



COUNCIL COORDINATION COMMITTEE

MAY 2014 MEETING

May 12 – 15, 2014 • Virginia Beach, VA



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1. WELCOME, INTRODUCTIONS, COUNCIL REPORTS

Rick Robins: So with that, I'll move right along and get into introductions and I'll look first to Herb Pollard, if you want to start down there, and we'll go around the horn with introductions. And then after that, I'll recognize Eileen Sobeck, but I also want to see if Dr. Moore has any housekeeping announcements after that so that we can keep things running in an orderly way and make sure that everybody's aware of the different events that we have scheduled for the week. Herb.

Herb Pollard: My name is Herb Pollard. I've been on Pacific Council and represent the state of Idaho.

Dorothy Lowman: And I'm Dorothy Lowman. I'm Chair of the Pacific Council, and I hail from the state of Oregon.

Don McIsaac: Don McIsaac, Executive Director, Pacific Fishery Management Council.

Bob Turner: Bob Turner, Assistant Regional Administrator, West Coast Region.

Kevin Anson: Kevin Anson, the Gulf of Mexico Vice-Chairman representing Alabama.

Doug Gregory: Doug Gregory, Gulf Council Director.

Eugenio Pineiro: Thank you. Eugenio Pineiro, Caribbean Council Vice-Chair from Puerto Rico.

Carlos Farchette: Carlos Farchette, Caribbean Chair.

Miguel Rolon: Miguel Rolon, Caribbean Executive Director.

Roy Crabtree: Roy Crabtree, Southeast Regional Administrator.

Bob Mahood: Bob Mahood, South Atlantic Council Executive Director.

Michelle Duval: Michelle Duval, South Atlantic Council Vice-Chair and North Carolina Division Marine Fisheries.

Adam Eisenberg: Adam Eisenberg with NOAA's Office of General Counsel.

- Alan Risenhoover:* Alan Risenhoover, Office of Sustainable Fisheries.
- Paul Doremus:* Paul Doremus, DAA for Operations, NOAA Fisheries.
- Sam Rauch:* Sam Rauch, DAA for Regulatory Programs, and I will note that the reigning ACC regular season and tournament champion is the University of Virginia Cavaliers in this very state.
- Rick Robins:* Every dog has his day.
- Sam Rauch:* Well, I appreciate your token diversity for other states in the Mid-Atlantic.
- Eileen Sobeck:* All right, enough already. This is – I’m Eileen Sobeck, AA for NOAA Fisheries, and I would just note that the Stanford women’s’ water polo team won, like, their 1,000th game in a row.
- Rick Robins:* And while they won, it didn’t look that good, I guarantee ya. That’s like a – that’s a pile driving technique there. All right, Chris.
- Chris Moore:* Chris Moore, Executive Director, Mid-Atlantic Council.
- Lee Anderson:* Lee Anderson, Vice-Chair, Mid-Atlantic Council from the state of Delaware.
- John Bullard:* John Bullard, Regional Administrator, Greater Atlantic Regional Fisheries Office, GARFO, Portuguese for fork.
- Tom Nies:* Tom Nies, Executive Director, New England Fishery Management Council.
- Terry Stockwell:* Terry Stockwell, Chair New England Council from the State of Maine.
- John Quinn:* John Quinn, Vice Chair, New England, State of Massachusetts.
- Jim Balsiger:* Jim Balsiger, Regional Administrator.
- Arnold Palacios:* Arnold Palacios, Chairman, Western Pacific Fisheries Council from Northern Marianas.
- Will Sword:* Will Sword, Vice-Chair, American Samoa Western Pacific Council.

Richard Seaman: Richard Seaman, Vice-Chairman, I represent the Northern Marianas Island.

Mike Tosatto: Mike Tosatto, Pacific Islands Regional Administrator, NOAA Fisheries.

Chuck Daxboeck: Chuck Daxboeck, Western Pacific Regional Fishery Management Council, SSC Chair, hailing from Tahiti.

Rick Robins: Thank you. Let's go around to the back tables. Jim Armstrong, if you don't mind starting.

Thank you all very much, and at this point, I'm going to ask Dr. Moore if he has any housekeeping announcements just to keep us running on schedule through all of our events this week. Chris.

Chris Moore: So just a couple things, Mr. Chairman. First, in terms of PowerPoint presentations, if you have any changes to your PowerPoints or if you need any technical assistance with your PowerPoints, see Jim. He'll help you out.

There is coffee. Coffee is outside the doors. The restrooms, if you haven't found them, are back by the elevators, so it's a little bit of a hike, but not that far.

If you received an envelope with a pink tag this morning, that means that you had a desire to go to events but we have not yet gotten your money. So if you are still interested in going to those events, see Mary and settle up with her. The event tonight, we are going to have an event. We will have bus service to and from the event. The bus will load at 5:45, same place as it was last night out in front of the hotel. The bus will bring us back after the cruise with Skip Feller about 8:15.

Tomorrow we have the dinner. Same deal. A bus, start loading about 5:45. Dinner will start at 6:00. All the instructions for the events, locations, how to get to them if you decide not to take the bus are in your briefing material. Both locations are pretty close. And I think that's it, Mr. Chairman, unless there's questions.

Rick Robins: Well, thank you, Chris, and I would just point out if you'd like to go but you didn't register in advance, please know that you're still very welcome to join us, so please plan on joining us if you didn't sign up in advance. Just see our staff after this to get any details for signing up. So with that, I'll turn it over to Eileen Sobeck. Welcome, Eileen.

Eileen Sobeck: Thank you so much, Rick and Chris, and thank you to Mid-Atlantic leadership. It looks like this is going to be a great event. The dinner last night was really wonderful. Great to room on the water, great setting. I have not had a sitting of a Presidential placement yet, but I'm really looking forward to adding that to my life list, and I tried to think of what a Californian would say, but I'm pretty sure that eight Presidents weren't born in California yet. We do have two Presidential libraries – Reagan and Nixon – but I'm not sure I'm going to brag about that yet.

Anyway, great event, great organization, really looking forward to it. The first time I – my first CC meeting, CCC meeting was in February in Washington. I had barely gotten my feet wet. I think I'd maybe been to the Miami Boat Show. I didn't really have a sense of what was going on. I now realize that I, of course, understood and absorbed about 10 percent of what you guys were saying. I did recognize that it was important, but I think that, from my perspective, this is going to be a more meaningful meeting because I do actually know some of you and some of the issues, so I'm really looking forward to what we're – what's on the agenda. I think we've got a lot to talk about.

But I'd like to – I'm sure this isn't the only time that we'll be doing this during this meeting, but I'd like to stop and take a moment to recognize Eric Olson and his service. I think he's the one person who's actually leaving the CCC leadership and the Council, and I wanted to make sure that, since he is a most excellent chair and Council member and has served nine years, which I really can't believe that people actually manage to serve out nine years on Councils. It's a heck of a lot of work, the amount of travel involved, the number of meetings. I – it is a tribute to your dedication, Eric, that you've been willing to serve for that long and have done such great work. I really have heard quite wonderful things about you. We started talking about Council appointments and replacements and within NMFS and I've been now getting my feet wet and what an interesting process that is, but it's been brought to my attention that filling your shoes is going to be very difficult. And I'm sure – I think it's like a

lot of other organizations, when you have a really good contributing member, you find other ways to induce them to serve, and so my guess is it won't be the last time we see you, even if you won't be a member of a Council or a Council chair. So please don't be a stranger, and maybe we can just pause and give Eric a round of applause.

[Applause]

Eric Olson: Just want to thank you very much for those kind words. I really do appreciate it.

Rick Robins: Some of us are trying to mount a write-in campaign to get – to keep Eric on. Get rid of term limits.

Eileen Sobeck: Get rid of term limits. Yeah, well, we'll have to – we'll chat with General Counsel about that. We'll talk with Congress about that. I'm disappointed that we won't get to serve together, Eric, but I'm sure we'll find a way.

So anyway, I want to thank and welcome members of the public, Council members and staff, our NOAA Fisheries staff for being here, and I just wanted to note a couple of things that have happened since our last meeting. I know some of you – many of you were involved in some or all of these events, but I think it's worth recounting, even in a few short months. There's actually been a lot happening in our world. A couple of weeks ago, or may – I guess it was a couple of weeks ago, or was it just last week? It's one of those that's starting to get away from me. In San Diego, we had the commissioning of the newest NOAA ship, the Reuben Lasker, a world-class research vessel. It was an incredible occasion. It's really wonderful. The pomp and circumstance of launching a new ship is really a really nice ceremony. We had a wonderful tour of the ship. It's packed from stem to stern with state-of-the-art equipment, the flexibility to change out equipment based on what the purpose of the cruise is. There's – you know, it hasn't been lost on me in the first few months that NOAA is all about plants. NOAA fisheries is all about science. We – everybody agrees that more science and better science will help us, as fishery managers, do our jobs better and here is a platform that is really going to make that happen, so it is – it was really a thrill to be there and really look forward to having the Lasker out and running research cruises and helping all of us do our work, especially those of us on the left coast.

We had a very successful saltwater recreational fisheries summit, again about a month ago, in early-April. I stayed through the whole two days. I was really impressed with the quality of the discussion. We had Dr. Sullivan, the head of NOAA, as our kickoff speaker. She's very interested in this issue. I'm going to report back to her on how the summit went when I meet with her on Friday because we've kind of gotten a formal readout of some of the to-do list, and I want to make sure that she has the follow-up. It lasted two days. There were a lot of breakout and discussion sessions. My own personal experience is when you have those kinds of meetings that go on for two days with breakout sessions, the attendance level falls way down as people go out into the hallways and the meeting rooms and make their phone calls, and I didn't see that happening. A bunch of you were here, and I think that the reports were all that it was – they were good substantive discussions. We had some good mix of folks from different regions sitting together. We had a lot of our senior managers from NMFS present. We are taking the recreational issues very seriously. It's not – really the theme is that the interest of recreational anglers is important in every region and has to be part of the NMFS decision-making process. One of many factors, but a very important factor that's taken into consideration from the beginning to the end of our decisions.

The one announcement that I made that I hope you guys are aware of at that summit was that NMFS will be doing a national recreational fishery policy. We are going to be putting that together. It was one of the five things that was asked for in the Deal-Morris – or is it Morris-Deal? Morris-Deal report. Sorry. And so again, I think it was a great idea and to show the rec folks that we take their suggestions very seriously when they really sit down and think them through. We've committed to putting that policy – putting a policy together by the end of the year. It's the old if you really want to get input, it takes a while to gather that so there was a little bit of grumbling, why can't we do it in 60 days, but what our plan is is to do a cycle of public comment/workshops. By doing them in association with Council meetings, the Council meetings that take place over the spring and summer, so Russ Dunn is going to talk about that – talk a bit more during his readout from the summit and he's going to remind you all that there will be a rec fishing policy workshop in conjunction with every Council meeting coming up this spring and summer.

This – I did want to just touch on one matter that doesn't affect very many people in this room directly, but I think it's indicative of things that have and will happen in every region which is, again, severe weather events of one sort or another and drought planning on the West Coast. California's having one of its worst water years on record. There's virtually no snow pack. Reservoirs are way down. Decisions being made about who gets the water, is it going to go south to LA for drinking water, is it going to go south to the San Joaquin Valley for agricultural purposes, is it going to be released for – are cold water releases going to be made to protect salmon spawning habitat? You know, we're in danger of losing a lot of salmon runs this year, and this year is nothing compared to what will happen next year if there's no decent rain or snow pack. So these decisions are being made by multiple state and federal agencies. They're being made in conjunction with a lot of political – high-level political input. Fish are sort of at the center of a lot of these decisions. The Fish & Wildlife Service has a small fish, the delta smelt, which has become the whipping boy of a lot of the folks who kind of are making the fish versus people argument, but we have – NOAA Fisheries has a ton of (inaudible) as many of them listed that are involved in this struggle, and it's not easy and I think that, again, as we look at – fisheries disasters can take many forms, and they are challenges throughout the country.

We have rolled out some high-visibility reports in the last few weeks, and I just wanted to make mention of them, and because, as I said to somebody, this is a car camping trip and we didn't have to worry about how much our carry-on luggage work. I brought some props so – 'cause I could just throw them in the back seat. So there is the Status of Stocks Report. I'll put my finger over my face so I don't have to look at it. And I wanted to emphasize that this Status of Stocks Report is a report that reflects the work of this collective group. It's not just a NMFS report, a NMFS Fisheries report, but it really shows that our collective progress over the last number of years – it documents that progress towards ending overfishing and rebuilding stocks, and in 2013, seven stocks came off the overfishing list, four stocks are no longer overfished, two stocks were rebuilt in 2013, bringing the total to 34 stocks since 2000. So it's really great, I think. You know, it's great for everybody in this room to reflect every year on the progress that's come after a lot of pain and suffering but has really been – at least is reflected in this report, and it's a great thing – it's nice to have something positive to say to Congress from time to time.

The Fisheries Economics of the U.S. Report also came out. It's another annual report that highlights our – the economic impact of fisheries to the nation, both commercial and recreational. This kind of becomes our mantra to remind people that this is not – fish are not small potatoes, if I can mix my metaphors. So in 2012, U.S. commercial and recreational saltwater fisheries – fishing generated almost 200 billion in sales impacts – in fact, 199 billion – and contributed 89 billion to gross domestic product and supported 1.7 million jobs, so 200 billion, 89 billion and 1.7 million.

Another report, the 2014 Deep Sea Coral Report, if anybody wants to look at these, as I say, I have them. I think that many Councils are starting to use this information about deep sea corals in their work. Councils are increasingly engaged and developing methods to manage potential impact of fisheries to deep sea coral areas and recognizing how important these are to the deep sea habitat's role in the fisheries' ecosystems. A lot of interesting and important research coming up, which is necessary because our knowledge of these corals has been fairly limited. We don't really know that much about the geographic distribution and the full extent of their function in fisheries habitat, and they haven't really been adequately studied, which is limiting your ability to make sure that information about these important resources are folded into your management decisions. So in 2012 and 2013, we did make some considerable progress in filling in these knowledge gaps. We did locate and characterize deep sea coral sites, and submitted those in this report and to the Council, so hopefully we are making progress on that.

I wanted to give a shout out to our – to several of our new habitat focus areas and Buck and his office have worked really hard on this NOAA-wide and sort of – I'm sure you guys have had more detailed briefings on this where we're not doing sort of a thousand acts of random kindness for habitats, but that we are trying to focus our efforts and bring them to bear in areas that we know have – can have significant impact on our major mission for – regarding fisheries. So we have announced a number of new habitat focus areas, including the Penobscot River watershed in Maine and the Choptank River system in Maryland and Delaware. We now have focus areas in the Pacific Islands, the Great Lakes region and on the West Coast. And so our – I just wanted to note that the habitat blueprint, which is kind of our – the big picture of all of these habitat focus areas, is a cross-NOAA effort and so it allows us to reach across NMFS to work with

our sister-in-line offices, including NOS, to maximize our habitat conservation investments and to benefit marine resources and coastal communities.

I did want to remind us all that in February this group got a read-out from MAFAC on a number of different issues, including its recommendation – its ESA working group recommendations and we formed a working group to develop a draft policy and I think it's very important we're focusing on fisheries issues here, but of course, the other major mission area for NMFS is protected resources. There's a huge amount of interaction in those two areas, and trying to work on maximizing our – cutting – maximizing efficiencies and cutting the burdens of complying with some of our protected resources procedures is a priority. I am going to work really hard to – on our mission goal of recovering protected resources, but I want to do it in a way that minimizes your work and sustainable fisheries.

I did want to mention a few NMFS staff changes. Mark Holliday was the head of our Policy Office, and he just recently retired, and we are advertising to fill that position on a permanent basis, but at the moment, we're going to – the current acting director is Heather Sager, who is seated right over here. So if you used to call Mark for help or assistance or comments, right now you can talk to Heather, and we will let you know as soon as we fill that office permanently. Bruce Buckson – Bruce isn't here, is he? He will be a bit later. Regretfully, Bruce announced his retirement recently from the Office of Law Enforcement, effective in July. NOAA was a second career for Bruce. He spent about 30 years working in state law enforcement in Florida. It's a well-deserved retirement to go back to Florida and be closer to his family. We are really sad to see him go. He has really helped NMFS law enforcement get back on the right track, and everybody is really grateful for him helping see the Office of Law Enforcement from sort of troubled waters to a new state of stability and sort of reasserting itself in its appropriate role. So he will – Bruce will really be missed. It's nice that he's given us enough notice to find a good replacement. We've already started that process and we will let you know how that goes. So when Bruce comes later, give him your congratulations, and this might be your last chance to see him.

Just a couple final thoughts about the kind of challenges that I see facing me, NOAA Fisheries and this group, pretty obvious. MSA reauthorization, we're going to be spending a lot – a whole morning, I

think, discussing that. There's a lot going on with the House draft, the Senate draft hearings, a ton of outreach and engagement, but you know, we're not exactly sure where things are going to go and at what pace. I guess we started this engagement before I came. Here's my last prop. Thank you, Don McIsaac and team. Here are the bound proceedings from the third – from the Managing our Nation's Fisheries III. I don't know how many – whether we're going to have – how many more bound volumes of proceedings we'll have. I think that these are sort of dinosaurs, but it takes a lot of work to put something like – it takes a lot of work to put the conference together in the first instance, and then to put a summary together in a report form. I think this is just – I was very impressed when I came here that we have this kind of kick-off strategy of kind of really thinking things through together, what kind of issues are out there, even though we know that we're going to have slightly different paths from when we start out and wherever we end up finally. I think sort of identifying our common interests, our common solutions, and then other – common problems that might not have common potential solutions. I think it's a really important collaborative process, so thank you, Don, and everybody else who contributed to that.

Oh, it's not my last prop. I have one more. Climate change, climate change, climate change. This is the most recent U.S. National Climate Change Assessment. It's a challenge. How are we all going to cope with climate change? Everything we do is sort of permeated with climate issues. It underscores, if we needed underscoring, the science challenges, the getting good data, the getting a good framework for analyzing the data that we do have given what we know and what we don't know about climate change and how it impacts the fisheries' resources, including fisheries habitat that is so – have such a huge impact on our decision-making. So we'll need to work together to adapt in different ways and different places. I've been very impressed as I've been able to get out and about around the country at how fishermen get it that we have to adapt and that we have a lot of challenges in the climate, sea-level rise, ocean acidification, whatever aspect of climate change we're talking about, everybody knows that we have to deal with it.

We're going to continue to – our momentum and progress in rebuilding stocks, and that's kind of the baseline of our work together and that's what we all do day in and day out, and that's what the purpose of many of our conversations here will be.

Enough already. I think it – these are all – most of these are either items on our agenda or are themes that are going to be woven into many of our agenda items. That’s what we’re here to roll up our sleeves and work on. I’m going to be here all week, along with the senior members of my team. These topics are – they’re visible, they’re important. We’re going to be having conversations on the Hill about them. I have been incredibly impressed at the partnership and collaboration that is really the hallmark of the work that NMFS does, and I think it’s been a really – it’s been highly successful although it can be – I know it can be painful and tense at times. I think this kind of – I was just saying to Rick – this kind of actual working meeting where we talk to each other on a regular basis and kind of do a little bit of correct for the conversations that happen regionally, I think is really, really important. It’s both our Agency and the approach of each of the Councils and regions, it’s appropriately regionally-based, regionally-led, regionally has a rich flavor of difference for each region, and that’s extremely important, but we have a national program that’s subject to national regulations and national statutes, and being able to check back in and make sure that we have the appropriate level of consistency, that we share the knowledge that has been derived in the different regions and take advantages of the knowledge that’s been generated in the various regions, I think is incredibly valuable and somewhat unique to this group. So I look forward to having – to – I look forward to the meeting just as I did a couple of months ago, but I’m pretty sure I’m actually going to get something a little bit more substantive out of it this time around, so thank you so much.

Rick Robins:

Eileen, thank you very much. Questions for Eileen? All right. Before we go on to the Council reports, I just want to make sure that members of the Agency or members of the public who may be behind me will get my attention if you want to ask a question or have a comment. I don’t have a rearview mirror up here, so if you need to get my attention, please just speak up and let me know. Thank you very much.

All right, with that we’ll go on the Council reports, and, Eileen, thank you very much for your comments. That was very comprehensive, and I appreciate that, so we’ll look forward to discussing a lot of those items as we work our way through the agenda today. We’ll start out with the Western Pacific for Council reports, so Kitty, how do you all want to handle it?

Arnold Palacios: Thank you, Rick. Current activities of the Western Pacific, we have run – well, we have three subjects of current activities, future priorities, additional NOAA resource support required. The current activities are international management. There’s a growing body of evidence that there is little connectivity between the big eye harvested in Hawaii longline and American Samoa – our longline fisheries and intensively fish stocks are big eye in the Equatorial Pacific.

One of the biggest issues that we face in the Western Pacific is disproportionate burden that our Hawaii longline fisheries and the American Samoa fisheries have to take in terms of allocations and in the last international meeting of the Western Central Pacific fisheries commission, I believe we walked away very disappointed in how things played out for the Hawaii longline in America Samoa. The talks about disproportionate conservation burden being urged by Pacific Island countries is strategic leverage against the U.S. fisheries and other developed countries in regards to big eye conservation. Again, the Hawaii longline fisheries appear to be a pawn in the larger geopolitical game over the purse seine fisheries, skipjack and yellow. Our longline fisheries being burdened for reductions in the big eye quota. The issue here is that a lot of the fisheries in our Hawaii longline fisheries are not in the equatorial zone where all of overfishing is occurring, and we tried to make those points in these meetings, but at the end, I think we walked away very disappointed. I thought that – we all thought that we were, the U.S. fisheries were basically targeted with a major quota reduction, particularly the Hawaii longline fisheries.

On the management issues, the delay in processing of our ESA Section 7 consultation, puts two largest fisheries in our Western Pacific region in jeopardy of operating without current buy-ups. With that, since 2011, NMFS has not reinitiated consultation. For the American Samoa longline fisheries and Hawaii deepset longline fishery consultation is ongoing since June 20, '13, due to duplicative requirements to obtain Marine Mammal Protection Act take authorization. Magnuson-Stevens reauthorization, I had the opportunity with one of the members from Hawaii, to testify in the senate, U.S. Congress, on our priorities. The Council also commended – submitted our comments on the draft House bills and the Senate bills. Basically, the key points that we submitted for trying to level the playing fields in international arenas and we also reiterated the seemingly

continuous loss of our opportunities, fishing opportunities, cultures as island peoples, those are areas that we tried to emphasize.

We go to our program planning. We approved our program plans in, I believe, last spring. We're now finalizing a five-year plan and multiyear budget for transmittal to National Marine Fisheries for consideration. Our program elements include pelagic fisheries, our island fisheries, ecosystem. This includes protected species, habitat, human dimensions, science, climate change, fishing in indigenous community, programs development, education and outreach. Next slide.

Community and fishery development, fishery infrastructure training, fishability assessments, community-based management planning, capacity building, cooperative demonstration. (inaudible) spend maybe a minute on this. We continue to go back over the years to redo some of this, particularly capacity buildings in our islands. We've decided to take the bull by the horn, really, and start engaging in our colleges, in our schools to begin to have our students get into the science program so they can, into the future, invest in our future.

Future priorities. Our Council program plan conducts reviews of fishery consistent plans, integrate ecosystem information into the ecosystem plans, so for monitoring, data collections and research, support capacity building, history development, support U.S. fisheries at an international level related to highly migratory species, management, trait and compliance. Of course, climate change I also a very big issue in the Pacific area. Very, very big. Thank you.

Rick Robins:

Thank you. Are there any questions on the report? Okay, we'll go on to the North Pacific. Chris.

Chris Oliver:

Thank you, Mr. Chairman. I'll give a quick overview and I'll look to Chairman Eric or John or Dr. Balsiger if they have anything to add. I don't have a PowerPoint. I just – I'll talk a little bit about a few of our major issues that we're grappling with recently. It hasn't changed much since the update we provided a couple of months ago at our interim meeting, but for the last two or three years, and probably for the next two or three years, one of the biggest issues we will continue to be dealing with is bycatch, and when I say bycatch, I want to specifically point out what I'm talking about is prohibited species bycatch of species like

salmon, chinook salmon, and halibut, which are either required to be discarded or required to be retained, but not allowed to be sold, and we have put bycatch caps in place for chinook salmon for both our Bering Sea Aleutian Island trawl fisheries as well as our Gulf of Alaska trawl fisheries, and we're going to be getting reports from the industry, particularly in the Bering Sea, who operate in the Pollock fishery predominantly under fishery cooperative system. We're going to be discussing this again at our upcoming June meeting, looking to see if there are additional measures that can be implemented either through that fishery cooperative system or through potential additional regulatory measures that the Council may choose to initiate as we continue to have low, very low in some cases, runs of chinook salmon in western Alaska.

The halibut situation is also a significant challenge for the Council. We're continue for many years to be in a declining state of exploitable biomass for halibut. Still a solid biomass, but a lot of smaller fish and so less of an exploitable biomass. In the Gulf of Alaska, we recently, two years ago, reduced our PSC allowances for the trawl fleet by 15 percent and we are now sort of turning our eye toward the Bering Sea fisheries, which have a lower overall biomass of halibut relative to the Gulf and, proportionately, a significant portion of that available biomass is, in fact, taken as bycatch and to the point where some traditional commercial fisheries are being significantly curtailed in that area.

So the Council's going to be looking to the fishing industry itself in the Bering Sea through cooperative management, the measures they can take to further reduce bycatch and potentially look again at regulatory measures that the Council might choose to take to look at bycatch reduction on halibut in the Bering Sea groundfish fisheries. And related to this, probably our biggest initiative for the next – which has been going on now for a good year and will probably be the biggest significant issue on the Council's agenda for at least another year or two to come is what's called our Gulf of Alaska trawl bycatch management program, or some people would call it Gulf of Alaska rationalization, where we're looking at some type of cooperative structure that will assign, allocate both target fishery quota as well as bycatch quotas to that fishery. It's probably the last fishery we have that doesn't operate under a rationalized catch share program. There are sector allocations, but there's not a vessel level catch share program, so something akin to that is under development by the Council and is probably our highest priority to allow the fleet to continue

to operate, but operate in a way that they can within the existing or potential future bycatch reductions, reductions in the allowable cap for halibut, for example, and salmon. So that's really our biggest initiative right now.

One other thing I just want to mention that was a very positive experience for the Council recently, we've grappled for many, many years with the intersection of our groundfish fisheries, for our groundfish trawl fisheries for Pollock, Pacific cod and (inaudible) mackerel with Steller sea lions and, while the overall population for Steller sea lions is on an upward trend, it continues to be down and some areas in the western and central Aleutian Islands, it continues to decrease and so a couple of years ago, we put in place – I say we collectively as in the Agency – put in place some additionally restrictive measures in those two areas in the western and central Aleutian Islands, and subsequent – I'll give you the short version – and subsequent to that, there was litigation involved. The courts ordered the agency to develop – prepare an environmental statement to support the measures that were put in place, and through that process, which was brought back through the Council, the Council developed a preferred alternative that actually relieved some of the fishing restrictions in the western and central Aleutian Islands, and that, of course, Council took final action on that last fall. The biological opinion was developed by the Agency on that preferred alternative and recently was found to have no JAM determination, no jeopardy or adverse modification. So in essence, we were able to craft a suite of management alternatives that allowed for some of those fisheries to continue to operate while, at the same time, providing the necessary protections for Steller sea lions to the extent there is food interaction for prey between the fisheries and the Steller sea lions, so that was a very positive experience for the Council relative to Magnuson and ESA.

Rick Robins:

Jim.

Jim Balsiger:

Chris said it exactly right, but there has been a little bit of publicity over the Section 7 consultation that said there is no jeopardy or adverse modification, but Chris is right. There's still significant restrictions against wide open fishing. It's not like all the rules are gone. We're still protecting the fish out there, the sea lions out there by managing those fisheries, but the Council helped us find those, so it was a good partnership.

Rick Robins: Any questions for Chris? All right. We'll go on to the Pacific Council. Don? Dorothy?

Don McIsaac: Thank you, Mr. Chairman. We're going to start off with regard to current activities with our Vice Chairman, Herb Pollard, speaking to that. Our Chair, Dorothy Lowman, will speak to future priorities and then I'll have a few remarks at the end on additional resources.

Rick Robins: Great, Don. Herb.

Herb Pollard: Thank you, Rick. Just a couple of the things that are really big for us right now. Eileen Sobeck talked about the salmon situation. In 2014, we have a very good salmon situation, and we're enjoying a very good salmon season, a combination of some good inland water years and good ocean conditions, and you know, in March, instead of watching the big dance, we're watching the snowpack in the Sawtooths and the Tetons because when a lot of salmon production takes place 900 miles inland, or even 300 miles inland on the Sacramento, if you don't have snowpack and runoff, then you can look at a season that falls apart two years later. But right now, we've got above-average seasons, our March and April Council meetings, we managed to meet conservation goals, which is difficult because you've got some lower river hatchery supported runs that can maybe take a 50 percent or higher hit, and then you've got some wild runs and some upriver runs and some constraining runs that only can take 10 percent or less, plus we have our treaty Indian tribes who we have to share with and our U.S.-Canada treaties, so we have to worry about the Frasier, but we were able, with a lot of interagency cooperation, to achieve the conservation goals on the weak stocks to have some very good seasons. Some of those are yet to develop, but we had a pretty good start in the southern waters off California this year, but we're looking, with the drought in California, that in 2016, 2017, we're going to be in trouble because the Klamath Trinity, which is a big constraining stock and the Sacramento Falls, which we're pretty proud of what has happened, but if the little guys can't get to the ocean, the big ones don't come back, and so we're looking at a difference between maybe a million-plus adults now and maybe under 100,000 from the last drought years, so it's a huge issue that we have to solve just about annually as to what we've got coming for fish and how to balance the weak stock, strong stock the treaty tribal inland recreational, ocean recreational and the saltwater commercial

fishing.

The other really big issue that's coming to a head in June is we're working on our biennial groundfish specs. I think everybody is aware of what we've gone through since 2011 when we went with the catch share program on our groundfish, and we had the '11-'12 specs, which were the first time that we had all of our groundfish fisheries on a catch share program. '13-'14, now we're in four years, we've got some experience with it. We're working on '15-'16, which will be finalized in June and along with that, we're setting up to do a programmatic EIS on the management measures, which will last, we hope, through the next five cycles so that, instead of needing to prepare an 800- or 1,000-page EIS every two years with the management specs, we will do that over – as a programmatic with a biennial EAs to reduce some of the staff load and to try to be more efficient and more responsive and that's been another cooperative effort with the regional office of NMFS helping get us into work through this together. So those are two of our current, we think, very important issues that we're dealing with, and I'll pass to Dorothy.

Dorothy Lowman:

Thanks, Herb. You know, I think it's often – and especially I think of fisheries as a classic one of these where it's a continuum. You know, our current activities lead seamlessly into future priorities, and we have Council members who always want to go back to the good old days and a four-day Council meeting and – but the complexity and the increasing demand for issues that we start to have more capacity in what we know, but we also have some more challenges that arise that – so I'm not going to go through all of them that we have on our plate right now or on our docket or waiting to get up to the – above the line on the workload priorities, but I would focus on a couple of them.

One of them is to look at the current drift gillnet fishery for swordfish and other fisheries that occurs off California in federal waters and our commitment to begin to develop a comprehensive plan to transition that fishery to one that utilizes a suite of more environmentally and economically sustainable gear types that can effectively start on target, which is a very healthy West Coast swordfish stock. This is important because that stock is very healthy. It helps meet a strong U.S. demand for swordfish, and if we were to just say let's get rid of the gillnet fishery, that's it, that demand would be there and it would be filled by other sources of swordfish from fisheries, foreign sources that have less

commitment, perhaps, to having low bycatch, well-sustainable fisheries.

So we are looking at trying to build on some of the research that's been going on to look at alternative gears, but to try to start to look at how might these actually work in the real life on the water, and so the - -one of our first steps is to try to do some EFPs for alternative gear types, trying to look for that suite of gear types that's not only cleaner in terms of bycatch, but also can provide the amount of production necessary for a viable commercial fishery. There are also some new technologies, electronic technologies, that provide better real time transmission of information, of hot spots, et cetera, and I think that's part of this plan. How could those be utilized perhaps in the transitioning away gillnet fishery as well as some of these emerging ones.

There are other issues related to a comprehensive plan. Right now they're at capacity. We have a lot of latent permits, and as you're thinking about how you would do this, what would be the most appropriate way to deal with some of those latent permits, and there's some interesting work and discussions going on outside the Council between some NGOs and the industry that may help bring some new ideas and solutions in developing that plan. So I think you'll be hearing more from us in current activities in future years as we move forward on that plan. Another issue is, of course, thinking seine in the highly migratory and thinking about our involvement in the international arena on some of these stocks, and we are kind of in the early stages of trying to promote a precautionary management framework for northern albacore, in both the AITTC and the Western Central Pacific Fisheries Commission arena in a way that is proactive and in a manner that promotes a sustainable U.S. fishery. Another, I guess, issue that you've heard from us under current activities is electronic monitoring for the groundfish fishery. Again, I think that's in that continuum. We may be getting very close to being able to do it for a sector of the fishery, but in the future, we may be focusing on other sectors in trying to bring more cost-effective monitoring to sectors where this is really important from an economic standpoint. So I'll now turn it over to Don.

Don McIsaac:

Thank you, Dorothy. Some of the other presentations you're going to see have a combination of resources needed for the Councils as well as for the Region Science Center and a combination of National Marine Fisheries Service activities around that Council area, so I'll try to do a little bit of

the same.

Just very briefly, from the Pacific Council perspective, the regional Council line item and the allocation that we get from that is insufficient. The 2012 benchmark that we've talked about quite a bit is insufficient, and without going into all the details about why that is, Dorothy indicated something about the good old days of three-and-a-half-day Council meetings. We now have five-, six-and-a-half-day Council meetings, a floor session that include a day or two of that on the front side for committee meetings, and we're in a position of really having to fight off additional agenda items, a lot of which come from the Agency as suggestions that the Council takes up. We've got two more FMPs than we used to in the old days, and I'm sure you've never heard anybody crying about more resources needed, but I would say maybe that maybe as a possible solution in this arena that there ought to be a little more solid planning – more solid planning basis for what the Councils collectively need, what individual Councils need, and when we talk about things like a 2012 benchmark as being insufficient and you dig into why is that year out there anyway and how adequate is that, that's going to reveal what kind of real shortcomings we have in our budget planning process as to what number goes into your five-year outlook, what number goes in your four-year outlook, what survives to three, two and one and here we are in 2015 looking at the one equivalent.

From our Region and Science Center and OLE and NOAA GC and folks that are so critical to the good solid Council process that we've got, and not to dismiss the importance of all of those, I'll just speak to the regional matter and maybe the groundfish segment of that. There's just a huge regulatory burden coming out of the Pacific Council trying to meet the new IQ program, trying to keep us with our intent to move forward with electronic monitoring, and while it's all been snagged up a little bit in the NEPA EIS every two years dilemma, I think from the Regional staff perspective, they could use significant more human resources to deal with the regulatory products that come out of the Pacific Council.

The last one I'd mention is the travel and participation to Council meetings, the Science Center folks, the Region folks, OLE, NOAA GC, all the rest of it, that's always been a key to the elevated performance that we've been trying to do at the Pacific Council. The west coast states are a critical element to that as well, and in stressed time of budgets, the states

have been able to hang onto prioritizing the Council meetings as a high matter and so we would just urge, as you look through resource allocations, and I know the travel arrangements are not always necessarily constrained by resources, but there are other priorities. We would just ask that you take a very strong look at maintaining the level of participation that we've seen in the past. That's all we've got right now.

Rick Robins: Don, thanks to all three of you. Are there any questions of the Pacific Council on their report and presentation? Okay. Thanks again.

Kitty Simonds: No, no. I do.

Rick Robins: Kitty, please. I didn't see you. I'm sorry.

Kitty Simonds: I think that's a great idea that folks are looking at other gears to capture swordfish. You will want to work very carefully on the turtle takes, and we want to make sure that you don't take any of our turtle take quota. So just wanted to remind you we have 100 percent observer coverage on our boats and so just an advance warning.

Rick Robins: Thanks. Any other questions? All right. Seeing none, we'll come on around to the Gulf. So Doug or Kevin.

Doug Gregory: Good morning. Thank you. I don't have a PowerPoint and I'll give my report, some of which I reported in February. You know, a lot of us have talked about needing the flexibility from the Magnuson Act from Congress, but another thing that's really bothered us in the more southern regions is the guidelines that came from the last reauthorization, the requirement to note an uncertainty estimates and buffers based on uncertainty because, for many of our species, we can't measure that uncertainty and we really have a bottleneck with our data for species and trying to come to grips with that. Congress can give us some relief, but also we could use some relief from the guidelines themselves. In that regard, we do have some stock assessments going on. We have not as many as we need, but our GAG grouper fishery was pretty much knocked in the head in 2005 by a red tide event. So that has kind of forced us to look more closely at environmental parameters, ecosystem-type input into the traditional population dynamics stock – single species stock assessment. So the Center's helped with developing integrated ecosystem analysis for GAG in the current assessment. It's a preliminary step

forward, but we're looking forward to doing that and we have formed an ecosystem SSC that we're going to integrate with our standing SSC so we can have more ecosystem and people talking to one another in the same room.

We have a big success with kind mackerel, having rebuilt that. Have more on that in a minute when I talk about allocation. And we've had interesting conversations with our sibling across the peninsula of Florida. We're working on a South Florida initiative to try to develop some consistent regulations with snapper and grouper for South Florida, primarily because of the Florida Keys. The Florida Keys are one of the more productive areas in the southeast in terms of value of species, and we have 100 – we have a 200-mile boundary between the two Councils, and we're going to work hard on coming to grips with having consistent regulations across those boundaries. We don't know if it'll form a special region or how we're going to do that, but we started the conversations in that regard.

In the opposite vein, some of us on the Gulf side are a little upset with the South Atlantic king mackerel fishermen who trailer that goes through the Gulf and take our fish because our population seems to be growing faster than the South Atlantic, but we've been dealing with that too and that's ended amicably.

Now the three major issues we're dealing with on an ongoing basis, as most of you all know, is allocation with red snapper. Red snapper has been quite challenging for us. The population when it was first assessed in 1986-87, it was severely overfished. Stringent measures were put in place on the industry, and a major part of the concern with the population at that time was bycatch in the shrimp fishery. We now have bycatch excluder devices or reduction devices in the shrimp trawl fishery, and that's helped somewhat. We've also had increasing size limits and restricted bag limits and trip limits or quotas for the commercial fishery, and that's helped somewhat. But since about the mid – about ten years ago, after the major hurricanes in the Gulf that did a lot of harm to the shrimp industry, after we had all the competition from foreign imports on shrimp and reduced fishing effort in that fishery, and maybe some other coincident or fortuitous events, the red snapper population has begun to rebound dramatically. And it's apparently rebounding faster than the stock assessments are keeping up with. And that regard is part of the reason for

our allocation problem.

The commercial fishery in the beginning experienced a derby fishery, and they quickly, as soon as Congress took off the prohibition for having limited entry or red snapper commercial fishery endorsed, limited entry and ultimately catch shares and that's been working very well, but the recreational industry has been experiencing its own derby fishery. As much as six years ago, there was a six-month season. It's shrunken to six months. Last year – in the last few years, we've had 40-day-plus seasons. This year we're looking at a nine-day season because of a lawsuit that basically said that the National Marine Fishery Service and the Council wasn't implementing appropriate accountability measures or buffers to keep the recreational fishery within its quota. Consequently, we're asking Congress to withdraw the 407 section that requires us to have a quota on red snapper. That would give us some relief. We still are going to have to manage it and rebuild the population. The original projection for rebuilding red snapper was to go to 2032, but with our current ABC buffers that we have in place, it looks like it'll be rebuilt in 2020 and maybe even sooner.

Part of the problem with the recreational fishery is the size of fish they're catching is increasing more than the stock assessment's indicating, and the stock assessment indicates it's a good year – couple of good year classes moving through, and it's going to be followed by some poor year classes, so we'll see what effect that has on the season length and the recreational catches, but in the meantime, the Council is looking at reallocation of some of the red snapper from the commercial fishery to the red snapper fishery, and we've gone to public hearings with an option to increase future allocations or future in-quota increases or given 75 percent to the recreational, 25 percent to the commercial and now we're working on these accountability measures that the lawsuit are requiring us to build in place, and we hope to have that back to the Council in August for a final decision on that.

We are also looking at – with the South Atlantic Council reallocating within king mackerel, for the Gulf side, this should be a little easier due to changes in MRFSS and what's now MRIP. What we thought was overruns in the king mackerel fishery in the '90s turned out to be underruns. In fact, the recreational sectors hasn't caught more than 60 percent of its allocation since the beginning due to changes in the MRFSS

data collection system with charter boats, in particular. So there's a lot of unutilized resource there that could be reallocated, so we're looking at that and we're going to be looking at the potential of keeping the fish in the ocean for future growth, but we have a king mackerel and stock assessment coming online this year. The last one showed that the population had rebuilt dramatically. We expect it to show the same thing this year, but not as dramatically because of changes in year class strength, but that population appears to be very healthy.

A lot of our concerns center around data collection, and primarily data collection on the recreational fishery. I alluded to changes in MRFSS in the year 2000. It changed the whole recreational harvest scenario for king mackerel. We went to MRIP recently, and there were some adjustments to our old MRFSS data because of the MRIP protocol. Some of those adjustments have been made back to 2004, but we need them to go back further, primarily because our data-poor stocks are being assessed – not assessed, but ABCs are being based on landings history, and we're finding that the landings history is changing. So one of our challenges with the data-poor species is to figure out a different way. If Congress doesn't let us reclassify them as an ecosystem species or lets us not require us to do ACLs because they're rare and non-target species, if we can't get some leeway or flexibility there, we're going to have to look at some non-catch methods of calculating ABC because the way MRIP is changing, and as you'll know, we have a major, major recreational fisheries in the Gulf of Mexico. So any small change in the data collection system there has dramatic changes in how we've calculated the quotas.

So right now, we've got a situation where our quotas for a lot of our species were calculated using MRFSS data, but now we've got MRIP – they're being monitored using MRIP data. And so we're getting closures in our fisheries sooner than we anticipated, and some of these closures we suspect are due to changes in data collection methodology. And because of that, and because of the charter boat segment of the recreational fishery has been the hardest to get data from, we're looking at electronic logbooks for the charter industry. We already have electronic logbooks for the headboat fishery and we have it for the shrimp fishery and we're also looking at electronic logbooks for the commercial fishery, but we put together, with the South Atlantic Council, a joint effort with the Science Center – Southeast Science Center and with headquarters, with the MRIP people, a task force – technical task force or subcommittee to look at what

alternative ways do we have of collecting charter boat data. The charter boat industry under red snapper is under tremendous pressure. When you talk about a nine-day – even a 40-day season, but now a nine-day season, and you’ve got charter boats who are trying to make a living on a nine-day season, it becomes impossible for them. So they’re – they eagerly want to have their own data system and probably their own allocation separate from the private angler. And so we’re also looking at that in the Gulf.

I think that pretty much summarizes our major challenges and it mainly has to do with data collection and red snapper, and it’s keeping us busy. But thank you. Thank you for this opportunity.

Rick Robins: Doug, thanks for the report, and happy first anniversary on the job. So are there any questions for Doug of his report?

Doug Gregory: Why all the laughter? I don’t know.

Rick Robins: It may have something to do with red snapper. Any questions on the report? It also sounds like – in speaking to Kevin last night, it sounded like there were some innovative developments, at least, in terms of assessment innovations related to habitat-based assessments looking at red snapper, so it sounds like there may be some future work that would be informative on the assessment side relative to the red snapper population and understanding that in relationship to the structure down there and habitat in the Gulf. All right, any other questions? Chris?

Chris Oliver: Yeah, Doug, going back to some discussions of some years ago, do all of the states involved have some type of sport fish license requirements? They do. I know some of the states up the Atlantic coast don’t and that may have been – lent some difficult with that whole data collection issue, but in the Gulf they do.

Doug Gregory: Right, and many of the states are now working independently to develop their own data collection system, to improve on what MRIP can do for their own purposes. The state of Florida and Alabama’s working on it. Louisiana’s implemented one last year. Texas has already had a – has always had an independent data collection system. So that’ll be very interesting to –

Rick Robins: Thank you. Any other questions? All right, we'll come around to the South Atlantic. Bob.

Bob Mahood: They shouldn't cry about their short season for red snapper. I'll get into that, but my regional administrator, he's built his wonderful reputation on red snapper in the southeast, so it's one of his favorite fish.

Male: Thanks a lot, Bob.

Bob Mahood: No, I'm going to be fairly brief. One of the best things we have going on, or one of the most exciting things, I think, right now is our visioning project to look at reshaping our snapper grouper fishery. Our Vice Chairman, Michelle Duval's going to talk a little bit about that, and I'd like her to go into more of the detail, but basically, again, snapper grouper species dominate our activities and it's a mixed species fishery. You can't – in many cases, you can't chase one of them without catching the other ones, and there's a lot of overlapping closures and bag limits and those types of things that complicate that fishery. Right now, we're looking at a number of issues. One is Regulatory Amendment 16, which deals with our black sea bass pot fishery. Initially the regulatory amendment that went in last year disallowed any sea bass pots in the water between November 1st and April 30th, and this had to do with right whale interactions and the potential for that, even though we have never had a documented right whale interaction with that fishery. The Council's now looking at maybe lightening up on that some. We're looking for a different biological opinion. That fishery's changed a lot. We make them bring the traps in when they bring the boats in, so there's a lot of factors that we hope will influence a more favorable biological opinion in the future.

Snapper-Grouper Regulatory Amendment 17 deals with two minor species that are a major problem. That's speckled hind and Warsaw grouper. We take approximately 250 to 400 of those fish annually as bycatch. They're not – you're not allowed to target them for harvest, yet we spend a tremendous amount of time trying to figure out a way to protect them since they're declared overfished, and if you catch one, you're overfishing. So we've been looking at extending or modifying our MPA system that we established offshore. We're now kind of switching to more targeted special management zone type locations where spawning occurs – documented spawning occurs, so that's kind of an interesting one

we've been dealing with for a number of years. There is a lot of NGO interest in those two species.

Snapper-Grouper Regulatory Amendment 20 deals with snowy grouper. We had a recent assessment and the Council's in the process of modifying the ACLs on snowy grouper and it's kind of a funny side story. When we were working with the Mid-Atlantic Council on this, I think their share of the recreational catch of snowy grouper was like five or fifteen fish we were going to give them up there and – something like that, so they said we don't want to play with you and they'd do their own thing up there with snowy grouper.

So then we have probably one of another interesting thing, one way we're trying to adapt to some of these mixed-species fisheries that have a very small ACL, one of them being our red snapper fishery, you're not allowed to direct harvest for red snapper right now. Annually, the Science Center looks at the portion of dead discards or bycatch of red snapper in the overall snapper-grouper fishery. If that bycatch does not take the whole ACL (and remember, this is bycatch, where many of them float off dead), then we are allowed a season. The Regional Administrator has authority to look at those numbers, come to the Council, and he just basically tells us what the season's going to be. I think last year – did we have one or two three-day weekends for the recreational fishery?

Male: One three-day weekend, and I expect that's what we're going to have ____.

Bob Mahood: And I think a seven-day commercial fishery, so it's – it was one of our major species both in the recreational sector and the for-hire sector and the commercial fishery in past years until the changes came along in 2007.

One of the things we're doing in relation to that is in our Regulatory Amendment 22. We are looking at a tag program. Some way that we can allow more of that harvest that floats off dead to be harvested alive but yet still have some control and knowledge of what's being caught out there. And we're not only looking at it for red snapper. We have a number of other species that have very low ACLs that we're looking – that we hope we can adapt this program to. Next slide, please.

Snapper-Grouper Amendment 29, Doug touched on this a little bit, but in our case, it deals with our ABC control rule and our only reliable catch

stocks, and basically this deals with our stocks where we don't have the proper amount of information to manage these species, and we try to get direction from our SSC as how we need to deal with this. And they just met something like two weeks ago, and the Council will be looking at this amendment at the June meeting coming up.

Snapper-Grouper Amendment 32 deals with blueline tilefish. We had a fairly significant fishery develop over the past two years off of North Carolina where these fish were targeted. I guess it's been more than two years, but they ended up being overfished and overfishing occurring, and we now have to reduce the harvest in that considerably, and it'll probably become a bycatch fishery of the snapper-grouper fishery.

And then – let's see. Snapper-Group Amendment 34 deals with accountability measure for the snapper-grouper species, and this is a generic type of amendment that also goes across other FMPs, including dolphin and wahoo and we'll be looking at payback provisions in those fisheries.

Snapper-Grouper Amendment 33 is another interesting one. We require that fish be landed in the – with head and fins intact in the South Atlantic, and this caused a problem for some of the recreational fishermen going over to the Bahamas and actually fishing legally in the Bahamas but bringing fish back into the U.S. and they filet them, basically, and of course once they come into the U.S. EZ, they're in violation. So in the past, we've put in some provisions that allow this for the snapper-grouper species, and we're in the process now of looking at changing that somewhat, and this was prompted by also looking at some regulations to allow dolphin and wahoo to be brought back in from the Bahamas in the fileted state. Let's see, next slide, please.

That takes us to dolphin-wahoo. Our Dolphin-Wahoo Amendment 7 deals with the issue, and we're moving along on that. And then the last issue on dolphin-wahoo deals with generic accountability measures and considers the allocation between the commercial and recreational sectors. Currently, the recreational sector has, I want to say, 87 percent of the catch – is it 87? Ninety-four. Okay, 94 and so there's been more interest from the commercial sector. There's always been some of these swordfish longliners have changed gear during the year and they chase after the dolphin, mahi-mahi with their longlines and we are now looking at maybe

changing the allocations in that fishery.

And then mackerel – I’m not going to go into mackerel too much ‘cause Doug hit on most of that. And we have several amendments. They’re joint amendments, and I don’t know if – I think most of you know how our mackerel fishery works. If we’re setting parameters that deal with just one fishery through a framework type action, it doesn’t require the other Council to weigh in. There’s a number of issues that each Council can individually connect upon its own, but if it’s any kind of amendment to the plan, it requires the concurrence of both Councils. We’ve talked about getting a divorce in the past and then we talk about reconciling and we kissed and made up, and now I think we’re back to looking at the divorce again. It just hasn’t worked out as well as we’d hoped, and one of the key things that’s happened, and the reason we were managing jointly, was there was a big mixing zone at one time in South Florida between the migratory groups of king mackerel. And now, what the science has shown is that mixing zone has really shrunk up and there’s really not that much mixing going on again, so we may look down the road at trying to go our separate ways again.

Doug talked about our activities in South Florida. We have a special group looking at South Florida management issues. You’ve got a situation, if you drive down to Key West on U.S. 1 and you stop at the Bahia Honda Bridge to fish, if you fish on the left side of the road, there may be different regulations than on the right side of the road. So you don’t want to catch one on the right side of the road and walk over to your car on the left side of the road. You may be in violation, so we’re trying to deal with those kind of situations down there to where we have comparable or compatible regulations. Where possible, we’re going to try to allow the state of Florida to have more say in what goes on and the Councils kind of back off of it a little bit, so that’s what we have going on down there. And with that, I’m going to turn it over to our Vice Chairman, Michelle Duval, and she’s going to talk about our visioning project.

Michelle Duval:

Thanks, Bob. So I think if we can go to the next slide. I think we were, at the last CCC meeting, we were really just kicking off the port meeting section of our visioning project, which is focused solely on the snapper-grouper fishery. As Bob’s mentioned, this sucks up a lot of Council time. It’s our most complicated fishery and it – I think it ends up – well, one of

the most complicated fisheries. Mackerel certainly has its challenges, but I think it ends up we had a lot of management that's been somewhat reactive in the past, and so this is our effort to try and develop some proactive management to really develop a strategic plan for this fishery. We learned as much as we could from our brethren in the Mid-Atlantic. Chairman Robins was kind enough to come down and attend our Council meeting when we kicked this off in December of 2012, so just this past spring, between our last CCC meeting and now, we've gone through all these visioning port meetings, which were really very informal, sort of town hall style meetings. We went to a variety of stakeholder groups that you can see up there on the screen. Tried to hit some of – some more nontraditional groups that also have expressed a large interest in how we're managing this fishery and get their ideas and their input. So I think if you go to the next slide -

So really, we wanted to develop a list of ideas for future management of the fishery and also go to our stakeholders and say, "What are some things that the Council could try to solve some issues that you all see that maybe we haven't tried before?" So we're looking to compile all those results and go through them. We have a Monday morning visioning session during our Council meetings to discuss the visioning issue, so we're going to look at a first draft of those results in our upcoming June meeting and then we're going to take that and develop some specific goals and objectives. Next slide.

So we had a really ambitious port meeting schedule. We had 27 meetings throughout all four of the states. I'll just note for Rick that the South Atlantic does claim North Carolina as well, so I have some in-laws living in Chapel Hill who bleed Tarheel blue who might take offense at being claimed by the Mid-Atlantic, but that's another thing. So we reached a lot of people. We were overall really pleased with the turnout that we got. Next slide.

So the next three slides, I think, deal with some of the – just the issues or problems identified through the port meetings. Having to do with reporting, there's some feeling that the reporting burden is much greater for the commercial industry than the recreational industry. Folks are unhappy about the fact that we're not using new technology as rapidly as they would like us to. There's always dissatisfaction with the science, and I think the fact that people don't necessarily see on the water right then

what the stock assessment is coming out with. There's a fair amount of MRIP bashing, I guess I will call it. You know, they haven't called me, so none of these estimates can potentially be accurate. There was a lot of that. Research – a lot of need for more cooperative research, and I think this is something that we're very interested in, cooperative research and monitoring not only as a way to really fill some of our data needs, but also as a means of really trying to reach out and engage the fishing community and, I think, build some relationships in that regard. Let's move on to the next slide.

So again, flexibility and strategies, this kind of goes to the third point there about a one-size-fits-all management. You know, we have a great variety of – throughout the region throughout the northern end of North Carolina through the Florida Keys just with regard to currents and bottom habitats and just species and when they're available regionally. So we've had some input regarding trying some different strategies to get at that, going to subregional management. There's been some dissatisfaction with seasonal closures. You know, Doug touched a little bit on that, but you know, because we have this mixed stock fishery, not all co-occurring species are open at the same time and that's been a result of some pretty low ACLs that we've had to put in, and so what we're looking to do is to try to align the season openings of some of these co-occurring species to deal with Bullet Number 2, which is too many discards or too many fish floating off. We have a lot of dissatisfaction with the discards. Allocation is, of course, an issue. Folks would like to see consideration of tools like economic efficiency analysis and considering allocations and then the next slide.

There's always some species-specific issues. There were some definite fear of catch shares, very few supporters of catch shares in the region, but there were also people who were dissatisfied with the endorsement program. We have endorsement programs for our black sea bass pod fishery and golden tilefish longline fishery. We have some pest issues in the Southeast, apparently. Goliath grouper, lionfish, we've seen that there's a huge explosion of lionfish in our marine protected areas, and sharks. It seems like our fishermen just can't get away from sharks, and there's a lot of dissatisfaction with some of the shark management measures going on right now. And then conflicting regulations. Both Doug and Bob talked about this. It seems to be at the extreme ends of our range that we have really conflicting issues with regulations as well as

permit requirements. We have a lot of folks in the northern part of North Carolina that hold both Northeast Regional permits, they hold Southeast permits, they hold HMS permits, and I think just the requirement to adhere to them, the most restrictive conditions of whatever permit you own, tends to be a little bit of an issue and, in terms of some of the key fisheries, like with regard to ACLs, the word was just leave us alone. We're doing just fine.

So what are the next steps? We're – as I mentioned before, we're going to be looking at this information by state. Staff's working on separating it out by sector, and then, thanks to our executive director, we're actually going to be scheduling a separate Council meeting to move forward with developing a strategic plan. We just have way too many issues on our plate at a normal Council meeting to be able to give this the attention it deserves, and we're really at a very critical juncture in the visioning project, and we want to make sure that we move forward deliberately, consideration for everybody's viewpoints, and then once we have that developed, we hope to sort of take that back out to the public. And I think that takes us to the next slide. Bob, future priorities.

Bob Mahood: Unless anybody really wants me to read our future priorities or our additional needs from NMFS, I'll forego that and you can just look at the slide and I know Sam's already looked at it and probably planning on how to meet those additional needs.

Rick Robins: Bob, you read his mind. Thanks for both of those reports, Bob and Michelle. Bob, I have one question about your blueline tilefish amendment, just relative to the history of the management of that fishery. Will that amendment have any implications north of – or management measures north of the Virginia-Carolina line?

Michelle Duval: Yeah, Rick. I mean, one of the things that the amendment includes is, like, a – and this is also the same with Regulatory Amendment 20 for snowy grouper, is because the two stock assessments we've received for each of those species are considered coastwide assessments and landings from Maine through Florida were included in both of those assessments, that there's a tiny little piece of whatever the ABC recommendation comes out to be that's being allocated towards the Mid-Atlantic in both those cases, for both blueline and snowy grouper. Now, we recognize that there are no management measures that the Mid-Atlantic Council has put in

place for blueline tilefish. I mean, you don't have a management plan for it or anything, but you'll get a sort of sub-ACL for whatever landings occur north of the North Carolina-Virginia border 'cause there are landings that are occurring and I know anecdotally from fishermen that the species are being caught all the way up to Montauk.

Rick Robins: Okay. I'll spare the group the discussion and just follow up with you all offline on that. Thank you. Kevin.

Kevin Anson: Thank you. Bob, I'm just curious if you can explain the last bullet there on the cooperative fisheries independent monitoring program. What are the details as far as the – I'd assume it's a state-federal partnership. Is it offshore? Is it inshore? For juvenile indexes?

Bob Mahood: It primarily talks to our MARMAP program that's run out of South Carolina, and that's the only fisheries-independent monitoring program we have in the Southeast. And it took a hit last year in the budget. I think they picked – they were able to pick some of the funding back up, but it's really run out of the good graces of the State of South Carolina that picks up part of the cost, and there's been a couple times in history where they've almost dropped that program. And if they drop that program, we don't have an independent sampling. We don't have a big beautiful NOAA vessel sitting off the southeast coast to go out there and do independent fisheries-independent sampling. So that's kind of aimed at the MARMAP program.

Rick Robins: Further questions? Yes, Chris.

Chris Oliver: For Bob or Michelle, kind of a logistics question. I think I – there were 25 or 30 different outreach or public hearings that you held in various ports. How did that work? Did you send a certain set of Council members or is it staff or a combination of both?

Michelle Duval: It was actually a combination of both, Chris. There were staff members that received facilitation training, and so Amber Von Harten, who's our Outreach Specialist, went to all of the port meetings and then Myra Brouwer, who's a staff lead for snapper-grouper specifically, went to most of those meetings. You know, staff had to kind of rotate through just due to other priorities, but it was a total of three staff members that attended each port meeting, two to facilitate it and one to be sort of a rapporteur

taking notes, and then Council members in that particular state did their best to attend each one of those meetings, but we were sitting in the back of the room. You know, this was the stakeholders' meeting so we were in listen mode.

Rick Robins: Thanks. Bob.

Bob Mahood: One of the very interesting things is we ran into a different subset of people than we normally run into, and a lot of folks came out that normally don't get involved with the Council in these things. We tried to set up each one where there was a host person, and each one was geared to either recreational or commercial, and sometimes we ran a recreational one early in the afternoon and a commercial one in the evening or vice versa. And we tried to have a host so that we had them make sure that the appropriate people came to give input, but it was open to the public. Anybody could certainly come; they were advertised, but it worked out well and we got the numbers we wanted. You know, at a meeting like that, you don't want 40 people because then you don't get the interchange and exchange of ideas you're going to get, and it was a – the facilitated format worked very well for these, and we got a lot of good input. And now it'll be up to our Council members to follow up and make some hard decisions of which way they want to go with the information they got.

Rick Robins: Thanks, Bob. Other questions? Okay. Chris Moore?

Chris Moore: Thanks, Mr. Chairman. I'm going to quickly go through our current activities, our future priorities and some additional resources support that we could use to help us out. If you could go to the next slide, Jim.

These are our current activities. We've talked before about our strategic plan. Our 2014-2018, or five-year strategic plan, was approved back in October of last year. As a result of the development of that strategic plan, we took the next step and developed an implementation plan for 2014. That was approved by the Council in December of 2013, and that's guided our activities for this year. Currently we're working with our partners, the Agency as well as the New England Fishery Management Council on an industry-funded observer amendment. We're also looking at an omnibus ABC framework amendment to deal with some of the issues that we have relative to alter year ABCs and some other issues. We're also working on a framework to change – potentially change year-restricted areas for scup.

These are boxes in the ocean off the Mid-Atlantic that are closed to small mesh fisheries at different times during the year. They've been highly successful, but we've had some interest from industry to move the boxes or change the dimensions. We credit those boxes with the current level that we have for scup, which is two times the MSY. So they've been very successful. We're also working with our industry folks and the Council on the surfclam and ocean quahog cost recovery amendment. That's related to those surfclam and ocean quahog ITQ fisheries. Jim, next.

We've had a lot of interest in our deep sea coral amendment. We're working on that particular amendment. We hope to get that wrapped up this year, so we've had some positive press on it. You've seen a lot of interest by ENGOs. Obviously commercial fishermen are also very interested in that particular amendment and moving forward with that. We have conducted a number of workshops this year, including an offshore wind best management practices workshop in coordination with BOEM that went extremely well. We also did two climate change and fisheries workshops, one on governance and one on fishery science, and those we'll hear a little bit more about later in the agenda. All those workshops are well-attended and well-received.

In terms of our management priorities, in terms of future priorities, we are undergoing a comprehensive amendment to summer flounder – an A to Z or soup to nuts or however you want to say it – comprehensive amendment that basically look at everything related to our summer flounder plan, so we're starting that with a scoping meeting at our June Council meeting. We'll continue scoping that particular amendment later in the summer and really develop that in 2015. We've also been involved with a number of issues related to river herring and shad management. We recently formed a river herring and shad committee. We have a river herring and shad advisory panel that's new for us to actually be involved with river herring and shad. We're going to have a meeting of that committee at our June Council meeting to deal with catch caps for those particular species.

One thing that we've been working hard on, Rich has been working hard on, is the youth system approach to fisheries management guidance document, the EAFM document. We're following the lead of the Pacific Council in putting that document together and continue to work on that. We hope to have that done in 2015. Jessica has been working hard on our

habitat portfolio and has developed a number of things relative to that, and we'll continue to have that as a priority in 2015 and beyond.

In terms of other activities, obviously we'll continue our engagement on MSA reauthorization. Mary's working hard on a communication program planning and stakeholder engagement, and we continue to explore our relationship with BOEM as it relates to offshore wind development, and that's something that we've talked about before. Next slide.

We have a number of additional support or resources required that are listed here in the first slide in terms of data needs, including reference to benchmark assessments. We'd like to get more oceanographic data related to climate change and ocean acidification. Obviously an important thing for us. We'd like regional evaluation of species interactions within the marine ecosystem. We'd also continue – or like to get continued information on climate change risk assessment for the Northeast marine ecosystem. Next.

In terms of habitat data, this is something we'll be talking about this meeting. We're particularly interested in the data to link habitat protection with fishery productivity. We're looking at a need in terms of relevant and up-to-date social and economic data about Mid-Atlantic communities, and we're working with our partners on that. We would like more real-time commercial fisheries data and we'd like bio-economic models to explore allocation issues for our various fisheries. Next.

We have some research methodology support or resources required as well. We continue our interest in electronic VTRs and continue to work with the agency on getting those done. We're looking at technology innovation to improve the accuracy and/or efficiency of data collection. We're looking at possibilities related to volunteer angler data, also observer program funding options and cooperative and collaborative research. Next.

We're also interested in management approaches, obviously, and we're looking at research on the development of management strategies that account for recreational catch estimate uncertainty, management approaches that reduce regulatory discards, management approaches that minimize adverse ecosystem impacts and, finally, management

approaches that ensure fair access to recreational fisheries. And with that, I'd be glad to answer any questions.

Rick Robins: Thanks, Chris. Any questions for Chris? All right. That brings us to New England. I'm sorry. All right, we'll go to the East. Caribbean. Carlos.

Carlos Farchette: Thank you, Mr. Chair.

Rick Robins: Sorry, Terry. We'll come back to you.

Terry Stockwell: I'll do cleanup.

Rick Robins: Absolutely. We're counting on you. Carlos.

Carlos Farchette: The Caribbean Council continues with the development of island-based fisheries management plans. Three additional advisory panels have been created to ensure full participation of fishers – full participation of fishers, local government officials, NGOs and other stakeholders in the U.S. Virgin Islands and of St. Thomas, St. John, and St. Croix and of Commonwealth of Puerto Rico. The Council will move forward with the adoption of electronic reporting during the 2014-2016 calendar year. We may need to ask for funds to implement the system. We currently have a pilot project working in the Virgin Islands and in the process of initiating one for Puerto Rico. We continue – we conducted in 2013 and continue in 2014 a series of workshops for the fishers, commercial and recreational, and found many fishers in Puerto Rico interested in initiating – I'm sorry, interacting with the Caribbean Council with more – in a more active participation. And in 2014, the Council – Caribbean Council will be convening an international group of experts in coordination with the Western Central Atlantic Fisheries Commission – WCAFC – to develop a queen conch fisheries management plan for the entire range of the species in the greater Caribbean. We believe that that'll be a success story if all countries agree. And the budget petition for 2015 to 2019 will be submitted in the summer for Council's consideration and approval at its August meeting. That's our report.

Rick Robins: Thank you. Any questions for Carlos? Okay. Coming back to New England.

Terry Stockwell: Thank you, Mr. Chairman. The New England Councils remain very busy attempting to complete some ongoing amendments and actions. Two notable ones are the omnibus habitat, which has been ten years in the making. We're on the home stretch right now with public hearings anticipated in the fall. This – famous last words, yeah. I said anticipated.

Rick Robins: Terry, excuse me. Fall of which year?

Terry Stockwell: I won't commit. But, I mean, this amendment has been a bucketload of work for staff and the Council. It involves the existing groundfish closed areas that have existing habitat closed areas, scallop rotational management areas, adverse effects on a fishing – it's usually political and a lot we've had, as you can imagine, a fair amount of help from the ENGO community. The second amendment that we've been working on, not quite as long as the habitat omnibus is what we call Groundfish Amendment 18. It's primarily to address the accumulation limits and fleet diversity in our Northeast groundfishery. This is actually getting some traction. The – at this last, or most recent Council meeting, the consideration of an inshore and offshore delineation came and was generally supported by most the Council expect some sort of traction at the upcoming June meeting.

The New England Council also continues to work on – to develop management actions to improve the catch information for our Atlantic herring fishery, particularly including the river herring and shad bycatch. We're participating with the Mid on their newly-constituted shad and river herring board, or committee, and look forward to that continued participation.

As Chris has said, we're also beginning to address the omnibus observer program. We've – and the resources are a huge issue, and we – it's just not enough to do the amount of monitoring that we all need to get done in order to get the job done.

Our future actions, it's – and in our Council, it's always kind of a very cloudy crystal ball 'cause our priorities seem to change almost every series of meetings, but we have – are pursuing the beginning of an ecosystem-based approach. Next week is the first meeting of the committee. Climate change has been mentioned a number of times. It's a big deal to New England – a huge deal. We're seeing probably the most profound changes

of – at least on the East Coast where some of our major stocks are disappearing, our rebuilding plans are failing. I guess it was Bob, you talked about black sea bass. We've just declared an interest in black sea bass and so we're looking forward to collaborating with the Mid and the ASMFC towards coming up – and the Agency for coming up with some resolution to these issues. We're also looking to develop a limited-entry program for our whiting fishery. It's our last open access fishery and, in collaborating with the Mid in most of the issues that Chris had up on the board.

Resources are our biggest issue. The budget is going up and down. We've been going back and forth with John and Bill and all about diminishing resources, but we have – we need resources that reflect the increasing costs and demands of the regulatory system, and they just seem – it seems to be no end. Out of quick funding for the monitoring and assessments we're going to have a presentation on assessment prioritization at some point this week, and we'll have our comments appropriate at the time. The last issue is really the streamlining of the MSA and NEPA process. Interestingly, a couple weeks ago at the NRCC meeting, we had a discussion about the differences between the East and the West Coast, and hopefully we'll find some ways to streamline the East Coast NEPA process so we can do a little – bring our action forward a little bit expeditious manner. That concludes my report, Mr. Chair.

Rick Robins: Terry, thank you very much. Questions for Terry and his report? Okay. Yes, go ahead, Bob.

Bob Mahood: I think it's interesting, Terry, you mentioned the black sea bass, but I think we're seeing a lot of northerly shift of resources. I guess our warming climates are causing a lot of this, so I think in the future, we're probably going to see more of this. Some of our species are going to be occurring in greater numbers to the north. Kind of interesting. What prompted that, though? Was it just that your fishermen are starting to catch a lot more of them?

Terry Stockwell: They finally decided that they make better eating than lobster bait. But, I mean, actually over the last several years, the Gulf of Maine temperature's risen about 2 degrees. There's real impacts on ocean acidification. You know, it's – things are changing. Our primary stock's cod fish and yellowtail flounder and haddock aren't responding to the rebuilding plans.

Northern shrimp fisheries outright disappeared so we're seeing, I think, on the extreme, we're seeing some changes that are kind of buffered by kind of further down the coast at the climate workshop, I was struck by how acute the differences were between the different regions.

Rick Robins:

Bob, just to follow up, I think the presentation from Jon Hare will be of interest to all of us in that regard. Any other questions? All right, seeing none, let's go ahead and break for lunch and come back at 1:30. Thank you very much.

2. NOAA STRUCTURE & BUDGET PRESENTATION

Rick Robins:

Good afternoon, and welcome back. We'll go ahead and continue to move through the agenda. The next item we have is a discussion about NOAA structure in relationship to the Council, and we wanted to have some opportunity just to really have a candid conversation about the role of the Councils relative to the Agency and explore that a bit as a group. You know, and I think, just reflecting on this from a historical standpoint, there is a considerable and deep-seated sensitivity on the part of the Councils with respect to the language that's used to describe their roles because if you think back throughout time, you probably heard a lot of different words used to describe the roles of the Councils. I mean, sometimes we've been described as an advisory body, sometimes we're described as partners, and I have to say I was very encouraged to hear Eileen's presentation today and what came off to me as a very strong emphasis on partnership.

