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NATIONAL MARINE FISHERIES SERVICE

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ATLANTIC HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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THURSDAY
MAY 23, 2019

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The Advisory Panel convened in the Cypress Room of the Sheraton Silver Spring Hotel, 8777 Georgia Avenue, Silver Spring, Maryland, at 8:30 a.m., Bennett Brooks, Facilitator, presiding.

PRESENT

- BENNETT BROOKS, Facilitator
- JASON ADRIANCE, State Representative; Louisiana Department of Wildlife and Fisheries
- ANNA BECKWITH, Council Representative; South Atlantic Fishery Management Council
- RICK BELLAVANCE, Council Representative; New England Fishery Management Council
- ANDREW COX, Recreational; Marlin Magazine
- MEAGAN DUNPHY-DALY, Academic; Duke University

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KRISTIN FOSS, State Representative, Florida
Fish
and Wildlife Conservation Commission

GRANT GALLAND, Environmental; Proxy for Shana
Miller

STEVE GETTO, Commercial; American Bluefin Tuna
Association

JOHN GRAVES, ICCAT Advisory Committee; Virginia
Institute of Marine Science

MARCOS HANKE, Council Representative; Caribbean
Fishery Management Council

LUKE HARRIS, Commercial; Pure Harvest Seafood

DEWEY HEMILRIGHT, Council Representative; Mid-
Atlantic Fishery Management Council

RUSSELL HUDSON, Commercial; Directed
Sustainable Fisheries, Inc.

ROBERT HUETER, Academic; Center for Shark
Research, Mote Marine Laboratory

STEPHEN IWICKI, Recreational

RAYMOND KANE, Commercial; Cape Cod Commercial
Fishermen's Alliance

DAVID KERSTETTER, Academic; Nova Southeastern
University Oceanographic Center

GREG MAYER, Commercial; F/V Fishin' Frenzy

SHANA MILLER, Environmental; The Ocean
Foundation*

ROBERT "FLY" NAVARRO, Recreational; Fly Zone
Fishing

JEFF ODEN, Commercial; F/V Sea Bound

MICHAEL PIERDINOCK, Recreational; CPF Charters
"Perseverance"; Recreational Fishing
Alliance

GEORGE PURMONT, Commercial

KIRBY ROOTES-MURDY, Commission Representative;
Atlantic States Marine Fisheries
Commission

MARTIN SCANLON, Commercial; F/V Provider II

DAVID SCHALIT, Commercial; American Bluefin
Tuna Association

SCOTT TAYLOR, Commercial; Dayboat Seafood

PERRY TRIAL, State Representative; Texas Parks
and Wildlife Department

RICK WEBER, Recreational; South Jersey Marina

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ALAN WEISS, Blue Water Fishing Tackle Company
KATIE WESTFALL, Environmental Representative;
Environmental Defense Fund
ANGEL WILLEY, State Representative; Maryland
Department of Natural Resources

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ALSO PRESENT:

NICOLAS ALVARADO, HMS, St. Petersburg Office
HEATHER BAERTLEIN, HMS, Headquarters
RANDY BLANKINSHIP, Branch Chief, Southeast
Branch, HMS Management Division
KARYL BREWSTER-GEISZ, HMS, Headquarters
CRAIG COCKRELL, HMS, Headquarters
PETER COOPER, HMS, Headquarters
JENNIFER CUDNEY, HMS, St. Petersburg Office
TOBEY CURTIS, HMS, Gloucester Office
JOE DESFOSSE, HMS, Headquarters
GUY DUBECK, HMS Headquarters
STEVE DURKEE, HMS Headquarters
CLIFFORD HUTT, HMS Headquarters
LAUREN LATCHFORD, HMS Headquarters
BRAD MCHALE, HMS, Gloucester Office
SARAH MCLAUGHLIN, HMS, Gloucester Office
IAN MILLER, HMS Headquarters
RICK PEARSON, HMS, St. Petersburg Office
LARRY REDD, HMS Headquarters
GEORGE SILVA, HMS Headquarters
CARRIE SOLTANOFF, HMS Headquarters
TOM WARREN, HMS, Gloucester Office
JACKIE WILSON, HMS Headquarters ROSEMARIE GNAM,
U.S. Fish and Wildlife Service
CELESTE LEROUX, Office of International Affairs
and Seafood Inspection
KATIE MOORE, U.S. Coast Guard*
AILEEN SMITH, Restoration Center, Office of
Habitat Conservation
DIANE STEPHAN, HMS, Gloucester Office*

*Present via telephone

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

2 8:35 a.m.

3 MR. BROOKS: Good morning. Day 3 of
4 3 here. Thanks, everyone, for hanging in and
5 being here again.

6 Today's a shorter day. We will finish
7 up by 11:30. We have a couple of things on the
8 agenda today. We'll first hear some updates on
9 offshore wind, which I know is of great deal of
10 interest around the table.

11 We'll then hear on A12 and have a
12 discussion on updating HMS FMP objectives. And
13 thanks to those of you that filled out the survey
14 over the last day and a half. I think that was
15 quite helpful.

16 And then, we'll finish up the
17 presentations with a couple of folks on
18 enforcement updates. We'll hear from the General
19 Counsel and we'll hear from OLE.

20 And then, we'll get a quick summary.
21 But, as Pete said at the beginning of the meeting,

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1 we won't be doing the longer, sort of 20-30-
2 minute regurgitation of everything we talked
3 about, but we'll do that in writing. So, that
4 will be available to folks.

5 Any questions before we dive into the
6 first presentation?

7 (No response.)

8 If not, to my right is Brian Hooker
9 with BOEM. I'm sure some of you know him
10 already. And Brian will give us some updates on
11 offshore wind and is here to take questions,
12 comments as well.

13 So, Brian, all yours.

14 Oh, sorry, we've got one person on the
15 phone. We've been having some connection issues.
16 Let's just see, Operator, can you ask the one
17 person who's on the phone to let us know who's
18 there?

19 Hi, to the one person on the line, can
20 you just introduce yourself?

21 MR. RACIE: Noah Racie.

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1 MR. BROOKS: Noah Racie. Okay.

2 Thanks.

3 Anybody else on?

4 OPERATOR: No, not at this time.

5 MR. BROOKS: Okay. Thanks, Operator.

6 OPERATOR: Do you want all parties
7 just with an open line or --

8 MR. BROOKS: No, if you could put that
9 back on mute, that would be great. Thanks.

10 OPERATOR: Thank you.

11 MR. BROOKS: Okay. Is there a
12 question in the corner there? Rick, do you have
13 something? No? Just you're ready?

14 (Laughter.)

15 Brian, this would be your moment to
16 leave the room.

17 (Laughter.)

18 Brian, it's all yours.

19 MR. HOOKER: Thanks, Bennett.

20 And thank you to the Advisory Panel
21 for the invitation today. I do recognize this

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1 is the first opportunity I've had to come and
2 speak directly to this particular group, although
3 many of you around the table are quite familiar
4 with some of my presentations. So, I apologize
5 in advance if it's a little repetitive, but I
6 know there's a lot of new faces as well. So, I'm
7 kind of walking through a little bit of the whole
8 process. I hope this is just the first
9 opportunity and I'm sure many to come. So, thank
10 you for that.

11 Quickly again, my name is Brian
12 Hooker. I am a biologist in the Office of
13 Renewable Energy Programs and we're based locally
14 in Silver Spring.

15 So, here's the big national picture.
16 Right now, we're showing both the East and the
17 West Coast. Right now, on the Atlantic we have
18 15 commercial wind energy leases. We have still
19 remaining upcoming lease sale or sales in New
20 York.

21 We have seven approved Site Assessment

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1 Plans. Site Assessment Plans, again, are plans
2 to deploy wind measurement buoys. Floating LiDAR
3 is the go-to technology, although we do have one
4 project off of Maryland that we will be using a
5 meteorological fixed met mast, the fixed
6 meteorological tower.

7 We are in receipt of four Construction
8 and Operations Plans. The most probably well-
9 known is the Vineyard Wind Plan, which we have
10 concluded the DEIS, the Draft Environmental
11 Impact Statement, and are now going into the
12 FEIS.

13 But we also have the Deepwater Wind
14 South Fork Construction and Operations Plan, the
15 Bay State Wind Construction and Operations Plan,
16 and the Skipjack Construction and Operations
17 Plan. I'll be going into those in more detail
18 later. And then, we are expecting more
19 Construction and Operations Plans over the next
20 year.

21 On the West Coast, we still just have

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1 early planning going on off of Hawaii and
2 California, and then, also, as I mentioned
3 earlier, in the South Atlantic we have some
4 activity, early planning again off of the
5 Carolinas and New York Bight. Well, New York
6 Bight is obviously not South Atlantic,
7 but -- okay.

8 Quickly, here's our general process.
9 We have, basically, four phases of renewable
10 energy leasing: the planning and analysis; the
11 actual leasing; the site assessment, which I just
12 mentioned -- those are pictures of the floating
13 LiDAR buoys that are deployed -- and then,
14 lastly, the Construction and Operations Plan.

15 Generally, there's two years with the
16 intergovernmental task forces and the call for
17 information and nominations, which, like for New
18 York Bight right now, is they are called "call
19 areas". That's a result of the call for
20 information/nominations.

21 Then, we go through an area

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1 identification process, and then, finally,
2 environmental reviews for the issuance of a
3 lease. Each of these can carry some type of
4 winnowing process for the areas initially
5 identified.

