 fishing --

33 MS. SIMONDS: Monument fishing
34 prohibitions -

35 MR. TRACEY: Monument fishing. So all
36 -- is that all Monuments?

37 MS. SIMONDS: Yes. All Marine
38 Monuments.

39 MR. TRACEY: All Marine Monuments in
40 the United States territory.

41 MS. SIMONDS: Yes.

42 MR. TRACEY: Thank you.

43 MS. SIMONDS: And give it back to us to
44 manage.

45 VICE CHAIR STOCKWELL: Mike.

46 MR. LUISI: Thank you, Mr. Chairman.
47 As a follow up to that question, we are talking
48 about all current Marine Monuments. But is there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a thought that this request would extend to
2 amendments to the Antiquities Act for future Marine
3 Monuments that are -- that could be designated?

4 MS. SIMONDS: Well, there are -- there
5 are bills that were mentioned earlier on the Senate
6 side -- introduced on the Senate side that would
7 add, you know, NEPA or some public process for
8 future designations.

9 That's all -- that's all I know. We are
10 pretty much sticking to fishing because fishing is
11 our business, not necessarily Monuments. So -

12 VICE CHAIR STOCKWELL: John.

13 MR. BULLARD: Okay. I don't pretend
14 to know the situation nor the impacts in the Western
15 Pacific. I certainly know and lived through the
16 Monument situation in the Northeast.

17 My questions has to do -- one of the
18 differences between the protections afforded under
19 the Monument and those afforded under the
20 Magnuson-Stevens Act is that Magnuson-Stevens
21 regulates fishing, period, and Monument regulates
22 all uses.

23 And so in a time where there is intense
24 use of the -- intensifying uses of the ocean and,
25 again, I don't pretend to know what the situation
26 is in the Western Pacific, but at a time when you
27 have renewable energy and other uses competing with
28 fishing, the Antiquities Act governs all those uses
29 or prohibits all of -- or can prohibit all those
30 uses.

31 MS. SIMONDS: It's whatever the
32 proclamation says.

33 MR. BULLARD: Right. It's whatever
34 the proclamation says. So my question to you is
35 in thinking about that certainly that was one of
36 the things that was mentioned in terms of the
37 differences of protections under Antiquities Act
38 versus MSA.

39 In the seamounts, for example, not that
40 anyone right now is talking about laying cables or
41 putting renewable energy out there but Monuments
42 afford protection there whereas habitat protection
43 in the New England Council is right now has that
44 under active consideration under MSA. But MSA
45 wouldn't protect against that.

46 So what are your thoughts about the
47 added levels of protection that Monuments can
48 afford for those uses?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. EBISUI: I don't think the
2 Antiquities Act is a sole legal authority for such
3 things as renewable energy and other things. I
4 think that Antiquities Act was originally meant to
5 be terrestrial and for the protection of artifacts.

6 In our particular case, in the last
7 expansion of the Monument from 50 to 100 -- from
8 50 to 200 miles out in the entire EEZ of the
9 Northwestern Hawaiian Islands, the justification
10 was given that it was to protect shipwrecks and
11 aircraft that lay on the bottom three miles deep
12 and we fish the top 600 feet.

13 Nevertheless, Antiquities Act was to
14 protect those shipwrecks and aircraft. So I don't
15 know if I answered your question directly but I
16 think that -- I think there are more specific
17 statutes and regulations that govern other marine
18 activities beyond fishing.

19 VICE CHAIR STOCKWELL: Other
20 questions? Leann.

21 MS. BOSARGE: And John, to your
22 question -- so some of those activities that you
23 were mentioning aren't those activities that
24 through our council process that we have avenues
25 by which we can put HAPC status, for example, on
26 certain areas and that may not afford as much
27 protection as an area might get under the
28 Antiquities Act.

29 But it does trigger those consultations
30 when -- at least I know for oil and gas in the Gulf
31 of Mexico, okay, because we have, obviously, a lot
32 of that.

33 But it triggers that consultation that
34 okay, now, if you're going to go into that area that
35 we have designated as an HAPC and do anything
36 related to oil and gas that's going to be a bottom
37 disturbance, you know, whether it's laying a
38 pipeline, drilling or even removing a structure
39 that's already there like a current platform or
40 something in that nature it triggers a consultation
41 to make sure that you aren't going to damage that
42 environment -- that you mitigate as much of that
43 risk as possible to do what you have to do.

44 So I mean, I think there probably are
45 some avenues through the open and transparent
46 process that we have to provide some of those
47 protections that you were kind of alluding to maybe
48 without going through this Antiquities Act.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 VICE CHAIR STOCKWELL: Kitty.

2 MS. SIMONDS: Well, to his point, I
3 guess we have all heard and read in the newspaper
4 that, you know, the president will be considering
5 rescinding all sorts of things. So, I mean, that's
6 as far as we know. We don't know anything more
7 specific than that. But as I said, you know, we
8 are the fishing people and that's what we are
9 concerned about.

10 VICE CHAIR STOCKWELL: So my take-away
11 from your presentation was that your intent is for
12 the SCC to send a letter. Do you have a draft
13 letter to -- for us to review?

14 And I would preface that with a lot of
15 us -- I am going to start off from New England --
16 we are going to need to share that with our council
17 before we can be anywhere near ready to sign off
18 on it. So Kitty.

19 MS. SIMONDS: And that's because why?
20 Some kind of bad advice you get from your lawyers?

21 VICE CHAIR STOCKWELL: The clear and
22 transparent process. We work with our council.
23 We are not going to have a unanimous opinion.

24 So Kitty, what's your next step?

25 MS. SIMONDS: Yeah. Well, so we are
26 all -- not all of us but a few of us are developing
27 a letter that we will have and that we will be able
28 to discuss with you all tomorrow and let's see where
29 we go from there.

30 Obviously, we understand those of you
31 who need to go back to your councils. You know,
32 we are sent here by our council to get the job done.

33 VICE CHAIR STOCKWELL: We'd be sent
34 somewhere else if we -

35 (Laughter.)

36 So Kitty, when you -- when you draft
37 your letter can you forward it to Brian for him to
38 distribute to the gang here so we can have a chance
39 to review it before tomorrow's other business?

40 MS. SIMONDS: Oh, yes. Yes. Yes.
41 Three or four of us are working on it.

42 VICE CHAIR STOCKWELL: Jim.

43 MR. BALSIGER: I think it's a clever
44 thought but I missed who the letter would be written
45 to.

46 MS. SIMONDS: Trump.

47 VICE CHAIR STOCKWELL: Doug.

48 MR. GREGORY: I find it interesting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that you point out that now that in Monument it's
2 been established it's then considered to become a
3 sanctuary and it looks like that this is the process
4 that's going to be followed throughout the entire
5 EEZ for establishing sanctuaries because this is
6 easier to establish it once it becomes a monument
7 and has been identified as such. And so these will
8 probably become sanctuaries at some point.

9 MS. SIMONDS: Yes, and that's why that
10 one is in the works because that sanctuary that's
11 being proposed will overlay, you know, the
12 Monument.

13 And in Hawaii the sanctuary program is
14 trying to make a sanctuary out of the Northwestern
15 Hawaiian Islands. So they are moving to do this,
16 the sanctuary program. They have no enforcement.
17 They have no money. But they want to be in charge.

18 VICE CHAIR STOCKWELL: Leann.

19 MS. BOSARGE: Yeah. Well, Kitty, I
20 was going to mention that we actually have a fairly
21 sizeable expansion going on in the Gulf right now
22 with one of our sanctuaries with the Flower Garden
23 National Marine Sanctuary Expansion.

24 Now, I must say I think we have a much
25 friendlier relationship in the Gulf, believe it or
26 not. It's one of the things, I guess, we do in a
27 friendly environment.

28 But with Pew and with the sanctuary
29 system and we actually, you know, came in on the
30 front end of that process and we have some of those
31 people that overlap on our SSCs and APs for our
32 council and we sat down at the table with them, and
33 we talked about the boundaries and we talked about
34 the risk to fishing in those areas and we -- they
35 came to our meeting, you know, to give us their
36 presentation because I believe that is a statutory
37 regulation that they have to come and at least
38 consult with the councils and let us know what they
39 are going to do in those areas and try and garner
40 our feedback. They don't have to do what we ask
41 them to do but they have to come and listen and,
42 you know, take us seriously.

43 So what we did to help them, although
44 they don't have to listen to us, is we actually went
45 a step beyond that. And this is our white paper
46 and it is essentially if we were to write the
47 regulations for that expansion for their preferred
48 alternative in that expansion, this is what they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 would be.

2 And we detailed it out to flesh it out
3 for them because, you know, fisheries management
4 is not something they do on a day to day basis and
5 they don't have the staff for it.

6 So we said here, if we were going to do
7 it this is what it would look like. And it is
8 somewhat outside the box. It's not your typical
9 fishing regulations.

10 It's a tiered approach where different
11 things are prohibited. The closer you get to your
12 actual closure area, your hard core closure area,
13 which is easier for us maybe to identify in the Gulf
14 because we have so much oil and gas activity that
15 the oil and gas industry actually has a very narrow
16 scope of a no-activity zone within a sanctuary
17 whereas the fishing regulations tend to expand much
18 farther than that. There is a much wider buffer
19 for fishing, although we don't drop dynamite in the
20 water like oil and gas does. It's strange the way
21 that risk is evaluated sometimes.

22 But they work very well with us and we
23 put a lot of time and effort into it, and we don't
24 know what's going to come of it yet but we do hope
25 that that working relationship that we had with the
26 sanctuaries as they continue their expansion, you
27 know, will work out well for us.

28 MS. SIMONDS: Well, and I remember the
29 person who was the head of that sanctuary program
30 and he was a very -- I don't know if he's still there
31 but he was a very good person to work with.

32 And but we have a different situation
33 out there and, you know, fishing is our top
34 agricultural production is fishing. We don't have
35 pineapple anymore.

36 We don't have sugar cane anymore. And
37 while, obviously, we have the military but as far
38 as agriculture is concerned it's fisheries. Well,
39 you just look at the map. That's what we have.

40 So, you know, those of you on the
41 continental U.S. probably have other products that
42 -- you just said oil and gas. We don't have that
43 where we are.

44 We have no industrial activities out
45 our way. It's the ocean. So it's very important
46 to us and, as I said earlier, you know, closing down
47 the U.S. cannery is a travesty in our part of the
48 world.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So maybe it's difficult for you to
2 understand that we are surrounded by all of these
3 foreign countries.

4 And so closing all -- those areas like
5 Wake Island, Johnson Island where our fishermen
6 can't fish but foreign fishermen are all around
7 every one of these places. And I explained about
8 enforcement, so it's just not fair for us.

9 And the sanctuary program in Hawaii,
10 the humpback whale sanctuary program -- let's see.
11 I believe they have 20 people and what they did to
12 the state of Hawaii is a little bit of money for
13 half a person. We don't consider that
14 co-management. Then they have another 20 or 30
15 people for the Monument. What do -- I asked them
16 what do you all do every day, because it's education
17 and outreach.

18 They don't have regulations. And, of
19 course, they stay away from fishing regulations
20 because then that would involve us.

21 So it's a very different situation
22 where we are and I am glad that you have nice
23 relationships. I do have one side of -- I do have
24 good relationships with part of the Pew and that's
25 the international Pew people. We work together on
26 the commissions. Yeah, so I'll leave it at that.

27 VICE CHAIR STOCKWELL: Michelle.

28 MS. DUVAL: Thank you, Mr. Chairman.
29 So we also have a national marine sanctuary
30 expansion going on within the South Atlantic
31 jurisdiction. It's the Monitor National Marine
32 Sanctuary, and I sit on the sanctuary advisory
33 council for the state of North Carolina and we also
34 have a representative who is one of our other
35 council members as part of that and that truly is
36 an historic maritime artifact, National Marine
37 Sanctuary.

38 But we did, during those scoping
39 meetings, you know, provide some comments to the
40 sanctuary administrator and it's my understanding
41 that the -- that in terms of any fishing regulations
42 within a marine sanctuary that the fishery
43 management councils have priority in terms of
44 determining what those fishing regulations are.

45 So that was one of the points that we
46 brought up in our letter. So I am just wondering
47 in these instances where national marine sanctuary
48 status is being pursued on top of a Monument

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 designation, it seems like those things are in
2 conflict with one another then because you have a
3 Monument designation where there have been fishing
4 activities that have been prohibited.

5 But if then a concurrent sanctuary
6 designation is being sought it's -- I mean, the
7 regulations for the sanctuaries require that the
8 fishery management councils be the ones that
9 develop any regulations with regard to fishing.
10 Just something to point out.

11 VICE CHAIR STOCKWELL: John.

12 MR. GOURLEY: Yeah, it's -- the
13 sanctuary process does allow the Fishery
14 Management Council to suggest fishery management
15 measures.

16 However, if I am not mistaken, the
17 actual marine sanctuaries program is the person or
18 group that decides whether they are going to be
19 implemented.

20 That's the problem, and I think that
21 happened in Hawaii where we developed fishing
22 regulations for the Northwest Hawaiian Islands
23 Monument and then at the last minute National
24 Sanctuary said oh, we are not going to allow
25 fishing.

26 So you guys that are working with Pew,
27 be careful, because I know the advanced document
28 I got for the sanctuary process that is going on
29 -- that has just started in the Marianas, the
30 advanced document I got, no fishing. No nothing.
31 It is a no-take sanctuary that they want to impose
32 over 57 percent of our EEZ. Thank you.

33 VICE CHAIR STOCKWELL: Kitty.

34 MS. SIMONDS: You know, there are
35 several differences here. For one thing, our
36 territories don't vote for the president. They
37 don't have voting rights. They are delegates.
38 That's one thing.

39 The second thing is all of our monuments
40 were -- are -- have been from the White House.
41 Okay. So that's pretty different.

42 Your sanctuaries are not White House
43 driven. It started with the Clinton
44 administration and the CEQ, and I am sorry to hear
45 that Ellen Athas has passed away but she was the
46 person who was pushing for a monument in the Clinton
47 administration.

48 So our senator and Senator -- who was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 chairman of Commerce Committee then from the --
2 from the Gulf? Hollings -- Fritz Hollings.

3 The two of them went to see Clinton and
4 asked him not to do the monument in Hawaii and they
5 then decided there would be a coral reef preserve.

6 So that's what happened there. And
7 then in the next administration was the young Bush
8 administration and that CEQ, at the very last end
9 of his administration -- I would say six months or
10 something -- decided to do these monuments and that
11 other monument.

12 So, you know, ours have been White House
13 driven and it was always -- for the Northwestern
14 Hawaiian Islands it was look to the prize. They
15 felt that because of the coral and all sorts of
16 things. Of course, between zero and three miles,
17 not out 50 miles or out 200 miles.

18 So I think, you know, we have different
19 situations. And so you all have senators and
20 congressmen and we really only had one at the time
21 and he's gone.

22 So different -- very different. I
23 don't think we can compare our situation with
24 anybody else's.

25 VICE CHAIR STOCKWELL: Doug.

26 MR. GREGORY: Yes. When the Flower
27 Gardens Banks National Marine Sanctuary came to the
28 Gulf Council to formally -- I introduced their
29 draft environmental impact statement.

30 About four of them came, three from
31 headquarters, and one of them is NOAA's general
32 counsel that just flat told us that sanctuary has
33 total authority to do fishing regulations any way
34 they see fit within their boundaries. I was of the
35 impression of the same thing that Michelle was
36 saying. But we -- that's apparently not true.

37 VICE CHAIR STOCKWELL: To that point,
38 Adam.

39 MR. ISSENBERG: So just to be clear on
40 this, the sanctuaries act does provide a provision
41 that requires NOAA to give the councils the
42 opportunity to establish fishing regulations
43 within the sanctuary.

44 The sanctuary program provides -- I
45 forget what the terms are -- like, the goals and
46 whatever they are for the -- for the regulations.

47 The council has the opportunity and,
48 you know, the sanctuaries program -- NOAA, through

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the sanctuaries program does have the ultimate, you
2 know, say in determining whether those regulations
3 satisfy the goals and requirements and whatever it
4 is of the sanctuaries program. So that's -- that
5 is the way the process works under the statute.

6 VICE CHAIR STOCKWELL: Tom.

7 MR. NIES: I won't belabor the point.
8 You know, the Stellwagen Bank National Marine
9 Sanctuary is located, I don't know, 12 miles off
10 of the city of Gloucester, something like that.

11 It's a -- for centuries it's been a
12 historic fishing location. We manage fishing on
13 the sanctuary grounds. It's a -- at times there
14 is a continual -- battles is too strong a word --
15 there is a tension between the sanctuary managers
16 and the fisheries managers.

17 So far the agency -- and there is a
18 provision where, as Adam pointed out, the sanctuary
19 can request management measures and give us the
20 opportunity to implement them.

21 But at present, we do all the managing
22 of fisheries on Stellwagen Bank and there are
23 actually some steps the sanctuary has to work
24 through before they could impose fisheries
25 management regulations there.

26 And I believe part of it -- and Adam may
27 correct me -- is because of the way the designation
28 letter was written for the Stellwagen Bank
29 Sanctuary, which specifically specified that in
30 part.

31 So I think -- you know, I think we have
32 gotten a little off track from today's discussion
33 about what we wanted to say in Monuments and
34 wandered into sanctuaries.

35 I think there is some differences in how
36 sanctuaries are treated from region to region that
37 kind of obscured Kitty's main point, which is
38 trying to write a letter to the president
39 suggesting we remove fishing restrictions from the
40 National Marine Monuments.

41 VICE CHAIR STOCKWELL: John Bullard.

42 MR. BULLARD: Two things. One, I
43 would like Kitty in the West Pacific describe the
44 situation in the West Pacific. I would like to
45 describe, because they are different as the Western
46 Pacific said and so I'd like to describe a little
47 bit how the Northeast Monument came into being.

48 But I'd also like to pick up on what Tom

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 said and Adam said, a little bit on the sanctuary
2 versus Magnuson. In my experience, I think it
3 comes down to when a sanctuary says we are going
4 to protect resources, you know, the sanctuary
5 National Ocean Service and NOAA both come under the
6 same umbrella.

7 And so when the sanctuary says well, we
8 are going to, you know, protect shipwrecks, well,
9 councils say well, we don't have management plans
10 for shipwrecks and so the sanctuary says right,
11 that's our ball game.

12 When they say we are going to protect
13 fish habitat or we are going to protect codfish or
14 we are going to protect corals, then the council
15 says well, guess what, we have a management plan
16 that does that. So you're now on our turf.

17 As long as the council can say, we are
18 managing those things then the council is in a much
19 stronger position to say, that's our ball game, not
20 your ball game.

21 And it goes up to the umbrella group and
22 the council's in a much stronger position because
23 the council is already managing that. The
24 sanctuary doesn't need to manage that.

25 Now, if I can take just a couple of
26 minutes to draw some differences, I think. The
27 Monument, as I think was described in Western
28 Pacific, is Antiquities Act no public input is
29 required, you know, since Teddy Roosevelt's days.
30 That's the Antiquities Act. As one fisherman said
31 in a public meeting held in New England, the
32 president can make a decision watching TV in his
33 PJs. That's the law.

34 Now, what happened in New England
35 despite the law is there was a lot of interchange.
36 There were public meetings and so more interchange
37 than was required by the law happened.

38 The NGOs also played a heavy role
39 advocating for not just the area, the canyons and
40 the seamounts that Kitty put up on the map but they
41 really pressed for an area in New England called
42 Cashes Ledge.

43 That was really the flagpole stake in
44 the ground that they were looking for. Articles
45 in National Geographic -- I mean, it was a big
46 campaign.

47 As you guys talked about, when they put
48 on a campaign they put on a campaign. And the New

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 England Council in a habitat amendment that they
2 had done, because we have all talked about how
3 councils through Magnuson Act can protect
4 essential fish habitat, had protected Cashes Ledge
5 and it was made abundantly clear by the people
6 sitting right to my right that Cashes Ledge was
7 protected by the council already under Magnuson Act
8 and that was listened to by the people in the White
9 House and they said, well, you know what, because
10 of that we are not going to make it a monument and
11 so Cashes Ledge was taken off the table. And the
12 canyons which at one point there were, I think, 10
13 or so that were considered were reduced down to
14 three and the seamounts, which have right now
15 virtually no fishing activity, were kept in place.
16 And our -- an extension of what is protected in
17 international waters under NAFO.

18 So that's -- that is the back and forth
19 that went on in the designation. There is an
20 impact with red crab fishery. There is an impact
21 with a lobster fishery. Those are exempted for
22 seven years to give those fisheries time to adapt
23 and there is an impact with commercial HMS.

24 So I just say that because it's a
25 situation that's different. It's while you put --
26 this is the Jim Balsiger moment -- you put
27 everything up on a map it looks like it's the same
28 size. It's not the same size. Ours is
29 considerably smaller than what goes on in the
30 Western Pacific.

31 At the same time this was happening the
32 mid-Atlantic was passing the Frank R. Lautenberg
33 Deep Sea Coral, which was an area I think four or
34 five times bigger than what the president did --
35 15 canyons and broad stock area size -- an area the
36 size of the state of Virginia, through the Magnuson
37 Act.

38 So at any rate, just wanted to let you
39 know same tool -- the Antiquities Act. Different
40 conversations with stakeholders and there was one
41 positive decision. I say positive in that it was
42 affirmative to make a monument but just as
43 importantly one negative decision, which was, in
44 my opinion -- I don't think there is press in the
45 room that -- I saw him. He's there. He's not
46 taking notes, no. That was the prize that was
47 negatively acted on -- that is, Cashes Ledge was
48 decided not to be a monument and that was based on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 what the council did.

2 So anyway, that was New England in three
3 minutes.

4 VICE CHAIR STOCKWELL: Good
5 discussion. Is there further -- is there further
6 discussion pending receipt of Kitty's letter?

7 Seeing none, thank you. We will look
8 forward on our inbox tonight.

9 Chuck, you ready as you can be?

10 MR. TRACEY: Ready enough, I guess.
11 So I was just going to give a brief update on the
12 Scientific Coordination Subcommittee 6 meeting
13 that's scheduled to occur that the Pacific Council
14 is going to host.

15 This is also known as the National SSC
16 or formerly known as the National SSC meeting. But
17 in fact we are trying to correct usage of the proper
18 acronym there. So it's the SCS 6 meeting.

19 So you do have a report in one of your
20 tabs there. I am not sure what number that is off
21 the top of my head. Just to kind of summarize
22 what's in the report. Hopefully, you all had a
23 chance to look at this.

24 We have got a committee planning the
25 meeting. It's comprised of the chairs and
26 designees from each SSC from the regional folks and
27 their staff member.

28 They've met twice by webinar so far and
29 their next scheduled meeting is March 31st. They
30 are basically planning on having a monthly meeting
31 to coordinate all this.

32 We have tentatively -- well, more than
33 tentatively scheduled, I guess, the dates for the
34 meeting to be January 17th to 19th, 2018. That is
35 the week of the Martin Luther King holiday. So we
36 are thinking that travel on Tuesday and meet on
37 Wednesday, Thursday, Friday and then travel home
38 on Saturday.

39 So the venue is going to be San Diego.
40 We are getting close to concluding negotiations for
41 a venue. I think we are down to two options, one
42 that is definitely available and one that we are
43 going to see if we can drum up some competition
44 with.

45 The title or the theme of the meetings
46 is management strategy evaluations as tools to
47 provide management advice in the face of
48 uncertainty and environmental change.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So the -- just to refresh, the
2 management strategy evaluation process is
3 basically that which is used to sort of tune your
4 management procedures to balance the tradeoffs
5 among conflicting fisheries management
6 objectives.

7 So one of the questions that the
8 committee has been addressing, sort of a general
9 planning question, is to determine how much of the
10 meeting should be about the practice of doing
11 management strategy evaluations versus the
12 specific rule at the SSC with respect to conducting
13 a management strategy evaluation. So that's
14 something we met on February 17th to discuss that
15 and I think the bottom line being that it is
16 important to talk about the practice of doing MSEs
17 and not just let this be a SSC-centric how do we
18 -- how do they go about conducting one. But it's
19 more important to be broader and to have some
20 information on how the councils can engage in this.

21 Another issue that came up was the
22 socioeconomic component of management strategy
23 evaluations. That's very important. So they are
24 -- they want -- the committee wants to make sure
25 that the councils send their socioeconomic experts
26 to this meeting so there is good representation.

27 They've developed some subthemes to
28 address. There is focus questions under each
29 subtheme, suggested lines of inquiries that could
30 be further explored.

31 I am not going to go too much into detail
32 of those. They are there for you to look at for
33 your SSC folks or other advisory bodies to consider
34 and provide input through the -- through your SSC
35 chairs to the -- to the planning meetings.

36 There are some general questions though
37 that are sort of relevant to all the subthemes that
38 I'll just touch on briefly and they are, first, how
39 do we implement MSE into the decision making
40 process; secondly, how to prioritize the
41 integration of MSE into the council workload;
42 third, how will the output for an MSE process be
43 integrated into the council process including how
44 other advisory bodies plan and technical teams and
45 advisory panels play in guiding the council
46 decisions; looking at quantifiable performance
47 metrics that are related to each council's specific
48 objectives and those defined by the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Magnuson-Stevens Act; and then, finally, what
2 issues are facing the councils and the SSCs to
3 compel MSE approach.

4 And the decision was that these
5 questions would be best addressed in a sort of
6 synthesis section at the end of the meeting. So
7 once they go through their focus areas and answer
8 all the detail questions then they can sort of
9 synthesize this into something that would be more
10 generally useful to the councils in terms of
11 implementing this.

12 So that's really all I've got on the --
13 on the process and where we are at. Again, you
14 know, I can -- I can list the subthemes if you want
15 -- evaluating and modifying harvest control rules,
16 dealing explicitly with model uncertainty,
17 estimating and accommodating uncertainty in
18 fishing -- overfishing limits, the stock biomass
19 and fishing mortality and adjusting harvest
20 control rules in changing environments/non-static
21 maximum sustainable yield.

22 So those are -- those are the subthemes
23 that will go into that. So that's really all I've
24 got for you. I'll be happy to answer any
25 questions.

26 VICE CHAIR STOCKWELL: Thank you,
27 Chuck. Questions for Chuck? Tom.

28 MR. NIES: Chuck, I got a question for
29 you and it relates to your careful use of the
30 correct term for this meeting.

31 It's not the national SSC meeting, and
32 it -- and it relates to some of the general
33 questions you're asking here and let me give a
34 little context to why I am asking them.

35 I've probably sat through dozens of our
36 SSC meetings over the last few years and have heard
37 maybe not dozens of times but have certainly heard
38 numerous times my SSC members say our role is not
39 to define the process.