And you know, again, just underscoring the fact that there's been a lot of history on the language used to describe the Councils, and sometimes in Agency correspondence or just in discussions, the Councils are described as stakeholders, as one stakeholder among many, and also as potentially a body that's simply serving in an advisory role. And while it's true that we don't have the plenary authority that some state commissions may have in terms of actually developing and implementing regulations, I think what's laid out in Section 302 of the Act makes it pretty clear that the Councils have a very unique role in the management of U.S. fisheries, and specifically we do have a statutory authority over the fisheries in the ocean sea (inaudible) of our states, and that's spelled out for each Council in statutory language. And the relationship between these regional bodies and the Agency is critically important.

It's also very unique, and I think sometimes just thinking about the way most government agencies are structured they're – because it is one of a kind, sometimes we've all struggled to find the right words to describe the and characterize the nature of that relationship. But the words that we use to characterize that relationship have operational implications and so, for example, if we're partners, that has very important implications in terms of how we ought to operate or how we might operate. If we're stakeholders, that has a different set of implications for how we ought to operate. And so I think the language is very important and, again I was

very encouraged this morning to hear the emphasis on partnership. I think that's – I think from the Council perspective that's how we like to think of our role in the process and, as we go through the process of developing fishery management plans, amendments, framework adjustment specifications, we're developing those as a Council. We have the Agency there in a partnership role at the table as a voting member of our Council, and that's a very important relationship and that's a relationship that is critical to the successful work at – you know, within each region at each Council and that's a critically important relationship.

And then those outputs are all subject to secretarial approval, so you know, there's a very close working relationship that develops work products that are then subject to approval by the secretary, and that's unique. I mean, that's a one of a kind type relationship within U.S. government. And just thinking through the implications of those different types of roles that the Council might have or ways that we might describe that I think it's very important that, if we move forward in a partnership context, that that has, I think, positive implications for how we might operate. And I really see, I guess, an increased need for consideration of that as we get into the arena of strategic type initiatives.

You know, right now, the different regions are considering strategic planning initiatives. Our Council has gone through one of those, and when we did that as a Council, we immediately engaged the Regional Office, so we had representation on our – at the committee level and throughout the process of our Regional Office. We had the Science Center involved, and so we had their input and feedback into the process as we went through it right from the beginning, and I thought that was really critical to its success. And so, at the end of the day, we have a product that they've been involved in the development of, and to the extent that they had concerns as we went through that, those were aired so we had that back and forth and that feedback. But going forward, if there are going to be strategic initiatives developed I think it's important that the Councils play an important role in those, and so, at the regional level, if there are going to be strategic plans developed I think it's important if we're partners in the management process that we develop adequate roles for and opportunities for input from the Councils.

And we had a situation in the Mid-Atlantic not long ago where there was a recreational action plan developed, and that rolled out and unfortunately

we didn't have a – really a full engagement or consultation at the Council level on that, and you know, I think when we have those types of outcomes, it just reveals the fact that if we don't have effective coordination on any strategic initiatives like that, then we could have disjointed outputs. And in the Mid-Atlantic, it's further complicated by virtue of the nature of our relationship to the Atlantic States Marine Fisheries Commission.

There are a lot of interjurisdictional complexities, and so you know, one of the risks that results in is some confusion, perhaps to the public. We're in a situation where we already have a strategic plan that has significant recreational components, and so to have a little bit of – it's not duplicity, but it's an effort that comes out and it's somewhat disjointed. But I think, on a very positive note, if we can build on the language of partnership and explore that and think through the implications of that, then I think we can move forward in a very good way and in a way that really speaks to trying to improve the coordination between the Councils and the Agency, particularly as it relates to these types of initiatives. But I wanted to open that up for discussion, and that's some of the background, really, from at least sharing on the Mid-Atlantic experience, but I wanted to give other Councils the opportunity and the Agency an opportunity to speak some to that language because the role is so unique, and it – you know, it's that uniqueness that sometimes, I think, challenges us from a language standpoint. Eileen.

Eileen Sobeck:

Thank you for that, Rick. I think that's very constructive, and thank you for reminding me as the newcomer that language is important, relationships are important. It's all – and I think what I've seen and Paul and Sam probably have a lot more to say about this and the Regional Administrators more than me, but you know, there are a lot of moving pieces, and the Councils are – you're right. You're absolutely spot on. They're unique partners, important partners, essential partners, but there are a lot of other moving pieces.

We at NOAA Fisheries are sort of struggling to sort of get ourselves into sort of a strategic planning mode. Our Science Centers have strategic plans, but the regions don't so you know, there's the department strategic plan, the NOAA strategic plan, the Centers, the Regions, the Councils, so it's not too surprising that sometimes we're out of sync or something – you know, some coordination – important coordination, you're right to

bring it back to our attention. We need to strive to be better about that, but there are a lot of moving pieces, and so we're working to make sure that those all do, at some point, touch and we get input. And we're just struggling internally the sort of chicken and egg, how do you have existing strategic plans for the Centers but not for the Regions and does that mean that the Regions have been bound by what the Centers' strategic plans are. You know, I mean, we'll get there. It's process. It's a journey. But I really appreciate your gentle reminder that we need to keep working, and I do think that – I don't think anybody who's sitting around this table thinks that we could make progress without making sure that we, in general, are joined at the hip and coordinating on everything that we do.

Rick Robins: Thanks, Eileen. Other comments? Kitty.

Kitty Simonds: Well, I think one of the things that works is when we have issues and we bring them to Headquarters that – and the best example I can give is a recent one, which was our – the sessions on how we can all work together on ESAs, the Regions and the Councils, because we all have different issues and so I spoke to Sam about it two years ago and he said, yes, he thought that was a good idea. And then we got MAFAC involved and I have to say that the Regions, the Centers and Headquarters and the Councils worked very well on that. And that was – I think we all approved it and sent it off to NMFS at the last meeting. So I think – and it goes along with what Rick is talking about is all of us working together on issues, and that really is a great example as far as I'm concerned.

But I do have an example of how we might work better on that's really huge for us, and it's what happened to us in Australia last year at the Western and Central Pacific Commission. We were really blindsided by what the U.S. ended up doing, which was to agree to a reduction in our quota – the Hawaii longline quota – and then agreeing to allow other countries to force Sri Lanka to triple their bigeye quota and all the other countries, Australia, New Zealand, they all got increases or stayed the same with bigeye. That was – it was a terrible thing for us, and what we need to emphasize, which will also convey this to the Secretary of Commerce, is that the U.S. needs to support U.S. fisheries, and it didn't happen, and they year before when Jane Lubchenco came out and talked to Senator Inouye and all of us, and we were told that the U.S. was going to block consensus. So what happened between the time she left and we got a new NOAA administrator and consensus wasn't blocked. So, for us,

that was a really, really bad thing, and so we hope that – we’re going into another international meeting in December that this won’t happen again. So that’s something that NOAA and them should be working on because the representatives, the people who are negotiating, one is from the State Department and the other is from NOAA. So please never again. Oh, yes, and no more MPAs and sanctuaries and anything out our way ‘cause I have to remind you that 90 percent of all of that lies in the Western Pacific Region. Thank you.

Rick Robins: Thank you, Kitty. And it wouldn’t be a CCC meeting if we didn’t talk about sanctuaries in the Western Pacific.

Kitty Simonds: All right.

Rick Robins: That’s right. So obviously, I think the language is important. It’s something the Councils are sensitive to. You know, like I said earlier, I was very encouraged by the discussion about partnerships, but are there any other aspects in which members think that we can improve the coordination with the Agency? Don.

Don McIsaac: Thank you, Rick. Maybe I’ll pick up on the word partnership first. It is kind of an important word. Stakeholder is a different kind of a word with reference to the Council process, and I know that you want to have partnerships with everybody. I mean, we all do. When you think of the recreational fishery, for example, that big summit, I’m sure that it’s a good thing to be able to say afterwards that that’s a partnership relationship with the recreational fishery. And partnerships with the habitat folks in these blueprint plans. But the partnership that we’re speaking with at the Council level is a little bit different. Gosh, a couple weeks ago, we were up in Seattle, Sam was there and we heard on the subject of Magnuson Act reauthorization. We heard Bud Walsh talk a little bit about how the Act was first developed. That it was kind of a designed autonomy for the Councils where the secretarial process can approve or disapprove or partially approve but not change, and that at the time, because of the experience with territorial Alaska and leading up to statehood in 1959, Senator Magnuson, in particular, was not interested in the classic fishery management arrangement that had been in place before and was looking for this kind of autonomous relationship, but it’s really a partnership. And given all the complexities of marine fishery management and what the national public really expects from us, it’s kind of a unique partnership.

So what makes a good partnership work well? And we – to try to keep this in the positive intent that – in the spirit, the positive spirit that we're intending, we try to think of, well, what's one example of where the partnership has worked well. What's an example the partnership could maybe – could have worked a little bit better. Just again, just as an expression of where – so you might better understand some of our reactions sometimes. So in terms of any partnership, whether it be a business partnership or anything else, I think one of the first things is no big surprises on major decision points, that each partner consults each other before they make a big decision on a major thing.

And so a good example of a positive one in the Pacific Council arena, I'll site the ESA for salmon example. I won't site the Columbia River tule (?) example that's already been out there for a long time and the MAFAC folks put together a little model, and that was all positive, but another example is for a different run of salmon on the West Coast, the Sacramento River winter run fish, whereby how it used to be was that the National Marine Fisheries Service would come in and say, "Here's the allowable take for winter run chinook salmon. Take it or leave it." Not take it or leave it, but take it or take it. And that was the beginning and the end of the discussion. And so since that time, it's become a little more evident that the number that was put on the table as a take it involves a zero-take threshold that could conceivably close down a bunch of other healthy salmon fisheries. If you really have a zero-take threshold, and there isn't a zero-take threshold on winter chinook salmon for the agriculture impacts or some of the other sectors.

So looking more deeply into the science, the Pacific Council said, "Well, can we take a look at this in an open public process," and the National Marine Fisheries Service said, "Yes, let's do that. That worked well for Columbia River tule salmon. You know, there's no promises, obviously, on any kind of an outcome, but let's talk about a little bit different twist on an abundance-based approach. Let's take a look at this claim that maybe it's going to drive a healthy fishery to zero that might only take an incidental take of 1 percent or 2 percent or something like that, and over the course of several Council meetings, the science got flushed out so it was out in the open. It may have technically been open by Federal Register Notice if you looked in the right spot. It never was quite brought out for all the Council members to think about, and on a couple of

different agendas, the Council considered a recommendation to the National Marine Fisheries Service to do a little bit different harvest control rule on this particular run of salmon, and the Agency has clearly been open to considering that. I think that's the kind of thing that strikes us as a very good example.

In terms of an example that maybe didn't work out so well, this 3.99 percent common use fee, or assessment, is one that – it's difficult for me to say this is a major thing. I mean, we're talking about less than \$2 million, so it's not a major, major thing, but it is something that we didn't quite know was coming last February. In fact, we thought it was not coming at all in 2014 and so we didn't see any advance briefing book material said that it was coming, and I know there were some unique circumstances, but what resulted from that is a letter from the Councils asking for reconsideration. It got wide distribution on the Hill, and that is not an example where we're arm in arm on a consistent approach. And if the Councils and the Agency are saying the same thing, that's what we should be striving for and so, again, I'm not going to be able to say this is a big thing, particularly for an Agency budget in the neighborhood of \$900 million. It's not – Councils are a very small portion, and that's why you continue to hear about it from us. But it's something that Paul has even said if we did it over again, we'd do it a little differently. But in terms of us just trying to come up with some examples, one that's good, one that's not so good, that's the one that we'd bring forward. But again, I guess the most important part is that we'd like to stress is looking to the future and trying to cement the kind of partnership that Warren Magnuson had in mind to start with, and we're confident it can be done from our perspective.

Rick Robins:

Thanks, Don. John Bullard.

John Bullard:

Thanks, Mr. Chair. I'm glad Don raised Warren Magnuson's name because I am constantly impressed with his foresight and genius, trying to think back to 1976 when he and my friend, Gerry Studds, dreamed up this Act and thinking about other natural resource legislation at the time, the Clean Air Act, Clean Water Act, which was all centralized command and control and the Magnuson Act was decentralized in the form that we know with all these Councils. Revolutionary at the time, and I think the governance of fisheries is – I may have said this before, like Winston Churchill's definition of democracy, the worst form of governance there is

except for all the rest.

And it is complicated, but it is the best, and we are partners and we are, on a day-to-day basis, involved. I think back when I was a politician, someone advised in terms of politicians' relationships with the press. It's somewhat adversarial. Somebody said, in terms of advice with the press, always be friendly; never be friends. You know, you need each other but you're adversarial but – so you have to get along because you do need each other. And so, with Regional Offices and Councils, where every single day we have lots of problems and we have different roles to play, we have operating agreements, and I think our operating agreement with New England, like one last little niggling problem to work out with Logan, and I think – our enforcement guy – but I think that's going to get solved, I hope today. And then we can get that signed. So the operating agreements memorialize one way that we relate, Councils and Regional Offices on a day-to-day basis, and that was designed to help us improve the structural relationship between Regional Offices and Councils, and in some cases, enforcement and, I think all cases, Science Centers, but it puts down on paper the way we relate to one another.

Science Centers have strategic plans. Some Council's have strategic plans. That helps. I think all Regional Offices are going to have strategic plans. We're, at GARFO, embarking on ours now, and I think – and this is the main point I want to make. You're all saying, "Get to it, John, will you? We don't have all day. There's a cruise coming on tonight. We'd kind of like to get to it while the sun's still shining." The strategic plan, I think, is a real opportunity to figure this out because we have to relate, as Eileen said, to our vertical chain – to NMFS, to NOAA, to Commerce, and we have to relate to our partners and to our stakeholders, so it's a complex web in which we exist. And it's also a web that's strained and will exist under increasing strain, and Eileen laid out the pressures earlier this morning. There is probably not going to be significant additional financial resources. Paul will probably talk some about that this afternoon, but there are going to be tremendous strains, brought on, I think, primarily by climate change. That's going to just put all kinds of stresses on, and Eileen talked a bit about drought in the west. You guys are living that in California, but it's not just California that has these forces. All of us are going to be having these forces, and it puts more demands, but there won't be the financial resources.

So what does that mean? That means when you have – and you all know this – when you have these forces, it puts stress on all these relationships, and it doesn't matter how sophisticated the operating agreement is or how sophisticated the strategic plan is. It puts stress on the personal relationships that those operating agreements define, and that's what it boils down to really. It boils down to the one-on-one, day-to-day relationships of how a fishery management plan actually gets written in the PDTs or the FMATs or whatever they happen to be called, it's the staffer at the Council, the staffer in the Regional Office who's writing that plan, and they do incredible work and it's teamwork, and we can have the greatest operating agreement in the world, but really trying to define the person from the Science Center and the person from the Regional Office and the person from the Council writing this document and I don't know how you write in words an agreement that defines that relationship that really is the hub of that partnership – the staff person on the Council and the Regional Office and the Science Center who's making that magic in that fishery management plan.

Rick Robins:

Thanks, John, but you bruised my feelings. I really thought we were friends and now you're telling me that you were just being friendly. Right. John, I don't know what to do with that. Terry.

Terry Stockwell:

My feelings too. Thank you, Mr. Chairman. I mean, it's no secret that New England Council's struggled with several of our rebuilding plans on our key stocks, but we've also had some big successes, and Atlantic scallops is one of them. So – but both of these helped frame our relationship with the Agency. On top of that, we've gone through what we've called our reaction and response to the Pate Report and previous chair, Rick Cunningham, sent John a parting letter when – just before he termed out, concerning disapproved measures in the herring amendment. That was actually a huge turning point for us because, since that point, John and his staff have really stepped up and I – from my perspective, the communications are significantly better. I put his staff as voting members on all of our committees. The collaboration we're having is significantly improved, but there are a couple areas that I see that need further improvement.

One is legal counsel. We don't get enough of it early enough. We're going through a number of – well, the habitat amendment I referred to before lunch. We're going to get sued so we need we need some help

deciding as we go through our final decisions whether we're going to go through the right door or the left door. The other one concerns enforcement. We're making the cases, they're not getting prosecuted. We had a case in Maine. It took four years to get it through, and the guy still hasn't had his sentence yet, but it's not the deterrent to curb what bad behavior we have. So I think we keep it – I mean, John's not afraid of calling me or vice versa. I think we keep that relationship going, and I'm going to get your number, Eileen, so you know, I think it's – you know, it's that kind of interactive communications, I think, that's going to make us work better.

Rick Robins: Thanks, Terry. Other comments? Chris Oliver.

Chris Oliver: Yeah, just a few comments on the sort of terminology, semantics thing. I know over several years, I've heard various NOAA leadership folks refer to the Councils as one of the most important stakeholders, and I guess the way I see it as management partners, the Councils and NOAA Fisheries share the same stakeholders.

On the strategic issue, you mentioned, Eileen, that you know, sometimes you'll have the Center developing a strategic plan and the regional office developing a strategic plan and perhaps a Council developing a strategic plan and I guess, to me, it seems like the sort of intent, if not the definition of a strategic plan would require those three entities at least to work together to develop a single strategic plan. So that's just a thought.

But my third thing's a little – not off base, but it made me think about when our partnership and our relationship with the NOAA Grants Division, as we are coming upon the end of our five-year awards and we're going to be submitting new five-year awards later this year, and we have, at various times over the years, sort of struggled – our whole Council identity crisis, if you will, and for better or worse, we have been pigeonholed sort of into the grants process that treats the Councils much like an SK project rather than an ongoing management process. And some of the folks in NOAA grants, it depends on when and who, and I'm not being critical; it's just the nature of the beast, don't really fully understand what the Councils are, what they do, how they – closely they work with the NOAA Fisheries, and so as we come up to this process later this year, I'm hopeful that, as we go through our interactions with the NOAA grants process, that you folks will be there to help as necessary, if necessary, help

us get through that process and help them understand how we are, what we do and how we relate to the process. I know some of them understand very well, but others don't and so that was just a thought I had this morning.

Rick Robins:

Thanks, Chris. Other comments? Okay, well, just to summarize, I want to be clear that the – you know, the Councils collectively are not thin-skinned people as groups, but the unique nature by definition of our roles under the statute, I think, requires some consideration in a systematic way, but I think members of highlighted some areas to improve coordination and that's obviously a long-term objective for all of us. But hopefully we can continue to build on this conversation and, Eileen, if you have any additional comments.

Eileen Sobeck:

I was just going to say two things. One is, if I made any missteps of nomenclature in my initial forays with this group, I apologize. I completely get the message and as somebody who – one of my first jobs when I started at NOAA General Counsel is I was a special assistant to Bud Walsh for six months. I thought he wrote the Magnuson Act himself. I didn't know that Senator Magnuson actually wrote it, but – no, I'm just kidding. But in all seriousness, I mean, I am aware – fully aware of the unique relationship as management partners that the Councils are with us and intend to carry that – have and intend to carry that message to others. And I did want to just compliment you all for the tone of this discussion. You know, it's nice to hear some positive examples, and those are good things for us to take back to our folks and up the chain that we actually are capable of getting some things right and having some – and I think we all know there are success stories, but we don't always pause and recognize them, and it makes it easier to take constructive criticism when there's also constructive praise, so thank you for that.

Rick Robins:

Thank you, Eileen. Any further discussion on this item? All right. Seeing none, we'll move on to the budget discussion. Paul Doremus.

Paul Doremus:

Thank you, Mr. Chairman. Pleasure to be here with you all today and get to talk about our favorite subject again, and I do appreciate following the last session and the conversation and the tone of the conversation that ensued. It was reminding me of some work I did a number of years ago on research and development networks in multinational corporations and we were trying to compare how companies based in the U.S., Germany

and Japan structured their R&D functions and we were mapping out how these multinational corporations related to a lot of other businesses. And it took an enormous amount of effort. We did these maps of all these alliance networks and came to one interesting conclusion. One was that the executives of most multinational corporations have no idea what those networks actually look like. They have people in different business units that are doing business with people who are competitors in other business units. It's very complex systems.

But the other, when we talked to people about – from a corporate point of view, how they view these things, they made a big distinction between agreements and alliances and what they called strategic alliances, and I think in government-speak, we use partnership for alliance. And a strategic alliance in a business sense is basically a relationship between two firms where both of them are required for the business model to succeed. And if you don't have that, in effect, coproduction or strategic alliance, or in our case, strategic partnership, the mission fails, and that's, I think, how we view things generally in headquarters. I would use the terminology strategic partnership, and partly because, in my mind, it's linked to that core notion of a strategic alliance that's so central for any modern corporation to be able to function. And I think the best that we can do is continue to work those relationships over time. We are in the same business, after all, and there are restrictions, as everybody knows, in the universe that I live in. Dealing with budget has a lot of those where there are limits on what we can't share, even with our strategic partners, at different times in the budget development process. You all are familiar with that. I won't belabor that point, but I do, again, appreciate the spirit and intent of the conversation and the focus on language that we use, which really makes a big difference.

So we're going to cover today, and I can move through this relatively quickly to make up a little bit of time, but also, as always, have plenty of opportunity for discussion. Where we are with the budget today, '14-'15, a little new information – no new information on '14. I'll get to that in a sec. '15 is largely the House mark that we have to look at to get a sense of where things are trending on the Hill. And we'll revisit our favorite topic, the one that we, yes, indeed would do differently again, and that was the accommodation of M&A costs. We've been over this at great length. We're just providing some additional information that was asked for in our last visit on this topic in March. And I'd like to spend a little bit more

time – we were asked to cover the SK Grant Program – Saltonstall-Kennedy Grant Program, which some people know about, but a lot of people don't, and it's one of the good news stories hidden in our budget, and I just want to tell you where things are, a little bit of the history, how it functions, just so we're all – we have a kind of common level of knowledge about this program and where it appears to be going as well. There are some big trends affecting that.

So before starting on the '15, I will say that we still do not have a spend plan for FY '14. There an approved spend plan. We have provided a little bit of correspondence with you on this. The spend plan that was reviewed by Congress ultimately was rejected. They sent back a request that we modify the spend plan for FY '14 in two areas, one related to a decision by Congress not to fund an increase for a satellite and another changed in another area where they decided to change the funding level for a Department of Commerce proposal for a working capital fund. So the net was we were about \$11 million short of where we thought we would be in FY '14 for NOAA as a whole. NOAA had to come up with a process for figuring out where to accommodate that, and that touched on different pieces of NOAA, including the weather service and as does OAR, NOS and us. So our contribution was on the order of \$2 million, but it does not affect the budget of the Councils and Commissions at this point in time. So it ain't over til it's over. There, theoretically, could be more adjustments, but we do not have an approved spend plan, and we have gone, by the way, to great lengths to get funds that we can get out to the Commissions and to the Councils. Without a spend plan, there are authorities we have up to a certain level, given where the budget is, to be able to move money forward so people can continue operating, and we have indeed done that.

So the bigger news is on '15. Major mark came forward – the House mark – and you are all familiar with the dynamics between House mark, Senate mark conference, and true to the last few years, the House Approps Committee has focused very closely on the Weather Service and the satellite networks that were required for effective operations of the Weather Service. They provide \$5.3 billion for NOAA as a whole. That's a pretty large number below the request level, and the discretionary funds and the operations research facility funds, it's about \$179 million decrease for NOAA. For fisheries, in our operations research facilities line, that would mean a reduction from where we had hoped to be in the President's

budget of about 46.6 percent, or 5.6 percent below what we had asked, and it's about 3 percent, or \$22 million short of where we are this year in FY '14 assuming the spend plan. So that's a 790 number for us for our operations research facilities. Pretty big reduction.

We have a couple of bill payers in here, which I'll get to in a minute, but what this is is a tension in the overall budget of NOAA that's existed for some time on dealing with the cost of recapitalizing our satellite-based observing systems, our remote observing systems, principally JPSS and (inaudible). Very expensive the way these things got sequenced. They ended up coming at the same time, so the spike in the budget was higher than folks had anticipated a few years ago. It's very difficult to accommodate with the types of top line pressures that we have on the budget these days, and that's indeed what the House Approps Committee was struggling with. Senate, we don't know where that will end up. We're expecting late this month or most likely early in June to get a mark from the Senate. We'll get some more intelligence then. There's always this back and forth and there tends to be a little bit of a balancing act. Typically we have found Senate Approps to be a little bit more oriented towards what everybody colloquially calls the wet side of NOAA, and we'll see where that ends up. There were some significant pieces in the House mark related to our budget that I'll highlight here in this next slide.

We have – in a major grant program some of you may be familiar with, certainly on the West Coast, the Pacific Coastal Salmon Recovery Fund. The House bill actually funded that at \$50 million. There was an amendment that was passed after the bill went forward to put it back at the \$65 million level where it is for FY '14, so that would stay level. And there were a couple of other – the other major funding change here, which is a cause for great concern, was the decrease of over \$17 million in our habitat funding area. We basically see a zeroing out of our habitat restoration grants, and that would be a pretty substantial programmatic impact, as you can well imagine, so that number, 25 is quite low and would put us down even further – considerably further than our lowest point on the habitat funding domain in FY '13.

The other couple of things to note here, there is a nice funding level for cooperative research of \$12 million, but there's a lot of language that goes along with that. The language talks about that these funds shall be used to support external independent data collection and other research, and the

committee expects that all funding provided shall be used for cooperative fisheries research and not for NOAA activities or administrative overhead costs. It also requires NOAA to submit a report on grants and expected use of the data from those grants in the future, so for '13 and '14, et cetera. And this is a source of concern, interesting with the topic we just talked about with partnerships, collaboration. Cooperative research, in our experience, has worked best when it is truly collaborative. It's difficult to assure the type of research work and a level of ability to ensure verification and validation of data that we get to be able to use information that comes through the cooperative research process as effectively and as quickly as possible. So we're a little bit concerned about the restriction that puts on us. We can't even monitor as you would in a – at least use resources from here. We'd have to monitor out of base resources to ensure the effective use and stewardship of the grant money, not the least of which would be the types of activities and collaboration between the grantees and fisheries to ensure that we can best profit from the data that's collected through those mechanisms. So that's something that we have been noting.

Another area too, it's the second bullet up here. There is language that we've been looking for that would give us the ability to use outside funding sources similar to the way a lot of other agencies do. So we did get language in here that allows us to accept reimbursable resources from other agencies, from other organizations, but it does not include the phrase that we had asked for, which was private entity. The other parts of the federal government, including, but not limited to the Department of Interior, that are allowed to accept funds from industry under obvious – with obvious restrictions, and we have had a number of requests for the ability to do this where industries would benefit from our research. They need it. We have distinctive capabilities to execute it. They want to provide the resources, they want to get it done, it would enable us to move forward on a number of challenging fronts, including but not limited to some areas of research that are required to understand what's going on in the Arctic. That's where it's come forward to us most brightly recently. And we, right now, don't have that authority. So that's something that's being discussed. The Senate Approps folks are very aware of that. They're dialed into it and hoping to see if there might be an opportunity to give us the same authorities that other agencies have along this front.

As John was saying, in the type of budget environment that we're in,

flexibilities to work with other organizations to the greatest extent possible are one of the ways that we can see higher productivity levels out of a federal budget that's not necessarily higher, so this reimbursable language authority is very important to us.

So that's the basics on '15, and here's the chart that we use all the time to show our funding trend up to 2010, then the decline to 2013, about a 12.5 percent decline for us, and then where we are today with the President's budget proposal, and – that would fund us just over \$900 million and where the House came in at the 882 level here. So the bottom-line message is continued uncertainty. There – we continue to hope that FY '13 was a floor. Hard to say. The economic signals are mixed. We're going into extended electoral kind of context with mid-terms and then you have the end of a two-term presidency coming right after that, so we don't know what the politics of deficit reduction are going to look like in the future, and we expect continued volatility and different views on what appropriate levels of federal spending are, including but not limited to our appropriations. So that's the concern that we have is the ability to – we're going to keep bouncing around, makes planning obviously very difficult, but it also, I think, is just a cautionary note on what we might expect in terms of resource augmentation in the future. If anything, I think we will continue under the motto that we've been using since FY '13 came along where flat is the new growth. If we hold, we're doing as well as you could expect to.

So that's the fundamentals on basically '15. The receptivity of the President's budget proposal on the Hill, we continue to try to communicate as effectively as we can about the President's budget. It's a strong budget for us and we continue to provide information as Congress asks for it about the implications of modifying that budget, and we'll see what the Senate has to say about it in a matter of weeks.

So I want to turn quickly to our M&A topic. There's just a little bit of additional information here. As you all know, this is one of many areas where, in the wake of two things, the FY '13 sequestration process, which put an enormous amount of burden on the Agency from a financial management point of view as well as the qualified opinion on the National Weather Service audit that happened close to the same time, which led to an extensive amount of oversight and a lot of other requirements that we might adhere to, including this M&A cost piece. We have our table,

which we have provided to you in our March meeting. That has not changed. All these numbers here are numbers that you've seen before and that we have provided. I don't believe that we will have to modify this further, but we won't know for sure until the spend plan is actually approved by Congress. So what's sitting in front of Congress right now includes the numbers that are – the top line numbers in here for the Regional Councils and for the Commissions as well. And you have all seen that, and that's, right now, relatively stable.

We do note here that, as we have in the past, that we have this requirement that NOAA direction and we are sticking with that, of charging equitably the management and administrative costs across all PPAs. You all know that. We're providing here some information that you requested about where you can get the kind of guidance on policy and procedure, so here's the links that, if you really want to delve deep into the minutiae of the bureaucracy, you can see what these sorts of directives look like, how they show up consequently in the finance handbook that we adhere to, and in particular, this piece on Chapter 12 on administrative costs. So this is what all of our financial managers in all of NOAA, including but not limited to the Fisheries Service, are told to adhere to, and when auditors come, this is what they look at. They look at our adherence to these kinds of directives.

We have also provided here a little bit more detail that was requested on what these different – what we told you before in March. We provided information in this first column about what management and administrative costs represent. They represent general management and executive management, and we provide this sort of one-sentence description that comes out of those financial management reference sources that we talked about before, and you're seeing fundamentally here the Headquarters requirements for supporting the execution, the development, the formulation, the direction execution of the program, if you will, the funding line for Councils and Commissions and the programmatic efforts that go along with that, and those costs are unbundled in these categories for management administrative purposes, and that's what we are asked to charge.

This slide was also provided to you last time. Nothing new here, just provided in this context to keep everything consistent with what we've provided before. So these are – this is just continued information and

gives you the history, if you will, on our approach to this, being consistent with NOAA guidance and where we ended up in FY '14, and as I explained last time, there was an adjustment period in FY '13. There are different ways we could have calculated M&A. People didn't know entirely how NOAA was defining M&A. That prior table hadn't been available, et cetera, so that ended up with what we expect to be a standard methodology. We made the decision to apply it only to Headquarters level, which comes down to this number for FY '14, and the leaving 22.6 available for the Regional Councils line. So again, not new information; just providing it all in one place with the additional detail that you had requested on the composition of M&A and the source of the directives that we're adhering to.

So I wanted to turn here to a very interesting topic, at your request, and provide some background on the promote and development fisheries product line. This is a very interesting component of our budget. It's an unusual aspect of the way the budget works. A lot of people don't know about this, including, we have found, many folks in Congress who follow our budget very closely. If you're not deep into the approps side, this could easily pass you by. The Saltonstall-Kennedy Act, this whole thing started back in 1954. It's been around for a long time, and it is funded, essentially on a tariff on seafood products, but a lot of other products too. I've seen the list. It's an extraordinary array of different products, and some of them have absolutely nothing to do with the seafood sector, but nevertheless, that's how it gets calculated, and 30 percent of this, by statute, is directed towards NOAA and put in this thing called to promote and develop account.

And I'll get into what the numbers actually look like in a second, but since 1979, Congress has used a large portion of the promote and development account – this is now over \$100 million. Last year was about 130. They have used most of that to offset our program funding, so it allows them to balance their accounts a little bit easier. They have this slug of income, essentially, from a tariff, and it allows them to not have to provide appropriated dollars to the tune of whatever proportion of that they decide to use for offset. And then whatever is left in reserve, they typically use for funding of Saltonstall-Kennedy grants. And that's what gets put into this program.

If you came into the organization, and this is hard to read, but if you came

into the organization in recent years, this is available online, and I do apologize, by the way, for the late posting of this. We have new information in here with '15 and the like. We wanted it to be as current as possible. But you can even just scan these columns and you'll see right here a couple of zeroes. If you came into the organization around 2010-'11, the SK Grant Program did not exist, and the very tight budget environment that Congress found itself in, they were looking for offset money everywhere. They used all of the promote and development money that came in through this tariff to offset our program expenditures, so there was no SK Grant Program in '11 and '12, and that was after a history of SK grants of varying levels, some small, some large – as large as 2009 over \$29 million, quite substantial.

That was returned this prior year, about \$11 million and an estimate in '14 here of about \$6 million. So this program was executed this year for the first time after a two-year lapse, so it was, in the budget environment that we were in, it was a very welcome opportunity for us to provide these grants out into the organization, and unlike prior – into the network, I guess you could say, of fisheries-related research community, unlike a lot of prior years, we made the decision to push something on the order of 99 percent of these resources out in this regional competition. We kept a small amount that we used for the Commissions for promote and development-type activities. None of it went into Headquarters accounts at all. So that was – we funded out a base the activity required to review these proposals and so forth, and we think that that met – it was consistent with the spirit with which this grant program was put forward, and we expect to do that going forward in '14, and whatever SK funds are made available in '15. We expect to have an SK Program in '15. The House provides for it. The Senate typically adjusts the numbers, so we don't really know where it'll end up, but we expect to have SK resources for last year, this year and '15 as well.

So this offset program is used to support – and this says offset. It's the promote and development offset. The SK portion of it is separate. The offset here that goes into our account, and this was a source of confusion in Congress for a period of time, folks did not know how the offset resources were being used by our organization, so we spent a lot of time making sure that Congress understood starting in, actually, FY '12, but in '13 and '14, that all of the funds that come out of the promote and development funding source are used to support these five activities –

expand stock assessments, fish information networks, survey and monitoring IJ grants and cooperative research. That way, Congress was not sure that the offset that they themselves had provided is being used in ways that are consistent with the Saltonstall-Kennedy Act, which highlights these types of activities. So we have that all available and very clearly provided now, over the last few years, to the Hill.

And the grant program, likewise, we are obviously paying very close attention to the objective of this program and manage it very tightly around that, and I'll get into the management process in just a second. But the objective is to address the needs of fishing communities and optimizing economic benefits in the context of rebuilding and maintaining sustainable fisheries and practices and dealing with the impacts of conservation and management measures. So that's a very broad mandate, and we have typically looked at setting priorities in these -within this broad mandate that would allow us to try to focus the grant program in areas that we think are the most likely to benefit this broad objective, and I'll get to those priorities in just a sec.

But we typically look for applications that really show a very tight and direct linkage to research about phenomena that would benefit U.S. fishing industry, and we encourage proposals from throughout the fishing community, broadly construed, and we do that through a peer review process, which I'll highlight a little bit about it in a minute, but eligibility has come up. The eligibility's laid out in the actual implementing requirements we have. It – be a citizen of the United States, Northern Mariana Islands, Republic of Martial Islands, Federated States of Micronesia, and you represent an entity of this type. So in other words, if you're in the federal government, you can't apply, but if you are tied into any of these identities and part of a formal organization, not an individual, but part of a formal organization that has research capability and so forth, that is a basic baseline condition for eligibility, and we had the opportunity, as I said in this year, after two years of zero funding of the SK Grant Program, to have over \$10 million to pursue that broad objective. So we announced it in July of last year, requests for applications, and we had put out a lot of advance word about this. It was open for 60 days. All that's available on grants online and the federal funding opportunity notice is there, and these are the priority areas that we went after.

This continues priorities that had been discussed for some time, typically, I understand that the SK priorities, they evolve over time, but generally tend to be stable for a number of years. Aquaculture's been a priority for a number of years. Optimizing utilization, harvested resources has been, fishery socioeconomics is relatively new. Conservation engineering and ecosystem studies have been there for a long period of time, and we added this year, for the first time, a territorial science initiative that's consistent with some broader strategies that we've been trying to deploy in fisheries without available resources. New resources, I should say, so this was a good opportunity for us to try to address some shortcomings in prior years where we found it very difficult to get appropriate types of projects forward and funded that represent needs and interest in the territories.

So evaluation process, quickly, is – and I should say for '14, by the way, we are revisiting this issue of are these the right priorities and we'll likely be talking with you about that once we start thinking through what the options might look like. The evaluation process centers on typical peer review panels. We have a minimum of three people. Always involves at least one outside technical representative, very often but not always drawn from academia. And they look at the relevance of the work, the importance of the work, technical merit, the qualifications of applicants themselves, their ability to conduct this work, their track record, whether the costs are in line with what you would expect for a research project of that nature, and what type of plan and process do they have for outreach and education. So not just generating the work, but getting it out there. So those are the major factors that are viewed, and they're basically ranked, given a numerical score and ranked accordingly based on the results on each of these numbers.

We got 250 proposals requesting nearly \$60 million for a program that was funded at about \$11 million. We ended up being able to fund 40. We literally went down the ranked list until we ran out of money, and that put – came out to 10.5. We had proposals funded in all regions. Coincidentally, this is something that we would like to have happen, but this happened just by the nature of the selection process, that the funded proposals were roughly in proportion to – very closely in proportion to the number of proposals that came in by region. So, as historically been the case in the Northeast Region, there was a very large number of proposals, and about a proportionate number of proposals that were selected came

out from that as well as from the balance of the proposals in other regions too.

John Bullard: What region was that?

Paul Doremus: The Northeast Region, so about 50 –

John Bullard: Greater Atlantic Region.

Paul Doremus: Or the Great Atlantic Region, sorry. Sorry. I gotta remember my Portuguese, right? I can (inaudible). That's right. So it reflects this regional distribution in proposals, and that has been historically very heavy from the Northeast, and was again this year, and that is something that I think we need to think about, and the Councils and the Commissions could be helpful in making sure that the availability and the nature of this program is well-known within the regions in that folks who could stand to benefit from it are well aware and able to put in competitive proposals, so that's an issue going forward is – and since marketing the availability of this so we can get broader representation elsewhere. And we also had a fairly even distribution of proposals across all of the priority areas. So when these ranked lists come in, there's really very, very little latitude that we have or want to take in modifying the outcome from the technical review process. This year we didn't modify it at all, and the two basic criteria are did you get all of the priorities funded at some level and did you have a good distribution, and we use, as a benchmark other results of the actual weighting, relatively consistent with the distribution of proposals that came in, and this year they were. So we funded everything that was just down – literally down the list and ended up with those 40 proposals.

So I do want you to note, and we bring this up, and this is my closing slide here, that there is other stuff going on in the trade world that could make the future of the promote and development account, and correspondingly, the SK Grant Program, possibly go away. The trans-Pacific partnership discussions, trans-Atlantic trade investment partnership proposals for tariff reductions in the seafood sector and elsewhere includes a schedule for the reduction of the promote and development tariff and possibly the elimination of that tariff over some period of time, seven to ten years. We're following this very closely. We're trying to make sure people are aware on the Hill. They generally are. Certainly the appropriators are,

that that tariff revenue might not be available in the future. It's not immediate. It won't affect us in '15, but if you go out a few years, we can end up not having an SK Grant Program and, for our appropriators having to find an offset for the offset. And right up to this point in time, they've had the benefit of this income to be able to offset some of our funding and, as I indicated in the prior slide of those five things that are funded, this is core fisheries work. It is not as though we can just pull \$120 million out of our organization and not suffer some huge consequences. This is stock assessments cooperative research, et cetera, the other five pieces that I've pointed out.

So we are concerned and thinking strategically about this promote and development account going away, and we're trying to make sure that folks on the Hill are well aware of what that might imply fiscally for the organization and for the broader research community that we draw on to be able to support our mission objectives. So we're hoping and looking forward to an SK Grant Program this year, very similar to last year. We might adjust the priorities. We will consult with you in that process, but it'll follow the same protocols, the same procedures, and it is, again, even in wherever folks come out in the FY '15 budget, if it ends up level, slightly down, slightly up, this is, after two years of not having it at all, this is welcome news and news that it matters to the regions, it matters to all of us in a pretty big way. So we're pleased to have it there and hope that we'll be able to continue this process for some time.

So that is it. We do have background materials here that I've provided to you before on the '15 budget, the President's budget, how that racks up against prior year submissions and what all the details are. I won't get into that. You've seen it all, but we left it there for reference so you can have all the budget information in one place. Mr. Chairman, I'll turn it back to you.

Rick Robins:

Paul, thank you very much for that detailed presentation. Just have a few questions myself, but the spend plan itself, I appreciate there's uncertainty in that. I mean, if you had to estimate when you thought that might be completed, I mean, do you have any precise estimate of that?

Paul Doremus:

My estimate was several weeks ago. It's – with Congress being, up until this point in time, pretty heavily consumed with '15, at least on the House side, we're hoping they'll be able to move it forward. We did meet the

requirements. They've been through one round of this. They're just – it went back to OMB then back again. It could be within the next one to two weeks. We hope not longer. It's pretty deep in the fiscal year, so we need to have certainty in this and be able to move forward.

Rick Robins: Okay. Thank you very much. And is there any additional background on why habitat was zeroed out?

Paul Doremus: We're trying to get some information about that. We definitely need some consultations with appropriators on the House side. Right now, it just looks like, as far as we can tell, a grant bill payer for the higher priorities that were funded in the Weather Service and with our satellite problems. So that's our current understanding. I don't believe it was based on any fundamentally negative view about the value of the program. It was about whether it was as high a priority as other things that they wanted to fund within the top line that they were given.

Rick Robins: Thanks, Paul, and I would just point out those trade negotiations that you pointed out are, in fact, a catch-22 for us because, in some cases, like on the Atlantic – at least on the trans-Atlantic agreement, if something isn't done on that, then U.S. fisheries are disadvantaged relative to Canada going into the EU and yet it has implications for us for SK funding. So it's really a bit of a catch-22. Other questions or comments? Don McIsaac.

Don McIsaac: Thank you, Mr. Chairman. Two questions, one on fiscal year '15 and then one on fiscal year '14. On the fiscal year '15, the House mark for the Councils and Commissions line item, I don't know if I saw that up there or if I missed it. Do you know what that is?

Paul Doremus: Yes, I do, Don. Thanks for bringing that up. I had meant to include that. We're back – way back here. The House mark for the Council and Commission line is flat from FY '14. It's below the President's budget request. The President's budget request was about 2.3 percent above FY '14, above this year, and the House kept that flat, so no reduction, but no growth either, and back to my flat is the new growth comment, we did as well as you could expect in the overall context of the house mark.

Don McIsaac: Okay, thanks. And we'll be following that one closely. We actually were a little bit gratified to see the flat, given what happened to habitat and the

overall Agency budget and are kind of interpreting that again as a barometer of priority. My question on '14 and your M&A presentation, there was a slide that had some links to some reports. Those may be – we haven't obviously seen those yet, but when we looked at the record for some of the basic criteria for decision-making, we noticed that the word equitable distribution of these common costs was used as opposed to equal, and you have had an administrative decision here to use an equal charge as opposed to an equitable charge, and of course, you heard us say in February that we were a little concerned that the Councils don't use the – well, don't use the classically allocated common cost areas, so you had facilities on there, HR on there, IT on there, and so our concern in February was well as opposed to an equitable charge for the use of these common services, the charge for us is for equal, as in any other program.

So the Councils do have some costs for IT. We've got IT people on staff that do some things. We obviously have some facilities costs that we have to pay rent on. We have some element of HR functions because we don't use the federal system. So in terms of the rest of the Agency drawing on the pot of money that ends up going to fund these HR, IT, facilities, that used to be funded by some other means, and we're still a little concerned about where is that windfall to whoever used to pay for that. If the overall agency budget is going up, there must be one somewhere, but maybe my direct question is in response to, Eileen, the letter we got from you to Rick about – dated May 5th. As we finalize the 2014 budget, we'll do what we can to support the Councils and the important work that you do. So if we applied for some amount of money for our costs that we incur for IT, facilities, HR, is there any way that application would be considered if we detailed what those costs would be that we have to pay since we cannot really – we're not in the practice, anyway, of drawing on your HR facilities or HR department. We obviously can't draw on – we can't move into your facilities from where we are now, that kind of thing.

Paul Doremus:

Thank you, Don, for your detailed question. So these are the components, and you first raised the issue of equitable versus equal, and a good portion of the challenge here is simply what's practical. When you look at these major categories of general management and directive, budget and finance, et cetera, what we're essentially looking at are the cost of support only at the Headquarters level for the operation of the Councils and Commissions, and that's dominantly the time of the people that you have in this room. So for us to do a truly equitable, you would want to have to

have some recording of every minute of Eileen's time and Sam's time and my time and Allen's time and go around. We have some people nearly full-time on support of the Council and Commissions. We would need to get to that level of parsing, almost like legal billing, hours billed to be able to get to the actual number that is consumed for support of Councils and Commissions.

The thing that we did do, and I mentioned this before and want to accent it here, we kept this, and we originally – and one of the areas that started to generate a lot of concern, is we originally thought we were going to have to charge for the time of the people and the other areas of support like these in the regions as well. There wasn't an easy methodology for doing that. People were using different methodologies, and we did make a corporate decision to charge only Headquarters' M&A costs. So the actual support that our organization pays for, that is out of non-Council and Commission line resources is probably substantially in excess if you count it in the M&A at the Regional level, of what we're actually charging at the 3.9 percent. So that's noted.

The bulk of what, actually, you're covering here is labor. Upwards of 60 percent, I think, based on the estimates for the President's budget, goes into these first two categories, the general management and direction, executive management, budget and finance support, and these sorts of other areas are less what your direct expenditures are than what all those support functions are for all the people who are in the room and are running the programs that help support the Council and Commission function, what kind of IT they consume, how they draw on facilities, et cetera. So those other pieces are small. They're maybe 20 percent of these expenditures. Most of it is these top two categories. So that just provides a little bit of a sense of why we ended up where we ended up. There is a provision for equitable – and you could only really pursue that if you were able to delineate all of the costs precisely. And in an environment where you'd have to parse time, we'd end up with an administrative machinery to do this would add to the cost more than make things more efficient. So we used the rule of thumb that we were asked to use, 3.9 percent. Pretty much all of NOAA's doing the same thing, and doing anything other than that would be very difficult in this environment. Thank you, Don.

Rick Robins:

Don.

Don McIsaac: And then, with regard to an application for some of these other costs, facilities and IT and HR that we don't use.

Paul Doremus: You do use them. I mean, this is how NOAA thinks about these things. You're not just paying, for instance, for my time, but for the IT that I need to use, for the space that I live in, some portion of that is used to support the activities of the Councils and the Commissions. So this is how NOAA asks us to calculate it. It's not that you use it; it's that it's used by all of those who are required to support the Council and Commission function.

Don McIsaac: Not to be argumentative, but so the HR – the use of HR by all of your regions, your Science Centers outside of Headquarters, this funding does not fully fund the Human Resources section? It only funds the portion of your Human Resources section that supports the Headquarters staff?

Paul Doremus: It uses a rule of thumb to do exactly that, as NOAA has asked us to do. Again, we can't divide the activities of our Human Resources personnel and the space and the resources that they consume by every function that they support. That's why NOAA passed the equitable distribution concept out in the documents that I highlighted here, and that's how we are asked to make that calculation.

Rick Robins: Thanks, Paul. Other questions or comments on the presentation? John Bullard.

John Bullard: Paul, on Saltonstall-Kennedy, a couple of thoughts or questions. One, as you mentioned, a lot of SK has gone, at Congress' direction, to ORF, and yet it is little-known and probably, therefore, little-valued. I wonder if any thought has been given to not hiding that light under a bushel, but advertising that this stock assessment is brought to you friendly Saltonstall-Kennedy program or this cooperative research so that people are more familiar that that service, everyone's always asking for stock assessments. That, hey, this is funded by Saltonstall-Kennedy, so everyone starts to get an understanding that Saltonstall-Kennedy is funding important work that people, at least in our region, always place a high value on stock assessments. If they know that Saltonstall-Kennedy is providing some of the funding for that, they start to get a sense, oh, that's valuable, and people tend to try and protect what's valuable. That's one comment.

The question I have on SK is one of the goals that you mentioned is participation by – bring this up by fishing communities. Six applications that demonstrate direct benefits to U.S. fishing industries and encourage proposals that involve fishing community participation, and I wonder now that all of the awards have been made and the research is going to be conducted, whether you might think of some evaluation on how well that criteria was met. Because my sense is – and I’ve had this feeling for a long time about SK, is that this is a research grant and that research institutions know how to get it and fishermen don’t and that – it’s not to say that the research doesn’t benefit industry, but that it’s very hard for industry to really play a role in this, and it is one of the goals to have fishing community participation, and I’m not sure we do a good job of meeting that goal. And so now that the decisions have been made, if you can find a group of people who are not dissatisfied customers because their proposal wasn’t met, but some objective party that looks at this and say, “How did we – how well did we do at that goal and is there a way – is this just a research program?” Is that what – because I don’t think it’s necessarily intended to just be a research program. It says address the needs of fishing communities. It doesn’t say address the needs of academia. And because I think it is so heavily-weighted to academia. And then the last question is it says about \$6 million for next year. Is it thought that maybe folding that into the year after into a two-year cycle? That’s the last question. Thanks.

Paul Doremus:

Thank you, John. Some very good points there. I do think you pointing to a need as far as marketing what SK actually does, there were some bills that were proposed the last couple of years that seem to assume that the SK funds just disappeared into our budget and were used for anything protected resources or whatever. We have made it very clear, and I think certainly our appropriators know but still could get a lot further with the message that these are the things that are funded – these five things. This is core fisheries work. It is what people want in the regions. It goes to the regions, so it would be a \$120 million hole in our budget for activities that people depend on. So we do – and it’s part of why we’re delivering this here is to make sure people are aware of that and we’re trying to bring that message forward as broadly as we can in our budget and policy community, but we have further to go. People just did not know that it worked that way, surprisingly.

As for industry-academe, that whole balance, I'm glad you brought that up. It is not necessarily a research program. It does – you do have to put forward a program of work that's designed to meet the objectives, and you know it would be interesting to look at what was funded and how much you could categorize this as research or others. It is an issue that Congress has noted, and I failed to state that, in FY '14, there is language in the appropriations that directs us to use no less than 10 percent of the SK grant funds on community-based bridge plans. We don't have a lot of detail on what that means, but we basically understand that to be transition kinds of considerations, which would be very industry and community-focused. So I think your point's been recognized. Congress has responded to it in that fashion. And perhaps some analysis ourselves of what has been funded to date would be helpful along the lines that you've suggested and we could take that under consideration given that weight.

Haven't considered a two-year proposal. We've had to execute this as Congress has directed. We could talk about that. It is a difficult program to administer. It's complex. There's obviously a huge number of – volume of proposals out there. The review process was extraordinary. It was done on a fairly short time, involved a lot of people at considerable expense, and if we were able to do this on a more studied timeframe, that would make sense, but we'd have to talk to Congress about that. Thank you.

Rick Robins:

Tom Nies.

Tom Nies:

Well, my comment kind of follows up on something John mentioned on SK review, and it's not clear to me whenever the SK awards come out, when they come out this year I hear a lot of comments about, "They funded that?" And it's not all from people who lose. You know, a lot of it is from people who look at the awards and say, "Why would they ever spend money on that type of proposal?" And I guess my question is, who is it that's evaluating the importance and the relevance of the proposal, and is there a way to get more practical or realistic or real world experience in evaluating the proposals as well? I think of the research set-aside program, for example, that we run in New England, and you know, the Agency runs it, but the Agency makes a serious effort to try and get what I would call some practical evaluation of the proposals from the managers, from the PDT members, from industry advisors before they actually make a decision on the projects, and I think that, at times, helps

weed out some projects that may look good on paper, but you know, when you talk to people with real world experience, they say, “Well that’s really not going to provide us anything we need. And I don’t know if the Agency already has that set up behind the scenes and we just don’t know how it goes on with SK, or I don’t know how it goes on with SK, or if this is a real problem that could help us spend the money better.

Paul Doremus:

Thank you, Tom. That’s a good observation. There is a panel for each review process. It involves a minimum of three people, and it looks at these factors here, importance, relevance, et cetera, and we – to my knowledge, I’ve never seen a list of who’s actually been on all these panels. We like to, as is typically the case with peer review processes, guarantee the anonymity of the reviewers so it can be truly peer review based, but we could try to make sure that we think about the breadth of qualifications of people who are asked to do reviews in the process, and I’ll look into that. But generally speaking, these are panels. They involve multiple people from different sectors with different types of expertise. They’re charged – they’re selected to be people who are subject matter experts, so what type of expertise they bring to the table and how that’s been distributed, I can’t speak to specifically, but I appreciate the observation that you’re making, and that is something that we should look at.

Rick Robins:

Thanks, Paul. Kitty.

Kitty Simonds:

Thank you, Mr. Chair. I was the one who suggested that this be put on the agenda. I’m very familiar with the SK program. Years ago, that’s how the U.S. purse seine industry started to fish in the Pacific for tuna. So there were many years when the fishermen benefitted from this program. But it is a national program, but I think that everything should be done regionally, and my suggestion that I hope you will consider is to divide up the funds according to the different – to the allocation that we Councils use to allocate our budget. And that way – and then have the program run out of the region, and everything is done regionally. I just think that it would work a lot better that way. It’s a lot fairer.

I mean there might be another way to allocate those funds, but I think that, because this money is supposed to be for our fishing industries we’re the ones and the Region and the Council, separately and together work on all of the management, fisheries development, underutilized fisheries, so I’d

like for you to consider that, that the money be divided up – like, for example, I know what my percentage is – 11 percent, and everybody knows what their percentage is for the budget and it just so happens that some of the projects that you were talking about where there were a lot of projects and funds went to those projects. Those Councils just happened to be the larger Councils with a larger budget percentage. And that the program be run by the Regions and not by Headquarters. You're always going to have oversight; that's your job, but I think that this is – this should be done regionally.

Rick Robins: Paul.

Kitty Simonds: And everybody agrees with me, right? Thank you.

Rick Robins: Paul, do you want to address that?

Paul Doremus: Absolutely. Thank you, Kitty, for your proposal. That is an alternative way to do business, and it is something that does warrant a close look.

Kitty Simonds: I'll write you a letter about it.

Paul Doremus: You don't need to. We'll –

Kitty Simonds: Are you sure?

Paul Doremus: Yeah. Got the message, and we're actually looking at that. There's pros and cons to doing it both ways, and you –

Kitty Simonds: I heard that we discussed it for 30 years, believe me.

Paul Doremus: No, I understand. And as you indicate, the big challenge is deciding how to distribute the resources, and that creates up front a substantial issue. We would have to come up with a mechanism for doing that that everybody understood and could live with, so that's one of the big rubs when you look at it that way, but we can get back to you on how that looks from our vantage point. It is an alternative way to do things that would involve pretty substantial changes, but it could be done.

Kitty Simonds: The percentages have been set out for, what, at least 20 years, and I think it just makes sense. The other thing I wanted to mention is that I'm not

sure you answered my question at our February meeting when we were talking about our 3.9 percent or whatever, I don't think that's going to go away, and so fine, but I asked you could I be charging the same thing for work that I do for NMFS out in our region? I could send you a list. You said it was a novel idea, but that wasn't really the response I was looking for. So could you think about it? I'll send you a letter.

Paul Doremus: You're welcome to send me a letter.

Kitty Simonds: Okay.

Paul Doremus: And I – yes, it would be a novel idea, and I think in the eyes of our appropriators, the resources that are put out in a Council and Commission line are designated for that purpose generally, among other things. On the regionalization of SK, one of the things that I do think is important to note in this whole process is maintaining fidelity to the priorities that are discussed, and we have been doing basically a national program on nationally-recognized priorities at a regional level, so it would involve kind of turning the equation from a set of national priorities to regionally distinctive, and we also obviously need to have a process that has a uniform level of quality and review and all that kind of thing. So there'd be a lot of considerations there. It'd be a substantial change, and we need to weigh the pros and cons.

Kitty Simonds: Right, because you – one of your national programs – well, the cooperative research there were several bumps in the allocation of that or as the decision making. One year, we were surprised that one of our projects out in the Pacific with the fishermen's co-op wasn't funded, so when we went through and asked what happened, and the answer was that there were no fishermen involved. So that's what always scares me this whole decisions made from a national level on things that are really – that we know best in the Region and we do know the answers, and so that project actually was never funded. That was a Manny Duenas project, by the way, and yeah, so you know, I know that nothing in life is perfect, but that was a horrible mistake, you know. It was proposed by a fishermen's co-op, but it wasn't funded because there were no fishermen involved. So I haven't checked on the SK projects yet to see if there were any weirdies that were funded, you know. Anyway, needed to say that. Thanks.

Rick Robins: Arnold.

Arnold Palacios: Thanks, Jim, and you know, I – in my early days in fish and wildlife and to see (inaudible) one of the first assignments I had was sitting down and went through SK grants and putting together some SK grants through our Regional Offices in Hawaii, and I used to sit there with representatives from Samoa, Guam, (inaudible) and even back then we had folks from the Federated States submitting grants, and we would go through this process to submit our proposals and our proposals are \$10,000; \$15,000; \$20,000 because we had only a pool of \$100,000 for the whole region. So we go through a process of two days, three days, but I tell you, those projects were very significant to those small fishing communities, and it directly benefits the fishing communities. You know, a boat ramp, a small (inaudible) design for American Samoa, those are the type of projects that are immediately – you could see the immediate benefit to the Samoan community, and so as years passed, I was wondering what happened to SK.

And three years ago, I think this opportunity was brought back, and I sincerely hope that the projects that we are starting to fund really benefits the communities – the Atlantic and the Gulf and the Pacific, Western Pacific islands. Believe it or not, it does make a lot of difference. That's the small cooperative market project for Manny Duenas would have probably had a very significant impact to that fishing community versus sometimes when we go into research and research and research and multiyear research to benefit fishing communities, sometimes the fishing communities just give up on you. And I've seen it. I've been in this government side, and you do – in Saipan, for example, in the '80s and the '90s, I used SK money to build five boat ramps and design one of the best small boat marina on Saipan that is perhaps one of the best in the whole region, but that started off with an SK funding of \$100,000 over three-year program that helped me design them, but I tell you those are the type of projects and programs that I believe would contribute directly to our fishing communities, and I think our office, our federal offices, have to keep the fingers on that button to make sure that this – even the small amount of money that we invest goes back to the communities that John said he's supposed to serve. Thank you.

Rick Robins: Go ahead, Paul.

Paul Doremus: Thank you very much for those comments, and well-received. I think among those are some very well-stated reasons why we added the territorial science area to try to open up space for, broadly speaking, the territories to be more competitive in this process, which we recognize historically has been difficult. I also think your observations about community-based perspectives are what Congress recognized in FY '14 in some measure and I hope that those two things are at least pushing in the direction that you would find helpful. Thank you.

Rick Robins: Thanks. Any other questions or comments on this section? All right, let's go ahead and take a ten-minute break. We'll come back –

3. HABITAT

Rick Robins: Kara, good afternoon.

Kara Meckley: Thanks, Rick. Thanks for inviting us back to talk to you about habitat again and how we can effectively target our habitat conservation work to increase fisheries productivity. Back in February, we focused on providing an overview of habitat initiatives that were happening nationally, and we helped identify some partners that were willing and able to help use their habitat conservation work to help support your fishery's goals, and that discussion really helped us in fisheries figure out where we needed to do a better job communicating on our habitat initiatives to make sure we were all on the same page and knew what direction we were heading in. And so we followed up and had conversations with many of you on the habitat blueprint overall. Specifically we've connected some of our regional habitat focus area selection teams with some specific Councils that are still undergoing the selection process, like the South Atlantic Council and the Caribbean Council and also the North Pacific Council. And, in addition, Buck Sutter, our Director for the Office of Habitat Conservation, sitting on the side over here, has followed up with all of our regional habitat focus area selection teams and asked them to follow up with Councils to provide an update on their habitat focus areas, to share their status and what the next upcoming opportunities are for Council engagement. So we expect that to happen here shortly.

So I wanted to point out that we've also provided some additional information in your briefing books for this meeting. We've provided some additional information on the National Fish Habitat Partnership's regional partnerships, and we've organized the table by each Council, so you can quickly turn to the table and see all the partnerships and focus areas that are within your jurisdiction and it provides some additional information about criteria and objectives and some contact information as well and places where you can get additional information. And so we provided this information today to give you a big of a reference guide as well as try to use our time today most effectively. And so today I wanted to focus more specifically on next steps that NMFS and the Councils can take to connect habitat to fisheries productivity and share Council needs and specific objectives with potential partners that can help support your needs. And, of course, I'm not talking about habitat conservation for

habitat's sake. We're really talking about habitat that can help increase and grow more fish and really help expand the ecosystem's ability to support more fish in the future. And we have a few concepts that we can explore to achieve this goal.

We have some great examples that show how habitat conservation can mean more fish in the ocean, which over time can hopefully translate to more fish in your allocation. And, for example, on the Acushnet River in Massachusetts, NMFS has worked with partners to modify and partially remove an obsolete dam that helped. We also helped create some more natural fishways, and it actually has seen a river herring return go from about 300 fish in 2007 to over 6,000 fish just six years later in 2013, and it's estimated that the potential return for herring over the next few years could be in the tens of thousands, and so this is certainly going to help provide a stronger forage fish base for your managed stocks.

And so jumping to the West Coast, NMFS also worked with partners to restore 60 acres of marshland in the Fisher Slough, which is off the Skagit River in Puget Sound, and ecological surveys show that the footprint for that restored area has actually increased the system's capacity to support an additional almost 22,000 young chinook salmon, which was 5,000 more than we even expected. And the funds for this represented a total investment of about \$8 million for that restoration effort, but over the coming decades, it could see a return on that investment of about \$21 million in reduced flood damage costs and lower operations and maintenance costs. And these are just two examples where we've been able to collect the data to really show that strong linkage to fisheries productivity and clearly, given the House mark that Paul told us about and the unfortunate news for habitat, we really need to be sharing this story more directly with the target audience.

But it can really be difficult to demonstrate that explicit linkage, and so, in February, we briefly touched on what NMFS was doing to help fill some of the habitat science gaps that we have making this connection, and so we're really happy that Correigh Greene from our Northwest Fisheries Science Center could join us today despite an arduous journey last night from the West Coast, but he's here to give us an overview of some of the work that he's working on connecting inshore habitats to offshore fisheries productivity, and his presentation also serves as a great example of partnerships and how NMFS has worked with the

Pacific States Commission to identify specific priorities on the West Coast and also have they've partnered with the NFHP Pacific Marine and Estuary Partnership to help support specific fish habitat objectives.

So after Correigh's presentation, well move on to discuss some proposed ideas that we've developed in NMFS, in partnership with others and how we can think about filling some of those habitat-related gaps, and I'll be sure to reserve enough time at the end – I know we want to end a little bit earlier than the agenda says so we can all get our boat clothes on, but we want to make sure to have time for an open discussion so we can build on our conversations from February and hopefully come up with some concrete next steps that we can move forward together in partnership.

And so as we work through the session, we have a few discussion questions up on the slide here, and they're also in your briefing books, to help us guide our discussion at the end and so please keep these in mind as you're hearing the presentations and thinking about what we want to discuss and any questions you might have at the end. So I will turn it over to Correigh.

Correigh Greene:

Thanks, Kara. It's my pleasure to be here after, she said, the arduous trip from the West Coast. So I'm really happy today to talk about a number of advancements we're making on the subject of habitat science, and some of these I've had the pleasure of leading. And before I continue, I'd like to thank a number of people who have provided slides. Not all of this is my effort, so I'd like to thank, in particular, Chris Harvey of the Northwest Fisheries Science Center for providing some background on integrated ecosystem assessments. I'd like to thank Kristin Blackhart of the Office of Science and Technology for providing information on the National Fish Habitat Partnerships, and Howard Townsend at the Chesapeake Bay office for providing information on their inshore-offshore pilot project.

So looking at this title, this might seem a little ambitious to anybody of you who have been involved in some of the essential fish habitat issues over the last several years, but during this time, NMFS has really, I think, moved forward in making an effort to put this front and center and, in 2010, working with a number of colleagues, we released the habitat assessment improvement plan, which sought to identify gaps in the habitat science efforts that NMFS was doing and to address those.

So for those of you who are not familiar with the HAIP, as we call it, there were basically two essential goals for the HAIP. One is to improve the use of habitat information in stock assessments, and the second goal is to improve levels of EFH. So I'm not going to be talking about this first one too much except to note that there are a number of accepted ways already in which habitat information is being used in stock assessment, so you could – for species which are hard to survey, you could use habitat-abundant expansions to estimate abundance across an entire region. You could improve your understanding of your fishery's independent survey based on habitat-dependent catchability measures over different substrates, and you could improve your understanding of the temporal dynamics of some if some of your habitat data had temporal variation related, for example, with recruitment.

So moving on from the stock assessment side to the EFH, as you well know, there are these four levels of EFH, and we're really sort of at the top of that list with presence absence throughout pretty much all of the regions, and we really want to elevate that to this – to these higher levels and eventually see some EFH in terms of production at the highest level four. And so this is of importance to NMFS. It's obviously of importance to the Council. And my own experience on the habitat committee with the PFMC has illustrated this. We've recently had a review of groundfish EFH and there's been a lot of interest in understanding whether the gear restrictions we've had to protect EFH have resulted in some substantial benefits for the stocks of interest. This is a nontrivial issue.

So today I'm going to be talking about a number of examples we've used to sort of highlight habitat and improve the science so that we can start addressing some of these questions with respect to fisheries, their habitat and connections between inshore management and offshore fisheries. So the first example I'll give is my involvement in the California current integrated ecosystem assessment and incorporating habitat into all that. The second example I'm going to give you is the National Fish Habitat Partnerships Estuary habitat assessments, one focused on the Gulf of Mexico and the other focused on the Pacific Coast. And the third example I'm going to give you are inshore-offshore pilot projects developed by NMFS, one on the Pacific Coast and the other in the Chesapeake Bay region.

So the first one, the integrated ecosystem assessment, so what I wanted to

first do before I get into the habitat aspects, is give you a little bit of background about what these integrated ecosystem assessments do. I'm sure you've seen some of this before, but I think the review is worthwhile in the context of habitat. And so this is – what I'm going to show you first is basically a conceptual framework for how we might conceive of habitat in the concept – in the context of everything else these ecosystem assessments do. These IEAs are focused on the socioecological connections and so within this sort of broad framework, we have a number of different level, thinking about sort of the drivers and pressures influencing management end points, several mediating components and then these focal ecosystem components, the ones we really care about when we're talking about fisheries and protected resources. And so you can overlay some of the elements of interest, and they're shown on here, basically sort of a human elements side and then the ecological elements side, and as you can see by these arrows, these are linked, and so these – sort of starting down at the bottom here, these broad drivers, large economic forces influencing institutions and governance. And that has effects on human well-being in many different dimensions.

But the second sort of axis is where habitat comes into play, so both human activities and climate and ocean drivers are expected to influence ecological integrity, i.e. the ecological interactions, the fisheries and the protected species we care about, and the interface for that interaction is habitat. And you can think about this in a couple ways. One is that, if you have a strongly functional habitat, your species of interest are going to be well-buffered from some human activities and from these climate and ocean drivers. And if your habitat is in the sort of poorer state, than you're more at risk of the slings and arrows of these drivers and pressures.

You can also look at this in the context of sort of what – sort of how these two things are intrinsically linked over the course of the multiple life stages of the species we're interested in, so it's not just a habitat; it's several different habitats as, say, fish start in the estuary and near-shore environments and grow in size and recruit to offshore fisheries.

So there's three core questions of the IEA shown here. Basically its starting point is the ecosystem healthy? And then how vulnerable is the ecosystem to human uses and natural perturbations and then this question about now what do we do. What do we do next? And these three questions sort of have different components, and this is the ecosystem

healthy, we're really looking at evaluating the status and trends of these components, and so here we're – the key task is to develop indicators and reference points. The second question really deals with developing a risk analysis for evaluating whether certain elements identified here are at risk of perturbations, either driven by people or driven by climate change or climate variation. And then this third point here, now what do we do, is really sort of taking this forward. We call this the management strategy evaluation, basically using ecosystem modeling to build scenarios of management and to project forward how this ecosystem will look like under various management scenarios. And there, we can then sort of start evaluating whether these tweakings that we're doing at a management level to, say, improve habitat can have some lasting impacts for sustainable fisheries.

All right, so just to sort of wrap this kind of concept up, this is sort of the process by which most of the components of the IEA have followed, starting with these conceptual models. Addressing is the ecosystem healthy with status and trends analysis, then going to sort of this question about how vulnerable are systems, the risk assessment and then this management strategy evaluation using ecosystem modeling and looking at various scenarios to determine sort of where the ecosystem might be heading. And so now, just to give you an example of that last one, it's the ecosystem modeling which often catches people's interest even though it's not all of the IEA by any means, but this just gives you a way in which we've done some of this management strategy evaluation. So this is an oceanographic model called J-SCOPE, and what you're seeing here are some projections of oxygen, chlorophyll and sea surface temperature over the course of 2013. That's the animation on the panel below. And so you can get these forecasts six to nine months in advance and then you can relate that to the fishery, so an example here, they're relating it to the presence and absence of sardines.

So what we can do from a management strategy evaluation is to take this and look at sort of climate impacts, incorporate long-term changes, say, in the decline of these forage fish, these sardines, and then project how that's going to affect the rest of the ecosystem with this food web modeling. So you can see here, and basically the outcomes of this food web modeling suggest that if you have a decline in forage fish biomass, you might be expected to have some increases in certain fisheries components and decreases in others.

So this kind of management strategy evaluation would be really nice for habitat where we're asking, well, what are the benefits of habitat management for different species, and it's a very practical question that has come up in multiple sectors, so here's some questions that I've observed coming up during my tenure on the habitat committee. For example, what are fisheries' economic costs and benefits to revisions of groundfish EFH? This is a directly important question. When you're re-evaluating EFH to incorporate this as part of a NEPA analysis, and this is something that the IEA could conceivably do. Second point is how are commercial fisheries affected by coastal development activities? This is something the habitat committee often reviews, in a very piecemeal approach. These proposed projects come up and we evaluate them and make some recommendations. And then finally, this third point, how will habitat conservation activities improve sustainable fisheries? This has been a real interest to the NOAA Restoration Center. They've devoted some real dollars to this effort, and they would like to see some results in terms of making some progress in identifying this linkage.