6 Then, we go into the leasing. We do
7 proposed sale notices, final sale notices, an
8 auction, and then, issue the leases. For the
9 proposed sale notice, there is public comment
10 opportunity at that time, in addition to the
11 environmental review the public can comment as
12 well.

13 So, the site assessment term is an
14 actual term in the lease. Each lessee is given
15 up to five years to assess the wind resources and
16 characterize the environment, which they will be
17 proposing activities. As we've seen, a lot of
18 these have been submitted prior to the end of the
19 five-year term. This is in response to demand
20 from states for proposals to meet state renewable
21 energy goals. So, in many cases, we have not

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1 utilized that whole five-year term to do site
2 assessment and site characterization.

3 Lastly is the construction and
4 operations where we get the Construction and
5 Operations Plan. It's a roughly two-year
6 process, plus the 25-year operational term when
7 and if a plan is approved.

8 The other reports that we do get as a
9 result of that are the Facility Design Report and
10 the Fabrication and Installation Reports. Those
11 are reports that come near the end after the COP,
12 after the Construction and Operations Plan and
13 after all their subcontracts that the developer
14 has to do are in place, and we have design-
15 specific drawings of exactly how the facility is
16 going to be installed.

17 And then, lastly, at the end of the
18 operating term is decommissioning, which calls
19 for the removal of the facilities.

20 So, here we go. We're going to start
21 up in the Gulf of Maine. Right now, we did have

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1 a request from the State of New Hampshire to be
2 involved in a regional task force. A regional
3 task force is kind of a new approach, most well-
4 known in the New York Bight, involving multiple
5 states. Also, in the South Atlantic, we're
6 taking a similar approach, and in the Gulf of
7 Maine we are going to take a similar approach
8 with all states in the Gulf of Maine to be able
9 to participate in that regional task force.

10 No date set on when that first task
11 force will be met. Letters have only gone out
12 recently, and I think the State of New Hampshire
13 recently posted something on their website about
14 that as well.

15 Elsewhere in the Gulf of Maine, there
16 was a while ago an interest from Emera to create
17 an Atlantic link, cable that will connect
18 basically Canadian hydropower to Massachusetts.
19 That was determined to fall under our purview
20 because it's renewable energy export cable.
21 We're still in the early-step phases of that.

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1 What they're trying to do is request an interest,
2 a competitive interest on the lease, to see if
3 anyone else has any other conflicting uses with
4 that. So, that's still in the very early
5 planning stages, and there will be a notice for
6 public comment when and if that comes out.

7 Starting with the newer leases in
8 green there, going from West to East, is Vineyard
9 Winds second lease area, Vineyard Wind Liberty.
10 That was executed just in March 2019, followed by
11 Mayflower, which is a joint venture between Shell
12 and EDPR. And that was also executed in March
13 of 2019. And then, lastly, Equinor's second
14 lease area, in kind of the pinkish color, was
15 also executed in March 2019.

16 Those names are affiliated with a
17 proposal that they had put in to the State of New
18 York for their solicitations. So, those are the
19 names that they've adopted, but we have not
20 received any Construction and Operations Plans
21 for those areas, although some of those

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1 leaseholders have begun surveying those areas,
2 geophysical surveys.

3 So now moving into the red, the
4 Vineyard Wind lease, as I previously mentioned,
5 that Construction and Operations Plan has been
6 committed. The DEIS has been published, and
7 we're responding to comments and developing that
8 Final Environmental Impact Statement as we speak.
9 We're working right now with the cooperating
10 agencies on the review of that.

11 Bay State Wind, in blue, the surveys
12 for that are still ongoing. A Construction and
13 Operations Plan was submitted in March, and our
14 completeness and sufficiency review is now
15 underway. So, prior to us publishing the
16 Construction and Operations Plan on our website
17 and beginning the DEIS process, the first step is
18 to make sure all the information we need to do
19 the environmental assessment is in the
20 Construction and Operations Plan. And that's
21 what we're doing right now.

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1 Lastly, Revolution Wind and Sunrise
2 Wind -- I'm sorry, I skipped over South Fork.
3 Next is South Fork, in the kind of orange color
4 to the west and north of the Bay State Wind site.
5 That COP was also submitted. The scoping
6 meetings have been held, and the DEIS is under
7 development.

8 They did request a pause for that one,
9 a pause in the schedule, because there's a
10 FAST-41 project. This is a timetable for major
11 infrastructure projects that we do, that federal
12 government initiative. They wanted to revise the
13 Construction and Operations Plan after the
14 scoping meetings and are submitting a revised
15 Construction and Operations Plan in the very near
16 future.

17 Moving on, Revolution Wind Farm, that
18 will also be located in that kind of orangish -- I
19 guess up there it still looks kind of
20 brown -- orangish area to the north, northwest,
21 of the blue, Bay State Wind area. So, both South

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1 Fork and Revolution would be located in that same
2 lease area.

3 Again, that's just a proposal to meet
4 some state solicitations, but we have not
5 received anything on those plans yet.

6 Lastly in that area, Sunrise Wind
7 Farm. This is a Bay State Wind, yes, an Orsted
8 project as well. It's going to most likely be
9 in the blue and brown area. There might be some
10 overlap between the two lease areas for that
11 proposal.

12 Still moving south, the next lease
13 area is the Empire Wind Equinor lease area. We
14 approved the Site Assessment Plan for that in
15 November.

16 Moving further south into the purple
17 is the Atlantic Shores project that is a joint
18 venture between EDF Renewables and Shell. We're
19 expecting a Site Assessment Plan next year on
20 that project.

21 And then, moving further south into

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1 that green area is Ocean Wind New Jersey, which
2 is another Orsted project, and we approved a Site
3 Assessment Plan for that in last May, so about a
4 year ago.

5 Also in this general area, we have,
6 similar to what I mentioned with the Atlantic
7 link, we have a proposal from Anbaric -- and the
8 maps are on our website -- which is purely a
9 transmission project to connect, potentially
10 interconnect several lease areas and offer
11 connections to different states. So, again, that
12 next step is a request for competitive interest.
13 There should be a notice in the near future on
14 commenting on their proposed areas for cable,
15 intertransmission cables.

16 Still moving south is the Skipjack
17 Wind Farm. That's the gray portion of what was
18 originally termed the Delaware Wind Energy Area,
19 which has now been divided into two leases. So,
20 the southern gray area is where the Skipjack Wind
21 Farm would be located. We received a COP for

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1 that just last month. Again, that will be
2 supplying the State of Maryland with power.

3 Moving further south into the purple,
4 that's the U.S. Wind Maryland. We have approved
5 a SAP for that. We do anticipate a
6 meteorological tower being built for that
7 facility this summer. And we're expecting a
8 Construction/Operations Plan for that project in
9 the future as well.

10 Okay. Continuing on, off of Virginia
11 we have the Coastal Virginia Offshore Wind
12 Project. This was formerly known as VALTAP, but
13 it has changed names when they brought on Orsted
14 as a collaborator for this project. It's a joint
15 project with the State. The State is actually
16 who owns the lease or has the lease, the Virginia
17 Department of Mines, Minerals, and Energy, but
18 it's joint between them, Orsted, and Dominion
19 Power. So, this is just a two-turbine project
20 and interconnection cable. This summer they have
21 begun some of the work in State waters on the

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1 cable interconnection, and we anticipate
2 construction will begin in early 2020 in federal
3 waters.

4 Next is the Virginia Dominion project.
5 That's just the bigger, larger gray box there.
6 We do have a Site Assessment Plan approved for
7 that project, but no timeline on when they intend
8 to submit a Construction and Operations Plan.

9 Moving further south is the Kitty Hawk
10 lease area. This is an Avangrid project. And
11 they are just beginning surveys of that area this
12 summer.

13 Lastly, as I mentioned, we do have
14 South Atlantic Regional Task Forces that are
15 going to be coordinating on those areas that I
16 had on that very first slide off of North
17 Carolina, South Carolina, and Georgia, to
18 collaborate on the path forward for those areas.

19 So, that's the status of pretty much
20 everything going on in the Atlantic. I can come
21 back to that afterwards. But now, I wanted to

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1 go into our Environmental Studies Program a
2 little bit.

3 We do have an Environmental Studies
4 Program and a Studies Development Plan that you
5 see there that we do. It's a four-year plan that
6 we update every year. We solicit study ideas
7 from the public every fall and winter, every
8 fall/winter, depending on when budgets and stuff
9 get approved.

10 Study ideas are reviewed by the
11 Standing Committee on Offshore Science and
12 Assessment. That's the COSA meeting. This is
13 convened under the National Academies of
14 Sciences. I think they're meeting in the very
15 near future, in the next couple of weeks. And
16 then, the results of these studies are
17 incorporated into the BOEM Environmental
18 Assessment and decisionmaking process.

19 I will go through now some of the
20 examples of studies that we've done with more of
21 a fisheries focus now. For example, some of the

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1 studies that we have undertaken. This particular
2 project was with SMAST, the School of Marine
3 Science and Technology in Massachusetts, looking
4 at larval dispersion, you know, hydrodynamic
5 modeling and what would a hypothetical wind
6 facility do to larval dispersion from Georges
7 Bank.