40 Our role is to push the system. We
41 don't really care what the process is. And so, you
42 know, I look at those general questions relevant
43 to all subthemes and particularly number C where
44 it says how will the output of an MSE process be
45 integrated into the council process. I would
46 argue that my SSC feels that's not their role to
47 figure out how to do that.

48 And so I think if the -- if the purpose

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of this SCS meeting is to address questions like
2 that, I think we have to make sure that the people
3 who show up are representative and familiar enough
4 with how the council process actually works.

5 Perhaps our SSC is the only one that
6 takes this stance and but, you know, I've heard it
7 repeatedly from them and it relates to another
8 question that I think, hopefully, the answer is
9 going to be a simple one, which is yes, and that
10 is that what limited MSE work we have done and we
11 have got one going on now is really being done not
12 by -- it's a joint effort between the council staff,
13 who does the objective and goal-setting part of
14 MSE, and the Science Center -- the Northeast
15 Fisheries Science Center, which is doing all the
16 technical work.

17 Now, it seems to me that at least some
18 of these questions are going to need a lot of those
19 type of technical experts there from the Science
20 Centers who may or may not be participants in our
21 SSC or our normal teams.

22 So I guess I am curious whether you've
23 had any discussions with -- explicit discussions
24 with, you know, the Science Centers about how they
25 will support this particular meeting.

26 I don't know. Maybe it's too early to
27 ask them that question. But if we haven't asked
28 them that I think we should ask that because I think
29 they are going to be key participants in addressing
30 some of these questions.

31 MR. TRACEY: Thanks for those
32 questions, Tom. I guess to answer your first
33 question about how will it be integrated in the
34 council process and the role of the SSC in that,
35 you know, we are -- we are, of course, inviting
36 council staff, who I hope will provide some context
37 for that and but I think it's also important, of
38 course, that the SSC -- the SSCs recognize that that
39 is an important element and that they -- you know,
40 they have to contribute to that process and, again,
41 I think with council's staff and we also, of course,
42 will have support from National Marine Fishery
43 Service there.

44 So they -- and you're right, the Science
45 Center probably will be largely contributing to
46 many of these -- many of these evaluations. And,
47 of course, there are Science Center staff on a large
48 number of the SSCs anyway. So there is a little

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 bit of cross-fertilization there, I guess.

2 So with regards to explicitly
3 communicating with the Science Center leadership
4 about that, we really haven't gotten too far along
5 that way but I am glad to see Cisco's here to hear
6 this conversation.

7 The support we have got from Cisco's
8 former Science Center has been -- has been
9 outstanding and so -- and likewise from the
10 Northwest Center. You know, there is a lot of
11 interest in this, I think, and so we have approached
12 them about, for example, for funding this SCS
13 meeting and I've got positive responses from that.
14 So I think there is certainly interest and
15 commitment, you know, to participate in that. But
16 maybe I'll ask Cisco if he's had any thoughts about
17 that.

18 Cisco, have you had any thoughts about
19 Science Center participation in the SCS 6 meeting?

20 DR. WERNER: No. Like you said, our --
21 you know, the work that you outlined with the
22 Northwest and Southwest has been pretty natural,
23 I guess. So I haven't heard anything not
24 proceeding along the lines of what you were saying
25 from our folks. So --

26 VICE CHAIR STOCKWELL: Are there other
27 questions for Chuck? It's my understanding that
28 officially the SSC -- I mean, the CCC is supposed
29 to bless this process here. Are there any
30 objections to the game plan that Chuck's laid out?

31 Seeing none, looks like you have the
32 green light. Thank you very much.

33 MR. TRACEY: Thanks, and we will have
34 another update for you at the May meeting as well.
35 So if there is any additional follow-up we can deal
36 with it there.

37 VICE CHAIR STOCKWELL: Okay. We are
38 moving into our last agenda item of the day. We
39 are moving the -- we are not moving into the last
40 agenda item of the day. We have a time conflict
41 so we are going to wrap things up for the day. Tom.

42 MR. NIES: Give me -- you want to take,
43 like, a five-minute break? I'll send something to
44 Brian.

45 VICE CHAIR STOCKWELL: Yeah. There is
46 a five-minute cookie break and Tom and Brian are
47 conspirators, and we will -- we are almost done.
48 So five-minute break.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (Whereupon, the above-entitled matter
2 went off the record at 3:50 p.m. and resumed at 4:04
3 p.m.)

4 VICE CHAIR STOCKWELL: Okay. Just a
5 couple of announcements before Tom runs through
6 this and I need Brian for my fact checker.

7 Brian, we are changing the webinar
8 address tomorrow. Is that correct? Correct. So
9 for those of you listening on the webinar, there
10 will be a new address tomorrow and under other
11 business tomorrow I have the CCC letter and I think
12 the last order of business for today is Tom's
13 summation and then we are going to conclude early
14 -- go to the bar.

15 Is there any other business that I
16 missed? Catcher policy? No? Well, if there is
17 we can add it in the morning. So I'll turn it over
18 to Tom.

19 MR. NIES: I thought that we'd go
20 through this today. Just might save some time
21 tomorrow since we only have tomorrow morning and
22 maybe early afternoon to run through Paul and Chris
23 Moore and a couple of other predecessors' leads
24 here.

25 Going through the agenda items I tried
26 to keep track of what the follow-up actions are.
27 I think the one I left off there is that -- the MSE
28 reauthorization. Gregg will be distributing a
29 draft letter to us that reflects the changes that
30 we talked about today and we will review that
31 tomorrow.

32 I think the -- so to walk through this
33 real quickly, we will get an update on the
34 legislative outlook probably from Dave Whaley at
35 the May meeting.

36 MSA reauthorization -- in addition to
37 the letter we are talking about adding some members
38 to the working group. They will consider the
39 overfished/overfishing issue that was raised, data
40 confidentiality provisions.

41 We lifted the policy directive out and
42 I'll put it somewhere else rather than in the letter
43 where it was -- my rather cryptic note there.

44 Conflict of interest and guidance
45 update -- I got the impression that Adam will want
46 to come back in May and talk about that again --
47 the conflict. Yeah, typical lawyer. Okay. All
48 right. So that will be on the agenda for the May

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 meeting.

2 National Standard 1 guidelines Q & A's
3 -- we are expecting some responses from NMFS prior
4 to the May meeting. I got the impression that
5 there really is not any interest in having this on
6 the May CCC agenda.

7 Is that accurate? I said consider
8 putting on there. What I -- but afterwards I
9 talked to a few people that said they didn't seem
10 to see any reason to have NS 1 again on the May
11 agenda. If that's wrong let me know and I'll keep
12 it as a possibility.

13 So seeing -- okay. Sorry.

14 MR. TWEIT: Pending some response --
15 potential responses to some of those questions
16 could we not entirely delete it at this point and
17 leave it as a possible discussion item, for May?

18 MR. NIES: Sure. We can leave it as a
19 possible discussion item. I guess I am a little
20 concerned. There is only, you know, a little more
21 than eight weeks between now and the May meeting.

22 We heard the agency today be a little
23 concerned that they got our questions too late to
24 provide us any meaningful answers at this meeting.

25 I don't know when we are going to get
26 your responses. Do you have any idea?

27 MS. MENASHES: We have begun drafting
28 them and so I think we can go back after the
29 discussion and look at, you know, the -- what's the
30 best way to give a response to make sure we are being
31 responsive and hearing everything to varying --
32 like I said, we also discussed today there are some
33 issues that are fairly general and fairly
34 straightforward, others that may be more fact
35 specific.

36 So we want to be clear on that. But no,
37 I think -- I think we will be able to provide
38 responses prior to the May meeting.

39 MR. NIES: Okay.

40 MS. MENASHES: So I don't know exactly.
41 Two weeks, three weeks. But, you know, hopefully
42 fairly soon.

43 MR. NIES: So I will remove the
44 question mark there and we will consider keeping
45 it on the May agenda, if that suits everybody, and
46 make a decision later.

47 National bycatch reduction strategy --
48 I don't believe there was any follow-up on that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Marine national monuments -- we are expecting to
2 review a draft letter tomorrow afternoon or
3 tomorrow under other business.

4 And for SCS-6, we approved their plan
5 for moving forward. We did not get to the EBFM
6 roadmap because Sam had to leave.

7 This is all I had for follow-up actions
8 from today. If I left something out please let me
9 know and I'll update this.

10 VICE CHAIR STOCKWELL: Gregg.

11 MR. WAUGH: Thank you, Mr. Chairman.
12 Tom, on the budget update it would seem like we'd
13 want that for the May meeting because we should know
14 where we will be at that stage.

15 MR. NIES: Yeah, I meant -- I mean,
16 tomorrow we will go over draft agenda -- the
17 elements that we have so far for the May meeting
18 and my expectation is as we do every meeting we will
19 have a NMFS update in priorities and a management
20 and budget update.

21 I guess what I meant by saying
22 inconsistent use in the action column but I guess
23 as far as I know we didn't say there was anything
24 more we had to do at this meeting or in anticipation
25 of the next meeting on the budget other than our
26 other issue that we will talk about.

27 VICE CHAIR STOCKWELL: Dan.

28 MR. HULL: Thank you. Mr. Chairman.
29 Tom, can this be sent out to everybody just so we
30 have this evening --

31 MR. NIES: Yeah. Absolutely.

32 MR. HULL: Thank you.

33 MR. NIES: And I'll erase the question
34 mark.

35 VICE CHAIR STOCKWELL: Anything else
36 for Tom tonight? Seeing none, is there any other
37 business for the day? Tom's exercising his elbow.

38 So with that, thank you all for a
39 productive day. We are going to adjourn and
40 reconvene tomorrow morning at 9:00 a.m.

41 (Whereupon, the above-entitled matter
42 went off the record at 4:11 p.m.)
43
44
45
46
47
48

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

OFFICE OF SUSTAINABLE FISHERIES

+ + + + +

COUNCIL COORDINATION COMMITTEE

+ + + + +

MEETING

+ + + + +

WEDNESDAY
MARCH 1, 2017

+ + + + +

The Committee met in the Ritz-Carlton Pentagon City, 1250 South Hayes Street, Arlington, Virginia, at 9:00 a.m., Terry Stockwell, Acting Chair, presiding.

PRESENT

TERRY STOCKWELL, New England Council; Acting
Chair

JIM BALSIGER, Alaska Region
LEANN BOSARGE, Gulf of Mexico Council
JOHN BULLARD, Greater Atlantic Region
ROY CRABTREE, Southeast Region
MICHELLE DUVAL, South Atlantic Council
ED EBISUI, JR., Western Pacific Council
WARREN ELLIOTT, Mid-Atlantic Council
CARLOS FARCHETTE, Caribbean Council
STEVE FREESE, West Coast Region
JOHN GOURLEY, Western Pacific Council
JOHN GREENE, Gulf of Mexico Council
DOUGLAS GREGORY, Gulf of Mexico Council
MARCOS HANKE, Caribbean Council
BOB HARMAN, Pacific Islands Region
DAN HULL, North Pacific Council
MICHAEL LUISI, Mid-Atlantic Council
CHRIS MOORE, Mid-Atlantic Council

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

TOM NIES, New England Council
CHRIS W. OLIVER, North Pacific Council
HERB POLLARD, II, Pacific Council
CHARLIE PHILLIPS, South Atlantic Council
MIGUEL ROLON, Caribbean Council
CARRIE SIMMONS, Gulf of Mexico Council
KITTY SIMONDS, Western Pacific Council
CHARLES TRACEY, Pacific Council
BILL TWEIT, North Pacific Council
GREGG WAUGH, South Atlantic Council

NOAA STAFF PRESENT

SAMUEL RAUCH, Acting Assistant Administrator for
Fisheries
PAUL DOREMUS, Deputy Assistant Administrator for
Operations
FRANCISCO WERNER, Director, Scientific Programs
and Acting Chief Science Advisor
ALAN RISENHOOVER, Acting Deputy Assistant
Administrator for Regulatory Programs
NED CYR, Office of Science and Technology
ADAM ISSENBERG, NOAA General Counsel
EMILY MENASHES, Sustainable Fisheries
MIKE PENTONY, Sustainable Fisheries
MARK STROM, Northwest Fisheries Science Center
BRIAN FREDIEU, Sustainable Fisheries
HANNAH HAFEY, Sustainable Fisheries

ALSO PRESENT

LUIZ BARBIERI, Florida Fish and Wildlife
Commission
STACEE KARRAS, National Academy of Sciences
RICK ROBINS, Former CCC Member

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

CONTENTS

OPENING REMARKS:

Terry Stockwell, Acting Chair..... 4

NMFS SCIENCE UPDATE:

Dr. Francisco Werner..... 4
 Stock Assessment Prioritization..... 5
 Regional Climate Action Plans..... 7
 Stock Assessment Improvement Plan..... 9
 BSIA..... 11
 Questions/Comments:..... 13

EBFM ROADMAP IMPLEMENTATION:

Sam Rauch, AAA, NOAA..... 19
 Questions/Comments:..... 20

NATIONAL ACADEMIES OF SCIENCE MRIP REVIEW
AND RECOMMENDATIONS:

Luiz Barbieri, FL Fish & Wildlife Commission
 37
 Questions/Comments:..... 54

MRIP STRATEGIC PLAN:

Ned Cyr, Off. of Science & Technology.. 62
 Questions/Comments:..... 65

2016 FAO MEETING REPORT TO CCC:

Rick Robins..... 66
 Questions/Comments:..... 72

OTHER BUSINESS:

MSA Reauthorization Letter:
 Gregg Waugh..... 76
 Dan Hull..... 76
 Questions/Comments:..... 77

Letter to Honorable Wilbur Ross:
 Kitty Simonds..... 77
 Questions/Comments:..... 78

CCC Decisions Review:
 Tom Nies..... 82

CCC Work Group Plans:
 Tom Nies..... 82
 Questions/Comments:..... 85

May CCC Meeting - Tom Nies:..... 94

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

Adjourn - Terry Stockwell, Chair..... 100

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

9:04 a.m.

1
2
3 ACTING CHAIR STOCKWELL: Good morning,
4 everybody. We are going to reconvene the CCC.
5 John Quinn is unable to return again today, so I
6 will be your Acting Chair.

7 For time management reasons, I wanted
8 to check in with everybody concerning other
9 business. We have the CCC letter that Gregg has
10 perfected. We have some discussion on the
11 monument.

12 Is there anything else that we need to
13 have on the list? Chris, do you have, Chris
14 Oliver, something for other business?

15 MR. OLIVER: Oh, I'm sorry, yeah. The
16 one issue I wanted to bring up, I actually talked
17 to Alan and Melanie about, sorry Emily last night.
18 I was channeling Eric there. Which was the status
19 of the Catch-Share Program review guidance. And
20 so I got the answer I needed, but the rest of you
21 may benefit from it as well.

22 ACTING CHAIR STOCKWELL: Okay.
23 Thanks for that. So we have got two or two and a
24 half issues for other business.

25 And with that, we are going to move
26 right into the science update. Cisco?

27 DR. WERNER: Good morning, everybody.
28 Thank you, Mr. Chairman. So I am Cisco Werner. I
29 have had a chance to meet several of you who I hadn't
30 had a chance to meet before, but it's -- hopefully
31 I get a chance to say hi to everybody before the
32 end of the day.

33 And thank you for the opportunity to
34 present some science updates that -- some of which
35 you have already heard in the past and we are just
36 telling you where we are and the scheme of things
37 in terms of how we are progressing.

38 And then there are actually a couple of
39 asks that we will probably sneak in there, so while
40 you are not looking, we will probably say we need
41 your help on some things.

42 I also wanted to start off by saying
43 that this presentation and everything in it, you
44 know, is really a team effort by a whole bunch of
45 people.

46 Patrick Lynch is here to my left.
47 Roger Griffis, who couldn't make it today. And
48 also Rick Methot. And those of you who know Rick,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 he had a small medical thing, but he is doing great.
2 Everything is looking, you know, really well and
3 he will be back on board pretty soon with us.

4 So the topics I wanted to talk about,
5 the outline or these four topics: The Stock
6 Assessment Prioritization Process and that is
7 going to be largely an update. I will talk a little
8 bit about the Climate Science Strategy and in
9 particular where we are with the regional action
10 plans.

11 And then I'm going to talk about the
12 Stock Assessment Improvement Plan, which is in your
13 folders or it was sent to you and that will come
14 with an ask in terms of comments from you, as well
15 as the discussion on the Best Scientific
16 Information Available, which is not in your
17 documents, but we will be sending out shortly and
18 hopefully we will be able to get comments from you
19 on that one as well.

20 So really quickly, the Stock Assessment
21 Prioritization, this is an update item. You know,
22 as we know, Stock Assessment Prioritization is a
23 process by which objective advice is developed by
24 Science Centers, Councils, SSCs and this advice
25 goes into the development of a prioritized
26 portfolio of right-sized, if you will, assessments
27 for each stock.

28 And what I'm going to get into in Slide
29 5 is a table which summarizes where the process is
30 in the different Councils, different regions.

31 As you know, this is a process where we
32 look at a number of things, you know, whether it
33 is the stock status, the fishery importance, the
34 ecosystem importance, you know, the assessment
35 information, new things to come up with this
36 prioritization. And the results are -- you know,
37 that do come out of this discussion involving all
38 these different bodies that I mentioned earlier,
39 you know, are advisory. They are non-binding and
40 they are implemented on a regional basis with the
41 idea really to support allocation of resources
42 within a region.

43 They are not intended to support
44 redistribution of resources, you know, or, you
45 know, to redistribute resources to non-assessment
46 activities.

47 The -- again, this is something that you
48 have seen before. The prioritization follows a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 step-wise process, if you will. It's a systematic
2 process that involves, you know, collecting the
3 data, looking at the FMPs.

4 Then there is a series of factor scores
5 that are developed by the team that is assembled.
6 And then in turn this identifies, you know, the
7 assessment targets, which include the frequency of
8 the assessments as perhaps a level of assessment,
9 the kind of data that would go into the assessments.

10 And then there is also factor weights,
11 which are assigned by management on teams and then
12 ultimately there is a rank-weighted score that
13 comes up with, as I said, an objective prioritized
14 list.

15 And the status of the efforts that have
16 gone on over the past year, the PFMC completed its
17 prioritization and it was used to schedule the 2017
18 groundfish assessments. The North Pacific
19 Council is in progress.

20 One thing is that there is a request to
21 work on an MSE to evaluate the proposed changes.
22 And this process is not dissimilar. I think ICES,
23 you know, the International Council for the
24 Exploration of the Seas also, you know, looks at
25 it, looks to MSEs to evaluate the process itself.

26 Different -- the Western Pacific Data
27 Gathering is underway. The Northeast and the
28 Middle Atlantic, there is ongoing discussions and
29 coordination of the Councils within our CC. The
30 South Atlantic is the same. There is
31 prioritization scores, you know, working with the
32 SSC and, you know, other input to be folded into
33 the SEDAR planning.

34 The Gulf Council, the data gathering is
35 underway and the Caribbean they are still -- there
36 is an initiated discussion within Council, but --
37 and that's a typo down there in the bottom right,
38 it should say it's awaiting new fishery management
39 plans.

40 So they are all kicked off in some ways
41 and they are in different stages of -- different
42 statuses, put it that way.

43 So that was an update on the
44 prioritization.

45 I want to now move next to an update on
46 the climate-related issues. So this -- in 2015 I
47 think, we published the NOAA Fisheries Climate
48 Science Strategy and the goal of the strategy is,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 as it says up there, to increase the production,
2 delivery and use of climate-related information to
3 fulfill out mandates.

4 And the -- I think all Councils received
5 presentations, either by Jason Link or science
6 center directors or others, on what goes with the
7 process behind the Climate Science Strategy. And
8 it really is based on, if you want, four questions,
9 which are there on the right.

10 You know, we need to find out what is
11 changing, which we achieve through monitoring.

12 Why is it changing? And so that is a
13 research element.

14 How will it change? And this is the
15 projections or the forecast of future states.

16 And then how to respond, which are the
17 different management strategies that we would
18 bring, ultimately coming up with perhaps
19 climate-based reference points.

20 And as a result of that process, the
21 larger Climate Science Strategy at the national
22 level then proceeded with the development of, what
23 I'll call, these regional action plans. And I
24 think there are copies of the Regional Action Plan
25 document on your table that were brought in this
26 morning. I think you received them previously,
27 but they are here again if you want to look at them
28 and also if you need more of these documents, they
29 are available.

30 And this is a large effort. The
31 Regional Action Plan which is that bigger bubble
32 in there and the other seven bubbles around it are
33 the status of the Regional Action Plans for the
34 various regions: The Bering Sea, Northeast, South
35 Atlantic, etcetera. And you can see little dates
36 on it.

37 The latest one that we rolled out was
38 for the South Atlantic. I think that was rolled
39 out maybe about a month ago or maybe three weeks
40 ago. And so we have got six out. The Caribbean
41 one, my understanding, it is underway. So
42 hopefully it will come out soon.

43 And then there are some others that are
44 still to be done. I know that the Alaska Fishery
45 Science Center has at least two to three more that
46 they want to develop for a couple of other LMEs.
47 The did -- the first one they did, I think, was for
48 the Southeast, the Bering Sea, but now I think they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are working next on the charts that you see one.

2 And the results of these action plans
3 are that -- are to outline how it is and to perhaps
4 state how it is that we developed that critical
5 information, you know, that then results in
6 information that is used for management that then
7 in turn, you know, helps decision making in terms
8 of the resilient -- generating resilient, you know,
9 resources and communities.

10 Let me see where I am. Next slide.
11 And I want to make sure I don't forget to thank
12 everybody, you know, for your help, all the
13 Councils for your help in the development of the
14 Regional Action Plans. This was something that we
15 worked on very heavily, you know, and closely with
16 the Councils to the various management bodies and
17 advisory panels within the Councils. And it was
18 something that, as a result, turned out into, what
19 we feel is, each one of these products is a very
20 solid and robust outline of how it is that we move
21 forward.

22 And like I said, the questions, you
23 know, of what, why and how are outlined in the
24 strategies that we have in there. There is, you
25 know, probably a couple hundred action items that
26 the various Regional Action Plans have developed
27 and identified. And these are ones that we will
28 be reporting annually and following annually to see
29 how we are making progress on that.

30 As an example, here is, you know, when
31 we say what is changing? The checkmarks, the red
32 checkmarks are activities that are ongoing. You
33 know, so we are maintaining monitoring of fisheries
34 or we are tracking distributions of the species.
35 And these in turn then fold into, you know,
36 strengthening ecosystem status reports and early
37 warnings.

38 And one way of doing this is through
39 ecosystem -- I'm sorry, Integrated Ecosystem
40 Assessments. And on the West Coast, there is an
41 example that, you know, we provide, you know, a
42 yearly report to the Council in terms of what
43 happened and what we think might happen, which
44 leads to the second question, how will it change?

45 And so, you know, there is activities
46 having to do with vulnerability analyses of
47 fisheries and also beginning to look at how climate
48 and fisheries research informs the stock

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 assessments. And the Alaska Region, I know, and
2 the Alaska Science Center, you know, I have been
3 looking forward and their IPCC modeling related
4 work and their forward looking projections in terms
5 of what the forecast of changing oceans and fish
6 stocks, you know, might be.

7 And then how to respond is to build, you
8 know, this understanding which is, you know,
9 becoming more quantitative into MSEs. And so if
10 you can actually look at some of these scenarios,
11 possible future scenarios, then you can fold these
12 into MSEs and then evaluate fishery management
13 strategies.

14 And again, as I mentioned, on the
15 Alaskan/the West Coast, these are underway as well
16 as I know on the Northeast, you know, in the Gulf
17 of Maine and such, these activities are progressing
18 very nicely.

19 The next topic is the Stock Assessment
20 Improvement Plan and this is again an update, but
21 this is one of the ones that does come with an ask.
22 And I think you have received presentations on this
23 before. The idea here is to update a Next
24 Generation Stock Assessment Enterprise, you know,
25 it's an update to the 2001 Stock Assessment
26 Improvement Plan and it really is looking at as we
27 move towards, you know, more holistic and
28 ecosystem-linked view of our marine systems, we
29 have more capabilities, technological
30 capabilities in terms of measurements, let it be
31 acoustic, optical, etcetera. We have more data
32 streams that we can bring into the assessment.

33 And also as we work towards that
34 prioritization that we talked about earlier, we can
35 also look to having, you know the Stock Assessment
36 Improvement Plan also, you know, resulting in a
37 process that's more timely, efficient and
38 effective.

39 It focuses on developing a strategy or
40 guidance, strategic guidance that focuses on
41 current issues and research capacity. It
42 capitalizes, as I said, on recent scientific
43 advances, you know, advanced technologies and the
44 new ships and new capabilities that we have in
45 measurements and it also aligns with current legal
46 mandates.

47 And the figure here is just over time
48 starting in about 2001. The green bars are the ESA

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 dollars, if you will, and then the little blue line
2 is the number of assessments that are conducted on
3 a yearly basis.

4 And so it -- if I were to say something
5 in general, I guess what we are trying to do is
6 moving away from sort of the original intent of the
7 2001 SAIP, which was to strive for more detailed
8 assessments for all stocks, to perhaps looking at
9 the available resources and the new technologies
10 that we have to see, you know, which stocks are in
11 most need of assessment and the level of which those
12 assessments need to take place.

13 The Stock Assessment Improvement Plan
14 that I -- as I said, is in your documents or was
15 emailed to you. Basically, it's -- the first two
16 sections are background in terms of, you know, what
17 has been accomplished since 2001. It assesses
18 also where we stand with our current assessment
19 enterprise. And then it talks about the Next
20 Generation of Stock Assessments.

21 And I touched upon some of these
22 briefly, you know, the idea of expanding the scope
23 of the assessments to include ecosystem and
24 economic linkages, the use of new data collection
25 and modeling capabilities and then also beginning
26 to consider also the prioritization process to help
27 assess the level and scope of the assessments as
28 well as identifying the data gaps that are out
29 there.

30 And now comes, I think, the ask, which
31 is this is a request for review by the Councils and
32 the proposed approach might be to counsel staff to
33 coordinate the review with the SSC or a subset of
34 the SSC, because the document is substantive. You
35 know, rather than attract changes, a set of
36 comments that comes to Patrick and others, you
37 know, hopefully if there could be a file of comments
38 with line number, you know, references not embedded
39 in the document would be helpful in terms of how
40 to incorporate these.

41 And then, you know, clearly, you know,
42 whatever comments come, you know, is something that
43 would have to be discussed within Councils and, you
44 know, we throw data out there of April 28th of this
45 year to see if it's possible to get the comments
46 from the Council.

47 And let's see, the points of contact are
48 Patrick, again, who is sitting here with me or Rick

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Methot. And, you know, both of them are available
2 for discussion or questions either by email, phone
3 or in-person if needed. You know, maybe
4 scheduling visits to the Councils and meeting with
5 the Councils, as appropriate.