So the IEA is kind of just started with habitat in comparison to a number of the other analysis they've done for, say, groundfish or for other components, and so we're just getting started really. This last year, we spent time focused on developing indicators and reference points in preparation for evaluation of status and trends for the Pacific Coast. And in doing so, we recognize that habitat's kind of special in that it's not as monitored as often as, say fisheries are and it's often the sort of time scale by which habitat changes is very different from the time scale that we like to see things. And so we recognize that and so the indicators in slight departure from some of the other work that's been done in the context of the IEA has focused both on sort of a large-scale mapping project for some of these indicators as well as looking at trends of those habitat characteristics which are dynamic and can be measured over time across the broad expanse of the Pacific Coast.

So in that respect, what we really want to do is link up to the various management activities in different habitats, and so an important component of that is very much a geospatial framework for the Pacific Coast that incorporates river elements for habitat measures for salmon, estuaries in near-shore environments for a number of different species, including salmon and groundfish, and seafloor in the pelagic zone as well.

And once that spatial framework is in place, there'll be a better system for explicitly linking those coastal activities with offshore and other impacts.

All right, so moving on to the second point, the National Fish Habitat Partnership's Estuary estuary fish habitat assessment. So I think you were informed a little bit about NFHP activities previously and Kara mentioned she's provided some information in the briefing book. But just a quick overview, basically there's a couple sort of essential points to take away here. This National Fish Habitat Action Plan is pretty ambitious. Proposed national assessments of aquatic habitats every five years and establish habitat condition scores for all aquatic habitats in the U.S. from mountains, basically, to Continental Shelf. And so that's very ambitious, and really the goal for this work is to evaluate that, so how functional these systems are and how they get improved with various restoration efforts that these partnerships are advocating.

NMFS' contribution to this is the estuary and coastal assessment, which is providing a system in which we can actually do an assessment. We focused on just the estuary aspects for this first round, so the 2010 national estuary assessment, we were able to do for all three coasts here. We established an initial geospatial framework based on some existing NOAA frameworks, and then we assembled a number of potential impacts to estuary habitat based on national databases, which were for the entire United States rare, but basically we came up with four sort of axes of impact; acidification, pollution, land use activities and changes to water flow entering estuaries. And so doing – via this, we were able to assign scores, so the blue indicates very high potential and the red indicates very low potential and then we were able to do a number of things, so each of these dots represents the condition of estuaries across the coasts. These circles are basically the area-weighted estimates out of a total of 100 percent in these different categories, and then we can sort of – within each of these regions, we can rank from poor habitat potential within the Southern California but high in the Northeast and on the Oregon and Washington coasts.

So this is all nice and good, but the downside is it doesn't incorporate any biological information as of yet, and there's a real practical reason for that, and that's that the fish species differ from the West Coast, the Atlantic Coast, the Gulf Coast, and so to really incorporate that fisheries information better, we want more regional assessments, and so for this

next round, for 2015, there's a real focus on regional-specific habitat assessments.

Rick Robins: Correigh, excuse me. Can I ask a quick question?

Correigh Greene: Sure.

Rick Robins: From that previous slide? I just want to make sure I understand the scale. So if there's an estuary that lights up in red, are you suggesting that that estuary – or if an estuary that's degraded lights up as red, is that an estuary that has low potential habitat productivity given its current state? I mean, you're not –

Correigh Greene: That's correct. Right. There is some elements to history here. So there is a current state, for example, flow within the – river flow within the last 15 years, but we also looked at trends in river flow for the last 50 years, so it's a combination of both recent and historical trends in coming up with these rankings across the different estuaries.

Rick Robins: Thanks. I just wanted to make sure I understood that before you went on.

Correigh Greene: Sure. Thank you. So for these regional-specific assessments, this is an example of the Gulf of Mexico assessment, which we tackled first, what we're doing is going through the same process but improving our information on activities that might affect fish within these systems and then linking them with existing fish habitat surveys and the fish surveys themselves. And so in the Gulf Coast, there is a benefit in that there was a pretty big data set over the last ten years, basically looking at fish across these five states, and we were able to use that and link it up with these – within the context of the spatial framework that incorporated both sort of the river basins and then sort of the drainage areas most proximate to these estuaries in green, the estuaries themselves, which are the water bodies, which are in this blue, and then the shorelines around the water on these estuaries.

And so sort of the process that was generally followed was, using this fish data, you can map the predicted presence absence of fish across these different areas, these estuary systems. And then you can start linking these up with these potential anthropogenic activities, so here's an example of the relative effect size across numerous species of human

population density, toxic releases, percentage (inaccessible) along the shoreline and percent – or urbanization along the shoreline and this – these values give you the range of the effect size on those various species and, in this case, the ones that stood out were these two in specific regions.

And so the Pacific Marine and Estuarine Fish Habitat Partnership is doing the regional assessment for the Pacific Coast, and really focused on estuaries as nursery areas, and right now, we're just getting started, so the first task which we've completed and vetted with the – with Pacific Fishery Management Council is to determine what are the focal species. We've also worked on refining that geospatial framework, which is going to be a common theme here. It's going to be used in the IEA and it's going to be used in the inshore-offshore pilot project as well, so that's pretty critical. And then this next step, I think, is the choke point, is assemble and evaluate habitat and fish data. Unlike the Gulf Coast, there's no centralized database for fish in estuaries across the Pacific Coast, and so we're highly dependent upon local groups providing that information and we need to assemble that. And so whether groups participate and whether the data that we acquire are – can be linked together is an open question right now and something we're going to be working on within the next couple months. And so then, assuming that happens, then we can start thinking about linking biological information with potential threats.

All right. So the final example I'm going to give you are – concerns these inshore-offshore pilot projects. These were a topic that received a lot of interest within NMFS as a way to link some of the management activities that NMFS provides with these offshore fisheries and sort of a better scientific understanding of that basis. And so the two examples I'm going to be talking to you about, which are part of this pilot project, there's the Pacific Coast one and the Mid-Atlantic Region one, and the Pacific Coast is what we might call a statistical approach, and the Mid-Atlantic Region is more of an ecosystem simulation approach.

So first the Pacific Coast, and I will talk about this by way of recent synthesis done by NMFS for groundfish EFH. And so what's shown here are maps for two of six species that were evaluated for habitat and so on the left is dark blotch rockfish and on the right is long spine thorny head, and this is a pretty neat model, in my opinion, taking what existed for habitat information, substrate, properties like temperature and dissolved

oxygen, and mapped those using these models, which incorporated not only presence-absence, but abundance as well, and so it simultaneously mapped those and used basically a (inaudible) function to make these pretty maps. And so what stands out are a couple things. One, there's variation both in terms of presence-absence and in terms of abundance across the Pacific coast for both species, and two, I think what's kind of neat is that we now have predictions for both presence-absence and abundance, which are a little bit different from your typical EFH maps, which are usually just sort of one color for the entire coast. And so via this process, we're actually just – you can think of it improving our EFH levels right here with this type of modeling. These data are based on fisheries' independent surveys, and so they're very empirically-driven maps of fish in the context of their habitat.

So we can take this kind of approach and ask, well, what can we do for fish in estuaries and really can we link the inshore environment with offshore, and I'm going to go through this by way of a hypothetical example of an estuarine-dependent fish stock. For the Pacific Coast, you might think of English sole or link cod as good examples for species, but this is – these data which I – these maps I show here are not based on fisheries; they're just hypothetical, just to make that clear. So you might expect that, if these fish recruit from the estuary environment, you might see high abundance close to estuaries and then spreading out into blue where you have low abundance. And in that context, we should be able to link up estuary characteristics with – across the Pacific Coast with the fisheries' independent information we get in the offshore surveys. And so by that – so we can have estuary characteristics, such as the amount of habitat, temperature, dissolved oxygen, urbanization, link that up with these fish characteristics such as abundance, distance from estuaries and recruitment size. And by doing this, we're providing a statistical basis for linking these characteristics which are very important in the management context – the amount of habitat. There's a direct restoration context there – urbanization. There's a direct sort of impacts assessment issue there with these characteristics such as recruitment size and abundance.

And so this is a statistical approach. Now let me show you the ecosystem modeling approach, and this is focused on summer flounder habitat along the Mid-Atlantic coast but really focused on Chesapeake Bay. And so what they're doing is incorporating a lot of data which have been collected by states using the standardized database, which I'm just showing you a

screenshot here, which not only has that information, but a lot of fish collection data as well, and putting it in the context of this Atlantic ecosystem model, so here's a map of Chesapeake and here's the Atlantis version of that, and what this is showing is some ecosystem predictions of two components of that macro algae and planktivores over times. And they do this via multi-model context, so basically there's a number of different models going in. There's a Chesapeake nitrification model, there's a – basically a map of species habitat preferences, and then there's – and so this nitrification model can feed temperatures (inaudible) DO data into that and you can then do some ecosystem modeling. So this is a really – this is just sort of your first order model where these parameters are those habitat parameters from here, and then there's this more – this output from the Chesapeake Atlantis model really focused on sort of abundance of various species over time.

So, as I said, this is – all these projects are just getting off the ground. This one's – they're really still trying to fine tune and calibrate the modeling environment, make sure it's meeting the needs of the participants in the work. So just to sum up on the inshore-offshore projects, I would say that both approaches are useful. The statistical approach is, by nature, correlational, much like epidemiological research. There's just – you're dealing with a large ecosystem, and here's one way to link it up via correlational approach. It is, however, grounded in reality and there are fewer assumptions in building those types of models. Ecosystem simulation approach, on the other hand, has many assumptions in those ecosystem models related to interactions between species and movements of species across those boxes you saw representing Chesapeake Bay. So lots of models, but also you can do these causal scenarios where you can say let's change the dissolved oxygen levels and see that causal effect in modeling context on the fisheries. And you – via this process, you can do a lot of sensitivity analysis to examine some of those assumptions at least to see which of those might be really important in determining how those are affecting summer flounder.

All right, so I've given you three different examples of how we're really trying to build this connection between coastal systems and offshore fisheries, and just to summarize, the IEA really improved utility of the IEA is for fisheries management in the context of habitat. The (inaudible) improved ability to priorities restoration benefitting fisheries and the inshore offshore pilot projects, development of tools to assess coastal

conservation on abundance and productivity of these offshore stocks. And just one more – a couple points at the end. The models that I'm talking about are really data-hungry, and so whenever we talk about habitat science, we really want to make a push that we need – these need data and the habitat models are fine, but they're not going to work very well and will not be very well-grounded reality with these data sets, and so to strongly advocate as much as we can for improved fisheries independent surveys and bigger and better habitat assessments to really track how habitat changes over time rather than just estimated from a static point of view. And then the partnerships, as I've emphasized during these talks are really vital. With my own range of experience, they're – here are just three levels across divisions within them, across NOAA working with folks in NCCOS end costs, and then between NMFS and other regional and national partner states, the state researchers are going to be really extremely valuable in the work we do for PMEP.

And with that, I'd be happy to take any questions. Thank you very much.

Rick Robins: Thank you. Questions or comments? Chris.

Chris Moore: Correigh, thanks for the presentation. Do me a favor and go back to the slide that you had on summer flounder.

Correigh Greene: This one?

Chris Moore: Yeah. So I'm curious. It says summer flounder life cycle autumn spawner. What does that represent with the red and –

Correigh Greene: Yeah, so it's – so I'm not the expert here. This is not my knowledge, but as I understand it, summer flounder come in to spawn within coastal environments in the estuaries. Their eggs are (inaudible) into the estuary systems and so that's – then these juvenile fish which are represented by these individual – rear within the estuaries and then recruit to the offshore fisheries.

Chris Moore: So that red area, is that –

Correigh Greene: That's the offshore fisheries, as I understand it, the habitat that they use as adults.

Chris Moore: So I have a follow-up, a somewhat related question. In terms of the input data that you're using for your models, how do you plan to deal with the variable related to climate change? You know, that's something – climate change we're going to be talking about climate change tomorrow and I know that there's been significant changes in distribution of summer flounder related to both abundance changes in stock structure, as well as temperature.

Correigh Greene: Yeah, so both models can incorporate some of these climate – potential climate impacts, so just – so in this example, right, if you had measures of temperature and dissolved oxygen, you could make some projections in a statistical way about how changes within estuary, as a function of sea level rise and increased temperature, are going to impact those offshore fisheries. And then the ecosystem modeling approach, which takes advantage of these linkages between habitat characteristics of fish at different life stages, should be able to incorporate some scenarios in which you, say, change the temperature distribution and how that affects where the fish are going and how abundant they are.

Rick Robins: Chris.

Chris Moore: Yeah, I'm curious, Correigh, as to how the Pacific Council has started to utilize model results and some of the things that you guys are doing into fishery management plans, fishery management plan approaches.

Correigh Greene: Maybe I should let Don.

Rick Robins: Don, do you want to comment on that?

Don McIsaac: Well, in terms of trying to think where on a future agenda this is landing for specific action, I don't know that we've got that. We do have these reports that come in – IEA reports and this kind of information that comes in, but in terms of actually thinking about the year-at-a-glance, when this is going to be incorporated into some decision making, it probably comes – maybe I'll ask for some help from my Council members here, but it probably comes in more at the Committee and Advisory Body level at some point, and the stock assessments and then there, but I don't know if maybe Correigh can even help me out or not, there is an agenda item on this.

Dorothy Lowman: We do get the state of the California current report, and you know, and gives a lot of these sort of – where are these different indicators sort of trending, and I would say it's not quantitatively entering in, but I think having that and having what we're sort of seeing may, in Council members' minds, certainly in mine a little bit, is a little bit a factor in thinking about risk assessments and what you want to do, and in that kind of beginning of qualitative. I mean, there's a hope to make it more quantitative, but we're not there yet, but it's the first time we've sort of had some of these indicators and kind of trends in one place, I guess, and so I think we're trying to grapple how to best use it, but I think it's starting to be kind of, in a qualitative sense, having that front and center in people's minds as their making decisions on levels for harvest in that year and so on and so forth. It, at least in my mind, enters into my risk assessment.

Correigh Greene: Yeah. I think my impression, based on the Habitat Committee work that I've done, is that IEA work thus far has really expanded people's sort of framework for understanding sort of fisheries in the context of all these ecosystem components, and so I think that's where it's at right now, and I do think that a better sort of grounding with habitat incorporated into it in a very explicit way will make it – will vastly improve the management utility of it.

Rick Robins: Sam Rauch.

Sam Rauch: Yeah, so I can't speak specifically for the Pacific Council, but the ways that I think this information is useful and could be used, one of them is at the outset, is looking, as you periodically review your EFH designations, which you're on some schedule to do. Everybody is on some schedule to do. This helps you go from the entire ocean's EFH to this particular habitat type is EFH and what that means is that you can consider where you have geographical restrictions on fishing effort, more tailoring those to the specific areas where it's most important to have them. We have many geographical restrictions on fishing effort that are just quite broad-based because we don't know how to more tailor that effort. So hopefully this information will come in as you consider the effects of fishing on habitat.

The other way that I think it comes in, which is one of the things that I don't think the Councils use enough of it on, if you go back and look at

what they're talking about estuaries. We don't really regulate fishing in estuaries. Most of those are state regulations, but through our EFH process, we can – the Councils can comment on activities that are occurring in the estuaries, and if you know that an estuary is particularly linked to productivity because of some factor and you know that there's some action that might decrease that productivity factor, well then the Council now has – or will, either now or as this is developed, will have a tool to better comment, to better specifically link that non-fishing impact on productivity and say this really matters to our fishermen and our ocean ecosystems. And so that's one of the reasons that we want this presentation is to let you know that these tools are out there so that you can, not just as you are regulating fishing, but as you are looking at other impacts on habitat, try to tailor those more specifically and say we care not just because we care, but we can actually point you to something and say what you're doing is imperiling our entire national fishing enterprise, and that's how I think it has the potential to be used, even if it's not on an agenda item, but that's the two ways I think really strongly you can use these kind of information tools.

Correigh Greene: Thanks for that.

Rick Robins: John Henderschedt.

John Henderschedt: Thank you, Mr. Chairman. My question really was about that EFH consultation, but just building on Sam's comment, I'm assuming, then, that even the consultations that the Councils don't engage in, but that the Agency is doing, I'm assuming that this tool would be of utility in that process as well.

Sam Rauch: It is of great utility to us, but we're trying to work in partnership with you, and so it's better when we share that, but yes, this is – these are all very helpful in our EFH consultations where we do comment.

Rick Robins: Thanks, partner. Michelle.

Michelle Duval: Thank you, Mr. Chairman. I guess my question or comment is sort of a follow-up to Chris' more along, I guess the potential future use of these tools in the management process as they become more quantitative in nature taking – I can see a day, hopefully sooner rather than later, where these types of tools would be very useful when looking at some of the

conservation measures that we have to implement with regard to rebuilding and things like that. So having something where it's not just we have to reduce catch by X amount in order to rebuild a stock, but take sort of a joint approach where maybe it's not the catch level that has to be reduced quite as much but reducing catch in conjunction with some habitat protection and/or restoration efforts as those become more quantitative.

Correigh Greene: Yeah, I think that's a really good point. Right now, as I understand it, the sort of management of these offshore fisheries is pretty much focused on managing catch and then potentially managing some of this EFH, particularly with respect to groundfish. And so better connecting it there provides a lot more flexibility, I agree.

Rick Robins: Correigh, what would be the power of the model – I mean, you have the Atlantis model up there for the Chesapeake. What would be the power of that model to describe what productivity might be under significantly different conditions? In other words, to the extent that the Bay currently is impaired. We have longstanding problem of nutrification and sedimentation, saltation, et cetera. You know, the SAV is a fraction of what it once was. There are areas that are no longer productive from a fisheries standpoint so the quality habitat in the Bay has been significantly truncated by those things. If – I mean, could the Atlantis model be used to lay out a or at least model different scenarios of productivity under restored types of conditions?

Correigh Greene: Yeah, so that's in fact its goal is to take information about dissolved oxygen and nutrification, incorporate it into this context and say, well, okay, if we improve dissolved oxygen levels, what does that mean for summer flounder or bay anchovy? And using the sensitivity analysis approach, you could conceivably get some straightforward answers in terms of what are the management possibilities. So, as I said, it's under development. They're working closely with some of their funders who are – EPA is one of them. They're really interested in getting a better sense of these management conditions and river systems as they influence Chesapeake Bay.

Rick Robins: Thank you. Tom Nies.

Tom Nies: Correigh, your two examples that you use, one from the East Coast and one from the West Coast were all related to species that have a close link

with estuaries. What's going on for species that don't, like Georges Bank winter flounder offshore or cod offshore or I'm sure there's some in the Pacific as well that are not as closely tied to the beach.

Correigh Greene: I guess I could answer that in a couple ways. One is you might recognize that coastal habitats, there's a – for some species, there's difficult to make that linkage, right, and so in that respect, you might have these sort of umbrella species, which represent what we can do in the context of coastal management for offshore ecosystems. And in that respect, you don't look at every single species to answer that question, but you might look at some key species which do have these linkages. So I don't know if I answered your question directly, but I think there's definitely some concern with sort of applying this wholesale to every single species because some species are just – don't have a strong coastal connection and we have to acknowledge that.

Rick Robins: Tom.

Tom Nies: So are there efforts to look at other tools that might work on the species that don't have a strong coastal connection or are we just not –

Correigh Greene: Yeah. So that's a very good point. So this effort which I showed you here is delving into that to some degree. So the groundfish synthesis was really developed to answer some of those questions, and these maps were produced to sort of look at this and overlay some of the EFH closure areas that – to ask, well, have these EFH rules actually protected fish stocks, and as a consequence, benefitted the fisheries. So that's the offshore example. These two species don't have strong coastal connections.

Rick Robins: Thanks, Correigh. Other questions? Chris.

Chris Moore: Correigh, to that point, have you answered that question?

Correigh Greene: As I understand it, we're – there's currently some more revisions to the analysis that are coming due at the September meeting of the PMC, is that correct?

Don McIsaac: Yeah, that's right. So we're going through one of these groundfish EFH reviews and this kind of mapping stuff is going to update what we currently have. We've got some very large closures that are being kind of

gut checked by new information. In terms of whether or not – or to what degree those RCAs have contributed to higher levels of productivity, I don't know if that's going to show up under that agenda item of the groundfish EFH business or if it shows up under stock assessments. Obviously that's the reason for the RCAs is to enhance productivity and protect fish. So, I mean, the common sense answer is yes, but again, quantitatively, I don't know.

Correigh Greene: I believe there's a paper or two comparing some of the trawl data within closure areas and outside closure areas to see if this has had an effect, and there was definitely some beneficial effects of the closures, but I'm not totally – I don't know the details, so I can't totally inform you there.

Rick Robins: Kitty.

Kitty Simonds: You developed an IEA for the Kona Coast, and then the Kona Coast was also chosen as one of the new habitat – blueprint habitat or habitat blueprint projects. So how are they going to work together is one of my questions? And the other question is who are your partners in developing all these things? Is it, like, coastal zone management?

Correigh Greene: Yeah, so I'll answer your last question first. So the partners that we have for the Pacific Coast, first of all, the fish habitat partnership, which is state, federal entities, nonprofits as well, is really a coordinated effort to develop these assessments for estuarine fish. And so I play a role in the science and data, but there's a lot of other contributors as well. There's other people – and folks at (inaudible) are involved in the IEA work to improve sort of the inputs into this process. And so we've had review and it's going to be continuing on, so some guidance from the Council as well.

So how these things interlink, and maybe I'll let Kara address that 'cause I'm not exactly familiar with your system in question. There's a scale issue, I think, right, and that – so example on the Pacific Coast might be – so there's the Russian River focus area in California, and then there's that – so what's going on there in the context of the entire IEA for the Pacific Coast, so it's very small. So you have to recognize that when you're developing sort of your targets and those sorts of things. And, in that respect, the Russian River might be one of many projects you – or restoration efforts within the Russian River might be one of many projects

you try to integrate into assess the question about whether restoration's having any effect. Do you want to further address that?

Kara Meckley: And I would say for the habitat focus areas, the scale might be an issue, but also we certainly need as much data as we can get our hands on, right. So as we're thinking about projects and partners and moving forward, any available data sources are going to be really important to consider, so I'm not sure of the specifics 'cause those projects and implementation planning is just beginning now, but those are really great questions to ask. I understand Gerry Davis is going to come present at your June meeting, and those would be great questions to ask him at that time.

Rick Robins: Correigh, thank you. Any other questions for Correigh? All right, Kara.

Kara Meckley: Okay, great.

Rick Robins: Thank you.

Kara Meckley: Let me do a quick time check here. Okay. Great. Thanks. So thanks, Correigh. Great presentation and a great discussion. It certainly cued up my presentation really well, and you'll hear some of the points that we've made around the table already echoed in this last part of the presentation. So we recognize we're not alone in thinking about considering habitat more explicitly, and so the ideas I'm going to share today are those that we are talking with our regional NMFS colleagues about and thinking about how we can really target our habitat conservation a little bit better. So today I want to walk through a couple of different concepts we've been considering, and the first is focused on how we can work together to identify more specific habitat objectives and align our habitat work with fisheries needs. And after that, I want to move to the second and talk a little bit more about how habitat areas of particular concern could be used more strategically and be used to highlight especially important productive areas and also help guide habitat conservation investments and decisions. And then finally, I want to follow up on what we've heard over the last year – one to two years – from Councils about continuing this conversation. So we've had a lot of good conversations over the last year or so, but Councils have really expressed a desire on how they could have a more effective collective voice on habitat issues, and we want to talk a little bit about some options for how we could do that.

So let's dive into this first concept here on habitat conservation objectives. So back in February, we talked about how the Councils have effectively implemented the EFH requirements of Magnuson and you all have identified EFH, you've all identified HAPCs for your species, and many of you are also working on ecosystem approaches to fisheries management that are taking into account habitat considerations, and that's great progress. But a few areas where we know we can improve within fisheries is how we can use that information from habitat information from FMPs to guide our EFH consultation conservation recommendations that Sam mentioned and also steer our restoration grant investments.

So, for example, the broad EFH mandate that we have places of priority of all habitat that's designated as EFH, and that makes prioritizing our consultation workload pretty challenging when we're faced with limited resources, as everyone is faced with limited resources. So we also strive to do a better job of determining that direct linkage of habitat to fisheries productivity, as Correigh mentioned, and measuring our progress toward some more visionary goals and targeting those limited resources where they're going to have the greatest impact for fisheries as well as pointing our partners in our many partner initiatives toward those same goals and objectives are going to be really key next steps for us. And with that in mind, I want to walk through, over the next few slide, using an existing stock assessment, using the existing stock assessment and fishery management framework as a model to establish explicit habitat conservation objectives that could drive our science and management decisions.

So NMFS and the Councils have developed and implemented an effective process for identifying specific objectives for fisheries that are informed by stock assessments and they help guide fishery management decisions. And those FMPs include these objectives and identify priority approaches for NMFS and the Councils to take to achieve them, and they're – those objectives are based on targets like catch limits and they're informed by – and they need to meet management mandates and regulations such as national standards and achieving optimum yield. And so those objectives really guide the management decisions such as rebuilding plans and setting allocation limits. So where does habitat fit into this picture? We all know that sustainable and productive fisheries are dependent on healthy habitats and more can be done to account for this within the existing process, such as identifying habitat objectives and targets to

benefit fish stocks. So I'm going to expand on this idea with an example.

So we know the terminology on objectives can be a little bit confusing, so we want to walk through a real world example here how NMFS and the Councils have developed objectives to guide management decisions, and I'll start with the current fishing objective for this stock and then we'll look at current habitat goals that are set for the stock and then think about and consider an option for how we could take that habitat objective just a step farther and key in on research needs and inform EFH consultations and think more on an ecosystem scale. And so the example here is the Southern New England Mid-Atlantic winter flounder stock. And we chose this fishery because it's a good example of an overfished stock that's not currently experiencing overfishing, so we've effectively controlled fishing mortality. And Framework Adjustment 50 to the Northeast Multispecies FMP established a rebuilding plan for this winter flounder stock, and that framework set a rebuilding timeline based on stock assessment information and established overfishing limits and ACLs. And of course, these objectives are designed to meet national standard requirements and also to end overfishing and also to achieve optimum yield. And it's informed by stock assessments and it guides future management decisions, and most importantly, we can measure our progress against this objective. So when we're thinking about this, how can habitat protection and restoration really help achieve its rebuilding goals?

So the New England FMPs do include habitat objectives. Amendment 16 to the multispecies FMP includes a general habitat objective that you see here at the top of the slide that applies to all EFH to all species, but this objective isn't very specific. It focuses on EFH procedures such as identifying EFH and minimizing the impacts of fishing to the extent practicable. It could be strengthened by establishing a specific desired outcome for a habitat or a specific conservation direction. And so, as we see here, this is from the Omnibus Habitat Amendment that amends and updates EFH information for all FMPs and it does get a little more specific about habitat objectives, and this amendment identifies a number of objectives. This is just one of those that has highlighted the need to improve refuge for critical life stages for winter flounder. And the habitat objectives in this amendment are a little more specific in identifying priority habitat needs for groundfish stocks that have been used to guide fishery management actions by the Council and minimize fishing gear

impacts.

This could be improved, though, by identifying more specific focus areas and identifying more specifically the habitat objectives for individual species. So what if we went – took this even a step farther and set actual productivity targets that could be achieved through habitat conservation? What if the FMP had a more specific habitat objective for winter flounder that highlights a critical life stage that serves as a bottleneck to the success of the fishery and, for example, this example here that is – that we just came up with for the sake of conversation today, but that focuses on spawning habitats in shallow waters at the time when juveniles are settling. And if sufficient information existed, we could actually set a more specific habitat target such as 10 percent increase in eelgrass extent in the Mid-Atlantic by the next EFH review or within less than five years. And even without this kind of specific target, habitat conservation tools such as designating HAPCs or strengthening our EFH consultations could be used both by Councils and NMFS, an NMFS could really substantiate our conservation recommendations, echoing Sam’s point earlier, when we respond to federal actions that might cause physical damage to nursery habitats such as sediment removal from coastal dredging or channelization or bulkheading projects, for example. And I recognize that we don’t have all the data. As Correigh mentioned, we’re starting down that path, but we certainly don’t have that information in all cases to set such specific quantitative targets and objectives, and that’s okay because, in the interim, more qualitative objectives could be developed, as Dorothy alluded to, and these could help steer habitat research priorities.

So even more qualitative objectives that we’ve put at the bottom of the slide here are valuable because they establish in writing the habitat conservation needs and goals that could be prioritized and can provide direction to guide both regulatory and non-regulatory partnership initiatives to increase productivity through habitat conservation as a way to leverage funds. And they could even guide NMFS and other partners to invest in habitat research and assessments and help establish baselines and improve habitat data that hopefully, over time, could lead to more quantitative targets in the future. And in either case, my main message here across this whole fairly busy slide is that really habitat objectives can help serve to measure our progress and influence decisions about investing resources where they’re going to have the best impact for our fisheries.

So it's not unprecedented that this kind of quantitative habitat objectives are being developed. There's some great examples from partnership initiatives around the country, such as the Puget Sound Partnership that I wanted to highlight on this slide, and if you're not familiar with it, the Puget Sound Partnership is a state agency that works across a wide range of stakeholder groups to support recovery for listed salmon, and they developed an action plan that sets priorities for partners and helps implement the regional recovery plan. And the action agenda has also established specific habitat objectives that you see here listed on the slide. And you'll notice that the first one on the slide is really based on stock abundance, really saying that there's no decline in abundance of any wild population of the species by supporting these other objectives. And the other objectives on this slide set more quantitative targets for specific priority areas that are known to provide a real important critical ecological function for the species, including flood plains or near-shore habitats. And this approach that the Partnership has taken has been really helpful for this broad suite of stakeholders 'cause they know where they can focus their management, where they can focus their investment decisions to help support recovery of the fishery.

And so an important takeaway from this slide is really that the – all of those chinook salmon fishery stakeholders that are engaged here know that every fish saved by achieving these goals help keep the stock from declining further and is certainly a step on the path to a sustainable population that could support targeted fisheries in the future and hopefully a delisting, of course. So there's lots of partner organizations like this throughout the country that the Councils can look to for ideas, and they're also a great place for Councils to engage in to help direct resources toward achieving your own habitat objectives that you've set.

And so what can we gain from moving forward with this approach? Back in February, Rick asked a really great question about how Councils can be more effective in reducing non-fishing impacts to habitat, and by setting clear and measurable objectives in your FMPs, Councils are really clarifying for those federal action agencies and other partners their needs and expectations for habitat conservation, and NMFS can point to these objectives in our EFH consultation conservation recommendations and give us also some more specific direction when we might need to elevate a consultation that's in dispute. So we'll also have a better sense for – in the face of thousands of consultations per year. We're going to know better

when to come to the Councils and say, hey, you're probably very interested in this specific federal action due to these habitat objectives you have in your FMPs. You might want to take a look at this one. So beyond informing our EFH consultations, clear objectives can also inform NMFS and other partners who are investing in both restoration projects, but also other science work and assessments that can help feed into this work or other types of conservation work.

And, for example, our Office of Habitat Conservation Community-Based Restoration Program, which I highlighted just quickly at the February meeting, has really started targeting its funding more directly to the needs of managed species, and those habitat objectives would certainly help our office know where we should invest our resources so they can help support those objectives, and that program's also extremely effective at leveraging outside dollars, and so we can be bringing a much bigger pool of resources to bear on your objectives by following up in that way. And so thinking about specific life stages or bottlenecks to productivity as we identify objectives can also help inform Councils when you're designating habitat areas of particular concern. And perhaps, most importantly, these objectives also give us an improved ability to measure our progress and demonstrate the ability for habitat conservation to increase fishery productivity. And lastly, it also helps us determine if our habitat work is effective. So it might also help us show when and where we might need to change course and more of an adaptive management framework.

So now I've thrown this idea out conceptually, but how are we planning to put this into practice? So we've already taken some steps to explore this approach on the West Coast. Our NMFS West Coast Region and Science Centers are planning a pilot effort to develop habitat-specific – fishery-specific habitat conservation objectives for a few species that are known to be linked to near-shore habitats, and I know our colleagues on the West Coast have discussed this pilot idea with the Pacific Council just last month and received some positive feedback, and we were also very pleased to receive a kind letter of support from Dr. McIsaac just a few weeks ago. So in the proposed pilot, NMFS will work with the Pacific Council to build on some of the assessment work that Correigh was talking about and use those habitat base models to select a few focal species and then we can develop specific habitat conservation objectives for those species. And then we can work on a plan for conservation. We can look at all the tools in our toolbox and think about how we can direct

habitat conservation to helping to support those goals, and that includes monitoring and evaluation and how we can actually track that linkage from habitat conservation to the success of those focal species.

We want to help inform future Council work for also EFH reviews and help the Council with any future initiatives under their fishery ecosystem plan as well. And it would be great if lessons learned from this pilot could also help on other projects on the West Coast or could be used as a model for other regions and Councils. So let's move on to the second idea we want to talk about today – strategic HAPCs.

So beyond identifying specific habitat objectives for fish stocks, we want to talk a little bit about how HAPCs could be used a little more strategically to highlight those objectives so that all of us, again, we can use all the tools in the toolbox to prioritize our habitat conservation work. So as you know, HAPCs were included in the EFH regulatory guidelines to help NMFS and Councils prioritize especially important or vulnerable areas. And given the limited habitat resources that we have, prioritizing and focusing is obviously a top priority. So using habitat HAPCs to prioritize the work that NMFS and other partners invest in is going to really help us stem that loss of critical habitats that are important for our stocks. So the regs outline criteria that should be used when identifying HAPCs that you see at the top part of the slide. Every Council has designated HAPCs, but their approaches from Council to Council and region to region have varied, and every Council has established certain areas as HAPCs to identify rare bottom features that might be vulnerable to fishing activity, and this is a great example about how Councils have identified priority areas with a specific objective in mind and then set specific management measures such as gear restrictions or modifications to address that objective.

Less common are HAPCs that are based on the first three criteria on the slide. So that is HAPCs that are identified because of their importance as nursery areas or spawning areas or because they're especially vulnerable to non-fishing impacts, and while less common, the Pacific Council has gone this route and they've identified specific habitat type of HAPCs like kelp and rocky shores and estuaries, but those HAPCs aren't geographically defined, and it can be really tough to prioritize the presence of a particular habitat if it's unknown in a specific geographic location. And in all cases, it would be really helpful to identify specific objectives

for a given HAPC. And we can ask ourselves a couple of questions as we're thinking about that. We can think about whether an area is especially productive or requires additional protection. We can consider whether or not an area is important to multiple species versus just a single species. We can consider whether an area is already degraded and really should require focused attention for restoration, and we can also think about whether it's a bottleneck for a critical life stage. And Councils can state in their FMPs why certain areas have been chosen as HAPCs and identify specific management objectives that we can all follow with our habitat conservation work.

And so NMFS can also use this information, as I mentioned earlier, to guide our restoration investments and partnership initiatives and try to seek as many resources as we can for those focus priorities. So just like the previous concept, we're thinking about how we can put this into practice. And so one of our next steps is we know the Mid-Atlantic Council's been thinking about how they can use HAPCs more strategically and effectively to address non-fishing impacts and, not to speak for them, but I will. They've only used HAPCs to a limited extent thus far. They have a HAPC for summer flounder in the inshore areas and another for tilefish in the offshore canyons, and they're interested in thinking about HAPCs to highlight specific habitat areas that serve critical ecological functions for multiple species and considering more place-based habitat solutions to address threats in the coastal and marine area. And so the Council also plans to identify specific objectives for HAPCs to help measure and monitor their progress, and we've had several really great conversations with the Mid-Atlantic Council about a potential pilot effort, and we're looking forward to that. And so Rick and Jessica and Chris, I'm sure, can share more detailed information about that pilot when we hit our discussion in just a couple of slides.

So the last concept I want to throw out for your consideration is cross-Council coordination. We've had so many great opportunities in the last two years to discuss habitat concerns and different approaches for habitat conservation, but we'd really like to build on that momentum that we generated at the MONF 3 Conference and also the East Coast Fisheries Forum and see what we can do together in partnership moving forward.

We've heard from many of you that you'd like to have more opportunities to share strategies with other Councils, and many of you are coming up

with really creative solutions that could be applied in other regions, and there's a few great examples of that. The North Pacific Council is learning from the New England Council's fishing impacts model and seeing how that might be able to be applied in Alaska during their next EFH review that's getting started this year. And similarly, the Mid-Atlantic Council is looking at the South Atlantic Council Habitat Advisory Panel's approach to setting habitat policies as a way that they can help inform their Council habitat decisions. And we're confident there's many other examples like this if we had a forum where we could continue these conversations. And from the NOAA side, we really realize that we know from region and Council, Council by Council, but we really are missing that national story or that national strategy about habitat conservation and what Councils are doing collectively for habitat. And we'd really love to keep these conversations going.

So some questions and options to consider. Do Councils see value in continuing these group conversations? Some options for doing so, we could consider an approach like a national SSC workshop. A couple of topics we could be: criteria for determining habitat-limited species. We could talk about criteria for determining habitat-limited species. We could talk about criteria for determining these more strategic HAPCs. We can think of a couple of topics that having a national workshop could help accomplish. And also my question to all of you is would the Council support continuing these conversations through an informal working group that's maybe more at the habitat committee or ecosystem committee level where we have reps from each Council coming together to think about topics and ways to advance habitat and share strategies.

So you've seen these questions before. I know I've given you a lot to think about. Just threw out three concepts for your consideration, and really our ultimate goal here is we really want to provide better tools so that Councils can have a more effective voice when it comes to habitat conservation and the needs of your fisheries. And through better tools, better partnerships, stronger partnerships, we really feel like we can make some measurable progress, and so we want to use the rest of our time – let me check the time here – 4:48 – to walk through these questions or also answer any other questions that you might have and so we'll open it up for some discussion.

Rick Robins: Kara, thank you very much. I just want to ask a quick question. You know, I think intuitively we understand a connection between habitat and fisheries productivity, but I'm trying to think through the conditions in which we have estuaries that are impaired. So just for example, I mean, you talked about possibly identifying a habitat objective related to eel grass. So let's say – I mean, if we walk through this, if we were to establish a habitat objective in the interest of, say, summer flounder and the management of that species, and we said we want to increase eel grass or SAV in the Mid-Atlantic coastal estuaries by 25 percent over the next ten years or stood up an objective like that, but water quality was the key limiting factor in the recovery of that SAV, how might the Agency leverage that objective externally? Because it seems to me that that's ultimately something that would have to play out between the EPA and the states, and we've seen how hard water quality has been in the Chesapeake Bay, just given the past politics of it, but I mean, ultimately that's one of the constraints on the performance of those estuaries. So if the Council which is primarily managing federal fisheries, stands up these objectives, how – I mean, can the Agency somehow leverage those externally in that broader discussion with states or EPA?

Kara Meckley: Thinking about the Chesapeake Bay, we of course have the Chesapeake Bay Executive Order, a large group of agencies, state partners all working together to address those issues – water quality and some other issues – but thinking even outside of that executive order framework, maybe in other estuaries, the – in February I highlighted our habitat focus areas. That's more of a watershed based. Really on the whole, the Agency is trying to think more on a landscape or large scale framework where we are thinking upland. We are thinking about how we can work with partners on what they do upland affecting the coastal areas. So I think that a first step would be let's set that objective, let's figure out what we think setting a habitat objective would relate to fisheries productivity, what we want to shoot for and then develop maybe a prioritized action plan. What are the key limiting factors for that particular habitat in that area, and then let us use all the tools and partnerships we have or cultivate new ones and strengthen that effort to identify where other agencies can help us meet that goal.

Rick Robins: Okay. I guess the challenge I have is that we might be identifying objectives without really isolating the critical influence on those habitats because in those situations where we have water quality impediments, it

just seems like a significant challenge, but I'm still trying to work through that aspect of it.

Kara Meckley: And this is an iterative process to. I would say you don't set habitat objective and then call it a day. You know, you're setting an initial objective, you're seeing where that takes you and then you have this ability to be more adaptive and update that objective as you learn more.

Rick Robins: Thanks. Doug Gregory.

Doug Gregory: Kara, yes, thank you. On Slide 13, I think you have some of our EFH in the Gulf mixed up with our HAPCs. If you contact us, we'll be glad to give you a good graph of our HAPCs and where they're located.

Kara Meckley: Are you talking about the large one in the Gulf?

Doug Gregory: Yes.

Kara Meckley: That's a Bluefin tuna HAPC. Designated by highly migratory species division in Sustainable Fisheries.

Rick Robins: Yes, sir. Yep.

Terry Stockwell: Yeah, I can see this being very useful and the utility of all this, and obviously if you've got a situation which is data-rich, it certainly helps, but in our Western Pacific area, we have data-poor things, and if we want to eventually incorporate EFH or EFH with goals and objectives into our plans, how can we guarantee that if we – these plans or goals are not met in the timeframe that we think they're going to be met, and they're in our FMP or fisheries ecological management plan, how can we protect ourselves from lawsuits, because I can see this opening up a big – at least in our experience, a fairly large target on our backs.

Kara Meckley: That's a great question for our resident lawyer.

Rick Robins: Adam.

Adam Issenberg: I was scratching my head and it had nothing to do with the question. Yeah I think that that's something – I don't have an answer to that. I think that's something that we'd have to work through in the case of individual

plans with the – you know, with the attorneys in the regions could certainly help you with that. The NOAA GC attorneys who sit at your Council tables would be happy to help but it's something that we can certainly go back and work on and prep for.

Terry Stockwell: Yeah, if I may, that's why we have a lawyer on our SSC to kind of help us pre-gauge what might be coming up if we do incorporate some of these habitat goals within our revised management plans. So thank you.

Rick Robins: Sam, to that point.

Sam Rauch: Yeah, so the mere act of setting a habitat target, like preserving eel grass, when the fishing is not what's affecting eel grass, I don't think that creates any kind of litigation risk. I can't imagine a concept in which the failure to achieve that target would be a litigation issue. Where it becomes a litigation issue is – this is what Michelle was talking about – if you know we're rebuilding a stock to a certain place and you say, well, we have two ways to rebuild the stock. Either we can decrease fishing pressure or we can increase productivity, and if we rely on a habitat measure to increase the productivity and that measure does not come to pass, you might then have to reevaluate your management measures. But that seems fairly fact-specific, and I think there's a lot more utility to setting the target because it gives us that ability to engage with other partners, states and other people to try to achieve that even if we can't so clearly tie the loosening of fishing regulations to that yet.

Rick Robins: Terry.

Terry Stockwell: Sam's answer just in part answered my question, but thanks for a great presentation, Kara. What I'm wondering is have you had a chance to consider the impacts of climate change on habitats? You know, and I ask that specifically in reference to Southern New England winter flounder and the percentage of increase in eel grass, which you have for your examples. In the northern Gulf of Maine, we have a green crab problem and it's munching down our eel grass as fast as it grows. An evasive species that we can't control and so I'm just –

Kara Meckley: So could one of the sort of priority actions to help implement that habitat objective for eel grass be how can we manage the green crab problem, right, so I'm sure you've thought of that.

Terry Stockwell: Some of our residents might rephrase that a little bit, but eradicate the green crab problem.

Kara Meckley: Eradicate the green crab problem. So yes, we are definitely starting to think about – not starting to think about – thinking about climate change. That’s obviously going to effect not just where the fisheries are in the coming decades but also where the habitats are that those fisheries need are also likely to shift. So I thinking about this sort of setting habitat objectives, it certainly allows you to be iterative. It lets you think ahead of time, but I think that’s a great point about climate. And all the more reason, in our opinion, why we should start to set those targets so that we can really look more closely at where are those specific habitats going to be and what’s the condition of those habitats going to be based on climate predictions and what we’re faced with in the coming years.

Rick Robins: Terry.

Terry Stockwell: And I guess the other part of my – I guess an observation would be, and perhaps question would be your – I don’t think partnership here with the states or the Commissions. Winter flounder is a jointly-managed stock. We’ve got states, at least in New England, that some are players and some are not, so I appreciate your thoughts on that.

Kara Meckley: So the Atlantic Coastal Fish Habitat Partnership is in close coordination with ASMFC, and they have membership as well as from our NMFS GARFO office, and there’s a lot of close connections there, and I would say I’d love to bring that partnership into this if the New England of Mid-Atlantic Council had specific habitat objectives. NFHAP would be a great place to sit down with the Atlantic Coast Partnership, ASMFC, the Councils and talk all sort of as a group on how we can sort of collectively address this issue. Obviously, what happens in the near-shore with the stock is going to affect the health of the stock offshore, so we’ve gotta be working together in partnership or we’re not going to be able to rebuild the species.

Rick Robins: Tom Nies.

Tom Nies: Thank you. You know, I struggle a little bit with the point that Rick brought up earlier, I think, and that – you know, I’m used to, at least in

theory when we establish objectives in a plan, we then propose actions that are designed to meet that objective. And so, for some of these examples that you're using here, I'm trying to figure out what those actions are. Are they we're going to write a lot of letters? You know, it seems such a struggle, I guess, because of the context of how we write management plans. And then, similarly, to look at Rick's example, I just see an awfully daunting task to try and fill that – you know, the perhaps billions of dollars it's going to take to improve water quality is going to justify a 10 percent increase in the summer flounder biomass which, by the way, I suspect we can't really show is going to happen because of the tenuous – because of our poor ability to link habitat changes directly to a specific increase in productivity. So I understand the idea behind wanting to do this, but practically speaking, it seems like it's a very difficult task to do at this stage.

Kara Meckley:

I think you're right. We're definitely not standing in front of you to say that this is an easy snap of a finger approach, but that's one of the things we wanted to try to do with these conceptual ideas through a West Coast and an East Coast pilot was let's give it a try, let's pick a few species, let's try to develop a plan for conservation and see if there really is merit to this approach, see if we can use the habitat-based models that we have. If they work on the West Coast, it could be something we could replicate on the East Coast or use some of the models that are already existing and expand them. It's a place to start. In our thinking, right now we're so broad with such a broad EFH mandate that I don't think that's serving us very well either, so this is a way to initially, at least, start to focus some conservation effort when we have pretty limited resources to spend.

Rick Robins:

Don McIsaac.

Don McIsaac:

Thank you, Rick. I wondered if you can go to Slide Number 10, and I have a question about achieving the habitat objective once you set it. And I don't know if this is a question for you or for Sam, but let's suppose that a Council did set a specific habitat objective like 10 percent more eel grass or protect 10 percent more of the bluff beach combinations.

Kara Meckley:

Oh, you want this one?

Don McIsaac:

No, the Number 10. And so – but let's suppose that a Council set an objective and you wanted to achieve protection from development. So

somebody wants to come in and build a dock where there's eel grass or somebody wants to put something in on the beach bluff thing that would prohibit the natural process of continuing on. Now, in terms of achieving that protection, not counting the bottom bullets, but just the top one, or legally, if you want to try to stop somebody from a further development because you have just stated a habitat objective, how do you enforce that or get – effectuate or enforce achieving that objective in the development arena? I mean, I can see how you can do it – you might move in that direction if you get some more partner investment. You might move in that direction if you research it. In the Council, are we going to – if there's fishing effects, I can see where you can move toward your objective there, but in terms of blocking development effects, what are the legalities of that?

Rick Robins:

Eileen, do you have a comment to this?

Eileen Sobeck:

I'm not sure you can legally enforce it, and I don't think that's the point. I think that we're looking at a lot of large-scale landscape planning and dissemination of information, and if you want to be a player in that, you gotta have some – you gotta put some – you gotta put down some specifics, and I do think that if – you know, and there's a lot of interest in near-shore habitat for infrastructure – green infrastructure and coastal resilience and community protection. There's a lot of opportunity to do some habitat assess – coastal habitat assessment for multiple purposes. If there is coastal development that's being discussed and there are state or local or federal players and whether or not it's a good idea, there might be federal permitting going on, being in the mix as – you don't have to be the federal enforcer, but to say, hey, you know what, that whole area that you're looking at that might be important for protecting the community from storm surge and there might be some insurance discounts available if you do that, that's also a really important habitat area and would further our habitat goal.

You have no legal standing to enforce anything, but you can be an active participant in the conversation if you've got it articulated. If you just jump in and go, hey, that might be really important for fish, but we don't really know anything about it, then you won't be a player – we won't be players. So I guess I think in the world of it's not necessarily about regulations, it's not necessarily about litigation, it's articulating some goals and being prepared to participate in the conversation. Maybe we're the straw that we

make a point about fisheries, the importance of fisheries habitat, maybe that's the thing that puts – you know, if somebody's on the edge of should we go this way or that way on coastal development, they go, you know what, this is going to help our local economy. Let's not go with that scenario. So anyway, that's my two cents.

Rick Robins: John Bullard. Sam, please. To the point.

Sam Rauch: So Eileen's absolutely right. You know, that's the very powerful part of it, but the EFH is not completely without teeth. If you make a recommendation to the Corps of Engineers and say you're about to authorize a dock in the eel grass habitat and that's going to destroy eel grass and these fishing, the Corps of Engineers is required to either go along with your recommendations or explain to you why they didn't. And fairly often, the Corps will go along with our recommendations because that's the deciding factor for them. So we have seen that, with the Corps of Engineers in particular, maybe not so much with others, but with other federal agencies, they do pay attention and they don't always agree. You know, you could get the EPA telling us billions of dollars is not worth the small increase in fishing. Well, maybe that's okay, but where they can't make that justification, we have seen some changes in other federal agencies. Now, localities don't have to do that, but it is not without teeth to identify a habitat objective and go to convince another agency, particularly the Corps, that it may be a bad idea to do what they're doing, and it has some beneficial effect. But I would completely agree with Eileen that the real power of this is the broader agenda-setting process. Did I get that right? I got it. Okay.

Rick Robins: John Bullard.

John Bullard: I want to come back to a question raised by my friend, Chairman Robins, about upland impacts. In my first tour at NOAA when I was dealing with disaster assistance to salmon fishermen in the Pacific Northwest, someone gave me a nice t-shirt with an Escher-like drawing of trees morphing into salmon and it said it's a little-known fact that fish grow on trees, and this habitat issue is all about essentially that issue of the connections between land and sea, and under Magnuson we just think about managing fish at sea, and habitat brings us back to the natural world where everything is complicated and connected.

When I was in-between tours at NOAA and just a regular private citizen, I testified before House Resources on marine spatial planning. Oh, not supposed to mention that. And as a private citizen, I could just say what I thought. And the Chamber of Commerce and homebuilders were next to me, testifying against it, and they said, oh, marine spatial planning will be the end of agriculture because it will regulate all of agriculture in the United States. Marine spatial planning will regulate all of agriculture because they knew that it's connected to all of agriculture. They got it.

And so, as we think about dams and when you do fish passage or remove dams, as you mentioned earlier, we're talking in a positive way about how that restores fish passage. And so that's a good thing. Well, when you talk about harming habitat, you're talking about how you take fish and hurt fish. Now, when commercial fishermen or recreational fishermen take fish, they're required to get permits from us. We regulate that, and so that's how we do that. When others take fish with dams or dumping poisons or fertilizer in the ocean, when they take fish, they don't have to get permits from us, but they can still take fish. They can take more fish, and there's an unfairness in that. They can be silent killers. They can take more fish than recreational fishermen or commercial fishermen. They don't have to leave any fingerprints, and commercial fishermen can look and say how come I have to get a permit. So I know if it's deep water rising, they pay a penalty for the fish that they take, but there are others that don't take fish, and I don't know whether Eileen and Sam and Adam can – know a lot more about this than I do, but in habitat destruction, there is the taking of fish, and we require some people who take fish to get permits, and we don't require others who take fish to get permits. That's, in some ways, unfair.

Rick Robins:

John Henderschedt. Michelle Duval.

Michelle Duval:

Thank you, Mr. Chairman. Just a couple quick things. First to comments I made earlier that Sam referred to, just to be clear, I wasn't considering an either-or approach in terms of using potentially down the road some of these quantitative approaches that Correigh was talking about. Either you reduce an ACL to rebuild a stock or you protect some habitat, but really sort of both in combination that maybe you can lessen some of those ACL approaches. And then, just with regard to pilot projects, I think some habitat objectives, in order to maybe achieve them, it requires a little bit longer time commitment than sort of the length of a pilot project, and I'm

just curious how long – as you look towards other pilot projects in other regions of the country that will – that are similar to the ones that Correigh outlined, how long do you see those pilots operating for? I mean, is this, like, sort of you see a two-year project, do you see a three-year project, what's – how do you define a pilot project?

Kara Meckley: That's a great question. So our office, really excited to have the resources to be able to see this effort, to get it going and certainly think about out years, but is Correigh still here? Did he take off? Ah, he is still here. He was one of the developers of the proposal. Have you thought more about sort of the length of time of the pilot and sort of the length of time for monitoring and how we would track that?

Correigh Greene (no mic): Yeah, so I think you have to start by really thinking carefully about what a habitat ___ and ___ in the context of other fisheries ___. And there – I mean, you can certainly play out what you think are ___, especially for those that are well-monitored species ___ working backwards instead of working forward. But in the context of working forward, I think this is a multiyear effort. Probably some efforts – the idea is to be addressed within the Council ___. So I think with this pilot effort, we can certainly do the first ___ projections look like and here, in the couple cases where we have the data from the past, apply that to a situation that's come up with some draft frameworks for that. Then ___ might ___.

Kara Meckley: So I'm seeing 5:12. In three minutes, could I come back to the question about what the thoughts and reaction are to a cross-Council working group, sort of at a committee level? I can think of a couple of topics that would be – that we've discussed even here today that would be great for a working group conversation and just want to hear some reactions from the leadership team here on that idea.

Rick Robins: I'll look around the table and see if there are any reactions to that. Tom.

Tom Nies: So, yeah, my suggestion was going to be, with respect to cross-Council collaboration, the first place to start is with an informal working group, much like the social scientists on all the Council staffs have recently started one about a year ago, and they're working, I think, to have a meeting perhaps later this year. But I think you can get that going much faster and have more rapid benefits from that than if we try and step back and start organizing a national SSC workshop or something like that.

Kara Meckley: That's great, the kind of informal working group was definitely what we had in mind.

Rick Robins: Kara, I would just add I think you've given us a lot to think about today. You know, we've never quantified – I mean, sometimes we've taken quantitative approaches to EFH, at least in terms of what percentage of what we understand to be EFH we want to protect, but we've never quantified goals in terms of things like habitat restorations or habitat improvement or habitat protection, so I think that, at least from my perspective, as we begin to consider our broader summer flounder amendment I think it gives us food for thought about how we might think a little bit differently about trying to specify and perhaps do more to quantify habitat objectives in that context. So I think it's been useful in a number of regards. Are there other comments around the table or reactions to the idea of an informal working group? I mean, I think that would probably facilitate some good interaction among Council staff.
Bob.

Bob: Yeah, I think that would be a good idea, and one of the things that Sam said earlier, we've been doing for a number of years. As a matter of fact, just looking, we have five policies specific to commenting on issues that affect habitat – everything from energy development to altering river flows, and so we've been doing that. We're generally tipped off by the Regional Office, and if the staff has authority in the policies we have put together, reacting quickly to write letters. And like Sam said, we may not have the authority to stop something, but we pass on information in our recommendations based on whether it's an essential fish habitat or habitat areas of particular concern, and then the agencies that do have that authority can use that as part of their rationale of the requirements or mitigation or whatever they're going to use. So we've been doing that for some time and it's been pretty – you know, we feel like we have an effect even though we don't have the power. Now, we'd love to have the power to stop that kind of – I say that and I kind of kid because that may be not a power that you want to have as a Council to affect state activities relative to the habitat. But we'd be glad to share that. We'd be glad to participate on that inter-Council committee.

Rick Robins: Bob, I appreciate that and I think it's easier to comment on discrete projects when we know they're going to have an impact on a specific

habitat. I think the more elusive thing is the cumulative impact in these estuaries development and that's something that's just beyond our immediate reach, but John.

John Henderschedt: Thank you, Mr. Chairman. Very briefly, I think as Correigh's presentation showed us today that there's tremendous value in, I think, Councils also having an idea of emerging tools in science that's taking place, and so I agree with the idea of a working group as well, but I think that it's discussion that should be closely linked to what's going on in the Science Centers, what kind of things that Correigh described so that those discussions are also informed by our building knowledge of these questions of habitat and productivity.

Rick Robins: Thanks. Any final comments? Well, thanks again for the presentations.

Kara Meckley: Yeah, thanks so much. We really appreciate the generous time slot this afternoon, and I've really enjoyed talking with all of you. Thank you.

Rick Robins: Of course. And if any of you were not here this morning when we made the announcement, the bus will be leaving here at 5:45, so please plan on being down in front of the lobby – or in front of the building at 5:45. The boat leaves from Rudy Inlet, which is just a couple miles down the road, and that'll leave at 6:00, and we're going out with Skip Feller, who's one of our advisors, and he owns a cruise boat down at Rudy Inlet. So that ought to be a great time. If you didn't sign up for it but want to go, don't let that be an impediment to going. Please join us. It's informal.

4. MSA REAUTHORIZATION – PART I

Rick Robins: Today we'll be covering a broad discussion on the Magnuson-Stevens Reauthorization. We're very fortunate to have with us Bob King from Senator Begich's office, and we welcome him here to the table this morning. I'm going to ask Bob to give us a brief update. I think this is an important conversation today and an important setting for the conversation because we have together the leadership of the Councils and the Agency and the – at the – both the regional and national level, and I think it'll be a great opportunity for us to address a lot of concerns we have relative to reauthorization.

Clearly we have a lot of important regional differences in experiences and challenges and philosophies, et cetera, and those things shape a lot of our concerns, I think, relative to the reauthorization process, and given those differences, there are obviously some issue that'll be – you know, where we'll discuss how far we can go toward achieving a consensus, but then we'll agree to respect regional differences. That's the nature of the CCC as a body, as part of our practice, but those differences are important, I think, to tease out so we can understand them as a group and hopefully have a good dialog about that and contribute, ultimately, to what'll be a very important and iterative process. So I'm looking forward to the discussion today, but want to welcome Bob King, and I'll ask Bob if he can give us an update on the reauthorization process from his perspective.

Bob King: Great. Thanks, Rick, and thanks, everybody, for welcoming here. It's good to be back before the CCC and discussing all these issues. I remember several years ago down in Charleston, I think it was, had a discussion about pending Magnuson reauthorization and the like, and a lot has happened since then. Of course, reauthorizations come up. It's now certainly before us. Senator Begich takes this very seriously, as does Senator Rubio, the Chairs of the Oceans Fisheries Subcommittee in the Commerce Committee.

Over the past year or so, we have held four hearings just on Magnuson, two other hearings on related issues, international fisheries and sustainability certification. There have been, I think, nine, maybe more, listening sessions held around the country. Many of them have been in Alaska dealing with specific issues facing recreational, commercial as well as subsistence fisheries, but also similar discussions involving fishermen

and other stakeholders. One was in Boston, one was in Seattle and other discussions certainly taking place. There's the Managing our Nation's Fisheries Conference, of course, the ongoing work of MAFAC on various issues, national academy reports on specific aspects, and there've been at least two protests held on Capitol Hill on Magnuson issues, which brought out a wide variety of fishermen on various issues. Always good to see and hear their comments. It's a wide view of comments about Magnuson, some people saying it should just be scrapped, of course, and there's other who say Magnuson has largely worked for our fisheries, ending overfishing largely, making a lot of progress toward sustainability, and Senator Begich is firmly in the latter camp. He is a strong supporter of Magnuson.

It's critically important, not only – especially for our state, however, we understand its importance around the nation. We understand the importance of fisheries both commercial, recreational as well as subsistence. To me, the subsistence needs of others around the country, it's very important. Out of all of this discussion and work, there are two draft reports that are currently out. You know, the Hastings draft on the House side came out in December, which you're all well aware of. More recently, over the past month, the Senate came up with a draft – staff discussion draft to sort of throw out some of the ideas that we had been hearing, issues that we wanted to – we felt were important to move forward on. I think the report has been highly successful in generating discussion across the country, and have had the pleasure of hearing comments of the Bevan lecture series in Seattle a month ago, which was a really excellent discussion of a variety of these issues at the University of Washington. Yesterday I spoke before the – had a similar discussion before members of the Atlantic State Commission and the like, so I know that there is a lot of interest.

I'll give a brief summary. The Senate draft is 90 pages long, and I'm sure many of you have seen it, heard about it and the like, and I really welcome the discussion today to hear comments specific or general about where it's going. It tries to address a number of the issues that we heard, but tried to along the lines that – or believe still is that Magnuson works, and it needs to be reauthorized and move forward to continue the work that it's doing.

There are always adjustments and the like that need to be made, and the devil is always in the details, so we'll welcome that discussion. It includes

– it tries to tackle one of the main issues that I’m sure will generate conversation today, that of rebuilding timelines by putting in the – putting in statute the team N+1 generation standard that has used largely for a number of these fisheries for rebuilding beyond the ten-mile – or the ten-year timeline. And it tries to bring more conformance between MSA and NEPA provisions, just so that they’re more closely aligned to ease a lot of the work of the Council. It incorporates language dealing with depletion versus overfished stocks. Wanted to put in one of the – a provision dealing with sustainability certification. That was one of the outcomes that came out of the Managing our Nation’s Fisheries Conference that we heard from many of the different regions in frustration, frankly, that that came out of – I know certainly in Alaska and elsewhere with some of the third-party certifiers and the like.

There are a number of technical amendments, language changes affecting various issues, trying to assist the Councils moving forward in areas such as ecosystem management for forage fish management and the like. A number of regional issues, whether it’s fluke fairness or red snapper issues, Council seats, important provision from Alaska’s perspective was dealing with the inclusion of tribal and subsistence – recognition of the importance of tribal and subsistence fisheries in the context of the act. And I know it’s always difficult, as I’ve become acutely aware of, is when you try to address a problem on one side of the country, when one fishery that it sort of pops up in another. Some of the language – some of the criticisms we’ve heard are some of the one-year timelines that were put in as guidance for the Councils to do things may be too short, and we’re happy to work on that. Concerns that some of the language was too prescriptive rather than permissive, and we didn’t want to try to hand tie the Councils and the like. And those matters can be addressed.

At Mid-Atlantic Council yesterday, actually one of – someone described our proposed language regarding bycatch – definition of bycatch as – and I think his term was a pile of doo-doo, which I really appreciated his politeness in that because many Alaska fishermen who I’ve talked to about that particular part was – not been so polite, but I appreciate their frankness and the like. These can be addressed, and we welcome the comments, especially of the Councils because of their importance. Again, we want to come up with a Magnuson Act that is improved, that moves forward on a number of issues, but works with the Councils to address these, so we do welcome your comments.

As far as timeline is concerned, first over on the House side, my colleague Dave Whaley is not available to be here today, but he was – he spoke yesterday at the Atlantic States group. And he mentioned that Chairman Hastings is very interested in moving a bill this year. In fact, he probably will introduce an amended draft bill as early as next week, with hopes of marking that up later this month. I think they've carved out a date on the 23rd for a markup hearing in hopes of moving forward later this year. On the Senate side, we put a deadline of June 2nd for comments from people. I know that that doesn't work well for all the Councils who have meetings in later June and would like the opportunity to talk on it, but Senator Begich, he wanted to afford a little more extra time for people to review this, but wants to move forward with an amended draft. We may come up with something by mid-June, which could be reviewed by the – I know it's true for New England as well as the Pacific Councils who've requested additional time, but we certainly want their comments. For people – if people are in such a situation, whether from New England or Pacific or elsewhere, if you do have comments or questions regarding, I'd be happy to make myself as well as our Council with the subcommittee staff to do a teleconference with you just to answer questions that you may have about specific aspects and the like if that would be helpful. I just want to offer that out.

And then, from there, the draft that we hope to come out with in mid-June would be still a draft for discussion, and we would welcome additional thoughts. It is an election year, of course. There's a lot of issues, timelines are coming up short, so I can't promise about how quickly Congress is going to move on this particular issue. If you've been following Congress lately, they haven't been moving very quickly on anything as of late, but I know there's interest in this issue and certainly welcome your thoughts and comments. And with that, I'd be happy to take any questions people have or just listen and participate with the discussion as it moves forward this morning.

Rick Robins:

Bob, thanks for that briefing and thank you very much for being with us today. I think that'll be a great aspect of our discussion. Do you anticipate any additional hearings that would occur following the development of that second draft?

Bob King: I would think that, yes, there would be a hearing that would be needed, which could be in July.

Rick Robins: Okay, thank you. Other questions for Bob regarding the process or any questions specific to the bill? Well, Bob, if any questions come up as we go through this discussion, certainly we'll invite you to jump in, and don't hesitate to catch my attention please.

Okay, with that, we will go ahead and get in to the reports of the working group chairs and Michelle Duval was kind and gracious enough to chair the Stock Rebuilding Working Group, so we look forward to her report. Michelle.

Michelle Duval: Thank you, Mr. Chairman. So when Chris e-mailed me and said, "Hey, Michelle, would you mind chairing the work group number one?" I was flattered because I'm sort of the new kid on the block here. And then, as I've gone through this process, I've thought, well, maybe this is payback for that summer flounder lawsuit back in my previous career. So thanks for the opportunity, Chris. And I just want to acknowledge the members of the work group – Tom Nies, Lee Anderson, Ben Hartig, Doug Gregory and Dave Weatherell, and great staff support from Rich Seagraves, who was really instrumental in helping me pull together some synthesis and consensus from these different topics, and I think you'll see that, really, the theme of our work group was regional diversity. So we do have a draft concept paper along with sort of the bulleted version of our conversation that we had regarding the questions that we were asked to address, and I just put together a quick presentation to sort of lead us through that. So if I could have the next slide.

The first question we were asked to address was stock rebuilding timelines and should there be more flexibility in the stock rebuilding requirements and how should that be reflected in the rebuilding requirements. So I think, just a bolded statement here sort of reflects the, I think, the summary of our discussion. If I could have the next slide. Thanks. Is that there is some flexibility that's needed to balance the biological imperatives that we have to rebuild overfished stocks with the negative social and economic impacts that are often associated with rebuilding, and certainly the modification to the rebuilding timeframe of F=0+1 mean generation partially addresses this issue, but really the challenge is in the regional differences, both in the biology of the managed stocks, the availability of

data, I think particularly for some of our mixed-stock fisheries and variations in the application of minimum stock size thresholds, so you know, a few suggestions we came up with were having a little bit more clarity in the national standard one guidelines regarding what defines a fixed rebuilding plan and clarity on the above factors would certainly be helpful and – as well as consideration of F-based approaches to rebuilding and use of alternative terms such as depleted to reflect conditions that are really not the result of fishing activities. Next slide.

So the next question we were asked to address had to do with rebuilding plan implementation and should the Act provide for delayed implementation of rebuilding plans. Next slide. So we had a little bit of question about this as we sort of felt that the Act already provides for some delay and that rebuilding plans are required to be implemented two years after notification that a stock is overfished and certainly if the rebuilding requirements are appropriate, there wouldn't be any need to delay, and so there seemed to be a blurring of the lines or understanding in terms of delayed rebuilding versus phasing in ending of overfishing. So we didn't really have a whole lot of discussion on that. Next slide.

Our third question had to do with stock rebuilding requirements in which circumstances or factors should exempt a stock from rebuilding requirements. And so I think our consensus was they should be limited in scope and carefully defined, and a few examples that we discussed were stocks that have significant fishing mortality outside of U.S. jurisdiction, and there is some consideration in Section 304i of the act, but it's unclear if this actually addresses the question of rebuilding. Certainly limited exemptions for mixed stock fisheries should be considered, but certainly no stock should be allowed to decline below some minimum biomass level and the National Research Council report discusses some alternative approaches to a minimum stock size that is sort of something that would be in between our current MSST definitions and some lower thresholds, so I would encourage folks to check that out if you haven't already. So one of the suggestions that we came up with was that you could perhaps codify an exemption and provide additional guidance regarding applicable circumstances in the national standard guidelines.

Our next question had to do with ending overfishing and should there be any change to the current requirements to end overfishing and, if so, under which circumstances. And I think we agree that there certainly needs to

be some flexibility with regard to ending overfishing immediately and certainly when we have some dramatic changes in the understanding of the stock status, which has happened in a couple regions around the country, and certainly you would want to reduce fishing mortality by some percentage immediately, but whether you need to – some flexibility in going all the way there immediately would be desired, and you know, some of the things that need to be considered are stock size when that overfishing designation is issued. Net present value is one of the topics of discussion, and uncertainty in that estimate of fishing mortality all play a role in this. And we did include some possible exception language in the draft document, thanks to the creativity of Tom Nies, so I would encourage you to check that out and the draft concept paper.

So the next question had to do with a mixed stock exception. To review that exception, the House draft exception, the National Academy of Sciences discussion and provide recommendations for any changes to that exception. So we felt that the current prescriptive approach to – with regard to single species biological reference points or stock rebuilding requirement could potentially be incompatible with ecosystem approaches that are coming online and being encouraged, and certainly we would want to develop criteria for a mixed stock exception to ensure that ecosystem principles are adhered to. And there was some question or discussion of whether an exception would apply to just the rebuilding timeline or the requirement to rebuild to the MSY. So that's something that might want to be taken into consideration. We also discussed net benefit to the nation. There – it would be beneficial to consider an exception to allow for fishing above the overfishing level if you can demonstrate that this would actually provide a greater net benefit to the nation. And finally, we didn't want to see this limited to applicability within one fishery as you might have an exception that would be needed to facilitate sustainable harvest within another fishery that perhaps is not part of that mixed stock fishery.

So our next question had to do with ACL exceptions and should there be any changes to the current ACL requirements for incidentally caught species, short-list species or species with other characteristics, and a recent court decision noted that ACLs were not necessarily required. That was rendered earlier this year, I think in March, and I think both the House and Senate bills contain exemptions for incidentally caught and short-list species, but I think the one thing that we would want to see consideration

given for additionally would be exemptions for data-poor species.

And our final question was the SSC's rule and quota setting and should that role be changed as proposed in the House draft, and we just wanted to note that there really isn't any change to the SSC rule in the House draft language. It just modifies the Council's role in terms of what they are bound by in setting catch limits, and this is really where we had, I think, some of the most variety of viewpoints, and in the discussion, there were some folks who were not supportive of that change in the House language, and the concern was that fishing above the overfishing level could drive stocks into an overfished status whereas some of the support centered around the potential buffering or double-buffering that may occur between setting of OFL and ABC is OFL is often based on a distribution. So a couple of things that we discussed was potentially allowing for an exception to allow catch to exceed ABC in specific instances, and then with regard to this buffering or double buffering question, perhaps consider all sources of uncertainty at once as well as use of different methods for setting of ABCs when you're considering a mixed stock exception versus when you're not using that mixed stock exception and putting that to the SSCs.

Other than that, I think just in terms of final wrap-up, we did have a lot of regional diversity in the conversation and discussions with regard to these questions, but a lot of those really appear to stem from different experiences in attempting to comply with the existing statute, differences in data availability and richness around the country. So thank you, Mr. Chairman. I'll leave it at that.