8 This particular study looked
9 primarily at in-storm events, so not necessarily
10 under normal, day-to-day oceanographic
11 conditions, but more in very acute storm-event-
12 type forecasting. That was how this project was
13 done. As a result, we also have several
14 projects. I think we have now one project we're
15 funding and two others. I think the scallop RSA
16 is now funding a hydrodynamic modeling project as
17 well as a solicitation from the State of New York.
18 So, I think it is just those three are going to
19 be three new hydrodynamic modeling studies to add
20 to this in the very near future.

21 We've also done, through our RODEO,

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1 which is the Real-Time Opportunity for
2 Development Environmental Observations, has been
3 over the past few years really studying what
4 we've learned from the Block Island Wind Farm.
5 Again, the Block Island Wind Farm was in State
6 waters off of Block Island, Rhode Island. We had
7 a small permitting role in the cable for that
8 where the cable crossed federal waters.

9 But we've been taking the opportunity
10 to fund, in addition to the studies that Orsted
11 Deepwater has been funding there, we've been
12 funding additional studies also to look at how
13 the foundations are -- looking at scour, looking
14 at the benthic environment, how the benthos has
15 changed or not changed since the facility was
16 first installed. And I think all of you, many
17 of you are aware, the foundations, even before
18 the transition pieces, the towers were put on,
19 began becoming encrusted with blue mussels. So,
20 there's a lot of blue mussels on those
21 foundations.

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1 We also looked at the base of the
2 foundations. In this image here, you can see
3 some of the benthos, what it looks like after or
4 post-construction. I think probably the more
5 interesting one, if you can see my mouse here, is
6 we're not entirely clear, but this is the
7 concrete mattresses protecting the cable, and
8 we're not seeing growth on that particular type
9 of mattress. We're not sure if it's due to the
10 construction of the mattress or the oceanic
11 conditions in that particular site, why we're not
12 seeing a lot of growth on the mattress. But that
13 was an interesting data point on that.

14 Moving on, this is the second slide in
15 that. As I said, here's just another image of
16 the base of the foundation. We did scuba diver
17 surveys at the base of the foundations and got
18 hours of video. I'm more than happy to sit with
19 folks afterwards, if you want to see video of the
20 bottom surveying these areas. But, as you can
21 see, I think there we have a black sea bass and

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1 you can see the mussel growth here, and starfish
2 and the mussels and anemones all encrusting the
3 base of the foundation.

4 Also, we've been looking at
5 recreational fishing at Block Island Wind Farm.
6 We did recreational surveys there to try to get
7 fisheries' input into what's happened. How has
8 it affected your business?

9 So, it's mixed. Commenters have
10 noted that it seems to attract a diversity of
11 recreational desirable species and provides a
12 fishing opportunity.

13 There's also some concern about
14 there's significantly more boat traffic in the
15 area. I think, again, it's offering a nearshore
16 fishing opportunity that is looked at by
17 recreational fishers as being positive.

18 Commercial fishing, again, this isn't
19 a survey study, but this is just kind of
20 summarizing some of the expressions we've heard
21 in public comment and just addressing some

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1 issues. I want to say that, again, commercial
2 fishing is not restricted in offshore wind
3 facilities. The Coast Guard has not taken any
4 initiatives to restrict any type of fishing in
5 the Block Island Wind Farm.

6 Commercial fishing vessels,
7 commercial fishing activity will likely be
8 differentially impacted, based on the type of
9 gear, size of vessel, fishing behavior, again,
10 the number of vessels all operating in close
11 proximity to fixed structures, set and haulback
12 procedures, et cetera. And this is the type of
13 thing that we looked at very closely in the
14 Vineyard Wind Draft Environmental Impact
15 Statement, and you'll see reflected again in the
16 Final Environmental Impact Statement.

17 And I want to stress again, we do
18 require, in consultation with the Coast Guard, a
19 navigational risk assessment as part of that
20 Construction and Operations Plan. And that is
21 available on our website as well.

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1 Another study that we've been taking
2 on is the effects of the fish behavior. Again,
3 we've been doing largely tank studies, looking at
4 taking the pile driving noise that we recorded at
5 the Block Island Wind facility and playing that
6 back to fish and squid in tank settings in both
7 Sandy Hook, New Jersey, and at Woods Hole. This
8 is information that was presented at the American
9 Fisheries Society meeting last summer. You do
10 get an alarm response elicited at noise onset,
11 and a similar response after a 24-hour rest.
12 But, after the noise onset and the initial
13 reaction, you do get some habituation shown in
14 fish and squid behavior.

15 So, based on that, preliminarily, the
16 project investigators are determining that
17 feeding behavior may not be significantly
18 impacted. Black sea bass, you do see some
19 movement. If they're near the surface and you
20 begin the pile driving playback, they'll seem to
21 huddle closer to the bottom of the tank, and they

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1 resume normal behavior after the cessation of the
2 pile driving noise.

3 Again, we've been looking a lot at
4 electromagnetic fields, primarily focusing on
5 species that we know might have electromagnetic
6 sensitivity. In this case, skates and lobster,
7 and over an existing direct current cable across
8 Long Island Sound.

9 What that study showed is American
10 lobster exhibited subtle change in behavior
11 activity, and really getting into the nuances of
12 how many turns that the lobster were doing in the
13 control site versus the non-control site. The
14 little skate did exhibit a strong behavioral
15 response. They traveled further at slower speed,
16 closer to the seabed, and an increased proportion
17 of large turns.

18 However, for both species, there was
19 no inhibition to cross the cable. The cable did
20 not create any barrier to movement. The animals
21 moved freely back and forth across the cable

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1 without any issues.

2 Again, as I mentioned, we are funding.
3 Studies that we're working on are being awarded
4 this year. We have the hydrodynamic modeling
5 study that I mentioned. We have another Cox
6 Ledge fish spawning study that's being done
7 jointly with the National Marine Fisheries
8 Service.

9 We are doing a fishing impact modeling
10 study. This is focusing primarily on surf clam
11 and ocean quahog, which we have a lot more
12 information on how that industry operates because
13 of the nature of that particular industry.

14 And then, we also have the Southern
15 New England Fisheries monitoring study that is a
16 cooperative agreement with the State of
17 Massachusetts that we hope to jointly solicit.
18 The Massachusetts Fisheries Working Group has
19 been working very closely and trying to identify
20 what studies we might be funding under that
21 initiative, as we speak.

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1 As many of you know, there is the
2 creation of the Responsible Offshore Science
3 Alliance. BOEM, the states, the fishing
4 industry, and lessees are very active in
5 discussions around collaborative, regional,
6 long-term fisheries monitoring. We're still in
7 very active discussion. I think we have another
8 meeting on that next week, and then, there will
9 probably be another workshop this summer on how
10 to realize that initiative.

11 That concludes my presentation. I
12 don't know how I did on time, but I'm happy to
13 answer any questions that you might have.

14 MR. BROOKS: Yes. No, we've got
15 time. Yes, go ahead, Tobey. You wanted to say
16 something?

17 MR. CURTIS: Yes, sorry, I'll just
18 jump in first.

19 MR. BROOKS: Yes.

20 MR. CURTIS: I just wanted to give
21 folks that aren't familiar with the NOAA

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1 Fisheries crossover with all of these efforts,
2 just so you're aware, I'm the point of contact
3 for offshore wind for the HMS Management
4 Division. I'm part of sort of NOAA Fisheries'
5 internal offshore wind team, which is based
6 mainly between GARFO, up in Gloucester, the
7 Regional Office, and Northeast Fisheries Science
8 Center.

9 So, we have an internal team of staff
10 and scientists and policy folks from different
11 divisions, so Habitat, Protected Resources,
12 Sustainable Fisheries, et cetera, all sort of
13 working together to consolidate feedback and
14 reviews and impact analysis, and monitoring kind
15 of questions to provide to BOEM and to
16 developers.

17 So, I just wanted to make folks aware
18 of that, that BOEM has the leading role in
19 approving the projects, but NOAA Fisheries has
20 had sort of a collaborative role in helping them
21 look at the fisheries, specific fisheries'

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1 impacts, and had inputs through the process.

2 I don't know if Brian wants to add
3 anything to that, but just to let folks know that,
4 if you have concerns about fisheries impacts and
5 things like that, you can reach out to me or to
6 the Division, and we can sort of get input plugged
7 into our internal NMFSNMFS team that's looking at
8 all of the offshore wind issues.

9 Thanks.

10 MR. BROOKS: Great. So, we
11 definitely have some time for questions. We
12 started a little late. So, I definitely want to
13 let this run a little long, and Brian has said he
14 can stay a little longer as well. So, let's take
15 advantage of that.

16 And, Rick, we'll start with you.

17 MR. BELLAVANCE: Thanks. Thanks,
18 Brian, for coming to talk to us. Good to see you
19 again. Any comments I have that might be
20 critical toward your Agency are not reflective
21 upon you personally. You're a very good guy and

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1 you come to a lot of these and have given us a
2 lot of good information. I appreciate that, I
3 really do, a lot.

4 I have about four or five questions
5 and a couple of comments. So, Bennett, do you
6 want me to just go through them all or?

7 MR. BROOKS: Yes, sure, just run
8 through it.

9 MR. BELLAVANCE: My first question is
10 in regards to the Vineyard Wind Draft
11 Environmental Impact Statement. In my opinion,
12 it was pretty weak on HMS in general. There
13 wasn't a lot of mention of HMS species in that
14 Environmental Impact Statement. And so, my
15 question is, what's the status of the Draft
16 Environmental Impact Statement and BOEM responses
17 to comments that I know were put in on the
18 inadequacy of the HMS characterizations and
19 desirable research that might need to be done
20 ahead of time?