6 And the last topic I wanted to update
7 on was the discussion of the Best Scientific
8 Information Available. This is a document that is
9 still in preparation. It's in draft form, so you
10 don't have it. It was not sent out. We are
11 finalizing it and we need to do a couple more
12 internal reviews before we send it to you for
13 comment.

14 And the idea here is that we, you know,
15 have been working on a document that describes and
16 tries to formalize the process by which stock
17 assessments are determined to represent the Best
18 Scientific Information Available, the BSIA.

19 And the main objective of this effort
20 is to align perhaps the parallel processes of stock
21 status determination that we do at NMFS and also
22 the setting of ACLs by the Councils in such a way
23 that there is a common understanding of what
24 represents BSIA.

25 And you know, this is a slide or, you
26 know, the process here is one that you are all
27 familiar with and what we need to do is make sure
28 that NMFS can ascertain that it is acting on the
29 basis of BSIA when -- while making stock status
30 determinations when we sign-off on the Council
31 recommendations.

32 Where we need clarity? And that
33 question mark shouldn't be there. Clarity is
34 needed, you know, when -- you know, to determine
35 when in the process BSIA is decided. The SSC's
36 role in contributing to the BS -- in contributing
37 to NMFS' BSIA determination; how the BSIA is
38 documented or how the BSIA determination is
39 documented; and when then goes into becoming a SAFE
40 report, you know, when it is prepared.

41 And I'll give you a brief. This is
42 taken from the document that, as I said, is still
43 in draft form that you haven't seen. But these are
44 draft -- this is a draft summary of recommendations
45 that you will see.

46 And No. 1, you know, documenting the
47 BSIA process that occurs regionally. You know,
48 how it is documented and the contribution of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SSC to the BSIA's determination.

2 We perhaps have become a little bit
3 granular here in terms of the assessments and their
4 reviews. You know, should consider perhaps four
5 elements of the level, of the fishing level
6 recommendations, so the BSIA for harvest policy and
7 the SSC basis.

8 The BSIA for over-fished or
9 over-fishing status and over-fishing status.

10 And also the BSIA for the fishing level
11 recommendations.

12 So that part has to do with how that is
13 determined at these various stages or for these
14 various elements.

15 And if -- also then No. 3 there talks
16 about if a plan team or an SSC is the reviewing body,
17 then there perhaps should be also a formal
18 separation of the rule when they make a
19 recommendation on the above. So this is perhaps,
20 you know, making sure that people, you know,
21 separate the hats that they are wearing at
22 different stages of the process.

23 And also, we would like to, you know,
24 consider terms of references for assessments and
25 their review, you know, for the upcoming Stock
26 Assessment Improvement Plan.

27 And finally, we suggested there could
28 be a senior NMFS liaison available to each SSC
29 throughout the process as needed.

30 ACTING CHAIR STOCKWELL: Um-hum.

31 DR. WERNER: And so the final slide, I
32 think then, is the request for review by Councils.
33 Hopefully the document might be available in the
34 next month or so. It is not as lengthy as the Stock
35 Assessment Improvement Plan. I think it is more
36 like on the order of 15 to 20 pages or something.

37 MR. LYNCH: Less.

38 DR. WERNER: Less than that. And as I
39 said, when -- hopefully within a month or so we will
40 have finished the document, you know, editing it
41 and internal review and send it out for comment.
42 And like before we requested that, you know, we --
43 that Council consider the document and provide
44 comments to us say by June 30, by mid-year June 30
45 of this year.

46 And the contact folks are the same plus
47 Deb Lambert. And that information is there. And
48 with that, I will stop and end my report. So thank

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you for your attention. And thank you, Mr.
2 Chairman, for the opportunity to present.

3 ACTING CHAIR STOCKWELL: Thank you
4 very much, Cisco. Are there any questions or
5 comments from the CCC on the science update or the
6 timing related to the Stock Assessment Improvement
7 Plan, SSC, review? Yes, Doug?

8 MR. GREGORY: Yes, I'll lead off. No
9 comment on the prioritization. The Stock
10 Assessment Improvement Plan, we are not going to
11 be able really probably get it to the Council with
12 detail until our June meeting and -- which means
13 -- and I don't know if we can do the BSIA by then
14 by running that through the SSC.

15 The BSIA that you are representing here
16 seems to have some problematic areas. Like when
17 is the NMFS decision memo going to be? It needs
18 to be before the Council even starts deliberating
19 on what the SSC is recommending to them, not after
20 the fact or after it's submitted to NMFS, because
21 it would seem like that would be a good way if you
22 -- for NMFS to say well, we don't like what you are
23 presenting, but we will just say it's not best
24 science data, so we need that up front in the
25 process of deliberation.

26 And the other thing that concerns me is
27 where you say that -- and I understand NS2 trying
28 to separate reviewers from other people that are
29 making recommendations, but with the stock
30 assessment process, Item No. 3 where you say "If
31 Plan Team or SSC is the review body, then you need
32 formal separation with their role as
33 recommenders."

34 When we have something called an update
35 or a standard assessment, the SSC is intimately
36 involved in doing that assessment and that's the
37 same body that recommends the ABC. So that needs
38 to be fleshed out.

39 You know, and we only have -- the
40 Southeast is not like New England or the North
41 Pacific where they have a plethora of stock
42 assessment scientists. We are very limited in the
43 expertise we have in the Southeast, so that seems
44 problematic.

45 But -- and even though it, like you
46 said, is going to be 20 pages, this could actually
47 be more difficult to analyze than the other one.
48 Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 DR. WERNER: So I'll first thank you
2 for the comments and thank you for the opportunity
3 to respond. On the timing issue, I understand and,
4 you know, the Council's plates are all pretty full,
5 particularly at the beginning and end of season,
6 and so I would -- I know it's probably going to be
7 hard to meet some of these deadlines. So I think
8 we should expect that there is some flexibility
9 there.

10 On the comments of the BSIA, I think you
11 bring up a couple good points in that they need to
12 be fleshed out. The first one having to do, I
13 think, with Item No. 3, right, where you said that
14 there is this formal separation. It is something
15 that I think a lot -- you know, it happens at several
16 Councils. As you said, sometimes the same people
17 doing the assessments and sitting on SSCs are the
18 ones that are going to have to wear that different
19 hat.

20 And I think this is exactly one of those
21 points that we would welcome input in terms of how
22 that can be done, fully-recognizing that the people
23 are stretched in terms of, you know, double hatting
24 already, so I think that's an important point.

25 And then I think the same goes for your
26 comment on NS2 in terms of how -- you know, what
27 view or what advice and you might bring to that
28 draft.

29 But I wanted to open this and see if
30 Patrick or anybody else had any response to the
31 comments, which I think were pretty relevant.

32 MR. LYNCH: Sure. Thanks, Cisco.
33 For the BSIA document, in particular, I think what
34 we are trying to do with that is create an
35 opportunity to address those issues and get some
36 documentation and a process in the region that
37 handles both what you said, having stock status
38 determined in time to make ACL recommendations, so
39 hopefully aligning that process and establishing
40 the steps so that that doesn't get jumbled.

41 And in terms of No. 3 for the dual role
42 of SSC and assessment and reviewer and recommender,
43 that is okay. All we are saying here is that there
44 -- you know, they can do both jobs. It's just that
45 we are requesting a separation temporally. That,
46 you know, they focus on the review of the assessment
47 either -- probably before they are making decisions
48 on what to recommend for an ABC, just so that they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are somewhat objective in those two roles.

2 But it's okay that the same people be
3 used to do both.

4 ACTING CHAIR STOCKWELL: Doug?

5 MR. GREGORY: Just briefly.
6 Currently, because NS2, I think, proposed rule was
7 -- has been out for a number of years now, so with
8 the current process, we do send a subset of our SSC
9 to do the assessment. And then it is reported back
10 to the full SSC.

11 And one thing that has been a point of
12 confusion with some Members was well, now, do I
13 recuse myself because I was on the Assessment Team?
14 And we have never gotten clarity on that, so this
15 could do that part of it.

16 But again, it depends on -- you know,
17 SSCs are made up of a variety of disciplines and
18 those that are not stock assessment people usually
19 balk at trying to approve something that is a stock
20 assessment without leadership of the analysts that
21 are on the SSC. But it will be interesting to work
22 through this. We appreciate it.

23 ACTING CHAIR STOCKWELL: Chuck?

24 MR. TRACEY: Thank you. Thank you,
25 Cisco. With regard to the BSIA, I'm -- I guess I
26 am struggling a little bit to understand exactly
27 what the document is going to be. When we met in
28 May of last year, the subject came up and we were
29 told that there would be a white paper to sort of
30 explain the situation, lay out some background and
31 those sorts of things.

32 So which we have not seen yet, so I'm
33 not sure, is that what we are getting or are we
34 getting a draft policy direction-type procedural
35 document that has already got everything laid out?
36 So I guess I'm -- a little clarity on what we are
37 getting, if we are getting both of those or not.

38 And then I guess just to touch briefly
39 on the Stock Assessment Improvement Plan, that time
40 line is not going to work for us. That almost seems
41 like a two meeting process really for -- I mean,
42 it's a large document. The SSC is going to have
43 to spend a fair amount of time going through that.
44 And then the Council is going to need some time to
45 digest their comments.

46 So I don't see all that happening, you
47 know, over the course of one Council meeting. I
48 see the SSC doing it once and then their document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 -- their comments being available to the Council
2 with a couple of weeks for them to digest that prior
3 to them taking action.

4 DR. WERNER: Thanks, Chuck, for the
5 question. So I'll start with the second one first
6 and then I'll pass it on to Patrick, since I wasn't
7 here for the main meeting, so I just want to make
8 sure that there is continuity in what was said in
9 May and what you will be receiving.

10 So I think the timing issue is a very
11 real one. And as I said, you know, I realize how
12 full the plates are already at the Council meetings
13 and the process of having to ensure careful review.
14 So I talked to Patrick about this in terms of, you
15 know, what that means in terms of, you know,
16 whatever time line we have here.

17 You know, hopefully, you know, we
18 thought that we would try to have the document
19 published, the SAIP document, this calendar year,
20 but maybe we can compress things on this side, but
21 we will again, fully acknowledge the difficulty in
22 a thorough and deliberate review of the document.

23 So with that, I'll then pass to the
24 question of what was said and what was presented
25 in May and what the current document is, so to --
26 that you will be receiving.

27 MR. LYNCH: Yes, thanks. I believe Jane
28 DiCosimo gave the presentation in May on BSIA. And
29 we were planning on sending forth a white paper.
30 That white paper has been tossed around quite a bit
31 internally within NMFS, so we have been wrestling
32 with it over several months trying to get that where
33 everyone in the Agency is happy and comfortable
34 with sharing it with everybody before it goes to
35 the next step of review with you all.

36 And we have been discussing also what
37 shape that document should take, whether it is a
38 white paper or policy directive. Right now, we are
39 at the -- we are still thinking it's a white paper,
40 but we have another round of internal review,
41 hopefully we are going to do this month and send
42 it out to you all. So I believe it will come
43 through as a white paper or a technical memo.

44 ACTING CHAIR STOCKWELL: All set? You
45 all set, Chuck?

46 MR. TRACEY: Yes. So I think it will
47 be helpful if it was in the form of a white paper
48 and then you all follow on with some more formal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 directive-type paper, so it would give us a chance
2 to digest it and understand the background.

3 ACTING CHAIR STOCKWELL: John?

4 MR. GOURLEY: Thank you. We had
5 several comments on the BSIA. And it seems like
6 we need to improve the communication process
7 between NMFS and the Councils in determining BSIA,
8 because we have come up with a problem where there
9 has been disagreements on what constitutes BSIA and
10 what doesn't.

11 And you know, there is another question
12 that prompts is that who makes the determination
13 on what BSIA can be used for each stock assessment?
14 Say for instance the SSC or NMFS? Who makes that
15 decision?

16 There seems to be a lot of details that
17 need to be worked out. In fact, even carrying to
18 the -- what is BSIA? What constitutes BSIA? Can
19 all the data or can all the scientific information
20 be reviewed by the SSC and let them make the
21 determination? Is it reviewed by NMFS? Is --
22 does each regional Council make their own protocol
23 to determine what BSIA is?

24 These are the kind of questions that we
25 have that would, hopefully, be included in the
26 white paper.

27 DR. WERNER: Thank you, Mr. Chairman.
28 Thanks for the question. And, Kitty, did you want
29 to follow-up before then or should I?

30 MS. SIMONDS: Well, I was going to give
31 the example. And I think I talked to you about it
32 last week, which is the Council, okay, you know,
33 determined the ACLs for several years into 2018.
34 And then last year a stock assessment was done by
35 a graduate student and we have a process that is
36 called the WPSAR process.

37 And the different tiers and so for, you
38 know, different stocks, we put them into the
39 different tiers. So for this one, it was for Kona
40 crab and somehow this stock assessment did not go
41 through the WPSAR process, which it should have,
42 which meant that it needed two more reviews.

43 So then the region asked the center to
44 review it and they did. And this stock assessment
45 said that this fishery was over-fished. And so
46 then the region then sent it on to the lawyers. So
47 this went on for a whole year last year without them
48 talking to us about it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So in December, I get a call from the
2 lawyer saying that they can't approve the ACL for
3 this one stock because of what it says. So we said
4 well, are you accepting, you know, information that
5 hasn't gone through the process that we all
6 determined, signed onto?

7 And so that -- so the other thing is that
8 so the 2016 ACLs weren't approved until January of
9 this year, so a whole fishing year went by without
10 ACL determination just because of that one stock.

11 So it's really -- I mean, it's
12 confusing. It doesn't make any sense. And then
13 with the legislation coming up with we need to be
14 looking at and accepting all kinds of reports. So
15 what should have been done?

16 I think that the Center and region
17 should not have reviewed that, the stock
18 assessments, until it went through what we have
19 already determined that stock should have gone
20 through three reviews. So that's our dilemma. So
21 what does that mean then for us in this next year?
22 Just leave it alone or go through the whole business
23 of reviewing everything?

24 DR. WERNER: All right.

25 MS. SIMONDS: I don't want to do
26 anything like that.

27 DR. WERNER: Thanks, Kitty. And I
28 think both sets of comments are perhaps reflective
29 of why this process and the document needs to be,
30 and not just the document, but, you know, sorting
31 out exactly what, when and where and how and how
32 it is documented needs to be clearly spelled out.

33 And I'm not saying it is going to be
34 necessarily straightforward, but there is that
35 timing issue that was alluded to earlier in terms
36 of how you go back and forth in terms of, you know,
37 the status determination and the SSC's work.

38 At the end of the day in terms of the
39 determination of BSIA, it is NMFS that does that
40 determination. And so we need to ensure that the
41 questions that you just raised are -- shouldn't be
42 raised. I mean, that there should be a process by
43 which we -- you know where you stand in that
44 process. And admittedly, it is a back and forth
45 process and involves several people.

46 But before I finish, I do want to flag
47 if, Sam, you wanted to offer a comment, because it's
48 something that we talked a little bit about. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I'm not sure if you want to or not. But you know,
2 in terms of how that -- how this document and how
3 this white paper can help alleviate some of these
4 legitimate questions that are still out there.

5 MR. RAUCH: I would just say that you
6 are right. The statute requires us, because this
7 is an actual standard, to ultimately make the
8 determination. So we have to do it.

9 The question though of how much
10 deference to give to the Council process is a valid
11 one. Right? There are -- we could give varying
12 degrees of deference. A lot of deference or not.
13 When we do it is a good question. We want to make
14 sure and whether we do it once or twice. You know,
15 we may do it earlier and later, because in the end
16 when we do the regulation, we have to make those
17 findings.

18 All these are good questions. I think
19 that what we would like to see is a process that
20 gets a substantial amount of deference to avoid the
21 situation you are in. If we all say -- in
22 determining when it is available, right? You
23 know, we have talked -- I have talked with you,
24 Kitty. We have had talks with other things about
25 if we set out a process for the development of
26 science data and inclusion into the process, it
27 might not be available until it goes through that
28 process, just because it's new.

29 Having a common understanding of that
30 when that is the case, when there might be
31 exceptions to that that we all understand, that's
32 what our goal is here, because we do want to avoid
33 confusion. We want to set up a process that gets
34 a lot of deference. It doesn't do anybody any good
35 to go through and to set up this elaborate process
36 that is expensive, it takes time and then to have
37 it set aside.

38 So that's -- you know, I think we agree
39 that we should do that. It's complicated. We're
40 trying to get the indication right, but that's sort
41 of our goal in this whole thing.

42 ACTING CHAIR STOCKWELL: Dan, Bill and
43 then Gregg.

44 MR. HULL: Thank you, Mr. Chairman.
45 Just briefly I want to echo Chuck's concerns about
46 the time line for providing comments back. We do
47 have an April Council meeting, but this would be
48 in addition to our already full agenda and trying

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to fit it in with the SSC. So I just want to voice
2 those concerns. I appreciate some of the leniency
3 that you have suggested you would give us.

4 ACTING CHAIR STOCKWELL: Bill?

5 MR. TWEIT: Thanks, Mr. Chair.
6 Thanks, Cisco. A couple of questions about the
7 Stock Assessment Prioritization process.

8 The North Pacific Council did, indeed,
9 provisionally approve it. One of the concerns
10 that we wanted to have addressed though before we
11 went ahead and sort of fully committed to
12 implementing it over a longer term is we still have
13 questions about how the Agency is going to
14 prioritize stock assessment funding relative to
15 other fishery research efforts.

16 We understand that the Stock Assessment
17 Prioritization problem helps us make smart choices
18 about how we are using the stock assessment funding
19 itself, but we still would like a sense of how the
20 stock assessment funding fits into the bigger
21 funding picture and whether if we end up finding
22 deficiencies in the Stock Assessment
23 Prioritization, whether that funding is going to
24 get simply diverted out of stock assessment or
25 whether it is going to be used to take on additional
26 tasks within the stock assessment process that we
27 currently aren't able to.

28 So it's a question of are we looking for
29 efficiencies here or are we looking for
30 cost-savings? And we are hoping for some kind of
31 formal response from the Agency on that before we
32 firmly commit.

33 DR. WERNER: Thank you. Thank you for
34 the question. So getting -- going to this slide
35 and perhaps the last bullet is that this -- the
36 prioritization process is not one where we are
37 seeking to redistribute the resources out of the
38 region and/or to non-assessment activities.

39 So there may be some redistribution
40 within assessment activities, but I think your
41 question was can it go to other activities and the
42 answer is no, that is not the intent of the
43 prioritization process.

44 MR. TWEIT: Thanks. I would
45 definitely -- certainly appreciate seeing that in
46 the PowerPoint. I think that most of the Council
47 Members, at least North Pacific, can appreciate
48 seeing that in a formal response as well.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 DR. WERNER: Thank you. Yes, I
2 believe it is in the document. I'm looking at
3 Patrick. I think that statement is explicitly in
4 the document.

5 MR. LYNCH: Yes.

6 DR. WERNER: But I take your point.

7 MR. TWEIT: Yes. And then a second
8 question that is sort of related. As we grappled
9 with the tool and we certainly see a lot of
10 potential in it, but it was with very mixed emotions
11 that we had the debate around this adoption of the
12 Stock Assessment Tool, because within our Council
13 family at least, there is a pretty large amount of
14 comfort in the current stock assessment process.

15 It has got a pretty strong amount of
16 stakeholder buy-in. And there is a lot of
17 confidence that this Stock Assessment
18 Prioritization gives us, essentially, the
19 scientific foundation for the kinds of harvests we
20 are currently achieving. And most of our
21 stakeholders are very aware that any reductions to
22 the stock assessment process that we currently have
23 that increase the uncertainty in our efforts,
24 directly lead to decreases in allowable harvests.

25 Most of our stakeholders get that
26 increased uncertainty means decreased yield. And
27 so a fair number of them were nervous that -- not
28 just nervous, extremely concerned that adopting
29 this process would lead -- would likely lead to
30 increased uncertainty in at least some of the stock
31 assessments, even with all the assurances that are
32 trying to take that into account.

33 So as a Council, we thought it was
34 worthwhile to try to, essentially, establish a
35 definition for what is success. What a successful
36 implementation of this would look like. And that
37 definition was that we would not see any actual
38 measurable decrease in harvest, but at the same
39 time, we would actually see a measurable increase
40 in some of those other stock assessment activities,
41 such as developing multi-species modeling, such as
42 beginning to further integrate climate impact and
43 climate change, kinds of information in the stock
44 assessment, so that they become more responsive to
45 the environmental indicators that we are seeing in
46 the Bering Sea right now.

47 We see those as very desirable
48 potential outcomes, but we wanted to actually be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 able to measure in some way whether or not we are
2 actually getting more of that without losing any
3 harvest. And I'm -- it makes sense as a measure
4 of success, but it also seems like a bit of a tall
5 order in terms of actually being able to achieve
6 that.

7 And I'm wondering if you have had an
8 opportunity to review the Council's motion on that
9 and that thought about what success would look
10 like, if you have any thoughts on whether or not
11 you think we will actually be able to measure
12 whether this is successful or not.

13 DR. WERNER: Okay. Thanks for the
14 question and the comments. And I agree with you
15 just about on everything, particular in the end in
16 terms of how -- you know, you want to make sure that
17 you keep success where it is. But I think, you
18 know, speaking for the North Pacific region and the
19 West Coast and all that, we know that a lot of things
20 changed in, you know, these past couple of years,
21 you know, with the warming conditions that we saw
22 and the impact it has had on certain stocks and
23 whether they moved or whether they, you know,
24 changed in other ways.

25 So I think you bring up a point of, for
26 example, as we see -- so status quo right now is
27 working, perhaps, is one way to look at it. But
28 we know that it is going to be different. And so
29 how is it going to be different among the different
30 stocks? And what kind of information will we need
31 to bring into those different stocks as we say well,
32 different things are happening and perhaps we need
33 to pay different attention, a different level of
34 attention or, you know, bring in new methods or new
35 data to be able to address those changes is, I
36 think, inevitable.

37 We are all doing that even to the point
38 of, you know, different ways of conducting surveys.
39 The timing of surveys and so on. So things are
40 being perhaps shaken up a little bit, you know, as
41 we see the ocean changing.

42 But I think that the quantitative way
43 that -- a quantitative way of doing -- of asking
44 the question that you are asking, as the one that
45 you proposed, is to do an MSE of the process itself.
46 Is that correct?

47 And so I think that, as I mentioned in
48 my presentation, ICES, you know, that has been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 doing these assessments for probably over a century
2 or so and have perhaps a systematic way of doing
3 their assessments and so on, are also inviting
4 perhaps thinking about given that things are
5 changing, research is maybe more limiting in some
6 ways, how do you reprioritize, if you will, or how
7 do you prioritize under the new conditions that we
8 are facing?

9 And I think it will be interesting to
10 see the MSE of the prioritization and see if that
11 gives you that sense of confidence in terms of not
12 giving up the success that you have had so far while
13 still taking into account the fact that you might
14 have to think about how to prioritize the stocks
15 given that some might be affected differently by
16 the different conditions.

17 But I think this is a very fair comment
18 and I think there might be a quantitative way
19 forward, objectively forward to try to at least get
20 a first cut at the answer to the questions that you
21 are asking.

22 ACTING CHAIR STOCKWELL: Gregg?

23 DR. WERNER: And I'm sorry, Patrick,
24 could we follow-up? Is that all right?

25 ACTING CHAIR STOCKWELL: Yes.

26 DR. WERNER: Yes, thank you.

27 MR. LYNCH: Sorry, thanks. One, I
28 want to thank you and your Council for all the
29 effort you put towards -- any attention towards the
30 results of this process. There is a couple of
31 reasons why I think we are -- even before the
32 results of the MSE come out, why we are pretty
33 encouraged that you will meet success as you have
34 defined it.

35 In particular, I think most of the
36 stocks that for whom the frequency was decreased,
37 are stocks where your harvest rates are pretty far
38 from the ACLs. So in those cases, I think those
39 harvest rates shouldn't be affected too much.

40 At the same time, the process really
41 focused on prioritizing what you guys call full
42 assessments. And so even when there are gaps or,
43 you know, it is done and it goes from every year
44 to every two years, there is still a plan to update
45 catch advice in those interim years, so that, you
46 know, the new catch advice and the new forecast can
47 be done, so your Council is still getting fresh
48 advice, it's just not the full comprehensive, you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 know, thorough assessment that is done every couple
2 of years.

3 ACTING CHAIR STOCKWELL: All set,
4 Bill? Gregg?

5 MR. WAUGH: Thanks, Mr. Chairman.
6 Cisco, thank you for the presentation. Roger
7 Pugliese, who is on our staff, has worked a lot with
8 you in the past and we look forward to working with
9 you in your new role.

10 Just to chime in a little bit on the
11 timing. Our Council, too, won't be able to get
12 comments until June. Our Council meets four times
13 a year and we have set meeting weeks. Our SSC meets
14 twice a year. We do on occasion pull them in for
15 webinar meetings for specific items.

16 But I think just overall in terms of us
17 providing comments to the Agency, I think it would
18 be helpful if you all sat down and looked at the
19 meeting schedules for Councils as you are coming
20 up and build-in at least one meeting for the
21 Councils to address. I think it will save a lot
22 of this back and forth when we are talking about
23 when we can comment.

24 The concern that I wanted to express was
25 with the Climate Action Plans. And we are
26 resource-limited as you well-know in the
27 Southeast. And if you take Table 1 from the Gulf
28 Plan and Table 1 from the South Atlantic Plan and
29 look at them, there are a lot of tasks in there
30 identified as able to be done with existing
31 resources and personnel.

32 And a lot of it is just coordination and
33 so forth. But we are concerned that our needs,
34 assessment needs and data needs aren't being met
35 now. And we are just concerned that layering this
36 on top of existing work duties and other issues that
37 are coming, we are wondering what the net impact
38 is going to be on the other deliverables to our
39 Council.

40 DR. WERNER: Thank you for the comment
41 and questions. And do, please, give my best
42 regards to Roger. It has been a long time since
43 I saw him, but we did work closely together on, I
44 think it was, Atlantic menhaden, if I remember
45 right.

46 And with regards to the timing, I'll
47 just repeat what I said. I fully understand the
48 difficulty of -- that everybody has, so we will work

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with you as best we can. And like you said, you
2 know, we're looking at the calendars and bringing
3 up perhaps a revised, more reasonable schedule is
4 something that we will do.

5 And then with regard to the Regional
6 Action Plan and the challenges, I think this is
7 something I'm wearing -- you know, if I wore my hat
8 as Center Director of the Southwest, I understand
9 what you said. You know, it's -- our benches are
10 pretty thin as they are and, you know, the Climate
11 Action Plans, the Regional Action Plans are -- they
12 are ambitious.