Rick Robins:

Michelle, thank you. Thank you very much for all the work that the committee did to go through those. I know a lot of these are among the most challenging questions we face as we look forward to the reauthorization process. You all went through these very effectively and efficiently, so I appreciate you taking up the task that Chris invited you to do. So thank you very much.

We have in our briefing book the draft document so I wanted to give the group an opportunity to sort of go through those points and see if we can reach some agreement relative to the outputs but also explore any questions or concerns you may have regarding those individual points. So – and I think your PowerPoint tracks these also, so you know, if we can

kind of go back, Jim, I don't know if you mind going back to the first part, but the first question related to the stock rebuilding timelines and you've got a potential consensus summary in there, and that revolves around the need for additional flexibility that would allow Councils to balance those biological and economic considerations and I think based on the discussion and the conversations and what appears in the document it looks like there's agreement up to that point, and then we may have – and I'll let you characterize this, but you know, it sounds like there are regional differences beyond that in terms of the scope or degree, perhaps of flexibility that might be sought after that, but I don't know if you want to expound on that or clarify that.

Michelle Duval:

Sure. And I think it would be also helpful for other committee members to jump in here as well but I think there's a concern if you sort of loosen things to allow for some flexibility that there would be some unintended negative consequences, and so that challenge is really in defining flexibility and recognizing the differences in as I mentioned, the biology of the managed stocks, the data availability and allowing the flexibility to be focused around those kinds of issues. It shouldn't just be flexibility because you want flexibility, but you really have some significant challenges that would dictate a need for that flexibility.

Rick Robins:

And, Michelle, or I'll just ask if members of the committee can elaborate some on the definitions of MSST. Can you help us understand what – how that concern plays into the rebuilding flexibility or rebuilding timeline?

Michelle Duval:

Again, I think this was a Doug Gregory point, but different regions have different definitions of minimum stock size threshold and some have adhered to pretty consistently to the suggestion for one half the MSY. In other regions we use 1 minus M times BMSY and that some regions are maybe more conservative in their definitions of minimum stock size thresholds versus other regions, and so your designation of being overfished might occur more frequently just based on your definition. We are, in the South Atlantic, taking some steps to potentially address that for some very – for some species that have very low natural mortality based on the existing MSST definition, but, Doug, I didn't know if you maybe wanted to elaborate on that a little bit since this is something that I think you brought up.

Rick Robins: Thanks, Michelle. Doug.

Doug Gregory: Yeah. To me, it's very important given that the House definition of depleted, because it pretty much matches the more conservative MSST that we're using now, which is natural fluctuations about. And if you think of natural mortality, and MSST is a function of natural mortality, we would expect to not be overfished with random variability about MSY, and that was the premise of that default rule that the southern Councils have used. And then the Gulf Council, it was used because, at the time, of the lack of confidence in the Council being conservative. And so the 1 minus M was very conservative. You would declare something overfished quickly. The benefit is it would be easy to rebuild. Turns out that the fish that we have declared overfished are even below one-half of BMSY, so that really didn't affect us there.

But I think the confusion of – the thing that concerns me is the suggestion of replacing the word overfished with depleted with the current definition that depleted has in the House version because it would basically, I think, if you look at it carefully, make all the Councils go by the new, more conservative MSST because the current definition of depleted is natural – anything that falls below natural variation about MSY. Well, that's basically about 1 minus M times MSY, so that would really affect the North Pacific and other Councils that have used the one-half of BMSY, and one-half of BMSY is the more traditional scientific approach to overfished in the sense that if you get that low, the stock is – could collapse on you. It's a very dangerous level. You don't want to be that low. And it comes from the whole MSY paradigm, whereas the 1 minus M is something that was just developed in the technical guidelines after 1996. So it has ramifications, I think more so with the use of the word depleted like it's defined in the House version right now. It could change the way other Councils operate. It wouldn't change the way, I think, the South Atlantic or the Gulf does, so it has those ramifications. And it's unfortunate that the southern Councils have taken this alternative approach to MSST, but it was because their SSCs in general wanted to be more conservative, or as conservative as they could within the guidelines.

Rick Robins: Doug, thanks for that clarification. Is it fair to say that the term depleted would benefit from additional review and consideration going forward? I mean, it seems like there are different applications of that term. There's a proposed definition in the House document, but there are different

applications around the country within some of the commissions, for example, of how the term depleted is defined and used. You know, it sounds like something that might benefit from additional consideration.

Doug Gregory: Yes, the Senate version is more clear. It doesn't have the same problems I just outlined, but even that might need more clarification.

Rick Robins: Okay. Doug, thank you. Just getting back to – in terms of what we want to try to get out of this discussion, ultimately I would like to see us transform today's discussion, or at least memorialize it at the end of the process into a letter, but also a – the beginning of a discussion document that we can – Bob has a lot of friends. Okay. Back to the partnership. Okay.

So at the end of the process, I'd like to see us be in a position to transmit a letter regarding the draft legislation, but also develop a working document recognizing that this is going to be an iterative process, and as we go through this we've had some discussion about potentially developing a standing legislative committee that would continue to work on these issues on an ongoing basis, but coming out of this meeting, this could be a starting point for us to develop the beginning of a working document that we then continue in an iterative way to update as the process goes forward because obviously based on Bob's briefing today, there will be additional versions of these pieces of legislation that come out, and that's going to require additional reaction by CCC and we'll have additional opportunities to provide input, but to that end, I would suggest that we go through these points and, at least looking at the summary points that are offered by the working groups as potential starting points for consensus summaries, and that we try to capture those in the letter, but given the importance that some of the regional differences, I think we ought to reflect those as well. So I think the working groups have noted a lot of those. You see Michelle's already made reference to a number of them. I would suggest that we note those, but the way the working groups were constructed, not every Council participated on those. So you know, this is intended to be an open discussion and we want to have the opportunity to weigh in on behalf of individual Councils and members. If you have any specific concerns or suggestions relative to the potential consensus summaries, we want to make sure those are captured in the discussion document and ultimately the letter that we transmit. Sam, did you have a comment? Go ahead.

Sam Rauch: I didn't mean to interrupt you. So let me just say one thing about our role here. I think it's perfectly appropriate for the CCC to be engaging in this discussion. I think both the House and the Senate have asked for the CCC's views or the Council's views, and so this is a legitimate and very appropriate exercise to be giving those views, and they are helpful to us too. For instance, on that one, clarify NS1 guidelines. As you know, we are in the process of reworking the NS1 guidelines, and your suggestions as to what is unclear, what can be improved or very helpful to us in that process. But we – while we might engage with you in some discussion here, we will not be joining you in taking a positive or negative view on any of these provisions in terms of suggestions that might go back to Congress. So while we've had some preliminary views, the administration doesn't support or oppose anything that we've done here, so to the extent that you're talking about consensus, we'll be happy to participate, but we won't be joining you in whatever conclusion you come up with.

Rick Robins: Sam, I think that's a very important clarification to make for purposes of the discussion, but I also want to encourage participation in the discussion because these concepts will benefit from dialog. A lot of these things need to be flushed out and, again, this will be an iterative process, but while we're all here at the table if any regional or national representatives of the Agency have questions and want to explore some of these things in more detail, I want to make sure that that invitation is understood. Don McIsaac.

Don McIsaac: Thank you, Mr. Chairman. Question on the process as you describe it between a letter that would go forward to the folks who have requested our input specific to legislation versus a developing concept paper where we continue to evolve the analysis that might lead to a position. So on this one, in particular, for example, if there is a question about whether or not the CCC collectively ought to endorse a current legislative approach or offer an alternative. It's not clear to me that anything shown there in the suggestions reaches that level, that threshold, and it seems like they all go into the area of let's continue to work on these so that a position can evolve later. For example, the F-based approaches, I'm not exactly sure what that means in terms of what we would propose, so if we got around to the question of should we put something in our letter to the Senate and House leaders about endorsing an F-based approach, I haven't seen anything here quite sufficient enough to be confident that the Pacific

Council might endorse that. Ultimately maybe so, but anyway, kind of a question in terms of process. The letter that would go forward would be something that the CCC endorses this approach or the CCC doesn't endorse that approach or the CCC offers this specific alternative. So when we get to the next work group for NEPA, for example, that work group was proposing something specific to go forward as a recommendation. Your suggestion involves both a letter of something firm and then something that evolves to a position later, is that how you meant it?

Rick Robins:

Don, I think that's true. I think the way we could treat this in the letter would be if you look through the working group's document, you've got a potential consensus summary, and you know, I think the key point of that is that it revolves around the need for additional flexibility with respect to stock rebuilding. You know, so you could potentially have a consensus that revolves around that and then identifies a number of concerns within that section or issues that need further development so I think some of these things at the bottom in terms of NS1 guidelines F-based approaches those fall into the category of things that would benefit from additional development or clarification, but the need for additional flexibility with respect to stock rebuilding is probably the most concrete offering out of that section as I understand it. I'll let Michelle elaborate on that.

Michelle Duval:

Yeah, thank you. Certainly that's probably the most concrete one and we didn't have any work group members from the Pacific Council or West Pacific or Caribbean. I suspect the Caribbean is probably much like the South Atlantic and the Gulf in that regard, but you know, we didn't want to – we wanted to be respectful of regional differences and not go so far in terms of a consensus statement that it would, I think, cause disagreement around this table. Certainly I think we can have some more discussion on, as Don noted, F-based approaches or over the upcoming timeframe, but I think the the bolded statement up there is probably the take-home message. I don't really – I'm just trying to think about how to move forward in terms of addressing some more specific recommendations that we might be able to offer up, whether it's having additional – ensuring additional participation from other Councils that really haven't had the opportunity to participate in this particular discussion.

Rick Robins:

Right. And so as we discuss this today, we have – you know, we have the opportunity for discussion about the potential consensus, and then looking forward as we go through the process of really evolving a working paper,

we'd have more opportunity to flush out some of those things that may not be fully developed at this point. And some of these things are going to be viewed differently, I think, by the different Councils, but I would suggest as a group that we look at the possible consensus summary that you put forward in the working group paper. That's here in response to the first question, and that is that, just in summary, all the Councils agree on the need to consider an alternative term, such as depleted, to reflect conditions that are not the result of fishing activity, but note that there's some specific uses of depleted in other statutes. Some degree of additional flexibility with respect to stock rebuilding would allow Councils to balance biological imperative to rebuild overfished stocks with the need to minimize negative social and economic impacts associated with rebuilding, and that's offered as a possible consensus statement, but I would like to explore that as a group and see if Councils are comfortable with that or if there are any proposed changes to that and, if there are or aren't, we can work through that and then incorporate that into the letter. Dorothy.

Dorothy Lowman: Thanks, Rick. A couple of things. I think probably maybe people are – it'd be helpful for people to think about pulling up that one with the bulleted and the possible consensus at the bottom 'cause it might be easier than – easier way to start talking about this consensus, but before that, I just sort of have a – maybe a question to Sam. One of the things that we saw that in this recommendation as some possible suggestions of modifications to National Standard 1 guidelines, and there's been a bit of a chicken and an egg kind of situation here because some of these concerns may be able to be addressed by clarification in the guidelines or some may need changes in the Act and there's some may need a little bit of both. So I guess my question is, given that, do we have anymore – what's the sort of timeline that we might expect to see these because, I mean, in my mind, it might be easier to change a guideline than revisit an Act if something, so I was just wondering if there's any more clarity on timeline.

Rick Robins: Sam.

Sam Rauch: Yes, thank you. We do intend to put out a draft National Standard 1 rule to amend the current one this fall. I don't have a specific date, but that is our current working, and I would agree with your assessment that many of the things we have heard throughout Managing our Nation's Fisheries 3 and other issues might be very amenable to a regulatory change and not

necessitate a Congressional change if that's what you wanted to do. Our intent – one of the goals for doing those National Standard 1 guidelines is to put out what we think is or is not possible, what we would support as a regulatory change. But that will – we're currently on a fall schedule for that, so to the extent that the Hill is going to act quicker, we would be behind, but that's our view, and once we do that this is helpful input to know that you think that there are parts of that that we should clearly be looking at, so we'll address that and see what we can do on those terms that need clarification.

Rick Robins:

Jim, can you put that language up on the screen in a minute, please? And go down to the consensus statement. If you can scroll down to the possible consensus statement. Thanks.

So the – again, the intent of the discussion in terms of where we arrive is not to force a consensus by any means because that's not the nature of the body. To the extent that we have agreement up to a point, I think it's helpful to note that and document that so that we can communicate that externally, but if Councils aren't comfortable with specific language or points we can preserve and reflect those regional differences. So you know, I don't anticipate up and down votes on these things, but I would suggest that we try to work by consensus, or by consent, and if there are differences, we'll try to preserve and note those, but as the group looks at this language, are there any specific concerns with it? Again, some members have participated in the working group; some haven't, so if there are anything that members aren't comfortable with, we ought to explore those. Tom.

Tom Nies:

So I was a member of the working group, and I don't want to imply that I'm not comfortable with this consensus. I just wanted to sort of illustrate how we got to this consensus. Within the working group, I suspect that New England is probably the – well, maybe not the only people, but we're already on record as saying that we opposed fixed rebuilding time periods. And the reasons for that are many of which are reported in the National Academy of Sciences report, but it assumes that you know where you are, where you want to go and how long it's going to take to get there, and our experience has been that quite often you don't know any of those three things and we spend large amounts of time trying to define those elements and then trying to meet them and then not meeting them. But within the working group, there was clearly a wide range of opinions on that issue

and I don't think you would have gotten the working group to agree to completely getting rid of fixed rebuilding periods – time periods. And so this is – as Michelle pointed out, this is something of a compromise. I think within the working group, we all could agree that we need additional flexibility, and many of us probably have a different idea of how far that additional flexibility should go, and that's why this language is somewhat broad, but it's language that, within the working group at least, we could all live with it and it wouldn't necessarily put us in opposition with stances our Councils have already, in some instances, taken.

Rick Robins:

Tom, thanks for that clarification. That's quite helpful, and I would just remind the group that the fact that the CCC will develop a letter in no way constrains the individual Councils or precludes them from sending in individual comment letters. I think at this point we've all submitted some sort of comments and/or testified in the process, so it doesn't diminish that in any way. Are there any other members that would like to comment on the proposed language up here that the working group has developed?
Don.

Don McIsaac:

Thank you, Mr. Chairman. On the first component there about depleted, our Council's in favor of changing the words there. We're not aware of what the ramifications relative to definitions and other statutes constitutes a problem, but in general we're in favor of getting off of the tag of overfished status when overfishing isn't really a problem.

The second part of that is one where our Council is firmly in favor of getting out of the ten-year requirement. We like the one mean generation part, but with regard to some of the other flexibility, including the New England discussion right there about getting out of any fixed rebuilding periods, our Council would probably not be comfortable with doing something like that. So when there's general language here that's intended to try to encompass the full sphere of possibilities, we might be a little bit concerned about having it characterized by other people that the Pacific Council is, indeed, in favor of getting rid of fixed rebuilding periods. So I guess this gets down to the wording of a final letter, if that kind of security can be out there or that maybe this one could go to that category of fuller analysis later. So it is a little bit of a quagmire here on how you get the specificity that the particular Councils might want, and by doing so, you go to an ambiguity atmosphere that causes a lot of discomfort. I'm not sure what the final solution is.

Rick Robins: Well, Don, I think the – as you worked on this continuum, we probably end at some degree of additional flexibility and may choose to define that in our own way afterwards because obviously there are different views about what degree of flexibility might be most appropriate, and the working group had offered some suggestions that that flexibility ought to be framed perhaps around some of these other considerations about data quality and other relevant issues, so I see some of those other issues as falling into that latter category of things that need additional work, but in terms of an agreement I think we – it looks like we have some agreement to go down the path of some additional flexibility recognizing there may be limitations to what individual Councils are comfortable with or what individual Councils may want in terms of the degree. Kitty.

Kitty Simonds: This language is fine with our Council.

Rick Robins: Thank you. Any other comments on the draft language? Is there any – are there any concerns? Any additional concerns with the draft language? Seeing none, is there any objection to adopting this by consent? Don.

Don McIsaac: A lot of our comfort's going to be in how the final letter is worded, so I mean, I could see this being okay if the final letter is worded – you're proposing putting this exactly in here as it is?

Rick Robins: Don, we'll incorporate the points in here in the letter, and I'll submit that we will circulate the letter for CCC review before we send it out, and that way, if there are any wordsmithing issues that need to be addressed, we'll address those in the final draft if that's acceptable to the group. Doug.

Doug Gregory: Yeah, I don't think we have any problem with this. It's pretty benign wording as a consensus, but I'd like to comment on the concept overall in the hope that it might help with the guideline review and – and the problem I see here is we've got a limit called overfished that, in most cases, is one-half of the biomass at MSY, and when you reach that limit, under the definition of optimum yield in the Act, it says optimum yield is – you rebuild an overfished fishery to MSY. Well, that's a tall order to double the stock size within ten years when it's overfished like that, and that's the problem, I think, the root cause of the problem is you can't build a population that quickly for that much of a – you know, go from one-half of BMSY to MSY, and it's like using a limit and then you rebuild to a target as soon as possible. It seems more appropriate if we could, and I

don't think we can – I'm just putting this out here. If you're overfished, you need to become not overfished as quickly as possible because, theoretically, if you're overfished, the population is potentially – could collapse on you. It's that far down. And so the real goal is to get above that level of danger, above that danger level. So now we have this area between overfished and BMSY. That's not the real danger level, but it is not the optimal level either, so once we're above the overfished level, the timeline to get back to BMSY, as long as we're rebuilding the BMSY should not be that critical of a factor. What's critical is to not be overfished anymore, but to get above that threshold, and that, to me, is the disconnect. We have a threshold that if we fall behind, all of a sudden we gotta rebuild back to a target, and we're mixing concepts there, I think. Or the guidelines are. So I'm not proposing to change anything that dramatically, but I just wanted to put this out here for people to think about, particularly with the guidelines being rewritten. And there's no other instance that I know of where NMFS requires us to fish at optimum yield except when the overfished condition occurs, and optimum yield in general is something that's out there when a fishery is not overfished, but we're not really held our feet to the fire to fish to that level except when it's overfished. So again, it's like a double standard, and when you're really in trouble with the overfished stock, you're being given a higher hurdle than you really need to be to protect the stock from collapse. That's all.

Rick Robins:

Well, Doug I just suggested, I think, under National Standard 1, we're required to fish at OY all the time, but having said that, I think the language that goes into the rebuilding timeline requirement is going to be very important because that'll determine the – I mean ultimately that timeline will determine the rate. So I think that will be important language, and the language in the House draft right now says as quickly as practicable so that's a change from as quickly as possible, and the Senate has different language, so I think the ultimate language that goes in there is going to be pivotal because that'll determine where the rubber meets the road and what sort of rates we're pursuing. So thank you for that.

So I'll ask again if there's any objection to any language in this potential consensus summary. Seeing none, we'll consider it adopted by consent.

Michelle, in the second question of the working group, it didn't appear that there was a specific recommendation. That is the exemptions for the

implementation of rebuilding plans, and so perhaps that falls into the category of things that would need some additional clarification. I don't know if you want to elaborate on that.

Michelle Duval: Yeah, I think it was – you know, the discussion we had was that right now the Act appears to really provide for almost a two-year delay because you're not required to – you have two years before you are required to submit a rebuilding plan for approval and implementation, so if the components of your rebuilding plan are appropriate, it wouldn't appear to need to be any other consideration for delay, and some of our conversation revolved around that there appeared – and this question may be to be some blurring of those lines, like I mentioned, between sort of a delay and implementation of a rebuilding plan, in other words, putting those regulations in place that result in rebuilding of a stock versus a delay in ending overfishing, which is addressed in a different question. So maybe there needs to be a little bit more clarity in the question. In other words, do you – should there be more time allotted to develop a rebuilding plan rather than the two years that's currently in the Act? I think it was a little unclear to us what we were being asked for.

Rick Robins: Okay, and I'll accept responsibility for any of that confusion, but I think – I'm looking at that in terms of whether or not there are any specific recommendations, and I'm thinking, based on what's in there at least, that this may fall into the category of things that need to be flushed out more in the discussion document that we might develop. Is that fair or do you have a specific recommendation out of this for our consideration?

Michelle Duval: I think that's a fair assessment is that that would probably require a little bit more exploration if we want to. I'd invite other members of the work group to chime in. I don't think we – I mean, we certainly didn't have a specific recommendation. It was like, well, two years seems to be adequate to develop a rebuilding plan if one is required.

Rick Robins: Well, I think you've made an important point about the timing of implementation of a rebuilding plan versus the timing of ending overfishing. You know, both of those are – I mean, they're potentially separate questions, but they're both important. Do other members of the working group have a comment on this? Tom.

Tom Nies: Well, I guess as a member of the working group, I'd be glad to spend more time on Question 2 if I knew what it was asking, but it's a little unclear to me and it's reflected in Michelle's summary. It was unclear to us what this question was really asking us to consider.

Rick Robins: And again, I think the – you know, the question was whether or not there should be more room for delaying the implementation of rebuilding plans, but the other issue that's been in play in this discussion generally has been the timing of ending overfishing and whether there should be any flexibility around that. Why don't we go on to the third question then, Michelle, if we can, which is exemptions to the stock rebuilding requirements. Which circumstances or factors should exempt a stock from rebuilding requirements?

Michelle Duval: Right. And so we – you know, our consensus was that these stock rebuilding requirements should be – any exemption should be limited in scope and very carefully defined, and so we were looking at, again, stocks that might have significant fishing mortality that takes place outside of U.S. jurisdiction, and although this is somewhat addressed in the Act, it's unclear if that addresses the question of rebuilding, so that was one thing that might warrant a little bit more discussion. And then the limited exemptions for mixed stock fisheries and looking at not allowing any stock to decline below some minimum biomass level and Doug's already talked a bit about alternatives to a minimum – well, minimum stock level and sort of what is that area between BMSY and MSST. And then there's the area below MSST and some other level that is maybe you would call it – is in the NRC report, the sort of the threat level. So you'd want to make sure that if you allowed an exemption for mixed stock fisheries, that you're still not allowing that biomass to decline below some level, whether it's MSST or something else. So again, I think our consensus would be limit them and carefully define them, and here's two examples that we see that might need to be addressed. And again this is something that might be more easily flushed out in the national standard guidelines.

Rick Robins: Okay. Do other members of the committee want to comment on this section? Tom.

Tom Nies: So, of the two elements in here that we talk about, mixed stock exception and the international here's some concern that – and you'll get into this later when we talk about the mixed stock exception – about whether these

are actually clearly allowed by the statute. But with respect to international fisheries that are not covered by an international agreement, there's a concern that if there's a significant amount of F that's outside the U.S., and I think the example we talked about was Rich Seagraves talking about the mackerel fishery, then the focus for rebuilding technically seems to fall entirely on the United States fishermen to rebuild that stock, and it's not clear to us that that can be fixed just by changing the national standard guidelines because there doesn't seem to be any provision in the Act that allows for that situation to give more flexibility to U.S. fishermen. So that's one that I'm not sure we could address with the guidelines.

And then, with respect to mixed stock fisheries, the issue with the working group was, as Michelle accurately explained it, I guess I don't need to repeat it, there should be some minimum level that you don't want to drive the stock below, and there's probably some discussion needed about where that minimum level should be. Early versions of the mixed stock exception in the guidelines talked about not driving it to the level where it falls under the Endangered Species Act. I think most of us on this working group would argue that that's not the right level. You don't want to drive a stock down to the ESA level. You want it to be somewhere above that under this provision.

Rick Robins:

Tom, thanks. And I guess the House draft relative to mixed stock fisheries doesn't have a floor, right. I mean, there's no minimum threshold for mixed stock, so – are there any other comments on this – on the working group's response on this question and what's in front of us in terms of recommendations? Some of this would be relatively easily incorporated in the comments. That is that the general characterization and concern about stock rebuilding requirement exemptions is that they be limited in scope and carefully defined. Do members want to comment on it or express any concerns relative to the output and recommendation of the working group? Is there any objection to incorporating these recommendations from the working group? Seeing none, we'll do that by consent. All right. Michelle, do you mind going on to the next one, Question 4?

Michelle Duval:

Sure. Thank you, Mr. Chairman. So the next question had to do with ending overfishing and should there be any change to the recurrent requirements to end overfishing and under what circumstances, and so you know, our possible consensus statement was that there's general agreement that there should be some flexibility in ending overfishing

looking at circumstances such as when our understanding of the stock status changes dramatically, such as if you have a new assessment or new data that comes into play, and certainly you would want to reduce F immediately by some percentage or measure and put a rebuilding plan in place if it's required, but it's can you allow for a gradual reduction in that F over some period of time, and I think it's probably helpful to look at either the bulleted document or the draft concept paper which contains some possible exception language that captured the discussion that we had and that Tom was kind enough to put together that the underlying phrases are open for discussion and then incorporate some of our – some of the points that we brought up regarding benefits to the nation being greater under a phased-in approach rather than ending overfishing immediately. You know, and some of this certainly ties in to some of the mixed stock concerns that we just went through. You know, and establishing some limits for reducing fishing mortality by at least some minimum percent in the first year of the phase-in period. I think where there might be some additional input was with regard to what is T_0 in terms of when you're notified that overfishing is occurring and when you take action. I mean, I'll use our own Council as an example. We received notification that overfishing was occurring on a particular stock, like, at the end of December, beginning of January, and at our December Council meeting last year, we took emergency action to significantly reduce harvest levels for this year such that we could address that overfishing rate immediately, not waiting two years to have a complete plan moving forward through the process, but we took action immediately because we could see that the – reducing F by some percentage immediately was going to have greater benefit down the road than trying to do – waiting to do it all at the end of two years.

Rick Robins:

Thanks. You know, it looks like one of the circumstances that the working group's getting at is situations in which you get an updated assessment or a new benchmark and suddenly you have a very different understanding of the population dynamics than you had going into it, but you've been complying with the scientific advice up to that point and I guess it's not too hard to think of examples around the country where that's occurred. There's currently no provision in either draft, as I understand it, that would allow for a delay in ending overfishing, but you know, the House draft would allow for a delay in the implementation of a rebuilding plan under certain circumstances. But do other members of the working group want to elaborate on some of the proposed language?

Tom, you had contributed to the language Michelle referenced. Do you want to detail some of that?

Tom Nies:

So this is – you know, this is not a thing that's come out of the New England Council, not this specific language, necessarily, but the need for some flexibility in ending overfishing. And it's based on some recent experiences that we had with one of our stocks, Gulf of Maine cod. And the Act includes some language – I'm not going to get it exactly right – which says that the Agency can give you a year in which to allow overfishing to continue under certain circumstances. I can't remember the details. But then you have to end overfishing immediately in the next year, and what this unintentionally does, I think, is it tends to push people into really bad or questionable decisions because people try and take advantage of that one-year waiver rather than – because they know in Year 2 they're going to have a cut of, in our case, a 70 percent reduction in the quota rather than try and build in a long-term plan that would probably work better for the industry and better for the fish because you're not allowed to. You're not allowed to have this extended period. So the working group wrestled with this a little bit because there's people on the working group who quite bluntly felt that overfishing should be ended as quickly as possible, so we tried to create some language that fairly narrowly defined and was fairly prescriptive about what you had to do under a specific situation that several Councils have run into. To try and give some flexibility, so in the words of one of our recent court decisions, you can consider the statement of the judge that it's not all about conservation; it's about the industry as well, and you can perhaps create a better approach to solving the problem rather than the draconian cuts that we had to have in a short time.

Rick Robins:

Tom, thanks for that clarification. At this point, I'll ask members if they would comment on this proposed language that would allow for some delay in the ending of overfishing under specific circumstances. Sam.

Sam Rauch:

So under the guise that we don't take a position on this, but I would caution the group as to what implications this might have. We receive a lot of credit internationally, domestically because we have taken a hard line on ending overfishing. If you look at our status of the stocks report, you look at the way U.S. fisheries are treated, we get an indefinable advantage because we are sustainable. And the reason we are sustainable is we can legitimately tell people that we have ended overfishing and that,

when it arises, ‘cause sometimes it happens, it will be ended immediately. When the House put out its bill, and there some phrases – not this on, but like this, which seemed to appear that it was allowing overfishing, they tried very hard to retract that and to not do that. I foresee a lot of problems with any provision that would intentionally allow overfishing to continue or extend whatever provisions are in the current Magnuson Act to allow overfishing to continue. So I would caution you against taking such a position because of the negative consequences that you’re likely to get from many quarters, not just the environmental communities. But I don’t know what else to say about that, but this seems to me – I get the very limited circumstances under which it arose in New England, but this is, I would think, one of those circumstances where you let one specific instance drive a very negative situation for the entire country.

Rick Robins:

Thank you, Sam. Tom.

Tom Nies:

So obviously I don’t agree with Sam. I just put that right out there. You know, it’s interesting that everybody’s definition of immediately varies. You know, the Act’s definition of immediately, under normal situations, is two years, so it’s not immediate. And then, under certain circumstances, the Act’s definition of immediately is one year or maybe longer than that. So I think that the reality is that we don’t end overfishing immediately. The act doesn’t require ending overfishing immediately, or the day after you got the overfishing notice, the Agency would be changing quotas, and that doesn’t happen. So I really think it’s – you know, that really doesn’t apply here. I mean, this is a very narrowly-focused approach to try and get around some problems that I believe, when we were on the working group, that there were other Councils that mentioned they’d run into similar situations. It was not just a New England situation and this is an attempt to try and address that problem in a way that was very narrowly defined, very narrowly constrained, and that is still very prescriptive in nature. In fact, perhaps more prescriptive than the current example.

So as an example with New England groundfish, under the current situation that was done for Gulf of Maine cod, when the Agency calculated the quota for the – what I will refer to as the bridge year, they calculated a quota that resulted in a nominal reduction in the fishing mortality, not a 25 percent reduction in the first year, but a nominal reduction in the fishing first year. So and this was at the recommendation of the Council, bluntly. But you know, so this is actually, in some cases,

more stringent than that, than what we have now, at least in the first year of this delay.

Rick Robins: Sam.

Sam Rauch: So to that point, the Act does require us to adopt ACLs such that if you learn that overfishing happens, the management measures kick in immediately. That's the whole idea of an ACL is not two years, it is not overfishing's happened so let's think about what's going to happen. There is always some inherent delay, but it is already preplanned. There is no management action that happens. There are many people who believe that the failure to end overfishing immediately in a timely fashion in many places, including New England, is what ultimately led to some of the more draconian limits that needed to be taken later. That this is the kind of provision that we had in the '90s and the 2000s, which allowed us to delay the cuts at a time when they could have been taken with less pain such that by the time they had to be taken, there was severe pain. Once again, you can decide what you want. I would be very careful about trying to engage in that debate and resurrect those critiques that the Councils allow a negative situation to just continue, meaning that when the cuts happen, they become very severe. I think I've said enough on that now. I'll just let you guys decide.

Rick Robins: You know, I think Sam's highlighted a number of important concerns and I – you know, I'll look around the table and see if there are concerns with this language. If this is an issue that we don't have an agreement on, then we can leave it to individual Councils to advance this, but we do have a potential consensus statement, so I want to go around and see if there are concerns with that. Doug, you had a comment.

Doug Gregory: Right. I'm comfortable with this. In fact, I thought five years would be appropriate for when a fishery is not overfished or it's above BMSY. We're not going to go back to those early days. In the South, we – our fisheries were overfished or overfishing was occurring because we had little management before the Magnuson Act. Little or no management. We had no international fisheries so we didn't have IGNAF, we didn't have the Pacific Halibut Commission, we didn't have all that that generated the data that we needed for stock assessments. So by the time we got to our stock assessments, yeah, we had to do some rebuilding and stuff. We're not going to go back to those days. We have been hurt in the

South – the fishermen have been hurt in the South more by the more recent restriction on ending overfishing immediately than they have been by any rebuilding plan, and a good example of that is the South Atlantic Council GAG grouper stock assessment said it was a healthy population, but overfishing was occurring. And they immediately reduced catches by 25 percent or more, implemented a four-month closed season right in the middle of the winter in South Florida. Very draconian because overfishing happened to be occurring.

Now, I apologize for getting technical, but I was on the SSC for 20-some years. Fishing mortality rate coming out of our stock assessment is one of the less reliable elements. At one time, up until recently, the fishing mortality that was used to define current fishing mortality, which was used to say whether overfishing was occurring or not, was what was called the epical F of the selectivity curve, and it would change from Age 2 to Age 3 to Age 4 from assessment to assessment, and I started raising some concern about that, so at one point, the scientists at the Science Center said, okay, we'll start taking the geometric mean of F of the last three years of the population assessment, which lowered F, made it a little more stable, but that was done out of recognition that F was not a consistent number that we get. If you do retrospective analyses, F changes in that final year of the assessment, so it's not really the best measure of the health of the population.

Currently, I think, in red snapper, the assessment people have taken a different approach of trying to estimate F over the whole range of ages in the fishery, which gives you a very low F. So overfishing is like speeding. It's something that happens. It's a temporary phenomenon unless you let it go, and when overfishing a healthy population for three years or five years, doesn't drive the stock down to being overfished. If it didn't I think we have precautions to do that. It's simply a way to say, look, let's – if we have a stock that's not on the verge of collapse, which it is when it's overfished, but we allow at least ten years to rebuild that, if the population is healthy, why do we have to end overfishing immediately if it's not that reliable of a measure of the population? So it's like a double standard and it's had very draconian effects in the South. So that's why I've been supporting having more flexibility in ending overfishing because it's been more detrimental to us than even the rebuilding plans have been.

Rick Robins:

Thank you. Don McIsaac.

Don McIsaac:

Thank you, Mr. Chairman. With regard to the matter of ending overfishing, I think the Pacific Council's been on record already about being comfortable with ending overfishing as soon as it's detected. In the past, even before the Magnuson Act reauthorization of 2007, we were in the practice of doing that in the year that it was detected. So we have a little bit of trouble with this as it's stated here. There are some interesting angles in this that the Pacific Council hadn't considered. In the possible consensus statement, it says "when the stock status changes dramatically." So we've got some short belly rockfish that go up and down with ocean regimes that can change pretty dramatically that represent a problem if a fishery develops. If, for example, the scientists came in and said you were wrong on MSY. MSY is not 0.35, it's 0.05 and anything above 0.05 is overfishing, and that kind of dramatic news came in, that would represent quite a problem.

However, in the possible language, I don't see any reference to this kind of shockwave of dramatically new science, and I see here "or for a stock that is above its target biomass levels." So it is an interesting concept if your stock is healthy, it's way above its target biomass level, and MSY changes and overfishing reactions might be appropriate, but as it stands right now, I don't believe the Pacific Council could go along with this. What we could endorse is moving this to a work group for further development, but as I said, I think as things are currently in place, the Pacific Council normally is prepared for and has done and endorses ending overfishing when it's detected. Maybe immediately, the exact definition of immediate, there's some merit to what was said here but it might take a couple of Council meetings to do that, but we've been in the practice of doing that and it's worked out pretty well in the long run. One last point, if the work group starts to work on this, the last bullet, the net benefits to the nation are greater, it's not clear whether that's the short-term net benefits or the long-term net benefits and how do you calculate that. So that's a question, again, that maybe the work group could (inaudible). As it stands, though, I don't think we'd be comfortable with agreeing to this.

Rick Robins:

Don, I appreciate that. I think, in light of that we would not have a consensus on that issue, and as you suggested, perhaps it could be flushed out some more in the discussion document, but are there other specific concerns that members have with this – or other – that other members

have with this proposed language that they want to discuss at this point? I think based on the concerns of the Pacific Council, we would not identify this as a consensus, and if individual Councils want to follow on this suggestion in the interim, obviously this doesn't preclude that. Michelle, do you mind going on to the next question, which is the mixed stock exception?

Michelle Duval:

Thank you, Mr. Chairman. So we were asked to review the current exception, the House draft exception, and the discussion in the NRC document and provide any recommendations and you could see our sort of draft synthesis statement that the – sort of the current high degree of prescription relative to the single species biological reference points and stock rebuilding requirements may be incompatible with ecosystem approaches to management. You know, and we thought that development of some criteria could ensure that ecosystem principles were being adhered to in the application of a mixed stock exception. And one of the things that we wanted to note was whether this exception, which I think it a little bit unclear in the House draft language, would apply only to the rebuilding timeline or to the requirement to rebuild to BMSY, and I think Doug alluded to this a little bit earlier in terms of rebuilding to MSY can be a really – BMSY can be a really tall order, I think particularly in a mixed stock fishery where you have lots of interactions and which are, by nature, dynamic. You know, it's – I think for us, especially down in the Southeast it's like a bubble. You push in on it on one side and it billows out somewhere else, so there's always going to be some reaction to the management measures that you put in place, and I think, again, just a very prescriptive nature of this sort of single-species focus may not be as compatible with ecosystem approaches that are being advocated as we would like. So I think that would be our consensus statement.

Rick Robins:

Michelle, thank you. And I think Tom with respect to this issue, Tom highlighted another important component of it and that is what level of protection is afforded to the weak stock in a mixed stock fishery. And that has a lot of history, I think, relative to previous guidance, and that was addressed in some of the NASNRC documents and reports because previously you had that concern about you couldn't drive a stock below a level at which you'd invoke some sort of ESA considerations, and the House draft doesn't appear to have a floor in it relative to weak stocks. Did you all have any recommendation coming out of your discussion that might be incorporated into this on that aspect of it?

Michelle Duval: Well, I think again we had some discussion about allowing fishing above the overfishing level, if you could demonstrate that this would provide a greater net benefit to the nation. In other words assisting you in achieving OY and certainly not chronic fishing above that level, but perhaps limited fishing above that level, especially, I think, when you have a stock for which, y the value of that weak stock, I guess to use that term, is much less than – and that might be the stock that you’re trying to prevent overfishing of rather than the stock that it is harvested in close conjunction with.

Rick Robins: Thanks, Michelle. Do members have comments on the language up here relative to the mixed stock exception coming out of the working group? Lee.

Lee Anderson: I think the point about being careful for ecosystem-based fisheries management is really critical. We’re all told to go to this. The green groups and everybody are telling us to go on to this, but in that case, you are going to have to make tradeoffs between stocks. I hear Jason Link when he comes to our Council, he says, well, we’re going to stop having single stock assessments and we’re going to have mixed stock assessments. I don’t know exactly what they look like, but in general, I would hope they say that a single stock assessment, here’s your X BMSY for a stock. But if you’ve got a – many of them, you could have a vector of stock size and say any one of these vectors is going to be okay. None of them are going to go extinct, maybe a little lower than the other, and so we gotta start thinking that way, and I wish some of those things would start coming out so we could start looking at them when we develop it, but I think it is crucial, at this stage, to keep that ecosystem-based approach viable and don’t do anything in there that hinders our work to do ecosystem-based fisheries management.

Rick Robins: Thanks, Lee. Are there any specific concerns with this language coming out of the working group? Michelle.

Michelle Duval: Not a concern, but just to add to that I just don’t think there was, certainly with development of criteria for a mixed stock exception. We just really didn’t have the time to deliberate on what those criteria might be, but certainly having some criteria for allowing that exception would hopefully

provide some additional level of comfort that this would not be a provision that would be abused.

Rick Robins:

I think that's an important point to make. If there's not any objection to that, we can highlight this in the letter, and this would probably be something that would be worth of additional development in the context of a working paper, drawing again on some of that work that was already done in the NRC report. Is there any objection to incorporating this in the letter? Seeing none, we'll do that by consent.

Michelle, the next issue is Question 6, ACL exemptions. Do you have any specific recommendation you want us to consider as a group?

Michelle Duval:

I think the one thing that might need to be considered is exemptions for data-poor species. You know, I think certainly in the Southeast, we have some species for which we don't even think we have reliable catch information that we could use with even something like an ORCS approach to develop catch level recommendations. So when you don't have information that you feel is reliable to use, even those most basic of approaches, it's sort of like trying to force a square peg into a round hole. It only breaks the peg and it gives you splinters. So you know, down the road, you could end up in a situation of having – of being overfished or not. You don't really know where you're starting from, so I think having some exemption for some of those data-poor species where you do not have reliable catch level information, which our SSC has had some discussions on and application of the ORCS approach where there were probably a dozen or so species which they excluded from this approach simply because they didn't feel like even the catch information was reliable due to species misidentification, things like that. So I think that's the one recommendation that perhaps we might put forward in there.

Rick Robins:

Okay. Sam, can I ask, do you think this is something that could be dealt with effectively through NS1 guidelines? In other words, accommodating alternative management strategies, alternatives to ACLs on truly data-poor stocks or is that something that will require a change in the Act?

Sam Rauch:

A complete exemption from the ACL requirement would likely require a change in the Act. Dealing with data-poor stocks, however, does not. There are, I think as was discussed, numerous tools that exist that have some utility in setting management structures, and there are limits to that.

I concede. We continue to develop more tools and my belief is there are tools which the Councils aren't fully taking advantage of, perhaps because we didn't highlight their availability in the NS1 guidelines. So when we revise them, we intend to discuss things like managing in complexes, how to deal with data-poor situations. Our belief is that you can make credible ACL issues for most stocks, and the ones that you can't, you really need to consider whether you're really managing them under the FMP anyway. If they are so data-limited, we don't even have good catch information, is this really a managed stock, and you know, there are lots of stocks in there that we are concerned about, we want to look at, but we don't really manage fully as – to optimum yield or anything else.

And I think – so in the National Standard 1 guidelines, we're going to try to do that to make it easier for the Councils to apply these tools, to make it easier for the Councils to decide that issue, what really needs management and what doesn't, because these really arise when things – how do you set optimum yield if you don't have that catch information, right. That's what we're supposed to be managing to, and we really don't do that well because that's not really what that stock is. That stock is in there just for informational purposes. We want to monitor it but we don't have enough to even do the basic understanding of the Magnuson Act. So that's what we want to do for NS1. So I think that will make it easier, but if you wanted a complete exception, you'd have to have a statutory change.

Rick Robins:

Sam, thanks for that clarification. I think that's helpful to hear. This also sounds like something that would maybe require some additional development in a working group, but we could reflect it in a letter as a recommendation that there be some exploration of exemptions for data-poor stocks. Would the group be comfortable with that or are there specific concerns relative to a potential exemption to ACLs for data-poor stocks? Is there any objection to incorporating that in the letter then? All right, seeing none, we'll do that by consent.

Michelle, the next question is the role of the SSC, and it's actually the ceiling under which the Council would operate, and as I understand, your discussion, there was significant disagreement among the members about whether or not there should be a change to that. Is that fair to say?

Michelle Duval:

Thank you, Mr. Chairman. Yes, I think it's fair to say that the only consensus statement was that the language really just modified the ceiling

that the Councils were bound by as opposed to actually changing the role of the SSCs, and I think the differing viewpoints were fairly well-established. I think if folks want to comment on – those who supported those differing viewpoints want to offer some comments on those different viewpoints, I think it would be fair to allow that.

Rick Robins: I would agree. John.

John Henerschedt: Thank you, Mr. Chairman. I was not I the group that discussed this, but I just wanted to point out that I think that the working group really identified two different issues if I understand the report correctly. One is sort of intentionally exceeding ABC as recommended by the SSC in response to some, I think the terminology was address ecosystem impacts, for instance. The other is dealing with challenges in how uncertainties are dealt with, where buffers are created, et cetera, and it just seems to me that, to the extent that this issue goes forward, that it might be helpful to separate those discussions so that we're talking about treatment of uncertainty and risk, which I think is challenging to deal with through legislation and can probably be dealt with just through working with scientific advisors and developing processes that ensure appropriate treatment of uncertainty and application of buffers, a on the other hand, this question of intentionally, with some sort of ecosystem level impact in mind, setting and ACL that's above the SSC's recommended ABC.

Rick Robins: Michelle.

Michelle Duval: Thank you, Mr. Chairman. Just to respond to that, I think that's – I support what John has suggested. I mean, uncertainty is certainly a whole discussion in and of itself and how we deal with scientific uncertainty and management uncertainty and just – I will just state that the feeling amongst those folks on the committee who were somewhat supportive of this was – you know, had to do with sort of OFL being something of a distribution in that you double-buffer yourself when you go from an OFL to then setting an ABC, but I agree that could be dealt with in a separate conversation versus having specific exceptions to allow catch to exceed those ABC level recommendations. Spiny dogfish was used as a particular ecosystem example, and it gets back to the conversation that we just had a few minutes ago about the compatibility of single species approaches with – or the single species sort of prescriptive nature of the Act as it is with ecosystem approaches.

Rick Robins:

Thanks, Michelle. Are there other comments from members of the group or other members on this issue? You know, I think the experience we've had certainly, as long as we have an OFL coming out of an assessment and have adequate assessment quality, the process and the relationship between the Council and the SSC has worked relatively well. Where we've had challenges has been in the data-poor situations where we don't have an OFL and it's that much more difficult to quantify the uncertainty or to translate our Council's tolerance for risk into a quota. That becomes very difficult in the absence of an OFL, so I think that's an area where we've been challenged, but you know, I feel like the buffering that occurs between OFL and ABC, if you have an OFL, I mean, that should be a function of a risk policy or a control rule, and that's something that Councils can change if they have one in place, so you know, this kind of gets at roles and responsibilities a little bit, but the broader subject of uncertainty and risk is one that we – you know, we've all had to wrestle with ever since the Act was reauthorized, so obviously a lot of energy's gone into that, but it appears, based on the discussion, that this is not an item of consensus.

So absent any further discussion, I think I'll move on to the next item, which is other related priorities and, Michelle, in this section, your final comment in this working paper, I think, is an important one that we'll want to reflect probably right up front in the letter, and that is that the regional differences around the country reflect our different experiences and different challenges so that obviously is the context in which we think about the potential changes to the Act through the reauthorization process and we have some different perspectives on that, but I think that's a great point that your group's made here at the end. If you want us to consider any other specific recommendations here, please let us know.

Michelle Duval:

I think throughout our discussion, probably one of the points that came out is really, for some regions MSY-based approaches are very difficult given the information that we have, so it's not just – it certainly is, and that's encompassed in that final statement of regional differences and perspectives being based on different experiences and complying with the statute, but those different experiences are also based on the information that we have available and the resources that are available in different regions to obtain that information, and certainly – yeah, I will just leave it at that.

Rick Robins: I'll ask Sam, I mean, Sam, is there any reason the NS1 guidelines can't allow for the use of alternative reference points to MSY? I mean, there are obviously other approaches for reference points. I mean, we typically think of fisheries in MSY terms in the Act, but is there anything that preclude the use of alternative reference points in the NS1 guidelines?

Sam Rauch: There is flexibility currently in the statute and, to the extent that the NS1 guidelines is clear, we intend to make it clear that there's flexibility to adopt different ways to manage the stocks. You know, the recreational community has come in and talked about alternative ways to manage, and we've agreed that those alternatives exist. I'm not clear on whether or not there's flexibility in setting the reference points. The reference points, to some extent, are based on the statutory description about overfishing and overfished and MSY. I think there's a lot of flexibility but it's not – I don't want to tell you right now that we have open-ended about the reference points. I just – that's a very technical question, and I don't know the answer to that, but there is more flexibility in the Act to look at managing differently than we traditionally manage, and so it's quite possible, depending on what you do, but that's – I don't want to say that the reference points themselves because I just don't know.

Rick Robins: Thanks, Sam. So, Michelle, you have a number of bullet points up here. You know, they underscore the differences or conflicts between ecosystem type approaches and single species management. You know, I think a lot of these are important points to make in general. Are there any concerns with the working group responses to Question 8 or incorporating those into the letter? Is there any objection to incorporating those by reference into the letter? Seeing none, we'll do that by consent.

Michelle, thank you very much again for heading up the working group and walking us through this today.

Michelle Duval: Well, the thanks should go to the committee members and to Rich Seagraves for all of his support, so really it was a team effort.

Rick Robins: Thanks to all of you for that. Let's take a ten-minute break. When we come back, we'll take up the NEPA recommendations from Don McIsaac. Thank you all.

5. MSA REAUTHORIZATION – PART II

(NEPA Working Group)

Dr. Don McIsaac: Thank you, Mr. Chairman. With regard to the workgroup membership, Kitty was on the group, Chris was on the group, Herb Pollard was on the group. So we got a 50 percent quorum in the room now. We're all here. Good. And it's also been a pleasure to work with Jim Armstrong on this. He's been fantastic all the way through the workgroup to process, including at this meeting, being very nimble on his feet, so therefore, we do have a little bit of a PowerPoint here.

How I'd like to proceed is to first go through the NEPA one in its entirety and then separately take up the federal statutes. I'd like to run through the White Paper that is in the briefing book materials. After that's over, just a description of what's in there, I'd like to offer the workgroup members a chance to throw in any comments that we made because it was a pretty hurried piece of business that we were able to put together in the last month or so. Then we were hoping for a discussion around the table about the merits of it, and including, specifically, our National Marine Fisheries Service partners on this in terms of any reactions they have. I know you can't take any positions, but any reactions you have, this is, in a lot of ways, in its infancy in terms of a concept of trying to address this problem statutorily.

After that is over and we get to the other statutes, I think the Western Pacific Council and their staff has been most active in this. There's a page and a half in the briefing book materials on that, and maybe we would ask the Western Pacific to take the lead on running through that for the group. So, again, this is just kind of intended to start the discussion on this concept of addressing the problem statutorily. Like I said, the work group has not had a lot of time. You'll see the title page is the Council Coordination Committee Concept White Paper, so the idea here is to try to offer something that the CCC might be able to endorse to go forward as input to the congressional folks.

So if I could see the next slide – when you look through the White Paper, if you haven't had a chance to do that, you'll see that there's a listing of problems. The delays in implementing the fishery management actions as a result of the current NEPA compliance protocols can be significant. In the White Paper, there's a figure that I won't bring up right now that

shows how, after final Council action, the process shifts over to a sequence of NEPA-related processes and timelines and doesn't get back to what's typically required by a Magnuson until a significant delay. There is also the Administrative Procedures Act that is involved, and all three of these statutes require separate public comment periods, which is duplicative and contributes to lengthening the process from Council final action to implementation. There are at least eight public comment periods if one assumes a four meeting Council process before there's implementation on this, so there's a matter of duplication there.

We tried to put examples of all the problems here, so Attachment 1, which is, again, in this draft paper, yet to be filled out, the story of 2009 Pacific Council Groundfish Fishery Biennial Specs Process as an example of a delay situation that we feel is primarily based on NEPA compliance, the existing NEPA compliance process, and it showed 632 days between the initiation of the Council process at the first Council meeting and the first day of resulting regulations that were implemented. So that's pushing a couple of years, and that's why, when you talk about delay, you end up talking about things like obsolescence of science and things like that.

A discussion of the effort and process duplication problems quickly becomes a discussion of the NEPA protocols since the current procedures have moved to using NEPA documents to satisfy the analytical requirements of Magnuson, so you've heard the phrase "NEPA is subsuming Magnuson," and has a result of a very expensive use of staff resources. We think it's overly expensive in terms of the workload to both the Council and the National Marine Fisheries Service staff resources with negative opportunity cost on other regulatory activities. To find an example of this, Attachment 2, later, when it gets completely filled out, if the group wants to go forward with that, would describe the process that yielded the 6,000-page 2004 Alaska Groundfish Fisheries Final Programmatic Supplemental Environmental Impact Statement as the example of quite an expensive use of staff resources.

Orderly inclusion of all analyses, there have been instances where the current compliance with NEPA has fallen a little bit short of adequate compliance with what's intended in Magnuson, in our opinion, in terms of providing comprehensive analysis or even a full description of the alternatives to the Council prior to taking final action, and that's what we think Magnuson envisioned, was all of that would be in front of the

Councils for a final Council decision before it goes through a Secretarial review process and then implementation. There have been instances of additional analyses being added to the NEPA document after the final Council action, alternatives being added after final Council action, or alternatives previously rejected by the Council being subsequently refined and used getting to the Record of Decision in the NEPA process – all of these well after final Council action.

So the NEPA document is essentially an Agency document. It's not a Magnuson Act document, and that's why some of these changes can occur, but it gets to this problem here whereby going with NEPA documents moves it further away from the intent of the Magnuson Act, in our opinion. What's an example of this? Well, there was about two or three or four that we had thought of, and we're not sure we've canvassed all the Councils effectively about when this has occurred, and so, again, if this goes forward, we'll put in a specific example of how that's occurred.

Maybe lastly, as an introductory thing in the area of problems, we note that Section 304(i) of the current Magnuson Act, reauthorized in 2007, acknowledged that there was problems and called for some changes, and while there has been this policy directive that has, we think, effectively described the current institutional status quo, we are offering a statement in the White Paper that says the CCC does not believe the current approach has made the alignment of Magnuson and NEPA more timely, not be quicker, a reduction in the extraneous paperwork, which I think means smaller documents, nor more concise, which we presume to be less process and more efficient use of workload.

So what is the proposal? In terms of a concept here, the proposal is that the Magnuson Act be amended to address these aforementioned problems by adding to the end of Section 303, which is the Content of Fishery Management Plans. This new section would incorporate key parts of NEPA, which requires Federal agencies to prepare a detailed statement on the environmental impact of the proposed action, to put that into the Magnuson Act.

Currently, Magnuson Section 303(a)(9) requires the preparation of a fishery impact statement that was intended to be the analytical document that the Council would use. So the proposal also includes not only some of the key language from NEPA, but also some of the important concepts

in the Council on Environmental Quality implementing regulation, such as an analysis of cumulative impacts and specifying opportunities for public comment. Importantly, we would note that the key parts of the current Magnuson Act 303(a)(9) would still be retained, as I'll show in a minute, in this new section.

The new section also makes it clear that compliance with these requirements would then fulfill the requirements of NEPA. And then lastly, the proposal includes Section 304, which is Actions by the Secretary that there's a proposal to amend, it would clarify how the review of plan amendments and proposed regulations would take into account this fishery impact statement. Also, the proposal includes a joint Council-Secretary process that would provide detailed guidelines and procedures on achieving this statutory intent.

So conceptually, the intent is very similar to the FACA compliance analogy. I think we've talked about that in the past, and we won't go into it. There's a paragraph in the White Paper that talks about how the essential elements of FACA were put into Magnuson, and then the FACA exemption, so to speak, is in the Magnuson Act now.

We also want to make the point, and emphasize the important point, that this is not a proposal to "get out of" complying with the intent of NEPA. It's not to avoid a complete and robust analysis of the full spectrum of environmental effects of the fishery management proposal, or to shortcut a thorough process by which the public and relevant government entities provide input into final decision-making. So on the contrary, the intent here is to mandate that all the important aspects of the NEPA law are included in a comprehensive and detailed process, but just to accomplish it in a little more efficient way than currently administered.

So next slide here is directly out of the White Paper, and so specifically, the intent here is to incorporate the exact or near exact key NEPA language into Magnuson Section 303, including a reasonable range of alternatives, full analysis of environmental impacts, and analysis of the cumulative effects; to consolidate public comment guidelines that are currently adopted for NEPA, implementing those into the Magnuson Act, and again, there's a figure in there that shows how that might occur, and it's compares the current timeline to the proposed timeline. Retaining the current conservation of fishery participant impact analysis that are

required in Magnuson. To adjust the language in Section 304 regarding Secretarial review to include a review of the analytical documents for completeness of these new requirements. To insert language making it clear that the above requirements are accomplished and compliance with NEPA has been achieved, and insert language describing a joint Council and Secretarial process establishing guidelines and regulations to codify the requirements of this new process. The workgroup stumbled a little bit over that one, and so you'll see some gray shading in what we'll show you next.

So let me just run through the specific proposal, and if we can go to the next slide, you'll see some shading. As you saw in the briefing book, a yellow highlight has been added where the language is identical to the language in the National Environmental Policy Act. Blue highlight has been added where the language is identical to the language in the current Magnuson Act.

So again, here we are inside Contents of Fishery Management Plans. Delete the old Section 303(a)(9) that described an analytical document content and add that fishery impact statement – any fishery management plan prepared by any Council or the Secretary – again, that highlight is right out of the Magnuson Act – pursuant to Section 303(a) or (b), or proposed regulations deemed necessary or pursuant to 303 shall include a fishery impact statement, which shall assess, specify, and analyze the likely effects – and then out of NEPA – and impact of the proposed action on the quality of the human environment.

The Fishery Impact Statement shall describe (a) a purpose of the proposed action – that's not in Magnuson or NEPA but that is in the current guidelines, the purpose and need statement; (b) environmental impact of the proposed action; (c) any adverse environmental effects which cannot be avoided should the proposed action be implemented – that's language, again, directly out of NEPA, verbatim; (d) a reasonable range of alternatives to the proposed action. So a reasonable range was not in the original NEPA language, but is currently in play now. (e) The relationship between the short-term use of fishery resources and the enhancement of long-term productivity. So originally, in NEPA, it didn't say fishery because NEPA was used to analyze the effects of building a dam or building a nuclear power plant, and of course, that didn't involve – well, those probably do involve fishery resources, but anyway. (f) The

cumulative conservation and management effects – cumulative is out of NEPA, conservation and management does show up in Magnuson several times. (g) Economic and social impacts of the proposed action on – and then you'll see (i) (ii) and (iii). That's directly out of the current Magnuson, so this had called for some analysis of socioeconomic impacts and the safety.

So if you can scroll up a little bit to Number 2 – no, other way. There we go. This is a requirement for a substantially complete Fishery Impact Statement, which may be in draft form, shall be available not less than 14 days before the beginning of the meeting in which a Council takes its final decision on the proposal for plans, plan amendments, or proposed regulations. Availability of the Fishery Impact Statement will be announced by the methods used by the Council to disseminate public information, et cetera. So this is to have the document out in advance of the meeting for everybody to see prior to a Council final action, but it's the equivalent of a draft DEIS now because there will be new information introduced at a final Council meeting often, and there's public testimony at a final Council meeting that could modify or add to some of the analysis that shows up.

So then you have 3 – after the Council's final action, the completed Fishery Impact Statement shall accompany the transmittal of a fishery management plan or plan amendment or regulations.

Four – the Council shall, subject to the approval of the Secretary, establish criteria to determine actions or classes of action of minor significance, for which preparation of a Fishery Impact Statement is unnecessary and categorically excluded from the requirements of this section and the documentation required to establish the exclusion. So what we have here is the CATEX current process. There are some things that might be so minor that they don't need to go through a fishery impact statement. So as in the last time the Councils looked at this, where I think the previous workgroup had two things, EIS equivalent or a categorical exclusion, that's the same concept here. Paragraph 4 just defines how you get there.

Five – and this is the grayed area – the Council shall, subject to the approval by the Secretary, prepare procedures for compliance with this section that provide for timely, clear, and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and

effectively involve the public, including – so that blue highlight, again, comes out of Section 304(i) in the current language, so to try to get to that, you'll see (a) using Council meetings to determine the scope of issues to be addressed and identifying significant issues; (b) integration of the FIS development process with preliminary and final Council decision making in a manner that provides the opportunity for comment from the public and relevant government agencies prior to these two decision points; and (c) providing scientific, technical, and legal advice at an early stage of development of the Fishery Impact Statement to ensure timely transmittal for the Secretarial review process.

So this was intended to not try to get into the details statutorily, but to come up with these procedures and guidelines letter. (C), I might stress, is – the proposal does call for a fairly quick turnaround in the Secretarial review process compared to current, and that's how you achieve some timeliness and how you get out of some of these delays, and so specifically calling for this early input, which when NEPA works good now, we kind of have that in play. So anyway, the whole grayed area here is another process, and there's a different opinion on whether or not that should really be included in the CC proposal or not.

Section 6 – actions taken in accordance with this shall constitute fulfillment of the requirements of the National and Environmental Policy Act of 1970 and all related implemented regulations. Again, that's not to try to get out of NEPA and it's not to get an exemption from the requirements of NEPA, but to fulfill them in a different way.

Then in Section 304, the Review of Plans, adding in that the Secretarial review process shall include (d) evaluating the adequacy of the accompanying FIS as a basis for fully considering the environmental impacts, so a little check that the quality of the document is up to snuff, and the same kind of thing under 304(b), which is a review of regulations. So the Secretary shall immediately initiate an evaluation of the FIS as a basis for fully considering the environmental impacts. And the rest of it stands as currently there.

So this is a quick run-through of the proposal as discussed at the workgroup, and maybe before we get into a discussion of the merits of it, I think it's appropriate for Chris or Kitty or Herb, if they want to add anything, 'cause it was a little bit of a hurried exercise we went through.

Rick Robins: Don, thank you for the presentation, and we will turn to other members of the working group and see if they'd like to weigh in at this point. Herb.

Herbert Pollard: Thank you, Chris. Yeah, Don did a really good job of explaining this, and I'd just like to credit Don and his staff for the wordsmithing. I had very little to do with the wordsmithing, but certainly I'm supportive of the concept because we've dealt with the complexity of tacking NEPA on top of the Council process, and what Don outlined with the multiple comment periods and the extended time that it takes to move forward with the fishery action – it lends to confusion, it lends to obsolete science, it gives some of the people who comment on our actions a chance to resurrect alternatives that have been examined and rejected or to bring in alternative analysis, and the concept of coordinating and integrating NEPA and MSA has been there for a long time. The preceding section lacked the specificity that Don and his group, his staff, have put together here, and again, I commend them on that because I believe they've come up with something that will work, so thank you.

Rick Robins: Thank you, Herb. Chris Oliver.

Chris Oliver: Yeah, and I very much appreciate Don taking the lead on this, but I do have some comments and a couple of clarifications. When I saw the language in the Congressman Hastings bill, I thought that was a very simple, straightforward fix, but I also realized that that simple, straightforward approach is probably going to generate a tremendous amount of opposition and probably a low likelihood of success and that this approach, where we actually bring in the components of NEPA into the Magnuson Act, may have a better chance of success.

I wanted to talk a little bit about this alternative issue. You know, we used the 7,000-page programmatic as an example, and it wasn't just the length. Part of what contributed to the length is we were essentially compelled to analyze a no-fishing alternative in a fishery that accounts for half the nation's seafood catch. No groundfish stocks are overfished, and we were compelled to analyze a no-fishing alternative. I think under Magnuson process, in the absence of NEPA application, we would not have done that.

We alluded to this issue of alternatives being added after the fact, and I hesitated a bit to bring this up, but I'm going to 'cause I think it's a very fundamental example of an inconsistency. I've heard it said there are no conflicts between NEPA and Magnuson; there are no inconsistencies. Well, I mentioned yesterday the very positive, good news story of our Steller sea lion resolution, or at least resolution for the moment, that when the Agency was – I'll try to be brief.

When the Agency was under a court order to prepare an EIS to, under pen, support the additional fishing restrictions that went in place in the western and central Aleutians a couple of years ago, the judge subsequently ordered the Agency to develop an EIS, and the Agency, to their credit, came to the Council and said, "We'd like you to participate in this." I suppose they could have gone and just done it themselves as a Secretarial plan, but they came to the Council and invited the Council to participate, and the Council availed themselves of that offer, and we went through a lengthy process with our Steller Sea Lion Mitigation Committee, and ultimately, the Council to – and at that point, it became a Council process document, EIS. And we developed a specific alternative – we considered and reviewed and adopted a range of alternatives, including, last April, a preliminary preferred alternative, and then in October, the Council took final action on that alternative. As I mentioned yesterday, we recently learned that the biological opinion said that works. There was no jeopardy or JAM, or jeopardy or adverse modification, finding. So presumably, that alternative is going to be approved by – when the final EIS is issued later this month, presumably, that'll ultimately be approved by the Secretary.

Well, we also just recently learned that, subsequent to the Council's final action in October, that the Agency decided to add in another alternative to the analysis and to the final EIS that was essentially identical or almost identical to a very restrictive fishing alternative that had been considered and rejected by the Council. So that has been added back in, and I fail to see how that doesn't provide a pretty good example of an inconsistency where the NEPA process is essentially subsuming the Magnuson process. So that's the example we alluded to, and I don't want to blame – or I think the Agency may have had a very good reason to add that back in. That's not my point. My point is the fact that they did so, to me, illustrates a fundamental inconsistency with NEPA and the Magnuson Act and an

example of where it's essentially subsuming the authority of the Council under the Magnuson Act.

So that's the example that we alluded to there, and so I just wanted to point that out. I think, I'm hopeful, that this approach can gain some support where we're clearly not trying to circumvent the underlying intent in the environmental protection of NEPA, but trying to bring this whole thing back into the Magnuson process, so thanks.

Rick Robins: Chris, thanks for that clarification. Are there other members of the working group that'd like to comment on this? Kitty?

Kitty Simonds: Well, like others, I'd like to thank Don for taking this on. We've been discussing the NEPA issue for I don't know how many years now, and as we said at the last meeting in February, we thought that the word "exempt" is not a good word to use because we don't want to be exempted. We want to be consistent, and so we applaud Don and, of course, recommend the CCC to accept this.

Rick Robins: Chris.

Chris Oliver: Just to be clear, I guess I'm not afraid to use the E word. If we go this route – if this were ultimately adopted and passed by Congress, I think it would exempt us from NEPA. It would bring all those requirements into the Magnuson Act process, and we would no longer be subject to NEPA. I just want to be clear that that was my understanding.

Rick Robins: Don, to that point?

Dr. Don McIsaac: Well, just one maybe final angle. I don't want to beat up on the current NEPA process too badly here, but the current process gets to a determination of significance that has resulted in an EIS being called for, for almost everything. John Coon, who's our longstanding Deputy Director, said in 1970 when NEPA first came around, it was for nuclear power plants and for dams, and not for bag limits in the groundfish fishery. But it's now come to the point where we're doing an EIS every two years for routine groundfish measures. We hope our programmatic approach will ease that up a little bit, but we're not sure, and it seems like anytime anybody calls out the word "significance" and talks about it long enough, it turns into an EIS.

We have what is turning out to be a pretty successful IQ fishery in our groundfish fishery that had an EIS, and now we're looking at putting cameras on some boats as part of an electronic monitoring program, and just putting the cameras on the boats, we're hearing, "No, that's going to require an EIS to do that." So I think a lot of the problem here gets to some of the guidelines that have come into play, not the original intent of a real thorough and robust analysis, and that's something we've got to try to get out of, is constantly – the time and the delay is just severe. I guess I'll just say that.

Rick Robins: Thank you, Don. Now, with respect to the – I had one question regarding the consolidation of public comment guidelines. Would that have the effect of limiting public input in the process or simply deserving those opportunities for public input?

Dr. Don McIsaac: Well, thank you, Mr. Chairman. I think that it does limit it compared to what it is now, but I would sure not call it limiting in terms of the public having a chance to comment. So I mentioned there were eight separate public comment periods in maybe one example. So when the Council decides to take up something, there's a public comment period. When they decide a range of alternatives, there's a public comment. When there's a preliminary preferred alternative, there's a public comment period. When there's a final action, there's a public comment period. But then when you go with the DEIS, there's a public comment period on the DEIS afterwards. When that's over, there's an FEIS and there's a public comment on the FEIS. There's a Magnuson Act 60-day public comment, and then there's an APA public comment period as well.

So does the public really need all of those opportunities to actually say their opinion on what really could be not an enormous fishery management action? So to that extent, I'd say, yes, technically it limits, but it shouldn't be limiting if they're paying attention.

Rick Robins: Don, thank you. John Bullard.

John Bullard: Don, thank you for the report and to the members of your working group. At the outset, you said under the current system, it takes a little – you measured it in days, but I think it was a little bit less than two years to turn out a fishery management plan. I have a question, which is under the

scenario that you laid out where you combine or fold in the intent and workings of NEPA into Magnuson, I wondered if you'd calculated, if that were to come to pass, how long it would be.

But before you answer that, I'd like to just give a comment or two, and that is, as I mentioned yesterday, I think we're going to discuss a little bit about climate change this afternoon. When the three Atlantic Councils and the Atlantic States Commission held a session on the impacts on management of climate change, one of the conclusions was that climate change is going to force us to act faster, and we're going to have to do fishery management plans a lot quicker as stocks get on the move.

So if we have to do fishery management plans in a year instead of two years, a year seems like a reasonable amount of time. As you point out, one of the disadvantages of two years is everything gets out of date. Not just the science gets out of date, but the public comment starts to get out of date. I mean, I changed my opinion in two years, and I don't even remember what opinion I had of Rick Robins yesterday.

[Laughter]

He might even be my friend today; I don't even know. So what you're talking about if you talk about climate change and a state of emergency, 400 parts per million, it is a time for response, and if you have to act as if it's a state of emergency, then in normal times a hurricane approaching the coast or something, you do things that an emergency requires. Oftentimes, that involves increasing risk – increasing legal risk, increasing environmental risk, but what you're proposing in this plan, as I see it, doesn't involve increasing risk because you're folding in the intent of NEPA, so it's not about increasing environmental risk because you're becoming more efficient. At least that's what I see the intent. You're just wringing out the inefficiency of a system that has, over time, just gotten arthritic.

So I just want to know if you've figured out the time scenario of this system; if it's combined, how long would it take?

Dr. Don McIsaac: Well, first, let me see that you're correct on your assessment of – is this intended to increase the risk? No. It's intended to be risk-neutral at the

best, and if there's efficiencies, you might actually even do better than risk-neutral if you're using more current science and that kind of thing.

The example that I used of some 630 days or whatever that was, I chose one example that was four-Council-meeting process. I could have chosen another example here that was 725 days, and I imagine if you looked around the country, depending on how many Council meetings or beforehand, and if there were problems with the EIS and internal review by the Agency, that there's probably examples that go beyond 700 days for a full process. But in my example, which I tried to pick one that was more typical, that didn't have the normal problems, it would cut off between four and six months off. So if it was a two-year process of four meetings at the Council table, maybe from two years to a year and a half. But if you don't have a four-meeting Council process, if you're doing some regulations that are a two-meeting process and you cut four to six months off of that, then you can get some even better expediency.

Rick Robins:

Sam Rauch.

Sam Rauch:

Thank you. I have a number of thoughts about this, so I apologize in advance for the length of my comments. The one thing I want to say at the outset is I do appreciate the work that went into it. Don, you said repeatedly that this was a hurried effort, and it doesn't look like it. It does look like you guys spent a considerable amount of time thinking about this issue, and so I commend you on that. What you've proposed here, to put NEPA into the Magnuson Act, is not all that different than some proposals the Bush administration was considering before the last reauthorization. The Bush administration ultimately did not go down this road, but thought about doing this. So some of the comments I want to share with you are some of the reasons the administration decided not to do that.

The first issue, which is this is a little more appealing for a number of reasons than a complete NEPA exemption in that you recognize the value of the analytical process that NEPA provides and you're trying to incorporate into the Magnuson Act, but many of the complaints that you have about the current process with a range of alternatives, the length, I don't know how this solves that.