21 MR. HOOKER: Sure. We did receive

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1 those comments, and we are responding to those
2 comments. When the FEIS goes out, there will be
3 a response to comments section. I know we did
4 try to beef up the HMS section, based upon the
5 comments that we received during the public
6 hearings. So, I can tell you that we did take a
7 look at that and add some additional information.
8 As well, we have updated essential fish habitat
9 consultation document that, yes, has now been
10 posted on our website as well.

11 Again, it is difficult with some of
12 the streamlining and the page numbers and the
13 amount of information that we can include
14 actually in the EIS. So, we do cross-reference
15 it. There's a lot of information either that I
16 can put in the essential fish habitat
17 consultation, because I don't have a page limit
18 requirement on that, that we can add into there.
19 There's also the Construction/Operations Plan
20 itself that's submitted by the lessee that has
21 information. So, we're doing our best to try to

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1 include the information, more background and more
2 discussion perhaps in these other documents, if
3 we are limited in the actual EIS itself. But I
4 do know we did add more information regarding
5 what we know about impacts to pelagic species.

6 MR. BELLAVANCE: Thank you.

7 Another concern that I have is in
8 regard to forage fish that draw a lot of these
9 HMS species into that area. As you correctly put
10 up there, that chart of all the different
11 projects that are potentially slated to be
12 developed in that area around Martha's Vineyard
13 and Nantucket, there are huge squid grounds there
14 and a tremendous amount of herring that go up and
15 down the coast through their cycle. And I'm just
16 wondering what kind of studies have been done on
17 the impacts of the construction on those species,
18 in particular. Because if those species go away,
19 then there's a chance that HMS stuff won't be
20 following in there looking for food.

21 And I haven't really seen any good

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1 indication of the impacts on squid, in
2 particular, on their spawning activity. I saw
3 that you're doing a study on feeding behavior,
4 which is great. But if they're coming in there
5 to spawn and that impacts, all these banging
6 noises of these huge hammers on the ground impact
7 their spawning behavior -- these projects are
8 slated to be developed over a decade maybe, and
9 squid only live a couple of years. So, that's
10 five generations of an animal that might be
11 impacted by this noise. And if we don't really
12 fully understand their spawning response, then
13 that could have a long-term impact that I don't
14 think has been assessed. Maybe you could offer
15 something there that I don't know about.

16 MR. HOOKER: Sure. The squid
17 behavioral tank studies that I mentioned, those
18 were the initial results. We are trying to carry
19 them through to spawning and exposing them
20 during/through the spawning cycle. We're told
21 it's success in getting them to spawn in the

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1 controlled environment. So, that is a goal.

2 I've received some feedback that they
3 might be having some issues with that. I'm still
4 hopeful that we can get that information from
5 that study.

6 But, generally speaking, I mean, we do
7 know that fish in general can sense the pile
8 driving. But once I think it's perceived that
9 it's not a threat, they can resume normal
10 activities. This is what we've seen in Europe.
11 So, we try to draw upon that base of knowledge to
12 the greatest extent practicable in drawing
13 conclusions about how the construction phase
14 might impact those species.

15 I recognize that we haven't done any
16 specific study on forage fish. I know that
17 Vineyard Wind is looking at doing some trawl
18 surveys beginning this summer, which will have a
19 fine mesh, which will be able to some baseline
20 assessment and, then, post-construction
21 assessment of the fish that are there.

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1 But, as far as the impacts are
2 concerned, most of the evidence that we've seen
3 is that there is a response to the noise input,
4 but that normal life history events such as
5 spawning, foraging, once the threat is not
6 perceived as a threat, will take precedent and
7 carry on.

8 MR. BROOKS: Rick, how about you do
9 one more question, and then, I'm going to get to
10 some folks in the queue.

11 MR. BELLAVANCE: All right. This
12 should be probably an easy one. Maybe you can't
13 even answer it. But I'm curious on the status
14 of NOAA's non-concurrence finding for the
15 preferred alternative for the Vineyard Wind Draft
16 Environmental Impact Statement, how that's moving
17 along and if you have a timeline of any progress
18 in that. I guess I'm just trying to figure out
19 that's going to either move the project along or
20 potentially delay it, or how that's going. So,
21 if you have anything to offer there?

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1 MR. HOOKER: I mean, I don't have
2 anything to offer on that specifically. I know
3 that it's not holding up our cooperating agency
4 review in my normal staff-to-staff discussions
5 with the National Marine Fisheries Services. As
6 Tobey mentioned, we're continuing to work very
7 closely together on the staff level to address
8 issues that were raised in their previous comment
9 letters. And as I mentioned, the FEIS
10 cooperating agency review has begun.

11 I don't really know specifically, you
12 know, I don't have a status update on how that
13 particular issue will be resolved, but I know
14 they're still continuing to work on it.

15 MR. BELLAVANCE: Thanks.

16 I'm going to keep my card up, so you
17 can maybe come back to me.

18 MR. BROOKS: Yes, I've already got you
19 back in the queue. It may come around 11
20 o'clock.

21 All right. Let's get a few folks in.

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1 Jason? Then, Grant. Then, David.

2 MR. ADRIANCE: Thanks. Jason
3 Adriance.

4 One comment, then a question. The
5 comment is, in regards to those concrete mats,
6 concrete tends to be very alkaline and leaches a
7 lot of stuff for a while. So, until it's been
8 down there a while, you're probably not going to
9 see any growth.

10 In regards to your larval dispersion
11 modeling, was there a reason you concentrated on
12 storm events and not a variety of conditions?

13 MR. HOOKER: It was the way that the
14 contract, the agreement, was initially signed,
15 that that's what the focus of that proposal was,
16 was looking at storm events and what these
17 facilities, how the foundations would behave in
18 that scenario. But it was recognized afterward
19 that that was a deficiency, and that's why we're
20 doing more studies. As I mentioned, there's
21 three more studies addressing that. But that's

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1 just what that particular model had a good
2 ability to predict.

3 MR. GALLAND: Thanks, Bennett.

4 And thanks for the presentation,
5 Brian.

6 I'm generally supportive of renewable
7 energy projects, even in the marine environment,
8 but only when the impacts of that environment are
9 minimized, of course.

10 Both of these are just clarifying
11 questions that might reveal my lack of knowledge
12 about the technology. But I'm wondering, with
13 respect to the noise studies, have there been
14 studies done about the noise that happens during
15 operation, so after installation is complete, and
16 just regular operation?

17 And then, secondly, about the
18 transmission cables, do those lay on the sea
19 floor? I mean, is that something that fishermen
20 interact with a lot? Or are they somehow
21 protected or buried? I mean, is it possible to

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1 completely avoid those cables without avoiding
2 the area? I just really don't know how it works.

3 MR. HOOKER: No, a good question, and
4 I probably should have addressed that in my
5 presentation.

6 First, operational noise, yes,
7 through the RODEO project, we have been
8 monitoring underwater and in-air operational
9 noise. I know for the underwater noise, it's you
10 can detect it, but it's getting beyond, I think,
11 like 500 meters or so -- again, we have a report
12 on our website -- it starts to become, you know,
13 you can't discern it from ambient noise. Again,
14 in that area, whether it's vessel traffic or just
15 wave noise, it's not really discernible on the
16 Block Island Wind Farm.

17 Matter of fact, there's a great
18 presentation that was just done by Discovery of
19 Sound in the Sea yesterday that, if you go to
20 DOSIS, they just did a presentation yesterday
21 exclusively on pile driving noise. And in that,

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1 they had a slide that showed what the operational
2 noise was from, I think, four or five different
3 wind farms in the North Sea, or in that general
4 area, in Europe. And it was very low. So,
5 anyway, that's another great resource that's
6 available right now.

7 In regards to the cable burial, yes,
8 I mean, that is one of the larger issues, is to
9 ensure that the cable is buried, not only to avoid
10 any interactions with fishing gear, but also just
11 to protect that asset. The cable owners, the
12 power companies want to make sure that those
13 assets are very well protected. And the target
14 burial depth is, what we've seen for Vineyard
15 Wind I think is anywhere between, you know, I
16 want to say 2 to 3 meters, so around, yes, that's
17 the target burial depth.

18 If they can't reach that target burial
19 depth, if they're going over some very hard
20 bottom, that's difficult to do. That's when you
21 see the cable, the mattress example that I put in

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1 there, that they'll try to cover that cable with
2 concrete mattresses or some other structure.
3 Like a rock dump is one method. There's also
4 kind of concrete fronds that we've seen in some
5 plans. So, there's a variety of methods to
6 protect that cable.

7 The other instance where they don't
8 bury it is if they're crossing another existing,
9 like a telecommunications cable. So, they have
10 to come to the surface to cross that
11 telecommunications cable, and then, rebury. And
12 where it crosses, they put protection over the
13 telecommunications cable, lay the power cable,
14 and then, put additional protection on top of
15 that.

16 MR. BROOKS: Thanks.

17 And let me read the full queue this
18 time because I think I induced panic by only
19 naming a few names. I've got David, Mike, Bob,
20 Rusty, Marcos, Scott, and I think I just saw Ray's
21 card go up. And then, of course, back to Rick.

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1 David? Then, Mike.