13 I would like to think that they are
14 necessary in the sense that we know that things are
15 really happening and, again, you know, different
16 parts of the country are getting hit pretty hard
17 with some strong signals, you know, whether it is
18 warming, whether it is acidification, whether it
19 is other things, so we know we have to pay attention
20 to it somehow, because it will affect the work that
21 we do.

22 But it is a challenge to say we are going
23 to do it with the people we have, because you can't
24 just say that and just add something else to, again,
25 an already full plate on those folks.

26 So it will require, again, if I wore my
27 hat as the Center Director, you know, rethinking,
28 you know, whether there should be some
29 reassignments in response to emergencies and
30 urgencies that may, you know, perhaps take
31 precedence over other activities. So this is a
32 discussion that I think we all need to have, you
33 know, within centers, with Councils, with the
34 regional offices and see how the best way it is to
35 deal with these unforeseen and sometimes pretty
36 acute things that the ocean throws at us.

37 So thank you for the comment.

38 ACTING CHAIR STOCKWELL: Kitty?

39 MS. SIMONDS: And that's what I wanted
40 to ask you about was about money. So in the budget
41 for '17, do you have an increase and was stock
42 assessment a line or other lines that you can use
43 to do this work? Because I mean, obviously, it's
44 enormous. But I already heard you talking about
45 people. I'm just asking you about line items and
46 if you are going to get an increase?

47 DR. WERNER: Are you talking about the
48 -- I'm sorry?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SIMONDS: Stock assessments.

2 DR. WERNER: So thanks for the
3 question. Are you talking about the
4 prioritization or just in general?

5 MS. SIMONDS: Well, no, in general to
6 do all the work that you are talking about here.
7 I know what we are going to get two more stock
8 assessments in our center. I mean, if the ban is
9 lifted, so we have five, so we will have seven. But
10 I was just asking in general about line items that
11 you have used to support this work.

12 DR. WERNER: I'm looking at people who
13 might know the budget. Ned, do you mind
14 commenting? I'll ask Ned to see if he can comment.

15 DR. CYR: Yeah, I don't think I have a
16 special crystal ball on this one. We are all
17 waiting to find out whether we are going to get a
18 budget this year or whether --

19 MS. SIMONDS: Sure.

20 DR. CYR: -- we will have a continuing
21 resolution. But I think, at this point, we are not
22 anticipating major changes.

23 ACTING CHAIR STOCKWELL: Is there
24 further discussion on the science update? Leann?

25 MS. BOSARGE: Yeah, maybe a little less
26 heated part of the update, the Climate Science
27 Strategy. I just wanted to say that the one for
28 the Gulf was very informative. It was actually a
29 very pleasant read when I read through it with two
30 screaming children in the background. If I can
31 read it with that going on, you did a good job.

32 So I really like the regional
33 assessment portion where you got into a good bit
34 of detail, you know, on specifically in the Gulf
35 of what we can expect. You know, the Gulf -- I
36 guess when we sit around our table, we realized that
37 the changes that we may see may be a little bit
38 different than what happens on the East or West
39 Coast where you have, essentially, the north/south
40 coastline, generally speaking versus where we are,
41 a basin that is, you know, semi-enclosed.

42 And most of our ocean water comes
43 through two -- comes in one straight and goes out
44 the other, so it is going to be a little different.
45 We are not exactly sure what we are going to see
46 change-wise, as far as the movement and the changes
47 in our fisheries.

48 You gave some very specific examples of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 things that may happen in the assessment portion.
2 You even talked about, you know, delay and
3 development of certain shrimp in other parts of the
4 world, not our penaeid shrimp, but that's a good
5 example of something that we can use.

6 And as each individual Council Member
7 reads this and they have a certain expertise and
8 background in certain fisheries, it will actually
9 help them to say oh, uh-huh, okay, this may be
10 something we need to look towards changing in our
11 management. It is going to conflict with what may
12 happen in nature. I appreciated that.

13 The one thing that I think maybe could
14 be improved upon, so the models that you mentioned
15 in the paper give us a good idea of the trajectory
16 that we are headed down, but it gives us forecast
17 in centuries.

18 So you know, the Loop Current is going
19 to weaken sometime this century and that's good,
20 we need to know that, but it would be a lot better
21 if we kind of knew where we were on that path, right?
22 So that's kind of a big gap.

23 And the -- how I see us getting more
24 precision and pinpointing where we are on that path
25 is in direct conversations with the men on the
26 water, because they see it already. The men that
27 have been on the water for 40 years, they can tell
28 you what the changes are, you know, not from last
29 year or the year before.

30 And so where I'm going with this is in
31 your action items and in your objectives, I only
32 found one, No. 14, on the list that actually
33 involved the fishermen. And the PhDs are
34 important. I don't want to -- please, I'm not
35 trying to underestimate their importance, but I
36 think the fishermen are just as important.

37 And in that action item, it even states
38 that that is something we are going to pursue only
39 if we have increased funding, not level funding.
40 And so I think that probably needs to be bumped up
41 on the list. I think that there is a wealth of
42 knowledge and that's an asset that we have to be
43 sure we never forget and we put it at the top of
44 the list.

45 So that's my only comment. Thanks.

46 ACTING CHAIR STOCKWELL: All right.

47 DR. WERNER: If I could comment?

48 ACTING CHAIR STOCKWELL: Cisco?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 DR. WERNER: First, thank you for the
2 comments. You know, the one on the screaming
3 children in the background kind of reminded being
4 in the office, you know, and other people screaming
5 in the background.

6 But anyway, the three points that I
7 think you brought up, which are pretty good. I
8 mean, first, the difference in the Gulf about not
9 being north/south, you know, the other coast, you
10 know, you say well, you know, they will move up or
11 down. They will move north and something new will
12 come in.

13 You know, you guys have sort of a
14 ceiling, you know, it's like where are they going
15 to go? And that presents a challenge, you know,
16 are they going to be, you know, leaving the system
17 altogether? That's a question to look at and sort
18 of the longer time frame, which you alluded to.

19 I think the real tricky part in the
20 challenge of forecasting is sort of into the
21 seasonal to inner-annual scale, so you can -- you
22 know, we are pretty good at telling you what is
23 going to happen in a week to two weeks. We are
24 probably pretty good at telling you what is going
25 to happen over 10 years or so, but of equal if not
26 more importance is what is going to happen, you
27 know, in the next three or four months or the next,
28 you know, year.

29 And there are some advances that have
30 happened in that and I think that it perhaps should
31 be -- we should think about prioritizing. You
32 know, how do we understand better that no man's land
33 of the seasonal to inner-annual scales, which I
34 think is important to our decision making. So
35 that's something that perhaps we as -- collectively
36 should think about how to do.

37 And then with regard to the talking to
38 the fishermen, the outreach and the communication
39 part is huge, not because it's a one-way
40 conversation, but I think it's exactly for what you
41 said.

42 You know, speaking from the experience
43 that we had on the West Coast with the warming and
44 all of that and the things that we were saying, we
45 actually -- you know, when we would make those
46 comments, we would -- you know, the fishermen, let
47 it be recreational or industry, would come in and
48 say well, but you didn't see -- you didn't talk

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about this, this, this and this. You know, the
2 things that they were seeing and it actually made
3 us go back and look at things in different ways.

4 So I think that it is essential that we
5 have that communication, because they have,
6 basically, the eyes on the ocean all the time and
7 they will see things that we didn't. So I think
8 the original Action Plan should have that outreach
9 and communication, the two-way outreach and
10 communication as an essential component.

11 So I agree with you and we will make sure
12 that we strengthen that and encourage that that
13 happens. So thank you for your comment.

14 ACTING CHAIR STOCKWELL: Seeing no
15 further hands, I want to thank everyone for a good
16 conversation and thank you, Cisco and Patrick, for
17 being here with us today. I think you probably got
18 the feedback that you were seeking.

19 DR. WERNER: Thank you very much.
20 Thanks for the opportunity.

21 ACTING CHAIR STOCKWELL: With that, we
22 are going to move right on to the EBFM Roadmap
23 Implementation. Sam?

24 MR. RAUCH: Okay. I've been asked to
25 give a brief discussion of the implementation of
26 the roadmap. Let me just say at the outset, as we
27 have said before, there really is not a lot new
28 here. The Councils have taken the lead on most of
29 the principles of Ecosystem-Based Fisheries
30 Management for years.

31 Many Councils have an Ecosystem Plan
32 already in some formulation. There may be a little
33 bit of differences between the Councils. Most
34 Councils have made -- are actually leading the way
35 on trying to find linkages between ecosystem
36 dynamics and the fisheries that are important to
37 all of us.

38 Our effort here has been to try to help
39 that and to amplify that and to provide additional
40 coordination to those processes.

41 In May of 2016, we did release the EBFM
42 policy. We have talked to a number of Councils
43 about that. It lays out the six guiding principles
44 of the -- of what we think of as EBFM management,
45 so that there is sort of common understanding of
46 what we are talking about when we talk about EBFM.

47 It reinforces NMFS' commitment to this
48 process, which we have been committed to for well

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 over a decade. It sets out a framework for how you
2 might think about EBFM and do that. And so these
3 are the principles. I'm not going to read through
4 the principles. We have had a discussion at
5 various places with this group and the individual
6 Councils about what is in here.

7 What I want to talk about is where we
8 are going from there. So we released a roadmap in
9 November that guides the implementation of these
10 six principles. It identifies a set of specific
11 short, medium and long-term actions that could be
12 taken to help further the development and
13 coordination of EBFM in the various regions.

14 And it does call for a set of regional
15 implementation plans in, I believe, 18 months.
16 This allows the regions, the science centers and
17 the Councils to work together on what is feasible,
18 what is not feasible, what should our reasonable
19 goals be. It is not intended to force the Councils
20 down a path that they do not want to go, but it does
21 -- it is intended to help us all set common goals
22 and objectives for what might be done along this
23 line.

24 It lays out that there are -- as we have
25 said all along, this is something that Councils are
26 in general doing. There are a lot of ongoing
27 efforts to do these kinds of things that the
28 Councils already use and others already use to
29 implement EBFM. We are not reinventing the wheel
30 here, but we are trying to create a mechanism to
31 leverage a number of these systems efficiently into
32 the process.

33 We want to help coordinate this. We
34 want to help make sure that when a particular region
35 or Council is doing something great, that there is
36 a convenient way to share that information. If the
37 Councils have a goal in mind and many of you do,
38 we want to try to help facilitate how that could
39 be done.

40 We did want to provide some structural
41 thinking to that, but it is flexible, so that if
42 there is different ways that people want to think
43 about it, I think there is plenty of room in the
44 roadmap, in the framework to do those kinds of
45 things.

46 It does help us internally coordinate
47 that, so that we can be more efficient at those
48 kinds of issues. I will say there was, to answer

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Kitty's question from before, that she has not
2 asked about this yet, some, in the President's 2017
3 request, funds for this activity in the budget. It
4 didn't make it in any marks in the 2017 President's
5 Budget. It's probably not particularly useful
6 trying to figure out what the '17 funds available,
7 since we are under continuing resolution. Who
8 knows what will be in '18. So that's the answer
9 to your question before you ask it.

10 MS. SIMONDS: So you only have money
11 for mapping?

12 MR. RAUCH: A lot of this can be done
13 without money, but we do recognize that a number
14 of it does take staff time and resources and we
15 understand how the Councils are stressed in terms
16 of having sufficient resources to devote to all
17 these things. We want to be understanding about
18 that.

19 There are a number of roadmap actions
20 that are in place that were detailed. As I said,
21 there is 20 continuously short-term actions, many
22 of those have already been completed. There are
23 29 mid- or long-term actions. A lot of where you
24 are talking about where you need money to do things,
25 those are all in the mid- and long-term actions.
26 We recognize that some of those long-term actions
27 may not happen if there is not funding available.

28 If you don't ask for it though, you
29 definitely won't get funding. So this helps set
30 aside some goals and objectives of what you might
31 be able to do if you -- if we were actually to be
32 able to fully achieve the vision in the strategy.

33 So what are the next steps? It calls
34 for the development of regional implementation
35 plans within 18 months of the roadmap, so that's
36 sometime in late 2018 or mid-2018. This is an
37 opportunity to highlight in each region what each
38 Councils are doing already along those to further
39 Ecosystem-Based Management areas where we think we
40 need to build, areas where we see barriers to
41 further implementation, where there are things
42 that we want to go to, but we can't go, because maybe
43 we don't have the money or something like that.

44 So this is a way to set out for ourselves
45 and our public constituents some goals and
46 objectives and have a discussion about where we
47 are, where we want to be, what might be preventing
48 us from where we want to be. Maybe there is nothing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that is preventing us from where we want to be and
2 this just sets out some expectations for all
3 concerned about what we intend to do.

4 So as we start to develop these plans,
5 we are interested in hearing from you about how to
6 use the existing resources, since we are all
7 resource limited in order to support this process,
8 including things like engaging the stakeholders,
9 prioritizing the various milestones. You have
10 seen the milestones that we have put in there. Are
11 they the right ones? You know, are there different
12 things that we should prioritize about that?

13 So that's where we are. I'm happy to
14 take questions about that. The documents are
15 released. They are out there. Our challenge for
16 the next 18 months is to look at that and actually
17 see what is achievable in the mid- and long-range,
18 if anything. We hope that some things are
19 achievable. We think some -- many of these things
20 will be achievable.

21 There are a lot of resources that we
22 have that can bring to bear on this, even without
23 new budget initiatives. There are resources that
24 -- you know, there are objectives that you all have
25 that we can help facilitate. So those are-- that's
26 the process. It is a while, but we know how -- you
27 know, there are lots of competing parties in the
28 Council. We do have an 18-month deadline. I
29 think that's a little bit flexible, but that's
30 where we are.

31 So I'm happy to take questions, Mr. Vice
32 Chairman.

33 ACTING CHAIR STOCKWELL: Thank you,
34 Sam. Are there questions for Sam? Chris?

35 MR. OLIVER: I don't know if it's a
36 question as much as a comment and it's kind of
37 repeating comments that I have made before, Sam.
38 And I mean, this is a really laudable initiative
39 and I hope that it is compliment -- ends up being
40 complimentary to our currently ongoing efforts,
41 but I'm still extremely concerned.

42 Even when you look at the short-term and
43 the immediate -- or Intermediate Regional
44 Implementation Plan in 18 months and I know that
45 I'm having a hard time reconciling your comments
46 about using existing resources or in the document
47 it says reassigning existing personnel to this
48 project, because even if -- and I don't remember,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I think Paul during this made mention of a 3,000
2 employee number the other day, it has got to come
3 from somewhere.

4 So even if you don't get extra money,
5 but you are moving personnel around, that's a
6 resource commitment. And you know in our case, we
7 are working aggressively on a Fishery Ecosystem
8 Plan for the Bering Sea. We have staff devoted to
9 that.

10 We have 15 people on our staff and we
11 don't have any room to move people around. But
12 just being engaged in development of a Regional
13 Action Plan that is due in 18 months, I frankly
14 don't know -- I don't think you want to do this
15 without close cooperation of the Council, but I
16 frankly don't know how we are going to do that when
17 we have staff that we would want to be key on this
18 issue that could be a very time-consuming issue on
19 their part that simply don't have any more hours
20 in the work week.

21 And so the personnel -- and the document
22 mentions a number of new FTEs and maybe you are able
23 to reassign those from somewhere else and they are
24 not really new FTEs, but they are resources coming
25 from somewhere. So I am just really concerned
26 about the Council's ability to effectively engage
27 in this in the short-term over the next 18 months
28 or two years without some additional resources.

29 And by resources, you know, Kitty
30 counts it as money. Well, money translates into
31 personnel. But we have 15 people on the staff and
32 we don't have anybody to put on this. So I don't
33 know what we are going to do to be effectively
34 engaged with it.

35 MR. RAUCH: I will say that from our
36 perspective we do envision a national EBFM
37 coordinator and a headquarters local program, much
38 like our Catch-Share Program was, which was
39 designed to facilitate the Councils. That's our
40 vision of how this is going to happen.

41 We have -- when we were doing the
42 catch-shares, we had in headquarters a group of
43 people that would help the Councils through some
44 of these issues, you know, doing what the Councils
45 wanted to do on that.

46 We did not push catch-shares when the
47 Council didn't want to and we recognized
48 limitations.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So we are trying to create something
2 like that in NMFS, as well that I think we had
3 envisioned hiring folks, but that's not in the
4 short-term cards at least. So we are looking to
5 transfer. We will see whether we can do that. We
6 understand the limitations that the Councils have
7 and we want to work with you through that.

8 I think we should -- this is still a
9 laudable effort that we should try to do, whether
10 or not we can do it or not, I think we all have to
11 look at the existing resources that we all have to
12 bring to bear. And I think we want to be
13 understanding about that.

14 ACTING CHAIR STOCKWELL: Okay.

15 MR. OLIVER: I have a follow-up.

16 ACTING CHAIR STOCKWELL: Chris?

17 MR. OLIVER: And I agree with you, Sam,
18 it is a laudable effort and it could be very helpful
19 to us, but there is two aspects to the resource
20 commitment.

21 One is the immediate aspect, whether
22 it's hiring FTEs or moving people around in the
23 short-term.

24 But the other part of it is once you
25 build this structure and Regional Implementation
26 Plans, to use that phrase again, the ongoing care
27 and feeding of that is going to not go away. It's
28 probably going to grow.

29 And so there is a short-term and then
30 I think probably a bigger, a longer term resource
31 commitment that is implied by it.

32 ACTING CHAIR STOCKWELL: Gregg?

33 MR. WAUGH: Thanks, Sam. You know,
34 while we share some of the concerns about resource
35 limitations as well, but we are committed to
36 working with you on this. We have got a situation
37 in our area where right now we have got Red Snapper
38 rebuilding. Between the Red Snapper and the
39 Lionfish, what we are hearing from the fishermen,
40 particularly the divers that are down on the
41 bottom, they are concerned that we shouldn't be
42 worried about Red Snapper. We should be worried
43 about the other species, because Red Snapper and
44 Lionfish are consuming everything.

45 And in the pelagic side, we have got
46 rebuilding shark populations that are eating king
47 mackerel off the fishermen's lines. So we are very
48 interested in looking at how you put this together.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We are going to be getting a red grouper stock
2 assessment and that is going to like show
3 over-fishing and over-fished. And that seems to
4 be a species that is really dependent on these
5 periodic blooms in recruitment for whatever
6 reason.

7 And so we have got to be able to factor
8 this stuff in and not just look at ACLs and having
9 to shut fisheries down and the resulting disruption
10 in our data collection program.

11 So we are very anxious to work with you
12 and look forward to anything that we can do in
13 working with Cisco and trying to address this and
14 better understand how we deal with these multiple
15 species in our environment.

16 ACTING CHAIR STOCKWELL: Tom?

17 MR. NIES: Thank you for the update,
18 Sam. I'll just be brief. As you know, the New
19 England Council was not really satisfied with the
20 EBFM Roadmap. We felt there were a lot of
21 shortfalls in it. We are also concerned with
22 working on the Regional Implementation Plan,
23 particularly in the way the roadmap turned out.
24 But we, you know, will try, subject to resource
25 limitations, to work with the region to come up with
26 an implementation plan that works in our area.

27 MR. RAUCH: Thank you.

28 ACTING CHAIR STOCKWELL: Other
29 comments? Seeing none, thank you, Sam.

30 It is 10:20. It looks like our next
31 agenda item is going to be the better part of an
32 hour, so let's take a check-out break and reconvene
33 at 10:35.

34 (Whereupon, the above-entitled matter
35 went off the record at 10:21 a.m. and resumed at
36 10:43 a.m.)

37 ACTING CHAIR STOCKWELL: Okay. CCC,
38 we're going to get rolling as soon as everyone sits.
39 Okay. We are going to reconvene the CCC and
40 shortly move into the National Academy of Science
41 Review and Recommendations on MRIP. Before we do,
42 those of you who have not yet received a copy of
43 Gregg's perfected letter from our discussion, our
44 15,000 foot discussion letter yesterday, please,
45 see your EDs. I have just sidebarred with Kitty
46 and there is going to be the redraft or an edited
47 monument letter that should also be distributed for
48 our review. So, please, look on your screens for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 those.

2 So without further ado, I'm going to
3 turn it over to the National Academy of Science.

4 DR. BARBIERI: Thank you, Mr.
5 Chairman. And before I get started, I want to
6 thank you for the opportunity to come and give this
7 presentation.

8 As many of you probably have heard
9 already, this past year the National Academies of
10 Science conducted a study, right, put together an
11 ad hoc committee and conducted a study to review
12 the Marine Recreational Information Program which
13 is the overarching fishery survey, Recreational
14 Fishery Survey Program for the nation.

15 And what I'm going to be doing today is
16 going through a summary of those results of the
17 study and then address any questions that you might
18 have.

19 But before I get into the meat of the
20 presentation, I want to point out that Stacey
21 Karras is sitting back there. She is the National
22 Academies staffer who served as study director for
23 this study and was sort of our guiding light and
24 guardian angel, at the same time, and really,
25 really helped us condense all this large amount of
26 information into something that is intelligible to
27 all of you.

28 And Stacey wanted me to remind you, and
29 I think that's a good idea, that our report, there
30 is a PDF of the pre-publication report at the
31 National Academies' website, ripe for your free
32 download and review. Please, just don't -- try not
33 to do that before operating heavy machinery, right,
34 because it can be dangerous.

35 And there are some study summaries and
36 Stacey has some hard copies. The bottom line, if
37 you don't want to go through the entire tome, you
38 can actually get some of the main findings and
39 results and those are also available for download
40 at the NAS' website. But just in case, she has some
41 hard copies here.

42 So with that, to refresh your minds
43 about this study, you know, the origin and process
44 for this study, back in 2006, the National
45 Academies actually completed a previous review of
46 the Marine Recreational Fisheries Statistics
47 Survey, the MRFSS, and that review called for a
48 number of significant improvements to the survey

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 program.

2 In 2007, those recommendations were
3 actually codified and inserted into language
4 explicitly within reauthorization of
5 Magnuson-Stevens Act. And to the extent possible,
6 it was there directive to the Agency that they
7 should integrate most, if not all, of those
8 recommendations into a revised and improved survey
9 program.

10 So now, 10 years later, after that set
11 of recommendations generated the creation of MRIP,
12 right from MRFSS to MRIP, an evolutionary process.
13 Now, we are asked to review the new survey program
14 and to evaluate whether all of those
15 recommendations had been met and whether the
16 science and products coming out of that survey are
17 actually at the level that they should be to provide
18 science inputs in management and assessment.

19 So very briefly, I'm not going to read
20 this for all of you, but the committed charge was
21 really structured in a way that you would have a
22 very technical evaluation of the survey sampling
23 and the statistical estimation of the survey
24 itself, but it also included all the dimensions
25 that come with the implementation of recreational
26 fishery surveys.

27 So looking at the strength of the
28 scientific process and the engagement of the
29 external scientific community and regional inputs
30 into the development of the survey and
31 implementation of the survey, both from a
32 stakeholder perspective as well as a regional and
33 state partner perspective.

34 An evaluation of the degree of
35 coordination between those multiple jurisdictions
36 that have to deal with fisheries, assessment and
37 management of the data products that come out of
38 MRIP and to find out whether that level of
39 coordination met the parameters that we felt should
40 be matched.

41 And then, of course, the importance of
42 continuity. So if we have a new server that is now
43 improved and it's now better prepared to provide
44 the products that we need for assessment and
45 management, how do we maintain that continuity in
46 the data series to make sure that our stock
47 assessment management process is actually
48 comparable across time lines?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Here at a glance, a picture of the list
2 of Members, of the Study Committee, right, and the
3 idea there was to bring together different levels
4 of expertise in different areas of knowledge. All
5 right?

6 So we had folks that were stock
7 assessment scientists and fisheries managers and
8 others that were professional statisticians and
9 social scientists, so an integration amalgamation
10 of a number of different areas of expertise that
11 actually addressed the different dimensions that
12 we need to have for a recreational fishing survey.

13 And then, of course, the staff that --
14 from the National Academies we felt blessed really
15 to have just phenomenal staff. And Stacey is our
16 program officer and study director. It was really
17 peace of mind and guiding hand that helped us
18 achieve all of this.

19 We held four meetings throughout
20 different areas of the country and the idea was to
21 collect input from regional stakeholders and
22 regional scientists and state partners and
23 fisheries Councils throughout the country that
24 could then help us collect all the information and
25 evaluate all of those issues that were integrated
26 into our study in terms of reference.

27 One clarification here that I think
28 helps you understand the contents of the
29 presentation is that, you now, over time, MRIP has
30 really become a family of surveys really that are
31 integrated, you know, into regional-, state- and
32 federal-level processes for data collection.

33 What our Committee actually reviewed
34 was really focused the Fishing Effort Survey, the
35 two main components of MRIP, the FES, the Fishing
36 Effort Survey, and the Access Point Angler
37 Intercept Survey, or APAIS.

38 So those are the main overarching, the
39 backbone of MRIP that is the overarching survey for
40 the country. And these two components is what we
41 mainly reviewed.

42 So in terms of you going through this
43 presentation and seeing some particular module
44 survey that can or cannot help you in your region,
45 it probably was not evaluated in detail by this
46 review, even though we commented and we have parts
47 of the report that talk about the connectivity and
48 the communication and how those surveys actually

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 get integrated into this broad framework.

2 And now in terms of results for the
3 Fishing Effort Survey. And the presentation is
4 going to breakdown then these two main components
5 of the survey, the Fishing Effort Survey and the
6 APAIS.

7 In the Fishing Effort Survey, the
8 Committee, after review, decided that there was a
9 major improvement really to what had been used
10 before under MRFSS, right? And that a Coastal
11 Household Telephone Survey that employed the
12 random-digit-dialing and that the methodologies
13 and procedures that had been developed as part of
14 this new FES into MRIP were addressing, capable of
15 addressing, a number of the previous concerns and
16 then now this portion of the survey is really
17 scientifically sound and producing the results
18 needed.

19 A few comments about the frame and how
20 all of this ties into our assessment of how much
21 better the Fishing Effort Survey is now compared
22 to what it used to be in the past. Prior studies
23 that were conducted by NMFS really were able to
24 determine that using this address-based sampling,
25 and you are going to see later on my using the ABS
26 acronym later, as a way to reach out to households
27 in coastal states and when we augment that frame
28 with the licensed data from all the different
29 states, we really achieved a level of efficiency
30 that is just statistically sound and produced much
31 better results.

32 So for example, these mail surveys,
33 which is a major improvement from before for the
34 Coastal Telephone Household Survey to the FES, it's
35 now a mail survey. And these mail surveys have
36 much higher response rates than the telephone
37 surveys and you can think about the evolution of
38 cellphones and the fact that we now have
39 portability in terms of area codes and the fact that
40 it's very difficult for you to stratify and sample
41 folks from a specific area just by using the
42 telephone.