Let me use the range of alternatives as an example. NEPA requires you to consider a reasonable range of alternatives, right? It is not so the Council

proposal here would incorporate that directly. You are concerned that you're being forced to analyze alternatives that are not reasonable or that other people are adding that in. If you merely take the existing NEPA requirement for a reasonable range of alternatives and incorporate that into the Magnuson Act, I don't see how that solves either one of those two problems.

If there is an alternative that you consider off the table but we think NEPA would require and so it needs to be analyzed, we're still going to think that. And when you come to us with a management action that doesn't include it, we're going to send it back to you and say, "There was an alternative that NEPA would have required now that this provision would have required that you didn't analyze." So I don't think that this solves it. I do think that there is an inconsistency by saying we fully support all the NEPA analytical requirements, and yet, we don't because we don't want to consider alternatives that NEPA would require us to consider.

This was part of the reasons that the Bush administration ultimately abandoned this approach, because it didn't get them anything. Because all you were doing is taking a NEPA process that you were complaining about and then making it a Magnuson process, but not solving any of the problems that you're complaining about.

I think that another reason that, ultimately, the administration abandoned that approach or any other approaches in (inaudible) where we were is that the ills that were proposed weren't really that significant. We had – historically, in the '90s, the Councils had done a poor job – and the administration – done a poor job in incorporating NEPA requirements into the Magnuson Act or doing NEPA for Magnuson Act-related issues, and maybe it was because we believed NEPA needed to apply to dams and power plants and not to managing fisheries, but then a number of courts told us differently. So we made a consistent effort, starting in the late '90s, to incorporate that more broadly. There was a budgetary initiative, and the Councils currently get NEPA money to do that, and our litigation record improved but you all know that it required us to do more.

So when 2007 came out, the question is should we have an exemption, should we do all these? We were challenged, or the administration was challenged, that one, what are the real problems. And you could come up with theoretical problems; you could come up with a theoretical timeline

delay, but when you came down to examples, it wasn't really NEPA that was causing the problem. And we couldn't come up with any real examples. I will tell you that continuing to cite a 6,000-page document that was done a decade ago, before the last reauthorization, is probably not a very good description of the ills of NEPA's causing you today. I'm interested to go back and look at the reasons for your 635-day delay and determine whether it was really NEPA that caused that problem or whether it was an issue with either the Council or the administration not fully embracing NEPA to begin with, and some of those things might be solved.

My experience is that usually, NEPA is not the problem. So we will look at that. I've talked to Congress and others, and we've been unable to find credible examples of where NEPA was the problem that had survived that kind of analytical approach, so I'm happy to look through that.

You talk about the expense. Well, it does require some more expense, but there's also budget line that the Councils get to pay for that expense, so the question is, is it requiring more expense than the budget we've currently allocated the Councils to do that? I don't think this answers that question. I think that's a question that's legitimate, so – and I don't know just because it's expensive to do and it takes time to do. We've allocated resource to do that. Is it enough? I don't know. I think that's a question we have to answer.

The other issue that we had – and we've dealt with this a lot. We had a proposed rule that tried to do some of these things. As I said, the last administration tackled this. One issue that has arisen about incorporating the public comment into the Council process, I would agree with you that, to some extent, there are duplicative comment periods, and I think we try very hard to make them run concurrently so that they don't have to even if you have to do these comments, they won't result in a delay. We're not always successful at that, but I think that we can do that and we can take more advantage of that.

But we heard a lot of criticism about running the NEPA public comment through the Council process because many people believe that that process is – as open as it often is, it is not accessible to all of the stakeholders who want to comment on that, and so we've – that was an issue that we faced. And I'm not suggesting how you might deal with it, but you should be

aware that that issue's likely to be raised again with this process if you take the public comment and say it all has to run through the Council process.

So let me just sort of wrap up this. I do think it is more credible to do it this way than other proposals I have heard. I am still somewhat concerned that this doesn't really save you anything. The only thing I really think this saves you is perhaps the timing issue because you do collapse the public comment. I can see that, but I don't think that you can, on the one hand, say credibly that we want to retain the analytical requirements of NEPA and do that, which this does, and then say that you're going to get savings from the range of alternatives or other things 'cause you're just importing NEPA into the Magnuson Act. All those things that are causing you concern right now are there. I mean, NEPA requires a reasonable range of alternatives. I don't see how you're going to avoid looking at those same alternatives just because it's now a Magnuson Act requirement. So that's my comment. Thank you, Mr. Chairman.

Rick Robins: Thank you, Sam. Don?

Dr. Don McIsaac: Thank you, Mr. Chairman, and thanks, Sam. That's the kind of frank dialogue we were hoping for in a discussion here that we'd like to hear about early on. Maybe if I could ask Jim to – I see you've just about got it up there, the Figure 1. Now, if we could look at that, and let me save a range of alternatives, a response to some of the comments on range of alternatives for a little bit later.

So if you want to scroll up to the very beginning. Keep scrolling, Page 8. So in terms of theoretical time problems, maybe NEPA really didn't cause the time delay on some of this, although you say collapsing the public comment periods could help. Just to show our thinking on this, so to orient yourself, on the left side, we have the NEPA process. "What if it was just NEPA?" And then the Magnuson Act, "What if it was just Magnuson?" So the big dotted arrow that you can't see, talks about, a little, the scoping process. So under Magnuson, one or more Council meetings to think about things, initiate it, adopt a range of alternatives. Council refines a range of alternatives in the second balloon, adopts a preliminary preferred alternative, and then Council considers a draft DEIS and takes final action.

On the left side, you see – no time savings there. NEPA requires some good scoping as well. After the Council's over, the Council staff completes the DEIS, or in our Council area, that's usually what happens, and submits it to the Agency. Then you have internal review, including the PPI review. Revise a process; where the DEIS is revised is necessary, and then it's filed with the EPA with a Notice of Availability. That's not required by Magnuson, so there's a couple of steps that, if NEPA wasn't around, that wouldn't take too much time.

I know you're going to think, "Well, wait a minute –" we lined these things up a little bit, so let's go to the next – Page 8, and for that DEIS, there's a public comment period of 45 days. Afterwards, the Agency responds to comments and revises, and the Council staff in our area typically helps with the response to comments. Submit an FEIS for internal review; that takes some time to build that internal review, including another PPI review. Revise the FEIS as necessary; file that one with the EPA and send it out in the Federal Register. So if there was just Magnuson, now the Council – the next step if you were just Magnuson was to transmit to the Secretary, the Secretary has a look at it, and within five days, issues a 60-day public comment period.

If you can go to the next slide, now, NEPA still requires a public comment period for the FEIS. Then they got to take some time – any agency would have to take some time in preparing a Record of Decision. You got to take a look at this next round of comments. Magnuson requires a 60-day comment period, and you're right; typically, now that gets backed up somehow so that the signing of the ROD, if it's done most efficiently, the Record of Decision thing is where you start to back up the clocks and you try to match these up. But in terms of the theoretical time delay, Magnuson has 60 days after an immediate turnaround, so there's 65 days, and then 30 days afterwards to do that.

So when you add up all the NEPA's side, it does come to a little bit more time than it would otherwise just be required by NEPA. Some of NEPA business takes more time in the Council process before Council final action, but by calling for early input, maybe that's not a big aggravation of time. But anyway, that's our thinking on how this – not just a theoretical time problem, and when all of those comment periods can't be aligned symmetrical or there's problems inside the Agency that take more than 90 days – 60 days public comment period and 90 days for the Agency to sort

out all those problems, in NEPA, that time is available and gets taken, and can take up to a year, where under the current Magnuson Act, it isn't there.

So with regard to the expensive nature of it, maybe the point I'd make there was it's expensive in terms of staff, time, and money, but the point in the White Paper was it's also expensive in terms of opportunity costs. So if it didn't take this long to do it, the Councils could move on to some other pressing problems.

One comment on the range of alternatives – you didn't see anything in the White Paper that said we don't want to have a reasonable range of alternatives. You have heard there's been some arguing in the past about if that alternative or that one over there is really reasonable and needs that kind of thorough analysis, but the proposal here does expect that the National Marine Fisheries Service would bring up, in their Council seat at the Council table, their opinion of a reasonable range of alternatives, and a reasonable Council will select a reasonable range, and so we don't see that as a proposal stumbling block, really.

Then running NEPA through the Council has been a criticism to some people that maybe it's not accessible to all. So I presume you're talking about the folks in Nebraska and the folks in Iowa who can't come up to Nome to go to the Council meeting but they are concerned about what's going on. How do they get their comments in? In the NEPA line over there, there's Federal Register matters that say you can do that. Well, I don't know if we have that public comment period in here, but it would seem to me you could take care of the folks in Nebraska and say we have to publish when we transmit or make that available to the cast of millions through the Federal Register process, so if someone really said, "This is short circuiting the guy in Nebraska," I don't see that as an insurmountable problem. Just my immediate reactions for the benefit of the discussion.

Rick Robins:

Sam.

Sam Rauch:

Yeah, to that point, I will concede, and it does seem apparent, that this process would result in some timing savings because, as much as we try to make all these things run concurrently – and we are successful some of the time. Some of the time we're not for various reasons, and this would do

that. But to the extent that some of the delays are caused by the need to analyze different alternatives, I don't see that there's any savings there because all you're doing is incorporating that – the currently required NEPA analysis in the Council process, you still have to analyze that. To the extent that your cost is created by having to analyze NEPA-required things, this doesn't result in any savings 'cause you still have to do that, and that's my point.

But I will concede that, to the extent that your cost is created merely because of the time and the sort of sequential nature of the comments, it would save that time. So this would be a quicker process, but I don't think it would result in a whole lot of savings 'cause the analytical requirements – my understanding of your intent – are still there.

Rick Robins:

Doug.

Doug Gregory:

Okay, an important point here is that the NEPA process is separate from what we do. We have a great relationship with Regional Office. We have what we call IPT, Interagency Planning Teams that – where the Council staff and the Regional Office staff jointly write our amendments and review one another's work. The NEPA person sits on the side, criticizes, doesn't write, doesn't participate, and when we're negotiating what to do, how to do this, and even when we've had NOAA General Counsel agree with, let's say, the Council's perspective on a certain thing, the NEPA person's quiet. There's no resolution to anything because all that person's concerns come back to the forefront at the final stage where there's this internal review between NEPA and NMFS that the Council's not involved in, and so what happens is, we spend an inordinate amount of time trying to address issues that cannot be resolved, that come up repeatedly at every IPT meeting.

So the frustration and the time that's involved in dealing with that is very problematic for us, and we'd gladly give up I think the \$86,000.00 we have if we had a more integrated process. If this was integrated into Magnuson, we wouldn't have a separate process overseeing and criticizing what we do. It would be integrated and we would resolve these differences between NOAA General Counsel, Regional Office staff, and Council staff. Right now, these differences cannot be resolved, and I think that's the problem because it's a process that's perceived to be above and apart from the Magnuson process, and that's where our problems come in.

We haven't had the problems that other regions have had with the final stage, but it's the development of our amendments where we really get bogged down, and it's been very frustrating for our staff. So if it was integrated, then I think we could deal with it more efficiently.

And this process that's outlined here assumes that everything goes smoothly. There's no kickback. You know, here's the major conflict here or major issue here, and then NMFS has to kick it back to the Council because of that. So if it was integrated more with Magnuson, then the Councils and the Regional Office staff can deal with things and resolve them more efficiently. That's the big concern we have in the Gulf.

Rick Robins:

Tom.

Tom Nies:

So I'm glad I got the mic first 'cause I want to claim Doug's \$86,000.00. *[Laughs]* But I had a couple questions, and if I might direct these to Don, of course, one of that – I really like this approach because much of what Doug said. We have similar issues dealing with NEPA at the Council level on a day-to-day basis, but I'm not willing to give up my \$86,000.00.

[Laughter]

But with relation to this, one is sort of a philosophical question. We've always been told that NEPA is actually the Agency's responsibility by writing and so complying with those elements in there, by shifting this into – my first question is by shifting this into the Fishery Management Council, are we aware or do we attend to shift the responsibility for completing these types of analyses to the Council? Is that sort of the intent of this approach?

And a second question is a little bit more technical or detailed, I guess, in that the CEQ regs describe a lot of stuff that we have to do to comply with NEPA that's not actually in the act, and it creates a hierarchy of an EA and an EIS and some other things in there. Do you envision that there would be some sort of similar implementing structure that the Agency would impose through regulations where we would have, perhaps, different levels of documents like an EA and an EIS, and would be sort of defining the steps that have to be done to comply with these elements?

Dr. Don McIsaac: Let me take that last one first, and Jim, if you could scroll to the actual highlighted language and Number 4 – or I guess that’s the page prior to that. So the current implementing regulations have a lot of volume to them. I think the actual NEPA law is – I think Kit Dahl told me it’s 100 pages or something like that. It’s very small, and the policy part of it’s, like, 25 pages. All of these implementing guidelines are lots and lots and lots of pages, but it does have EIS and EA and different tiers of this and that. So Number 4 here, the proposal is just to have two – a Fishery Impact Statement that is all the required analysis and then if there’s something so minor that it doesn’t really require a range of alternatives, a cumulative impact analysis and all the rest, that under Number 4, the Councils shall propose some criteria that identify what is minor and what doesn’t need a fishery impact statement subject to the Secretarial approval.

Then Number 5 gets to maybe your bigger questions: what about all the exact regulations of what do the Councils have to do, when do they have to do it, and what do we expect from support from the Secretary in terms of scientific, technical, and legal advice at an early stage, and more regulations and guidelines on what exactly does the Purpose and Need Statement and that kind of a thing. This Number 5 is a proposal for a separate process where the Councils, maybe the CCC, puts together some proposed guidelines that would substitute for the current NEPA huge volume list of guidelines, which would no longer apply because Number 6 says that if you do all this stuff, NEPA is satisfied. So the world of NEPA is gone if this proposal goes through. Magnuson applies only – Magnuson is to have all the essential elements of NEPA, and then Sections 4 and 5 are to build the requirements in more detail. The devil’s always in the details, as we’ve heard, and so we’re not going to try to put all those details in the act, obviously. Steps 4 and 5 come up with those. That’s the proposal.

With regard to your question, does this shift the document over to the Councils, I think the answer is yes, and that it would be under Magnuson. The analytical document justifying Council final action would be the responsibilities of the Councils. The National Marine Fisheries Service is a player at the Council table and the establishment of the SSC is a Council thing. But who’s on the SSC? A lot of times, it’s National Marine Fisheries Service staff.

So the act also says the Secretary shall provide the support. Thanks for Sam saying he'll take care of all the expenses. I think that's what he said earlier *[laughs]*, but if he didn't mean that and the Council says, "We can't prepare an FEIS; we would like to ask the National Marine Fisheries Service to do that," that's probably not that much different than occurs now at the Council table if the Council says, "Could the National Marine Fisheries Service please bring in this initial analysis? We're thinking of initiating something." But what it would do is change it from the analytical document being a National Marine Fisheries Service document after Council final action and can add things in that the Council never considered, and a Record of Decision being made based on things that the Council never had in front of them at the time of final action.

Rick Robins:

Don, thank you. I think Sam's commitment was memorialized in our searchable audio archives.

[Laughter]

I'll go to Chris Oliver now.

Chris Oliver:

Yeah, Sam made some great points. In fact, one of my initial reactions to this was, "Well, we're just shifting the whole inefficiency over here." But I think there's a subtle – not so subtle – a subtle, but important, distinction. I would agree with you, also, that the problem may not be so much NEPA itself, but frankly, the gross over application of it, and I was under a perhaps naïve assumption that if we did this, this whole issue of determining the alternatives would be back in the Council's court, so to speak, and maybe we need to clarify that it's a reasonable range of reasonable alternatives.

We spend half the time – what I would call NEPA delay is before Council action in the development of the analyses because we're wrangling back and forth with GC on creating contriving unnecessary alternatives. That's why I think the decade-old 6,000-page programmatic is precisely a relevant example still, because of the no-fishing alternative, again, adding alternatives after Council action that the Council felt were unreasonable alternatives. That's why I think there is a big difference in what we're doing now under NEPA and what we would do under this approach, or there could be.

Rick Robins: Thanks, Chris. So what's the pleasure of the group on this? Don, you're asking us to consider adoption of the working group paper.

Dr. Don McIsaac: Thank you, Mr. Chairman. Yes, that's the question before the group, is there's a concept White Paper here that's draft. If it's a pleasure of the group to finalize this and complete it and make that available to anyone who asks as a recommendation from the CCC, I guess that would be the next step, if that's where the CCC wants to go.

Rick Robins: Thank you. With respect to that, what is the pleasure of the group? Don, do you want to offer a motion to that extent?

Dr. Don McIsaac: Thank you, Mr. Chairman. I would move that the CCC task Workgroup 2 with completing what's described here as a Draft Council Coordination Committee Concept White Paper integrating National Environmental Policy Act compliance into the reauthorized Magnuson-Stevens Act, submitting that for a round of approval to each of the eight Councils, and after that process, formalizing it as a CCC position.

Rick Robins: Is there a second to that motion?

Eric Olson: Second.

Rick Robins: Second by Eric Olson. Don, can you clarify that review process? So the working group would finalize the document. Would that then be circulated back around to the CCC?

Dr. Don McIsaac: Yes, similar manner as the previous one where the letter –

Rick Robins: The letter, right. Okay.

Dr. Don McIsaac: – would go out where everybody'd take a look at, so that kind of just final review so everybody's comfortable with the changes that were made in finalizing it.

Rick Robins: Okay, discussion on the motion? Is there any additional discussion on the motion? Seeing none. Is the CCC ready for the question with one vote per Council? All those in favor, please indicate by raising your hand. Eight. Opposed, like sign. Abstentions, like sign. Motion carries. Thank you, Don.

Don, do you have a follow-up report on the other components of the federal statute?

Dr. Don McIsaac: Thank you, Mr. Chairman. As I indicated, the Western Pacific Council's been most active in this. Maybe Kitty can make the appropriate introduction.

Kitty Simonds: Yes. Thank you, Mr. Chairman. Asuka, our Protected Species Coordinator, will walk us through the paper that we have for you. As you know, in our region, protected species, there are our issues unlike other Councils from the very beginning of our Council, so I think that other Councils are slowly being involved in protected species issues over the last several years, but we have been from the very beginning. So it's very dear to my heart.

Rick Robins: Kitty, thank you. From a time standpoint –

Kitty Simonds: (Inaudible).

Rick Robins: I'm sorry?

Kitty Simonds: (Inaudible).

Rick Robins: Well, I was going to break at 12:30 if that's something that we can get through in that amount of time.

Kitty Simonds: I think so.

Rick Robins: Okay, if we can go ahead then?

Kitty Simonds: Yeah.

Rick Robins: Thank you.

Asuka Ishizaki: Thank you, Kitty. So up on the screen is the concept paper for the CCC that has been posted on the meeting website. The idea here is taking a concept that was included in the House Discussion Draft and using that as a jumping off point to look at MSA consistency with other federal statutes that include ESA, MMPA, the Sanctuary Act, and Antiquities Act.

Jim, if you can go to the last page of this document. So on the third page, as an Appendix 1, includes the House Committee's language on this matter, and what they had proposed in their original discussion draft was adding a new section, Section 5, that's entitled, "Ensuring Consistent Fisheries Management Under Other Federal Laws," and including two different provisions under it, one of which dealt with Sanctuary Act and the Antiquity Act in particular in mentioning that, in any case of any conflict between this act and these two other federal acts, that the Magnuson would control, and a second provision dealing specifically with ESA, and it mentions that to ensure transparency and consistent management of fisheries throughout their range, any restriction on the management of fishery resources that is necessary to implement a recovery plan under the ESA shall be implemented under Magnuson.

Our Council, Western Pacific Council in particular, in general, supported this concept, but we had several additional comments for this. Jim, if you can go back to the first page, please. In particular, there were a few additional concepts that we wanted to explore. One is that the House Discussion Draft only dealt with the Sanctuaries Act, Antiquities Act, and ESA. From our experience, and I'm sure from the other Councils' experience, Marine Mammal Protection Act is another federal statute that affects federal fishery management in a significant way, so that was an act that we felt should also be considered in any kind of concept such as this. Another – probably relatively minor – one that we also thought could warrant consideration was the Migratory Bird Treaty Act, the MBTA. So considering these other federal statutes in this concept, we thought, would be warranted.

The second point that we wanted to raise that in the House Discussion Draft, the provision regarding ESA was limited to fishing restrictions necessary to implement a recovery plan. That language, to us, seemed to be very extremely limited. For one thing, a lot of the federal fishing restrictions that affect MSA really come from the Section 7 consultation rather than directly implementing a recovery plan. Some of the species that we're dealing with may not even have a recovery plan, for instance. So one of the considerations is that if anything regarding ESA is considered here, it should not be limited to the recovery plan and that it should apply to ESA in general.

On the third point for consideration, if you can scroll to the next page, Jim, at the top here is that perhaps these two different provisions could be consolidated into a single provision that addresses all these major federal statutes that affect fishery management.

So the crux of the matter of all of this is, again, similar to the NEPA discussion, is not to exempt the MSA process or the Council process from all these other federal statutes. This is to ensure transparency and consistency with management measures that have been implemented through the MSA FMPs, FEPs that have been developed under the MSA. So again, it's not trying to create an exemption; it is making sure that any federal fishery management measures that are required or necessary under these other federal statutes go through the transparent Council process and are consistent with the national standards under MSA. So that is the bottom line idea of what we're trying to do here.

So all of that said, the proposal that we are putting forth is similar to the House Discussion Draft in adding an entire section to the MSA that includes a single provision addressing all major statutes that affect federal fishery management and to ensure that any fishery restriction necessary to implement other federal laws are developed under the transparent Council process established under MSA Section 302 and consistent with requirements and procedures established under MSA Sections 303 and 304, and we specifically specified these sections because there are ways that the Council process can be bypassed by implementing measures under, for example, 305(d) of Magnuson, which is an experience that we had with MMPA Take Reduction Plan measures being implemented under 305(d) and effectively changing a long line of exclusions that we implemented under our Pelagic FMP, 20 years ago, was moved using the 305(d) without any Council votes on the matter.

So the language here is a suggestion. Again, as Don mentioned for the NEPA discussion, we didn't have too much time to hash these out, so this is really language that's being put up here for CCC discussion. So what we propose is to add Section 5, ensuring consistent fisheries management under other federal laws, and under that, a provision would read, "Fishery restrictions under other federal laws – to ensure transparency and consistent management of fisheries throughout their range, any laws, regulations, or Agency decisions necessary to implement the National Marine Sanctuaries Act, Antiquities Act of 1906, Endangered Species Act,

Marine Mammal Protection Act, and Migratory Bird Treaty Act that affect the harvest of management unit species, fishing effort, fishing areas, or gear otherwise lawfully allowed under the MSA shall be implemented in accordance with procedures and requirements established under Section 302, 303, and 304 of this act.” And I’ll leave it at that and turn it back to you, Kitty.

Kitty Simonds: Thank you. Discussion?

Rick Robins: Thanks. Sam.

Sam Rauch: Yeah, thanks. I think that this provision, as the earlier House provision, is somewhat problematic for a number of reasons – and I will set the substantive parts aside, although I think we do have some concerns, but it is unclear, at least the way this is drafted, what we’re really doing. Let me give you some examples. If the idea is that anything that we would have done – that NMFS would have done – to restrict the harvest – so for instance, there is a turtle exceedance and some trigger is met and we have to put some restrictions in, and if the intent is we would run those as Magnuson Act regulations instead of ESA regulations, that’s one thing. But the way this is drafted, it doesn’t just apply to NMFS actions; it applies to actions of other federal agencies as well.

For instance, we consult on the Columbia River with a number of federal agencies that operate dams up there, and we issue a biological opinion and tell them how to operate those dams. Well, the way they operate those dams clearly affects the harvest and the fishing effort downstream and in the ocean because it affects the number of salmon that are released. What this says to me is that those restrictions cannot be implemented by the Corps, but now the Council has to run through the Magnuson Act process as opposed to whatever process the Corps and Bonneville Power use to do that. I don’t necessarily think that’s your intent, but that certainly seems, to me, the way I read that, because of the very broad things this applies to any laws or regulations or Agency decisions.

Currently, the National Marine Sanctuaries Act gives the – as you well know and are not very happy about, I’ve heard from you – gives the sanctuaries the ability to designate regulations for fishing in the sanctuaries. There is a consultation provision, but ultimately, they get to do that, and I know that many Councils are not satisfied with that process.

This would seem, to me, to take that authority away. I'm not sure it really does that at the end of the day.

I'm also concerned that once you bring whatever these regulations are into the MSA process, you're only doing it partly. I take it as by design, and I understand it's by design, that you don't include 305 in here, which is our ability to do generic regulations, and I think that's a substantial concern 'cause what that means is you can't act quickly. You have the potential for having a situation for an emergency affecting an endangered species, and they are endangered and at risk of extinction, and we would not have an ability to react except through a lengthy Secretarial amendment process or a Council process, and that would be a concern.

I also, though, it's not clear to me, given that currently, FMPs have to be consistent with other applicable law, that this actually does anything. I don't know how this interacts with the requirement that Magnuson Act regulations must be consistent with other applicable laws, how this does. And I asked Adam to look at that earlier and to give me some advice, which he hasn't yet, so I'm going to ask him to share it with all of us as to how this would actually work in the Magnuson Act context or not work. And if I could ask the indulgence to have Adam share a few words with us.

Rick Robins: Of course. Adam.

Adam Issenberg: I think Sam already referenced the major issue, which is how does this interact with the requirement to comply with other applicable law. There's the reference in there to otherwise lawfully allowed under the MSA – it just went away – but things that are otherwise lawfully allowed under the MSA must be consistent with other applicable law, and that requirement is embedded in Section 302 and in – well, not in 302 – in Sections 303 and 304, the other applicable law requirement is embedded in there. So it seems to me that this, at least as drafted, raises more questions from me than it answers, and I guess I would just say in terms of how a court might look at it, I think a court would probably look for clarity in terms of resolving that tension between this provision and the other applicable law provision. I don't think that clarity is there.

Rick Robins: Thank you, Adam. Kitty.

Kitty Simonds: So this is good because this is the first draft that we put together. I assumed, of course, that we were going to go into another working group session on this because for one of our other provisions, we run it through the lawyers, and we didn't have time to run this through the lawyers like we normally do if we were going to do something. So that's what I would ask the body to do, if anybody else doesn't have any questions, that we agree to throw this back to a working group so that we can answer some of these questions and work on it a bit more.

Rick Robins: Kitty, you're making my job very easy, I think. Yeah, it sounds like, based on the concerns that have been raised, there are issues with scope that need to be considered by the working group. Tom, you had a comment. I'll go to you and then maybe we'll just remand this back to the working group for further development.

Tom Nies: Just a quick question for Kitty, if I might.

Rick Robins: Sure.

Tom Nies: Is the idea here, then, that if a take reduction team comes up with a proposal, then that proposal would go through the Council to be implemented? I mean, there's no intent here that we would be taking over running take reduction teams, is there?

Kitty Simonds: Ah. No, but we did have a similar take reduction team for years until the NMFS was forced to form a take reduction team and the same people were on it. But no, we don't want to take over that job, but we just have so many instances where – and that was one of the biggest ones that she gave, where our closure was totally changed and totally ignored us.

So we have to have something in there that allows us to have a say in some of these things, and I was just trying to think of another example – oh, well, just the BiOp example, for us, is we're not given the BiOp to review. I have to get BiOps from the industry and then I review them, and then I call up the Regional Administrator and say, "We have concerns with this. This is wrong," whatever, blah, blah, blah. Well, I think that's totally insulting, and I know that our GC has advised the region to work with the Council on many of these kinds of things, but we are ignored.

I was trying to think – yeah, the other example was, I think two years ago, it had to do with a BiOp, and so I said, “Can we be involved? I’d like to be involved in the very beginning,” and the answer was, “No. We’re just going to report to you.” Then, two meetings later it was, “Hey, Kitty, we need to put this on your agenda because we need the Council to approve this or we could get sued,” or whatever, so I go, “That’s why I told you to include me in the consultation because I don’t like this business of just coming to me and saying, ‘Oh, well, you got to put this on the agenda because if we don’t have this, whatever.’ I would have said no if our industry wasn’t involved so that they could get back in on the water, but I was forced to say, “Well, of course.” But I don’t like the process and it needs to be changed, so.

Rick Robins:

Thanks, Kitty. I’ll ask at this point if there’s any objection to referring this back to the working group for further development and revision. Seeing none, we’ll plan on that as a course of action. Let’s go ahead and break for lunch. I’d like to start at 1:30 as promptly as we can, so please try to be back here, ready to go at 1:30. Thank you.

6. ALLOCATION WORKING GROUP

Rick Robins: Our first item this afternoon is going to be the output from Working Group 3 on the Magnuson Reauthorization, and I want to thank Terry Stockwell, who was kind enough to chair that working group and all the members of it, and recognize Terry now to go through that. We will consider their output in similar fashion to the way we did Working Group 1. I want to make it clear: if members have any concerns about draft language that you see before you, please speak up and let us know what the concerns are, and if there's agreement and you want to affirm it quickly, we can do that as well; but I want to make sure that we don't stifle the discussion, but give people an opportunity. So I'll turn to Terry to present the results of Working Group 3. Terry.

Terry Stockwell: Yeah, thank you, Mr. Chairman. This is essentially the catch-all working group. You'll see we had quite a laundry list of issues to go through. I'd like to thank all the working group members. We had good representation from New England right through the Western Pacific. I'd particularly like to thank Jason Didden, who's not here today, because he did all the heavy lifting.

We have a very short PowerPoint that just gives a brief overview, and then I'll refer to the Working Group Report that's in your documents, and we can go through them one at a time.

So topics – you see what Chris gave us to talk about. We had a lot of issues, and we have a brief summary on each of them, so go ahead, Jim.

Electronic monitoring. Essentially, because of the diversity of this working group, consensus was a challenge, but we try to take the bits and pieces from all the comments we have, and it's broken down into these bullets. For electronic monitoring, was essentially to encourage, but for the details for EM to be left up to each individual Council, and another important issue was don't preclude the use of this information collected for enforcement issues.

Data confidentiality. Aggregated data is very important for Council decision-making, and if anything, improve data access and don't limit it.

Marine spatial planning. There's more to gain than to lose by not having fisheries data subject to confidentiality, and it was a consensus of the working group that this will be essential to help guide through future spatial planning efforts.

Transparency. The working group is recommending that each Council be required to develop a policy in the SOPPs that makes each type of Council meeting accessible to the public. A fair amount of correspondence went back and forth about the requiring the use of webcasts to the extent practicable, understanding that the Northern Pacific and the Western Pacific have some technology issues, and there's cost factors involved with live streaming and the archiving of data.

Ecosystem management. Single-stock emphasis constrains our future efforts to move towards ecosystem-based efforts. We need more research and modeling resources, and suggesting the update of the "State of Science Report" will activate the ecosystem panel.

Forage fish management. The workgroup concluded that the current language already provides the Councils authority to address forage concerns and that the rapid evolution of ecosystem and forage fishery science makes specificity impractical. However, the working group is recommending creation of a new fishery authority for forage species.

Sustainability certification. It's pretty straightforward of an acknowledgment of all the management successes are important for U.S. fisheries, but keep it simple and not to impact funding and time resources needed for other management issues.

Recreational fisheries. Because major parts of MRIP have yet to be implemented, it's difficult to evaluate the success and failure at this point. Effective monitoring of recreational fishery at scales important to the fishery management is critical for the overall success.

Transboundary stocks. Important to both the Western Pacific and New England, and the working group is recommending in-season quota trading and international enforcement.

State and federal Council coordination. Support for liaison voting. We've had that discussion at the NRCC as recently as several weeks ago and how it'll help us improve our process.

Catch shares. The working group concluded that they're tools that can be used if individual Councils so decide to use them, but Councils should maintain flexibility to develop effective management tools.

National standards. I think we're getting near the end. Somehow reconcile national standards one way or the other, and I'll go through what that means more when we get to the report itself, but also, just a follow-up that if "overfished" is replaced with "depleted" throughout the Act, it's going to likely be more modifications needed to the wording of the national standards.

And I think that concludes the PowerPoint, and Jim, if you could get up the report, we can go through it section by section.

Rick Robins: Terry, can we see real quickly if there's any questions just based on the summary of the working group at this point? Again, I know there's a long list of items to go through, so we'll look to you now if you want to go through the outputs and recommendations.

Terry Stockwell: Yeah, thank you, Mr. Chairman. I don't want to take the time to read all of this if – hopefully folks have read the report prior to coming, and the summaries, there's nothing really earth-shattering here. They are recommendations from the working group to the CCC. One at a time, it just adds the substance to the PowerPoint that we just presented, so I would suggest, given the limit amount of time we have, Mr. Chair, that you – maybe we could scroll down through, one by one, and if there are any comments, we can incorporate them.

Rick Robins: Yeah, I appreciate that approach. I think that's what we'll do. Jim, if you could go back up to Number 1, I'll ask if members have any questions or concerns relative to this recommendation or any objections to those. If you want to take a minute and look through that and let us know if there are any questions. I think your summary slide indicated that EM ought to be encouraged but there shouldn't be a proscriptive requirement in the Act relative to it and allow for sufficient breadth so that the Council would have flexibility in implementing it, right?

Terry Stockwell: That is correct.

Rick Robins: Okay. Are there any concerns with this draft language that appears under Number 1 or objections to it? Seeing none, we'll consider those approved by consent. Number 2, data confidentiality. Terry.

Terry Stockwell: Just – “Any changes to the Act shouldn't limit the Councils' ability to use aggregated fishery-dependent data,” one issue that was mentioned was – came from the New England Council's current inability to review data from individual groundfish sectors in their annual reports, even though the report requirements were adopted in order to provide information on the performance of the sectors. It didn't make sense, so the working group felt that contractors and grant recipients of either the federal governments or Councils that sign confidentiality agreements should also have access to confidential data as well.

Rick Robins: Thanks, Terry. Do members have any questions, concerns, objections in this section? Dorothy, you've been on the electronic monitoring efforts, I know. Do you have any questions or concerns on this section?

Dorothy Lowman: No, I think it's okay. I mean, I think the struggle in some of the draft language was kind of some of the timelines and, again, proscriptiveness, and it might actually delay some efforts that are going rather than make them more rapid, so – and I think that's captured in this.

Rick Robins: Well, I would agree. I think there are a number of points relative to the timelines in the draft legislation that we'll want to address, so thanks. Are there any objections to the recommendations here on Number 2? Or concerns? Seeing none, we'll consider those approved by consent. Number 3. Terry, marine spatial planning.

Terry Stockwell: Sure. Very simply, the working group felt that the more information that the Councils and the industry had would be beneficial. Data would be particularly useful when coupled with habitat classification using remote sensing technologies, as kind of a 30,000-foot overview.

Rick Robins: Thanks, Terry. Were there any specific concerns on this? This is obviously something of interest to us on the East Coast, just given the potential for offshore wind energy development. It very much caught our

attention as soon as we saw it in the House draft. Any concerns or objections? Seeing none. We'll consider it approved by consent. Number 4, please.

Terry Stockwell: Transparency – we've had some discussion about this at our last CCC meeting. In New England, we've had a significant amount of discussion about it given our response to the recent Pate report, but budget problems are very real. Written transcripts are prohibitive. Video recordings of large meetings may not well capture the actual meetings themselves. So the working group is recommending that each Council develop a policy in its SOPPs to describe which type of meetings are accessible to public, and that the use of webcasts be required to the extent practicable, given the different technological opportunities throughout the different regions.

Rick Robins: Terry, thank you. I think this captures some of the concerns that we've had about the costs associated with the different requirements, at least that appeared initially in the House draft. Our Council has searchable audio archives, and I think we've discussed the fact that a lot of us have gone to that. It's a fairly cost-effective way to ensure that there's a good historical archive of a meeting, and a lot of us are already using webcasting, but it was noted, and the working group confirmed here, that you may have bandwidth constraints in certain venues. You don't want that to preclude going to a certain meeting location, obviously, so there needs to be some clause in here that would allow Councils the flexibility to not have to webcast if it's not technologically feasible, but are there any concerns or do members want to offer any adjustments here? Are there any – Kitty?

Kitty Simonds: Well, I just want to say that I think it's good, and that, like with other Councils, it depends on where we are in our jurisdiction whether or not we can do webcasts. Sometimes even the best hotels, the technician goes awry, but we do the best we can.

Rick Robins: Thanks. Any other concerns here? Are there any objections to the draft language in Number 4? Seeing none. We'll consider those approved by consent. Terry, you want to go to Number 5?

Terry Stockwell: Yeah, Kitty, I mean, that was the discussion the working group had, was acknowledgment that, in particular, some of the remote areas need special abilities to be as transparent as possible, and you have to make do with the best you have.

Rick Robins: Well, Kitty, I think we can reflect that in the language of the letter, too, to let people know that sometimes we do want to meet in remote locations and they may not have bandwidth, so. Terry.

Terry Stockwell: Sure. Ecosystem management. The working group recognized that most of the Councils, if not all, are making efforts towards ecosystem approaches, but also recognized that most of the emphasis in the current Act is on requirements to end overfishing and rebuild individual stocks of fish. Certainly, we all recognize that this can, at times, constrain efforts to take a more holistic approach, so the working group recommended what's on the board in the support of helping move forward with the slow, but sure, approach to ecosystem management.

Rick Robins: Michelle.

Michelle Duval: Thank you, Mr. Chairman. I think what's reflected here and the summary statement, in the paper, it's really – it supports what we discussed earlier this morning with regard to some of the comments made by Working Group Number 1 as well.

Rick Robins: Michelle, I appreciate that because I was thinking that, as we craft this letter, we're going to want to marry the output from 1 with 3 relative to this issue because, yeah, there's – I think this aspect of the Act is still somewhat disjointed, that is, between this and the NS1 guidelines. I think it's a section that can definitely be strengthened, and so if we can highlight the need for that through the output of your working group and then follow up with these some of these comments, that should be helpful.

Are there any concerns or suggestions relative to this draft language under Section 5? Is there any objection to adopting this language? Seeing none. We'll consider it done by consent. Thanks. Terry.

Terry Stockwell: Maintaining turbo mode here for you. Forage fish. The working group recommends or understands that – and encourages management to take into consideration, to the extent practical – and extent practical was supported fairly strongly as the current language – takes into account consideration that there is already a provision to address of forage concerns, and that greater specificity is unlikely to be appropriate, given the rapid evolution of the ecosystem and forage fishery science. As the

PowerPoint summarized, that the working group recommended a new authority in the Act for Councils to place moratorium on the development of new fisheries on forage stocks could be useful.

Rick Robins: Terry, thank you. I think our reaction to some of the language in the Senate draft was that it offered a level of specificity that might have been a bit overly specific, but it seems the working group has offered us a broad enough recommendation that it takes that into consideration as well. Are there specific comments or concerns regarding this draft language? Is there any objection to adopting this language under Number 6? Seeing none. We'll consider it approved by consent. Thank you. Number 7. Terry.

Terry Stockwell: Sustainability certification. The working group concluded that the current MSA requirements are some of the strictest in the world, and acknowledgment of this could be important related to U.S. fishery participants' ability to market globally. One recommendation that the working group had is that this process should be kept very simple as not to take away substantial resources from other management needs.

Rick Robins: Eric.

Eric Olson: Yeah, thank you, Mr. Chairman. I just wanted to register a little bit of concern with this sustainability certification. I think a variety of fisheries in Alaska have struggled with third-party certification for some time now, and I think potentially adding another certification into the mix, I think, could potentially create some confusion in the marketplace, and secondarily, some federally managed fisheries that also have a state management component may potentially get this certification while a state-run program may not, so I think for a variety of those reasons, we want to register some concern with this.

Rick Robins: Eric, I appreciate that, and if this moves forward, we can, I think, preserve that concern in the letter if that would satisfy you all, if there aren't any other concerns about this. And I think we're all sensitive to the fact that we don't want to see this siphon off resources away from core programs. There are, as you pointed out, third-party certifications that have been around now for some time. I certainly don't see this filling that role, necessarily. I think if this is done, it may not necessarily satisfy every retail chain in France. They're going to continue to want to see a chain of

custody program or some sort of third-party program, potentially, but I think it could offer benefits for you as fishermen nonetheless. Kitty.

Kitty Simonds:

Well, we like this. We don't want our fishery to have to have an MSC certification, and to pay a whole bunch of money for what? But the bad thing is that soon, I think in June, the Whole Foods is going to announce, because they now have a relationship with Monterey Bay, to not accept our fish, our longline fish, because we're not MSC. So we would prefer to have something that comes through that will at least – I mean, it's not certifying something all the way to the end, but that's not our job. Is that our job? Isn't that Agriculture, all the way to the – wherever that fish is going? I mean, that's not the job of NOAA and Commerce. So anything that we can do to help us not to have to buy into certification programs, we would appreciate.

Rick Robins:

Sam.

Sam Rauch:

Thank you. I have two questions about this provision.

One, we currently have two proposed models – one by MAFAC, which we're taking comment on, and the other in the Senate bill. The Senate bill has very little role for the federal government other than enforcement. It defines what is or is not sustainable, and then if a entity is abusing that, it's an enforcement action, but we don't really have a job in promulgating criteria or those kinds of things, so that's very low-cost to the government except for the enforcement prospect. Under MAFAC, it's a little bit different. There is a role for us to do the criteria and we're involved more in the administration of it, but it is as a fee-for-service program, so it is no cost.

So my question, I'm a little bit unclear as to whether or not you were supporting either one of those two models, and I'm a little bit unclear as to "not take substantial resources away," well, that implies you could take some resources away. Are you still thinking that we would not do a fee-for-service kind of program like MAFAC has recommended? Was that clear? Those are my two questions about that, is really how it relates to those two proposals that we've got out there right now.

Terry Stockwell: No, I think, Sam, your questions are quite clear, and quite frankly, the working group did not have that discussion. Now, I think at least my thoughts along was that we were building off the MAFAC proposal.

Rick Robins: And I would've guessed the Senate bill, so I'll go to Dorothy.

Dorothy Lowman: Yes, the way – we didn't have a lot of time, and so what we did for our working group is we filled out a questionnaire. Your staff did a great job of trying to consolidate it all, but we didn't have an opportunity to really come to consensus decisions on anything.

In our comments – 'cause our Council looked at this, and it was not a priority thing to do a certification, and I think the range of the feelings on the Council as a whole range from ambivalence to "I really don't like doing this," where the primarily concern was the concern of what resources it might take away. So I think if you looked at this thing, I think that what we strive to stress is that we really are concerned about the resource strain. So I guess we'd be concerned about really promoting this and then going back to our Council and then being told that we didn't do what the will of the Council was.

Rick Robins: Eric.

Eric Olson: Perhaps a way for here maybe to take no position at this time, keep this in the queue of things that we'll take a look at, and as more details emerge in a variety of House or Senate bills, that we can react to it at that time. But I think there is a fair amount of concern about this, whether it's the Senate version or the MAFAC proposal, but I think until more details are provided of what's actually on the table, I think it's hard to support or potentially not support this.

Rick Robins: I think, maybe given the different understandings about what this might look like and entail and what resource needs there are, perhaps we could simply refer to the ongoing legislative, if we establish that standing legislative committee to try to develop something that the group would find acceptable, given our concern about the diversion or use of resources, but also given the potential need for the benefits of it. So perhaps we can work that out in the Committee if that's acceptable to the group. Is there any objection to moving forward in that way? Okay, we'll plan on doing that.

Terry, you want to go to the next item?

Terry Stockwell: Yeah, well, Dorothy let the cat out of the bag that Jason tried hard to herd all the cats and it proved impossible to, through several Doodle polls, to get us all on a conference call at any one time, and it was all poll and email communications, so we did our best.

Recreational fisheries. As the PowerPoint indicated, the working group concluded that at this point, much of MRIP is not fully implemented, that it's still a work in progress, and it's perhaps a bit too early to be too prescriptive in what to propose, but did recommend that the recreational fishery be fully accountable with appropriate measures for overages in the annual catch limits, and again, New England Council and what we're going through with Gulf of Maine cod and Gulf of Maine haddock were two of the reasons that drove that recommendation.

Rick Robins: Any discussion on these outputs on the recreational side?

Terry, I don't want to steal Russ's script from later today, but at the recreational summit, if you consider the suggestions that were included in the Mara Steele report, one of the themes revolved around the use of F-based management for recreational fisheries as opposed to what we currently have in the form of ACLs or sub-ACLs and the attendant suite of AMs that we apply to those fisheries, and there were some examples discussed of how you might have a mixed fishery that had a major recreational component that was managed under an F-based approach alongside a commercial fishery that was managed under a catch limit. I think one of the examples was yellow perch from the Great Lakes, but that's something that, as I understand it, would really be more of a matter of NS1 guideline type questions rather than changing the Act. I don't know that you'd have to change the Act to accommodate that type of strategy if, in fact, we wanted to comment on that type of strategy. So I just wanted to point out that that's an issue of pretty intense interest, it appears, coming out of that Mara Steele report and the rec summit.

So Sam, I don't know if you can comment on that. If that would require a change in the Act, we probably ought to at least be aware of that.

Sam Rauch: Thank you. As I indicated this earlier – and this is exactly what I was referring to – the recreational community did talk about managing them somewhat differently than the traditional model, and we believe that you can do that under the current statute. And to the extent that our NS1 guidelines are not as clear as they should be that you can do those things, we intend to address that in the guidelines. So that is something, as you indicated, that we think we can deal with in NS1 and be responsive to the needs of the – and make it clear to the Council that they have options.

Rick Robins: Sam, thank you. I just didn't want to have to come back to that after Russ's presentation at the end of the day. Are there any concerns with the language here in Number 8? Is there any objection to the document language in Number 8? All right, seeing none. We'll do that by consent. Terry.

Terry Stockwell: Transboundary stocks. The working group is recommending that allowances should be made for the Councils to develop annual and in-season quota trading programs, and also the enhancement of enforcement capabilities for international fisheries would likely be useful.

Rick Robins: Thank you. Are there any questions or concerns here? Any objections to the proposed language? Seeing none. We'll adopt it by consent. Terry.

Terry Stockwell: State/Federal/Council coordination. Working group is recommending that allowing Council and Commission liaisons the ability to vote would provide additional representation regarding IJ issues, but Congressional action may not be able to solve the underlying resource use and/or process conflicts.

Rick Robins: Terry, was there any discussion about state and federal issues in terms of alignment on quotas or central problems? I mean, in Mid-Atlantic, we have a lot of species, five that we manage jointly with the ASMFC, and I think that's going to be an area of interest to us because we hadn't contemplated too much of that until we saw the Senate draft, which includes the reauthorization of ACFCMA.

Terry Stockwell: No, we didn't get into that level of detail.

Rick Robins: Okay. Are there any questions on this? Don?

- Don McIsaac:* Thank you, Mr. Chairman. So is there a recommendation here Commission liaisons to vote or a recommendation that they do not vote?
- Rick Robins:* I think the – well, Terry, can you clarify that? I was thinking Council, but it does say Council Commission, so go ahead.
- Terry Stockwell:* It would be for both, allowing both; recommendation-wise, it would make for better communications and better transparency.
- Rick Robins:* Terry, given the complexity of that, I'm going to suggest that maybe we include the issue potentially in the letter, but this is something that probably ought to be developed some with that legislative committee. Just given some of the differences around the country, there may be some regions where this makes good sense and it may not be applicable at all, so. Dorothy.
- Dorothy Lowman:* Actually, you took the words out of my mouth. We have a kind of a different situation; our commissions really don't do the management activities that you guys do, so it's probably really different. It's an apples and oranges kind of thing. I mean, not that I care whether Dave has it; he probably would vote with me more often, but that, I think, is a whole different situation.
- [Laughter]*
- Rick Robins:* Dorothy, in light of that, perhaps we could simply refer this to the Committee for further development and bring that back so that the CCC can consider geographically-specific recommendations on that if that suits the group.
- Terry Stockwell:* And that may well dovetail into our discussion later this afternoon on climate change.
- Rick Robins:* Indeed. Is that acceptable to everybody? Okay. We'll do that. We'll develop that in Committee. Number 11, Terry. Thanks.
- Terry Stockwell:* Catch share is a hugely contentious issue. The working group recommended that Councils should maintain the maximum flexibility possible to develop effective management tools, including catch shares,

and noted that the referendum requirements may reduce ability to implement new catch share measures.

Rick Robins: All right. Discussion on this item? Are there any concerns on this language? Any objection to the language? Seeing none. We'll consider it approved by consent. Terry, 12? Thanks.

Terry Stockwell: The final measure is national standards, and the discussion that was had by the working group is that the national standards has somewhat narrowly implemented focused upon really just one part of the national standard one, the prevention of overfishing. Some sense that, consequently, the result seems to be a lessen on ensuring OY, best science available, stocks treated as a unit throughout the range, safety at sea, and the social well-being/economics of fishing communities. So the recommendation is that somehow, reconciling National Standard 1 with the other national standards could be useful, but the working group had no specific solution.

Rick Robins: Is there any discussion on this language? We can correct the typo in "lessened." Are there any concerns with this language? Are there any objections to adopting it? Seeing none. We'll do that by consent. Thanks. Chris Oliver.

Chris Oliver: I apologize, Rick – Mr. Chairman. Can we go back to Number 5? I apologize. I came in the room right when you were finishing Number 5.

Terry Stockwell: We waited for you to leave before we voted on it.

[Laughter]

Chris Oliver: If you could go back to that anyway.

Rick Robins: Sure, sure.

Chris Oliver: Did y'all adopt the language that's here? Is that –

Rick Robins: We did, but we agreed to integrate the output from Working Group 1, which included a number of references to ecosystem-type management versus single-species management into it.

Chris Oliver: Okay, the issue I wanted to raise in the context of any changes to the Act is – and I’ve had this discussion with Bob already about the provision in the Senate draft for provided discretionary authority for development of fishery ecosystem plans, but then it does go on to be fairly prescriptive in what would be included in those plans, measuring them, potentially even what could be read as sort of regulatory forcing mechanisms. My point, I guess, is that whether we would consider simply making the note that any provisions related to the development of fishery ecosystem plans not be so prescriptive as to potentially discourage Councils from actually developing them.

Rick Robins: Chris, I think that’s an excellent point, and frankly, I think this aspect of the Act can definitely be strengthened to encourage ecosystem management, but that can concern is one that I agree that we ought to express as we go through this, because the draft language in the Senate bill is overly prescriptive and could be a deterrent to considering alternative approaches because there’s so many different approaches for ecosystem considerations, whether it’s EAFM, EBFM, or any of the other acronyms you might choose. What’s in the Senate language is very specific, so with the consent of the group, we can reflect that concern in this section. Is there any additional discussion on that? Fair enough. Thanks, Chris. Terry, anything else to come before us?

Terry Stockwell: No, Mr. Chairman. That concludes my report. I do want to, again, thank the working group for remotely and making the time when we all had no time to make these recommendations, and thank you for your indulgence.

Rick Robins: Terry, thank you very much to you and each of the members of the working group, and as you mentioned, Jason Didden, who’s not with us today, of our staff. I heard that we might have some discussion about allocations today and I’ll be turning to John Henderschedt, but before I do, I see Don McIsaac has a comment.

Don McIsaac: Thank you, Mr. Chairman. Just a question, as I might not have been keeping up with you after going to Number 5. Did you go back to Number 12 and put that in or not?

Rick Robins: You want to see Number 12?

Don McIsaac: Yeah, Number 12 didn't seem – well, let me just as procedurally. Did you say this language is adopted by consent?

Rick Robins: Yes.

Dr. Don McIsaac: Okay, I didn't –

Rick Robins: If you have any concerns with it, let us know.

Don McIsaac: Well, the concern that I have is that we're looking at some statutory recommendations, and this seems to say – I mean, the question at hand might be, yes – or no, we don't need any statutory changes 'cause national standards will fix it all, or no, we do want some statutory changes 'cause the national standard business needs fixing, and so reconciling National Standard 1 with the others could be useful, but a specific solution was not identified sounds more like relegating to the workgroup for more refinement of this particular statutory recommendation. The last sentence is kind of editing something that's pretty obvious, so I wasn't quite sure how this will be perceived if it's in our letter going to some congressional folks as recommendations from the CCC on Magnuson Act reauthorization.

Rick Robins: And we can either let it stand in the letter or refer it to the working group. What's the pleasure of the group? I think if we referred to the legislative committee, perhaps they could detail out what sort of specific reconciliations they might offer, and those might be useful to the Agency as they go through the NS1 rewrite.

Don McIsaac: I'd be more comfortable if __ __ __ ____. [*Inaudible due to crosstalk*]

Rick Robins: Okay. Is there any objection to doing that, then, with this language? Terry? Okay. We'll do that. Thank you, Don. And with that, we're on to the subject of allocation reviews. John Henderschedt.

John Henderschedt: Thank you, Mr. Chairman. Before I get started, I've identified a couple of places in my presentation that might be a good place to stop for questions. I can do that or it can wait till I get to the very end, whatever you prefer.

Rick Robins: John, if you want to stop at those natural breaks, why don't you do that?

John Henderschedt: Okay. Thank you, Mr. Chairman. So at our February meeting in Washington, DC, NOAA Fisheries presented Draft Allocation Working Group Terms of Reference for the CCC's consideration, and in response to that discussion, the CCC formed a working group to process options and recommendations for the development of guidance by the CCC to the Agency regarding the review of allocation decisions. Chairman Robins appointed Lee Anderson, Doug Boyd, and myself to that working group, and he provided that group with a separate Terms of Reference for our work between that meeting and this one.

So given the fact that, in two sentences, I've just described two different working groups and two different terms of reference, I want to make sure that we're all on the same page.

So the Agency developed Terms of Reference for a working group that is envisioned to enjoy broad representation, including the CCC, would develop substantive policy and possibly technical guidance on the topic of allocation review. The CCC Chair created a separate set of Terms of Reference for our working group to address process alone and to specifically make recommendations to this group on how to move forward on the issue of allocation review.

So the Chairman's Terms of Reference state that the CCC working group will provide a range of options for review and action by the CCC at their May meeting to establish a process for providing policy guidance to the Agency on issues related to the reconsideration of fisheries allocation decisions by the Councils and identify the appropriate body to consider associated technical considerations. Those Terms of Reference go on in to reference some of the topics identified in the Agency's working group draft Terms of Reference.

So in response to the Chairman's request, the working group identified the following objectives for developing recommendations to the CCC for its review and approval. The first is to identify specific policy topics and structure for comments in the form of a document outline, and that draft outline is included in the briefing book. Secondly, to identify technical topics, or non-policy topics, for inclusion in the guidance document and offer recommendations on appropriate body to develop that technical guidance. Third, to establish a process and timeline for the development

of a guidance document, and finally, to identify support and infrastructure necessary for project execution.

So before I present the draft document outline and the working group recommendations on process, I'd like to address two issues that the working group identified as important considerations and which underlie our recommendations.

The first is that the process of allocation review is really one of adaptive management, and should therefore be focused on goals and objectives, monitoring evaluation, and potentially adaptive response. In the context of allocation, this points to a review of the stated goals and objectives associated with the original allocation decision, an evaluation of the extent to which the allocation has met those goals and objectives, and a consideration of whether changes in the fishery warrant the consideration of new or revised goals and objectives. The answers to those questions would then inform a decision of whether or not to consider new allocation alternatives.

This leads to the second point, the need to be very clear about what is meant by "review." It is the working group's collective opinion that "review" is the process that I just described that leads to a decision point of whether or not the development of an analysis of new alternatives is warranted and is not, in and of itself, an implicit trigger to consider new alternatives. So, Mr. Chairman, that's, by way of introduction, this is a place where I thought I would stop and see if there's any questions.

Rick Robins: John, thank you. Are there any questions of John at this point? Okay. John.

John Henderschedt: So then the outline: as I said, the outline is available in the briefing book, and I'm not going to go through it in detail, but instead, just offer a few comments and some explanation and would be happy to address specifics through questions.

So first, the basis for the outline is the set of key topics and trigger questions provided on Page 2 of the Agency's Working Group Terms of Reference. Please note that these topics and questions, both policy and technical matters, and the Working Group's draft document outlines, identifies which sections are policy and which are technical in nature.

You'll note that there are a few parts of that outline that are in blue and in italics, and those indicate technical topics. The remainder are considered to be policy topics.

The outline has four major sections. First is a section addressing allocation review in the context of adaptive management. I've already addressed the working group's view on that concept, so I'll go on next to the next section, which is criteria for initiating review. This section on criteria for initiating review would examine performance-based criteria – that's fishery performance-based – time-based criteria, and public interest base criteria. The third section would address issues for consideration in the review of goals, objectives, and outcomes of allocation decisions once review criteria were met. This is, in many ways, the meat of the document in terms of addressing policy and guidelines for doing an actual allocation review, and it would examine guiding principles and factors to be considered relative to both policy and technical aspects of allocation review, and then finally, the working group is recommending a section addressing the issue of decision support, all of which would be technical in nature.

So I've gone through this quickly in the interest of time and am happy to then go to the group's recommendations, but again, I just thought I would stop and see if there are questions about the development of the outline, the use of it, or any specific outline elements.

Rick Robins: Thanks, John. Are there any questions on the outline that John's laid out? Lee.

Lee Anderson: I want to emphasize again that those things that he talked about – performance-based, et cetera, this is in your definition of review, which is not going and looking at alternatives, but the decision to – yes or no, to go look at those alternatives.

John Henderschedt: So, Mr. Chairman. Lee, I think it's fair to say that, in discussing allocation review, there are sort of three stages, at least in the way the working group has discussed it. The first stage would be this process of triggering the review, and that's really the focus of the second section of the outline. If a review is triggered based on fishery performance or time or public interest, then the second stage would be that review, and then finally, if that review indicated the need to develop new allocation

alternatives and analysis, then of course, that would follow. But you're correct; the first stage is really determining the criteria for initiating that review.

Lee Anderson: I'm being particular here, but – and that is based on adaptive management? If you get public-based comments, that would stress that now, we're going to look at it based on adaptive management? I'm just repeating because – but that's what we agreed on, and you agree.

John Henderschedt: Mr. Chairman, yes.

Rick Robins: Go ahead. Oh, Alan.

Alan Risenhoover: Just real quick, John, so I understand. So you have three basic criteria for deciding or triggering a reallocation – the performance, the time, and the public interest. Is it either, any, or all of those, or would the Council decide what the specific trigger is per fishery? So is it five years unless you have a performance-based criteria or a public interest criteria? How do those three interchange?

John Henderschedt: Mr. Chairman. Alan, the working group was very careful to stick to process, in other words, setting up the discussions that would answer that sort of question. So those were the three types of trigger criteria that were included in the Agency's Terms of Reference, and that's why they're identified in that outline, but the working group did not feel that its Terms of Reference took it to the point where it would really start to flesh out those specifics. So the working group's recommendations will, then, outline a process for answering that sort of question.

Rick Robins: Thanks, John. Other questions for John at this point? Sam.

Sam Rauch: This may be somewhat too detailed or you may get to this later, but I had a question on one of your policy factors. The Factor Number 1, Optimization of Allocation, and then you have seven other factors. But my question is, isn't that what we're trying to do, optimize the allocation? I don't understand why that's a separate stand – what you're trying to get at by making that a separate, stand-alone factor. 'Cause it seems to me it encompasses everything else.

John Henderschedt: Mr. Chairman. Sam, that's fair. I think that your point is well-taken, and the intent of the working group was to try to be as inclusive as possible in developing this outline with the acknowledgment that the CCC may choose to narrow that down or add some, but I think your point is well-taken.

Rick Robins: Sam, that's essentially the overarching objective of the policy, is it not?

Sam Rauch: That was my point; it's to optimize the allocation. So if that's now one of the other factors, it's unclear how that relates.

Rick Robins: Fair enough. John? Any other questions at this point? Okay. John, you want to move on to your recommendations?

John Henderschedt: So, Mr. Chairman, first, the working group recommends that the CCC review and adopt, with modifications as appropriate, the contents and the structure of the proposed draft outline. Basically, as I just described, we think it would be a good idea for the CCC to settle on a scope of a guidance document in the form of an outline. It may choose to narrow down that outline, modify it, but ultimately, we recommend that the CCC adopt a draft outline.

Secondly, the working group recommends that the National Marine Fisheries Service Office of Science and Technology be responsible for the development of technical guidance and decision tools for allocation review. The Office of Science and Technology has the expertise and the capacity to develop technical guidance and decision tools to inform and support the process of allocation review. A second option to convene a national SSC to develop technical guidance was identified but not recommended by the working group.

Third, the working group recommends that the CCC adopt a preferred option for providing input to the Agency and identify working group members and necessary support from Council and/or Agency as appropriate, and there are three options identified in the working group's report. I'll review those three and then offer a recommendation that the working group has in terms of a selection of those options.

So the process options range from one, which assigns ownership of the document to the Agency and identifies several CCC members to provide

Council input to the Agency staff tasked with developing allocation review guidelines. So this option is really modeled after the process that was envisioned by the Agency when it established the Terms of Reference presented in February. It would not result in a guidance document that is developed, reviewed exclusively and approved by the CCC, but would instead provide input by representatives of the CCC into the content of guidelines developed by the Agency and, presumably, in consultation with a broad set of advisors. An option in which ownership of the document was assigned to the Agency should provide ample opportunity for the CCC, for Councils, and public review and comment before that document is finalized.

The benefit of this approach is that it may be less demanding of the time and capacity of CCC members and Council staff. The responsibility of drafting the guidelines would lie solely on the Agency; however, this benefit must be weighed against the fact that this option provides less of an opportunity for the CCC to coordinate and articulate its collective recommendations and guidance regarding the view of allocation decisions. Finally, under this option, the content and the structure for a guidance document as reflected in an outline adopted by the CCC would certainly be advisory in nature, and a schedule for execution of the project would be determined by the Agency.

So the second option would be to assign the ownership of this document – and when I say ownership, I mean sort of the oversight and responsibility for all aspects of developing the document – would be to assign ownership of the document to the CCC and appoint a larger working group of members to develop comments and draft guideline recommendations to the Agency. This option would result in a document that directly articulates the CCC’s recommendations and guidance to the Agency on allocation review. It more closely reflects the strategy that was used in developing – I’m sorry, it more closely reflects the direction of this project that was established by the CCC at its February 2014 meeting.

The benefit to this approach is that it provides a more structured format within the CCC and more direct input by the CCC into the content and design of a guidance document. This option identifies a path forward that, in the opinion of the working group, closely reflects the process by which the CCC generally develops policy recommendations, for instance, the MSA reauthorization working groups are similar in design. That said, the

scope of the project in question here is relatively broad, and the demands on the working group would be very significant. Therefore, some Agency and/or Council staff support in drafting the guidance document would be necessary. For this option, the working group recommends a timeline that anticipates completion of a draft document for review by the CCC at its February 2015 meeting and completion of a final draft reflecting CCC feedback for approval at the annual meeting next May.

Then Option 3 would assign ownership of the guidance document, again, to the CCC and solicit comments directly from each Council and establish a team of CCC members and Agency staff to review and synthesize comments and to draft the guideline document. This option offers each Council the ability to develop comments for inclusion in the guidance document and, like Option 2, it would result in a document that directly reflected the views of the CCC.

The benefit of this option is that, again, it offers each Council the opportunity to weigh in with its comments. In response to a document outline and a process for synthesizing these comments into an integrated and comprehensive document, it would also transfer the responsibility for the development of substantive comments from a working group to the Councils. The primary responsibility of the working group would be the synthesis of those comments into an integrated document.

Given the potential volume of material that would require review, this option, again, would likely require support of Council and/or Agency staff. And again, the likely timeline for Option 3 would require Councils to provide comments no later than this fall. A working group, with the support of staff, could synthesize comments into a draft guidance document for initial review and comment at its 2015 meeting and final review, again, in May of 2015.

So finally, the working group's recommendation is really a hybrid of Options 1 and 2. So the working group recommends that the CCC adopt a working group approach to develop comments on the first two sections of the outline on adaptive management and the timing of and criteria for triggering allocation review. So that would be achieved through Option 2 through a CCC working group and an Agency-owned process, the process described under Option 1 in developing the broader policy and technical guidelines. This would allow Councils to focus on the topic that appears

to be of primary concern while preserving, as well, the ability to weigh in on policy topics, but at a level of engagement that is in scale with their own and with the CCC's capacity. So the working group, again, recommends a CCC working group for Section 1 and 2 of that outline and an Agency process for developing the policy and the technical guidelines.

Thank you, Mr. Chairman. That concludes the report. I'd be happy to answer questions, and also, I've just, for summary – for discussion and action, we've got the guidance document outline, the responsibility for technical guidance and decision tools, and the process and infrastructure for input on review policy guidance.

Rick Robins:

John, thank you, and I'd like to, again, thank you and Lee and Doug Boyd for all of the work that went into this working group review of this question. I know it's been a complex and contentious issue that we've worked through over a number of meetings now and discussions with the Agency, but you all have outlined for us a pathway forward and offered clear recommendations, and I really appreciate that, but I'm going to turn to Sam. Sam.

Sam Rauch:

Thank you, Mr. Chairman. I, too, echo the thanks. I think this is a significant step forward in this issue and a very constructive one, so I appreciate that. I believe the structure of the guidance document makes sense to me and the big three main areas. The one question I would have is – I think it's perfectly useful for the CCC to approve the structure. I would be somewhat concerned if you adopt the content verbatim such that it couldn't be changed to the discussions. I think – for instance, we just talked about that topic on optimization of allocation. I would like, particularly if the Agency's going to own that part of the document, the ability to take that as helpful input but maybe to understand that there may be other factors that weren't considered or there may be different phrasings of that factors so that, by adopting that, you don't tie us down to this exact terminology, because as much as I respect what the working group has done, it might benefit from some broader input into that. So that would be, I think, my main concern about that.

In terms of the split between who does it and who doesn't, I am somewhat bemused by how full circle we have come on this from the time when we talked with Don McIsaac and he was telling me to write things down in pencil to now, the proposal is to give the document back to us to do, at

least parts of it to do. So I think that's fine. I'm just somewhat bemused by the whole part of that.

Rick Robins: John.

John Henderschedt: Thank you, Mr. Chairman. Just to follow up, really, on Sam's first point regarding the outline, really two things – first of all, the report, I think, does address specifically the fact that if the Agency owns that part of the document, the outline is advisory. But I think, more importantly, what we tried to do was capture the scope of the key topics and trigger questions in the Agency's Terms of Reference, and I think that's the primary intent of putting that outline together, to get that scope, to get the range of issues that would be addressed in a document.

Rick Robins: Chris.

Chris Oliver: Thank you. I think – Eric and I were having a sidebar discussion about the nature of this guidance, and I guess this gets back to your point, Sam, about having come full circle. Maybe everyone else has. *[Laughs]* I'm not sure I have, but I don't get to vote, so. But would these, in fact, be advisory guidelines that end up coming out of this or is this going to be some sort of mandate or policy directive that requires the Councils to do this? And the other sort of ancillary question was, how does that relate to our current ability without any further guidance or policy directive for a Council to revisit allocations on whatever terms it deems appropriate?

Rick Robins: Sam, do you want to comment?

Sam Rauch: Well, I can't speak for the working group in terms of what they envisioned, but to the extent that we own the latter half of the document or even if the CCC owns the first half, I do not view this as any more binding on the Councils than, say, our current national standard guidelines are, which are – what I take the working group to be asking us to do on the third third of the document is to say, "If you're going to do an allocation, here are the considerations you need to take into account and provide the same kind of level of support to that as we would do our national standard guidance document." When you establish optimum yield, what do you take into account? What does that look like? It's still up to the Council to apply that and, conceivably, you could do it in a different way. We would want you to explain why you did it in a different way, but you could

conceivably do that. That's what I envision that half of it being, but as I said, this is the workgroup's document, so maybe you should ask what they envision.

Rick Robins: John, do you want to elaborate on that?

John Henderschedt: Mr. Chairman, I will try, and it's a little bit challenging, given the fact that we really were focused on the process for providing this input. Having said that, the working group, I think, sensed that a lot of the discussion to date at the CCC has been focused on the question of what would trigger a review. What are the conditions that would require a Council to go back and review, considering many of these things that we mentioned in terms of goals and objectives, but review an allocation decision, and we did not get to the point where we were making recommendations on what those triggers would be, but did acknowledge, in response to the Agency's Terms of Reference, that there are a number of ways to establish those triggers. They can be based on a periodic basis, on a basis of fishery performance in response to petitions, what have you. I imagine that there may be other alternatives that would emerge from the discussions that a CCC workgroup would have, but in terms of how those triggers would work, what the authority or the mandate would be, that was really outside of the discussions of the working group.

Rick Robins: Thanks, John. Tom Nies.

Tom Nies: John, thanks for all this work. I guess I'm struggling a little bit with the proposed process, whether it's the three options you have or the hybrid approach that the working group is recommending.

My big concern, frankly, is the workload involved. This is a big project. You've set a very aggressive timeline to develop it. I'm curious whether the working group considered some other form, such as, just as an example, rather than having the membership putting this document together being actual CCC members supported by staff, but perhaps incorporating a more direct role for Council and, perhaps, Agency staff, in getting the draft together, which potentially might spread the workload a little bit further, but even if that sort of approach is something that we might consider, I'm still concerned about being able to carve out time for people to participate in this particular project on the rapid timeline that you've outlined. If you talk about having a draft document ready for the

February CCC meeting for us to review and then having a final for the June meeting, that basically gives our Council, anyway, one shot at it before the CCC comes back to approve a final document. That troubles me a little bit, given the importance of this issue.

Rick Robins: John.

John Henderschedt: Mr. Chairman. I think that the final recommendation of the working group to basically focus the CCC's time and energy on the aspect of this that seems to have brought forth the most concern, that that recommendation is reflective of some of the same considerations that Tom's expressed. This is a huge lift. I think it was obvious to the working group that it would not be a very small working group required. It's going to require a lot of work, no matter who does it, particularly relative to all the policy issues in Section 3 of the proposed outline.

So there may be other ways to do this. This is sort of the range of options that the working group came up with. There may be some midpoints, but I think, as well, that this hybrid option is also reflective of an attempt on the part of the working group to, as we put it, to scale the work with the capacity of the CCC.

Rick Robins: John, I think that's an important point. I mean, if you consider the scope of work that would be done in the development of this policy generally, it would be, indeed, a very heavy lift for a working group of CCC members. So I appreciate the fact that you all have broken this down in such a way that offers us a pathway for it from a process standpoint. Lee.

Lee Anderson: My view of this goes right along with John's, but I guess I would give it a little bit different interpretation, my interpretation of it. But the first part, engage a CCC working group to develop comments, that's going to be a helpful group that will not do much writing, but will turn around and go back into the Agency-owned process and give comments in that regard. So the CCC, as I look at this, we're trying to minimize their role. Sam said that he would put his staff on it, we would have review, but we still have the hybrid so that we have people here ahead of time, and I would hope we have a bigger group than John and I and Doug, but we'd come up with specific comments that could be then passed on to that group, but they would write the whole thing and they would have main emphasis on doing the technical issues. Would that be fair, John?