2 MR. SCHALIT: Very good presentation.
3 I appreciate that.

4 One thing for the HMS AP, anybody who
5 is fishing who wants to access the Canyons region
6 or the Great South Channel in that area that's
7 coming from Massachusetts will need to thread
8 through Vineyard Wind turbines if they're
9 passing, let's say, Cuttyhunk, Jay Head, or
10 Muskeget Channel. That's a factoid. You can
11 see that from the chart.

12 But speaking to you now, I did the
13 research on these long-term studies regarding
14 impact of offshore wind a couple of years ago.
15 I found that the only studies that looked like
16 really robust studies to me were done by the
17 Europeans and using European wind farm data
18 collected on, particularly, the Baltic Sea, I
19 recall, and off of Denmark.

20 What these folks did was -- I'm sure
21 you're familiar with this research; I'm just

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1 saying this for everybody else's benefit -- it
2 was that they would go in, they go into a piece
3 of aquatic real estate and basically do a workup
4 on the conditions, the existing conditions before
5 any turbines will be put in place, before any
6 pile driver has even shown up.

7 And then, the wind farm is erected.
8 Then, they come back at a certain interval.
9 After the wind farm is fully operational, they
10 will come back and reassess the effects that
11 these wind farms have had on the marine
12 population.

13 And the studies that I read, they
14 concluded at the end that the most damaging
15 aspect of wind farms, of offshore wind, is at
16 commissioning and decommissioning. It makes
17 sense, right?

18 So, what I'm looking at here is a
19 very, very tight timeline for these projects. I
20 mean, if we are in the DEIS stage on Vineyard
21 Wind and we're still doing research, you know, it

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1 seems that we're working with sort of what you
2 would call a dearth of research and trying to
3 play catchup, when a project like Vineyard Wind,
4 I think they're required to have steel in the
5 water by the end of the year. Is that right?
6 Something like that? Okay.

7 So, what does that mean in real terms
8 to the fishermen? My sense is that we
9 are -- would it be fair to say that the fishermen
10 are seriously outgunned on this project? And I'm
11 wondering if we can lean on you, you know, because
12 you have so much more experience with this, to
13 guide us as to what we could do that would be
14 realistically achievable, taking into account the
15 timeline and the lack of research.

16 Thank you.

17 MR. HOOKER: No, that's a great
18 question. I know that there's a perception that
19 there's no data. I mean, very early on, I
20 partnered with the National Marine Fisheries
21 Service to do a benthic assessment for every

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1 single wind energy area on the Atlantic Coast.
2 And as a part of that, that report with the
3 Northeast Fisheries Science Center, they looked
4 at all the spring and fall bottom trawl survey
5 information, included that in kind of a baseline
6 characterization of like these are what the
7 surveys show from the past -- I can't recall how
8 many years, but they did it over several years.
9 I think they stopped before -- I think they began
10 with the Bigelow. They didn't go back into the
11 Albatross years.

12 And then, they also did grab sample
13 work, beam trawl work, and then, also, partnered
14 with Kevin Stokesbury at SMAST to do the camera
15 drops. And we characterized each of these wind
16 energy areas.

17 In addition to that work, as I
18 mentioned, Vineyard Wind is going to be doing the
19 pre-construction surveys this summer. For Block
20 Island, there were pre-construction trawl surveys
21 done. In South Fork, they're proposing pre-

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1 construction, not trawl surveys, but likely
2 gillnet in that area because they have a lot of
3 untrawlable bottom in that particular area.

4 So, I don't think we're doing less
5 than what was done in Europe. Matter of fact,
6 when we have at least the folks from the UK come
7 in, they say, generally, we're doing more, at
8 least for the engagement perspective, than they
9 felt they were engaged earlier.

10 But I do understand the concern that
11 there's still some species in some specific areas
12 where I want to know, as Rick mentioned
13 previously, it's like, well, what about, you
14 know, this particular species in this particular
15 wind energy area, this particular project area?
16 And that's what's being done by the developer
17 prior to the Construction/Operations Plan.

18 We try to take the existing data and
19 collect additional data to help characterize, so
20 we know what's there prior to construction, and
21 then, to be able to compare that to future surveys

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1 as well.

2 So, we do have information, but I do
3 recognize that some folks feel like still it's
4 not enough.

5 MR. BROOKS: Tobey?

6 MR. CURTIS: Thanks.

7 Quick followup question, Brian. Do
8 you know to what extent HMS species have been
9 considered in those, the surveys that have been
10 done so far?

11 MR. HOOKER: Yes. HMS would be an
12 example of where there's not a whole lot of
13 information. Lobster could be another example,
14 although we did our own ventless trap surveys
15 just to the west of the Vineyard Wind area in the
16 Orsted area for three years prior to
17 construction. So, there are, as I said, some
18 species where there's not the same level of
19 information.

20 MR. BROOKS: Thanks.

21 Let's go over to Mike, and then, over

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1 to Bob. Mike?

2 MR. PIERDINOCK: Good morning, Brian.
3 Nice seeing you again.

4 I mean, to point to Block Island, or
5 what took place in Europe, we're dealing with
6 different species, you know. For instance, Block
7 Island, they're dealing with nearshore species.
8 It's not the same species in general that you
9 find out in these other areas.

10 Could you go to Project Status Update
11 No. 1 and blow that chart up, while I speak?

12 What I want to point out there is
13 that, for all of us that fish around this table
14 or beyond these walls, that's in prime fishing
15 ground, the Coxes Ledge, The Claw, Gordon's
16 Gully, The Star, all the way down to The Dump.
17 And that entire area is planned to be covered
18 with wind turbines.

19 The Vineyard Wind project has a .7-
20 mile to 1-mile grid spacing, where I've been
21 involved with the Massachusetts Fishing Work

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1 Group for five years now, and you've seen me
2 there. And I'm the Vice Chair of the Mass Marine
3 Fisheries Commission. And I'd have to say that
4 the Massachusetts DMF, as well as NOAA, has
5 submitted comments about our concerns that we
6 submit to BOEM, and there doesn't seem to be any
7 action on them. And then, you claim and conclude
8 that there's adequate study, and so on, that's
9 already taken place.

10 But we're here today to talk about HMS
11 species. And you are correct, there's nothing
12 being done about HMS species. I can say that I
13 had a conversation with Crista Bank yesterday
14 from Vineyard Wind. She's in the midst of
15 signing a contract with the New England Aquarium
16 and Jeff Kneebone to do a preexisting survey of
17 HMS species prior to construction, which they
18 have to do that over the next six months.

19 Now, with the Vineyard Wind, they're
20 doing all types of surveys. They're doing black
21 sea bass. They're doing lobster, a few other

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1 species that they're trying to survey prior to
2 construction.

3 The problem I see is that these
4 surveys really should be taking place two to
5 three years prior to construction, but that
6 doesn't appear to be the case on this project.
7 Then, I would hope that it would be the same for
8 others, because you need to get a good baseline
9 to assess, then, what's there prior to
10 construction. And it's like prior to, during,
11 and after construction.

12 As you know, we're already having
13 conversations that that lack of science is going
14 to be a problem because the baseline conditions
15 aren't clear, especially for recreational anglers
16 or charter boats, which recreational anglers
17 don't report where they fish. Charter boats,
18 depending upon whether they are a federally-
19 permitted vessel or not, fill out EBTRs, and some
20 aren't and they're not required to report. So,
21 in that instance, it lacks data.

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1 Then, your office comes back and says,
2 well, no recreational fishing or charter boats
3 are out there, which I know is not the case. But
4 fish move; they have tails. A few years ago,
5 there was a yellowfin tuna bite out there; there
6 was 100 boats out there. You may not see them
7 for the next few weeks. So, they come and they
8 go. But there's no baseline conditions.

9 We're being told they don't fish. At
10 the New Bedford -- I can't recall if you were at
11 the New Bedford meeting the other day. The
12 Equinor individual that was there looking at the
13 area south of Long Island, she indicated that she
14 was out in the water doing the surveys last season
15 and couldn't believe the number of recreational
16 anglers that were out there in boats. And I
17 thanked her because somebody from a wind turbine
18 company finally validated what we've said.

19 Now the other thing I want to note, we
20 have a grid -- you have interference from radar
21 when you go within the units. David pointed this

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1 out. We've been pointing this out. This isn't
2 only me. It's the recreational, charter boat,
3 and commercial fleet have been pointing this out
4 for years. As you approach that area, you're
5 going to see it on your radar. But, as you go
6 in there, there's going to be interference.

7 So, we get limited visibility. Who's
8 going to go in there? We're being denied access
9 to key fishing grounds. So, you're going to make
10 transiting lanes, but, then, we're being told the
11 transiting lanes east to west, north to south, so
12 you can transit to these different areas, should
13 be 3 miles or more. That's the studies we're
14 being told. RODA is indicating that's the
15 studies that they point to. Yet, you're making
16 it 1.5 miles. We want a 1.5-mile to 3-mile grid
17 pattern. Yet, you're making it .7 miles.

18 So, you know, I get back to
19 Massachusetts Division of Marine Fisheries, other
20 state agencies, and NOAA pointing these things
21 out. Things keep moving forward. It's being

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1 moved forward too fast, and it's going to be done
2 to the detriment, it's being done to the
3 detriment of the resource, being done to the
4 detriment of the fishermen. And it could have a
5 significant impact on the spatial distribution
6 and extent of our fish, fishery, whether it's
7 highly migratory species, pelagics, or other
8 species.