43 Not to mention, answering systems that
44 allow you to screen your calls, right? And a lot
45 of those calls that come in, we don't necessarily
46 respond. And this pattern of studies were
47 evaluating then the responsiveness, the rates of
48 response by the use of snail mail actual surveys

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and they came to the conclusion that the responses
2 were much better, much more efficient actually to
3 the rates of three times what the response rates
4 had been for the Coastal Household Telephone
5 Survey.

6 So a major improvement there that
7 brought a level of statistical soundness and
8 validity to the study -- I mean, to the survey that
9 was considered a significant improvement.

10 And I had thought about deleting this
11 slide before, because I thought this was too much
12 in the weeds, but I felt that this group might have
13 an appreciation for the sequence here of events and
14 that led to this combination of the ABS, the use
15 of the ABS supplemented by a licensed framework,
16 right, for increasing the effectiveness of the
17 Fishing Effort Survey.

18 Because back in 2006, one of the key
19 recommendations out of the NAS review report was
20 that MRIP formed, working with NMFS, a National
21 Saltwater Angler Registry. And having that
22 registry would generate what is called a sampling
23 frame or basically the phonebook, so to speak, the
24 list of addresses to be sampled. Right?

25 So that would allow the development of
26 probabilistic sampling and the application of a
27 number of survey sampling techniques that are much,
28 much better than the ones that had been used before.

29 Well, it just so happens that in that
30 reauthorization of Magnuson, that specific
31 recommendation was requested, right, as part of the
32 Act to be followed and the creation of the National
33 Saltwater Angler Registry was initiated after that
34 process.

35 However, NMFS realized after the fact
36 that because states already had their own licensing
37 systems in place, that those licensing systems had
38 their own particular obligations to their regions
39 or states or particular fisheries, right? There
40 would be an inefficiency to create something that
41 was just a one-size-fits-all that wouldn't
42 incorporate those states originally- based
43 sampling frameworks or licensed frameworks.

44 So basically, what we have right now is
45 a process where you actually draw from those state
46 licensing frames to form the National Saltwater
47 Angler Registry and you supplement that with the
48 ABS and you have an optimized sampling frame now

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to survey.

2 But that gives you an idea of the status
3 since 2006 and the recommendation that a National
4 Angler Registry be established to where we actually
5 ended up with in MRIP and where those decisions were
6 made and why they got to that point.

7 Despite the improvements of the
8 Committee identified for the FES, there is still
9 some recommendations, some improvements that we
10 felt could enhance the survey even further. And
11 those were, for example, looking at this two month
12 recall period, right, which has been an issue.

13 So the use of different recall periods
14 and reporting periods, one month, two month, has
15 been an issue for -- has been discussed quite a bit
16 within that framework of estimation that comes out
17 of the survey and we recommended that the Agency
18 continue evaluating the effectiveness of that two
19 month recall period and whether there are
20 improvements that can be brought about by
21 addressing that issue.

22 You know, the original study that
23 recommended a two month period is now old, so to
24 speak. And having an update to that study would
25 be a good thing.

26 Also consider evaluation of
27 perspective data collection. In this case to work
28 with the recall period, you would have the
29 pre-selection folks that are randomly drawn from
30 the frames to receive the snail mail survey, right,
31 to also receive logbooks and those logbooks can be
32 implemented according to different formats, so
33 electronic or paper, but that they would receive
34 these logbooks that would then assist them in
35 developing a record of their fishing during those
36 two month periods that are used as a wave right now.

37 Right? So this would improve with the
38 recall issue and improve with the recordkeeping in
39 terms of the number of trips that people took and
40 where to and how they were fishing.

41 And we also recommended a further
42 evaluation of this electronic data collection
43 process for FES. There is a major interest and the
44 Agency has been responsive to that. There is a
45 major interest in pursuing more electronic
46 reporting within all surveys, including the
47 Recreational Fishing Survey.

48 But we felt that there are some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 behavioral and cognitive attributes associated
2 with survey responses to paper versus electronic
3 platforms that need to be further investigated.
4 So there are specialists in cognitive science,
5 right, within the social sciences that have
6 developed some guidelines of how that response, the
7 level and the type of response can be impacted by
8 changes in platform.

9 So we encourage the Agency to continue
10 pursuing the use and implementation of electronic
11 platforms, but we warn them that looking further
12 into this, into those cognitive issues would be
13 advisable.

14 Now the second component of FES -- of
15 MRIP goes beyond the FES. So you have the Fishing
16 Effort Survey as one component and you have the
17 Angler Intercept Survey.

18 So in one you actually estimate the
19 fishing effort. The other one you estimate the
20 catch per effort and you multiply the two to
21 generate the total estimates of total catch.

22 So the APAIS is the part of the survey
23 that is conducted dock-side, right, and there are
24 these interviews that by working with states, the
25 MRIP program is collecting information on catch per
26 effort after fishing trips through these access
27 points.

28 And the evaluation of this new and
29 revised APAIS was also very positive. And
30 statistically and from a survey sampling
31 methodology perspective that the new and improved
32 APAIS is much, much better than it was done before
33 under MRFSS and that the survey now, this portion
34 of the survey now, really addresses and meets all
35 the statistical requirements that had been
36 recommended by the previous review panel.

37 So a little bit more detail in case you
38 want to know the components that we based our
39 recommendation on. So now, the APAIS, unlike how
40 MRFSS was conducted, is now conducted throughout
41 the day and night with emphasis on the business
42 period. So there is a probability-based sampling
43 protocol that is established that has taken into
44 account three estimation procedure so now you can
45 actually maximize efficiency, but avoid some of the
46 potential biases that existed before in terms of
47 different fishing levels at different times of day
48 and the ability of samplers to be out there and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 collect that information.

2 Also samplers are no longer allowed
3 discretion in sampling location. You know, before
4 they were given for cost-efficiency the ability to
5 -- if they went to a site that wasn't very hot, they
6 would have the ability to move around to a different
7 spot and that sort of breaks the principles of
8 probabilistic sampling that need to be in place for
9 an unbiased estimation procedure. So now, they
10 are no longer allowed to change those assignments.

11 The number of interviews used to have
12 a cap and there is a case in the, I guess, Gulf of
13 Mexico, right, where you would see that all the
14 longer trips that would return to the dock later
15 in the afternoon had a lower probability of being
16 sampled and representing the database because when
17 a sampler would meet that cap, he or she was able
18 to stop sampling for the day.

19 So now with this removal of the cap and
20 the application of probabilistically-based
21 sampling protocol, they have taken care of this
22 issue.

23 And the last bullet there is basically,
24 you know, going into what I just explained that now
25 because you use this site/time combination that is
26 probabilistic- determined, you actually have much
27 more efficient estimates that also bring with them
28 the statistical soundness that was desired.

29 The site register for APAIS now is much
30 more flexible and much more integrated with our --
31 with the state and regional partners. So folks at
32 the state level, they are there sampling different
33 sites and have knowledge about the functionality
34 of specific sites and the level of fishing going
35 on in different areas and different times can now
36 have more input in coordinating with the MRIP staff
37 in adjusting the so-called heat factor associated
38 with those sites, the site register.

39 Out-of-state anglers are sampled now in
40 a way that is more efficient. So the estimation
41 now takes that into account and can actually be more
42 inclusive of those out-of-state anglers than the
43 way that it was done before.

44 However, despite these improvements,
45 there are a couple of things that we felt still
46 provided room for improvement, so to speak. So one
47 is that we still have an issue that we had before
48 with MRFSS and we still have with MRIP is that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 inability to sample private access sites, right?
2 In some states this is not a problem. Some areas
3 it's not a problem.

4 In other areas where you have a
5 multitude of private sites, that may be a problem.
6 We don't know if it is, but right now, basically,
7 because we only -- MRIP only samples the public
8 access points, we have an assumption there implicit
9 that the catch by unit effort in those public sites
10 is actually the same or very similar to what is
11 happening from the private access sites. And this
12 may or may not be true. So it's an issue that we
13 felt should be looked into further.

14 And the other, especially for our
15 region, I'm actually from Florida and very familiar
16 with fisheries in the South Atlantic and the Gulf
17 and this is an issue of the discard information,
18 because the volume of recreational discards in our
19 area can be very large. And our ability to account
20 for those dead discards is complicated and this
21 adds a level of uncertainty to our estimates of
22 total take that we feel need to be addressed.

23 So right now the discard are largely
24 self-reported and there is no formal validation
25 process in place other than what is being
26 investigated. There are some pilot studies
27 conducted within that MRIP framework that are
28 looking into this, but we feel that this needs to
29 be expanded and implemented at a broader level.

30 Another issue that I always had
31 questions about regarding the effectiveness of the
32 APAIS for the For-Hire Survey, this is a big issue
33 in Florida, was how the small vessels, right, the
34 fishing guys that fish the back country and they
35 are not going to their fishing sites using marinas,
36 that they actually go into fishing ramps just like
37 private anglers, how are they being sampled to the
38 degree that they are being effectively sampled?

39 And now, the new MRIP/APAIS procedure
40 uses this hybrid frame to integrate both private
41 and the smaller vessel guided-trips, so we now have
42 a much better coverage and inclusiveness of that
43 sector that before wasn't as well-sampled.

44 The for-hire charter and the headboats
45 are surveyed separately. They have their own
46 particular set of procedures given the differences
47 in the nature of those fisheries. And the fact
48 that they draw from different frames and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 statistically you have to treat them differently
2 and they continue being different.

3 Electronic logbooks, you know, this
4 refers to what I mentioned before. The Agency has
5 been trying to keep up with this 21st Century
6 technology development and the use of electronic
7 platforms to increase the timeliness and the
8 cost-effectiveness and perhaps even the accuracy
9 of reporting.

10 So we were pleased to see that through
11 that MRIP Pilot Study program that the Agency is
12 investing into testing some of these platforms. I
13 mean, those in the South Atlantic and the Gulf are
14 familiar with the broad scale of electronic
15 reporting pilots that are taking place now. And
16 hopefully those will be used to inform additional
17 improvements to the survey.

18 So recommendations that came out of our
19 report on the APAIS, you know, in summary is for
20 small area estimation, small domains, you know,
21 both in time and space, we need to be careful. I
22 mean, the survey wasn't designed to provide
23 estimates at that level of resolution.

24 So unless you attached the broad
25 survey, some additional modules that can handle
26 that level of granularity, it's something that
27 can't really be easily incorporated at this point,
28 at least not everywhere. So we recommended that
29 the Agency continue investigating development of
30 those procedures, because we know, and I can tell
31 you in Florida that this is the case for us, that
32 we would need some fairly high resolution estimates
33 for stock assessments and we see that this would
34 be an added benefit.

35 I already mentioned the difference,
36 potential differences in CPUE between private and
37 public access points, so we recommended that they
38 continue looking into this, the issue that I
39 mentioned before as well of anglers reporting catch
40 using either an electronic app or any other
41 electronic platform versus reporting to just a
42 regular reporting procedure that they use right now
43 or the traditional interview process.

44 And finally, that emphasis on the
45 discards, on the better accounting and validation
46 of the discards be pursued further. This is an
47 issue that has multiple implications not just for
48 the survey, but as you probably can imagine for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 assessment and management as well, so this is an
2 issue that we felt needed to be looked at more.

3 Now, outside of those two more
4 technical discussion points that the review
5 encompassed, right, we wanted to look into the
6 degree of Scientific Review Evaluation and
7 Certification that the survey has developed, that
8 the program, the MRIP program as a whole has
9 developed to better connect with state and regional
10 partners and address their needs that way.

11 And we felt that the processes that NMFS
12 actually put in place are much improved and that
13 they are now -- they have provided a framework for
14 more integration of regional- and state-based
15 needs. That doesn't mean that in all areas and for
16 every region we are there in terms of having those
17 surveys implemented, but that the process is there
18 now to allow for that to happen. You know, it's
19 one of those things like just add money and make
20 it happen.

21 And of course, the idea is that by
22 having this process in place, we can now start
23 working more closely with the MRIP program. You
24 know, folks from the states and from the different
25 regions in trying to develop those add-on modules
26 that can be helpful to our specific needs.

27 And just a quick overview of the
28 different factors that we felt contributed to the
29 success in implementing this broader framework for
30 Scientific Evaluation Review and Certification.

31 There was a significant increase in
32 staffing. You know, the engagement of
33 consultants, there is a formal process in place for
34 engagement of specialized consultants that has
35 really provided a major benefit to the different
36 regions and states. And I can tell you,
37 personally, in Florida we have benefitted greatly
38 from this working with the MRIP program and getting
39 their consultants and their staff to provide a lot
40 of assistance as we try to implement for the Gulf
41 some more Red Snapper refuse-specific modules that
42 would stratify our sampling differently.

43 And we are pleased to see that we are
44 able to get that support and assistance from them.
45 They have facilitated and several of us here in this
46 room have participated in a number of the
47 workshops, conferences and symposia that have been
48 trying to communicate with the scientific -- and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 engage the scientific community nationwide on the
2 needs of the survey and engage additional
3 scientific inputs going forward.

4 And what I believe have been the two key
5 issues for enhanced regional and state engagement
6 is the development of this pilot studies program
7 that now allows us to go in and work with the MRIP
8 program in developing more specific, more
9 specialized surveys that can be tested, right, and
10 then implemented broad scale after they are refined
11 and provided all the necessary scientific review.

12 And NMFS has then developed a
13 certification process where their consultants work
14 with other folks within the statistical survey and
15 estimation in fisheries assessment management
16 communities to review and certify the survey.

17 So by this certification, you bring
18 them into a level that they are considered
19 providing the basic information for assessment
20 that is acceptable. And you will remember earlier
21 today just this whole discussion about Best
22 Scientific Information Available and discussion
23 about stock assessment improvement processes and
24 how we are trying to generate more cohesive like
25 frameworks for assessment and management in this
26 process fits into that very well.

27 And our briefly highlighted
28 recommendations regarding this issue is that the
29 pool of consultants is great and we love it and we
30 felt that it is extremely effective, but more of
31 it is needed. Timing for this, of course, may not
32 be ideal, but we wanted to make sure that we
33 actually presented that as a formal recommendation
34 that expansion of that pool would bring some
35 efficiencies into the way that the survey is
36 implemented now and the efficiencies into the way
37 that the regional certification process takes
38 place that would be very welcome.

39 And of course, expanding the scope.
40 Right now most, if not all, of the consultants
41 involved are actually professional statisticians,
42 right? And if we can expand their pool to include
43 more psychologists, social scientists and
44 cognitive scientists in there that can provide some
45 additional information on the issues that are now
46 less technical, but technical of a different
47 nature, to improve the survey.

48 Moving on to the degree of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 coordination. I will try to speed this up. The
2 bottom line here is that the degree of coordination
3 now is really very good. And I work with SSCs in
4 the Southeast and I interact with the Councils and
5 the science center there for our Southeast region
6 fairly often.

7 I work with state partners in the Gulf
8 and the South Atlantic and I can tell you that this
9 degree of coordination has really improved
10 significantly, right, especially because these
11 Regional Implementation Teams have been put in
12 place, so the fishery folks in the region now have
13 a way to channel their communication with the MRIP
14 program and articulate their needs more
15 effectively.

16 Let's see, yeah, and then what I had
17 mentioned before in terms of that national
18 perspective in the certification process, this is
19 -- this was a topic of a lot of discussion within
20 the Committee, because, you know, some felt that
21 what we need is to have more diversity in the survey
22 that addresses more of the specific needs within
23 different regions and different areas in
24 different fisheries. And we all agree that that's
25 the case.

26 But what we call national perspective,
27 and we feel that the survey has achieved now is a
28 process, a formal process to bring all of those
29 specialized surveys under an umbrella that through
30 the certification assures that they meet the
31 minimum requirements and that the data that are
32 coming out of these other more specialized surveys
33 is compatible with the general survey, can serve
34 as an add-on and actually improve our assessment
35 management process.

36 Some recommendations there, right?
37 The first one there is, I guess, you know the MRIP
38 elephant in the room, right, the issue on whether
39 MRIP is really compatible with the needs of
40 in-season management for ACLs.

41 And I know that his has been a very
42 serious point of discussion throughout multiple
43 Councils. And we feel that the survey right now
44 has the technical expertise and through their pool
45 of consultants, they have the ways to look further
46 into this and provide us with some more explicit
47 matrix on data applicability. But the Committee
48 just didn't have, at that point, all the pieces in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 place to reach a conclusion one way or the other
2 regarding that issue. But we recommended that the
3 Agency pursues this further.

4 And then the other ones is really, you
5 know, continue doing more of the same as far as
6 reaching out to the regions and strengthening that
7 connection with the regional and state partners.
8 It has paid off. It has really brought up a number
9 of benefits that we feel should be continued and
10 incentivized.

11 And you know, the issue that we felt
12 going around the country, right, the need to have
13 that national perspective and we felt that there
14 was a little bit of a lack of understanding in some
15 areas that you can actually have both. You can
16 have a national perspective and the diversity in
17 survey design and implementation that addresses
18 regional and state needs.

19 It's just a matter of having your
20 national perspective as a set of standards they
21 will have to meet, right? And we feel that that
22 is still in place, but we felt that NMFS needed to
23 go a little further into articulating that to the
24 regional and state partners so that's more fully
25 understood.

26 Communications. This is a long one and
27 I'll try to go through it briefly. But basically,
28 we felt that this was an area that the MRIP program
29 needed to invest more and needed to reach out to
30 other parts of the Agency and actually work more
31 cooperatively. Basically, have other components
32 within NMFS come and provide some assistance in
33 contextualizing a lot of this regarding fisheries
34 assessment and management, meaning the other
35 components, right, that have not -- that have to
36 understand just the survey itself, because the
37 survey given all the challenges that it faces now
38 in producing estimates that are addressing
39 managers' needs, is being, I guess, evaluated in
40 a way that goes beyond what any survey can produce.

41 You know, there are other dimensions of
42 this discussion that go beyond just the survey, so
43 this is something that we feel that the Agency
44 should do more of.

45 At the same time, we feel that the MRIP
46 program itself has been relying a bit too much on
47 regional and state partners for that degree of
48 one-on-one communication of anglers. So we were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 encouraged to see already some staffing
2 redirection or enhancement in that way in creating
3 more of a pool of communication specialists within
4 NMFS that can expand the direct communication with
5 anglers.

6 And obviously, the challenges in
7 communication, like a lot of what has been
8 discussed today, involves potentially additional
9 resources. Right? So we understand that, but we
10 wanted to make sure that this was presented at least
11 conceptually as a recommendation to be looked at.
12 That we needed to expand the group of experts now
13 working within the Agency and perhaps even within
14 a consulting group type of framework to be more
15 engaged and provide more assistance on the
16 communication side.

17 We feel that the same model that was
18 used for statistical consulting could be expanded
19 to include some of this other communication
20 expertise and that this would be beneficial.

21 The first recommendation there, I
22 already alluded to previously, is basically to have
23 the -- you know, the survey is complex. And the
24 survey results get integrated into a number of
25 other dimensions that have to do with assessment
26 and management. And that the program, the MRIP
27 program itself would greatly benefit by getting
28 further assistance from within the Agency to help
29 articulate the role of MRIP within those different
30 dimensions. And the fact that there are other
31 components there to integrate into that whole
32 process that transcend just the survey itself.

33 You know, to put it bluntly, it's just
34 not to have the survey completely blamed for things
35 that are not necessarily setup to be products of
36 the survey, right? So we felt that that would be
37 a benefit to be articulated.

38 And then in terms of something that we
39 heard almost universally was that the for-hire
40 sector really would like to have a more hands-on
41 involvement in having a look at their own data.
42 Not data that is provided from other captains and
43 other folks in the fishery, but their own data that
44 this would bring a level of transparency and a level
45 of engagement from that community that would be
46 beneficial to the perception of the survey.

47 Plans for continuity. Obviously,
48 continuity is a big issue and NMFS has been looking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 into this and the MRIP program over the last six,
2 seven, eight years and has been conducting a number
3 of calibration workshops. The Committee felt
4 that, I guess because of resource limitations,
5 there was limited evaluation of side-by-side
6 surveys in some areas, so the calibration gets to
7 be quite complicated when you don't have those
8 side-by-side surveys taking place.

9 It's one of the advantages that we felt
10 or the way that NMFS is now with the MRIP program
11 is implementing the FES, right? There is a three
12 year time horizon for side-by-side between the
13 Coastal Household Telephone Survey and the FES, so
14 we are going to have that calibration data there
15 available for that purpose.

16 And the last one there is really just,
17 you know, a matter of having more engagement from
18 the assessment and management community to help
19 articulate some of the points that this calibration
20 could bring in terms of continuity for assessment
21 and management. That those things need to be
22 evaluated more explicitly perhaps as this
23 calibration process goes on.

24 And then, you know, the fact that the
25 calibration procedures that are being used right
26 now are adequate. We felt that looking further
27 into this in some of the more complex calibration
28 procedures would be worth it, but in the time being,
29 what they have put in place right now is addressing
30 immediate needs.

31 Some of those issues that are coming up
32 in terms of assessment and management regarding
33 continuity and calibration could potentially be
34 addressed by a, you know, look through a stock
35 assessment process.

36 For example, adjustment of
37 catchability functions or a more detailed
38 evaluation of catchability functions that can
39 account or help account for some of this transition
40 in data streams.

41 And in conclusion, our three main
42 points were the redesign has really yielded
43 impressive results. We were very, very pleased to
44 see that from a technical perspective, the survey
45 now meets the standards that we felt were required.
46 And that all the significant recommendations that
47 were made back in 2006 have been addressed to our
48 satisfaction.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Additional challenges remain, of
2 course, nothing is perfect, right? So there is
3 room for improvement here and we made those
4 recommendations.

5 You know, if you go through our report,
6 there are a number of them that are very explicit
7 and will give you quite a bit of guidance in
8 understanding what we are trying to articulate
9 there.

10 But we felt that the main issues were
11 the non-response, potential non-response issues;
12 the recall period; the look into this electronic
13 data collection, right? The issues that could be
14 associated with that, with an increase in the
15 implementation and the need to be careful on
16 getting results that are comparable.

17 And then the expansion on the
18 communication and outreach of MRIP, particularly
19 as it relates to assessment and management
20 communities to have them have a better
21 understanding of how those things are being
22 implemented and can be integrated into that
23 process.

24 And, Mr. Chairman, I think this
25 completes my presentation. I'm available for
26 questions.

27 ACTING CHAIR STOCKWELL: Thank you,
28 Luiz, for a very detailed presentation. We have
29 time for just a handful of questions. Gregg, then
30 Charlie and Michelle. And we will be concluding
31 the questions at 11:45.

32 MR. WAUGH: Thank you, Mr. Chairman.
33 Thanks for that presentation, Luiz. And I was glad
34 to see recommendations for alternative data
35 collection methods. We have had two proposals
36 approved. One to look at outreach in our charter
37 boat sector and given that we are submitting a
38 charter boat amendment for electronic reporting
39 similar to what is already in place in headboat,
40 that is critical and will help with headboat as
41 well.

42 We also got a project approved that will
43 look at a recreational stamp, electronic stamp and
44 electronic logbook reporting targeting Red Snapper
45 and Snapper Grouper. And this is something we
46 would like to continue to have some discussion at
47 the CCC level.

48 We would like to explore more, and you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 touched on this some, alternative ACL Tracking
2 Methodologies. I think a lot of the issues are not
3 problems with MRIP, but it's how we are using or
4 misusing, abusing MRIP.

5 We want to also look at the flexibility
6 to explore alternative methods to estimate the
7 private angler catch.

8 And then we have got one, it's sort of
9 a minor issue, but not so minor, is this weight
10 conversion issue. The Southeast Fishery Science
11 Center has a different weight conversion than MRIP.
12 And this causes all sorts of delays and issues.
13 And we thought it was going to be resolved, but it
14 hasn't yet.

15 And so the weight estimates that are
16 used in the Southeast in tracking our ACLs are
17 different from the weight estimates on MRIP site.
18 And that doesn't do any of us any good when anglers
19 go and see two different versions of a number.

20 So I was glad to see that and we would
21 really hope to have a continued discussion on this
22 at the May CCC level. Thanks.

23 DR. BARBIERI: Thank you, Gregg.

24 ACTING CHAIR STOCKWELL: Charlie?

25 MR. PHILLIPS: Thank you, Mr. Chair.
26 Luiz, good to see you here, good presentation. And
27 so I guess my question is, and you brought up some
28 of the problems with self-reported discards and the
29 recall bias, and as you well know, our -- some of
30 our PSEs on our MRIPs are very, very high on rare
31 or rarely intercepted species, but we still have
32 to use these numbers on, you know, when to close
33 the seasons, recreationally.

34 So I guess my question would be how high
35 do the PSEs need to be before they become
36 impractical to use? I'll use that as a term of as
37 lack of a better term.

38 DR. BARBIERI: Well, there is not one
39 -- just a one answer to that question, Charlie,
40 because it depends on the life cycle of the species
41 that you are talking about and generation time and
42 the level of fishing it's subject to. So there are
43 -- you know, especially not region. A variety of
44 stocks with different life fishery attributes and
45 all sorts of issues that come into play.

46 Now, ACCSP, the Atlantic Coastal
47 Cooperative Statistics Program has conducted, and
48 I have participated in their workshop, I guess it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was two or three years ago, right, sort of like a
2 formal evaluation of that question. And
3 basically, the results that came out, and this, you
4 know, took into account some simulation studies and
5 some additional type of research that was done in
6 the region, was that PSEs up to and including 60
7 percent were not having substantial impacts on
8 assessment results, right?

9 Now, you also have to take into account
10 that you can assign, within the stock assessment
11 framework, different weights to different data
12 sources and that those weights, in many cases, are
13 related to the degree of confidence that you have
14 in those data in the uncertainty that you estimate
15 to have there.

16 But the bottom line as far as our report
17 is concerned and the way that we wanted to
18 articulate this was, basically, that by having that
19 regional framework in place now, right, there is
20 an opportunity that is being provided for us to
21 follow-up and work with the Agency in developing
22 whatever specific modules or add-on surveys,
23 right, we need to add to evaluate our specific
24 needs.

25 Because one may be needed off the coast
26 of Oregon, it would be very different, right, from
27 the coast of Florida and so on. So you know, one
28 of those things that the Academies in NMFS wanted
29 to do was to have this sort of roadtrip for the
30 co-chairs to go to different management bodies and
31 difference science data collection bodies and,
32 basically, give this presentation, address these
33 kind of questions, but encourage regional folks as
34 they look through their regional implementation
35 plans for MRIP to engage and develop modules that
36 are cohesive within this MRIP framework. And that
37 certification process would allow for that.