John Henderschedt: Mr. Chairman. I think that dealing with the criteria for triggering a review is something that the CCC can get its arms around. I think that a working group can handle those questions, and particularly because I think one of the key concerns relative to this question of how often and under what circumstances an allocation review triggered is what does that mean relative to all of the other demands on the Council's time and resources. So I think it's really appropriate for the CCC to be focused on those issues. Then as Lee said, on all of the guidelines and the policy issues relative to that allocation review as proposed by the Agency in February, there's a broader group, really, working on that project, including, obviously, some members of the CCC.

Rick Robins: Well, John, I would think by prioritizing it in that way, the Agency's still going to get very broad-based input going through the policy development process, which is going to be important to the final outcome, but at that point, they can be soliciting input from individual Councils, broadly from stakeholders, et cetera, and that's going to be, I would think, an important part of the process. But this prioritization, essentially, would allow the CCC to focus on that primary question of the criteria if the group agrees to move forward with the working group recommendation. Tom.

Tom Nies: John, I just want to be clear on what you mean by the broader policy guidelines. Are you referring to Section C of the outline?

John Henderschedt: So I'm referring to Sections C and D of the outline. So the focus of the CCC working group would be Sections A and B.

Rick Robins: Dorothy.

Dorothy Lowman: Thanks. Again, for clarification, John, and when you talk about the focus of the CCC on A and B, would you be thinking that we would flesh this out, describe some of the concerns or the advantages of one of these approaches over another, kind of doing essentially almost a white paper with some very specific recommendations like, for example, "We really think really think it should be more performance-based –" not that this is would be – you know, and "We really think that's where the stress would be, and it shouldn't be on time-based or public performance," as just an example, but we would flesh out our arguments or our trade-offs related to

these different approaches and list some specific recommendations in parts A and B?

John Henderschedt: Mr. Chairman. Dorothy, yes, I think that it was the working group's thinking that it could flesh out a document that was reflective of this or an approved outline that would address these questions of adaptive management and of criteria for initiating the review of allocation decisions, that in this question of who owned the document, the CCC would essentially own those sections and really flesh that out. It would have input into the process of developing Sections C and D, but on a broader stage, on a bigger stage than just the CCC. So this is where the working group model, for instance, the way the MSA comments were developed, would be used to develop this part of the guidance. Yes.

Rick Robins: Thanks, John. Other questions for John at this point? Tom. Go ahead.

Tom Nies: So I guess I'm struggling a little bit with what we mean by the Agency doing the policy stuff. If we look at Sections A and B, you talk about the Councils dealing with the timing of the review or the timing of revisiting allocations, and then when you get down into the policy section, it talks about establishing policy on the durability of an allocation, which, to me, is very similar in that the durability of an allocation relates to the timing of a review, potentially. So are we talking about the Agency just describing the factors that should be considered under ability, or would we expect the Agency would come out and say, "Well, your allocation should be no more durable than ten years"? Which would seem to be, potentially maybe not competition, but potentially contradicting something we may say up in the timing section. I'm just trying to understand exactly where the split is here in the hybrid approach.

Rick Robins: John, do you have a comment on that?

John Henderschedt: Mr. Chairman, I think Tom raises a legitimate point. I'm not sure that I can really speak for the working group in response to that question though.

Rick Robins: Fair enough. Lee, do you have any additional comment?

Lee Anderson: Well, I hand it to John for coming up with the idea of using adaptive management, and to me, that's the (inaudible) of what we're looking – do we really need to do that, and that's the criteria. So as I look at this, and

maybe – well, we have these criteria for initiating a review. What is the review? The review is doing the adaptive management work. Then you look at it and you say, “Should we go in further?”

I think maybe we need the right terms. We need the review, which is that adaptive management work, and then you need the go ahead or do the actual work, where you consider the alternatives. So it seems to me that ten years may not be a good thing, and say that you got to really look at it again; every five years or so, you should take an adaptive look at it, but that just means that it’s a more cursory look than really going into it, and if you agree that your objectives are right, nothing has changed in the fishery, you don’t have to go ahead further.

But we need more thought on this. John and I were working pretty hard, and I can see that these questions raised more issues than we thought of, but I’m firmly convinced that the adaptive management is the approach. If it ain’t broke, don’t fix it. And if it is broke, fix it.

Rick Robins: Well, and to elaborate a little bit, the durability of an allocation would be a policy consideration if you had an allocated fishery model. If you had it allocated on the scale of ITQs or sectors or aces or something like that, that’s going to be a concern from a policy standpoint if you get into a review, so I think that that falls into that category of broad policy considerations. What’s the pleasure of the group? We’ve had several recommendations that are brought forward by the working group – one relates to the adoption of the outline. The second relates, I believe, to referring the technical components out to S&T. And finally, the approach itself in terms of how we might move forward is offered here in the hybrid approach. I’ll, again, express my appreciation for the working group’s efforts to try to wrestle what has been a challenging question for us to the ground so that we could have an option forward. Lee.

Lee Anderson: To get the discussion going, I will move that the CCC adopt the hybrid approach as on the board there.

Rick Robins: Thank you, Lee. Is there a second to that motion? Michelle. Thank you.

Michelle Duval: Sure, I’ll second it for the sake of discussion, and just to be the first one to make a comment, I appreciate everything that Tom said about workload and I mean, we’re all incredibly busy people. I’m wondering if this hybrid

approach, as John was mentioning, a la the MSA working groups, if we couldn't sort of divide up that work with regard to the different categories of criteria so that you aren't saddling one, albeit larger, set of folks with everything, but you could potentially look at dividing things up that way.

Rick Robins: John, do they need to be considered in a way that's sort of synthesized, or do you think they can be disaggregated like that? I mean, some of 'em almost fit together, don't they?

John Henderschedt: Mr. Chairman, and I guess I – this is not something that the working group discussed, so this is one person speaking. I think that there's the potential that there are some interrelationships between those criteria that may – or potential interrelationships that actually, perhaps, may address or mitigate some of the concerns that folks have. So I think that, at some point, there needs to be an integrated look at those triggers, and again, that's a personal comment, but I certainly see the value in trying to break down some of the workload into manageable bites, but I also see the need to bring it together and look at it at an integrated level as well.

Rick Robins: Don.

Don McIsaac: Thank you, Mr. Chairman. Well, I think, originally, it was a real genuine partnership offer when Sam said, "Okay, we're not going to come in here and dictate an allocation thing; we're going to offer something, an idea, up here." That was a – and the context at that day and time was an outstanding approach, and I'd like to applaud it still.

I think that giving the CCC a chance to work on this certainly goes right along that same genuine offer of the partnership angle that we're really looking for. Some of the owned part of the dialogue is a little bothersome in some regard – this is owned by this part of the partnership, and this is owned by that part of the partnership, when, in the end, this would be nice to be characterized as something that we both own and that we both are going to go along with. It's a little bit troubling, the part where we would say the National Marine Fisheries Service is responsible for coming up with some of these policy factors and some of the CND business. To whatever extent, when they do, they come back to this body, and somebody at this body bellyaches about it and says, "Well, you did that wrong."

So I guess maybe I'm making a case for a little more linear approach. They gave us the opportunity to do this. Option 2 keeps it with us and then we bring it back and see if the whole thing is acceptable to both parties. The problem of workload, if there's an offer there to help on that through staffing help and the things that we're very short on, and maybe have some of your policy people engage in the partnership arena so that when it comes back together, maybe it's not necessarily a CCC thing for consideration; it's already getting to a blend. Maybe that's what's up here, but it seems to me there's some separation going on here that doesn't – I'm a little worried about when it comes back together.

So I guess I'm speaking in favor of more of Option 2 with strong support and policy participation as partners in it all the way through – not just C and D, but all the way through, and if that's not going to work, then at least the kind of staff support that allows for this document to be fleshed out in the manner that we'd all be accustomed to that we're not really capable of doing given our staff and the other Council meeting responsibilities. So I'll just put that idea out there for discussion.

Rick Robins:

Don, I appreciate that. As I understand the working group's output, they're making an assessment, I think, of the scale of work that has to be done, and rather than maybe using the word "owned," perhaps this ought to be initiated. I mean, it seems like there's an allocation of work and resources that's going to flow out of this, and that's the way I understand their assessment and subsequent recommendations. If we think, as a group, it's realistic for the CCC to form a big working group and take this whole thing on, then that's a different story. Don.

Don McIsaac:

Let me just say I'm not on the working group. There's lots of dialogue I have not heard. I'm hearing this for the first time right here. Obviously, a lot of thinking has gone into this, so maybe John and the other working group, if you'd respond. It's kind of a reaction of mine that it seems to be separating, and I don't know that that's what we all want to do.

John Henderschedt:

Thank you, Mr. Chairman. Well, from the start, the working group – I mean, I think one of the first things that the working group did was develop this outline. So from the start, it envisioned, in the end, a set of guidelines from criteria for triggering a review, to policy guidelines, to doing that review, and to making allocation decisions. I will acknowledge that – and I can do this 'cause I chose the wording – that "owned" is

probably not the best way to describe it. It's really – it is, though, that sort of who is responsible for getting that part done, so it's, I think the Chairman said, sort of an allocation of responsibility.

I don't think that it would be realistic, and certainly not be beneficial, to ultimately treat these as two separate work products. It all has to tie back, obviously. It is, again, my personal opinion that this is a very, very big project, and I am concerned about the amount – I mean, even just doing Sections A and B is a big project, and doing all of the policy considerations, integrating the technical recommendations as well, is – it will require a big team.

Rick Robins:

Well, John, I think if we go with this approach, I mean, it is going to be important to preserve opportunities for input and review by the CCC. I think we can anticipate that type of process being incorporated. In other words, as we go to the next steps, the CCC would still have opportunities to provide input, the individual Councils are going to have an opportunity to provide input. The broader policy interests are going to be just that in this question. They're going to be very broad across the full spectrum of stakeholders, so – all right, well, other comments on this? Lee.

Lee Anderson:

In response to Don, we thought about the Option 2, but I think it really is a workload problem and it is a timing problem. We're a bunch of busy people, and we got together and did workgroups, and you have polls, and you finally get together two weeks later and you come up with stuff, and I think some of the stuff we came up with is pretty damn good, but that's a hard way to do it. I think that a lot of these things are technical, and the staff at Science and Technology can do this. But I want to make sure that I have a chance to look at it.

That's the main thing: we're concerned about the product. So if I would look at this, if we have a CCC working group to develop comments on the adaptive management and the first part, and then we still hand those over to the Agency not to own it, but to have a writing assignment to come up with it that we can all comment on and work on, and I would hope – my intention in that is that when it is handed over to the Science and Technology, that two or three members of the CCC would be on all the phone calls when they have these meetings and when you get together to discuss what you're doing so that we can have constant input. I'm sure that can be done. See how confident I am of friendship?

[Laughter]

Rick Robins: Sam.

Sam Rauch: So I can't remember who asked me the original question about what the relationship was, and I had, at one point in these last few minutes, thought that the end product would be an Agency guidance document and we would take these parts, and this would be something that we issue. But now I am thinking – and I don't know what the intent is – is that this may be a CCC document that we draft a draft section of and give to the CCC, and you just adopt it on your own and you take it out of that, and it's not clear to me which one it is, but it might be more comforting to Don if we are providing a initial draft of a CCC document as opposed to you providing an initial draft of an Agency document. So I don't have a view on which way you'd go, but it's somewhat unclear as to if there's one single document at the end of the day, whose document is it.

Rick Robins: Sam, I was under the impression that you'd ultimately have Agency guidance on the question. I mean, is that not the case?

Sam Rauch: Well, that was my initial thoughts as well, but as the course of this discussion, now I'm not so sure what the intent was.

Rick Robins: Okay, I didn't see it departing from that, but John, do you have a comment?

John Henderschedt: Mr. Chairman. I guess, as one member of the working group, I was perhaps assuming that the Agency would – I had not thought of an option where the Agency would prepare a draft that the CCC would ultimately adopt. I think the thinking that went into the recommendation was more the former, but that's another option, Sam, that –

Sam Rauch: Well, if that's clear, then I don't think we need any further discussion. I just – it was unclear to me, as the course of the discussion, what we really were talking about, but if that's what we're talking about, at least I understand that now, and I'm comfortable with that result if that's what the group wants.

Rick Robins: John and Lee, I would just ask, there were concerns about the use of the word “owned” in the motion. Would it be acceptable to simply substitute “initiated”? Make that perfection? Yes? Yes? Okay. I saw another hand, I think. Was there another comment on this? Okay. Tom Nies.

Tom Nies: Now I’m confused because I thought there was language in here that talked about preparing a CCC guidance document. So I was thinking this all along was a CCC guidance document, but apparently, it’s just a CCC guidance document that’s being recommended to the Agency for implementation?

Rick Robins: Tom, the CCC would have input into the document. The input in terms of the components of the document would include what’s highlighted there in the first part of the motion, that is, the development of comments on the triggers, that is, the timing and criteria for the allocation reviews. As I understand it, those would feed into the process, there’d be a continued engagement with the Agency relative to the policy issues as well, and then the whole thing would come back for input from the CCC, and the Agency would also be getting and soliciting input from individual Councils and, more broadly, from stakeholders. That’s my understanding from where I sit.

Is there any further discussion on the motion? Is the Council ready for the question, voting one vote per Council? Please indicate by raising your hand. Keep your hands up, please, so I can count. Thanks. Seven. Opposed, like sign. One. Motion carries. Thank you. And Eric voted twice. That was well-done. That’s what you get to do on your go-round at CCC.

[Laughter]

Absolutely. It was well-earned.

So we have two more questions that the working group had posed, one related to the adoption of the outline. Lee, do you have a motion to that effect?

Lee Anderson: Yes, I guess I do. Given where we’re going, the adoption of the outline will be advisory and it will be worked on as we go along. So if we adopt the outline as, as you said, advisory, and we’ll work on it in the process,

but we don't necessarily mean that everything in there has to be talked about in detail or that other things can't be added. It is an advisory guideline that we think covers most of the topics that will need to be done. So that's a long motion, but –

Rick Robins: That's not a motion.

[Laughter]

Dr. Lee Anderson: Okay. I move that we adopt the agenda as advisory –

Rick Robins: The outline.

Lee Anderson: The outline as advisory.

Rick Robins: Is there a second to the motion? Second by Terry Stockwell. Discussion on the motion? All those in favor, please indicate by raising your hand. Eight. Opposed, like sign. Abstentions? Motion carries. Thank you.

The third output related to referring the technical guidance component to S&T. Is there a motion to that effect? John. Lee.

Lee Anderson: I so move.

Rick Robins: Is there a second to the motion? Second by John Henderschedt. Thank you, John. So again, the motion is to refer the technical guidance components of the allocation review to the Office of S&T. Sam has a question on the motion. Sam.

Sam Rauch: Yeah, so given that the hybrid approach takes all of Section C and refers it to the Agency – well, I guess all of C and D and refers it to the Agency, I'm not sure why you need a separate motion to refer part of C and D to the Agency 'cause you've just done that in the first motion. So I'm not sure what the point of that is, given we're –

Lee Anderson: The last motion.

Sam Rauch: Of the last motion, given what the first motion did.

Rick Robins: Chris was whispering in my ear. I didn't hear your question; I'm sorry.

Sam Rauch: I'm sorry.

[Laughter]

In the first motion, you adopted a hybrid approach, which took Sections C and D and gave it to the Agency to be the primary author or whatever, however you want to describe that. This would take part of C and D and give it to the Agency, and I'm not sure why.

Rick Robins: You mean the technical guidance _____ S&T? *[Inaudible due to crosstalk]*

Sam Rauch: Yeah, 'cause it's in C – it's part of C and D, which you've already now just given to –

Rick Robins: So you're simply saying it's moot?

Sam Rauch: Yes.

Rick Robins: Thank you. In light of the fact that it's moot, does the maker and seconder agree to withdraw the motion?

Lee Anderson: I withdraw my motion.

Rick Robins: Thank you. Is that acceptable to the seconder?

John Henderschedt: Yes.

Rick Robins: Thank you. I think that concludes our business on allocations. John, do you have anything else to come before us? John and Lee, thanks again, and to Doug in abstentia for all the work on this complicated question. I appreciate it and look forward to the next steps. Thank you very much.

We'll move on to the bycatch report, and there's a National Bycatch Report and related documents that appear in your briefing book, and I'll ask Sam if you have a comment on the National Report.

Sam Rauch: Yeah, so I was asked to give a few words in addition to the National Report, also on the Oceana report. Is that what you wanted me to do?

Rick Robins: Please.

Sam Rauch: All right. So let me first start with the National Report. In 2011, we put out the first edition of the National Bycatch Report. The numbers in there, which the CCC has seen and the Councils have seen for a while, were based mostly on 2005 data. More recently, we put out the report that you can see up there and I think that's in your materials, which was the update. It didn't change any of the methodologies, but it did update it with more recent information going through 2010.

So the one thing that you can gather from that is that bycatch levels in many key U.S. fisheries are declining. In some places, it's declining substantially due to management actions taken by the Councils and due to gear innovations that were developed through the Bycatch Reduction Engineering Program and various regional cooperative research programs. For instance, in the West Coast Groundfish Bottom Trawl Fishery, bycatch made up 34 percent of the catch in 2005 and only 20 percent of the total catch in 2010. In the Gulf of Mexico Shrimp Trawl Fishery, bycatch made up 64 percent – I'm sorry, 76 percent of the catch in 2005 and it has been reduced to 64 percent, and we are continuing to work to lower this rate by evaluating a number of bycatch reduction devices this year that were designed by the fishermen and the partners. Another example, in the Alaska Longline Fishery, the seabird bycatch was reduced by 50 percent between 2005 and 2010 due to the use of streamer lines and other measures.

In addition to reporting on these overall numbers, we have – the update represented a significant advancement in the quality of the information that we had. So we had bycatch estimates in 480 bycatch estimates in the first edition. The update went up to 573, so almost 100 more estimates than we had before. So we have bycatch estimates for approximately 60 percent of all U.S. landings. We can now evaluate what the bycatch is there.

So there was significant progress. I think that's good news. I think it also indicates that there is still much more work to be done. Collectively, we are charged by the statute to minimize and reduce bycatch under the national standards, so it is a goal, and the Councils continue to make good progress in there. Each fisheries are different. The challenges are

different, but this indicates our commitment to addressing this. It does indicate that we're not where we want to be yet, but we are making progress.

Let me talk about the Oceana report that was released on March 20th, 2014. It was a report titled *Wasted Catch: Unsolved Problems in U.S. Fisheries*, and it included several criticisms of both the Fisheries Service, the Councils, and of the bycatch update that you see up there. The criticism included how often we comprehensively report bycatch data, the monitoring levels, criticism of the accuracy of the standardized bycatch reporting methodologies, and the lack of fishery management plan incentives for fishermen to minimize bycatch. It identified nine of the "dirtiest U.S. fisheries," and that included the Gulf of Alaska Flatfish Trawl Fishery, the California Drift Gillnet Swordfish Thresher Shark Fishery, the Southeast Shrimp Trawl, Atlantic HMS Longline, and the Northeast Bottom Trawl Fisheries. Oceana essentially wanted the Fisheries Service to count everything that is caught in the fishery, to cap the amount of wasted catch in each fishery, and to control and avoid bycatch by making improvements such as cleaner fishing gear and enhanced monitoring.

So that came out on March 20th. The day after that, Eileen issued a statement on bycatch from NMFS – I think that was included in your materials; if not, we can get it to you – that we are committed to monitoring bycatch in U.S. fisheries, to reporting bycatch estimates as soon as possible through our bycatch report and other vehicles, to working with the Councils to implement management measures to minimize bycatch, and supporting research and development of selected fishing gear and fishing practices. So that's an overview of what we've done related to this.

After we're done talking about this, I've asked Bill Karp, who's been monitoring the innovative approach that Europe has done towards bycatch, and it might be appropriate, once we're done talking about these reports, to have him give a brief summary of Europe's approach to bycatch 'cause I think the Councils might find that informative.

Rick Robins:

Sam, thank you very much. Any questions for Sam? All right. I'll turn to Chris Moore. The Councils have worked across staffs to develop a response to some of the concerns that were identified in the report, so I'll

turn to Chris Moore to summarize those for us. And there's a letter for your consideration in your briefing book.

Chris Moore:

Thanks, Mr. Chairman. There is a letter in the briefing book. Hopefully everyone's had a chance to look at it. This is in response to the *Wasted Catch* report. Ideally, we'd like everyone to take a look at the letter today again and approve it for – basically to send it to Gib. The text is in the briefing book. It's entitled Draft Text – Unified Council's Response to Oceana's Report "Wasted Catch."

In this particular case, Jason Didden is responsible for this letter. He worked with folks from all the Councils with, I think, the exception of one to produce the letter. The letter goes on for three or four pages. I'm not going to read the entire letter to you, but I just want to call your attention to a couple of the paragraphs, make sure you understand exactly what we're saying. So the letter's to Gib.

Dear Gib: The Regional Fishery Management Councils recently became aware your *Wasted Catch* report. Through actions such as time/area closures, gear modifications, bycatch caps, participation in take-reduction groups, and modifications to rules that result in regulatory bycatch, the Councils have been leaders in promoting and requiring bycatch reduction. At any given time there are multiple efforts of some type at each Council tied to bycatch reduction, and non-government organizations play an essential role in the Council process as environmental advocates.

After comparing the report to core reference documents, the Councils are concerned that a variety of substantial errors, omissions, and organizational approaches in your *Wasted Catch* report may seriously miscommunicate bycatch information. Accordingly, we recommend that you retract the report until you have the time and/or resources to develop a better understanding of the data summarized in the report. Misinformation in reports like *Wasted Catch* undermine the productive relationships between industry, management, and NGOs that have been effective in reducing bycatch. If your goal is to accurately communicate information and to avoid such glaring errors in the future, we strongly recommend that you subject this and similar future reports to peer review prior to publication.

The letter then presents a number of examples from the report – some general examples, some regional examples. Again, all the Councils or almost all of the Councils had input into the report. And finally, the last paragraph, after those examples, again, comes back to the simple request – get to it – that, again, as monitoring and technology improves, almost every fishery will have opportunities to examine and/or reduce bycatch in the future. The Councils in no way suggest otherwise and look forward to working with fishery participants and interested parties to reduce bycatch. Misinformation will only distract from actual conservation needs and efforts. While we acknowledge that there are no laws requiring Oceana reports to accurately represent the best available scientific information or to undergo peer review, to do so would be in the best interest of all involved parties. So once again, that’s why we suggest that you retract the report until it’s reviewed and improved.

So with that, Mr. Chairman, I’ll take any questions on the letter. Again, I want to thank Jason and the folks that worked with him for the production of the letter, and certainly, we’re looking for some action on the letter at this time.

Rick Robins: Thanks, Chris. Michelle.

Michelle Duval: Yeah. Thank you, Mr. Chairman. I just wanted to note that the South Atlantic Council’s comments, I guess, apparently didn’t make it into this version of the draft. So staff had sent along additional edits to, apparently, the draft letter to Bob and I, I think, at the beginning of the week. It just wasn’t clear to me if those had gone along to Jason, and I wasn’t sure who was the lead on constructing the letter so we can get those to Jason. I think that would help.

Chris Moore: Yes. Mr. Chairman, obviously, Jason’s not here, and I think we didn’t have representation on the working group from the South Atlantic Council when Jason was making the phone calls. So I think there was some miscommunication, but if you provided anything to Jason then we’ll include it in the report. Again, this is draft; it probably needs a few tweaks, but I think the substance is there. Certainly we’ll include the South Atlantic portion.

Male: So you don’t have those yet?

Chris Moore: I'm sure Jason has them. Yeah, Jason's in Alaska, actually, at a bycatch workshop. Yeah, so he'll get 'em to me as soon as he hears that I need them.

Male: _____.

Rick Robins: Okay, so in light of that, Chris, I would suggest that we put this in front of the group for consideration for approval subject to a review of the final version. Then we can circulate that as soon as we incorporate the South Atlantic's comments. Are there any other questions, though, regarding the draft letter? And I believe Gib is here from Oceana. If there are any questions of him regarding the Oceana methodology, members are free and invited to ask those. Kitty.

Kitty Simonds: I don't have a question about the methodology. I have a question about why the purse seine fishery was not included in this report.

Rick Robins: In the Oceana report or in the National report?

Kitty Simonds: Yes, because the purse seine vessels are the vessels that are taking all of the juvenile bigeye that is in an overfishing condition in the Pacific, so it's a huge bycatch for them. They don't want to catch bigeye; they want skipjack and yellowfin, but they are catching an enormous number of juvenile bigeye. It's not just the U.S. fishery; it's all the fisheries, but the U.S. fishery does catch a huge amount of – which is considered bycatch – bigeye.

Rick Robins: Kitty, thank you. Gib, welcome. Do you have a response to Kitty's question?

Gib Brogan: Yeah, thank you, Mr. Chairman. My name's Gib Brogan, Fisheries Campaign Manager with Oceana. I think the response to this – and I read this and noted it in the draft letter and went back and looked at the source information, and as Mr. Rauch has indicated, our analysis was driven by the National Bycatch Report update, and as far I can tell, the bycatch information – the statistics on that particular fishery aren't included in the NMFS analysis. I may be wrong on this one, but those weren't in there. So our approach on this was to use the NMFS document as the base information and use that to analyze the fisheries around the country. So if that information wasn't included, that's the reason that it's not. I've noted

your concern about this one and I'm going to start taking a hard look at that fishery as well, but we appreciate the comment.

Kitty Simonds: Right, the reports are on the WCPFC website. And so, Sam, why didn't you folks include them? It's a U.S. fishery. They claim to be a U.S. fishery.

Sam Rauch: I don't know that level of detail. We could look into that.

Rick Robins: Kitty, thanks for the question, and Gib, thanks for the answer. Don.

Don McIsaac: Thank you, Mr. Chairman. One more question, perhaps for –

Rick Robins: Of course. **Go ahead.**

Don McIsaac: – the Oceana representative. I'm having trouble pulling up the actual report, but I recall one of the problems we had with the report on the California Drift Gillnet Fishery was a map of bycatch that went back to 1997 as a characterization of how dirty the fishery is, and Oceana's been a pretty solid participant at the Pacific Council meetings. They come and testify on how the Drift Gillnet Fishery ought to be alternatively managed. We've adopted some time and area closures. We considered it just recently on our March meeting, and the Oceana folks were there as well, and the Council, over the years, has made a lot of changes and made a lot of decisions that have the fishery looking a lot different than it did in 1997 with regard to what areas are open and what areas are closed and the rest of that, so – and including old data back to the prior time seemed a little disingenuous to us on the surface, and I just wondered what the reason was for going back to the old days to try to characterize a fishery that's different now.

Rick Robins: Gib.

Gib Brogan: Thank you, Mr. Chairman. I spoke to Dr. Geoff Shester, our Pacific Program Manager, about this, and he assured me that the information that was in there was updated to include the most recent data set. And we will be responding to the comments coming from the Council individually, so we'll make a point of clarifying exactly what our data set was and what the driving factor was on this one.

Rick Robins: Thanks, Gib. Were there any further questions? All right. Seeing none. Thank you, Gib. Again, I would suggest that the Committee consider the letter subject to seeing the final draft. Is there any objection to approving the letter subject to that condition? Seeing none. We'll do that by consent. Thank you.

Yeah, Sam had suggested that we hear from Bill Karp about some of the European examples, and we'd be glad to have Bill come up and brief us on some of the European initiatives on this front. Bill.

Bill Karp: Well, thank you, Mr. Chairman. I'm pleased to have the opportunity to talk to you about some things that are going on in Europe.

Chairman Robins and I participated in a conference in Rome earlier this year, which was sponsored by a number of organizations, including NOAA, FAO, ISIS, and it covered a broad range of topics related to fishery-dependent data with a lot of focus on the role of industry and cooperative research and co-management, but one theme that really dominated that conference arose from changes that have been made in the European Union's Common Fisheries Policy, which was reauthorized at the beginning of this year. There's language in that policy which calls for a progressively implemented, what they call "landing obligation," which is code for discard ban.

There's a very interesting story behind the evolution of that policy and why it ended up in the legislation, but it really has to do with a public outcry and a very carefully orchestrated grassroots effort to draw attention to wastage and discard, and it included a broad spectrum of representatives from the public – from NGOs, from celebrity chefs, from a lot of different places. But it resulted in a very compelling argument, obviously, which led to this language appearing in the policy, even though the concept and the driver was really from the grassroots, so you could say it was bottom up.

The policy itself has been implemented in a top-down way, so the European Commission and the Parliament have implemented this, as I said, as part of a policy, and now, scientists and managers are trying to figure out what it means and how they're going to implement it. There are a number of interesting exemptions and flexibilities that are built in. As I mentioned, it's a progressively implemented policy, which means that

initially, it will be implemented only for pelagic fisheries, but over time, it will cover all fisheries. It's intended to cover all stocks for which there is allocated catch, which I think is equivalent to ACLs, and there's some very complex nuances about implementation because of the complexity of the way things are governed within the European Union.

A lot of conversations about various and anticipated impacts of this kind of policy in terms of the way that it affects data – data that's used for stock assessment as well as for tracking catches against quota, and some very complex issues, as you might imagine, relative to compliance and monitoring. Those are all evolving, and a number of us are watching how that plays out, because I think it's going to be very helpful in informing policy and management actions that are going to be taken within the United States in the coming years. But really, in a nutshell, that's what's going on there, and I just thought it would be of interest of everybody here to learn how things are moving on the other side of the Atlantic.

Rick Robins:

Bill, thank you very much for that. I think it builds on the fact that we've had major changes in the U.S. since the last reauthorization in terms of the level of catch accountability that's imposed on U.S. fisheries. Obviously, bycatch avoidance becomes a priority under that new paradigm, and I think one of the points that maybe hasn't been made is that there are a lot of great stories around the U.S. to be told about successful bycatch avoidance plans, and some of them are quite sophisticated and quite successful. So I think we've had a number of successes around the country that can be built on, but they also need to be communicated more so, perhaps, than we currently do. But thank you very much for that update on the Rome conference. Thank you, Bill.

With that, let's take a ten-minute break. We'll be taking up the IUU issue tomorrow, and when we come back, we'll hear from Jon Hare and John Henderschedt on climate change in fisheries. Thank you very much. Let's take a ten-minute break.

7. CLIMATE CHANGE AND FISHERIES

Rick Robins: Good afternoon. We're back for the penultimate round with Jon Hare, and I'm looking forward to this discussion. I know a lot of you are. This is going to be a presentation on climate change and fisheries, and following this, we'll have John Henderschedt providing a summary of the East Coast Councils and Commission Workshop that we had on the same, but Jon Hare has been supporting our Council's efforts to understand this very complex question, and I'd like to welcome Jon on behalf of the CCC here today in Virginia Beach. So Jon, thanks for being with us.

Dr. Jon Hare: Thank you very much, Mr. Chairman. In your briefing book, you have about an hour-long presentation, so you've got the expanded version. What you're going to get this afternoon is about the 20-minute long, sort of condensed version, so if you're looking at your briefing book, we're not going to get through all those slides. We'll try to get through it quickly.

Just a little bit of background about myself, I'm a fisheries oceanographer, so I look at the relationship between the ocean and fisheries. I've worked in the Caribbean, Gulf of Mexico, along the Southeast U.S., and the Northeast U.S., so my experience is east coast Atlantic Ocean. I don't have any experience in the west coast Pacific Ocean. I currently oversee the operational oceanography programs for the Northeast Fisheries Science Center and I'm the Lab Director of the NOAA Lab in Narragansett, Rhode Island.

So as an outline today, I'm first going to make sure that we're all on the same page in terms of understanding the difference between climate variability and climate change, and then I'm going to go through and talk a little bit about our past climate states and where we're going in the future, and then I'll talk about direct effects of climate change and climate variability on fisheries, which Councils may be more interested in than the other two topics.

So difference between climate change and climate variability – the Earth climate system is naturally variable, and that's indicated here – which one's the –

Male: The green (inaudible).

Dr. Jon Hare:

Forget that one; we're not going to worry about it. That top panel is made up data, but it exemplifies natural climate variability, and you can think about that as temperature. There's going to be cold periods – I got it here. Can be cold parents and there can be warm periods, and this is time, so this is the year from zero to year 100. The Earth's climate system is naturally variable. Climate change is a long-term change in a climate variable. So we're pretending this is temperature. So this is climate change, a long-term change, and this is climate variability, fluctuating around a mean. What we experience is the combination of the two.

So this is what we would experience in this example that we have. You still have all the climate variability, which is natural in the system, but then you also have the long-term change. So with climate change, you can still have a very cold winter and a very warm winter. That's part of the natural variability, but climate change is a long-term change in temperature or in hurricane strength or in precipitation or in ocean acidification.

So starting from that just basic example, here's some data from the Northeast U.S. Continental Shelf, so we're looking from Cape Hatteras, North Carolina. We're right here in Virginia Beach, just south of Chesapeake Bay. So we're looking at the area of the ocean from North Carolina up to the Canadian Nova Scotia. This is the annual mean sea surface temperature from 1854 out to 2013.

So when we look at this, this is a NOAA data product. It's an annual mean surface temperature. We see evidence for climate change. If we look at the long-term trend in ocean temperatures, it's increased by 1.3 degrees Fahrenheit over a period of 150-plus years. 1.3 degrees Fahrenheit may not seem like a lot, but think about how much water that is and how much heat it would take to increase that water temperature by 1.3 degrees Fahrenheit. That's a lot of heat. So the ocean has, over the long time, has been gaining heat. But we also still see all the variability. There's natural climate variability in this system.

So in the Northeast U.S., this is the Atlantic Multidecadal Oscillation. It's about a 30- to 60-year cycle. You can see that mapping on very well onto the observed temperatures. So we have this long-term change and we also have this natural variability cycle. There's also a lot of interannual variability in this system. 2012 was the warmest year on record. 2013 is a

warm year, but not the warmest. So in the Northeast U.S., we see examples of both climate change and climate variability.

Now, as I'm going through this, I'm realizing that this is the expanded version and not the shortened version. So I'm going to skip through some slides just to stay on time.

So climate variability is natural and climate change is a change in the climate parameter over the long term. So let's look at some of these past and future climate states. Where do we get information about past climate? We get information about past climate from observations. NOAA has a number of observing programs; universities have a number of observing programs; states have a number of observing programs.

There's a whole host of observations that have been collected in the past. In the Northeast, we produce two summary documents – an ecosystem status report, which is produced every two years, has a range of climate information, and we also produce ecosystem advisories every six months, which are sort of synopsis of the larger document. There are similar documents in all of the regions that represent NOAA fisheries supporting fisheries management councils. Pacific Islands has a ecosystem status report. Gulf of Mexico, ecosystem status report. Alaska has an ecosystem consideration chapter. Northeast has ecosystem status report, ecosystem advisory, so every region, there is support of information about both climate change and climate variability.

So again, sorry for speeding through here, but I just want to keep on time. So climate has been changing in the past. We have observations to track that, and we can also look into the future. So another aspect of NOAA, the Office of Oceanic and Atmospheric Research, has two of the premier climate modeling centers in the world. There's about 27 globally. Two of the premier centers are in NOAA – the GFDL in Princeton, New Jersey and the Earth Systems Research Laboratory in Boulder, Colorado.

What this is, this is a product which has been created by Jamie Scott and Mike Alexander at OAR at the Earth Systems Research Lab. It takes all of the climate models that are going to be part of the next International Panel of Climate Change Assessment Report and presents that information to the public. So you can go onto this website, choose your particular area – I've got the East Coast of the U.S. here. You can get the Pacific Coast,

you can get the Pacific Ocean, you can get the Arctic Ocean, you can get Antarctica, and look at what the climate models say is going to happen in the future. So this is comparing 2006-2055 average to 1956-2005 average, and what this shows is that in the Northeast U.S., temperatures are projected to increase by about 1.2 degrees Celsius. If you go down further south, it's a little less. Up sort of in the northern gulf, it's a little more.

The point is, is that temperatures are going to increase. Ocean acidification, the amount of carbon dioxide in the ocean, that's going to – the amount of carbon dioxide in the ocean is going to continue to increase, which is going to make the ocean more acidic. Precipitation patterns are going to change. Streamflow patterns are going to change. Ocean currents are going to change. Wind patterns are going to change. Storm tracks are going to change. Storm intensity are going to change.

We have evidence now that all of those things have been changing in the past resulting from both variability and change, and these models support the idea that these parameters are going to continue to change into the future.

So let's look at some of the potential impact on fisheries resources. Again, bear with me. So in terms of conceptualizing, I think, and just in general, there's about three main processes where climate change intersects with fisheries and fisheries management. The first is there are going to be, and there have been, changes in stock productivity. This means that recruitment may change through time; growth may change through time; maturity may change through time; fecundity may change through time. There are also going to be changes in distribution, and that potentially affects stock definition or catchability, either in a fishery or in a fishery independent survey.

Then there's going to be changes in species interactions, which could affect natural mortality or growth. So climate change is going to intersect with these populations at a variety of levels and it's going to cause those populations to change. It's been causing those populations to change in the past, it's causing those populations to change now, and it's going to cause those populations to change into the future.

So as an example, this is the Southern New England yellowtail flounder. This is the biomass trend from the most recent assessment. Most recent

assessment occurred here in 2011, I believe. This was the previous biomass at maximum sustainable yield benchmark. New assessment, they decided that there had been a regime shift in the environment; they calculated reference points only on the latter part of this time series. The biomass did not change, but the reference point did.

So the new B_{MSY} dropped down about a tenfold decrease, and the population was considered rebuilt and not overfished even though the biomass was at the given level. So because the assessment process considered that there had been a regime shift, an environmentally-caused regime shift, it changed the reference points of the population. So the population went from being overfished and overfishing to not overfished and not overfishing. So the reference points changed.

If we look at the distribution here – not quite sure how this is going to work. Can you – this is an animation. Can you start – so this is a distribution of the yellowtail flounder, 1968. This data comes from the Northeast Fishery Science Center Trawl Survey, which samples annually, and we're looking at the – the reds and oranges are highly abundant and the blues are less abundant. So we're looking at it every year through time. We're in 2000 now. We're going to end in 2008.

So in '68, most of the yellowtail flounder biomass was here in Southern New England. In 2008, most of the yellowtail flounder biomass is up here in the western Gulf of Maine and out at the tip of Georges Bank. So the distribution has shifted dramatically. A paper by Janet Nye showed that 24 of the 36 fish stocks which she analyzed shifted polewards and deeper, so had a distribution change similar to yellowtail flounder. The populations, the stocks, are going this way and into deeper water. So 24 of 36, so about two-thirds of the species have changed distribution in our region.

Then the last one, I don't have a slide for, but in terms of thinking about changes in community structure and trophic interactions, coral bleaching is a perfect example. Coral bleaching is caused by multiple stressors and it affects a main community element of a lot of our ecosystems. And then how fish use coral reefs changes. How predators use coral reefs, how prey use coral reef changes when there's a bleaching event. So climate change is also going to affect these community and trophic-level interactions.

So if we step back and think about – I understand that much of the discussion – and I heard that some of your discussion was about annual catch limits. We tend to think that fisheries is a problem of annual scale. Climate change is fine. Ten, 15, 20 years from now, it's going to be warmer. It doesn't affect our annual catch limits today. In my opinion, it does. And I'll tell you how. When you do a stock assessment, you're basically doing a hindcast: using the past property of your populations to develop reference points in understanding where the population is now. But those past properties of the population come from a past climate. If climate has been changing through that whole period, then your population has been changing through your hindcast.

So yellowtail flounder – take your 30 years, you get one reference point B_{MSY} at 20,000 metric tons. You take the last ten years and your B_{MSY} is now 2,000 metric tons. So how you integrate your data over the past is going to be important in terms of your annual catch limits.

The other issue is stock boundaries. I showed the data with yellowtail flounder. Yellowtail flounder distribution has changed. Twenty-four of the 36 species in the Northeast have changed their distributions. When we tend to think about stock boundaries in fisheries, we tend to think about them as being static. We may reconsider them, but how often do we change them? There's a paper by Jason Link which set up a decision tree for how do you think about changing stock boundaries because we know the distributions are, themselves, changing. If you change your stock boundaries, if you change the data that you're going to include in your assessment, it's very likely that your reference points will change.

Then as we get further out in our time scales, rebuilding plans typically project out ten years. What you're assuming is that the environment in the next ten years is going to be the same as the environment that your assessment has been based on. If you've based your assessment on 30 years of data, you're assuming that your next 10 years are going to be the same as those past 30 years. Under climate change, there are situations where that is not going to be true.

Then as we get out to the longer-term goal in fisheries management, our goal of resilience and sustainability, that's going to be very affected by climate change 'cause sustainability is a long-term goal. You're not setting annual catch limits to have sustainability next year; you're setting

annual catch limits to create sustainability over the long term. Climate change is going to interact with your population over that long term.

So where are we going in the Northeast? This is the data that I showed you from the extended reconstructed sea surface temperature. Here's our climate change trend, and then this is taking those models that I showed you from the Earth Systems Research Laboratory website. This is the mean increase in temperature in 27 global climate models for the period of 2005 to 2055, and this is the mean sea surface temperature in our region from those same 27 models, 2055 to 2099. Temperatures are going to keep increasing.

The other point is, is even if we solve the CO₂ problem today – if we capped our emissions at what they are today and our atmospheric CO₂ stayed exactly the same today as it is out into the future, the climate system is not in equilibrium. It's going to take decades to centuries for the climate system to become in equilibrium with the current carbon dioxide in the atmosphere. So even if we solved our carbon problem today, we would still be facing a climate change problem in fisheries management for decades to centuries to come.

So I think, with that, I'll end – I just want to end on this last slide here. Where we really need to go is our reference points are not static. They're dependent on the data that we used in the past and they're dependent on how we think about the environment – is it static or is it changing? Stock boundaries are not fixed. There is ample evidence from the Northeast and from around the world that fish distributions are changing, yet in most cases, our stock boundaries are static so that we have that disconnect.

Then finally, trophic interactions and community makeups are changing. I talked about coral bleaching; that's one example. There are a whole host of examples which I could have talked about, and what we really are coming to is that we have multiple stressors acting on fish populations. It's not only fishing; it's not only climate. It's the interaction of all of those, so what we really need is we need to be thinking about climate-ready, ecosystem-based fisheries management.

Here there are fish stock; it's affected by habitat, socio-economics, climate, species interactions. Recruitment varies; immigration, emigration varies. We try to control this complex system by regulating fishing.

Sometimes it's going to work and sometimes it's not because fish populations are not only controlled by fishing. There's a whole host of other processes that are affecting them, and so we really need to be thinking about how do we include the ideas of climate variability, climate change, and ecosystem-based management into one framework to move forward with fisheries management. So with that, I'll leave it and I guess – I don't know if John's going to talk now and we'll take questions at the end, or I'll take questions now.

Rick Robins:

Jon, why don't we go ahead and take a few questions right now if members have them? But I was really impressed the first time that I saw the projections about temperature change in the Northeast region, because if you look back at that basically heat map of temperature, as you said, that's a synthesis of 27 different climate models. So it's almost like thinking of climate change in terms of a hurricane forecast, as far as the methodology, where you're synthesizing all those different climate models. But the Northeast Shelf is one of the hottest spots around the country as far as change has been observed and predicted to occur, so it's pretty remarkable. That, I think, helps explain why we've been so interested in the question because throughout the Mid-Atlantic, we've seen very significant shifts in fisheries resources, and Terry Stockwell was talking yesterday about how much that's affected New England. So it's a global phenomenon with important local variations, but for us, it's been something of very keen interest.

Dr. Jon Hare:

Yeah, and I agree, and the point is that it's not only temperature. Temperature is easy to talk about because people can understand what warmer temperature means, but it's a whole host of climate properties are changing – precipitation, stream flow, ocean acidification, so it's a whole myriad of climate factors. The website that I talked about, they have developed these ensemble forecasts for six different parameters – sea surface temperature, air temperature, precipitation, ocean acidification. I'm stuck on the other two, but I'll make the website available to Rich, and hopefully you guys – people would be interested in looking at it. These models cover the whole globe, so you can look at specific regions, but it's a lot more than just temperature.

Rick Robins:

Thanks, Jon. Sam.

Sam Rauch: Yeah. Thank you. I don't have a question, but I have a comment that if you look at that chart, we do traditionally manage the fish stocks by regulating fishing. Yesterday, we had a lengthy presentation about managing fish stocks by managing habitat and using habitat to increase productivity. We've also talked a lot today about ecosystem-based management, which is, in some manner, managing species interactions to increase productivity. So I think climate change is forcing us to look more strongly at some of these other tools, and I do appreciate – it's not just fishing that we can manage. We may not, be in this room, have the tools to deal with climate, but we're not completely without tools to address some of these issues beyond just regulating fishing.

Rick Robins: Good points. Other questions for Jon or comments at this point? Yes, John Bullard.

John Bullard: I have a comment, which I made before Jon, but – and I appreciate your repeatedly educating us on this complicated subject. I'm glad Bob King is here as well because these relationships get very complicated, and as you pointed out, Jon, the law is about – Magnuson-Stevens is about regulating fishing, and it's not really equipped, I don't think, to deal with climate change. Who knows, maybe one of the co-chairs doesn't even think it needs to be, but that's not my place.

I think in the – you were at the session about climate change impacting management when we did spend a lot of time on how much we know about temperature and how little we know on ocean acidification and its impact. And my sense, not as a scientist but as the manager, is that's an area where we have, as managers, a lot of need because there's, relatively speaking, little knowledge and also in the industry, little understanding, and as we talk about the relationship and ecosystem-based management and predator-prey relationships, the need for something like an early warning system for how much does pH have to drop before the base of the food chain disappears – that kind of relationship, that kind of information would be very important for us to know. The relationship between pH and abundance and productivity is information that will be important for us as managers.

Dr. Jon Hare: Yeah, I mean, that's an excellent comment. Our understanding of the effect of temperature on animals is centuries old. Our understanding of the effect of ocean acidification on animals is probably a decade old.

NOAA has an ocean acidification program. It's an area which is receiving active funding. National Science Foundation has had two special calls to increase our understanding of ocean acidification, so we've been gaining a lot of ground but there's a lot more ground to gain, certainly.

Rick Robins: Yes. Doug.

Doug Gregory: Yeah, clearly temperature's a major driver here, but is there any evidence that changing currents could be affecting stock distribution? I know that the Gulf Stream is slowing slightly, and that's causing sea level rise to increase in the Mid-Atlantic area – contribute to that, what I've heard, and I'm wondering how that might be affecting the other currents, the counter-current coming from the north and those sorts of things, and how that could be affecting fish stocks.

Dr. Jon Hare: I guess at this point, I would say it's all still very much in the scientific realm and the research realm. The Gulf Stream has shown variability in transport, and papers are starting to go back and forth between is it causing changes in sea level along the Mid-Atlantic or not. So that's an area of active debate. The models suggest that the Gulf Stream track will push further north as the ocean warms, so that will change the circulation along the outer part of the Northeast Shelf, but we don't have a good enough understanding yet of what the consequences would be on fishing. There's empirical relationships, sort of a statistical relationships, that are starting to develop, but we don't have the mechanistic understanding, but it will have an impact, yes.

The Gulf Stream is just one current. I think the current systems in the ocean are changing, so pick another current and it's going to have – there's going to be variability but it's also going to be subject to climate change.

Rick Robins: Thanks, Jon. Other questions? Jon, if you don't mind staying up there, we'll go ahead and have John Henderschedt run through this, and if there are follow-up questions, we'll take them together, if that's okay. John. John, you can go up there if you – yeah.

John Henderschedt: Okay. In March of this year, the Mid-Atlantic Council hosted a workshop in Washington, DC for the three East Coast Councils and the Atlantic States Marine Fisheries Commission to address issues of climate change

and fisheries governance. So in consultation with the Council and a workshop steering committee, the Fisheries Leadership and Sustainability Forum developed the content and the design of the workshop and provided the facilitation support for the two-day event. Since my team's still processing the notes from that workshop and drafting a summary report, Chris asked that I offer a brief presentation of the workshop outcomes.

So the workshop was attended by more than 70 individuals who represented states spanning the Eastern Seaboard from Maine to Florida. We had two guests from fisheries and oceans in Newfoundland, Canada and one member of the North Pacific Council with the Washington State Department of Fish and Wildlife. The three East Coast Councils and ASMFC were all represented by members, leadership, and staff. NOAA was represented by headquarters staff, GARFO, the Southeast Regional Office, and the Northeast Fisheries Science Center.

So to start off, I'll provide a bit of background on the approach taken in the development of the workshop. First, as indicated by both its title and its participant list, the workshop was focused on questions of governance and management. The organizers believe that the underlying science of climate change has and will be addressed in appropriate venues, and that the focus of this workshop should be to inter- and intraregional and jurisdictional issues of governance and management.

Second, while the first few hours of the workshop consisted of presentations by expert speakers, including Jon's presentation, that provided some background, some stage-setting information related to the physical and socioeconomic scientific considerations related to climate impacts on fish and fisheries, it was really the workshop participants – Council members, state directors, Council staff, Commission staff, and Agency representatives – who were considered the experts on the issue of management and governance, and the workshop was designed to highlight and to leverage that experience and expertise.

So a discussion document was prepared in advance of the workshop, and that's available on the Mid-Atlantic Council's website. It was informed by rapid assessments of all the species and all of the fisheries that fall within the jurisdiction of the three Councils and the Atlantic States Marine Fisheries Commission. Compiled by Council and Commission staff, these rapid assessments were a way to collect information on observed or

potential impacts on managed stocks and/or fisheries from climate change, management measures and communication and coordination mechanisms that are in place, and perceptions of the ability of the governance system to address and respond to current or future climate change impacts. So in contrast to the vulnerability assessments that the Agency is currently preparing, these rapid assessments describe the current state of knowledge regarding climate change impacts and concerns for managed fisheries, and in particular, help to identify intersections with the workshop focus on management and governance.

So discussions at the workshop included key governance challenges and opportunities associated with managing East Coast Marine Fisheries in a changing environment, regional observations and concerns related to climate impacts in the Gulf of Maine, the South Atlantic, the Mid-Atlantic, and Southern New England, an exploration of cross-cutting challenges associated with changing fishery productivity and shifting fishery distributions, and consideration of different pathways for governance and management adaptation and response. The workshop was concluded with a discussion of next steps in preparation for management of climate-ready fisheries.

So while shifts in the ecosystem dynamics along the entire range of the East Coast were identified, the types of change and the extent to which those changes are currently associated with a change in climate differs across regions. Climate impacts appear most acute in New England and least evident in the South Atlantic, and those differences shaped many of the workshop discussions. That said, there was strong agreement about the value and the importance of establishing relationships in governance structure that ensures adaptive and effective fisheries management in the face of significant environmental uncertainty.

As I mentioned earlier, there will be a report of the workshop that summarizes the presentations and discussions, but for purposes of this presentation and in the interest of time, I'm just going to quickly focus on the cross-cutting issues and the final discussion focused on managing climate-ready fisheries.

So the discussion of cross-cutting issues was centered around four questions. First, what challenges are stocks and fisheries facing? Well, those challenges included uncertainty. Many challenges stem from the

fundamental reality that managers face a high level of scientific uncertainty and the potential existence of unknown tipping points in the ecosystem.

Changes in productivity. This outcome is not viewed universally as negative. There's an assumption that changes in the productivity will create winners and losers and that what's important is to correctly identify those trends and who those winners and losers will be. Examples of stocks shifting out of range or contracting included northern shrimp, cod, and lobster.

Changing spatial distribution and temporal patterns. Also related to the previous issue, what is the relationship, if any, between the expansion, contraction, or shifts in distribution and changes in stock abundance? Examples of stocks shifting or potentially expanding distribution include black sea bass, croaker, and summer flounder.

Additional challenges include ocean acidification and other habitat impacts and delays in information and implementation. This is a structural rather than a physical challenge, but an important dynamic that underlies many discussions regarding climate response and adaptation. The ecosystem is changing more quickly than the system can respond.

So what are the potential governance and management scenarios that might be associated with these challenges, and what are the risks of responding or the risks of not responding? Well, these include inappropriate management responses, for instance, treating short-term availability as if it were a long-term trend, and just misreading signals in the ecosystem. Disconnects between jurisdictional authority and access to the resource, the potential that new fishery participants may not be represented within an existing management jurisdiction.

Management and governance adaptation that trails environmental changes – the process that starts with data collection surveys, which is followed by analysis and assessment that inform the development of new alternatives and implementation of a final recommendation, can take five years or more. Gaps in governance and/or management of emerging fisheries – there is a risk associated with the failure to coordinate governance in the face of shifting distributions and changing abundance.

Eroding effectiveness of established time and area management measures – these time and area closures may no longer achieve the intended management impact due to shifting distributions and changes in temporal patterns. New or changing multispecies dynamics – bycatch and choke species are a management challenge in a static environment and potentially more so with shifting distributions and changing productivity at the single-stock level.

And finally, deterioration of confidence in the management process – a failure to make the necessary management and governance adaptations to climate impacts may undermine fishery performance and erode confidence in the managers.

So potential solutions: adaptive representation in changes through Council composition or framework to include additional representation as appropriate, for instance, giving the Secretary of Commerce authority to add membership to a Council under a defined set of circumstances. Consideration of potential climate dynamics and impact in each Council decision, really just adding to the list of issues considered in an analysis, that of climate impact. Development of new decision support tools and a focus on ecosystem-based fisheries management as a tool for identification of and response to climate impacts. Maintaining fleet resilience through encouragement of diversity and flexibility. The benefits of right-sizing the fleet and ensuring that management and governance do not constrain adaptation among fishers. Improved data collection systems and regulatory streamlining.

So finally, what were the takeaways? What does it mean to be ready to manage climate-ready fisheries? There were two related themes that appeared throughout the workshop and were amplified during the wrap-up discussion. The first is that, as important as efforts within the fishery science, management, and stakeholder communities to adapt, to create climate-ready fisheries might be, they still do not address the root cause of the challenges to which we are responding. Councils and the Commission, in addition to their efforts to support climate readiness, can communicate with a unified voice the importance of addressing the causes of climate change to political leaders, to policymakers, and to stakeholders.

A related theme was the value and the importance of the workshop, both as a forum for advancing the discussion of fisheries management and governance in the face of climate change, and as a symbol that the Councils and the Commission were not and are not behaving as if it were, as John Bullard expressed, just another normal day, and instead, engaging in an unprecedented discussion among managers and across regions and jurisdictional boundaries.

As with any source of scientific and implementation uncertainty, discussions landed on two areas of focus: reducing uncertainty and managing for uncertainty. Obviously, reducing climate uncertainty is largely science-driven, and having the appropriate strategy in place is essential. To this end, the Northeast Science Center is embarking on the development of the strategic science plan, and the workshop had an impression on that process. An important question will be the balance of providing the science necessary to support management today while investing in the science that will address the longer-term concerns of climate impact on fish stocks and fisheries.

Managing for climate uncertainty is a tall order. There is risk associated with response to perceived impacts and there is risk associated with a failure to respond. Better, faster data may, on one hand, support a more timely response, while on the other, could lead managers to chase short-term trends or noise. In any case, understanding the nature of that risk in managing for climate change is essential.

The participants expressed the importance of coordination among jurisdictional entities. Management of stocks or stock complexes under joint FMPs was identified as a potentially inefficient but ultimately effective mechanism to coordinate management across jurisdictions and may be an appropriate governance adaptation in some instances.

An associated challenge is representation, and many workshop participants expressed the importance of ensuring that structures and processes are in place to ensure adequate representation on management decisions as the distribution of species and of fisheries shift. While some Councils have initiated that dialogue, a successful response to this challenge will also require the involvement of stakeholders, the states, the ASMFC, and the Council's advisory bodies. In short, broad and continued outreach is key.

Finally, the workshop highlighted the importance of flexibility, adaptability, and timeliness within the management process. Participants expressed the need to foster flexibility within and across fisheries to build adaptive capacity into their fisheries management plans and to identify strategies to streamline decision- and rule-making processes to ensure a timely response to climate impacts.

That's the conclusion of my summary. I'd look to others who were present to add comments if they have them, or I'd be happy to answer questions.

Rick Robins:

John, thank you very much. I think, for us, just with respect to the issue of uncertainty, this does introduce a different type of uncertainty into our future. It's not simply uncertainty; it's directional, and to the extent that it's directional and we can have an informed understanding of it, it represents, essentially, a known risk to our fisheries. But the Northeast Fisheries Science Center has initiated a comprehensive susceptibility analysis and risk analysis of our managed fisheries on the Northeast Shelf, and that should give us some sense of what the implications are and which of our managed species are going to be most sensitive to these changes, because as we're responsible for managing a portfolio of fish stocks, we want to have that understanding. But it's clear, I think, from the workshop, that we really need to rethink how we might build in more adaptive capacities into our management plans and the structures by which we manage, because we are in a position on the coast where we have significant shifting resources and need to figure out how to come to terms with that from a science and management standpoint.

But there are a lot of implications, not just biologically, but socially, if you consider the difference in the resilience of the fleets that interact with fisheries in the Mid-Atlantic. We have some fisheries that are fixed-gear type fisheries that aren't very mobile. We have others that are highly mobile. The fleet in Montauk, New York is among the most mobile on the coast. So we have a real sense of diversity there in the fleet, and some of those fleet components are very much at risk of fishery shift whereas others will be in a better position to adapt, so there's a lot to think about on a lot of different levels in terms of the scientific side of it, but also social and economic and management side. But it's given us a lot of food for thought, but are there other questions for John Henderschedt? Other members who were there and want to comment? Chris.

Dr. Chris Moore: I have a question for John, and maybe it may be better addressed to the Pacific Councils, but what's going on on the West Coast as relates to climate change and fisheries? Are these kinds of discussions happening there at the North Pacific Council or West Pac or Pacific Council?

Kitty Simonds: Well, our Center has reported on what might be happening in our part of the world in terms of our tunas. All of the – what's happening now is the mid-level trophic fish, they're now catching more and more of those, and maybe in 2020, the bigeye CCs will be shifting to the east, so we're looking at all those things but we've not had a workshop. But I think that's a great idea. Of course, we're in the middle of the Pacific Ocean, so it'd just be us and the rest of the world.

[Laughter]

But yeah, so we're taking this very seriously. The only good thing about shifting bigeye is that we'll get most of the bigeye, and where all of it is happening now between 10 North and 10 South, well, those people will just have to suffer.

[Laughter]

Rick Robins: Arnold.

Arnold Palacios: You know, in small island areas, even the government sometimes have a hard time grasping that life changing is around us and that we need to adapt. I must commend NOAA and Interior for some of the efforts in building capacities out there to understanding these issues and the sciences around climate change we've had, and even the Council and Pacific Island Region Office and our (inaudible) have sponsored different small workshops to begin building capacities in the island areas. So we are also looking at these issues. Our FMPs and the Council will start incorporating and looking at elements of climate change as we incorporate that into our management plans.

Rick Robins: Thanks, Arnold. Jim.

Jim Balsiger: We had a NMFS leadership meeting last week, and Will Stell gave quite a inspiring talk about climate change and what's happening in California.

Eileen gave us a sort of a review of it here on the first day, and I thank her for not being quiet so dramatic 'cause I didn't sleep for two days after Will got done with us.

[Laughter]

But his point was that things happen so rapidly, we don't have time to take care of things by normal processes. He was skipping procedures, changing policies on the way things were done, and that kind of reminds me of Don talking this morning about 675 days to get a rule in place. Well, there's not time for doing that. So I'm not quite sure what I want to say, except that putting workgroups together that are going to report on two years on how we might take care of some of these things may not be setting us up for the rapid-fire decisions that might have to be made if these climate change has effects that rapidly.

I don't think that – well, Will pointed out, I guess, that California should have known that they were going to be out of water, so it shouldn't have surprised them, and I can't think of anything in Alaska where anything is going to happen that dramatically, but there's probably something. So I think we have to, as a group, give some thought to how things can happen in a much more rapid fashion than we're used to, and I have no punch line, but that's what I was thinking.

Rick Robins:

Jim, yeah, one of the themes that came out of our discussion across the Councils on the East Coast was that we have to find some way to make the process more nimble and more agile so we can respond to these changing conditions, so I think that was a very clear need coming out of those discussions. Jon Hare.

Dr. Jon Hare:

Yeah, I just want to add – follow up on a comment. You said you don't know things in Alaska are happening so quickly. The Arctic Ocean is opening up. Summer sea ice is going away, and so Alaska, they're confronted with basically a whole new ecosystem which they potentially could have any number of activities taking place from fishery to energy development, and that Council or that Region, I'm sure, are dealing with that. That's happening now.

Rick Robins:

Thanks, Jon. Don.

Dr. Don McIsaac: Thank you, Mr. Chairman. Well, in the Pacific Council, we have a State of the Union address or a State of the Ecosystem report every March, and we saw some information on how things are changing on the West Coast. John and I were at a modeling forum meeting in Seattle and we got some even more detailed information, so there's no question that things are changing. On the West Coast right now, it's going in the other direction of being colder, and we've got some sardines that are on the way out because they like warm water, but on the other hand, we've got some outstanding conditions for salmon and some copepod populations going through the roof. We got the biggest run of Chinook salmon coming back to the Columbia River since 1916 even though some of that's probably due to some in-river help, and we've got some strong recruitment of rockfish; we got Pacific whiting in elevated population level.

But the West Coast is also where the oyster spat problem relative to ocean acidification first was showing up. So I don't think that the models five years ago predicted this kind of a bloom. In fact, Don's not here, but blue whales off of southern California in pretty good abundance. No one was predicting that, so I guess the point I'd reemphasize is be light on your feet. We're probably only a little bit away from an El Niño that would leap it back the other way and cause all kinds of trouble, so – but at any rate, we're getting some reports on it, and what's probably not leaving the Council members entirely comfortable is be light on your feet which way, and do exactly what. That's the part that's still out there. Some of the projections don't seem to be coming in as expected.

Rick Robins: Michelle Duval.

Michelle Duval: Thank you, Mr. Chairman. I know, based on the presentation and the information that was presented at the climate workshop, which I was unfortunately was unable to attend due to our port meetings in North Carolina, even though things may be changing comparatively less in the South Atlantic, they're still changing. I think we probably see that more in North Carolina, being right at the nexus of those two regions, than other folks. I get more and more calls from fishermen north of Hatteras asking me how many hundreds of pounds of triggerfish they're allowed to take in their trawls, and I say, "Well, trawl gear is illegal in Snapper Grouper Fishery."

So it's still happening, and I know we had taken some steps, I think, a couple years ago to explore expanding the management unit of the Snapper Group Fishery up into the Mid-Atlantic Region, and I think because some of the requirements of the reauthorization, we're sort of forced to put that aside for a little while, but it seems like it might be a good idea to consider taking that up again at some point.

Rick Robins: Great point, Michelle. Thank you. John Bullard.

John Bullard: I think both Johns gave great presentations, and I think listening last week to Will Stell and the science directors talk about the drought situation in California certainly gives a sense of perspective, and I think that that is helpful here. When Chris asked for what is going on in the West and Kitty responded about ten degrees north and ten degrees south, I thought about John Kennedy said, "The ocean doesn't separate us; it connects us." And as we all know and fishermen know, it does connect us.

I think about Kiribas where they're not thinking about NEPA laws or anything like that when you have a country where the problem is, "How do we relocate our country because our country's going to be underwater so we're looking to Fiji to relocate our whole country," that puts your problem in perspective about here. So the issue that John Henderschedt raised about how do you manage risk when your problem is we're not going to have a country anymore because of this issue, our country goes away, so what do our laws apply when you don't have a country anymore? It's a different problem. When the country goes away, your schools, your graveyards, your homes, everything that you hold dear disappears, it's a different order of magnitude on this. Now, you approach the problem a little differently, and that's what we're looking at here.

How do you approach a problem when that's the perspective? "We're on one little blue dot," as Carl Sagan described us. That's the little blue dot we're all sharing, whether it's Kiribas or Hawaii or Alaska. The little blue dot. Rising tide lifts all ships unless you're on a very low ship.

Male: Or you're **Concordia**.

[Laughter]

John Bullard: Yeah, and so how do you act when that's what you're facing, when the problem is that's what you're facing? And risk is the issue – the risk of acting too fast or the risk of acting too slowly, and I think that's a major takeaway here, how you manage – there is no safe side. That's why I think John Henderschedt's description of that was so –

Rick Robins: Thank you, John. Other questions or comments? Well, Jon and John, thank you both for thought-provoking presentations. I appreciated both of those. Thank you very much. At this point, we'll turn to Russ Dunn, and ask Russ to give us a summary from the Recreational Summit. Russ, good afternoon and welcome. Can you turn that mic on, please, Russ? I'm sorry.

Russ Dunn: Just going to say, for those of you who I have not met, I'm Russ Dunn. I'm the Policy Advisor on Recreational Fisheries Issues at NOAA Fisheries. As the Chairman said, I'm going to give a quick overview of the Summit and where we're going in terms of the policy or next steps to policy and the Action Agenda, but first, I wanted to show a quick video, which sort of summarizes the Summit.

[Begin video at 0:55:16]

Male- video: Hi, I'm Forbes Darby of NOAA Fisheries. We're here in Alexandria, Virginia for the 2014 Recreational Saltwater Fishing Summit. We brought together 100 leaders in the recreational fishing community and talked (inaudible) about where we've been and where we're going and how we're making a brighter future for recreational fishing.

Male-video: This is probably the best opportunity we've ever had to get everybody in one place and have a chance to discuss the MSA coming out and how are we going to have some input in the development. We've all kind of recognized that it is an important time that we all be talking together and working with NOAA to come up with a good solution.

Female-video: Well, this is a continuation of our commitment to forge stronger bonds with the recreational community. They really felt like they were a voice that was not being heard and that they are an important voice, both economically and in terms of the community –

[End video at 0:56:08]

Rick Robins: Now I know none of those actors were paid.

[Laughter]

Russ Dunn: Yeah, I was just going to say, I appreciate that you remembered all the lines we gave you, so that's good. Yeah. So all right, yeah, if we could jump into this. Yeah, that was a well-done video, so I want to give the appropriate props to our communications officer, putting that together. So you could – or I can click it if you – all right, okay. All right, so we've covered that. We've covered that.

All right, so I will go quickly in the interest of time. So as we walked into the Summit, we were really – we had the overarching goal of trying to continue to build the relationship and to do so by sitting down collaboratively with the community to figure out what are the priorities and what are some solutions that we can implement together over the next few years. I had the more specific objectives of trying to, again, open new lines or reinforce existing lines of communication – sort of touching back with folks after four years – and trying to obtain the information that was necessary to build the next generation of the National Action Agenda. At the end of the day, we came out with an additional commitment, the policy, as you just heard.

So who was there? Well, we had RSVPs for 101 people to attend. Only 88 ended up showing up for various reasons. We had 49 NOAA folks, including a large swath of the NOAA and the NMFS leadership. Our NOAA Administrator, Dr. Sullivan, was there. Our NMFS Assistant Administrator, Eileen, was there, as well as Sam and a number of other folks here in the room, our Regional Administrators and Science Center Directors. Then the Councils and Commissions all had representatives who participated as well, and I particularly want to thank Atlantic States because they were our project partner. We could not have pulled it off without their assistance.

All right, so building the agenda – really, our effort was very broad-based. We drew on a whole multitude of inputs to build the agenda, from Managing Our Nation's Fisheries 3 documents to the regional roundtables, the MAFAC Working Group Paper, the Morris Steele Commission, direct conversations with the public, a pre-Summit survey, as well as the angler

perceptions survey. We boiled that all down to the five elements that you see there, which served as the working group's – the fifth one, the regional engagement, really came about as a result of the pre-Summit survey, and it's really a subset of the successful relationships item. What the pre-Summit survey showed was that there was – while we were making some progress at the national level, we were making a little more limited progress in the regions, and there needed to be an effort to focus on how we can better engage at the regional level.

So a couple of quick findings – now, I'm not going to read these, so I'll let you peruse them, but one thing to know is that the challenges and the potential solutions here will not necessarily match up. These are shown in, I guess what I would call, rank order. The way the Summit worked was we teed up each of the topics with a pair of speakers – one constituent or management partner and one NOAA individual – to give multiple perspectives. Then, we went into small working groups, basically eight people at a table. Those findings were put together and run through what we call sort of the – what do they call it – the instant response technology, so the clickers where you get to vote on prioritizing and things like that.

These were the results of what came out of a prioritization exercise. So you can see there's not surprising things, that some of the big challenges, predictability, consistency. In fisheries, fishery seasons, there's ubiquitous need for new management approaches, which translates into roughly the F-based approach that you often hear the recreational community clamoring for. I was really interested to see that there was an acknowledgment about – one of the real challenges we faced with management is a lack of understanding among the anglers of the process and the science which underpins it. Some of the solutions – obviously, the first one we have already committed to, the policy. Better engagement, again, is an issue which always comes up – or a solution which is frequently offered.

So from a healthy recreational fishery's – this subject really dealt more with almost hands-on actions that can be taken by NOAA and fishermen themselves to improve the quality of the fishing experience, to improve the abundance of fish out there. There's real growing concern out there of the need to have a long-term, healthy forage base. There's concern about habitat loss, post-release survival, et cetera. And you can see that, in this case, the potential solutions do match up well with the challenges that

were identified by participants. The transition to ecosystem-based management, I was a little surprised to see. There's often a lot of comment that we have a hard time managing single-stock bases, let alone ecosystem as a whole, so I was frankly surprised to see that that came back as the Number 1.

Science and data – trust and confidence, number one issue there or challenge. Not too surprising. There is a real interest – the second one is really an interest in having that socioeconomic data incorporated up front in the formation of alternatives, as opposed to just at the back end of, “Here are three alternatives and what might they do in terms of socioeconomic impacts.” And you can see the second – let's see, where's the laser here? On the side? The green. Oh yeah, okay. You can see the second here. This really goes to the same idea. It's related here; it's just that they brought it right down to the allocation level. There is a keen interest and a recognition that there's not enough angler involvement in the way science and data programs are shaped, the projects that are selected, and how the projects are executed, and they have a real interest in improving angler participation in all sorts of data collections and scientific programs like cooperative research.

Whoops. Successful relationships. So I was personally a little disappointed to see that this came out still as the Number 1 challenge, that we are still perceived as a commercial-oriented agency. There's a similar comment somewhere in there about the Council orientation. There's concern about that. Limited regional communication; again, that wasn't surprising that that came up given what was seen in the pre-Summit survey and then other outreach-related issues. Weak relationship between NOAA and the states was something that was echoed both through this exercise as well as in discussions out there during the Summit itself.