9 I'll just leave it at that. The only
10 one you can point to right now is Vineyard Wind
11 doing a preexisting study.

12 And I ask the people around the table,
13 if you have information about yellowfin, bluefin,
14 white marlin that are caught in that area,
15 sharks, and so on, there, as well as elsewhere,
16 please get that to Jeff at New England Aquarium.
17 He's using all the different sources he can get
18 to assess recreational and charter boat fishing
19 within that area, which is needed and it's
20 lacking throughout the other areas.

21 MR. BROOKS: Thanks, Mike.

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1 MR. PIERDINOCK: Thank you.

2 MR. BROOKS: I've got six more folks
3 who want to get in the queue here.

4 Bob?

5 DR. HUETER: Thanks, Bennett.

6 And thanks to you, Brian. I'm Bob
7 Hueter of Mote Marine Laboratory. And thanks for
8 coming.

9 So, I'm a shark biologist. And so, I
10 focus in this issue a lot of the EMF issues with
11 the electrosensitive sharks and skates and rays.
12 As this panel knows, we've had a long battle to
13 bring back shark populations on the East Coast of
14 North America over the last 25 years and have
15 made great strides and a lot of populations are
16 rebuilt and some in very healthy condition, and
17 others are rebuilding.

18 As I look at this, as I look at the
19 map of the areas that are leased or to be leased,
20 I see a lot of shark habitat for the large coastal
21 and small coastal shark populations that were

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1 severely depleted since the 1970s and now are
2 making a return.

3 Some real critical species of concern,
4 like the white shark, for example, which is a
5 prohibited species in the United States. It's
6 not an endangered species per se, but it's
7 prohibited. But it is designated as endangered
8 in Canada, and very likely this is all the same
9 stock.

10 So, I have deep concerns about our
11 information level about the effects of EMF. I
12 know the Europeans did a lot of work, but I'm not
13 sure how comprehensive it was. I see a major
14 report that BOEM must have commissioned last year
15 by Hutchinson, et al., 250 pages, and I'll try to
16 get through that.

17 I take great comfort in hearing that
18 Tobey is our connection from NOAA on this work,
19 because it's actually Tobey's own research that
20 has shown the resurgence of the white shark in
21 the Northwest Atlantic and, in particular,

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1 working together, we've shown where the nursery
2 areas are for the white shark. And this has been
3 a critical part of rebuilding white shark
4 populations.

5 I'm very nervous about these New York
6 Bight locations, although they seem to be far
7 enough offshore that, hopefully, the pups won't
8 be affected.

9 So, my focus is going to be, continue
10 to be on the effects of EMF. I've been talking
11 with Jake Levinson about maybe working together.
12 We really hope we can advance the science.

13 Finally, just a random thought. The
14 thing about the lack of fouling on the concrete
15 mattresses, I wonder if EMF is somehow involved
16 in that as well, that it somehow affects the
17 biofouling organisms and they don't settle as
18 easily.

19 But, please, please, do more work on
20 HMS.

21 Tobey, I'm going to be calling you,

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1 and we're going to be working together. We'll
2 be talking.

3 And I think that there is a real
4 serious threat from the undersea cables and the
5 EMF leakage, and the effects. So, I hope we stay
6 on top of that.

7 MR. BROOKS: Thanks. Thanks, Bob.

8 Rusty?

9 MR. HUDSON: Thank you, Bennett.

10 Rusty Hudson. Thank you, Brian.

11 A two-part question: one, what is the
12 longevity of the site? And if you had a reason
13 to remove it, would you completely remove it like
14 they do the oil derricks over in the Western Gulf
15 of Mexico? That's my first question.

16 MR. HOOKER: Sure. So, the
17 operational term in their lease is 25 years. At
18 the end of 25 years, they have basically five
19 years or so to decommission the project. And the
20 default is that all the project must be
21 decommissioned to 5 feet below the mud line. So,

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1 you don't have to remove everything, but just 5
2 feet below the mud line.

3 I know that we'll likely be -- at the
4 decommissioning application stage, there will be
5 a NEPA review for that decommissioning
6 application that will evaluate what makes the
7 most sense. Does it make the most sense to rip
8 up all those cables back out of the water or leave
9 them buried in place, or something else?

10 I know you mentioned the Gulf of
11 Mexico or the Pacific. There's a Rigs-to-Reef
12 Program where some facilities are cut and made to
13 be artificial reefs and left in place. Those
14 will all be evaluated basically 25 years from
15 now. What's the best approach? And it will be
16 project-by-project I'm sure.

17 MR. HUDSON: Well, that helps on that
18 answer because sometimes they actually recycle
19 steel over there, and we would rather them leave
20 them as, you know, so they're not a hazard on the
21 surface, but still an artificial reef.

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1 Like Bob, I've been involved in the
2 shark trade -- well, he's a scientist. He knows
3 who I am for a long time.

4 Now, with sharks and rays and chimera
5 and sturgeon, you have special sensory organs in
6 front of their face and stuff, very sensitive to
7 electrical stuff. And the big thing that Bob was
8 noting, and from Delaware Bay all the way to the
9 Outer Banks, you have a significant nursery
10 ground where, as the young of the year and the
11 pups and the sub-adults of both the sandbar shark
12 and, then, an ESA species of concern, a
13 prohibited species called a dusky shark, large
14 aggregations of these young animals.

15 Now the pregnant female also comes in
16 there, but because the salinity is just correct
17 for her to have the pups, the sandbars, duskies,
18 whatever, and then, they get out of there. They
19 don't feed in there and stuff like that.

20 I'm just wondering on the EMF effects
21 for these particular animals -- and, of course,

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1 sturgeons are on the ESA thing -- what is going
2 to happen to them. Because you're going to need
3 to study that inshore/offshore movement for those
4 young because it's driven by temperature.

5 And then, they're going to have a
6 little bit of north-south. So, where your
7 northern range is and all the way down to your
8 Kitty Hawk range, all that area is, and just
9 inshore there and, then, all the way out to 50
10 fathoms, depending on the temperature of the
11 waters, is going to be that area they're going to
12 have to grow up in and also have the pups in, and
13 stuff.

14 So, like they're recommending, we need
15 the studies because we're not Norway. We have a
16 whole different fauna situation going. So, I
17 just wanted to throw that out there, Brian.

18 MR. BROOKS: Thanks, Rusty. Good.

19 MR. HOOKER: You brought up sturgeon,
20 and I didn't touch on that. And it does actually
21 touch upon some of the work that Tobey has done

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1 as well.

2 We do have active telemetry arrays
3 from New York all the way down to the Virginia-
4 North Carolina border where we've been looking at
5 inshore/offshore movement from not only sturgeon,
6 but striped bass. And then, we're also picking
7 up dusky shark, white shark. Anybody who's got
8 a bentho tag on them, we're picking them up in
9 our arrays to understand, to help understand like
10 what is that movement. It was, again, primarily
11 targeted at striped bass, some winter flounder,
12 and sturgeon, but we are learning a lot from those
13 acoustic telemetry arrays.

14 I think I lost my second point. Maybe
15 I'll come back to it later. But I just did want
16 to highlight we do have data from those existing
17 telemetry areas.

18 MR. BROOKS: Thanks.

19 I want to try to get through the last
20 couple of AP members here. I've got Marcos, then
21 Scott, then Ray, then Rick Weber, and they Rick

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1 Bellavance for a final quick whatever.

2 So, Marcos?

3 MR. HANKE: Thank you for the
4 presentation.

5 We have experience with wind turbines
6 in Puerto Rico. We're just past Hurricane Maria,
7 and I want to comment about that in a bit.

8 I just want to ask you, if the
9 intention is to minimize the impact on the
10 fishing community during this development, there
11 isn't any document written saying what are the
12 uses allowed the facilities in terms of fishing,
13 in terms of the things that this body is
14 interested in, or it's just, "Yes, we're going to
15 let you fish."? But we need to know. I think
16 it's important for the fishermen to know what
17 kind of gear, what kind of use, the distance, and
18 the specifics unwritten, to give ways for them to
19 plan and to really assess the impact on the
20 fishing industry. That's No. 1.

21 The other part is, after the Hurricane

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1 Maria, the wind farm on the Saba in Puerto Rico
2 was totally rebuilt. It's not in function
3 anymore. All the blades was destroyed, partially
4 or completely ripped off from the wind turbines.
5 They are light. When they go through the water,
6 they're going to float or tumble around for a
7 long time. I will see a very big trouble
8 recovering those blades after hurricane every
9 five or four, like we have. There is deepwater
10 corals. There is other inputs on that matter.
11 And this is something that I'm really worried.

12 And another comment that I wanted to
13 make is we have already a footprint on the basing
14 of the wind turbines. I just had a presentation
15 about the aquaculture and they was talking about
16 the effects on those footprints. I think it will
17 be very interesting, it will make sense to reduce
18 the added footprints all over, all around to see,
19 to see if there is any chance for aquaculture,
20 mussels and other things around on the same
21 facility, to reduce the impact on the fishing

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1 community, because, otherwise, you're going to
2 have many footprints for different uses for no
3 reason.

4 And the other thing that I wanted to
5 mention -- I'm sorry to be on a long list -- we
6 have a barrier of a cable connecting one island
7 to the other. In this case, it's a physical
8 barrier. And that makes the conch fishermen and
9 the lobster fishermen much easier for them to
10 catch those animals in there. In this case, it's
11 going to be under the water. But because of what
12 Rusty and Bob mentioned, we don't know the
13 effect. We don't know if the rays, and
14 especially the rays that are closer to the
15 bottom, don't swim in the water column so much,
16 if they're going to stop there and stay and be
17 more exposed to the fishing. Are they going to
18 not keep migrating through? You know, this is
19 not something very light. You know, it has
20 implications not just on the individual animal or
21 where he goes, but where he could be accumulated

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1 and concentrate to be very heavily fished. And
2 this is things that you guys should consider.