38 Do you want to add to that, Stacey?

39 MS. KARRAS: (Speaking off mike) Yes,
40 if I may just to say that one thing that we recognize
41 as being helpful in creating the Statement of Tasks
42 was that MRIP is a portion of a much larger
43 management framework, as Luiz pointed to earlier,
44 and that its usefulness for things like in-season
45 management or particular fisheries was going to be
46 beyond the scope of our study, because we just
47 couldn't address every, you know, aspect of the
48 fisheries management process.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So what we tried to do is really look
2 at how those two component surveys worked from a
3 statistical soundness perspective and, you know,
4 recognizing that for particular types of
5 fisheries, it may work better or worse, but the
6 framework for it was, from our perspective, a much
7 more statistically sound survey than what had been
8 presented to us 10 years ago in the MRFSS.

9 ACTING CHAIR STOCKWELL: Michelle?

10 MS. DUVAL: Thank you, Mr. Chairman.
11 Thanks, Luiz, for that presentation. I really
12 appreciate it. Gregg and Charlie have already
13 touched on one of my concerns, which was regarding
14 the alternative techniques, alternative
15 estimation techniques that could be used for small
16 domains. I guess, you know, I feel like there is
17 a little bit of a chicken and an egg. You know,
18 who -- how do we move forward with use of these
19 techniques?

20 And my understanding is that the
21 Councils have the opportunity to go ahead and do
22 so, you know, in conjunction with their SSCs and,
23 you know, potentially the science center in order
24 to determine what might be more appropriate to
25 increase the precision of estimates for certain
26 species that are rarely intercepted.

27 I guess it would have been nice to see
28 maybe a subtly stronger recommendation that, you
29 know, the Agency perhaps take a greater role in
30 being proactive in that regard. I mean, you know,
31 I'm the one who gets my head bit off when I talk
32 about cobia. It's not Roy.

33 So not that I want Roy to get his head
34 bit off, but he has escaped pretty much all of that
35 ire. So I guess I would have liked to have seen
36 something a little stronger there.

37 And then the other thing just I know
38 that your focus was on APAIS and the Fishing Effort
39 Survey. Was there anything from -- so did you at
40 all talk about any of the other surveys that are
41 used in other parts of the country that are kind
42 of, you know, under the umbrella of recreational
43 estimate, you know, fishing estimation and whether
44 or not there are some lessons learned from those
45 other surveys that could be brought into MRIP?

46 DR. BARBIERI: Yes. And, Mr.
47 Chairman, excuse me? Right. Yes. So we do
48 discuss and I think it's Chapter 5, right? If you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 go and look at the Chapter 5, there will be some
2 comments, conclusions or recommendations there
3 that are, you know, specific to some of those other
4 surveys.

5 Now, we did not receive enough material
6 in this review to review those surveys in detail,
7 right? But I think that more importantly,
8 Michelle, from what you brought up and Charlie,
9 too, and this is why I backed up to this slide,
10 right, to me, this is a component here that is
11 critical, right?

12 The release of this report, I don't
13 think should be seen as the end of the conversation.
14 It's actually the beginning of one, right, that
15 there are processes in place, there are processes
16 in place, there are Regional Implementation Teams
17 in place that should be reaching out to all of us
18 and helping us articulate our particular needs.

19 And for example, rare event species in
20 the Southeast is one of them or creating a more
21 specific stratum that will be dealing with offshore
22 species, right?

23 So when you think about Southeast U.S.,
24 I can tell you that about 90 percent or 95 percent
25 of the saltwater fishing trips are actually
26 inshore, right? So they are not really focused on
27 the offshore reef fishery. So you are already
28 sampling something that is focused on finding the
29 5 percent of the trips.

30 So having that additional level of
31 stratification to handle inshore and offshore
32 separately brings a phenomenal level of accuracy
33 of precision.

34 Now, through this Pilot Studies
35 Program, my colleagues from the Gulf, who we
36 recognize that we have been working the five Gulf
37 states, our working in evaluating under the
38 guidance of MRIP in developing surveys, testing
39 surveys and developing surveys they can address
40 some specific needs.

41 And the reason that we are working with
42 MRIP so closely on this is because they bring a lot
43 of stuff to the table that we want to take advantage
44 of. You know, their own staff is very
45 knowledgeable, but they also have these
46 consultants that can bring a level of expertise and
47 guidance that is very helpful.

48 So it's a matter of, and I actually

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 scheduled lunch with Gregg today and I was going
2 to invite Madam Chair, you as well, from South
3 Atlantic, to come with us and talk about this,
4 because is -- you know, just because they serve on
5 the South Atlantic SSC is -- you start articulating
6 how we can work through our original implementation
7 plans, right, to reach out to the MRIP program and
8 bring to us additional module of surveys that if
9 they are done correctly, they can be integrated
10 into that big framework as an add-on, right, and
11 address some of those needs.

12 Obviously, this would require
13 resources and this is going to be a problem, but
14 the process is in place and I think that discussion
15 should be continued.

16 ACTING CHAIR STOCKWELL: Before I go to
17 Leann, are there other questions for Luiz? I ask
18 that because we are running shy on time today and
19 shortly afterwards, I'm going to ask people whether
20 or not they want to work through lunch. So, Leann
21 and then John, do you have a question?

22 MR. GOURLEY: I was just going to make
23 a comment.

24 ACTING CHAIR STOCKWELL: Okay. Well,
25 let's -- Ned, how long is your presentation?

26 DR. CYR: The presentation shouldn't
27 be more than around 10 minutes or so.

28 ACTING CHAIR STOCKWELL: Okay. So we
29 will do a time check after Ned. So, Leann and then
30 John and then we are going to move right into Ned.

31 MS. BOSARGE: Thank you, Mr. Chairman.
32 Luiz, I see your strategy. You kept your
33 presentation as long as possible, so we wouldn't
34 have any time for questions for you. So you are
35 a wise man. So I'll try and be brief.

36 So obviously, in the Gulf and in the
37 South Atlantic, we have a stakeholder buy-in
38 problem, at this point, with MRIP. There is not
39 a lot of belief in the system.

40 My one suggestion would be I think it
41 is time to take it on the road. I think you need
42 to find a person you like least in the MRIP office
43 over there and get them a T-shirt that says I am
44 MRIP with a big target below it and they need to
45 go -- but I mean, I'm saying it jokingly, but I am
46 being very serious.

47 I think that that's a lot of the reason
48 that the Council process is so successful, because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we are accessible and they can come and they can
2 scream at us, and that's a good healthy part of it,
3 and say this is what you are doing wrong and then
4 we can get them involved in the system and show them
5 the details where we have got to work out the kinks.

6 But MRIP to me, I think from that
7 private angler/public sector, seems like something
8 that is just kind of very vague and in the shadows
9 somewhere. They can't reach out and touch it,
10 right? So I would encourage you to take it on the
11 road and go see the public and let them scream and
12 let them ask their questions and show them how we
13 can work through this and make it better. And how
14 we are all working together, state, fed, you know.
15 So that's my one suggestion.

16 And then, you know, obviously, Red
17 Snapper is the elephant in the room for the Gulf
18 and South Atlantic most of the time and MRIP is a
19 big piece of that. And I like these add-on modules
20 where you are able to go and tweak some things and
21 do it a little differently, especially since these
22 are now very short seasons, the federal side of it
23 anyway.

24 And it seems like one component that we
25 are having problems with are the private landing
26 areas and we are not sure, like you said, if those
27 numbers really line up and are parallel with what
28 we see from public landing sites, where we
29 intercept at public areas. But I would encourage
30 us to remember that there is one more public area
31 that we could intercept and that's on the water.

32 Now, obviously, you want to capture the
33 whole trip, not a piece of the trip, because you
34 are trying to get the landings data out of it, but
35 I think if we worked close enough together, I mean,
36 if you are making intercept at the pass, you know,
37 where I'm from, right, if you are catching them at
38 the pass coming in, more than -- I mean, at that
39 point we are in state waters.

40 If it's an offshore trip with Red
41 Snapper, which is what you are trying to capture
42 a lot of times, surely you have gotten 99 percent
43 of that trip, right, of what is going to happen on
44 that trip. And you can -- these are state
45 enforcement people or state employees that are
46 capturing a lot of this, actually doing --
47 physically doing the intercepts and they have those
48 vessels in their arsenal, in their assets, they are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 used to doing offshore boardings. It's not
2 something that is out of the box for them.

3 So obviously, that has a whole host of
4 a can of worms from a survey and a sampling
5 perspective that I am sure you are wise enough to
6 work out. But just, you know, something out of the
7 box that maybe we could think about if we see that
8 that is an issue at those private landing sites for
9 that type of add-on module.

10 DR. BARBIERI: Mr. Chairman, just very
11 briefly?

12 ACTING CHAIR STOCKWELL: Very briefly.

13 DR. BARBIERI: Yes, Leann, you are spot
14 on, right? I mean, both issues are -- you know,
15 and I encourage you to read through the report, at
16 least the summary, you know, of the report because
17 some of those issues that you brought up are
18 addressed there and they are very important. And
19 I agree that they are very, very important.

20 But I just wanted to also point out that
21 our next briefing is going to be to Gulf States
22 Marine Fisheries Commission, right? And we had
23 already a briefing to Atlantic State Marine
24 Fisheries Commission. So we are trying to go
25 around the country, there would be one in the
26 Pacific as well, right, and reach out to the regions
27 and try to bring some of this engagement from their
28 part to work more closely on those add-on modules.

29 So very good.

30 ACTING CHAIR STOCKWELL: You get the
31 last word, John.

32 MR. GOURLEY: Thank you. You know in
33 the Western Pacific we have had a chronic problem
34 just like everybody else with data collection,
35 organization. Our problem is compounded by the
36 distances between the island groups, the cultural
37 differences as well as cost to try to get people
38 together and that is for Kitty's key to go ask Sam
39 for more money.

40 MS. SIMONDS: I'm going to the
41 Congress.

42 MR. GOURLEY: So anyway, we started
43 kind of with an Ad Hoc Committee about four years
44 ago that has basically evolved into what we call
45 the FDCRC, which is the Fishery Data Collection and
46 Research Committee. And this is a Council-led
47 process that contains Members from the NMFS
48 Regional Office, the Science Center and the -- also

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we have a Member from DOI, which is the U.S. Fish
2 and Wildlife Service. Now, that Member is there
3 because they provide money to the local agencies
4 and each of the local agencies in the four island
5 groups are also Members of the FDCRC.

6 I guess that was -- that got all the
7 representatives.

8 So this is a formal agreement as much
9 as you can have a formal agreement in the Western
10 Pacific. And we all signed the agreement. The
11 agreement goes over the data collection program.
12 It identifies data gaps. It describes the data
13 collection programs and I'm talking both
14 commercial and recreational.

15 The process is -- was actually
16 formalized to its current state, I think, probably
17 a year ago, year and a half ago. It is working and
18 I think it is bringing a lot of the issues together
19 at one table. And I just wanted to let you know
20 that this is what -- this is how we are handling
21 it in the Western Pacific. And just FYI. Thank
22 you.

23 ACTING CHAIR STOCKWELL: Well, thank
24 you, Luiz, and to your whole team. Appreciate all
25 the hard work you do.

26 We are going to move right into the MRIP
27 Strategic Plan.

28 DR. CYR: Thank you, Chairman. I'm
29 going to give a brief informational presentation
30 on where we are with regard to the development and
31 various strategic plan.

32 But before I start, I just very briefly
33 would like to thank Luiz, and Cynthia and Stacey
34 and the Committee for their tremendous work which
35 yielded a lot of very useful recommendations to the
36 MRIP program, which we are in the process of
37 implementing now.

38 So the MRIP Strategic Plan is largely
39 being driven by the recommendation from 2015 GAO
40 review of our Recreational Data Collection
41 programs. There were a number of recommendations,
42 but the major one was that we should develop a
43 comprehensive strategy to guide MRIP data
44 collection efforts.

45 So we initiated a strategic planning
46 process led by the MRIP Executive Steering
47 Committee and there was a subgroup of that team that
48 included representative from the Councils and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Western Pacific Fishery Management Council was on
2 that team. The Atlantic States Marine Fisheries
3 Commission, the Gulf States Marine Fisheries
4 Commission, Regional Office of Science Centers and
5 MRIP staff, which pulled this together.

6 We held off on the development of this
7 plan until we had the National Academies review,
8 because we wanted to make sure that we could
9 crosswalk and incorporate the recommendations that
10 were coming out of the Academy review and make sure
11 that we were appropriately incorporating them.

12 It includes overall program goals and
13 strategies, including communications, as Luiz
14 mentioned is an issue. And it includes time lines
15 for and program management -- program measures.

16 The structure of the plan is familiar
17 to anyone who has looked at a strategic plan before.
18 There are statements of our vision, our mission and
19 our values and a number of goals. And then tiered
20 off of those are metrics for how we measure them.
21 Strategies for getting out the tactics were a very
22 specific level implementation. And then what we
23 expect to be the outcomes of those.

24 So MRIP's vision. We intend to be the
25 trusted source of U.S. marine recreational catch
26 and efforts statistics.

27 To carry out collaborative
28 multi-institutional efforts to develop and
29 implement a national recreational fisheries
30 statistics program.

31 And we do that by focusing on
32 collaboration and partnership. This is not just
33 the National MRIP programs highly dependent on the
34 states, Councils, Commissions and, of course, the
35 recreational anglers for information.

36 An overall commitment to meeting needs
37 for high-quality data and science-quality
38 assurance. Transparency and commitment to
39 scientific robustness, integrity and innovation.

40 So the Strategic Plan has six overall
41 goals and I'm not going to go into each of these
42 in detail. Eventually, you are going to have an
43 opportunity to review the plan. But you will find,
44 I think, that the Strategic Plan goals address many
45 of the issues that were identified in the National
46 Academies review and their recommendation and a
47 number of the issues that have also been identified
48 in the MRIP Regional Implementation Plans that many

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of you had a hand in developing.

2 So I'm not going to walk through all six
3 of these. What I am going to do is give you an
4 example of one of these goals and sort of how we
5 are further defining it, so that we can get down
6 to a concrete tactical level and show you exactly
7 what we intend to do.

8 And again, there are six of these goals.
9 This is the fifth goal, operate collaboratively.
10 I think this one is relevant for this forum because
11 we are talking about working with state,
12 interstate, regional and other partners.

13 So you see we have an overall goal and
14 then we have a couple of metrics, a number of
15 regions with up-to-date MRIP Regional
16 Implementation Plans and the number of states and
17 FINs that are actively engaged in MRIP survey
18 operation. So that's how we will know whether or
19 not we are accomplishing what we have set out to
20 do here.

21 Then we have a number of strategies that
22 help us to get to meet this goal. And then you can
23 see specifically the outcomes that we intend to
24 meet as a result of taking those strategies and
25 tactics.

26 And so I just want to show you, again,
27 we have got the goal. We have got the metrics. We
28 have got the strategies. And then under each of
29 those strategies, so here we had three strategies
30 5.1, 5.2 and 5.3. This is just an example.

31 So under Goal No. 5: Operate
32 Collaboratively, under Strategy 5.2:

33 Create, maintain inventory, and
34 support partnership data needs and priorities by
35 enabling regional identification of data needs,
36 preferred methods, and priorities.

37 There are a number of very specific
38 tactics. For example, developing the Regional
39 Implementation Plans for MRIP staff to attend and
40 actively participate in FINs and FIN partner
41 meetings.

42 In regions that don't have a FIN, like
43 the Caribbean, create and maintain some sort of an
44 Ad Hoc Regional Implementation Team to allow us to
45 collect that information and address it.

46 And this last one I think is highly
47 relevant here and that is to on an annual basis,
48 specify national priority setting criteria for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 providing support for needs identified in the
2 Regional Implementation Plan.

3 So look across the Regional
4 Implementation Plans and determine what the MRIP
5 program is going to increase our support for on a
6 national basis based on those needs that are
7 identified there.

8 So that's it. And again, when you see
9 the plan, you will see that we have gone through
10 each of these six goals in this level of detail with
11 tactics, with milestones, with time lines. It's
12 very detailed. Again, it incorporates all the
13 recommendations that came out of the National
14 Academies, plus many of the Regional
15 Implementation Plans.

16 We are aiming to have a final draft of
17 this, which has been reviewed by the Internal Teams
18 and this small group of partners by the end of
19 March. And at that point, we are going to send out
20 a notification and a request for review from this
21 community and we will give you around a month to
22 six weeks to do that review.

23 But we aim to have this plan finalized
24 by sometime around the end of May of this year. And
25 I'm happy to take any questions now and look forward
26 to all of your feedback in the review process.
27 Thank you, Chairman.

28 ACTING CHAIR STOCKWELL: Thank you,
29 Ned. Question on the Strategic Plan? Yes, Gregg?

30 MR. WAUGH: Yep. Thanks, Ned. One
31 statement first and then a question. A month to
32 six weeks isn't going to cut it for us to review
33 it. You've got to take a look at our Council
34 schedule and give us a Council meeting to discuss
35 it.

36 But I raised this point earlier during
37 Luiz' question. I'm not sure you are the
38 appropriate person, but we are really facing some
39 critical issues in dealing with this wait
40 conversion issue. Is there a time frame for
41 resolving this? My understanding was the center's
42 approach was deemed better and that was going to
43 be adopted by MRIP nationally, but it doesn't seem
44 to have happened.

45 Is there a time frame for resolving
46 this, so we don't have two sets of numbers out
47 there?

48 DR. CYR: Sorry, Gregg, I don't have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 any specific information on that, but I can get back
2 to you on it.

3 ACTING CHAIR STOCKWELL: Other
4 questions for Ned? Seeing none, thank you, Ned.
5 We will see you again in May.

6 Okay. It's 12:03. Do folks -- the
7 sense of the Committee here, do you want to work
8 through lunch or do you want to take lunch and come
9 back in an hour?

10 Okay. More nods for lunch than not.
11 So it's -- let's start in one hour. This
12 afternoon, we will surely find something that we
13 will stumble over and we have a dead certain
14 adjournment time at 3:30. So let's be back at
15 1:05.

16 (Whereupon, the above-entitled matter
17 went off the record at 12:03 p.m. and resumed at
18 1:06 p.m.)

19 ACTING CHAIR STOCKWELL: Okay. Good
20 afternoon. We are going to reconvene the CCC and
21 welcome back Rick Robins. Thanks for being here
22 today.

23 MR. ROBINS: Thank you, Chairman
24 Stockwell. And it's great to be back at CCC today
25 and see so many friendly faces, although I have to
26 confess that I'm reminded in very clear terms about
27 my good friend, John Bullard, that I shouldn't read
28 too much into that, because it was after all at a
29 CCC meeting that John reminded us that, as he
30 described the relationship between the Councils
31 and the Agency, that we are friendly, but we're not
32 friends. But I am glad to count him as a close
33 friend.

34 So with that, I want to thank the CCC
35 for the opportunity to attend the FAO meeting,
36 which was now some time ago, but last July in Rome
37 on behalf of the CCC. And it was a great
38 opportunity and truly a learning experience for me
39 as I went to that.

40 But the FAO was formed in the wake of
41 World War II in 1945 in Quebec City when 42
42 countries came together and determined that it was
43 necessary to form the Food and Agricultural
44 Organization of the UN to address the significant
45 social emergency of hunger.

46 And so today the FAO, as we know, is
47 obviously much larger. There are 194 member
48 nations comprising the FAO, so the membership is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 indeed global. And they have three strategic
2 goals that very much closely follow their original
3 purpose, which was focused on hunger and food
4 security.

5 So the eradication of hunger remains
6 one of their primary goals. The elimination of
7 poverty in a sustainable management and
8 utilization of natural resources. And of course,
9 that's a close interest and overlap with our
10 programs and considerations here in the U.S.

11 So with respect to fisheries, the FAO
12 has a structure and an organization for the
13 Committee on Fisheries that was established in 1965
14 and that is the deliberative body that brings
15 together all the member nations and member states
16 and they are able to come together and address
17 issues of international importance on fisheries
18 and aquaculture.

19 And they meet every two years, so that's
20 the primary meeting of COFI. In the interim they
21 have a bureau that meets periodically, the bureau
22 meets, I believe, on a quarterly basis and so some
23 of these administrative issues are hashed out there
24 and things like the development of the agenda for
25 the next COFI occur at those bureau meetings.

26 Interestingly they work by consensus at
27 the COFI meeting. And the plenary sessions are
28 huge, so with all the delegations in the room, there
29 might be 800 people there at a COFI meeting. And
30 if you can imagine, we run our meetings in one
31 language, they are running them in the six official
32 languages of the UN.

33 And they have a very impressive
34 translation capacity. They are translating in
35 real-time orally as presenters are making
36 interventions. And all of the documents that go
37 out and are developed during the meeting have to
38 be translated into the six languages of the UN. So
39 they go out in Arabic, Chinese, English, French,
40 Russian and Spanish.

41 And the consensus process, you know, it
42 makes our look very crisp by comparison. I'll just
43 put it that way. But the way it works, the member
44 states offer interventions. They make
45 interventions on an agenda item and at the end of
46 an agenda item, since they are working towards
47 consensus, the chair will try to summarize what
48 they have heard on that agenda item.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The -- up at the dais the Secretariat's
2 Office of the FAO is also represented. So the
3 Secretariat will contribute further to that
4 summary. And then members may intervene again and
5 say well, that's actually not what I heard or they
6 may want to further elaborate on some of the
7 summaries, because the summaries importantly form
8 the starting point for the beginning of the
9 drafting of the final report.

10 So as the week goes along, the work
11 product that comes out of this is the final report.
12 And there is a Drafting Committee that does that
13 work.

14 So there are interventions and then
15 there are interventions. Here, our very own John
16 Henderschedt is intervening on behalf of the United
17 States and it's not a reality show, but John did
18 weigh in and bring forward a number of
19 interventions on behalf of the delegation very
20 effectively.

21 So the Drafting Committee includes
22 representatives of each region and the North
23 American region includes the U.S. and Canada, so
24 the two nations take turns participating on the
25 Drafting Committee. And this year was Canada's
26 turn in the barrel.

27 Now, I have this picture up here just
28 as a note that the Committee works very late. So
29 the products will come out of the COFI plenary
30 session. The plenary may go until 8:00 at night
31 and then at some point thereafter, the chair's
32 summaries go to the Drafting Committee and the
33 Drafting Committee will go into the wee hours of
34 the night.

35 So be prepared that if you are on the
36 delegation of COFI 33, which will be in two years,
37 it will be the U.S. turn in the barrel on the
38 Drafting Committee.

39 So the highlight of COFI 32 was really
40 focused on IUU. And the major point of that was
41 that there was a welcoming into the entry of force
42 of the agreement on Port States Measures and that
43 occurred immediately before the meeting and that
44 was a major milestone in terms of combatting IUU
45 fishing.

46 And there is not a single international
47 estimate of IUU fishing, but some of the numbers
48 that have been put out there are of a scale that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 demands attention. And so they have talked about
2 potentially 10 or 20 plus million tons of fish a
3 year being caught through IUU fishing, which the
4 FAO characterizes as posing a significant risk to
5 food security and marine ecosystems and the
6 fisheries economies that depend on
7 sustainably-managed fisheries.

8 So it is internationally perceived as
9 a very big issue. It obviously has been the
10 cooperative focus of FAO to try to interdict that
11 and develop strategies to do that. And so the FAO
12 agreement of Port States Measures is basically a
13 framework that allows the member states to
14 introduce at least minimum standards for how they
15 would deal with foreign-flagged vessels when they
16 come into those port states.

17 There were other foci of interest. The
18 Code of Conduct for Responsible Fisheries for the
19 FAO can be thought of perhaps as being similar to
20 our Magnuson-Stevens Act or at least our national
21 standard. So that's the framework by which they
22 ensure the sustainability of their fisheries. It
23 has recognizable references in it to maximum
24 sustainable yield.

25 I mean, if you look through the concepts
26 that are articulated in there, they are all very
27 familiar to us as we implement the U.S. system.
28 And yet, it was very interesting, they had their
29 annual report and they noted that over 30 percent
30 of the world's fish stocks are over-fished. And
31 so that for me was a very pointed reminder of just
32 how effective the U.S. management system has become
33 over time and how well our results benchmark
34 against our -- against global standards and against
35 our peers internationally.

36 They also highlighted the importance of
37 small-scale fisheries, which we know from our own
38 experience can contribute significantly in some
39 areas to total fisheries output. And they have
40 developed guidelines for the sustainable
41 management of small-scale fisheries.

42 They highlighted the fact that there is
43 a need for reviews of regional fisheries bodies and
44 they also are developing a new Climate Change
45 Strategy Document. They have already got one for
46 2011 through 2016. The new one would cover the
47 period 2017 through 2020 and that was wildly
48 supported. And we did hear through the process of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 intervention on this subject that climate change
2 is affecting fisheries and it is expected to affect
3 fisheries around the world. So there was common
4 interest in this.

5 And there was also talk about the
6 importance of really focusing on governance
7 coordination as it relates to this as we consider
8 shifting fish stocks and what that means for us.
9 Obviously, in the Mid-Atlantic region that has been
10 an issue of concern for us on the East Coast going
11 back some time.

12 One of the issues that was not resolved
13 that is important, and this relates to the
14 enforcement framework and enforcement tools for
15 the Port States Measures, and that is the Voluntary
16 Guidelines for Catch Documentation Schemes. So we
17 might think of these in terms of Catch
18 Certificates, Catch Certifications, things like
19 that that would allow for better tracking of the
20 product all the way from catching through the
21 marketplace.

22 And that was proposed to be addressed,
23 but there was some disagreement at the end between
24 the EU and Brazil in terms of how chartered vessels
25 would be dealt with and whether the flag state or
26 the port state would deal with that. And so that
27 is proposed to be resolved through a technical
28 consultation and that ought to occur in April of
29 this year and then that will be finalized by the
30 FAO at their July meeting.

31 The FAO/COFI meetings also include
32 side-events and these are a very interesting fora,
33 I think, to consider. They have daily 90-minute
34 sessions in the middle of the day. They include
35 presentations and panels and these are fora for
36 exchanging experiences and experiences with
37 fisheries technologies and management systems.
38 They are wide-ranging in nature. They covered a
39 lot of different topics for this event.

40 And I'll just highlight one of them.
41 Google Earth was there and some of you may be
42 familiar with this project, but Google as brought
43 in a system whereby they are able to use big data
44 to address some of the IUU fishing. And they have
45 combined this with satellite photography and this
46 heat map is basically AIS data. But they have been
47 able to use this to interdict illegal transshipment
48 in some very remote parts of the ocean.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So in those regions and jurisdictions
2 that have problems with illegal transshipment and
3 transshipments are often a source of the disposal
4 of IUU catch, so this is a big issue for law
5 enforcement. And they have been able to play a
6 role in assisting some governments in interdicting
7 those illegal transshipments at sea.