So where does that leave us? Well, at the end of the day, we had three major takeaways or commitments from the Summit. We had the policy that we are committed to developing, which I'll touch on in a second here; we will finalize and distribute the Summit report when that's done. We expect that from the Summit facilitators probably in June. We've seen bits and pieces, but it's a long way from being a final document. And we will also be formulating the next National Action Agenda.

So let's see, the purpose and benefit of the policy – why would we do this? What's the benefit of it? Well, it'll provide us guidance and it will institutionalize our commitment to healthy recreational fisheries. We essentially want to articulate a core set of principles, which can help us when we're faced with difficult issues and help us in shaping our strategic plans, office-level plans. And one of the major goals is to help better facilitate integration of recreational fisheries – non-commercial fishery considerations throughout the Agency. That's a goal that I've been working towards for a long time, and this is one way to help further that goal.

I want to touch on one other thing. I think it's important to begin to set expectations now as to what the policy will be and what it won't be, and that is, we hope that it will be a really thoughtful set of principles which can help provide the Agency guidance. What I am determined to have it not become is more or less a to-do list or a vehicle to solve every hot topic of the day. This is a document which we hope to have a long shelf life, which will be more of a set of principles.

So speaking of long shelf lives, as we sat down to think about this document, we had a historical revelation. In talking to a retired NMFS staffer, he thought this began to sound familiar, so he went and perused his old files, and lo and behold, he came up with a document from October 13th, 1981, which was a marine recreational fisheries policy. As you can see, it doesn't quite go the direction I think that today's recreational community would be interested in, given that it talks about commercial before recreational and focuses primarily on the nation's food supply, so the folks that I've circulated this to, this is in the Federal Register in February of 1982. They got a bit of a good chuckle out of this. So institutional knowledge failed us in this case – failed me in this case, and we are going to use this as a historical point of reference in moving forward. We think after 33 years, it may be time to update.

So how are we going to do this? What's our process? Well, we are going to have a very open, transparent, inclusive process, and I hope by now, most of you at the Councils have heard from me that, in discussions asking for assistance in setting up listening sessions or discussion sessions, we, at this point, have locked in with all of the Councils in terms of discussion sessions over the summer. In June, we'll be at the South Atlantic, the Mid-Atlantic, the Pacific, and the Western Pacific Councils doing evening

listening sessions. In August, we'll be in the Caribbean and the Gulf Councils. October, we'll be at the North Pacific.

But we will also be holding an in-person discussion in Washington, DC to allow the sort of policy wonky folks from the rec community an opportunity to weigh in. We'll be holding at least two national webinars where we can accept input, and we will have a draft framework that we will take on the listening tour, if you will, up on the website where it'll be open for people to submit comment.

We are also reaching out to the Commissions. I believe today, we just locked in speaking to the Atlantic States Commission in August but I have to confirm that, and we are talking with the other Commissions about how we can best engage with them. Some of the timing may not work out well in terms of going to the formal meetings. So we will be gathering stakeholder input starting now and over the summer.

We are formulating a draft sort of framework which is in its infancy, I will say. If I had that, I would have shared that with you. We anticipate drafting and finishing the engagement in the fall, particularly, as I note, the North Pacific Council has a meeting beginning the week of October 6th, so that'll be sort of the end of our engagement on the initial drafting. We hope to draft it, review it, clear it internally in the fall. We'll then bring it out for public comment in the late fall, and then our best effort here, my goal is January, and we hope that we will meet that. So we are at the very beginning of Phase 1 at this point.

So I'm almost done. I know we're running long here. So draft policy structure – as I said, it is in its infancy. We are thinking something akin to the following: we're have a large, overarching statement; we will have some guiding elements which will provide amplification on specific issues, and then likely but not definitively, may have some strategies and approaches, which are at a high enough level where they aren't a to-do list of, say, go to every Council meeting and give an update, but rather a more broad perspective of how we may able to approach, say, improving communication or management.

So in line with this, we will be attempting to develop the National Action Agenda, which is more of a to-do list. Much of it will likely relate specifically to the policy, but some of it will not relate specifically to it but

will be responding to much of what we heard from the rec summit, so it will be a hybrid document. We are trying to move it on more or less the same timeframe and have the same outcome, so the current plan is to try and roll those out together at the same time.

And that is really it. I was going to provide – the Summit folks asked if I would present to you all the results of our national angler survey, which I have a very condensed version of, but I think what would probably be more appropriate is that we are just literally at the end of finalizing the regional breakdown of the National Summit, and so I would ask that if the CCC is interested in the next one, I could come and – or our experts who executed the survey could give a detailed overview of both the national and the regional breakdown. I think that would probably work better. With that, I will open it up.

Rick Robins: Russ, thank you very much for the presentation. Are there questions for Russ? Don.

Dr. Don McIsaac: Thank you, Mr. Chairman. Two questions, one on the concern about the Council makeup and orientation that came out of the Summit. I wondered what regions you were referring to, and then a question on your schedule for adoption and the external comment period, which does not provide for any further CCC input into the policy if it's early winter. So I presume that that means individual Councils will have to review during the late fall timeframe, November, December. We do have a Council meeting in November, so – but I guess my question is that that is the strategy for receiving input on the national policy from the Councils, is to have them look at that during Phase 4?

Russ Dunn: Right. So I would say that we – obviously, we are holding the discussion sessions, the initial ones, in association with the Councils. So there is certainly opportunity for the Council members to weigh in there in the outset in terms of what should be incorporated right from the beginning. Then, in terms of getting to the external review once the document is enhanced, so to speak, at this point, I would envision making that available, providing that to all the individual Councils for input. I don't know if there's a mechanism to provide it to the CCC as a unit outside of a meeting, but at this time, on that timeframe, I wouldn't see that we would be able to come back and ask for formal CCC input on it.

Rick Robins: Don.

Dr. Don McIsaac: Maybe just one note: on an optimal process, at the very beginning – I know you’re going to come out our way. Thank you for coming by on June 23rd. The agenda was already set for our June Council meeting, so this is an evening listening session, so that’s not on the Council’s agenda, that’s not part of the normal Council process, so any expectation that that would be a Pacific Council input opportunity would not be right. That would be individuals coming into your evening session as opposed to Pacific Council input.

Russ Dunn: Right, and first, let me say I appreciate that everyone was willing to assist in setting up those listening sessions so quickly and accommodating with agenda time during the meetings themselves, but no, so I understand that. I think we will – at this point, we can certainly continue to talk. The best thought I have is to provide it as early as possible to provide the Council time to respond, but we can continue to talk about if there’s a better process. And then in terms of the question about Council orientation, so this came up from the group as a whole. So we can’t – at least from the data that this was derived from, there isn’t a way to determine where that was, if it was one in area in particular that sort of skewed it and pushed it to the top. However, I may be able to go back to the pre-Summit survey data and see where that is, so I’ll go back and see what I can do about that.

Rick Robins: Don.

Dr. Don McIsaac: And just as a follow-up – thank you, Mr. Chairman. I’m presuming that the concern is insufficient recreational representation amongst Council members is the concern?

Russ Dunn: I would say it is – that is certainly one that we hear frequently, and then I think that translates into, in some cases, a feeling that a Council may be too commercially oriented, so I think they go hand-in-hand.

Rick Robins: Thanks, Russ. Kitty.

Kitty Simonds: Thanks. So as you know, in our part of the world, we use the term “non-commercial,” and that includes the recreational fishers and the subsistence fishers, so I hope that as you develop the policy, that you will note that

and include whatever it is you would include, but to be sure to include subsistence fishermen so the non-commercial in this policy.

Russ Dunn: So I don't want to commit to what the exact scope is yet 'cause we haven't figured that out, and that will certainly be part of the discussion. We certainly, right off the bat, include the non-commercial segment, but the issue of subsistence, I think, certainly, for some people, is a substantially different – has a substantially different set of motivators. So that may be a question to bring out to the hearings or the listening sessions as a whole –

Kitty Simonds: Right. So that's what I'm making this recommendation.

Russ Dunn: Yeah, okay.

Kitty Simonds: Right.

Rick Robins: Will.

Will Sword: I guess I could say something to that effect. I'm a recreational, but I'm also a subsistence. We never our sell fish; we give it mostly to the (inaudible), the (inaudible), and the people in our community. So in American Samoan – in all the territories, it's basically a mixture, so that's what we do, and I hope that that becomes recognized as you formulate the policy (inaudible).

Russ Dunn: So you consider that, what you just described, as subsistence or more as – fall under the non-commercial element?

Will Sword: Well, the way we fish is that we go fishing because we enjoy fishing, but we also give it away to people. So basically, people we give it to don't sell it; they use it to share it with families and the villages. So it's a cultural thing, and I think that that should be taken into account.

Rick Robins: Thanks, Russ. Other questions?

Kitty Simonds: My last one –

Rick Robins: Eric.

Kitty Simonds: Oh, go ahead.

Rick Robins: Eric.

Kitty Simonds: Okay, I just wanted to ask you to – the question I have is, so how are you taking into the consideration the MAFAC report on recreational fishing?

Russ Dunn: Into the policy? So that is one of the documents that we are looking at in terms of trying to build the initial architecture or framework that we will put up for discussion. So what we're thinking at this point is we will have, as I said, sort of a loose framework with some combination of bullets from which we've drawn from various reports and the inputs from the Summit and whatnot as sort of conversation starters, and then coupled with questions, which can elicit additional conversation. So that'll be one of the documents which helps us build the foundation of the framework.

Rick Robins: Eric.

Eric Olson: Yeah. Thank you, Mr. Chairman. I guess if the policy is expanded to include subsistence, I think perhaps some outreach to those subsistence users in addition to the recreational users would be good. I think you're absolutely right that the drivers or motivators for subsistence users are definitely different than the recreational users, and I think they're definitely a different set of stakeholders. So if this is going to be expanded to include subsistence use, I think there should be some outreach to those stakeholders. Thank you, Mr. Chairman.

Rick Robins: Thank you, Eric. Other questions? Russ, I think it's worth noting that, just given the tenor of the discussion at the Summit, that the Agency clearly deserves significant credit for advancing the relationship that it enjoys with the recreational community. That was, for me, a clear takeaway. I'll also offer that I think at this point, the slope gets steeper and the work gets harder because a lot of the low-hanging fruit may have already been picked. Just looking at some of the work in front of you, I think there's some real challenges with some of those concerns that have been identified.

But I wanted to ask, in the Morris Steele report and at the Summit, there was considerable discussion, and we heard it at the Managing Our Nation's Fisheries about F-based type management strategies for recreational fisheries. So as you go into the policy development, is there

also going to be some technical look at the viability of those types of management strategies and how they might coexist alongside ACL-managed commercial fisheries? Is that something the Agency's looking at on the technical side, or is that something to take up down the road, or how are you answering that question?

Russ Dunn:

So I don't envision that the policy will go into the technical aspects. I think it is an easy step for the policy to embrace the idea of flexibility or alternative management approaches that may fit more appropriately with the recreational community, so I don't see the technical discussion going into that. That said, there is a small informal working group right now within one of our offices, the Office of Sustainable Fisheries, who is looking more in-depth at the issue of F-based management. They've met a few times and are beginning to identify some fisheries, which they can look at to see, "How can we apply this? Will it work? Will it not work?" So the technical work is being done through that internal working group.

Rick Robins:

Thank you, Russ. I think that'll be some important work to provide background for that discussion. Eileen.

Eileen Sobeck:

Thanks, everybody. I wanted to say that I was really, really glad that the leadership from all the Councils came to the Summit. I think that that was important. I think that we can't go forward with a national policy on this that the Councils aren't apart of in the spirit of our partnership, friendship, relationship, and so the fact that you guys were at the Summit was important just as it was important for the NMFS NOAA leadership to be there. For those of you who were there, you did hear some of the rec community leaders saying, "We could come out with this policy in 30 days, right? Like, what's the big deal? We don't have to consult; we don't have to do NEPA. We can just – we'll get you a draft tomorrow and you'll be all good." So I think we're trying to strike a balance, and I am trying to push Russ to get this out in an appropriate but timely way, because it isn't something that we're going to have to do NEIS on or a humongous BiOp on, and so I think that we're going to want to continue. You guys have a lot of valuable contributions, and we'll make sure that we get those wrapped in every step of the way.

The one other little piece I just wanted to mention – I think we mentioned it at the Summit – is just that Department of the Interior also has a policy

in existence. It's a little bit recent than 1981; I don't remember what the year is –

Russ Dunn: '89.

Eileen Sobeck: '89, so it's also dated. We don't have to harmonize or duplicate that in any way, shape, or form, but it's sort of a reference document that folks might want to look at. We don't want to come out with something that's absolutely contradictory without at least knowing about it, and I don't think that we want to slow things down. We thought about it at one point by trying to have a joint policy. On the other hand, I think that we'll want to include our Fish and Wildlife Service Agency folks in the exercise so that they know what we're doing; if they want to revise their policy, that might be fine. So anyway, thank you. Looking forward to moving on this this year.

Rick Robins: Thank you, Eileen. Herb.

Herbert Pollard: Thank you, Rick. I'm just going to bring up the Presidential Executive Order of 1995 on Recreational Fishing, which is very similar to this. I don't know if you've got that in your stack of historical documents, but it covers a lot of the same ground and applies to all federal agencies and federal laws, but it didn't do much in 1995. *[Laughs]* And it's largely been forgotten, I think.

Russ Dunn: Yeah, that's one of the early documents that we pulled out of the Internet and said, "Okay, let's pull together a good set of initial reference documents to get what has been the best thinking to date," so I will say one last thing from my end. As I came in yesterday, you all were talking about partnership and, particularly, sort of rolling out projects together, and one of the ones you mentioned was the Regional Recreational Action Agendas, which came out at the beginning of the year. Those are – just so folks know, those are a biannual product. Those certainly should have been, and will be in the future, discussed with the Council. It doesn't necessarily mean go through the Council for formal input, but certainly shared with the Council, particularly in light of the fact that you all had just gone through that visioning exercise and the South Atlantic is going through theirs. We did take the step of sharing it on the Pacific Council this time, and so you will be seeing those on a periodic basis, and if you don't hear from us and our regional folks, who are our liaisons to each of

you, give me a buzz or have someone on your staff give me a buzz and we'll make sure that we put you all in touch.

Rick Robins: Russ, I appreciate that. Are there any other questions for Russ? All right. Seeing none. Russ, thanks again for the presentation, and I'm going to turn to Dr. Chris Moore for a couple of announcements relative to tonight's event. Chris.

Dr. Chris Moore: Thank you, Mr. Chairman. We have another social event tonight. The bus will be out front at 5:45. We'll leave at 6:00. The place we're going is Waterman's Grille. The Grille is just down the street; it's about two miles away. We passed it going to the Rudee Inlet yesterday. If you don't have a ticket and you want to go, see Mary. She has tickets. And that's it, Mr. Chairman.

Rick Robins: We will look forward to seeing y'all tonight at Waterman's. So the bus will be loading up at 5:45?

Dr. Chris Moore: Leaves at 6:00.

Rick Robins: Thank you. All right, with that, we'll adjourn and we'll reconvene at 9:00 AM. Thank you.

8. IUU CERTIFICATION REPORT

Rick Robins: Good morning and welcome. Let's go ahead and get started if we can. I'd like to welcome everybody once again and before we start last night we had a really great opportunity to get together. We've had really three great evenings in a row and I can't say enough about how enjoyable the camaraderie is and I think how important those social times together are away from the meeting tables, but I just want to, again, take this opportunity to congratulate Eric Olson for seven years of service in the chair of the North Pacific Council. Eric's leadership has been singular in many regards and their Council has had tremendous successes, and as Chris Oliver pointed out last night, a lot of that's attributable to Eric's very capable leadership, but Eric has been a figure on the CCC now for the last seven years and has contributed enormously to our discussion and our work, and I want to take this opportunity to again congratulate Eric on his service and wish him all the best coming out of this term of service. Eric, congratulations.

[Applause]

Eric Olson: Yeah, thanks very much there, Rick. I appreciate it, and if I don't get a chance to say good bye to you guys, I'm on an earlier flight, I'm going to have to leave here a little before noon, so if I don't get a chance to say good bye, it's been a wonderful run and I'm going to miss all y'all, so thank you.

Rick Robins: And I know you're all disappointed that you don't have a Virginia birthplace or Presidents placemat in front of you this morning, however, Eric was kind enough to leave you the latest version of the CCC bingo card, which you'll find at your place this morning, featuring friends as the center square.

So with that, we'll move on to the first agenda item, which is carried over from yesterday, and that is the report on IUU certification, and for that, I'll turn for a brief update from Sam Rauch. Sam, good morning.

Sam Rauch: Yes, thank you, Mr. Chairman. And we had originally planned on having our Acting Head of International do this, but due to phone issues and the rescheduling, I'm going to do the best I can to fill in. I'm getting some feedback here, so hopefully that's all right.

I've been asked to give an update on international and particularly focus on our certification for IUU issues. IUU, which is Illegal Unreported and Unregulated fishing, is a significant worldwide problem. We estimate the global value of IUU fishing to range from \$10 billion to \$23 billion in worth. It's a huge significant problem. The IUU products often compete on our grocery store and other shelves with products legitimately caught by people who are trying to comply with the conservation mandates at a higher cost, and so the – this enormous IUU trade does tend to undermine the value of conservation. We have a number of tools to deal with that. One of them, which I've been asked to talk about is the certification procedure under the High Seas Driftnet Fishing Moratorium Protection Act, which is an amended part of the Magnuson Act. We, the Secretary of Commerce, can identify countries whose fishing vessels are engaged in IUU fishing or whose fishing vessels have bycatch of protected living marine resources or whose fishing vessels – the fishing activity on the high seas that target or incidentally catch sharks. We do this in a biennial report to Congress. The last one was in 2013. The next one will be in 2015. The most recent change to that was the Shark Conservation Act of 2010, which added that the ability to identify countries for those shark catches and that's if the fishing practices target or incidentally catch sharks and the nation has not adopted a regulatory program for the conservation of sharks that is comparable to that of the United States. We did a final rule implementing that definition in January of 2013.

The identification process has three main steps. The first, in the first year, we identify a country for engaging one of those three categories after collecting and looking at all the information we have on that. In the two years between that, we identify the countries in the January biennial report to Congress. So then we spend the next two years consulting, often with the State Department, with those countries to either get better information to resolve. Perhaps we identify them based on inaccurate information. Sometimes, if it was an enforcement issue, the country we will consult with will have taken that enforcement action, which is similar to the kind of enforcement actions we take when we identify some – a fishing vessel that doesn't comply with the fishing laws and we are satisfied. Then, at the end of that two-year period, we will either positively or negatively certify the country. We positively certify the country if we are satisfied that they are now – they have taken appropriate action to resolve the issues for which we identified them. We will negatively certify them if we're

not. If we negatively certify them, that will go to the President, who has discretion at that point to impose trade sanctions if he chooses.

Most recently in the – the three most recent reports we did in 2009, we identified six nations and we resolved all those concerns and positively certified all six. In 2011, we identified six nations again and, once again, were able to resolve all those concerns by 2013. The most recent report to Congress was the January 2013 report in which we identified ten nations, and we are working with them now to determine whether we will positively certify them or negatively certify them.

The other thing I would like to report on, recent international developments, one of them which is very relevant, the Senate did provide advice and consent to the President to support the ratification of four treaties. Three of them are new RFMOs or are amendments to RFMOs. There is a new RFMO in the North Pacific and the South Pacific, which have very long names so I'm not going to read them all. The other one is an amendment to NAFO, and then the final one, which is, I think very relevant to this topic, is the agreement on port state measures to prevent, deter and eliminate IUU fishing or the port states agreement. This allows the United States and other countries to deny port privileges to vessels that are engaged in IUU fishing, and as far as I'm aware, the President hasn't signed that, or that has not been ratified by a sufficient number of countries to go into full force and effect yet, but a significant step has passed recently with the Senate providing advice and consent on that one.

I think that was all that I was going to report on. I'm happy to take questions with my limited ability to answer them.

Rick Robins: Sam, thanks for delivering that report. Kitty.

Kitty Simonds: Thank you, Sam. So on the countries that you identified in 2013, have any of them taken corrective action to date? That's Columbia, Ecuador, Ghana, Italy, Mexico, Panama, Korea, Spain, Tanzania and Mexico.

Sam Rauch: I don't know the details of each one. I know that often the countries – like, I think this is not the first time Columbia's been on the list, and usually they get on the list because they have a particular vessel that has done something amiss and they do eventually take enforcement actions, so

they get resolved. I don't know the details of whether these have done that yet. We won't take – make a conclusion about that until January.

Kitty Simonds: And so, if a country is on our list for years in a row, is there any different kind of action that's taken against a country?

Sam Rauch: They're on the list for specific activities, so – because of specific vessels, so if a vessel caused a country to be on the list once and they do something like forfeit the vessel or bring an enforcement action against the vessel. They're off the list for that vessel, and then a different vessel may come on. I think that's the issue with – I believe – I don't mean to disparage Columbia. I could have that wrong, but I think that's what has happened with Columbia. It is not the same vessel over and over again, and they do eventually take action so that this process, as cumbersome as it might be, is actually leading to some change in that country.

Rick Robins: Kitty.

Kitty Simonds: The other thing is that we were really happy when you all decided last year to apply the provisions more broadly, especially with – about vessels who are registered and – but the country is not in compliance with certain sections of the Commission agreements. So one of the questions that I have is that, for example, in Korea in 2012 exceeded their bigeye catch limit by 3,800 metric tons, which is exactly what our quota is, and so would you consider identifying Korea as an IUU in your 2015 report?

Sam Rauch: If they did it in 2012, I'm not sure whether we – I don't know. That's a level of detail I don't know.

Kitty Simonds: Because that would be something that we would want to know about.

Sam Rauch: Yeah. We can look into that. I don't know the answer to that.

Kitty Simonds: And the last thing is that – it's about the certification potential to include a singular vessel. Your interpretation of the section that allows for this to happen is that there has to be multiple vessels involved, and obviously we'd prefer to see something more conservative in terms of a single vessel. So that was the other thing. I don't know if that requires a change to the Magnuson Act. I was going to ask Bob about it, but I can ask him about it later.

Rick Robins: Sam.

Sam Rauch: I believe it does require a change, and I think we've pointed that out to the various legislative bodies in several technical drafting assistances, but I do think that that requires a change.

Rick Robins: Thanks, Kitty. Any other questions for Sam? All right. Our next item, we have two presentations from Bruce Buckson and Commander Dan Schaeffer. Bruce or Dan, I don't know which one of you wants to go first, but the podium is ready up there if you want to go. Bruce, okay. There's Bruce. Okay, thank you.

Male: *[Inaudible]*

Rick Robins: Yep, good job. Thanks. Bruce, good morning.

Bruce Buckson: Thank you. Appreciate the opportunity to be able to be here with this group. The presentation that I have is – there's a lot of basic information in it, so I'll try to click through that pretty quickly, but also have some additional comments that I'll make about our enforcement program, and before I do that, I just also wanted to take an opportunity to introduce Matt Brandt. He is the NOAA OLE Deputy Director that came onboard the beginning of this calendar year. Matt's sitting back here behind me, and he will be – he's offered to step up as I leave if we don't have a replacement before I leave, so he'll be able to take the reins, and part of the reason that he gets to meet some of you folks today is so that he's got a better grip on what this part is all about. Matt comes to us out of the Federal Protective Service. He's got some law enforcement background on the North Pacific Coast, but also within the federal government for several years, and one of his main goals has been to make visits to the field. He spent a week in Alaska. He's got a trip to Pacific Islands coming up in a couple of months, that followed by a trip to the Northeast, so he's getting his feet wet, pun intended, as he moves forward.

So with that said, I think one of the first things as we – I don't know how we're controlling this slide, but next slide will be good. One of the first things I wanted to do is just identify where we are now with regard to the staff and what our organizational structure looks like. We recently – and we're still in the process of merging our Northwest and Southwest

Divisions to mirror the regional boundaries with a West Coast Division for us. That's still working through the process at this point. Currently we've got SACs assigned to five different divisions. Our Alaska SAC is an acting position at this point. We should be pushing out that recruitment very soon. Went out one time and we weren't successful. It is in process now. That will actually get us to a place where we are having much fewer acting positions than folks that are in a permanent position, which is something we've struggled through over the past couple of years.

One point here, and I think it's something that's an eye opener for a lot of folks is that last line. We have 96 special agents nationwide and 27 enforcement officers, 73 support staff, and a big portion of that support staff are actually enforcement technicians, BMS technicians, so they are supporting the enforcement program and not just administrative people, so the – I think the surprise to a lot of folks is the number is much lower than what they probably would have expected. We are in a transition with our staffing plan, and I'll talk a little bit about that and where we're ultimately headed. We're in the process of actually shifting the emphasis to enforcement officers and fewer agents than enforcement officers. Long-term goal is to have some 116 enforcement officers nationwide and a bit fewer special agents nationwide than what you see there. Next slide, please.

Just a quick brief of where we are with our mission statement. I think that's pretty clear. We're clearly aligned with NOAA Fisheries and the goals of the overarching agency perspective with regard to sustainable fisheries and protected resources. The note at the bottom is one that I always like to emphasize, real proud of what we do. I've got a passion for what we do, and we are the subject matter experts with regard to federal fisheries law enforcement. We're considered that with our 27 JEA partners. There are states and territories that we're partnered with, and we are the only ones that are fully – only federal agency that's fully dedicated to federal fisheries enforcement. I believe you'll hear Commander Schaeffer say that they've got – they are multi-mission. We don't overlap with them and we aren't going to have a Navy like they have and don't want one. We are going to leverage that partnership, but clearly it is a significant partnership, and I believe they look to us as those subject matter experts, so again, I'm referring back to the slide with the number of personnel, that's important for us to make sure that we have the right mix of folks around the nation to be able to remain as that federal fisheries

expertise. Next slide, please.

Just a few points which I think are probably obvious to this group, and in the event that there are new folks here, our mission is broad and covers a lot of the line offices. It's not just simply focused on enforcement of one particular species of fish or one particular regulation. We do sanctuary enforcement, we do protected resource enforcement, Endangered Species Act, Criminal Lacey Act and so it's a broad spectrum of responsibilities that we have. We consider ourselves part of an enforcement program. That enforcement program is not just the Office of Law Enforcement. It's the General Counsel Enforcement section. A little bit different perspective than what a lot of organizations are, enforcement organizations. We actually house within the Agency the prosecutors for the cases that we bring, the civil cases that we bring for Magnuson are actually handled by our General Counsel Enforcement section. Our partnership there is critical, and it seems to be on a very good level at this point. We clearly have a great relationship with Jim Landon, the Chief of that particular section, and that seems to work well.

Our partnership on the criminal side comes with the Department of Justice, which is more typical to many enforcement agencies where you make the case, you hand off the case to a prosecutor outside of your organization and they prosecute it, and that's what happens with criminal cases for us. We use the Department of Justice. They do have an environmental section that we partner with very closely, and that is how we are able to stay focused on the environmental issues within the criminal system with the Department of Justice. Obviously on the federal side of things, our primary partner is the U.S. Coast Guard. We have a liaison that spends two to three days a week in our headquarters office, makes it a very smooth communication method as an office. He's right down the hall and there's quite often that we're back and forth, and that position is actually one of Commander Schaeffer's positions as well. Next slide, please.

This is simply a list of our federal partnerships. Some of those are very obvious. One of the partnerships that we are recently – actually increased our ability to be partners with is Customs and Border Patrol. They have a commercial trade and analysis center which houses folks from just about every one of those organizations that are listed there, and it is an ability to share data that we have not had in the past. We just entered an MOU back

in mid-March and we have three of our analysts that are spending at least three days a week. One of them is there at least three days a week. This is one of our abilities or one of the things that I've been trying to push forward to begin to have a little bit better handle and ability to address some of the IUU that Sam was just talking about. This gives us a view on traffic, commercial trade, and shipments that are coming into the country in conjunction with Customs, FDA and all – a host of other agencies. So we actually have the ability to have someone sitting in there on a regular basis now. Something that we did not have in the past and I'm really looking forward to what that's going to be able to do for us. Next slide, please.

This just highlights the 27 states and territories that we have relationships with. We have a cooperative enforcement program where we deputize them and then we have a joint enforcements program that most of you are familiar with where we're able to push some funding to them on an annual basis. That funding amount is between \$14 million and \$16 million annually that goes to those partners, and it is a valuable partnership. It is a great partnership to be able to leverage the number of folks that they have and be able to work in concert with them in regard to federal fisheries regulations. We just had a – we haven't had a meeting with that whole group for four years, and we just got back a couple of weeks ago from a meeting in Seattle with that group. Very productive meeting. We're looking forward to being able to include them on some things that we had not included them on before, one of those being the IUU and possibly looking at particular ports in conjunction with our partners. These partners, along with the federal partners and being able to identify shipments that we might want to be taking a look at, so I believe there's some opportunities there that we haven't been able to take advantage of that we kind of kick-started a couple of weeks ago with that group. Next slide, please.

This is kind of where we are in a couple of different – three different categories. Over the next couple of years, some things that we've put as high priorities within the Office of Law Enforcement. As I mentioned, with our staffing plan, we are moving forward with increasing the number of enforcement officers we have. The main goal of that group, and they've been very successful in the areas where we do have them now, is to try to gain compliance before we have to take the heavier hand of an enforcement action, to be able to be interacting with folks on the dock,

industry on the dock, fishers on the dock, and get more of a compliance assistance approach as opposed to a criminal investigator. The only time you see them is when it's bad news. Knock on the door and it's really – you don't necessarily want to see them when we have to knock on the door. We also believe that this program is going to improve our relationship with our state partners and be able to move forward with a better partnership there because it will be like-minded, and I think it will be the opportunity for those two groups to get together and actually hand off things to the criminal investigators that they find.

The – I guess my biggest concern, and Paul and I have had discussions about this, with our whole plan is that, as we begin to build out this enforcement officer program, that they may find a lot more for our criminal investigators to do than we expect them to, so we need to be prepared to stay in line with identifying what trends there might be and, if we need to increase those number of criminal investigators nationwide, then we need to be prepared to do that.

I spoke a bit about the IUU fishing, and that should be CTAC – that should be a C, not a P. Commercial Trade Analysis Center. That MOU, I spoke to that. We also have an agent that spends one day a week at Interpol in the D.C. area and I believe that that has been one of those relatively silent things that we've been doing. We have actually had been able to use that program to put a couple of individuals and vessels on what they call their red list, which means the entire world of law enforcement is looking for those folks, so the agent that we have that spends the time there was also initiated a fisheries enforcement group within Interpol, which is completely different than what they've ever done before. That kind of spun up a couple of years ago, and it's gaining traction, especially following along with the President's executive order on wildlife trafficking. That actually was – we were well ahead of that by having that relationship and having some opportunities there. That's probably a piece we don't talk about a lot, and some of it we obviously can't talk about a lot, but it is a great tool for us to have.

International partnerships, just a quick word there. We do – through USAID, we spend time, what we call capacity building or technical assistance. We do provide training on the enforcement end of things in developing countries to allow them to have kind of a view on what we believe is good enforcement for federal – for fisheries, and that has

actually been well received. Periodically, I'd say a couple, three times a year, we end up making those trips to foreign countries and being able to, along with a lot of other folks, be able to engage and hopefully improve what those countries are able to do, the goal being that we have less IUU if you get those countries up to speed on managing their own fisheries within their countries.

The VMS program, we continually working on improving how we are managing the VMS program. We're working through some new contracts, some new regulations, and that will be – continues to be a high priority, both on the budget side of things and as well as the management of that program. Next slide, please.

This is just a little bit more detail about the staffing plan and ultimately where we're trying to go with the staffing plan, and I think I've covered the biggest part of it, but we do believe it's going to help us get to a compliance piece before we have to take the enforcement action, and I think that's a little bit different than a lot of law enforcement agencies. My particular message is I would rather have compliance. That's my goal. I don't necessarily – we don't mind catching the bad guys, and we expect that's what our folks are going to be doing, but our mission is to get compliance with these regulations so that we protect the resources, and it's not just about getting bad guys, as I've heard a lot of law enforcement agencies speak. And it was quite interesting at our meeting with our joint enforcement agreement partners out in Seattle. They all have the same mindset, so it wasn't a matter of convincing them that we're looking for compliance. It was a matter of how can we jointly make sure that we have that compliance.

The one point that I will emphasize here is that we – in May of 2012, we did finalize our staffing plan, our workforce analysis staffing plan, and we have a target we're headed at. We are in the implementation process, but we are not there yet, and that's going to still take some time. When I talked a bit about the building and enforcement officer program, that involved a lot more detail than what may look like on the surface. It's not just a matter of hiring folks to get in a uniform and be out there. You've got to build the infrastructure as well because it's not something we've had the leadership career pathing within that, and we are in the process of doing that. We just recently hired our first group. We're in the process of hiring two, but we have one on board, enforcement officer supervisor. It's

the first one we've ever had, and the goal there is for that to be the lead rather than a special agent being the lead for that enforcement officer group, and it also – they will be the key point of contact for our JEA partners. We have two others that are working their way through the process, so we'll have three enforcement officer supervisors very soon onboard, two of those in Alaska and one up in the Northeast, and we are in the process, very close to pulling the trigger on a recruitment for some 17 enforcement officers nationwide, so we're beginning to see some of the fruit of the plan that was developed back in May of 2012. Next slide, please.

Just a couple of bullets to highlight the IUU and the international piece, and I did talk – I think I probably covered most of these already. I did talk about the capacity-building and our investigation abilities. We do regularly participate in the RFMOs and intend to stay engaged with that. I will, just to level the playing field here, set expectations right. Our international program at this time has got a very shallow bench. We have an assistant director in Todd Dubois who is basically our international program from the enforcement. So it's a single person, and that is one thing that Matt and I have been working on since he's been onboard is trying to build that bench to where we have a little bit – much better, actually, not just a little bit – a much better bench when it comes to international fisheries. I think, from what Sam said, and my personal opinion, is the IUU-related issues are not going to go away.

Todd Dubois, along with General Counsel and a lot of other folks are – is heavily involved in the legislation, port state measures and some of those other pieces of legislation to assist with IUU. He's well-engaged in that, but as I said, our bench is very shallow at this point. We – looking forward, and we've actually got some ideas and plans on how we move forward with that. We hope to be able to begin moving forward rather quickly to build that. That was another piece that we learned working with our JEA partners when we were out in Seattle a couple of weeks ago is that they have a huge interest in certain parts of the country in the same thing. We intend to include them on some of this as we move forward as well, something we haven't done in the past, but I think it's a good opportunity to leverage that partnership. Next slide, please.

This is not a surprise to this group, but it is a surprise to a lot of folks when you look at the map for the RFMOs. Basically you're looking at the

water of the world is regulated by groups somewhere, it seems, and you all work very closely with that. Next slide, please.

Vessel monitoring, just a little side note on the vessel monitoring system. Obviously I know that Kitty's well aware that it got kicked off out in the Pacific and has been a huge program. It's been operational since 1994. Roughly 4,500 vessels that are monitored nationwide now, and just a list of where we have the monitoring locations. You know that group of folks, I can't say how much – I can't overemphasize how much value they give to this and to federal fisheries management, on just the management side as well as the enforcement side. We've got folks in some of our offices, those VMS techs that have the ability to look and see when a vessel is reporting in or not reporting. They also have the ability to take some time and they look, and if they see a vessel's not reporting, they compare that sometimes to the other data about landing, and if a vessel's showing that it's having landings but it's not reporting, that triggers them to make a phone call or send a letter and say can you explain this. Quite often there is an explanation. Sometimes there's not. So this group is, though they're not carrying a gun and a badge, they are part of the enforcement program, and a critical part of the enforcement program, so we love being able to have that ability to have that program up and running and it is a piece of – and this is the world according to Bruce, but it is a piece of electronic monitoring. My personal view is that the electronic monitoring is the overarching piece. Within that, you have cameras, you have VMS, you have electronic logs and those types of things, so this is a form of electronic monitoring that's proven itself to be very successful, I think. Next slide, please. And this is my favorite slide because I love looking at all those little fish there.

Rick Robins: Bruce, thank you very much.

Bruce Buckson: Thank you.

Rick Robins: Eileen.

Eileen Sobeck: My first federal job was working at the NOAA General Counsel Office of Enforcement and Litigation, and then when I went to the Justice Department, I spent 25 years working with environmental prosecutors, so I feel very strongly that law enforcement is an essential piece of making sure that we have a fair management system and we really – it's not – it

isn't fair if – for people who follow the sometimes onerous rules that we all collectively put together, and others don't have to, and so I do think it is an essential tool in our fisheries management portfolio, and I'm a strong supporter of appropriate enforcement, and I just want to – it's great that we have an opportunity, the whole group, to acknowledge the fact that Bruce really has been – done a fabulous job of helping our Office of Law Enforcement through a difficult patch, and I think bringing them back to where they deserve to be, which is a really important player at this table of fisheries management, and I think we're – I mean, this, I think, was a great summary of a really professional law enforcement office, and I really look forward to sort of our continued implementation of our plan under Paul and Bruce's successors, and I hope you all will join me in a round of applause thanking Bruce for his good work at the Agency. Thank you, Bruce.

[Applause]

Rick Robins: Thank you, Eileen. Other questions or comments for Bruce? Kitty.

Kitty Simonds: Yes, thank you, Bruce. Just a little bit of history. When we were developing the VMS system in 1988, we were doing it because we wanted the State Department and NOAA to put these monitors on foreign vessels because of all the complaints we were getting from our fishermen that there were foreign boats just inundating our region. So we developed the system and then, when I took it to the State Department, they discouraged us from doing that because of whatever was going on in terms of negotiations, so then I turned around and said, well, let's help our own fishermen. And it took us several years to work with the fishermen because it was always about Big Sister and Big Brother in their minds at the time, and so we demonstrated that there were possibilities for them to manage their own boats and, in terms of the market if too many boats were coming in, they could come in a day later, and all of that was through this VMS system, so – and now, yeah, the foreign countries are using them as well.

But my question to you is, it's really not so much about the NMFS part of the enforcement; it's about boardings out there in our part of the world. The Coast Guard has actually reduced their fly-overs around our EEZ, all the U.S. EEZs in the Pacific, and so we did make a point of telling them about it because we know that the Spanish and the Taiwanese and the

Koreans are – and the Chinese especially are all in and around there. So how much influence do you have in terms of your relationships with the Coast Guard and the Navy in terms of using their assets because the Navy is a wonderful department to work with because they have assets, they're out there they're flying, they're on the water to improve the enforcement of our zone.

Rick Robins: Bruce.

Bruce Buckson: Thanks. Thanks, Kitty. Appreciate that. I will probably let Commander Schaeffer address those. We do work very closely with Coast Guard and how that's being implemented. I know in our division in the Pacific Islands there is a great relationship with the Coast Guard, and my experience is that seems to work very well. As far as our ability to influence, it's more of the sidebar conversations that Commander Schaeffer and I might have in being able to move some of that forward, and Coast Guard's a big organization and not always easy to move that forward. With DOD, there is a ship rider type agreement that's actually been implemented and moving forward out in the Pacific, so that is something, I think, that Commander Schaeffer can better address than I can.

Kitty Simonds: Right. Well – and I understand about the ship rider agreements, and sometimes those patrols helping foreign countries, there are more of those than there are going out to patrol our zone, so – but we wrote a letter to the ____, of course, saying that the U.S. zones should be number one priority. So thank you.

Rick Robins: Tom Nies.

Tom Nies: I guess I got a question and maybe just a brief comment, but see how long this takes. We're not very far removed from some very public criticism of NOAA enforcement activities, and I guess what we're concerned about a little bit is what have been the aftereffects of that? It seems that, as an example, case processing may have slowed down. I don't know if you've detected that or not, but when we look at when cases are detected and when the penalties result, it seems like there's been a slowdown in that. It seems in some instances that the Agency was criticized for overpenalizing fishermen, and it seems not that perhaps the pendulum has swung the other way and that many of the penalties, perhaps, are too light for the

types of offenses that are being detected, but more importantly, I guess I just wonder I could understand why there might be a tendency to hunker down after some of the intense criticism that was leveled at the Agency, and I just wondered if you feel that you've recovered from that.

Bruce Buckson:

Thank you. I appreciate that. The short answer is yes, and part of the reason I say that is because, again, emphasizing our enforcement program being the Office of Law Enforcement and the Office of General Counsel Enforcement Section, Jim Landon and crew there have done a great job of moving that forward. Quite frankly, when we came in – when I came onboard and when we came – when I came into this, and Jim would have the specific numbers, but we had a huge backlog of cases that had not moved forward for a period of time. Jim came onboard and built a backlog plan to move those cases forward, and there was a strategic move to get to a place of having nothing but the green cases, the active cases, online. He has actually set a 90-day policy for his folks to move cases forward, to get the case and within 90 days you need to have done something with it, and they are probably – I look back at Matt. I can't remember, I think they're probably within a couple of months at being at that place.

When he first came onboard, the number of backlog cases was huge, and that backlog plan has moved down. I think he would tell you, and I'll tell you, that some of those that were backlogged, a majority of them were in New England, quite frankly, and some of those that were on the backlog had been around so long that they did – probably did not get the penalty level that I think you and some other folks may have thought they should have gotten. In a different place now. As well, one of the things that they worked through, and it's actually going through a review process now, is they set a penalty policy – a public penalty policy that's available to the public on the web site that clearly identifies what the penalty's going to be for certain levels and types of violations, not unlike what most every organization, DOJ, some of that's done through statute, and at the state level the same thing. So we've got a penalty policy and we're actually – what he's been doing over the past couple of months is going through a review. I think it was in the federal review of that to see if we're in the right place with as far as those penalties go.

So that, I believe, sets us on a good track and a good way forward. Are they exactly right? I'm sure that he would tell you he's not positive of

that. There's a national penalty policy and then there's a regional penalty policy, and they have a very strict procedure that they go through, and it actually includes lowest shipper's final sign-off once those cases move forward, so it gets a high-level review, which will get us to a consistent place, and I believe that we are very close to being at a place where we won't have those backlogs and won't have those challenges we had as far as the level of penalty goes. We actually had the same – Jim was out at our meeting with our JEA partners, and clearly the New England folks and the JEA partners had the same question and concern, and I believe that they're pretty well convinced that Jim's leadership has gotten us to a place where we'll be in good shape as we move forward.

Rick Robins:

John Bullard.

John Bullard:

Bruce, I want to follow up on Tom's point, and as Eileen said, fishermen follow complex laws that we Councils change all the time. As soon as fishermen get to know the law, we go and change them and, for the most part, they do a great job complying and it's a few bad actors that really steal from their counterparts and you guys go and nail the bad guys. And so you should be wearing the white hats. And in New England, there still is, as Tom pointed out, a bad taste from years ago, and you have a good story to tell and you've told hit here. When – and in law enforcement wasn't in New England the only kind of bad story. Dr. Karp and I, in trying to effect a kind of change, did an awful lot of communicating the story, not just to meetings with constituent groups and introducing ourselves to Counsel and telling the story in forum like this, but going to editorial boards, and that's the specific suggestion I would make to you right now is that I think this story is one – because specifically to places like Gloucester and New Bedford editorial boards, 'cause some of the RSA cases where it is so clearly here are people stealing from other fishermen and you guys have bagged them, but those have been in New York where the press has been not in those centers of resentment, where I think if you went and had – or your guys in our region sat down in editorial board settings and said, hey, this is a new time and here's what we're doing and people who – netliners and people who rip off RSA programs, this is what they're doing. It's tough enough being a fishermen but when other – the real minority steal from these guys, it makes it tougher. You've got a great story, but I think – it's unusual, but I think going and meeting with editorial boards and telling that is another step you might think of taking.

Rick Robins: Bruce.

Bruce Buckson: I'll try to be brief. That's a good suggestion, John. One of the things that – one of the other pieces of this enforcement officer and the uniform and the compliance pieces, having those interactions with industry, and you're well aware we've got a compliance assistance – compliance liaison person up in the New England area, and we've actually, in partnership with your staff, we've done – when we have regulation changes, instead of catching them at the dock when they violate, we've gone out in advance and had meetings with the industry folks, 50 and 60 members of the industry, which has been very successful, I think.

In conjunction with that, and that was a great segue for me 'cause it was one of the pieces I left out, I encourage you all to take a look at our web site because one of the things that we're doing now is we're trying to do those stories that John just talked about where we talk about what our added value is, not just John Doe got arrested for X and paid X number of dollars in fine. We want to share those stories about the RSA, of how what we did hopefully impacted the industry, and that one in particular, a little side story on added value, the piece that didn't hit the press because it couldn't, but when we first went forward with administrative search warrants on some of those cases, we got some bad press on how that went down. Nothing wrong with what we did and didn't have to respond to it, but – and the case was still a year out from being completed when we did those administrative search warrants. This – the violations that were occurring were actually flooding the market with summer flounder, and therefore, the price was down. Within two weeks, the market was no longer flooded, and those legitimate fishermen that John was just talking about saw \$1.50 per pound increase in what they were getting when they were selling at the dock. So that – just those little pieces of what our added value is is exactly the message that we need to get out to those folks, and I appreciate your insight on possibly doing a little bit better push up into that area. Thanks, John.

Rick Robins: Thanks. Any other questions for Bruce? Bruce, I just want to follow on what Eileen said in terms of how important your work is to us and just thinking about the research set-aside cases that were recently made in the Mid-Atlantic the magnitude of those cases is just really quite impressive, and you know, they confirm what we'd anticipated or thought might have

been a problem, but on a scale that I think caught us all by surprise, so it just underscores, I think, how very important your work is to the success of our management program. So again want to thank you for that.

Bruce Buckson: Thank you. And I will take those comments back to the troops, the ones that are actually doing it. They'll appreciate hearing it. Thanks.

Rick Robins: Thank you very much. With that, we'll turn to Commander Schaeffer for the Coast Guard report. Commander, good morning.

Dan Schaeffer: Thanks for that. When I turn things on. Thanks for having me here. I appreciate the opportunity to talk to you today. What I'm not going to do is you've seen the presentation. I think you've got some copies of it. Just a couple of slides that show the resource – our utilization toward fisheries in the Coast Guard for the last few years. That's what I was asked to provide. What I'd rather do is give you a little bit of context for where we are at in the last few years, the resource that we're using, and then really answer your questions. You all have a diverse interest, some little, some not with the Coast Guard. You have different interactions, and I'd rather answer any questions you might have rather than give you a schpeel about what the Coast Guard does or does not do. You all have Council enforcement committees, and hopefully you're seeing the Coast Guard at these meetings. If not, please let me know. I'll make sure that you start seeing the appropriate folks here on out.

So just – you guys saw the numbers. The basic story is the Coast Guard as a whole, not just the fisheries missions, are seeing a decrease in resource hours, and that's simply a matter of lack of boats, lack of airplanes, less resource hours dedicated to it, and across the board, we don't have as much money, if you will, to spend on resource hours and our cutters and aircraft are old. And they're being replaced, but not on a one-for-one basis. Some of them are replaced as a one-to-four basis – every four we lose, we get one back. Every two large cutters we get, we're getting one back, but not on the scale or track that we want it to be, and that is mainly due toward acquisition program, and if you look at our Coast Guard budget versus, like, a Navy acquisition, completely different things. We spend about \$900-plus million on new acquisition a year when our needs and have been stated needs, have been well over \$1.5 billion to \$2 billion just to maintain where we are at and where we need to be for our new cutters and our new aircraft to come online.

So we're trying, and in that light, I just show you the emphasis the Coast Guard does have on the mission is two of the eleven statutory missions the Coast Guard has revolve around fisheries. Other law enforcement, which is OLE, kind of a strange name for it, but that's how we got as a Homeland Security mission. Then the other is domestic LMR. And between those two missions, the Coast Guard spends more resource hours on that mission – those two missions combined, fisheries, than any other mission if you take away small boat stuff for shoreside security, other than drugs. Drugs and migrants. That's it. So the emphasis the Coast Guard has on this program is extreme.

We do more boardings fishery-related across the board than any other missions that we have combined, so it's not one of those missions where it does not get a lot of visibility in the Coast Guard. A lot of people don't do it as a primary mission, but as a persistent mission that just about every unit we have conducts, and they conduct it well. At least as well as we can. However, our expertise is not conducting fisheries boardings and finding every violation. Ours is being out in the water, observing, boarding, ensuring compliance what we can find. We rely upon our experts at NOAA, particularly OLE, to be that expertise in the water along with our other partners to make sure what people are doing is actually being prosecuted as necessary or educated as necessary.

So just a couple other things you see on here, slides – those resource hours, they're kind of a little misleading. You know, again, it looks like we're spending a lot more effort in one region than another. This is just domestic fisheries. And this is domestic hours and resource hours we spend. Can't really look at '14. It's not really there, but you can see, still, there's a downward trend in every region in every area. Why do you see more domestic in D1 and D8? Well, they're closer to shore and we use patrol boats, which don't go very far offshore, do mostly ports, so it's a matter of a type of resource we use that dictates the hours we use as well. D17, one of the bigger fisheries, the Alaska region, again, that requires offshore assets, and the worst is the Western Pacific because we don't have offshore officers we can out there on a regular basis, so our numbers on the domestic side are suffering, but I'll tell you how we're mitigating that.

And this is the foreign enforcement, if you will, or our protection of our

EZ is really what this comes down to. How do we keep people from coming in in the first place? And our philosophy on that one is simply push it out away from the borders. If we can board them in somebody else's EZ, we can board them on the high seas and let them know we're there checking and they're keeping us away from our EZ, that's our plan for trying to keep them away from fishing within. And we've had limited success proving it directly, but from what we have monitored and we have seen, we have seen a decrease in the amount of vessels that come near the EZ, and that's just from – well, that's from other sources.

That's the numbers, that's the slides. I don't really have much else to show you on that, but I do want to tell you is what we're doing to mitigate the loss of our resource hours and available resource hours that we have. And there's a lot of partnerships. In the Western Pacific, there's a lot of partnership with Pacific Islands nations, ship rider programs, the (inaudible) patrol, you heard about that with the Navy. We also use their aircraft, and we also use CDP's aircraft. We use anybody and everybody who's willing to fly with us in regions to provide citing information for us, to us, to help us do our mission.

Our problem with using DOD resources is simply it's against the law in the U.S. to use DOD resources to do law enforcement directly, so we cannot use them that way. We'll use them for transportation or sighting information, the extension of Coast Guard authority that does allow for the enforcement to take place. So if you have available, let's say a P-3 flying out of Guam and they sight things, they provide the information back to us and we use that to determine how we're going to patrol and where we're going to patrol. And that's really what it comes down to is gathering as much information, focusing our efforts and not going out on a wild patrol.

I know, just using Alaska and D14 as an example, huge areas, and we used to have a very scattered approach to how we conducted our patrols. A lot more hours than we currently spend looking for people, looking for places where people are going to be, and we have since been more focused taking intelligence, taking biology, taking meteorological data, you name the analysis, we have done, and we find out first and foremost where are the fish going to be. You want to find the fishermen? Find where the fish are going to be. And we've had a lot of success in that. The amount of hours we need to prosecute a case in D14, the aircraft there has dramatically decreased. We look at a finite area instead of a broad area, and we have

an aircraft that has eight hours endurance with only one hour of search time at the end of that flight, it's not much to deal with with an ocean that large.

So we are concentrating our efforts on where it needs to be. And that includes close (inaudible) and domestic as well is doing a lot more analysis on where the threats are, what fisheries are a threat, who is a threat, working with our GA partners, trying to work with NOAA partners, getting a bigger picture of what needs to be done and where it needs to be done 'cause none of us have increasing resources. No one's going to get a lot more. What we need to do is get smarter about using them, and that's what we're trying to do to mitigate that loss in our resources. So rather than drawing on about a bunch of stuff that you may or may not be interested in, I'd rather answer any questions anybody has, and if not, I do have a couple things I can add at the end.

Rick Robins: Commander, thank you. Are there questions? Kitty.

Kitty Simonds: So your partnerships with the island nations, what does that involve?

Dan Schaeffer: In a simple form, we have what we call ship rider agreements that allow us to bring them onboard, either Navy or Coast Guard ships with the Coast Guard authority to conduct enforcement outside in their outside EEZs. And again, the reason for that is we look – I don't have a map, I apologize I don't. If you look at the EEZs and where they border, the ones we targeted for ship rider agreements are those that border the U.S. EEZ. And, again, the idea is you board them as far out from our EEZ, put a presence out there and make it known that we are out there and we can have the capability to come onboard.

An example, the Walnut right now is down in Samoa. She just did ship rider operation with Americans – with Samoa, but at the same time, did domestic boardings in Samoan EEZ, so we had four or five boardings last week with them, three or four boardings in the Samoan EEZ and a half a dozen boardings in WCPFC which is, again, the high seas that border the U.S. EEZ. So again, but ensuring compliance outside as much as possible, we're keeping them from coming as far in as possible. I know you had a question earlier about resource uses and how we use them, why we don't.

Kitty Simonds: Well, because when we bring up these questions about our huge EEZ and, in our part of the world, in those Pacific Island nations, those are the nations that have agreements with Spain, the EU, China, Taiwan. Most of the vessels fishing with permits from those island nations are the foreign countries, and they're the ones who violate our zone. And in particular, we're concerned about the Kiribas EEZ, which is a huge non-contiguous EEZ, and they're the ones that have permits with the Spanish purse seiners, Spanish longliners and other European country vessels, and so you know, we just don't think that we're just getting enough time around those countries who, by the way, have had violations in the past, and so we know that you don't have enough money. We know about all of that, and the whole – our thing is that can you work with those other departments that have tons more money than you have, who are out there in the Pacific largely in the Pacific to help you do your job?

Dan Schaeffer: That's exactly what we're trying to do, and just to clarify, these ship rider agreements or trawls we're doing (inaudible) nation, they're not dedicated patrols to these areas. These are as we're going by to other regions. For example, the Walnut did Kiribas patrol (inaudible) the Samoa patrols because it was going down and doing the mission in Samoa. Or, in the Palau boardings, for example, we're doing that because the vessel's on its way to do other missions that we have to do. The Navy has been very good about it, and they want to help us, but they're limited in what they do as well. We've had two patrols with the Navy and, again, vessels of opportunity. They're going through anyway, so we spend the money to put resource people onboard to do those boardings. And now, that's one of our biggest issues is these resources are available, but we don't have even simple funds. I mean, I give an example. I had to pay for my own trip to come down here 'cause we don't have travel funds to drive down here to come to a meeting like this. So without people doing it on our own, without coming out of strange places, we don't have the ability to do it. So we are trying as best we can. The Navy is our biggest partner right now. We're stretching out to the Air Force, and we also have other means we just – again, it comes down to legal authorities what information we can use for certain things. It gave us awareness, but there's things we can't use for prosecution, and that has to do with the intelligence side of things.

Kitty Simonds: So do you think that there should be legislation to support this?

Dan Schaeffer: That's a good question. If it was up to me, not speaking from the Coast Guard perspective, I'd put everything we can toward, particularly Pacific Rim at this point, but it's not, and DOD has said they're willing and they're able as long as they have vessels going through the area. We have bodies that are able and we put them onboard. What we really need, honestly, and I hate – I don't want to sound like we're asking for resources, but really what we need is to get our new cutters online and working, and then we can spend more time in these regions doing more of this effort, and that is where we're planning on using it once we have those online.

Rick Robins: Thank you. Commander, the trend there in District 8 with an increase in resources, is that an artifact of the BP spill in the Gulf or is that – are there other factors involved in that?

Dan Schaeffer: That is not. That is – again, that is District using – they had the same amount of resource hours dedicated for all the mission sets, and they have chosen to dedicate more hours toward enforcement of fisheries. That is because of things like the maximum (inaudible) issue and the maximum U.S. border, increased emphasis and working with the domestic fleet and a decrease in some of the other mission sets, so they're allowed to shift those hours, and that's what they're doing.

Rick Robins: Thank you very much. Other questions? Tom Nies.

Tom Nies: Thank you, Commander. Just trying to eyeball the chart on total resource hours, it looks like in most areas that, from 2011 to 2014, the resource areas have, in most areas, dropped by half or perhaps more than that in most areas. And I guess is there an anticipation that we're going to see a rebound as the new cutters come online or is this the new normal? Are we just likely to see these same levels of resource hours going into the future?

Dan Schaeffer: Until the new cutters come online, we're probably going to continue to see reductions in resource hours availability. We're having to make those hard decisions to pay for our resources – our new assets with current resource hours and people, and that's the choice the Commandant made.

Tom Nies: So we would expect these numbers to continue to decline going forward, at least for a few years?

Dan Schaeffer: The good news, and again it's back to the emphasis that the Coast Guard has, is that you're not going to see a reduction in LMR or OLE hours. The one mission set that has remained stable for the amount of resources dedicated to it has been our two missions, and in today's environment, maintaining is a success. That's the same as an increase, so you won't see that in the next couple years for LMR or fisheries, but you will see it for the other missions.

Rick Robins: Commander, thank you. Other questions? Thanks again for the presentation. That's very helpful for us. Thank you, Commander. Our next item is going to be the discussion on the operational guidelines, and we'll turn to Marian McPherson.

9. OPERATIONAL GUIDELINES

Marian McPherson: Good morning. Thank you. Yes, I'm here to talk with you about the Operational Guidelines project. We've been working on this together for a while now. So we have the Inspector General recommendations that we finalized that 2005 draft, and that's really not where we are at this point in time, so we've been working together to figure out what we can do productively in terms of operational guidelines. And I talked with you in February at the last meeting and we had set forth four alternative approaches for you guys to consider, and everybody expressed a preference for the new alternative, which was basically to take what's working from all of our previous efforts and memorialize that in the form of a high-level document that could cross – could link out to the Region- and Council-specific detailed documents that you've got going on in your regional operating agreements and other Region-specific documents that you have. But we had a lot of questions about what is working, what is everyone doing that we like, what do we want to memorialize, and we started talking in February during the course of the meeting about developing a workshop where we could get together the people who are really in the trenches working on these issues and flesh out what's working, how our processes are different and how they're similar and why and how we can document that.

So since February, I've been working with a team. They're your subcommittee (inaudible) Dave Witherell, Kitty, Bob Mahood and Chris Moore, and then we've got some staff on the Agency side too working to figure out how we could develop – oh, and John Henderschedt also – how we could develop a really productive workshop to inform the drafting of the operation guidelines, and according to our action plan, we're going to need to have a draft by next February and a final document by next September, so the clock is ticking.

So our working group, I think Bob Mahood sent out a Doodle poll, and it looks like the week of August 18th is the best time when there aren't Council meetings and we could get everyone together, so we're just starting to think about what an agenda would look like and how we could pull this together, but what I'd like to talk about with you guys this morning and maybe get some input on is this draft terms of reference that we've developed, just talking about what our objectives are for this workshop, what it would look like, how we could structure it and how we

could best prepare for it.

So I don't know if – I know that some of you have had a chance to look at this, especially the guys on the subcommittee, and I've gotten some input from staff, but if – I would say if you have more comments, if we get some comments out this morning, that would be great, or if you want to take another week or so and get additional comments on this document by the end of May, that would be great 'cause we're on a tight timeline.

So I thought I'd just walk through the document quickly, starting out with what the purpose would be to inform the development of our revised operational guidelines and to enhance the processes by identifying these national approaches and also to identify – to provide examples of best practices, we're calling it, but if there are challenges that you all share, if some Councils or some Regions are handling them differently or having good successful approaches, maybe we could document that so people could use that as a tool. So best practices is what we're calling that.

And then there's the background. We've written the terms of reference that you're all familiar with, and then our objectives. We wanted to write down what we're trying to get out of this. Hopefully identify common challenges; figure out – discuss what we mean by best practices and then figure out how we're using them; figure out opportunities for improvement; maybe we could map the process, and we're thinking of this in terms of transparency, really for the public. A high-level document that shows generally how the fishery management process works, and this is something that we all struggle with, talking about all the other applicable laws for the past couple of days and the timelines and the NEPA and the Endangered Species Act, but generally how does our process flow together, how can we best depict that and identify opportunities for public involvement. And then identify our next steps for starting to draft the operational guidelines that we would have by next January.

So we talked about who would be involved – participants. We wanted to keep the number of participants to a manageable group so that we could really be productive, we could really be a working group type of workshop. So we were thinking no more than 25 or 30 people, and we would want to have representatives from NMFS, from Headquarters and Regional Offices, Councils and also NOAA D.C., and so I would like to ask all of the Council folks here to start thinking about who you would

assign to go to this sort of workshop, or someone who could really roll up their sleeves and talk about how the process works and how it could be improved and what the challenges are.

So then we started identifying the sorts of topics we could focus on, and we started with the comparative matrix of the different – the overview of the Council processes that you guys all helped put together, that Dave took the lead on, and we discussed this last February. We started with that document and tried to identify areas where it appears you do function differently, and this is our first crack at identifying things we might want to talk about, these potential topics here. So this is a point in the terms of reference where I could really use your input. Are these the right topics? Would you strike some? Are we missing things? What do you think would be most worthwhile to talk about? So maybe I'll just finish talking about this document and see what you have to say about that. So these are the topics.

And then what are the products that we're going to need in advance? In order to make this workshop effective, we're going to need to come ready to go. I mean, we may need some advance documents. Someone may need to be doing – preparing a report. Hopefully we will have – I think one thing we're going to need is a draft Table of Contents for Operational Guidelines so you guys can react to that. Some of these topics may need reports. Someone from each office may need to be able to explain how they're functioning.

We also probably want to take that comparative matrix and finalize it. You know, terminology is different, there are different words to describe committees and panels and working groups, and we'd probably want to come through that and make sure that we're all on the same page about the language we're using and what it means and identify if there is literature about best practices that can inform us and be familiar with that before the panel – before the workshop.

So – and then this is another place where we're soliciting input. Are there other materials that you would recommend that we have going into this meeting so that we can get the most out of it. And so the output of this would be recommendations for what to write. We'd like to come out of this being ready to just start writing operational guidelines, writing the draft, and also any additional suggestions for our next steps and also

thinking of using this not just as the endpoint of having operational guidelines but it also – in the sense of the operational guidelines being a living document and a forum for sharing best practices so that it could be we could somehow set it up to be a continuous feedback loop so that we're constantly learning, as one Region or one Council learns, we're able to share and the public's able to see what we're doing and how we're handling our challenges.

So that's what we've been doing since February, and that's our thinking on the workshop and the operational guidelines and I guess I'd really – I'd like to find out from you guys if there are other topics or if you have thoughts about the topics that we've identified.

Rick Robins: Marian, thank you and let's go ahead and have some discussion on this and see what sort of feedback we have here at the table you indicated that we could also get some written comments to you perhaps over the course of what, the next week or ten days?

Marian McPherson: Yes, by May 30th would be great.

Rick Robins: Yeah, okay. So we can preserve the opportunity to follow up in that regard as well, but I want to see what initial reactions we have here at the table or specific concerns relative to what's been proposed. Tom Nies.

Tom Nies: Just real quickly, we went through a somewhat similar exercise in the region, and with respect to the participants, we might be unique, but we rely on the Science Center for a lot of the analyses and work on our documents and I don't know about the other regions, but we would suggest that the participant list include a representative from the Science Centers that are involved.

Rick Robins: Thanks, Tom. Other comments? Or feedback for Marian? Bob.

Bob Mahood: Well, I don't know if this is feedback for Marian or information for those that weren't involved, but I think the key things we were looking at or we discussed as we went along was two things – one, we all do a lot of things well, but not everybody does the same thing. So we can learn a lot and we can put information in here that may benefit the South Atlantic Council based on our shining star in the North Pacific Council and how they operate. Those are the types of things we want to do, but the other main

topic is we want to maintain our individual flexibility from Council region to Council region. I think that's a key when you think about this that we all have evolved a little differently, we all do things a little differently, and so we need to kind of marry those two things of best practices and how we can incorporate those and yet maintain our flexibility to operate more efficiently in the methods we have in the past.

Rick Robins: Bob, I think that's a great summary, but just thinking about the four of them over there, they really look like a constellation at this point, don't they? Other comments and feedback here? Kitty.

Kitty Simonds: Well, your committee was very busy working with Marian and Emily and so really, what we'd like to know from you all is are these objectives – you know, do you agree with these objectives? As much as possible, we'd like to get your agreement today because we can work a lot faster and a lot better and we vetted this whole thing among ourselves, the representatives, for you all, so I think if we could get you folks to agree to the objectives of the workshop, and we did have one inclusion of the Science Center and the topics, because you know what happens, right. Everybody goes away and then everybody gets busy and then I'm sending e-mails every week, where are you, what are you guys doing. Really, can everybody agree to this today?

Rick Robins: Kitty, the ask is fair enough. Are there any concerns with what's proposed for the draft document at this point? Chris Moore.

Chris Moore: Marian, we sent you some comments to revise those objectives, so those are our comments.

Rick Robins: Chris, are they reflected in this draft or not? They're not. John.

John (?): Thank you, Mr. Chairman. I don't have any comments on the objectives or the topics, but I just wanted to sort of underscore something that Marian said that I think is worth emphasizing, and that is that, as I understand the objectives for this workshop, it's really sort of taking some obligations that stem from the IG report and turning those into an opportunity to build on that process and actually take a few steps beyond in terms of looking at continuous improvement, looking at sharing those solutions, so I think that the workshop actually brings benefits – potential benefits beyond that –

those that come along just with revising the guidelines. Thank you, Mr. Chairman.

Rick Robins: Thank you, John. Don McIsaac.

Don McIsaac: Thank you, Mr. Chairman. With regard to the process after the workshop, I wonder if you could speak to your current thinking about this. I see as one of your objectives, it looks like there'll be some more thinking about this at the workshop, but is there a current line of thinking about how this gets to a point of finality and what the timeframe for that might be?

Rick Robins: Marian.

Marian McPherson: Well, what we submitted to the Office of Inspector General in terms of our action plan, and we're pretty much on track with it, would be that we would have draft operational guidelines, some sort of draft document for you guys to look at at the February meeting and have you react to that, and then we would have until the following September to finalize it, but that's as fleshed out as we have at this point.

Rick Robins: John.

John (?): Thank you, Mr. Chairman. With regard to these objectives here and your plan, we're fine with moving forward as described.

Rick Robins: Thank you. Bob Mahood.

Bob Mahood: One thing I'd like to point out, and Kitty and I could get into the history of this. The operational guidelines used to be our enemy and, matter of fact, at one point in time, they pretty much held the Councils under their thumb of those guidelines. They are our partners now, but back then the partnership wasn't quite so great. And we went through a long process to get those changed, and I'm really pleased. This go-around, we have been brought in as full partners, so I really applaud the leadership of the National Marine Fisheries Service in responding to the IG's report by allowing the Council to be totally involved in helping develop what would be the operational guidelines, and I would like to point out that Marian has done an excellent job of keeping us headed the right direction. Dave Witherell over there, he's been a man too, and he has really done a great

job of putting a lot of this together, so we've had a great crew working on this.

Rick Robins: Thank you, Bob. Alan.

Alan Risenhoover: Right, and I think we can all echo the partnership on this, and maybe we need to call them partnership guidelines instead of operational guidelines because it also – it's just not the Councils and the SF side. It's the Science Centers. It's also the General Counsel, also our protected resources, and I just want to echo the comments about it's time to finalize these. You know, the current guidelines were, what, '97, '98. Those 2005 ones have been in draft for going on ten years. We just need a final push this summer and get these things done and meet not only the IG's requirements but get something in place and then keep that feedback loop so that the partnership can continue.

Rick Robins: Fair enough, Alan. I would ask at this point, then, if there's any objection to moving forward with these in principle, recognizing that we did submit a few more detailed comments specific to the – mainly just wordsmithing on the objectives, I think, but members would still have an opportunity to send in written comments over the course of the next week, but is there any objection to the general approval of this with that condition? Seeing none, we'll consider that done. Marian, thank you very much.

Marian McPherson: Thanks very much, and just in closing, I'd just like to reiterate we definitely will be following up and possibly asking you for – to task some staff to help us prepare for this. Thank you.

Rick Robins: Thank you. We're going to go on break in just a minute, but before we do that I want to recognize the fact that I know several members are going to have to leave early today, and before you all depart, I just wanted to take this opportunity to say what a pleasure it's been to be able to host the meeting here in Virginia Beach, and a number of you have come up to me in the last day and said how much you thought we got done at this meeting, and I attribute that to all of the excellent work that the working groups did. They were well-supported by our staff and your staffs around the country, and I just want to thank all of you for the input that translated into deliverables here for us to consider at this meeting. So thank you all very much for that. Let's take a ten-minute break and come back. Thank you.

10. ELECTRONIC TECHNOLOGIES INITIATIVE UPDATE

Rick Robins: Thank you. Our next item is the Electronic Technologies Initiative update by George LaPointe. George, good morning and welcome.

George LaPointe: Thank you, Mr. Chairman, and good morning to everybody. Somebody said what did I do wrong to be the last person on the last day, and what I did wrong, I actually asked Chris for it because I had some obligations at home, so it's nobody's fault but my own.

I want to give an update on the development of the regional electronic technology implementation plans that I've been working on under the electronic technologies initiatives, and the regions have been working on, obviously within each one of their regions, to give you and update on where we are.

So the goal of those plans is to establish operational costs effective EM and ER and VMS in each region and with the Atlantic highly migratory species management as appropriate within the region. That doesn't mean you have to have them all in each region, and the general contents of those – the plans are to have an objective for monitoring program to assess the technological capabilities in the region, to have an evaluation and comparison of costs, funding – how you would fund the regional plans, including cost share, regulatory changes needed to advance the implementation of the plans and evaluation methods for judging the effectiveness of the plans. These are – came from the policy guidance from the National Marine Fisheries Service last year and they came from some of the work I'm supposed to do in the context of my project, but they're also things that were discussed – they had been discussed in the venues we had to discuss electronic monitoring. The Regional Workshop had a number of issues in them as well – Regional and National, excuse me.

They're supposed to also contain a list of fisheries suitable for implementation of EM and ER, and ER may not be fisheries-specific, and I'll mention later components within fisheries that may be suitable to particular types of EM and ER. And then regionally-specific means of resolving all the issues that come up – the technical, the scientific, the budgetary, the process obstacles to implementing electronic technology systems. Clearly those are not all regional issues, but there's regional

components to them.

The timeline for completion of the plans is completing them by the end of the year, and when I first started, the project was about ten more months on this timeline, and a lot of the discussion early on was the meetings with Councils and Regional Offices, Science Centers, Commissions and others, and between now and the end of the year, there will be plan drafting and stakeholder engagement and different regions are at different stages, but they're all started. In July and August-ish, the Regional Offices are going to report to Sam and Richard Merrick on how the plan – the progress is going on those regional plans. The draft plans are due in September and then there will be formal Council and stakeholder review with plan revision and then planning completion by the end of the year.