3 Thank you.

4 MR. BROOKS: Thanks.

5 Any that you want to respond to?

6 MR. HOOKER: Yes, maybe just quickly.
7 Regarding the access issue, we have been
8 requesting -- the Coast Guard has the authority
9 in that area, and we have requested that they put
10 something in writing, but they have been emphatic
11 in every public meeting, stating that there would
12 be no restrictions. We don't have the authority
13 to put restrictions on there.

14 The only restriction would be, you
15 know, actually physically interacting with the
16 property, with the turbines, whether anchoring up
17 to them or attaching to them, making sure that
18 you're not blocking access to them for
19 maintenance workers and that type of thing. But
20 those are the only restrictions that would be in
21 these areas.

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1 And that's evidenced by the Block
2 Island Wind Farm. Even previously, there was an
3 underwater marine hydrokinetic project in the
4 Gulf of Maine, and again, no restrictions were
5 even placed on that. And that's clearly an
6 obstruction. It was marked on the charts. That
7 was about the extent of it. So, I do want to
8 just to state that part.

9 In regards to aquaculture, I mean, I
10 think right now all the developers are so focused
11 on their individual projects. We have had
12 conversations, through NROC and some other
13 groups, about like that potential at some point
14 in the future. But I do think that conversation,
15 it's still several years away, just until
16 facility operators get comfortable with what
17 they're doing and get the actual projects fully
18 built and operational, and then, perhaps having
19 conversations regarding, you know, multiple uses
20 within those facilities.

21 MR. BROOKS: Thanks, Brian.

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1 Scott?

2 MR. TAYLOR: I also want to thank you
3 for your presentation. I've got to admit that I
4 didn't really know a whole lot about this
5 particular issue because it doesn't sort of lie
6 within my expertise of the deepwater HMS species.

7 But a couple of things, and the
8 majority of the people around the table could
9 have asked the questions about where I wanted to
10 go, including the depth that the gear was going
11 to be at. But I am concerned about two things
12 that I just want to sort of raise, which is, one,
13 the electromagnetic sensitivity that I know does
14 exist with the shark and rays species. And I
15 think that that area has substantial production
16 of spiny dogfish and smoothhound fisheries, and
17 that it's pretty clear from the magnitude -- and
18 this is, I guess, the one thing that I was kind
19 of shocked about this morning. I was well aware
20 of the Vineyard project up there, but I didn't
21 realize the magnitude of the number of projects

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1 that you guys have already approved up and down
2 the coast.

3 So, one of the things we kind of have
4 come to grips with here in Washington is that,
5 when government and big money is on the move, we
6 kind of are insignificant in the overall mix of
7 things here. We may have some input, but it's
8 pretty clear that BOEM has invested a lot of
9 energy in these projects, then that you're pretty
10 far along with moving up and down.

11 So, the only thing that I would really
12 comment and hope, which is that the monitoring
13 process, as these projects develop, because it's
14 pretty clear that you're going to do this, that
15 at some point down the line you can come back to
16 us and say that these are things that you found
17 and that it is well-supported, and that these are
18 the impacts you expected and these are the
19 impacts that ultimately have come out of it.
20 Because I'm sure there's going to be some things
21 that you don't anticipate.

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1 And then, the last comment is that one
2 of your slides basically showed that there was
3 going to be no commercial impact. I can't
4 imagine that they're going to allow trawling of
5 surf clams where they're dragging the sea bottom
6 or that you can't have this concentration of
7 stuff that's out there without there being some
8 level of impact. And I don't think that that was
9 quite as clearly delineated as the way that it
10 was initially represented.

11 MR. BROOKS: Thanks, Scott.

12 MR. HOOKER: Very briefly, I do want
13 to be clear that we haven't approved, other than
14 for the two turbines off Virginia and the Cape
15 Wind project, we haven't approved any projects.
16 The leases have been let, but the lease just gives
17 you the right to submit a plan, and then, we have
18 to approve that plan separately. And so, if
19 Vineyard Wind is approved, that will be really
20 our first commercial-scale project that we will
21 have approved.

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1 Lastly, if it did come across as
2 saying no impact to commercial fishing activity,
3 that's not what I meant to say at all. I do
4 anticipate, and our Environmental Impact
5 Statement does anticipate, there will be impact
6 to commercial fishing activity, for the very
7 reasons that you stated, but it will be
8 differential based upon the type of fishing
9 you're doing. So, I want to be clear that there
10 will be impact.

11 MR. TAYLOR: Thanks.

12 MR. BROOKS: Ray?

13 MR. KANE: Thank you, Brian. A good
14 presentation.

15 A couple of comments and questions.
16 I think comparing Block Island to any other wind
17 farm tract of land is foolish. I'm very
18 concerned about EMF. I know in the Vineyard farm
19 you've got two cables coming off 88 turbines.
20 So, I think you're really got to look at EMF with
21 those cables.

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1 No. 2, we haven't discussed here; it's
2 not an HMS species. But, as opposed to studying
3 lobsters in that Vineyard farm area, I think you
4 should be looking at Jonah crab. Jonah crab was
5 a \$16 million industry to the harvesters in '17.
6 We are working on that at ASMFC, as we speak.
7 So, I would hope you will include that.

8 No. 3, the Bigelow, for years
9 fisherman harvesters have been, for hundreds of
10 years, we've been tenants of the seabed in these
11 specific areas that you've put up. And we have
12 the Bigelow spring and fall surveys. What
13 becomes of the stations that the Bigelow has
14 monitored forever, you know, after the Albatross?

15 Thank you.

16 One more thing. These companies
17 which I'm really irked about, when they speak,
18 it's all in the future tense. "We will monitor
19 this." "We will monitor that." But they're not
20 talking in the present tense and past tense
21 about -- and it's been said around the table a

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1 number of times.

2 But thank you.

3 MR. HOOKER: Thanks.

4 I do want to point out that, yes, the
5 lobster, what I term the lobster ventless trap
6 study that we've been doing is definitely doing
7 Jonah. I think they're catching more Jonah crab
8 than they are lobster, I mean. So, that is part
9 of that study.

10 Regarding the Bigelow surveys,
11 obviously, that is a big concern that the
12 National Marine Fisheries Service has brought up
13 recently. They had a whole presentation on that
14 at the most recent New England Fishery Management
15 Council from Dr. Wendy Gabriel. And we're
16 working very closely with the National Marine
17 Fisheries Service to understand what that impact
18 might be, and then, how to create a solution to
19 it.

20 We specifically asked them to look at
21 our assessment for the Vineyard Wind project,

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1 both individually and cumulatively. So, we
2 understand that issue. And at the same time,
3 we're working to, okay, so what would need to be
4 done to supplement, you know, switch to a
5 different vessel? Do we start planning now for
6 how to supplement the survey? If it's a
7 supplemental new maps style survey with a smaller
8 vessel that has different operational constraints
9 than the Bigelow -- these are all options that
10 are being looked at by the Northeast Fisheries
11 Science Center, and we do take that very
12 seriously because you need the data to manage all
13 the species that are commercially available.

14 Again, regarding the EMF, I
15 mean -- well, there's more questions.

16 MR. BROOKS: Yes, because we've
17 really got to -- we wanted to give it the time,
18 but we do have to track it just a little bit.

19 Rick?

20 MR. WEBER: I don't promise to be
21 short.

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1 I am new to this process. This is all
2 new to me, Brian.

3 And I want to start with agreeing with
4 Rick Bellavance that I respect that you are here
5 as the messenger, you know. And so, I'm watching
6 all this for the first time, and I'm not liking
7 what I'm necessarily seeing because you feel to
8 me like you are the lightning rod who is to take
9 all the tension out of the room, but there's no
10 decisions left much to be made. It feels like a
11 lot of these things, as Scott said, these
12 projects are in motion. Decisions have been
13 made, and there are forces larger than anyone in
14 this room at play.

15 This is a lot of projects. And I
16 think my fear is that, by the time -- well, let
17 me work my questions because they relate.

18 I can't find -- I'm on the BOEM site
19 now, and I'm looking for information about my
20 local projects. I want to be able to see the
21 documents about my local projects and the

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1 assumptions that were made on my local projects.

2 I'm sorry, I'm Rick Weber, South
3 Jersey Marine at Cape May. So, I'm interested
4 in those Delaware and Jersey projects in
5 specific, even going up into the New York Bight.

6 Is there a place that we can see the
7 details on a site-by-site basis?

8 MR. HOOKER: Sure. Right now, all
9 the documents related to specific what we term
10 wind energy areas are on -- you go to the state
11 profiles and you go state-by-state. That's where
12 all the information leading up to the issuance of
13 a lease can be found.

14 And then, eventually, we get to a
15 Construction/Operations Plan, and you won't find
16 project-specific stuff until we have that
17 Construction/Operations Plan. Prior to that,
18 it's just a box in the ocean saying that some
19 type of development may occur in this area. So,
20 there's no, until we receive that actual
21 Construction/Operations Plan, which I mentioned

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1 I think we have four now, some of which, as soon
2 as we determine them complete and sufficient,
3 they're posted on our website, usually adjacent,
4 part of the state which they're supplying the
5 power to. Like Vineyard Wind I think is on the
6 Massachusetts page, and South Fork is probably
7 cross-referenced between New York and Rhode
8 Island. It's off of Rhode Island, but it's
9 supplying power to New York. Bay State Wind we
10 haven't posted yet, just because we're still
11 determining that it's complete and sufficient.
12 But all the other documents regarding any wind
13 energy areas offshore on that state-by-state
14 approach.