8 So looking ahead, Bill Gibbons-Fly from
9 the U.S. Department of State was elected Chair of
10 COFI for COFI 33, so he will be -- he is the Chair
11 now and will be for the next two years.

12 And I had just taken away from the
13 experience a couple of thoughts that I wanted to
14 leave with the CCC and that would be that I think
15 it would be constructive to have a dialogue with
16 state. And if that has to occur through the
17 Agency, you know, however, you wanted to consider
18 that, but to at least get updates from state with
19 respect to the bureau activities that occur
20 periodically.

21 And as they go through the process of
22 developing the next agenda for COFI 33, so the CCC
23 can be aware of it and see what issues are being
24 highlighted as issues of international importance,
25 so that the CCC can be effectively engaged for the
26 next COFI meeting.

27 Also, the side-events are really a
28 great venue for collaboration and I think
29 comparative discussion about management systems
30 and how -- seeing how other jurisdictions and other
31 management bodies have dealt with problems within
32 their jurisdictions.

33 And in that sense, I think the U.S. has
34 a lot to offer that could -- that the Regional
35 Councils could bring to the table and also learn
36 through those types of exchanges. So you know, I
37 think it would be a great idea to consider at least
38 participating in one of those side-events.

39 We didn't have time to do that this time
40 around, but as you look forward to 2018 and have
41 that time to plan, perhaps the U.S. could consider
42 through the CCC either hosting, organizing or
43 otherwise participating in one of those
44 side-events.

45 And that's all I have, but, again, thank
46 you very much for the opportunity to do that. I'll
47 be glad to take any questions if there are any.

48 ACTING CHAIR STOCKWELL: Thank you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 very much, Rick. Questions for Rick? Bill?

2 MR. TWEIT: Thanks, Mr. Chair. Rick,
3 thanks very much for representing us.

4 What do you think some of the -- you said
5 IUU is kind of one of the major themes at 2016. Do
6 you have a sense of what will be the big issue in
7 2018?

8 MR. ROBINS: Well, Bill, one of the
9 points that came out of their annual report this
10 time is that aquaculture production has just now
11 matched wild fisheries production around the
12 world. And so I would be surprised if aquaculture
13 doesn't remain a significant core area for the
14 theme for the next one.

15 But with the wild fisheries, I would
16 think there -- there is still a lot of areas of
17 interest internationally in, you know, whether it
18 is this traceability issue and looking towards the
19 next step of that, so, you know, by then they should
20 have worked out the Catch Documentation Schemes.

21 And I would imagine there would still
22 be some residual issues related to implementation
23 of the Port States Measures. So I think some of
24 that IUU side of things will continue to carry
25 forward. And otherwise, there is a pretty wide
26 range of issues for the small-scale fisheries and
27 other community types of models for managing
28 fisheries. And I think you will continue to see
29 some of those on the agenda for the next meeting.

30 ACTING CHAIR STOCKWELL: Other
31 questions for Rick? Leann?

32 MS. BOSARGE: Okay. Thank you, sir.
33 Thanks for the presentation. I was actually
34 interested in the IUU portion.

35 Did you discuss shrimp at all at the
36 meeting? It sounds like more you were discussing,
37 I guess, intervention of actual vessels offshore,
38 whereas, you know, with the shrimp a lot of it is
39 pond-raised and then imported into this country,
40 but there is a lot of circumvention and such.

41 Did you discuss anything related to
42 shrimp in that context?

43 MR. ROBINS: Leann, we did not. We had
44 a -- there was one side session on IUU monitoring
45 and that was focused on this at-sea side of things.
46 And there was another one on the technology and that
47 was also focused on that, but they did have
48 information, the same Google Earth technology is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 being used to characterize some of the aquaculture
2 that is occurring in the near coastal areas. And
3 so they are trying to figure out how to use that
4 to also at least serve for estimating the scale of
5 some of those operations.

6 ACTING CHAIR STOCKWELL: Kitty?

7 MS. SIMONDS: I want to thank you, too.
8 I used to participate in those meetings in the late
9 '80s and the '90s when we were trying to get FAO
10 to deal with turtles and birds. And the side-event
11 thing is really good, because we hosted one with,
12 I can't remember her name, but the shark lady,
13 Sonya. She and I -- yes, we invited the Asian
14 countries to a side meeting and had good
15 discussion. So I'm really glad that we are back
16 in doing this sort of thing.

17 Now, my question to you folks is does
18 your State Department rep come to all of your
19 meetings? Who? Anybody? Anybody's State
20 Department person?

21 UNIDENTIFIED SPEAKER: No, never.

22 MS. SIMONDS: Okay. Well, we force
23 ours to come. And so we are always engaged in
24 finding out about things. It's like that meeting
25 that he and I went to, that State Department
26 meeting, I happened to see it on a list and I said
27 hey, Fly, you need to invite the Councils. But if,
28 you know, this is done on a regular basis, I think
29 that that would be a really great thing.

30 And like the Port States Measures that
31 has been going on for years. We sent our, you know,
32 representatives to all of those FAO meetings,
33 because it's important when you look at our
34 geography of why American symbol is important for
35 those measures and then, of course, getting the
36 U.S. to help pay for monitoring.

37 So anyway, thanks. It's great and I
38 hope we continue to do this.

39 ACTING CHAIR STOCKWELL: Thank you,
40 Kitty.

41 MR. ROBINS: Thank you, Mr. Chairman.

42 ACTING CHAIR STOCKWELL: Anybody else?
43 John? Sorry, I didn't see you.

44 MR. GOURLEY: Thank you, Mr. Chairman.
45 Great overview. I am interested, too, in the IUU.
46 How are they monitoring IUU? And, you know, are
47 the vessels tied to a particular country that are
48 involved primarily in IUU or are they like lone

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 wolves going out catching fish and then going to
2 the nearest port to off-load their catch? How does
3 that work?

4 MR. ROBINS: John, I think in terms of
5 the flagging it's probably a combination of those.
6 And the minister of fisheries from Indonesia spoke
7 and she said that their law enforcement had
8 interdicted a vessel in their EEZ. And when they
9 went to the wheelhouse, they found 28 flags in the
10 wheelhouse.

11 So they have potentially flags of
12 convenience, you know, flags from inland states
13 and, you know, that bear no relationship to the
14 actual vessel and where it is and what it is doing.
15 So and that's why the Port States Measures are
16 important from an enforcement standpoint.

17 But also the RFMOs, you know, play a
18 role in terms of how they establish regulations and
19 rules for some of the fisheries on the high seas,
20 right? So in terms of requiring VMS and things
21 like that.

22 But this Google issue is interesting
23 and that's not something we could consider here in
24 the U.S. with our confidentiality requirements,
25 etcetera, but, you know, they view transparency --
26 I mean, some of those governments have viewed
27 transparency as being key to fighting this. So
28 they have been able to use that technology to
29 witness some of these illegal transshipments. But
30 it's, I mean, a complicated issue.

31 And I think on the enforcement side, the
32 Catch Certification Scheme when that is finalized,
33 that should also provide a tool that is able to be
34 used to track the fish all the way through the
35 market and that ought to provide another layer of
36 opportunity for enforcement.

37 ACTING CHAIR STOCKWELL: Michelle?

38 MS. DUVAL: Thank you, Mr. Chairman.
39 So, Rick, this is a completely ignorant question
40 because I have zero idea of COFI and I appreciate
41 you enlightening me on it.

42 But in terms of the focus on aquaculture
43 and the statistic that you just provided that, you
44 know, aquaculture produced seafood as roughly
45 equivalent to wild harvest seafood. I mean, what
46 -- and we have heard concerns in the past about,
47 I guess maybe, the standard for aquaculture
48 development in other parts of the world and, you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 know, being careful what you are actually eating.
2 What it comes from, another country.

3 I mean, how is the organization -- was
4 there any conversation about sort of tackling
5 standards for aquaculture raised seafood and
6 having some kind of level playing field in that
7 regard?

8 MR. ROBINS: Well, the FAO has a Blue
9 Growth Initiative and that drives a lot of their
10 discussions. And, frankly, when you think about
11 a Blue Growth Initiative relative to wild harvest
12 fisheries, I mean, I'm not sure where the headroom
13 is around the world for that. You know, if you look
14 at the state of foreign fishing fleets, some of them
15 are just at massive states of overcapacity.

16 So it's not clear to me where that
17 growth comes from, but a big element of that is,
18 of course, aquaculture. So they do have standards
19 for aquaculture. And I wasn't participating in
20 any of the aquaculture side-events. I was more
21 interested in the wild fisheries. But aquaculture
22 is a big focal point for the FAO, because, again,
23 their ultimate interest is in sustainable
24 productivity related back to food security.

25 So that is a big area of focus for them.
26 And I'm sure it will be at the next COFI meeting,
27 it will be -- I would think it would feature
28 prominently on their agenda.

29 ACTING CHAIR STOCKWELL: Anything more
30 for Rick? Seeing none, Rick, you gave your
31 presentation to Brian, right?

32 MR. ROBINS: Yes.

33 ACTING CHAIR STOCKWELL: So Brian,
34 you're going to have that on our -- the presentation
35 with our meeting materials so those of us who want
36 to read it again have the opportunity?

37 MR. PAWLAK: It should be there now.

38 ACTING CHAIR STOCKWELL: Okay.
39 Great. Well, thank you very much, Rick, for
40 representing NMFS and I hope you enjoyed your trip
41 to Rome.

42 MR. ROBINS: Thank you, Mr. Chairman.

43 ACTING CHAIR STOCKWELL: All right.
44 Folks, we are on to other business. And I would
45 like to start with the MSA Reauthorization letter.
46 Gregg?

47 MR. WAUGH: Thank you, Mr. Chairman.
48 We distributed a letter and we have had some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 additional edits. And I'm going to let Dan cover
2 that and how we want to proceed from here.

3 MR. HULL: All right. Thank you, Mr.
4 Chairman and Gregg.

5 So after consultation with Adam about
6 the draft letter and some further discussion with
7 Dave Whaley and Gregg, we suggest that the CCC take
8 a step back and address the concerns that Adam has
9 raised.

10 Essentially, I think we need to
11 rephrase some of the text so that it reflects more
12 technical review of the MSA issues and how they
13 affect our ability to fulfill our responsibilities
14 and the goals of MSA.

15 And I don't think the revisions will be
16 significant and we should be able to -- we will be
17 able to retain our overall message. But having
18 said that, we may be in a position where we are asked
19 more directly, more directly than yesterday for
20 example, for our comments on MSA prior to the May
21 meeting.

22 And since this letter will go out under
23 the signature of the CCC Chairman, we suggest that
24 the Legislative Committee take one more crack at
25 it with some revisions and that a new draft be
26 circulated for approval by the CCC, so that if we
27 receive a specific request for comments prior to
28 May, we would be in a position to respond in a timely
29 manner.

30 ACTING CHAIR STOCKWELL: Thanks, Dan.
31 Are there questions for Dan? Tom?

32 MR. NIES: I just want to make sure I
33 understand your last sentence. So the idea is that
34 this would be circulated and we would, we meaning
35 John Quinn, would only sign it if we receive a
36 specific request. If not, we would hold on to it
37 until we receive a specific request?

38 MR. HULL: Yes, that's correct.

39 MR. NIES: Okay.

40 ACTING CHAIR STOCKWELL: Is there any
41 opposition to this? Seeing none, thank you for the
42 additional input, Dan.

43 MR. HULL: Thank you.

44 ACTING CHAIR STOCKWELL: Kitty, you
45 are up.

46 MS. SIMONDS: I'm up and I'm sitting
47 down.

48 ACTING CHAIR STOCKWELL: You're up.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SIMONDS: Okay. Everybody, we
2 have -- listening to the concerns and issues from
3 all of the Councils and wishing to inform the
4 Administration, the new Administration of who we
5 are and that we are the Fisheries Management
6 people, you all have a copy of the redrafted letter
7 and what we have done is removed the ask.

8 So that's the part that is gone that
9 people had issues with. In terms of needing to go
10 back to their Councils and having them review and
11 so -- and by the way our original letter, we did
12 ask Adam to review that letter, so he had no legal
13 issue, so he, obviously, has no legal issues in this
14 one because we have removed that paragraph.

15 So if you are all ready to sign, I'm
16 waiting with a pen. But I do know that I was
17 talking to you folks at Mid-Atlantic Council and
18 he asked, and I think this is fine, that while you
19 all are signing this letter, we will give you two
20 weeks to do it with your Executive Committee if
21 that's what you want to do. Everybody has, you
22 know, a different way of dealing with things and
23 to get back to me within two weeks. And if
24 everything is fine, I shall take care of sending
25 the letter.

26 Because you know last year, I mean, it
27 took a while to get that letter going because we
28 had to go round and round. I think it took like
29 two months to get the letter finally out. So and
30 that's why I'm asking you all if you agree to this
31 version, if you folks would sign this version, I'll
32 hang on to it until you get back to me within two
33 weeks, within two weeks, yeah, if you are in
34 agreement with that.

35 ACTING CHAIR STOCKWELL: Adam?

36 MR. ISSENBERG: Thank you. Thank you.
37 I just want to make clear, I did take a look at the
38 letter. I reviewed it to see whether it raised any
39 lobbying concerns. I don't think it does because
40 it is a communication with the Executive Branch and
41 not Congress. But I wanted -- I just wanted to
42 clarify that it wasn't necessarily for any legal
43 issues. I don't think that is really, you know,
44 something that in this context we would look at
45 because, you know, I don't know what you have seen
46 or the Agency would take a position on the letter.

47 MS. SIMONDS: And, Adam, that's the
48 other letter. We haven't gotten to that letter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 yet. We are talking about the first one that you
2 reviewed last night.

3 MR. ISSENBERG: Right.

4 MS. SIMONDS: And -- right. And you
5 had no legal issues.

6 MR. ISSENBERG: Right.

7 MS. SIMONDS: This is to the President,
8 yes. Okay. Thanks.

9 ACTING CHAIR STOCKWELL: Mike?

10 MR. LUISI: Thank you, Mr. Chairman.
11 And to Kitty, yes, what you suggested we can agree
12 with. I would like to have the opportunity to take
13 it back for just a couple of weeks, vet it through
14 either our Executive Committee or I can talk with
15 Chris and Warren and perhaps we send it to the full
16 Council, but we can decide on that later.

17 The thing that I -- something that I
18 just wanted to bring up in listening to this
19 conversation just over the last few days, as you
20 presented it originally, there was a lot of great
21 passion to it. There was something you wanted out
22 of this action. You wanted some reaction to the
23 letter that you are sending.

24 And it was a very passionate
25 presentation and I mentioned on our first day that
26 I had concerns about signing something with the
27 suggestive nature of the first letter, just given
28 the volatility of this current Administration.
29 And I wanted to have an opportunity to discuss this
30 with our Council.

31 The second edition of the letter, I
32 think, loses that. Well, it obviously loses that
33 ask. It loses that passion and it loses any
34 reactive -- any reaction by the Executive Branch
35 when received.

36 So I -- and the only person that can
37 answer this is you and the folks from your Council,
38 but is that -- did you intend to just have an
39 informative letter go to the President or did you
40 intend to really be asking for a reaction to the
41 letter?

42 And I would just hope that the need for
43 speed, I guess is the easy way to put this isn't
44 the reason why you are pulling back from what it
45 was you were originally intending.

46 And our Council meets in just a few
47 months. I think within a few months all of our
48 Councils will probably be together at some point

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and we could have those discussions.

2 So I'll just lay it out there. We are
3 comfortable with it as it is, but if it's not
4 meeting the needs of your Council, you know, my
5 suggestion would be maybe to hold back, at this
6 point. But again, that's for you and your group
7 to decide. Thanks.

8 ACTING CHAIR STOCKWELL: Kitty?

9 MS. SIMONDS: Well, obviously, the
10 need for speed is where I'm coming from. I think
11 we need to get something out there. We have our
12 own first 100 days is what I -- is my thinking. And
13 I'm willing to compromise on this. There are other
14 initiatives going on that asks the question. And
15 I think that you saw a few of them.

16 Our Governors out in the Western
17 Pacific wrote a letter to Trump and actually handed
18 it to him on Monday when they met with him, so he
19 does have a letter from our people out there asking
20 to remove the monument of fishing prohibitions.

21 And there are other initiatives, but I
22 think that it's important for the Councils to get
23 out front and I'm fine with us -- with all the
24 Councils not asking the ask, because, you know, I
25 think the more letters we get out there about us,
26 that's what is really important.

27 So I'm fine. And as I said, I have the
28 pen ready and so don't leave until you sign that
29 letter.

30 MR. LUISI: Don't send --

31 MS. SIMONDS: But thank you so much.

32 MR. LUISI: -- it until we give you the
33 thumbs up. That would be my aspect.

34 MS. SIMONDS: Well, I have said that
35 before. I don't like to repeat things unless I
36 have to. Oh, and thank you, thank you very much.
37 So anybody else with comments? I hope not because
38 we have lots of letters to go through.

39 ACTING CHAIR STOCKWELL: Herb?

40 MS. SIMONDS: Where is the other one?

41 MR. POLLARD: Very brief comment.
42 Yes, Kitty, so --

43 MS. SIMONDS: I thought he was going to
44 edit this. I'm going, no, no, you had your chance.

45 MR. POLLARD: No, I think the changes
46 and the references as they refer to the resolution
47 that we all signed eight months ago make the point
48 pretty clearly and we are on board.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ACTING CHAIR STOCKWELL: Is everybody
2 comfortable with the game plan of a two week review?
3 Seeing no opposition, congratulations, Kitty.

4 MS. SIMONDS: Thank you all very much.

5 ACTING CHAIR STOCKWELL: You've got
6 one more letter, I believe, that you have helped
7 generate.

8 MS. SIMONDS: Okay. All right, the
9 second letter. This is a 30,000 foot leveled
10 letter that we all discussed. This letter is going
11 to the Honorable Wilbur Ross, who by the way I saw
12 on TV where his fancy shoes that cost \$500 that he
13 wore last night to the State of the Union. So
14 that's an interesting tidbit, don't you think?

15 Okay. So from the original letter what
16 we did was -- Tom suggested that we congratulate
17 him on his appointment. And so that has been added
18 in there. And then we added the worth of the
19 fisheries, both recreational and commercial. We
20 kind of forgot about that, but here is a business
21 guy, so, you know, that's in there.

22 So then we do have some recommendations
23 on what we discussed before: Partnerships,
24 priorities, baseline funding for sustainable
25 management. I don't -- I'm sure that the way we
26 wrote this includes the NMFS in terms of funding,
27 but although we didn't mention the NMFS. And then
28 funding -- finding efficiencies in the management
29 and regulatory processes.

30 So we got it all on two pages. And if
31 you agree, I have another pen ready for you all to
32 sign.

33 MR. NIES: I thought the plan --

34 MS. SIMONDS: What?

35 MR. NIES: I thought the plan that we
36 discussed was this one would be signed by the CCC
37 Chair and he was supposed to consider trying to
38 hand-deliver it?

39 MS. SIMONDS: Don't you think it's nice
40 having all of the Chairs signing?

41 MR. NIES: I can go either way. I'm
42 just saying what we talked about.

43 MS. SIMONDS: Yeah, I know. Okay.
44 Well, if you all want to do that, somebody has to
45 go redo this paper. Since we are all in this mood
46 of, you know, all of us together, this is new
47 Administration, I think we should do it this way,
48 unless Quinn really wants to be the only signatory

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 on this letter.

2 MR. NIES: I guarantee he will want to
3 be a signatory on the letter.

4 MS. SIMONDS: Right. So but the other
5 thing is somebody mentioned, I think, that we
6 really should all ask for an appointment to meet
7 with Mr. Ross. And I think that you should do that.
8 And you can invite us or you can do it yourself.
9 So why don't you do that letter?

10 ACTING CHAIR STOCKWELL: Comments or
11 questions for Kitty? Dan?

12 MR. HULL: Thank you, Mr. Chairman. I
13 support the letter. I think the message it tries
14 to -- it is sending is a good strong one, it's a
15 productive one.

16 To Tom's point, I think having all the
17 Council Chairmen sign shows the geographic breadth
18 of what it is that we do. So I think that's a good
19 thing.

20 ACTING CHAIR STOCKWELL: Okay. Other
21 comments? Seeing none, you better get your pens
22 ready.

23 Yeah, just in a sidebar from Tom, what
24 we are going to do in order to get John Quinn's
25 signature on there is to get all of yours and we
26 will get John's signature on there and Northern
27 Council will be responsible for sending in the
28 letter. Is everyone agreeable with that? Okay.
29 Doug?

30 MR. GREGORY: Kitty, would you email us
31 the monument letter also?

32 MS. SIMONDS: Oh, yes.

33 MR. GREGORY: We didn't get a copy in
34 here.

35 MS. SIMONDS: Well, as soon as you sign
36 this, we are going to make copies right now, so you
37 can take them with you or if you prefer email,
38 that's fine, with the signatures.

39 MR. GREGORY: No, I'm talking about the
40 monument letter. The one that we are given two
41 weeks to review.

42 MS. SIMONDS: Oh, you have that, but
43 it's this one. Yes, it was -- I know it was put
44 on your desk or maybe your chair. Anyway, okay,
45 fine.

46 MR. NIES: It would be easier to give
47 an electronic copy, so we can --

48 MS. SIMONDS: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NIES: -- get it to some of the
2 people we need to get it to.

3 MS. SIMONDS: Okay. You will get it
4 today. How's that? Okay. Do you have to see the
5 first pages?

6 ACTING CHAIR STOCKWELL: Any more
7 letters, Kitty?

8 MS. SIMONDS: Well, I was thinking
9 about two more, but you said you wanted to end the
10 meeting, so I need at least an hour.

11 ACTING CHAIR STOCKWELL: Permission
12 denied.

13 MS. SIMONDS: I didn't ask you. You
14 suggested it.

15 ACTING CHAIR STOCKWELL: Okay. Thank
16 you. We are moving on towards the end of our
17 agenda. Tom, you have got some review or CCC
18 decisions?

19 MR. NIES: Yeah, give me about one
20 minute to send something to Brian, so he can get
21 it on the board.

22 Okay. If you look at the screen, Brian
23 has got an update. The version you are seeing here
24 should look similar to what you got yesterday with
25 the exception of the two lines in red.

26 The MSA Reauthorization, the plan is to
27 have the Legislative Work Group working the letter
28 circulate it to the EDs and then we will hold on
29 to it and John Quinn will send it, if we ask for
30 comments on Magnuson Reauthorization.

31 Down at the bottom the Marine National
32 Monuments, this is a letter we just talked about.
33 The plan is to get signatures and send it out after
34 two weeks giving the Councils a chance, if they feel
35 it necessary, to vet it with whoever they need to
36 vet it through.

37 Moving on to the next page, these are
38 the items that we talked about today. We got the
39 science update, no real CCC action. I just noted
40 that we are expecting to be asked to comment on the
41 Stock Assessment Improvement Plan and the Best
42 Scientific Information Available document as well.

43 The next step is going to be talking
44 about a future agenda, so that's not listed here,
45 so I won't go into that.

46 The EBFM Roadmap, there is really no
47 follow-on CCC action.

48 The MRIP review, Gregg Waugh agreed to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 take the lead or offered to take the lead on
2 alternative approaches. I had left out that he had
3 three or four bullet points on what that meant. I
4 didn't put them all on the screen here.

5 And we are expecting that we will come
6 back in May CCC meeting to talk about this. The
7 expectation is we will probably need somebody, and
8 I'm not quite sure who, from the MRIP program to
9 be there to discuss it. And I don't know who that
10 would be offhand.

11 UNIDENTIFIED SPEAKER: He is not here.

12 MR. NIES: Yeah, the scientists are not
13 here.

14 UNIDENTIFIED SPEAKER: Yes, we will
15 get somebody.

16 MR. NIES: The other thing is that he
17 did point -- Ned did point out that the Strategic
18 Plan will probably be circulated for comments
19 sometime between now and our CCC meeting.

20 The FAO meeting, Rick Robins report, I
21 just put down here that, you know, he suggested that
22 we try and think ahead a little bit. So my
23 suggestion is that perhaps for the February
24 meeting, next year we try and get an update, I think
25 I got this term right, on COFI 33. I don't know
26 if we should ask for that from International Branch
27 of NMFS or from the State Department directly, but
28 we will work -- whoever is -- Chris Oliver will
29 worry about that next year, not me. So that's his
30 agenda.

31 And then the other business is we just
32 approved the letter that my secretary is
33 circulating for signature for approval to the
34 Department of Commerce.

35 (Laughter)

36 MR. NIES: Sorry. So I think that
37 summarizes the action items. I don't know that
38 there is any more, if there is anything I missed
39 here.

40 ACTING CHAIR STOCKWELL: If not, we
41 will move on.

42 MR. NIES: There is actually a couple
43 of items here you might want to refer to the agenda.

44 The first step is that there was a
45 request that we sort of summarized the CCC current
46 work groups and what is being planned.

47 Over the last couple of years, we have
48 had some back and forth about what is a work group,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 what is just Councils cooperating with each other.
2 I don't really make a lot of distinction here
3 between those two groups, but I just wanted to
4 summarize the activities that went on.

5 I think that the general feeling is a
6 CCC Work Group is a group that the CCC actually
7 tasked to do something and report back to them. We
8 have some other interactions between the Councils
9 that are really just Council-to-Council trying to
10 figure out how people do business and coordinate.
11 You know, some people call those work groups, some
12 people don't.

13 The big work group that I think we have
14 now is the Legislative Work Group, Chaired by
15 Gregg. I believe the Gulf and the Pacific Councils
16 agreed to assign somebody to them, to that work
17 group, but I don't believe they identified a name
18 yet, so presumably, they will let Gregg know who
19 that is.

20 There was some discussion on Monday
21 that there is a budget issue that a few people
22 wanted to talk about and those are the folks that
23 are listed up there and the plan is that we will
24 come back. There is some question in my mind based
25 on yesterday's presentation whether we still want
26 that group to get together.

27 MR. WAUGH: Thank you. I think we do,
28 but just at least to have some discussions between
29 now and then and just a slight change, Mike was
30 going to think about it and get back to me on whether
31 he was going to participate. So I don't want to
32 tag him, but Chris already committed to be on there.

33 MR. NIES: Chris Moore?

34 MR. WAUGH: Yes.

35 MR. NIES: Oh, okay. Sorry.

36 MR. WAUGH: And Chuck as well. So we
37 -- and so Mike is still a question mark. He is
38 checking to see.

39 MR. NIES: Yeah, I'm noting that on
40 mine. Brian said put --

41 MR. WAUGH: And we haven't asked Terry.
42 I don't know, Terry, if you want to participate in
43 that? Okay.

44 MR. NIES: Another work group that we
45 have that sort of blurs this line between Councils
46 exchanging information and actual work group is the
47 Habitat Work Group. These are primarily composed
48 of the staff members at individual Councils who

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 work on habitat issues. That is currently chaired
2 by Michelle Bachman, who is from the New England
3 Fishery Management Council.