This just stresses the fact that the plans are relying on Regional Offices and that they should initiate consultations and deliberations within their respective Councils on the design and consideration and design of appropriate fishery-dependent data collection systems to use ET. One of the issues in the National Workshop and the Regional Workshop is engage people – a broad array of people early and often, and so this is stressing the need for that. What we've done to date is we've had consultations with Regional Offices, Centers, Councils and other stakeholders, and for the guy who used to be the Chair of the Atlantic States Marine Fisheries Commission, I should have put Commissions on there. There was a National EM Workshop that Dorothy talked about at the last CCC meeting. Many of you were at that meeting. It was quite useful. And then there has been progress in each region, and that's varied by region.

I want to – I'm going to go broadly through – quickly through what's going on region by region for a couple reasons. One, to show the breadth of the approaches within the different regions. These are supposed to be regionally-specific and they are. And one of the things I learned is the importance of words, and when I first put these out, I shared them with the Regional Offices and I got a fair amount of feedback saying what in God's name did you use that particular term for? So it shows how, in this planning process, but also in the development of plans and your efforts, that the specific words and issues in those plans are really important. I'm less concerned about my mistakes because you're here to tell me about them today, but clearly the specific information in those regional plans will be very important.

So in the Pacific Region, the biggest emphasis is on electronic reporting, and I had a good conversation with Regional Office, the Science Center and the Council talking about the need for archipelago-specific approaches, in that Hawaii has electronic reporting capability and the other archipelagos need to be brought up to capability and, importantly, capability that needs to work at shore, and then there's some interest in electronic monitoring in the pelagic longline fishery, but that's a longer-term interest. I don't think we defined longer-term, but it's not in the next couple years.

In Alaska, we had a fair amount of conversation about using the strategic plan that the Council and the Region put together as the basis for the regional plan, and I've had this interesting colloquy with different people saying is that enough and does it need to be fleshed out more. That continues, but that has a bucketload of good information in it, and I encourage people to look at it if they haven't. They have a fair amount of – a lot of electronic reporting in partnership with the State of Alaska, and that's largely in place. And then for electronic monitoring, they have electronic monitoring in three fisheries, and they have a proposed rule to expand EM for (inaudible) scales for all trawl and longline vessels, and then the ongoing, I'm not – cooperative research program, is that the right word? They ongoing work with folks in Southeast Alaska and the Bering Sea trawl fishery on research leading towards implementation.

Male: [Inaudible]

George LaPointe: It's a friendly partnership.

On the West Coast, and this is one of the ones I had the most sensitivity with when I sent it to the Regional Office. We've had a lot of discussions and they've had a lot of discussions. They've got electronic reporting, e-tickets in the groundfish trawl IFQ fishery, and they are interested in – there's a discussion in the fixed gear (inaudible) fishery in the coastal pelagic fishery. They're having a lot of conversation which they can speak a lot more – in more detail about for EM in their groundfish. It says IFQ. Anyway, their groundfish fishery with whiting fixed gear and bottom trawl. There's some Council discussion about potentially using EM in the coastal pelagic fishery, and there's under consideration, which probably means it's farther off, some people have talked about the use of

EM in the sable fish fishery.

In the Southeast Region, I put the three Council regions there because whenever I think about the work they do and having three Councils to coordinate with, it makes my head spin. They're largely interested in electronic reporting in all three Council areas for both the commercial fishery and for the recreational fishery because, as I'm reminded, that is their largest fishery. And then any discussion about electronic monitoring is in the longer term. Again, that has no definition. And they just went through, as you probably know, a bruising discussion on VMS and so that's probably longer term as well and Bob Mahood may say never, but clearly on a longer-term horizon.

In the Greater Atlantic Region, which I like telling a lot more than GARFO because GARFO sounds so funky, there's a lot of interest in electronic reporting using EBTRs as a reporting option. They have, to my knowledge, a unique discussion on their data system modernization. They're looking – the Science Center and the Region are going from soup to nuts looking at how they collect data and what's needed for fisheries management with an eye on what's needed in 2020 and 2050 as opposed to relying on data systems that were put together in 1950. And so that's an important part of their discussion. And then for electronic monitoring, they use – last week there was a workshop which a number of people in this room were at, to talk about electronic monitoring and to help develop electronic monitoring objectives because there's a strong interest at the New England Council in using electronic monitoring in groundfish sectors, but they haven't moved it to the point where they've put objectives together and then there's interest in the herring fishery, there's interest in the scallop fishery, but there's low levels of activity. For highly migratory species, there is electronic reporting with – by phone and web for the recreational fishery. Commercial handgear is going to be done by phone and web starting in January 2015, longline vessels starting in January 2015, electronic monitoring in the longline fishery by 2015. They are going to be busy people, and they're moving along in that process.

So some of the things that have come up in my discussions with the regions and other people is the degree of consistency among the regional plans. Some people say, well, we want to develop ours so it just meets the needs of a particular region, and other people have said, well, there's gotta be some overarching issues that need to be discussed. And so there's a

tension that's worth talking about or worth paying attention to about what that balance is, and it strikes me that, if you use the general outline that has been developed for the content of the plan, that's a good amount of consistency, and then you can customize by region. I've mentioned, and whenever I talk to folks, the need for Council and stakeholder engagement, I think early process and clearly after a draft plan is put together.

The issue of what it means to having EM in a fishery has come up a bunch of times, and for some fisheries, that may be an entire fishery and in other fisheries, it means a subsector of the fishery, and so I think that's really tailored to specific needs. You know, when I talked about the Pacific, they talk about EM in their groundfish fishery, but there's three components – the whiting fishery, the fixed gear fishery and the trawl fishery, and so that again is targeting what needs to be done regionally, but that's an important reminder. A lot of discussion and a lot of concern about the nontechnical issues, the infrastructure, the cost, the staffing, the back office kind of needs for developing electronic monitoring programs. This is one of the things that was stressed at the National Workshop is that getting the cameras and the equipment on boats is the easiest part, although that's hard to believe sometimes, and the least expensive part.

And then the service – ongoing service provision to the units and the data management costs are significant, so that's something that people need to keep in mind. Funding and cost share is an issue that needs to be discussed. That was in, as I recall, the policy guidance talking about funding and cost share. Implementation target dates, I think, are important. The areas – my read is the regions that are making progress are those that have deadlines and they – deadlines make me work, and so I think that when you're making progress it will be because there are target dates and a timeline built after that.

And then the last thing is to consider looking beyond the current issues. I think people are so consumed by whatever EM and other issues are before them that they miss an opportunity if they don't think out in out years when they put the implementation plans together.

So that is what I had for you this morning. I'm happy to answer any questions or take your comments.

Rick Robins: George, thank you. As you've gone through this, I mean, is the issue – I mean, if we transition into some of these new systems, is there a focus or where is the focus on data integration? In other words if we come up with a new means of capturing data that has to be integrated into the Agency's data collection systems, right, so is there a specific focus on data integration capacities and processes?

George LaPointe: I think that's one of the issues that I lump under infrastructure, but there's a lot of discussion about it, and as a general observation the people who take care of data think it's a much more important issue than the people who want EM systems in place, and so it shows the need for addressing the many issues that come along and making sure we have a common understanding about how that happens.

Rick Robins: I appreciate that. Other questions for George? Don.

Don McIsaac: Thank you, Mr. Chairman. George, I wonder if you could scroll up to your just previous slide that had questions and issues and up to this time, I had the impression that a regional plan might not be a real thick document, might be a rather trim document. I wonder if you have any sort of a template that might be useful for people to start thinking about this, and when I look at some of these things in here, I start to think maybe I'm wrong. If you want to get into looking at issues out there five and seven years from now and funding cost share type of things, it makes me think, oh no, I'm wrong. It's not going to be a small 15- to 25-page document.

George LaPointe: I've been telling 15 to 25, so that's probably a good number for you to start at. I think that on things like funding and cost share, clearly those are what I've identified as cross-regional issues. You know, they're big issues. I put it on there not because I think – and this is a good discussion because that's a good question, not because I think you need to have a 50-page treatise on the funding and the cost share. I think there's a – I think there's a tendency for people to think the funding's going to come from somewhere and it's not identified well. And so I just think estimates of what people think something like this might cost is important. And the issue of cost share has come up in the policy guidance to discuss that in some manner. Again, these are a strategic – I look at them as kind of like strategic planning documents, and so if – I'm going to use sable fish because it's under discussion way out, but if you were discussing that to say possible funding mechanisms are or we will discuss cost share, I don't

think it's gotta have all those answers in it. I'd be really interested in what other people say and what Alan and Sam have to say because I don't think we've got into it to that degree, but I have consistently said this is more of a short document than – it's not like a federal FMP with your EA or EIS, whoever does that. So I've said that they should be shorter than longer.

Don McIsaac: ___ follow-up. Just in terms of a template where there are headers, is there a document out there that's just got the headers or the table of contents?

George LaPointe: There isn't, but I could put that together pretty easily for people to look at.

Rick Robins: Thanks, George. Kitty.

Kitty Simonds: Right now we're working on onboard electronic reporting, and that's what we're putting together. We did an RFP and the cost is being shared by all of us. The other thing is that we did a video monitoring study in 2010, but – and that was mainly to see if we could reduce the observer program for our swordfish fishery and for this video to be able to spot the turtles. It didn't work out very well, but I think that we probably need to go out and do something again because that was, what, ten – you know, five, six, seven years ago when we first started to look into this. So we'll probably have to do that again.

And the other thing is that – do you know or does Headquarters know what the administrative costs are for dealing with video monitoring? You know, because that would be the services obligation is the administrative costs. Do you know?

George LaPointe: I think that, at the New England Workshop, they said we need an apples to apples comparison of all the costs, and I don't think that does exist, but there have been some comparisons and evaluations. The road map that Dorothy and a number of other people worked on last year has cost comparisons and includes the administrative or the back office costs, and that is an active discussion for people who are discussing EM because those absolutely have to be considered. And one of the difficulties, I think, in having that conversation is the tendency to want to have a lot of answers about cost before you give a lot of answers about what you want the program to do, and so you get caught in this chicken and egg kind of conversation, and so my sense of the way to move that forward is to say,

okay, if I'm interested in EM for the jellyfish fishery in the Mid-Atlantic, how many participants and what do you need the EM for? Do you need it for compliance monitoring or do you need it for catch accounting, and when people start discussing those things, they broadly say, oh I want it to do everything. Well, here's the answer. That's probably not going to – that's not going to happen, but – so as you refine those kind of things and look at the scope of what you want the percent of reviewer videos. If you're doing 10 percent, it's going to be one cost. If you're going to do 100 percent, it's another cost. And so I think people – there's some ballpark figures out there to look at, and that's something people absolutely need to consider.

Kitty Simonds: Right. Okay. Just wanted to have a little discussion about that because, if you can have the videos, like, who's going to look at all the videos and how long is that going to take and, you know.

George LaPointe: One of the – you know, just a follow-up comment, a comment that was made at the National Workshop is that those follow-on costs, whether it be service provision of the equipment on the boats themselves or the entire data management system, those back office costs are greater than the cost of putting equipment on boats, and so that's important for people to remember, and they're going to be borne by somebody and people talk about them being borne by service providers or the Agency or the industry, and those are important discussions, but there still are costs that have to be borne by somebody.

Rick Robins: Dorothy.

Dorothy Lowman: Yeah, just briefly. I mean, I think you have to caution people to just try to take a cost from one program say a cost from (inaudible) and think it's going to cost in your program. It's really going to have a lot of factors fisheries characteristics all these other things, what your plan is, what your regulatory scheme is, but maybe there's some helpful thing – and where you – these implementation plans, where you are in trying to figure out in what you want to do, the degree of specificity you'll be able to have on that will vary, but perhaps – you know, there is some good information in the Agency's guidance document. I'm just in the middle of finishing up the kind of key take-aways from the National Workshop that will have some things that might help put some key trigger questions and key things to be considering that could affect the cost of your program, that maybe

the focus and the implementation plan might be more what are your strategies to try to keep those costs at a minimum.

George LaPointe: The – Dorothy mentioned, and I should have, the best practices guidance that was put together by the Agency, working with a lot of other people, first put out last fall and I think finalized just before Mark Holliday retired, has great information in it, just about the steps and all the things you need to consider as you're thinking about this kind of system, so I encourage people to use that as a reference.

Rick Robins: Thanks, George. Chris Oliver.

Chris Oliver: George, a couple questions. George, you – on the North Pacific, you spoke a little bit about the relationship between this initiative and the strategic plan that we've adopted, developed by the region, approved by the Council, for lack of a better term. Do you have any more thoughts on how you're going to resolve that or –

George LaPointe: You should be asking Jim and not me because, I mean, he's putting the plan together, but I think – how was that for an artful dodge? I think, when I came up and visited you guys last summer, and people said the strategic plan is good enough. That's our plan we're going to put a couple dates in it and send it back and that's our regional implementation plan. And at first, I said oh, I don't think that's good enough, and I thought about it since and I said it may be good enough, and I think that just needs – you know, there needs to be an examination of what's supposed to be in the regional plans and the discussion of those contents, and if that's in that strategic plan, I think that that is good. If additional items need to be added you could – your plan might be a lot shorter than other plans, and reference that. I wouldn't just attach it at the end and say all the answers are in there. You know, talk about where those issues are. So it strikes me that a lot of the legwork has been done and just making sure that it checks the boxes on those content kind of issues, strikes me as a good way to get started in your region.

Chris Oliver: Yeah, I did as Jim and he told me to ask Sam and Sam told me to ask Glen and then Glen told me to ask you. So – I'm kidding. The second question is a more – we were discussing earlier in the week the Magnuson reauthorization process and all the things in it related to annual catch limits and rebuilding and, at the same time, you have this Agency

initiative ongoing to revise the NS1 guidelines and we sort of have this cart and horse thing like, well, if you were able to finish those guidelines, it might influence the nature of legislation or, if you get so far down the road and you have some fairly significant legislation, you gotta sorta back up and redo it all, and I see a similar situation here where you've got a timeline for the end of the year, but there are some very significant – at least in some draft bills, some really significant directives for the Councils and the Agencies relative to development of EM plans and have you all thought or talked about all sort of that juxtaposition on how that might relate to one another?

George LaPointe: I don't think – I haven't had those direct conversations about that balance, but I know there's a lot of – I mean, I know we all know there's a lot of interest Congressionally, and I think that the development of regional plans is consistent with the comment that Terry made, and I don't remember what work group it was, yesterday saying that if the plans – if EM is best moved forward if it's done to meet those regional needs, and so it strikes me that the development of regional plans is a structured and logical way to say we're considering this and these are the things that we think that are important region-by-region throughout the nation, and that puts – that makes the conversation of how whatever happens with EM in the Magnuson, it shows that there's a structured way of looking at electronic technologies, and I think that's one of the things that there's interest – or we hope there's interest in Congress in, so it strikes me that it puts us in a better spot than just waiting for different Congressional interests to – you know, to bring their own ideas forward. And now, having said that, that's just George's view because I haven't talked to anybody else about it but way better to have somebody else reacting to our plan that – our plans collectively than waiting for for something to percolate up.

Rick Robins: Thanks, George. Other comments or questions? Well, George, thank you very much for that presentation. That was very helpful.

George LaPointe: Thank you. You've been kind and very attentive at the end of the meeting.

Rick Robins: Thank you very much.

11. SCIENCE ISSUES

Rick Robins: Before we take up the science issues being the next item on the agenda, I want to recognize Don McIsaac and I want to step back a little bit and just remember and reflect on the Managing our Nation's Fisheries Conference 3. What a tremendous success it was how much work and preparation Don and his staff and the Pacific Council did in advance of that to make it a successful event. And not only that, it was done coincident with the CCC meeting, which makes my head hurt just to think about, given what we've done this week. But it really was an amazing orchestration of effort and work and was a great success, and I think Don and his staff and the Pacific Council deserve a tremendous amount of credit for that, and Don has a work product here from that for our consideration, so I'll turn it over to Don.

Don McIsaac: Thank you, Mr. Chairman. Thank you for those kind words also. We do have some of the hard copy books here for you all. As Eileen mentioned earlier, these are the proceedings. We're going to go with electronic distribution of the proceedings as the primary vehicle. There are a few of these books around. We had hoped to have these here as a resource when we got to the Magnuson Act agenda item, so I'm a little disappointed we did have some transitional auditory reciprocity issues that prohibited that from happening, but we do want to let you know there's a few copies of these here around the table. There's a couple more in the corner if someone else wants them. I think the staff did a great job trying to put this together. Again, we're hoping that it can act as a resource as we move through this Magnuson Act reconsideration. So in terms of distribution of this, they're being metered out by the publisher now, and we will give those to the folks that were involved in the meeting, so if you were a speaker, if you were a rapporteur, if you were a panelist, there'll be one coming for you. There's a block coming to the Headquarters folks, there's some to the legislative people, and then when you registered, people did sign up for a copy of it and pay for a copy, so those people obviously have one coming too. If someone has some other needs for a hard copy, just let me know and we'll see what we can do on the remaining books. Thank you.

Rick Robins: Thank you, Don, and I'd point out there's a great article in the book on Page 333 for your consideration. So, with that, I'll turn to Rich Seagraves. Rich, if you want to take up the national SSC issue. Thanks.

Rich Seagraves: Thank you, Mr. Chairman. The Mid-Atlantic Council staff was tasked at the interim Council Chairs Committee meeting to kind of tie up some loose ends relative to national SSC. A little background. The 2006 reauthorization, as you all know, placed renewed emphasis on the role of science, strengthening of the role of science in the federal fisheries management process, and basically one line in the Act really created a new role for the SSCs, and that is the Councils are not allowed to go above the fishing level recommendations of their SSC. So after the passage of the 2006 reauthorization, the final guidelines to implement those changes were not published until November of 2009, which left about a three-year hiatus where the Councils lacked any formal NS1 guidance to implement these new – principally the ACL and AM amendments included in the reauthorized Act. So in reaction, the Councils organized a national SSC workshop, actually a series of them, to meet these new challenges.

And the first National SSC Workshop – and when I heard we were having one, if you've ever been to an SSC meeting, they can be pretty intense, so this is sort of the vision I had conjured up, but in fact, the first workshop was hosted by the Western Pacific Fishery Management Council in Honolulu, Hawaii, in November of 2008. Kitty and her staff did a great job. Dave Witherell was in charge of writing up the proceedings, and it really was a great workshop, very collegial. It was the first opportunity for the eight SSCs to discuss sort of operating procedures, best management practices, and to begin the dialog about how to implement these new ACL and AM requirements. And going on the success of that workshop, the second SSC National Workshop was held and hosted by the Caribbean Council in November of 2009, where there was continued discussion about the technical details of implementing ACLs and the development of ABC control rules.

Then that was followed by a third workshop hosted by the South Atlantic Council in Charleston in 2010, and by this time, the Councils were well on their way of implementing these new requirements, and so there were progress reports on implementation of ABC control rules and there was discussion about regional stock assessment peer review processes and the role the SSCs play in that process. And also at that meeting, of course, by then the SSCs were grappling with how to set ABCs in data-poor situations, and this was really a major focus of this third workshop, a discussion that workshop, and this spawned the ORCS working group and

eventually a report from that group.

And then the fourth workshop was hosted by our Council in Williamsburg, Virginia, just up the road in 2010. And this was really the first opportunity of the SSCs to sort of have an actual discussion on ecosystem considerations and also the implementation – or the integration of social and economic analyses into the federal fisheries management process. And at that workshop, NMFS Office of Science and Technology raised some issues relative to the status of the advice derived from the ORCS working group report, and so it was – that report was published as a tech memo out of the Southeast Fisheries Science Center, but it was noted by S&T that it did not represent official technical guidance. So there were some issues that arose there relative to really what was the – you know, what was the role of the national – we need a national SSC, what is the role – how do these SSC workshops fit into the picture overall.

So in 2012, the CC formally established a national SSC, and the correspondence and background materials in your briefing book, and we got a letter from Sam in support of the action, but subsequently, after people had some time to think about this and there were discussions about it, there were several issues – policy issues and maybe some legal issues that were raised about the status, authority, et cetera, of a national SSC. And so subsequent CCC discussions also questioned the role and authority of the national SSC, and at that point, the SOPPs had not been fully developed and still aren't.

So last fall, the West Pacific Council took a crack at coming up with detailed terms of reference, or SOPPs for the national SSC, and these were presented at your last meeting, at the interim meeting in early-2014. And I understand – I wasn't at the meeting, but my understanding is that there were additional concerns raised about the role and authority of a national SSC. And those issues revolved around certainly what weight does advice from the national SSC or working group carry relative to the role of the SSCs as detailed in the Magnuson Act, and one of the example concerns was would a Council be bound to advice or recommendations that came from a national SSC work group or workshop that might conflict with advice that it had gotten from its SSC. So there were some serious concerns about what the boundaries were and how much trouble we might get into. There was a bit of buyer remorse, I think, at this point.

And so the Mid-Atlantic Council staff was tasked with seeking a resolution to some of these concerns that were raised, and so what we did is I contacted the – either senior scientists or deputy directors from each of the Councils to begin to develop an alternative to the SOPPs that were presented at your last meeting, and what we're trying to really recognize is there was an overwhelming positive response to the four national workshops that were held, certainly both from the Council leadership and the SSC leadership around the country. It was a chance for the SSCs to compare and contrast how they do business, how they interpret ACLs, ABC control rules, risk policies, et cetera. And certainly, I think, the undercurrent is that we'd like to continue to have workshops.

And so we proposed a fairly simple – so it's back to basics here. I went back, looked at the CCC SOPPs that were implemented, or that were voted on, I believe, in Alaska around 2009 or so, but I did get a current draft of the existing SOPPs, and the – you have the ability to create standing subcommittees or working groups. And so our solution is to create a scientific advisory subcommittee who, at the request of the CCC, would plan national workshops to discuss scientific issues of national significance. And so – and I apologize when I made this slide, it's actually two subsection A, so the language that's in your briefing book, and essentially we would call this group, in lieu of the national SSC, the Scientific Coordination Subcommittee. It will consist of the Chairs from each of the eight regional Council SSCs, or their respective proxies or designees. And the sole function of this group is to plan and conduct meetings or workshops, again, to discuss scientific issues of national importance, based on terms of reference or topics provided by the CCC. The Chair would be designated on an ad hoc basis, rotational basis, as determined by the CCC. We tried to work out a schedule, but it's pretty complicated in relation to who's chairing the CCC in any given year and the timing of trying to develop a workshop, so we kind of left it open and made it – right now the wording is ad hoc. And approval for national meetings or workshops of the SSCs would occur at the interim CCC meeting.

So that's the proposal. It's a fairly simple fix. We kind of renamed the Science Coordination Subcommittee. We'd be open to any suggested changes to the name. Chris said it's going to get confusing. We've got SSCs, SCs, but I think part of the problem was just the connotation of the national SSC would have some greater power or authority than was

originally intended. What we intended to do was simply have a steering committee to plan these workshops out, which is what we did when we organized the fourth national workshop. So we made all the Chairs partners in the development of the program and working with their Council leadership and Chairs to develop the program for SSC 4.

I can stop here, Mr. Chairman. I do – we did have additional discussions. Rick Methot called me and sent me some e-mails about eight months ago saying we really need to keep the momentum going, we think there's a great need for the next SSC – national SSC workshop, and so we held a series of conference calls with the existing or the sitting SSC Chairs from around the country and developed a working list from the SSC Chairs' perspective of what the topics for the next workshop should be, and I can go into that or I can stop here, Rick. Whatever your pleasure.

Rick Robins:

Thank you, Rich. Let's stop here and have some discussion. It sounds like you've really – I mean, having gone through this, it sounds like you really delimited, or further delimited the role of the subcommittee from what was originally contemplated, and so that's responsive, I think, to some of the concerns that were aired by the group originally about the nature of the work that a national SSC might do. So you've transformed that into, essentially, a steering or coordinating committee. I would just ask the group at this point if they're satisfied with that result or if there are any outstanding concerns that we need to understand and work through because this does seem to be responsive to a lot of those concerns. Don.

Don McIsaac:

Thank you, Mr. Chairman. I think the proposal here, as it's described, is a good one, and I'd be prepared to make a motion and support it later, whenever it's appropriate. The question of what is the authority, so to speak, of any document that comes out, I wasn't quite clear if that had a particular recommendation as to that. So when a product comes out of one of these things in terms of it having the equivalent weight of this or that, did you guys have a recommendation?

Rich Seagraves:

We didn't have a lot of discussion about that. I think my personal feeling is that certainly the concern from S&T was that if there was a published document, they wanted it to be clear that it did not rise to the level of technical official guidance from the service or anything else. You know, I look at it as any other document, like the Managing our Nation's Fisheries 3 document that's laying on the table there. People got together and had a

set of terms of reference and questions that they were trying to address, and so it's sort of – you know, it's guidance but it's not any guidance that needs to be strictly adhered to. It's a reference guidance document, so I think that's really the level of the playing field that we're trying to establish.

Rick Robins: Thanks, Rich. Adam.

Adam Issenberg: Thanks. So I just wanted to kind of address the legal issues that we had discussed on this the last time, and primarily they relate to one of those four-letter F words – FACA – and as I think we had said at the last meeting, kind of the – I think this, as it's drafted, makes sense. The key concern is that it be established as a subcommittee of the CCC and that any recommendations go back through the CCC. So in terms of that question and what the products might look like, I think, from a legal perspective, the key concern would be that any recommendations go back to the CCC and ultimately be recommendations of the CCC or product of the CCC.

Rick Robins: Thanks, Adam. Kitty.

Kitty Simonds: And that's what I wanted to add.

Rick Robins: Or, Rich, you had a response to that?

Rich Seagraves: Well, yeah, I think – too eloquent Don's question, but I think that's basically as a subcommittee of the CCC in terms of the FACA requirements, this group would have to operate under the rules that any subcommittee of the CCC would have to operate under, and in terms of a product, the idea is to bring everything back through the CCC so you don't have an independent report out there that you have to deal with. It'll all be pretty orderly and come through the chain here through the CCC.

Rick Robins: Thanks for that clarification. Kitty.

Kitty Simonds: Thanks, and that's what I was going to add that I think some of us have had that discussion and, obviously, it has to come to the CCC, so that's a given.

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- Rick Robins:* So, Rich, back to the proposed language, is this the only necessary change to the SOPPs coming out of the working group?
- Rich Seagraves:* Yeah.
- Rick Robins:* Okay. Don.
- Don McIsaac:* Thank you, Mr. Chairman. So when I look at the document that's the terms of reference for the CCC, I see this language being inserted, but what I don't see is a statement that says all CCC subcommittees – all CCC subcommittee recommendations are to come back. So I don't know if Adam has a perspective that we need another sentence on Paragraph Number 2 to completely button this up or not.
- Rick Robins:* Adam, can you comment to that?
- Adam Issenberg:* You know, I think – I wouldn't say that it's needed. I think that that makes some sense, though to clarify.
- Rick Robins:* Don, I think that – yeah, I would agree. That clarification could be beneficial for the group given the interest in that specific detail. I have Doug – Doug had a question. Doug, or comment.
- Doug Gregory:* Yeah, just briefly, the last sentence there, does the CCC have to give formal approval for a workshop and, if so, I guess we should probably be able to do that at either meeting. My only concern is would specifying one particular meeting for approval hold up the planning process for a workshop that the SSC may want to do. I mean, is that constraining and do – is it something we could give informal approval by e-mail or conference call on?
- Rick Robins:* Doug, I think that's probably a good point. I mean, we should be able to approve these as a group at any point in our operation, so if for some reason, the steering committee didn't have a draft plan ready to go at an interim meeting but we could consider it in a follow-up webinar or phone call, I think that flexibility would probably be helpful. Rich, I don't know if the group discussed that at all.
- Rick Seagraves:* Actually it was discussed in terms of the timing. It takes about nine months to plan one of these things out, so the – kind of the plan or

schedule that we were on is approval in February and then the understanding being that the workshop would probably occur sometime later in that calendar year. Takes quite a bit of time to organize these things. And so that model was get approval and have good, thorough discussion about the terms of reference for that next workshop, which is critical, and then that would allow enough time for whoever is holding the bag here to actually hold the workshop, to plan it out. Certainly we – that could be modified. It actually was – this was changed. I had put date certain in and that was taken out as recommended by some of my colleagues from other Council staffs, but certainly that was kind of the way we were doing it, but if you want to make it more flexible, that's fine. We could change the wording.

Rick Robins: I think that might be helpful. Jim Armstrong.

Jim Armstrong: Rick Methot's online and he'd like to say something.

Rick Robins: Rick, go ahead. Welcome.

Rick Methot: Yeah, thank you, Rick. I just wanted to reinforce the idea of inserting in some language on reporting back to the CCC. Right now it says that the workshops would just discuss scientific issues. I think discuss and report is important to include that in the terms of reference, and I'd also support flexibility in the approval process and the planning process. I think the planning can occur, but then come back to the CCC for approval of a prototype plan.

Rick Robins: Thank you for the suggestion, Rick. I'm watching Don McIsaac take notes on that. Bob Mahood.

Bob Mahood: In the past, National Marine Fisheries Services funded these. Is that the anticipation in the future?

Rick Robins: Bob, I don't think we'd be able to have one in the absence of funding, so that's certainly our –

Bob Mahood: Well, right. I mean, Councils could –

Rick Robins: Certainly our expectation.

Bob Mahood: ___ could chip in and fund it, but –

Rick Robins: Okay, I think that’s a yes. Kitty.

Kitty Simonds: Well, just to add about that is that NMFS has always funded funded these workshops partially, not totally, but I forgot - \$100,000 or what did you get?

Don McIssac: It’s been 125. I think Chris is the last one to get some of that, so we –

Kitty Simonds: Yeah, so obviously it would have to happen with funding from National Marine Fisheries Service to continue the – you know.

Rick Robins: Alan.

Alan Risenhoover: Yeah, I don’t know where that money came from last time, so I can’t speak for it, but I do think we can look and see if we could fund those depending on what the budget situation is, but yes, we funded them in the order of 100 to 125 over the past.

Rick Robins: All right. Well, we have the draft language in front of us. What’s the pleasure of the group with respect to some of the suggested modifications that we’ve discussed? Don McIsaac.

Don McIsaac: Thank you, Mr. Chairman. I would move the following with respect to the document titled Terms of Reference for the Council Coordination Subcommittee, May 10, 2013, that’s in the briefing book. I would move to add Paragraph 2A as in red on that document and as shown on the screen. In addition, I would move the following sentence to be added as the last sentence of Paragraph 2, after the sentence that says, “Work groups or subcommittees may be established to address particular issues and include members of the CCC, other Council members, Council staff and NMFS staff with expertise as necessary.” Add the sentence that, “CCC workgroups and subcommittee recommendations or reports shall be approved by the CCC before being authorized as a CCC perspective.” And further I would move that the date of the document be changed to May 15, 2014, and then lastly, with regard to that sentence in Paragraph 2 that defines who can be members of a work group or a subcommittee, to add after the National Marine Fisheries Service staff, members of Council-established advisory bodies.

Rick Robins: Is there a second to the motion? Second by Tom Nies. Don.

Don McIsaac: Just speaking to it then, the first part of – obviously is to include this paragraph. The added sentence is to accommodate the legal concerns about it coming back to the CCC before there’s any authorization to any result, and then noticing who was eligible to be on a work group or subcommittee, and it did not include the Chairs of the SSC, that last addition so that this group would be an eligible subcommittee.

Rick Robins: And, Don, what about the flexibility in the last sentence or current lack thereof? Were you proposing to address that? In other words, right now it would suggest that we have to approve the national meetings or workshops at the interim meeting. Do you want to add any flexibility to that?

Don McIsaac: Well, with the permission of the second, I would add – I would alter that sentence to say, “At CCC meetings.”

Rick Robins: Where meetings would be understood to also include teleconferences or webinars. Is that fair?

Don McIsaac: Yeah.

Rick Robins: Is that acceptable to the seconder? Yes. Further discussion on the motion. Kitty.

Kitty Simonds: Why do you want to include other advisory groups? ‘Cause we’ve always wanted this to be a small group of the scientists. Who are you thinking of?

Don McIsaac: Well, I’m thinking of the SSC Chairs. So Sentence 2 currently says work groups or subcommittees of the CCC may be established and include members of the CCC, Council members, Council staff and NMFS staff. So if we stand, not on this screen here, but in our terms of reference where we it defines who can be on a work group or a subcommittee, it does not include the SSC Chairs because they are not Council staff, Council members or NMFS staff necessarily. So that’s the reason.

Kitty Simonds: I guess I was just thinking about this particular subcommittee – the SSC subcommittee. It would be the SSC chairs and members.

Don McIsaac: Right, and my point being, if we don't make a modification to our existing terms of reference under Paragraph 2, then they'd be ineligible.

Kitty Simonds: Okay, okay. I was thinking only of the SSC.

Rick Robins: Is there any further discussion on the motion? Committee ready for the question? All those in favor, please indicate by expressing one vote per Council by raising your hand. Eight. Opposed, like sign. Abstentions, like sign. Motion carries unanimously. Thank you. Rich. Thank you, Don.

Rich Seagraves: Thank you, Mr. Chairman. And we were hoping to have a brief discussion now that we – think we have something operational is now get on the business of planning the next workshop. We, as I had mentioned earlier, held a series of conference calls with the sitting chairs of the SSCs and arrived at this consensus, so the overall theme from the SSC's perspectives in terms of major challenges is still providing ABC specifications in the face of scientific uncertainty, and there was a long list of competing items that were discussed, so we sort of came up with two subthemes. The first is setting ABCs in data-poor model-resistant situations. The second being incorporating variable and changing climate and ecosystem considerations into ABC specs and then sort of also incorporated in there would be to discuss spatial management and habitat. And so there's a number of ways that you could set this up, and I will just say that there was some disagreement amongst the SSCs and a discussion about stock rebuilding. For example, yesterday under Working Group 1 where people are in the country and what their concerns are. A lot of those things are determined or affected by the data availability and the quality of the stock assessments. So there wasn't unanimous agreement on the data-poor part of it because in some parts of the U.S., we've got really advanced stock assessments or data-rich, and the folks in those areas want to advance into ecosystem stuff and really push the envelope on the models whereas other areas of the country where we don't have the luxury of the high-quality data or assessment models, they're still not satisfied with sort of the operating procedures to set ABCs in data-poor model-resistant situations. So there's by no means a consensus around the U.S. about what needs to be talked about. So this is a compromise to sort of get everybody's concerns addressed. And again, this is strictly just – you know, we self-

started to say, well, from the SSC's perspective to the CCC, from where they sit, these are the major topics that they would like to see discussed.

Rick Robins: Thank you, Rich. Discussion on these proposed topics. Do the members have any concerns about the specifics here? Tom Nies.

Tom Nies: Rich, it's not really concern. Are these subthemes considered at this stage relatively broad? So setting ABCs in the case of model-resistant situations, is it conceivable that that could expand into some sort of model averaging or using multiple model approaches or did the group talk about focusing it more narrowly?

Rich Seagraves: I think you consider this a pretty broad range of topics now and certainly, if that's an issue that the New England SSC was interested in pursuing, this would allow for that.

Rick Robins: So, Rich, what would be the timing of this meeting?

Rick Seagraves: Well, good question. We've been trying to enlist a volunteer Council, again. So the first workshop was in Hawaii, the next three were sort of on the right coast if you're looking north of the Caribbean and then two East Coast venues, so the feeling of the group is it should go back to the West Coast or perhaps North Pacific, so we're looking for somebody to carry the ball here, and Kitty may very well have some interest, but the timing would largely depend on first securing a Council to sponsor it and organize it, and we were thinking, depending on how fast you can move on topics, we were thinking not until 2015, but Kitty may have some other idea that it could be accommodated more quickly.

Rick Robins: I think the other questions' going to be the funding question and whether or not we can get a commitment for the funding of the National SSC Workshop. Kitty.

Kitty Simonds: Well, yeah, so that's why we brought that up earlier. NMFS has funded each of these workshops at \$125,000, so you weren't in the room, but Alan responded that he would look for money, and the thing is that you need to look for money, like, ASAP. Hello? Sam? I mean, you need to look fast.

Rick Robins: Sam.

- Sam Rauch:* Paul. He's not here. I just looked for it. We will continue to look for it, and there may be some opportunities to do that. I just can't make that commitment right now.
- Kitty Simonds:* Because for those of us who will volunteer, I don't want to carry that entire workshop because it paid for the travelers to come, and so otherwise we're happy to host this, but sometime in February is best for us next year.
- Rick Robins:* Kitty, if we don't have – I mean, if we don't have a funding commitment yet, it's hard to see how we can move forward with the planning, frankly. This may have to be a decision that we make in a subsequent conference call if we're able to –
- Sam Rauch:* I would suggest you could plan it contingent on the funding if that's what you wanted to do, just so you don't have to have another call.
- Rick Robins:* Okay. Don.
- Don McIsaac:* Thank you, Mr. Chairman. Well, I was going to say something about the funding, but maybe it's over. I was going to say I did not ask Paul if this was not covered by our 3.99 percent, and he did not say no, so – but with regard to hosting, I think what we had said is we're not in a position in 2014, but we could do something in 2015, and obviously consistent with the past, that the funding, which I think came out of – Alan probably knows the exact line, but it's the same science line that provides for peer review processes and the rest. So we could do something in 2015. It would not be February, though, so if you're looking at something closer to 2014, maybe we could do something in 2016, but we are eligible to do something in probably the summer of 2015 is when our open window would be.
- Rick Robins:* I think we have a competing bid from Kitty. Kitty.
- Kitty Simonds:* Well, the thing is that all of these themes are very important to our work, but you know how I work. I like to have things going and so can we hear from you in a week, Sam?
- Sam Rauch:* I will consult with Paul.

Kitty Simonds: Okay. Within the week?

Sam Rauch: I will consult with him today. I don't know when we'll find an answer, though.

Kitty Simonds: Oh, okay, good. Thank you.

Rick Robins: All right, so what's the pleasure of the group with respect to considering moving forward with the 2015 National SSC Workshop subject to approval of funding? Don.

Don McIsaac: Thank you, Mr. Chairman. Yeah, I think it's a good idea. This has been a very successful forum in the past. With regard to the topics, Number 1 there is one that is a front burner concern of the Pacific Council with regard to data-poor situations for some of the rockfish that have even had some state Council members talking about taking fish out of the FMP or getting out of the Magnuson Act it's so serious. So we'd support this topic and then the meeting arrangements flowing in either early in February or later, however the certainty comes out. Pleasure of the group on that.

Rick Robins: Other comments?

Lee Anderson: Okay. I move that we approve this SSC 5 pending funding.

Rick Robins: Is there a second to the motion? Second by Eric Olson. Any discussion on the motion? Is there any objection to the motion? Seeing none, it's approved by consent. So we'll plan on that subject to funding. Rich, thank you very much. And is there anything else to come before us relative to the SSC?

Rich Seagraves: No. We're ready to move on to Rick Methot's presentation.

Rick Robins: All right. Dr. Methot, welcome.

Rick Methot: Hello?

Rick Robins: Dr. Mathotte, you can go ahead if you can hear us.

Rick Methot:

I can. You come across loud and clear and I hope I am as well. And thanks for this opportunity. I'll just signal when we need to have the slides advanced, so we'll just go ahead and do that.

So what I'm here today to talk about the outcome of the comments we've received on the prioritization process. This project was something that we presented to the CCC in February 2014, and at that time, we released it for Council and public comment with May 1st as due dates. And subsequently I had phone conferences with the Atlantic States Marine Fish Commission and also with – able to meet face-to-face with the South Atlantic SSC and with the Northeast Regional Coordination Council. Next slide.

I've received responses from the Gulf of Mexico Council, thank you, from Ocean Conservancy and from four individuals who had various affiliations. I have also received draft comments from a few other groups, and just this morning, I got the final comments from the Atlantic States Marine Fish Commission. Thank you for those. They are quite supportive and constructive in their comments. Thank you. Next slide.

In general, the collective comments are supportive of moving forward with the prioritization process. They're supportive of moving toward a process that leads us to do more assessments as updates versus full benchmarks, even (inaudible) saying that updates should be the norm and full benchmarks should be the exception. Support for using fishery value, not the weight of catch, as a basis for the importance. There was a request for a clarification on the relative role of NMFS versus the Councils in completing various aspects of the implementation of this prioritization process, and there also was general support for use of less complete assessments for lower-priority stocks, such as the various data-limited methods that have been developed in several of our regions. So general support for moving forward with many aspects of the plan. Next slide.

Some concerns were raised as well, one of which was that given that we don't yet have all the information pulled together in order to show a prototype list of how the stocks would arrange in any region currently, it was some reserve judgment on some parts of some groups before they feel comfortable fully endorsing the process, even though they do encourage us to move forward for the development. There certainly is some concern that flexibility to adapt to changing conditions could be somewhat limited,

although I would say that, within the process, we certainly anticipate the need for this and certainly identify the outcome of the process as being a set of recommendations and not something that is must be rigorously followed from one to end in updating assessments.

There was concern that the politics will still trump the proposed process, but the process is designed to give us another tool to help counteract that effect. Process could potentially deemphasize some current good assessments that are protecting stocks from overfishing in favor of being certain that we get high assessment capacity directed toward those stocks that have high fishing mortality rates and are in poor condition. And so this needs to be balanced and we believe that the system as proposed will enable that kind of a balance between all stocks, so no matter what their condition is, we'll get some rotation among all the stocks.

Certainly some concern that the workload of implementing it will, at least in the initial stages, will detract a bit from our assessment efforts and some comments that, in addition to prioritizing the assessments themselves, the surveys and the various other data collection systems that go into the assessments, they need prioritization and attention too to be certain that we have those building blocks in order to conduct those assessments. Next slide.

Some ideas that were brought forward in these comments were that we should be (inaudible) and recreation importance is value, not weight. There is some concern as well as some support for the productivity susceptibility analysis is a tool to help in a triage of some of the stocks that have never been assessed before. Identification of the need for good indicators. Some people like the rumble strips that are being considered in the Northeast and the Mid-Atlantic in between less frequent assessments. There's an idea that coordination of assessments for associated species has merit, so that as we're scheduling things bring forward assessments that are going to be similarly affecting a fishery are important. We need more information on past performance, of past assessments. The tiered assessment needs should be coordinated with the management needs for non-target stocks, and certainly there is some consideration today in various venues of the potential differential treatment of target stocks versus non-target stocks. This needs to be aligned with our prioritization process and vice versa. And finally the good support for using some of the technical tools called management strategy evaluation and risk

analysis to take an even more quantitative approach to what is the merit of getting assessments done more or less frequently for any particular stock. Next slide.

So you know, given all this, given the state of where we're at today and how much progress we've made to date, we have an update here, what we see as some of our short-term implementation steps. We'll continue to proceed towards building a database with the basic information. It's not as far along as we had hoped at this point, but we are making steps in doing this. We will go back through the comments we received, and any more we receive today at this meeting and use these comments to update the document and clarify the various roles. And hopefully that we could continue to proceed toward prototyping this in at least one region and I think, from my perspective, both the Northeast and the Pacific Coast are furthest along in being prepared to use this and to benefit from it in a relatively short term, and so I would put that out as a potential region to do prototyping of it. And as soon as a National SSC meeting is able to occur, which now looks like it will not be as soon as fall 2014, certainly we would want to discuss it at that meeting as an agenda item. And then following all this, we would bring it back to the CCC for a check-in on how things were going with this.

And as we proceed, certainly the idea is that, as we develop this system, have this collection of information available and are able to run it through a system to identify sets of stocks that are ripe for updated assessments to make those available to the various regional groups that are charged with setting the regional priorities for assessments. Next slide.

So thank you for this opportunity, and I'd open it up for any questions and any further comments that the CCC has on this prioritization process.

Rick Robins:

Rick, thanks again for the presentation. Let's go ahead and go to the CCC for questions. Are there members that have questions regarding – or comments and reactions to Rick's presentation? John Bullard.

John Bullard:

Rick, thanks for the presentation. On your implementation steps, you have a step discuss with the National SSC or whatever it's going to be called. We don't know when that's going to be. Is that – what happens if that gets delayed indefinitely? Would that hold back in terms of Step 4 and

Step 5 to when you'd come back to the CCC or would you just keep marching on regardless?

Rick Methot: I think we would continue on. You know, we hopefully have had some opportunity to get feedback from folks like that. I think we could still use the National SSC whenever it happens to provide us additional ideas on how to improve it in the future. We see this as a product, as a tool that will evolve, certainly in its early years of development, and you know, getting their input at whatever stage they're able to do, so will be helpful but not critical.

Rick Robins: Tom Nies.

Tom Nies: Thanks, Rick. Just related to the implementation steps, I don't know if you listened to our discussion over the last hour, but it seems to me that, given what we concluded about not really having a National SSC, that Step 4 may be really – may not actually happen or may not be appropriate.

Rick Robins: Rick.

Rick Methot: Again, I see it as an opportunity for getting some feedback from certainly involved parties. I certainly would see that the SSCs are relevant parties in this whole process. They have fairly high levels of engagement on this topic in various regions. So again, as an opportunity but not a rate limiting step.

Rick Robins: Rick, just to – maybe to follow up and clarify, I think the point on this end is that we're not establishing a National SSC per se, so we have –

Rick Methot: Understood.

Rick Robins: I'm sorry?

Rick Methot: I understand. It's still a collection of experts that are we could tap into their expertise and and I guess it's a question then of whether the CCC would task them with providing us comments on this process or whether we would just do it as an informational briefing to that collective group.

Rick Robins: I'll move on to any other questions or comments members might have.
Don McIsaac.

Don McIsaac: Thank you, Mr. Chairman. Well, just on that last point first, the adoption of specific charge just occurred, so we'd have to reopen the task of the next group whenever they meet. There isn't a standing agenda item for open briefings or other business as desired spontaneously so – but, on the merits of the rest of this, I think first of all, it's nice to see some real organized thinking on what would go into a good, orderly prioritization exercise. So I think the matter of having a prototype that we can all watch and see how it goes is a good idea, and this implementation steps, Number 3, the Pacific West Coast is a possible example fall of 2014. We are going through a two-step process now in selecting our stock assessments. That is a June-September, two Council meeting process, and while we can take into account some of this thinking, I don't think that qualifies us – or that probably disqualifies us as a prototype candidate area. But in general, I guess I'd express some support for the idea going forward, particularly if we can see it working somewhere else. The Council – the Pacific Council already looks at a few of these things, but not all of them. For example, the value and the recreational value aspect does not currently come into our thinking. It'd be nice to see how that works out somewhere else.

Rick Robins: Terry Stockwell.

Rick Methot: Thank you, Don. I'd add that if we can make our calendars aligned, I'd certainly be willing to talk with your group in June as you start your process for the next biennial cycle, and I realize that the timing isn't completely in sync for what we're likely to have as a product, but I think we still could use that as an opportunity to get started.

Rick Robins: Terry Stockwell.

Terry Stockwell: Yeah, thank you, Rick, for the presentation update. I'm reflecting back on the NRCC meeting and given the concerns expressed about need – our need for – management needs to address management needs, how do you plan to share with New England the development of your prototype?

Rick Robins: Rick.

Rick Methot: We would do it, I believe, similarly to – as we did with the proposed process at this stage. We'll keep the – all the Councils informed of our progress, so when we have a full prototype and updated document

available, we can recirculate for comments at that time. We don't have an exact date on when we would be able to accomplish that, but we certainly will continue to value your feedback on this.

Terry Stockwell: Thank you for that.

Rick Robins: Doug Gregory.

Doug Gregory: Hello, Rick. This is Doug. I'm wondering what your thinking is about the role of the SSC. When this was presented to the Gulf Council by the Southeast Fisheries Science Center, the impression was that the SSC would be used simply to review and comment on the database that was developed by National Marine Fisheries Service, that the SSC would not be charged with developing that spreadsheet or database itself, and if that's the case, that alleviates a lot of my concerns about how much work would have to be put into this by the SSC.

Rick Methot: Yeah. And that's correct that we do anticipate that the Agency will be able to populate the database ourselves from existing sources. It's going to require some work. There are some of the fields where I think we would value some input from the SSCs and it would be on issues like how – what is their perception of the degree of uncertainty or concerns about past assessments that figures into how important it is to get that updated as an update or a benchmark. So there are entry points where some additional SSC input would be valuable, but we will be able to do the heavy lifting on putting this together.

Rick Robins: Rick, thank you. Are there any other questions or comments? Rick, thank you very much for the presentation. We appreciate it, and thanks again for the follow-up updated today.

Rick Methot: Thank you very much, and thanks for the opportunity and if, following today's discussion there are any additional comments that CCC wishes to send to us, it would be appreciated.

Rick Robins: Thanks, Rick. Our next item is the electronic technologies initiative update by George LaPointe. George, good morning and welcome.

George LaPointe: Thank you, Mr. Chairman, and good morning, everybody. Some –

12. FUTURE CCC MEETINGS & WRAP UP

Rick Robins: Now we'll move on to discussion of future CCC meetings, and for that, I'll turn to Doug Gregory. Doug.

Doug Gregory: Good morning. Well, you have options. The week of May 4th, we've been working on. That coincides with the Atlantic States Marine Fish Commission. The week of May 11th, for those two weeks we have New Orleans available, but that's the week after Mother's Day. And so I've been looking at the week in June, June 22nd week is the third week in June. We all have Council meetings in June, I believe, and at least two Councils have a meeting the week before that, and so that's a burden, but we can go to Key West in June. If we stay in May, we'll go to the northern Gulf – New Orleans or the panhandle of Florida. I can look in the month of July if you like, and we can do Doodle polls later, but that's what I have so far. I came to the meeting this week thinking we would do it in May, and since then, I've scrambled and got the week in June in Key West. That's two weeks after our meeting and the South Atlantic Council's meeting, so we can do that. It'll be a challenge for us, but we can do it. We could probably do Key West later in the summer. July might be okay. It does get warm down there and we do get more into hurricane season, but in the last few years, we haven't had that many hurricanes, so I don't – and I heard that El Nino's popping up, so I don't know if hurricanes are going to be an issue.

And then the winter meeting, there was some talk about having only a one-day budget meeting instead of the three-day full meeting, and Bill Chappell said that NMFS usually helps out and does a lot of the logistic work for that meeting, so that's a relief. We can't meet the last week in January or the first week in February because of just e-mails we've circulated. We all have a conflict one of those two weeks. Somebody said on Monday that we want to avoid the Congressional recess, but I'm not familiar with that, so what week to avoid there. But we're flexible somewhat in February also. So the main meeting – and the main meeting next year, we can do it either in May in, say New Orleans or June in Key West.

Rick Robins: Doug, thank you for developing those options for discussion. You know, I would just point out that we managed to schedule this on top of the ASMFC meeting week this week, and that had some unfortunate

consequences. Some of you couldn't be here on the first day as a result. There were a number of Agency representatives also that are engaged in the ASMFC meeting week that couldn't be here for presentations and discussions also, so I would just highlight that as a drawback to overlapping with ASMFC's meeting week. And I know some folks had a little bit of trouble traveling over the weekend, given the fact that it was Mother's Day also, so it sounds like both of those issues may be in play around the May dates. So I don't know if that leads to June as being a stronger candidate, but just wanted to highlight those concerns. Bob.

Bob Mahood: I think we need to meet a little later in the year also 'cause if we're talking about the last week of January and the first week of February are out, that's going to push us into February and then we turn around and meet in May again, and I'm not sure what the utility of that would be. I would opt for June or later even.

Rick Robins: I think it sounds like June makes – June might make more sense. Chris, did you have a comment?

Chris Oliver: I think it was the third week in June, Doug. That works for us. We could do it in May as well if we had to go to New Orleans, but I think our preference would be in June. And relative to the winter meeting, I think any time after that first week in February works for us and we still favor an in-person meeting.

Rick Robins: Do any members have a strong preference for a date other than the June option?

Doug Gregory: Now, I must point out that the Sunday before that week in June is Father's Day.

Rick Robins: Thank you, Doug. Don McIsaac.

Don McIsaac: Thank you, Mr. Chairman. I've been asking for some finality at this meeting on these dates for planning purposes, and so let me thank, first of all, Doug for all the work he's done preparatory to this to try to enable that. I'm not the biggest fan of the end of June, but if I have to choose between finality and a date I don't like because it amounts to almost three weeks of continuous travel, I guess I would take the finality aspects of that in June.

But with regard to the interim meeting, the second week of February, February 9th, is one – it seems to me the President’s Day week seems to match up with where we’ve been in the past, and the earlier we go, I think the better. I think we can anticipate probably a lot of difficulties in terms of budget finality that early in the year, but I don’t think it’s too early to talk about things. Frankly, it was a little bit too late this year. We got there in the middle of June and things had advanced way down the line, and so I think earlier is better. We’ve met as early as the middle of January in the past, but if there’s this kind of separation, I guess I would wonder about looking at that week of February 9th. And in terms of getting to some finality here, if it’s not possible to get finality on whether it’s the 10th or the 11th or the 11th or the 12th or that, certainly some finality on the week.

And if we end up in June for that week of the 22nd through the 29th, maybe some accommodation for starting the meeting perhaps a little bit later than this one if, indeed, that is Father’s Day. There probably will be some sort of dropout there. Some of us have to travel a long ways, the ladies and gentlemen across the table here from me in particular, so it would amount to a couple, three days of travel to get here for some people – to get to Key West for some people, so I know at this meeting it wasn’t clear for those of us who made their plane reservations way in advance whether today was going to be a half-day meeting or a full-day meeting, and so to whatever extent that could get cleared up and not have some miscommunication there about people leaving early, it’s always nice when we’re all together from so far away that we’re here all the way to the end. So just some thoughts.

Rick Robins:

And I would suggest that we try to finalize this May or June meeting date first and then we can dig into the details around that interim meeting. Kitty.

Kitty Simonds:

I’m – well, we’re opting for June. It’s a busy month for us, but I think that’s a good time six months, five months after our winter meeting. And, Don, you’re so fussy. People always leave early at these meetings. All the – I mean, how many years – 30 years of coming to these meetings, people always leave early.

Rick Robins: Well, Doug, it sounds like we've got a consensus on a preferred date if we can plan on doing it for that week, taking into consideration some of the concerns Don expressed about which day to start the meeting but those are things that can be fleshed out. But if we can set aside that meeting week now, that'll allow us to at least plan around that. But why don't we move on to the discussion about the interim meeting, and I know there has been some discussion about whether or not that's going to be a one-, two-, three-day meeting, and then when to have it. So why don't we have that discussion as well? Chris.

Chris Oliver: When earlier I said any time after the first week, but actually our Council meeting goes through February 9th or possibly even the 10th. So if we did it that first week, for us, it'd have to be the latter three days of that week to make that work. The following week would be best, but if we had to do it that second week, it would have to be toward the end of the week or we couldn't do it.

Rick Robins: And, Chris, just to follow, we're out of it that week 'cause we've got a Council meeting from the 10th through the 12th, so that would knock us out that week in February. Is the third week a possibility for people – third week of February?

Kitty Simonds: Okay with us.

Rick Robins: Is that – does anybody have a known conflict the third week of February?

Don McIssac: To me, the later the better. I went into shock when I saw the snow on the ground, particularly after the week before.

Rick Robins: All right. Well, in light of that, I would think we could pencil in the week of the 16th of February, but we need to have some – we ought to have some discussion, I would think, about the nature of the meeting and the scope of it, whether it's going to be – I know we had – under this agenda item, we had some discussion about a webinar format or in person. We had that discussion last year and opted for an in-person meeting, but that is on the agenda for discussion, so I would suggest that we have some discussion of that and then the length of the meeting, at least tentatively. Tom, did you want to comment on the webinar issue?

Tom Nies: Well, I didn't really want to comment on the webinar issue so much as the agenda for the interim meeting. We've argued before that we thought the webinar was a better way to go for some of the issues with the webinar meeting, and we recognize that a lot of the Councils don't like that; they prefer in-person meetings, so I don't really expect the webinar to get any traction, but I think we need to take a hard look at the agenda for the February meeting and make sure it's a productive and useful meeting. I think that – I've only been to two of these, but I have not found, other than the budget discussion, that we seem to accomplish very much at the February meetings and we burn up a lot of staff time and travel time and of both the Councils and the Agency when we hold those, so you know, I would just suggest that we take a hard look at the February agenda and make sure that we expect to accomplish something when we put it forward, when we put things on, that we try and cut back on the number of lengthy informational presentations that we get from the Agency. They – you know, I'm not sure all of those are productive. And that we consider the possibility that there may be agenda items that are not of particular interest to everybody who shows up at these meetings, and so maybe we can bundle those agenda items so that if there's a class of people – I like that phrase – a class of people that don't want to sit through a long technical discussion that really the EDs are very intensely interested in, that they may be willing to set it up so if they want to leave, they can leave and not feel like they're missing something.

Rick Robins: Any reaction or responses to that? I'm sorry, Eileen, go ahead.

Eileen Sobeck: I'm also not an expert, having only gone to one February meeting. I would just – and I mean, I could be convinced to have shorter meetings, but you know, obviously that's an opportunity to have access to a lot of NMFS staff at low cost to us, so I just put that on the table. And also would just note that this time around, at least we're hoping to have floated the draft revisions of the National Standard 1 in the fall, so it might be an opportunity to chat about that in person, and I'm not sure where we're going to be on MSA reauthorization, but again, we might be farther in the process and it might be something that we want to have some in-person or meetings about, so I mean, it seems like at least next year, there are likely to be significant topics beyond the budget, but –

Rick Robins: Yeah, I guess another question I've had about that meeting is whether it might be feasible to have webinar participation optional for members so

that those members that want to be there in person can be there in person, and if there are members that want to listen in to the budget discussion, they can listen in on the budget discussion but not necessarily have to be there in person. And we wouldn't consider that type of format in a Council meeting where we're making important decisions, but if we're largely having an informational discussion on a budget, something like that might be attractive to some of us. Kitty.

Kitty Simonds: That's exactly what Chris and I talked about, that if there are people who really don't want to come to the face-to-face, that they should be able to access the meeting via the web, but I'm for a face-to-face.

Rick Robins: I understand. Bob Mahood.

Bob Mahood: At least you'll find out which is best or what people want to do – come to a meeting or listen in on a webinar, and that may give us an idea in the future which way we want to go.

Rick Robins: Don McIsaac.

Don McIsaac: Thank you, Mr. Chairman. Well, just on that last matter, if we do have webinar participation, I presume it would be open to the public as well as just the other folks, so it's something to think about. With regard to the budget part of the agenda for the interim meeting, what would be very useful is to have some materials in advance. I know this last time we kind of got caught flat footed a little bit, not knowing that the 3.99 percent was coming and what it really meant and so in terms of something in advance would be very helpful. I know if fiscal year '15 goes, maybe according to the President's proposed budget, that there's things in there like EM money and catch share money and this and that.

I mentioned earlier, one of the difficulties with regard to the current budget situation and why you're hearing so much about this 3.99 percent might come back to lack of clarity on what the Councils actually need and why is this reference to fiscal year 2012 out there anyway. And so when it gets around to a budget meeting and the Councils walk in and hear here's the final answer, and we never did actually ask you what you needed and why. That's part of our difficulty, and so knowing a little bit more about things in advance would be helpful to that with a two-way communication that, if we're really going to get into this, that or the other thing, what do

the Councils need to fund that. Is there really an expectation the Councils will get into this, that and the other thing with a cut to their budget? If that's true, there ought to be some dialog about what you expect to come off the Council's agenda and not be addressed. So I think that all gets facilitated if there's something in advance, the presentations we normally see or some proposals and that they're framed – or that they're written in pencil. How about that? So with regard to that.

Then with regard to the other agenda items, I guess I would concur with Tom that, if there are some that kind of are informational as opposed to some of the substance ones where you really want to have some strong feedback from the CCC on National Standard 1. Or if the CCC needs some time on Magnuson Act, if Chairman Hastings is wrong and that's not over with, that those get some significant agenda time and some of the other ones that are more informational be put out two weeks in advance of the meeting and there be a single agenda item on the seven informational reports that are there as to what kind of feedback there might be from the CCC on that. I know there's a lot of times when, appropriately, you want to have communication with the eight Councils, and that interim meeting is a good chance to get that accomplished, but when there's not actual feedback decision making and it's just informational, maybe there's some efficiencies in how you budget the time in the meeting on that.

Rick Robins: Thanks, Tom. Other comments on this? Terry Stockwell.

Terry Stockwell: Yeah, thank you, Mr. Chairman. I'm one of the people that was impacted this week by being double-booked, and I don't look at whether or not webinar is an alternative as whether or not I want to – or anyone else wants to do a face-to-face, but that of just what Don and Tom were referring to of best time management. And I would request that, as we – Doug, as you start to plan for next year, that you consider bundling the topics that would be important to either the EDs and/or the Chairs or combo, so those of us who – you know, someone's going to be double-booked again – so we can pick and choose and make sure we're here at the appropriate times.

Rick Robins: Chris.

Chris Moore: I blame my partner, ASMFC, for the double booking, by the way, and – I know, I know. Sometimes they are. Bob's friendly. The issue regarding

the webinar, some of you may not realize, but this meeting's been webinarred to a select group of NMFS folks, so to allow Rick Methot and Jean Pierre was going to do it as well yesterday to participate in the meeting. We decided to go with the webinar instead of the typical thing that sits in the middle of the room that no one can hear and doesn't work real well. So the webinar can work. You know, Jim has expertly taken care of the webinar for this meeting, so we could do a hybrid for the February meeting and certainly allow other folks to do it.

In terms of the select, the way it works is that it doesn't have to be public access for the webinar. You can have a select group of individuals that are identified beforehand. The person that's operating the webinar then allows those folks to participate, so we don't necessarily have to have a public broadcast for the webinar.

Rick Robins: Doug Gregory.

Doug Gregory: Yeah, I definitely want to work through that carefully. I mean, having a webinar where public can listen in is easy. When you start having people actually communicate or interact, it can get cumbersome and unwieldy so I want to be – I wouldn't want to encourage that sort of thing 'cause we're running into that problem with our Council meetings. We've got a lot of Science Center people who are calling in instead of coming to the meeting, and it's not as good. So I think the impression I have is to streamline the agenda to keep it to the bare minimum, the major topics we have to talk about and discuss, and not just try to fill up space, and I'm thinking, what, two days. A noon – half a day, full day and a half a day. I know you guys from the West Coast it doesn't matter if we start at 6:00 in the morning or 4:00 in the afternoon, you gotta come the day before, but I can try to do that. We're looking at a two-day meeting at most. Yes, for February.

Rick Robins: Chris, did you have a comment?

Chris Moore: Yeah, just to your point, Doug, it's actually easier than you think. I mean, we've had a very positive experience with webinar. Once we get it – so for this meeting, for example, we have a direct line to the computer, so we're not relying on the Wi-Fi to run the webinar. It's this other – this direct line. So as you explore those possibilities and you want to talk to us, certainly my staff and I can help you with that.

Chris Oliver: I'll be working closely with Bill on the interim meeting too.

Rick Robins: Thanks, Chris. Is there any further discussion about the February meeting? The interim meeting? All right. Well, thank you all for giving us dates that we can work with and plan around on that. That brings us to the wrap-up. Kiley, do you have a sheet you can put up there and display, or Jim? Thanks.

So as I said earlier, I want to thank everybody. I think we got a lot done this week. A lot of that reflects all the work that went into those working groups, with the support of staff, and I think we can trace a lot of that output to the hard work that the – and lifting that the working groups did. I just want to run through a quick recap of the action items that we had this week, and coming out of that habitat discussion, we'll form a cross-Council habitat working group comprised of Council staff, habitat experts. Chris indicated that our Council staff will work with NMFS habitat to set this up, so that will allow that group to get established and move forward.

We went through the Magnuson-Stevens reauthorization discussion. The key outputs there are going to be the development and transmitting of a letter with the consensus statements, and we're going to circulate that back to the group for review before we send it out, obviously. We'll also develop a working paper to go alongside that, and we'll form a legislative committee that'll follow up on these issues because we had a number of issues that are being referred to that group for further development and review at the working group or committee level. So I don't know if we need to go through all of those specifics, but just going – can you go back up, Jim, to the next item. Thanks. So we went through each working group recommendation and adopted them by consensus or referred them out for further development, and I'm not going to rehash that. Jim, do you want to go on to the – beyond Magnuson. Thanks.

So the allocation working group gave us a recommendation that was adopted for a hybrid approach in terms of how to move forward. This was an important outcome and gives us a path forward for the development of that policy and we adopted the outline that they had proposed. We also developed the bycatch report letter relative to the Oceana discussion, and that was approved by consent. Next item, Jim.

The operational guidelines, we'll move forward with the objectives and incorporate some of the previously submitted edits. If you all have any additional comments on that, please plan on sending those in within the next week. On the science issue, we had the motion to adopt the TORs for the CCC SOPPs, so that's a modification there. And that'll establish the subcommittee that we had discussed relative to the national SSC. In fact, being as a steering committee. So those details were approved today. We also agreed to move forward with the establishment of a national SSC workshop, SSC 5 there, and that's going to be subject to funding. And then we just finally established the dates for future CCC meetings, the interim meeting being in February – the week of February 16th, and the annual meeting being the week of June 22nd, tentatively in Key West, Florida.

Are there any concerns with any of the summarized action items? Don McIsaac.

Don McIsaac:

Thank you, Mr. Chairman. Well, first of all, thank you for putting that together. I know the Western Pacific does a nice job trying to do their outcomes. We've got a decision summary document that we do out our Council meetings, so something this fresh is very good. I don't know if you do that at every Council meeting, but anyway, I think it's very useful. However, on the very first one, if you could scroll to the very first one, I know that was at the end of the first day and we were scrambling, so much that Don missed the bus that evening, but I don't recall forming a cross-Council habitat working group and – that was proposed there, but I didn't recall that was a group consensus and it might be something we would like to get into, but given the 3.99 and things like that, I'm not sure that we can agree to do something like that, and I don't know when it would meet or when the timeline is or what the expectation is or how big a burden it is, but I didn't remember that being a decision, so –

Rick Robins:

Well, Don, I'm going to refer to Chris. I think it was not a lot more than a nod during the discussion, but I'll turn to Chris on that.

Chris Moore:

That pretty much sums it up. Don, at the end of Kara's presentation, she brought us back to this particular point, which was how do you want to proceed with some of the issues that she had raised in her presentation. So it was a quick discussion about an informal working group that would include habitat folks from each Council getting together informally to talk

about some cross-cutting concerns that relate to habitat objectives. And as Rick indicated, there was a general, like, I got a general consensus that that was a good idea. We didn't take a vote, but the consensus seemed to be that people liked that idea, so that's why it appears like that. We didn't address the part about who would set it up or how it would be set up, so we've added that additional part, which is Council staff will work with the Office of Habitat Conservation to actually start working on forming this working group.

Don McIsaac: Well, then, just for the record, I'm not sure if we're going to be able to play or not. We don't want to hold it up.

Rick Robins: Don, no worries. I think one way to look at this would be that participation in it would be optional and subject to the availability of personnel and resources. Terry.

Terry Stockwell: Yeah, Rick, could you either e-mail this out or post it on the web page?

Rick Robins: We'll post it if that's all right. Any other questions relative to the output? Okay. With that, I'll turn to any new business for consideration by the CCC. Chris.

Chris Oliver: Thanks, Mr. Chair. I just had a kind of an informational item. I handed around a copy of a presentation. I didn't have 40 copies, so I put one in front of each Council. It's a presentation our Council recently got from NIOSH, the National Institute for Occupational Safety & Health, and their fishing safety office is actually headquartered in Anchorage. Dr. – Captain Jennifer Lincoln. And they've become engaged in our Council process recently in a couple of ways. One is giving us periodic reports such as this that focus on trends in fishing safety, fatalities, injuries and other aspects of vessel safety, and you can see they also refer to other regions around the country if you look through this and show a comparison. And also, they've become involved by directly participating in our various issue-specific analyses, actually contributing sections and analysis to our NEPA, our soon-to-be Magnuson Act documents and that have been very helpful to us in terms of looking at safety implications of various management measures that are being considered. So I brought this to your attention as informational. I know they've probably done stuff in the other regions. I don't they've done some work in the Western Pacific, and it may be an issue that we would be interested in having a presentation

at the national level at one of our next CCC meetings, so I just wanted to bring that up.

Rick Robins: Chris, thank you very much for bringing that to our attention. Kitty.

Kitty Simonds: Yes, Chris, I think that's a great idea. The reports that they did for us was the number of deaths that happened in the Marianas after MPAs were implemented, and it was a very, very interesting report that we kind of look at all the time when people want to develop MPAs and those kinds of things because what they did was it drove the fishermen to places that were unsafe. You know, it's an island, so it drove them to places that were difficult to get to, and so they documented this on the number of deaths that happened just because fishermen had to move to other places. So it's really good that they're – that they went off to you folks as well, and it is about safety and the kind of regulatory regimes that we develop, and isn't that one of our – we're supposed to be concerned – one of our national standards? That's one of our national standards, and it seems as though other parts of NOAA kind of ignore – you know, I'm not talking about the NMFS; I'm talking about sanctuaries and the other parts of NOAA that deal with closures as well. So I think they need to be involved too.

Rick Robins: Is there any other new business to come before the CCC? Kitty.

Kitty Simonds: Well, I've been thinking a lot about what we're called and decided that partners is not a good word either because partners – everybody is a partner with NMFS, partner this, partner that this small group and that small group. We're very special, I think, so I was – so somebody – I heard the word alliance, and I thought that was a good word, but I think we should come up with a much better word for us than partners so like the pharaohs did in the old days, we should just delete stakeholder from everything past and everything future. That's my number one request. And then the other is to find a better word to call our relationship with you all. Don't you think alliance is better than partner? I mean, that's different. So be thinking. I'll be e-mailing you all.

[Crosstalk]

Oh, conspiracy you said? Or conspiratish? Co-conspirators.

Rick Robins: Yeah, Kitty, in the absence of a two-thirds majority, I don't think we're going to reconsider this question today.

Kitty Simonds: No, you said future work. New business.

Rick Robins: All right. I would again like to thank everybody and thank, in particular, our staff for all their work this week to make this a successful meeting. It's been – you know, it's always a pleasure to see everybody from around the country at these meetings. That's a great benefit of being involved in Council leadership and a privilege, and I think we have a lot to learn from each other and it's always beneficial to get to meet with you all and the Agency leadership. Dorothy.

Dorothy Lowman: Well, Rick, I just don't think that you should always be the one thanking your staff. I actually think that we all need to give them a round of applause, as well as you 'cause you've done a great job.

[Applause]

Rick Robins: Dorothy, thank you for that. And with that, safe travels and we are adjourned. Thank you.

So, Chris, please mail me all these nameplates. And please leave your nametags in the box at the door.