4 I think initially the Pacific Council
5 was not participating in this, but either are now
6 or is considering that they will now.

7 And kind of at the request of the
8 Pacific, we put a short -- Michelle put together
9 a short summary of what they are working on this
10 year. So that is in the agenda item if you would
11 like to look at it.

12 Of course last year the Habitat Group
13 worked together and with the funding and assistance
14 of the Fishery Service, they held an EFH Summit.
15 There is at present no similar activity planned for
16 this year. So at this stage, it's kind of a
17 coordination exchanging information type. You
18 can look at the document and see what they are
19 working on.

20 Moving on, I'm not quite sure on the
21 MRIP issue that was identified on the agenda before
22 that was primarily raised by Gregg to look at
23 alternative methods. I don't know if there is
24 other people who want to be involved in that or not.

25 MR. WAUGH: I mentioned it to Doug a
26 couple of times. They face the same issue, so I'm
27 hopeful Doug will find someone who would
28 participate.

29 And while I have the mike, if I could
30 just go back up to the budget for a second?

31 MR. NIES: Yes.

32 MR. WAUGH: We had put Bob Beal on there
33 as well.

34 MR. NIES: He is not a Member of the
35 CCC.

36 MR. WAUGH: Right. So --

37 MR. NIES: I thought we were going to
38 invite him.

39 MR. WAUGH: -- an ex-officio Member.
40 Is that how we would do it?

41 MR. NIES: Sure.

42 MR. WAUGH: Okay.

43 MR. GREGORY: Despite being stubborn
44 and joining, I just want to raise -- I do have a
45 concern about the number of groups and I guess the
46 thing that concerns me most is the say
47 communication of social science. I mean, I can see
48 us having an Economics Group. I can see us having

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a Stock Assessment Group.

2 I mean, and we are trying to cut back
3 on the number of meetings we go to that aren't
4 absolutely necessary. So if some of these could
5 -- if we could just do them by webinar for the most
6 part, I would be comfortable. It's just things
7 seem to be proliferating, that's all.

8 MR. NIES: So this is -- let me back up.
9 This is kind of where -- well, I'll get into a couple
10 of things. I mean, I understand the point. This
11 is where the question of work group and just
12 Councils talking to each other comes up.

13 The Social Sciences Group really just
14 started out as, I think, six -- I'm not even sure
15 it was all the Councils. I think it was originally
16 like six or seven of the Council Social Sciences
17 people started having a conference call
18 periodically to compare notes.

19 And then eventually, it expanded a
20 little bit and they held a meeting out in Hawaii
21 and they, you know, did this once. But right now,
22 they mainly, I think, periodically have conference
23 calls.

24 The Communications Group, I'm not that
25 familiar with. I think it is a little bit more
26 formal. They have held a meeting at least twice.
27 They are tentatively planning another meeting next
28 year in Alaska based on their thing.

29 Those are the only ones that are going
30 on now.

31 My concern and some people know this
32 quite well is that, you know, I feel like if you
33 are going to have one of these groups actually do
34 something and hold a meeting to get together, that
35 it ought to be at the tasking of the CCC. They
36 shouldn't just decide it is time -- they shouldn't
37 decide or one Council shouldn't just decide that
38 oh, let's have a meeting of this group and let's
39 plan a meeting, unless the CCC tasks them for it.

40 I don't know that every Council feels
41 that way, but that's kind of how I look at it. So
42 you know this year we had the Administrator's
43 Officers meet next door during this meeting, but
44 the way that worked is they were interested in
45 meeting, because they talk to each other once in
46 a while, and they got, I think, Mike, primarily at
47 the South Atlantic Council, talked to Gregg, Gregg
48 talked to me, we polled all you guys, do we want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to have the AOs meeting? They said yes. They put
2 together an agenda. We at least sort of waved our
3 hands and said the agenda looks good and then they
4 met.

5 You know, I prefer that because then we
6 have some control, Doug, over what you said about
7 whether we really want to have a meeting and whether
8 we think they are doing something productive.

9 The AOs will provide a report to us and
10 our -- of what went on at this meeting at our May
11 meeting, at least a written report. I'm not sure
12 anybody will deliver it in-person.

13 So I don't know if that helps or hurts.

14 MR. GREGORY: Well, I respectfully
15 contend that the AO has probably talked to each
16 other more than we talked to each other.

17 MR. NIES: Right.

18 MR. GREGORY: And now we are having a
19 meeting of the Deputy Directors. I mean, I just
20 see this proliferating and all these back channel
21 communications around among the Councils really
22 without the EDs being involved or sometimes even
23 knowing about the conversations.

24 MR. NIES: Well, this is -- I share that
25 concern. I felt like the AO meeting in Key West
26 was kind of sprang out of nowhere and so that's why
27 this time when we planned the AO meeting, we first
28 circulated and said, you know, let -- EDs do you
29 want a meeting? And then the same thing with the
30 Deputies meeting last fall, we said there has been
31 some suggestion of a Deputies' meeting. Do the
32 Executive Directors agree to that or not?

33 When I say Deputy or senior staff, not
34 everybody has a Deputy. But I agree that -- I mean,
35 I think we should exercise some control on how often
36 these occur.

37 As far as I know, there hasn't been a
38 Deputy's meeting in a long time, right? I'm
39 looking at people who have been around a lot longer
40 than I have. Chris?

41 MR. OLIVER: Just some general
42 comments to follow-up on Doug.

43 I kind of agree with Doug and I think
44 we need to be a little careful and a little clearer
45 on what are CCC Work Groups and what are not.

46 And I recall the -- my recollection of
47 the genesis of the Social Sciences Group was really
48 that is not a -- it wasn't a creature of the CCC.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 It was more a staff level initiative. And not that
2 it shouldn't continue, but I think it -- I don't
3 -- they are not reporting to the CCC.

4 When you talk about our Administrative
5 Officers, they are meeting -- again, I don't see
6 them as a -- it's not an AO Work Group of the CCC.
7 It is a separate meeting that happens to be held
8 be -- for largely some reasons of convenience and
9 overlapping issues. But it's not, and correct me
10 if I'm wrong, as if they are reporting to the CCC
11 in terms of the CCC having to take some formal
12 collective CCC action in response to that report.

13 So maybe that's an important nuance.
14 But I see them as not a work group of the CCC. They
15 just happen to be meeting in conjunction this time,
16 but as Doug pointed out, they talk a lot more than
17 that on the side.

18 And so it's kind of like the Social
19 Sciences Group, I don't see those as CCC Work
20 Groups. And I just think we should be clear what
21 is a work group of the CCC that is comprised of
22 Members, primarily of Members of the CCC. Thanks.

23 ACTING CHAIR STOCKWELL: Gregg?

24 MR. WAUGH: Thank you, Mr. Chairman.
25 Yeah, and I don't disagree with anything Chris
26 said. But, to me, I think coming back to Tom's
27 comment, we -- the Executive Directors need to be
28 involved, be in contact with our Chairs and Vice
29 Chairs, because all of this involves expending
30 funds and we need to be involved and know what is
31 going on before we commit resources to it.

32 And the Administrative Officers, I
33 would agree, they are not a CCC Work Group, but they
34 may bring items that the CCC needs to address.

35 And it just seems to me before any group
36 meets, it should be coordinated through the EDs and
37 we should get a report back, a written report, so
38 we know what went on. And then if there are any
39 action items coming out of that, then they can be
40 bumped up for us to take action.

41 But I agree, we need to separate what
42 are CCC Work Groups and then what are other groups
43 that get together periodically.

44 ACTING CHAIR STOCKWELL: Chris?

45 MR. OLIVER: I think that your point is
46 a good point regardless of whether they are CCC Work
47 Groups or staff work groups. I know, you know, my
48 staff doesn't travel with the Social Science or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Communications Groups without some travel approval
2 through myself or the Deputy Director, so we are
3 typically somewhat in the loop on that anyway.

4 MR. GREGORY: I speak for Tom. I think
5 what happened in the past is a group will get
6 together, staff had arranged a meeting or planned
7 a meeting and then they go to the ED and go well,
8 you know, we have all agreed that we are going to
9 have this meeting. Is it okay if I can go, you
10 know? Well, you don't want your staff to be the
11 only one not going.

12 So I'm taking care of that at my end,
13 but it seems like a common problem, because I
14 remember the comments you had in the past about the
15 AO meeting. I think the first communication
16 meeting kind of sprung up on us and it might at times
17 put us in a bind.

18 ACTING CHAIR STOCKWELL: Kitty?

19 MS. SIMONDS: Well, I thought -- I
20 mean, in the past when we also had ESA groups, we
21 had MSA groups. But didn't we all -- all the
22 Executive Directors had to agree to it and if they
23 didn't, we kind of, those of us who wanted these
24 groups to have meetings, talked people into having
25 one.

26 But you know, I -- like him, I have to
27 approve these things before I -- you know, they will
28 ask me about it. See the Communications Group,
29 which is -- I mean, I consider it a good group.
30 They are the ones who come up with documents. They
31 did a great 40-year history last year.

32 And so actually we hosted them last year
33 to work on that 40-year history. But it should --
34 I mean, we should -- the Executive Director should
35 all agree to this before, you know, it is
36 communicated to the staff.

37 And it depends like for us, I think we
38 called that Communications Group together and if
39 I didn't ask you all, I apologize after the fact,
40 but I am sure that I brought it up because I think
41 I brought it up this time, too, about why we wanted
42 to have a webinar and that was really to look at
43 that 30,000 foot whatever. But starting at
44 wherever each Council -- whatever they could think
45 of for the five issues and all that, because I
46 thought it was important that we should do that.

47 And so yeah, so maybe it's just the way
48 everybody communicates with their staff or their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 staff communications with -- you know, I know
2 somebody didn't pay last year that I paid for. Was
3 it you? Anyway, so it is an issue with some
4 Councils.

5 But -- and as I said, if everybody
6 agrees and some people can't pay for theirs, I pay
7 for it because I think it is very important.

8 ACTING CHAIR STOCKWELL: Tom?

9 MR. NIES: So well, you know, I preface
10 this by saying I don't consider all of these working
11 groups and I don't. I mean, to be honest, the only
12 one that I -- up there that right now that
13 personally I consider a work group is the
14 Legislative Work Group.

15 However, last year, everyone started
16 referring to the Habitat Work Group as a work group,
17 so, you know, that's why I added that. I look at
18 the budget really is CCC Members saying we are going
19 to bring back information for this and the same with
20 the MRIP point.

21 Social Sciences, I view as
22 staff-to-staff interaction.

23 The Communications Group is, frankly,
24 one that give me a lot of heartburn because while
25 I think the Communications Group is important, I
26 find that the group tends to charge down roads
27 before they have checked to see whether we want to
28 go down that road.

29 And, you know, my staff and others have
30 spent a lot of time preparing background documents
31 that, you know, I'm not sure we really wanted to
32 prepare, you know, because they feel obligated that
33 they are committed to working with this group and
34 so they feel committed to sharing that information.

35 So you know, Gregg and I have talked
36 about this. Not to put him on the spot, we have
37 talked about this a little bit. I mean, this is
38 kind of why, you know, I floated out the idea that,
39 you know, if these groups are actually going to meet
40 or actually work on a joint product or something,
41 the EDs ought to be involved at an early stage
42 saying yeah, this is something we want you to do,
43 you know, before they start spending their time on
44 it.

45 Because I find with my staff, once they
46 get involved in a group like this, they feel
47 committed to it. And if, you know, the group
48 starts going, they start contributing to it. You

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 know, now it's great for me to say -- you know, I
2 used the last Communications Group meeting, I said
3 no, we are not going to out there, you know? And
4 then the next thing I know everybody is beating up
5 on me and my staff members saying why aren't you
6 guys participating? And eventually I caved, you
7 know, and I paid for it, Kitty.

8 MS. SIMONDS: Well, I think I offered
9 and then I said well then why don't we meet in Denver
10 if people don't want to come to Hawaii, you know.
11 I think we did support that meeting though for a
12 number of things.

13 But you are right about the EDs, you
14 know, knowing about things. Like for example, I
15 think some of the things that the Communications
16 Group talked about was in terms of getting out stuff
17 to the new Administration is for us to talk about,
18 but we can talk -- we are going to do this all in
19 May.

20 But like to talk about should we have
21 another managing our nation's fisheries? You
22 know, those kinds of things because that's
23 important. A document is important, but, right,
24 I think that it should come from us. They can like
25 talk to us about things and then we should have more
26 -- we used to have a lot of teleconferences, you
27 know, right, in the past. Maybe once a month we
28 would all get on the phone and talk to each other
29 about our issues, complain about NMFS, you know,
30 asking for money, but that doesn't happen. It
31 hasn't happened that way for over the last several
32 years. Everybody has sort of gone their own way.

33 So we should be communicating often,
34 then we wouldn't have these problems.

35 ACTING CHAIR STOCKWELL: Chris?

36 MR. OLIVER: When you say we should be
37 communicating, Kitty, I'm sorry to belabor it, but
38 you mean the EDs --

39 MS. SIMONDS: If there is something --

40 MR. OLIVER: -- or do you mean the CCC?

41 MS. SIMONDS: No.

42 MR. OLIVER: Back to we should be
43 separate. What are CCC Work Groups that are
44 comprised primarily of CCC Members, rather than
45 staff?

46 MS. SIMONDS: Yes, yeah.

47 MR. OLIVER: Thanks.

48 MS. SIMONDS: I'm talking about the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 EDs. We should be talking about things that we
2 think are important that we might want to see
3 happen, so and I don't know if you are saying that.

4 Okay. Say we EDs agree that we should
5 have a month, then we go to the chairs and ask them
6 what they think for something like that, you know?
7 And then we go to NMFS and ask them for money, if
8 we all agree.

9 So I don't know. There are different
10 levels. It just depends on what it is, you know.

11 ACTING CHAIR STOCKWELL: Doug?

12 MR. GREGORY: Yeah. And I question
13 how long habitat will go forward. You know, when
14 I first got here it was planning the Summit and that
15 was done and it was very successful.

16 And of all the things we address at the
17 Council, habitat is not the major thing we address.
18 It's more like status determination criteria,
19 ACLs. So much like we form ad hoc advisory panels,
20 I think maybe some of these things should have a
21 sunset date or purposefully think of them not
22 extending on in perpetuity.

23 ACTING CHAIR STOCKWELL: Tom?

24 MR. NIES: So I have found that at times
25 it is quite productive for the staff to talk to each
26 other about how they do their jobs, you know, and
27 share information. Habitat is one of those, I
28 think, in part because of some conversations at
29 habitat and in part because of some people who move
30 from one coast to the next.

31 There has been some pretty extensive
32 development of a tool that is used to evaluate
33 habitat, so it is now being used, I think,
34 potentially in the Mid-Atlantic region, the
35 Mid-Atlantic Council areas, I believe. It was
36 developed in New England I think it has been used
37 in the North Pacific as well or is being used up
38 there.

39 So, you know, I think these informal
40 contacts, I don't want to necessarily discourage
41 informal contacts, I just want to make sure that
42 they don't get out of hand.

43 Now, habitat started out as informal
44 contact between the staffs. They were basically
45 getting on a conference call periodically and
46 sharing information. It potentially has expanded
47 from that, but I think this year really all they
48 are planning to do is conference calls right now

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 where they coordinate. There is a little summary
2 on the webpage about what is planned for this year.

3 So I don't know if it's a good idea to,
4 you know, squelch these sort of informal contacts
5 between Councils.

6 MR. GREGORY: If I may, I'm sorry, I
7 didn't mean to go that far, but do we really
8 continue it as a work group, a formal work group
9 of the CCC?

10 MR. NIES: Well, I'm perfectly happy to
11 go back and tell them you are not a work group any
12 more, but does anybody have a better name, I mean?

13 ACTING CHAIR STOCKWELL: Michelle?

14 MS. DUVAL: So I don't -- I mean, just
15 looking at this slide that is up here on the screen,
16 I mean, I certainly don't see, you know, any of the
17 communications amongst those of us who have some
18 concerns and topics of discussion with regard to
19 MRIP that we would like to follow-up on. I don't
20 see that being -- that's not a work group.

21 That's just, I think, to let everybody
22 know that hey, this is one of the follow-up topics
23 of conversation that is going to occur informally
24 amongst, you know, those Councils for whom this is
25 an item of interest between now and the May meeting.
26 And you know, if we have any type of progress or
27 new information to report to the CCC that other
28 folks could benefit from, then we will go ahead and
29 do that.

30 But I don't see this notice of MRIP up
31 here as being a work group. I see this slide is
32 just like encapsulating here is the conversations
33 that we have had. I see one work group up there
34 really it seems like, and that's the Legislative
35 Work Group, because it seems to me like budget is
36 maybe not necessarily a work group.

37 We haven't come up with a task. I don't
38 know. Maybe I missed something in there.

39 MR. NIES: Okay. That's exactly how I
40 intended this slide, that this is just, you know,
41 what is coming out of this meeting that we are
42 following up on.

43 And you know, people asked, you know,
44 what is going on? So that's why I summarized the
45 Social Sciences and the Communications Group, too.

46 UNIDENTIFIED SPEAKER: Why don't you
47 move to the next slide?

48 MR. NIES: Brian, turn the page. Oh,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 okay, so I'm not going to give you a whole lot of
2 details, because I have found that people don't
3 remember the details, so we will send an email
4 later.

5 Our plan is for the May CCC meeting, as
6 it is going to be held in Gloucester at the Beauport
7 Hotel, I think you will like it. It's a relatively
8 new hotel. It's about a year old right on the
9 waterfront. It is right near the working
10 waterfront in Gloucester. In fact, one of the fish
11 piers is pretty much across the street.

12 So it will be nice, I think, to have the
13 CCC at a working port. May is not a big month in
14 Gloucester right now for fisheries, but it will
15 still be nice to be there.

16 We plan to send the details out in an
17 email to everyone in mid-March. Then we will send
18 them to NMFS in the mid-April, I think, I promised
19 Emily that.

20 The social events, we are hoping for
21 two. Right now, we are planning a dinner cruise
22 with a lobster bake on board on Tuesday night, I
23 think. And then a cocktail reception at the Cape
24 Ann Museum on Wednesday night.

25 We will have a sign-up for that. There
26 will be -- here, obviously, will get charged for
27 those meetings and we will probably need you to
28 confirm and provide your check probably by roughly
29 mid-April, maybe the third week of April, so a
30 couple of weeks before the meeting.

31 There is one question I had. You know,
32 in the past some of these CCC meetings have been
33 a full three days: Tuesday, Wednesday and
34 Thursday. I think more recently they have been a
35 little shorter than that.

36 So we don't have a full agenda figured
37 out yet, but I'm tentatively thinking that perhaps
38 the way to proceed, and I'm looking for some
39 feedback here, this is the week of Mother's Day,
40 which is the 14th of May this year, also my 40th
41 anniversary, so if I can avoid traveling on that
42 day, that would be a good thing.

43 So what my thought was is Monday a
44 travel day. Have our pre-CCC meeting Tuesday
45 morning and then convene the full-fledged CCC
46 starting Tuesday afternoon and then run it until
47 sometime on Thursday, depending on what the agenda
48 looks like, either until, you know, early Thursday

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 afternoon or Thursday late afternoon, but anyway
2 end on Thursday afternoon.

3 So at most it would be a two and a half
4 day business meeting of the CCC. But if people
5 think the agenda is going to fill up, then, you
6 know, I'm perfectly willing to back up and have our
7 pre-meeting Monday afternoon and go from there.

8 So I'm interested in some feedback.
9 What -- and hold that thought because if Brian moves
10 to, I think, the next page, this is kind of what
11 we have for the agenda so far. A couple of these
12 items are sort of standard.

13 The only one I have added is a Council
14 issues round-robin, which we might want to do if
15 new NMFS leadership is in place. We may not need
16 to do it if they are not there and I guess depending
17 who the leadership is.

18 We had asked for a legislative outlook.
19 I think it will just be an update. The Legislative
20 Working Group, I think, is planning a report for
21 this meeting as well.

22 We had asked NOAA GC for an overview of
23 recent legal actions. They were sort of willing
24 to do it this meeting, but suggested maybe May might
25 be a better time for that. I believe they also plan
26 to come back and talk about the Conflict of Interest
27 report.

28 We will certainly need some sort of
29 update on BSIA.

30 I'm not quite sure about the Stock
31 Assessment Improvement Plan, whether we will need
32 an update on that.

33 There is a placeholder for the National
34 Standard 1 Guidelines discussion. I think that
35 depends in part on how much information we get from
36 the Agency between now and the May meeting.

37 And then the item that we talked about
38 a few minutes ago or this morning was the MRIP
39 discussion would be on there.

40 This is what I have so far. The Agency
41 really hasn't had a chance to think about what they
42 may want to bring to this meeting, so there has
43 nothing been added there.

44 But my opinion is that, you know, it
45 looks like we could -- probably, you know, a two
46 and a half day meeting might be sufficient for us.

47 ACTING CHAIR STOCKWELL: Feedback for
48 Tom? Chris?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. PHILLIPS: It may be, Tom, and I
2 guess I suspect there will be other agenda items
3 that come up between now and then that will get
4 added. I would just ask that you don't shorten it
5 any more than two and a half days, because I think
6 if, you know, we -- this one -- this meeting may
7 be -- ended up being close to two days, two and a
8 half might be short.

9 I mean, we -- that's a long way to travel
10 for a short meeting, so I would ask that we leave
11 open the option of the Council only meeting on
12 Monday afternoon. Maybe we can get by with doing
13 it Tuesday morning and then have two and a half days
14 of meeting, but I would just ask that we plan on
15 a full two and a half days at least.

16 MS. SIMONDS: I agree. Make an
17 impression.

18 MR. NIES: Okay. I mean, if it's the
19 preference, we will go ahead and continue to plan
20 the pre-meeting on Monday afternoon and that way
21 if we go all the way to Thursday afternoon, we have
22 had our full three days and, you know, we can fiddle
23 with the agenda, I suppose. And if it doesn't go
24 a full three days, leave earlier Thursday
25 afternoon. If that's what people prefer, that's
26 what we can do. I don't know if the Agency has a
27 preference.

28 ACTING CHAIR STOCKWELL: Sound good to
29 everybody? I see nodding heads, Tom, so it looks
30 like Monday afternoon it is.

31 MR. NIES: Okay. And one last item.
32 If you look at the other business, there is a short
33 draft agenda for the Deputy Director senior staff
34 meeting. If anybody has anything they want to add
35 to that, it's probably easiest to email it to me,
36 because I probably won't write it down and remember
37 it now.

38 But this is just some of the topics that
39 they are thinking of. They will probably sit in
40 on a number of our sessions, too, so it doesn't fill
41 a full three days, because they plan to move back
42 and forth between it.

43 ACTING CHAIR STOCKWELL: Chuck?

44 MR. TRACEY: Thank you. Just a
45 question on the Deputy meeting. Is there a plan
46 to have them report to the full CCC or not?

47 MR. NIES: Yes.

48 MR. TRACEY: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NIES: Yes, there is. I haven't
2 actually talked to Chris Kellogg and figured out
3 whether we would do it at the end of this meeting,
4 which would probably be the best thing rather than
5 wait, you know, 10 months to do it, but, you know,
6 we will have them report.

7 MR. TRACEY: I guess I would also as far
8 as the agenda goes, I would like to provide another
9 update on the SCS meeting as well, which, by the
10 way, is a CCC Work Group or a subcommittee as
11 spelled out in the terms of reference.

12 ACTING CHAIR STOCKWELL: Gregg?

13 MR. WAUGH: Tom, back on the agenda for
14 the next meeting, we had also talked about concerns
15 about the level of funding for Fishery- Independent
16 Data Programs and we were going to ask NOAA for some
17 guidance on what might be available in the future
18 or not available in the future.

19 MR. NIES: Okay. Would that be
20 something you guys would want to cover in the
21 management and budget update or would you want to
22 do it, since it's more specific-related to science?
23 I mean, we can work that out later, I suppose.

24 MR. WAUGH: We'll work it out. We'll
25 figure it out.

26 MR. NIES: Okay.

27 ACTING CHAIR STOCKWELL: Chris?

28 MR. OLIVER: Just in the interest of
29 trying to make this meeting last all afternoon here
30 today, the -- can you go back to the Deputy meeting
31 issue and the AO meeting issue again? Because I
32 know we talked earlier about having a report from
33 the AO in May.

34 Does that mean there is going to be
35 another AO meeting in conjunction with the CCC
36 meeting?

37 And then secondly, if the Deputies are
38 meeting, what is that meeting about? I guess, I'm
39 out of the loop on that because my Deputy typically
40 attends every meeting anyway. And so what are they
41 discussing and reporting to the CCC on?

42 MR. NIES: So in answering your first
43 question, no, there is not another AO meeting.

44 Mike Collins, who works for the South
45 Atlantic Council, has agreed to prepare a short
46 written summary of any topics they discussed
47 highlighting anything that they really think we may
48 need to take action on or want to bring to our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 attention.

2 And he will provide that. I suspect
3 that Gregg will wind up delivering it, because my
4 AO is out on medical leave, so she wasn't here and
5 she won't be at that meeting either.

6 With respect to the Deputies' meeting,
7 the agenda is -- that has been pieced together by
8 a couple of the Deputies is on the board. They want
9 to talk about, I guess what I would say is, what
10 I would generically call, internal management
11 issues, right, to see how other Councils are doing
12 things and compare notes.

13 You know, how we work on NEPA documents,
14 how we work with the external agencies. You know,
15 there is a wide -- I get the impression there is
16 a wide variation on how well documents move through
17 some regions. So are there things we can learn
18 from the Councils where it goes well that we can
19 share with the Councils where it doesn't go well?

20 You know, some of that may be based on
21 what the Councils do. Some of it may be based on
22 what the regional offices do.

23 They want to talk a little bit about
24 staff management and development. In fact, quite
25 a bit on staff management and development.

26 ACTING CHAIR STOCKWELL: Further
27 feedback for Tom?

28 Seeing none, we are coming to the end
29 of our business. Is there any further business
30 before the CCC?

31 Seeing none, before we adjourn, I want
32 to thank Brian very much and staff. You have done
33 a yeoman's job.

34 (Applause)

35 ACTING CHAIR STOCKWELL: And
36 appreciate a lot of good hard work the last couple
37 of days. We will see you all in Gloucester in
38 beautiful May. Bring your coats.

39 This meeting is adjourned.

40 (Whereupon, the above-entitled matter
41 was concluded at 2:20 p.m.)
42
43
44
45
46
47
48

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31