15 Additionally, I do have a fishing
16 industry web page. Always looking for input on
17 that. I need to update it, but it has all the
18 projects listed and all of the Fishing Liaison
19 Officers posted for each individual project up
20 and down the coast. So, it's individual contact
21 information for that identified fishing liaison

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1 person on the fishing industry web page, and
2 that's under "Stakeholders". If you go to
3 "Renewable Energy," "Stakeholder," it should be
4 one of the first links up there.

5 MR. WEBER: Thank you.

6 Now you say that, until the lease is
7 out there, there's not a lot of data. But in the
8 very letting of the lease, there's a number of
9 assumptions. And I'm piggybacking off what other
10 people have said. And then, again, I'm trying
11 to learn here very rapidly.

12 So, I went into the Marine -- new word
13 to me -- Cadastre site. I drew a box as large
14 as the Hudson Canyon down to the Norfolk Canyon.
15 And then, I looked at all the statistics.

16 For the entire year, you had 21
17 recreational vessels in that entire box over 65
18 feet. In all of the canyons from the Hudson
19 Canyon to the Norfolk Canyon, you had 21
20 recreational. It's so wrong, I don't know where
21 to start, and I don't know whether you're using

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1 this as real data or, gee, this is just -- I'm
2 running scared right now.

3 And when I go to my first source of
4 data, it's badly wrong. Is this the data you're
5 using in determining usage?

6 MR. HOOKER: No, I know there has been
7 a lot of concern expressed around some of the
8 recreational data that's out there. I think what
9 they're trying to do is provide as much
10 information as they have. It might just be the
11 charter/head boat, you know, BTR-based data that
12 they're drawing from. I don't know exactly which
13 dataset --

14 MR. WEBER: It's AIS.

15 MR. HOOKER: Oh, it's AIS data?

16 Okay.

17 There are multiple sources that we
18 look at for recreational, whether it's
19 commercial, charter, head boat, or just
20 recreational private anglers. We try to find as
21 much information as possible.

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1 I mean, Mike mentioned earlier he goes
2 to all the meetings. He tells us how many
3 vessels and how important that area is, and that
4 gets incorporated into our assessment.

5 So, we don't rely on that alone as a
6 sole source for, look, there's no recreational
7 fishing out there. We know there's a lot more
8 that's not captured, and it's one of those more
9 data-deficient ones that we have to dig into a
10 little bit more to try to understand like what
11 level of activity is actually offshore. So, I
12 want you to be assured that that is not the single
13 source of information that we may consider in a
14 lease, in determining where or where not to
15 lease.

16 MR. BROOKS: Rick, I'm sure you have
17 more, but we've got to end this by 10:00.

18 MR. WEBER: I've only got two left.
19 But this has to --

20 MR. BROOKS: I know.

21 MR. WEBER: Everything else is

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1 irrelevant if we can't go on the ocean, Bennett.
2 We've wasted two days if we can't use the ocean.

3 MR. BROOKS: Understood. It's why
4 we've given so much time --

5 MR. WEBER: And that's what this is
6 about.

7 MR. BROOKS: Keep going.

8 MR. WEBER: With so many projects
9 coming, and I believe you're trying to do your
10 best, what if you're wrong? What if there are
11 huge conflicts? What if, despite what we're
12 being told, there are conflicts? Does BOEM
13 maintain in their lease any ability to go back
14 and renegotiate? I mean, if you get Vineyard up
15 and running, and it goes really bad, despite your
16 efforts, are those other leases already locked in
17 place and we're just going to have to tolerate
18 whatever you've agreed to for the next 25 years?

19 MR. HOOKER: Very quickly, there is
20 the ability to, if the results of monitoring show
21 that this is outside our environmental impact

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1 assessment, you know, then we can take action to
2 mitigate that or take some decisive action.

3 And I can tell you that, if, for some
4 reason, the first project goes terribly wrong,
5 you're not going to see -- I think you'll see a
6 lot more hesitation on future projects. I mean,
7 I think everybody realizes that this, a lot is
8 riding on this first project. If something were
9 to happen that was not anticipated, it will
10 affect the industry as a whole.

11 So, we do have that authority, though.
12 We do have the authority to go in and request
13 some additional type of mitigation for individual
14 projects.

15 MR. WEBER: And finally, I'm
16 following up on what Marcos said, and I really
17 didn't like your answer, which is that you have
18 no ability to tell the lessor -- since when does
19 the lessee not have the ability to dictate the
20 terms to the lessor? You know, we've leased it
21 and we don't have the ability to tell them. No,

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1 you're the lessee. I mean, you're the lessor.
2 Tell this area is to be used for recreational,
3 not "They promise". We need more than they
4 promise.

5 MR. HOOKER: No, I just want to be
6 clear on that. No, the lessee, the person who
7 has the lease, has no authority to restrict or
8 limit any other activity. They have no authority
9 in that regard whatsoever.

10 I was just stating that the federal
11 authority for safety at sea is the United States
12 Coast Guard. That's what I was trying to stress.

13 But the leaseholder does not have the
14 authority to dictate, other than their property
15 itself, like wanting to protect their actual
16 physical property and saying, you know, "Don't
17 tie up to my property," they don't have any
18 authority to restrict activity in the area.

19 MR. WEBER: Thank you for your time.

20 MR. BROOKS: Thanks.

21 Steve?

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1 MR. GETTO: Thanks. Thanks, Bennett.

2 I'm looking at this long term. I
3 mean, you said there's a 25-year lease, and the
4 site would be -- is it going to be decommissioned
5 in 25 years? And the reason why I ask that is
6 that area, in particular -- I'll date myself -- in
7 the late eighties, I caught a lot of fish in that
8 area. You would see 140 humpbacks make up in the
9 area with birds, sand eels, you know, a real live
10 ecosystem. I very much doubt you're going to see
11 150 humpbacks plow into a wind farm and set up
12 and live for three months.

13 So, my concern is, if it's 25 years
14 and it's decommissioned, I won't see it in my
15 lifetime, but my kids will. What happens long
16 term here? Because you've put a lot of hardware,
17 you've put a lot of hardware on the bottom, and
18 I doubt somebody is going to walk away from that.

19 MR. HOOKER: So, I'll address two
20 quick things. We do have a decommissioning
21 assurance or what we call a bond to be able to

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1 remove those facilities and ensure that the
2 entity that's operating does have the ability to
3 decommission the facility.

4 But, as I stated earlier, the decision
5 on how that facility will actually be
6 decommissioned would likely be made in that
7 decommissioning application. We assess the
8 impacts of decommissioning in the Environmental
9 Impact Statement, because we want to assess from
10 the beginning all the way to the end. But, then,
11 there will be additional assessment 25 years from
12 now to determine what is going to be removed and
13 what may remain in place, and what would the terms
14 be for anything that is left in place. But I do
15 want to stress there is a decommissioning
16 financial assurance process that we assure that
17 the funds are there to decommission the project,
18 if needed.

19 MR. BROOKS: Thanks.

20 MR. GETTO: One more quick one. What
21 is the payback on these projects for these guys?

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1 I mean, I look at solar; it's 15-18 years for a
2 home. What are the paybacks?

3 MR. HOOKER: I'll have to defer on
4 that to -- you'll have to ask a developer how
5 much money they make for that. It's not my
6 wheelhouse.

7 MR. BROOKS: Rick Bellavance, last
8 word.

9 MR. BELLAVANCE: Thanks. Yes, I'll
10 try to go quick here.

11 I have two questions relative to your
12 presentation, Brian. The first one is in regards
13 to the completeness and sufficiency review. I'm
14 just curious, if you could just enlighten me a
15 little bit more on how that process works and
16 where you get the information from, and who you
17 talk to, and how that whole review transpires.
18 And is there an opportunity for fishermen to take
19 part in that review or is that strictly within
20 BOEM's office and your work? Or like how does
21 that work? Because that might help solve some

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1 problems.

2 MR. HOOKER: Sure. So, it is
3 strictly within BOEM. We're looking at the
4 regulations. We have several sections in the
5 regulations that say this is the information you
6 must have complete to submit in your Construction
7 and Operations Plan. So, it's basically going
8 through each of the regulations. We have
9 regulations on what they must do for just the
10 engineering purposes, and then, we have another
11 section that says this is all the information you
12 must include for us to be able to do an
13 environmental assessment. So, we're just making
14 sure that that information is there for us to
15 begin our environmental assessment.

16 The first time that the public becomes
17 involved in that is in the scoping and saying,
18 here's the project. What else? What do you want
19 us to analyze in the EIS? And here's what the
20 project right now says about this particular
21 project, this particular activity and what its

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1 effects might be.

2 MR. BELLAVANCE: Thanks. So, just a
3 comment to that is, through the time that you've
4 been involved in this offshore development,
5 you've met a lot of fishermen; you've talked to
6 a lot of people. And maybe there's something in
7 your shop that can kind of get the fishing
8 community engaged a little sooner in the process.
9 It might stop a lot of this heartburn that we
10 have with some of the projects that are being
11 proposed. We get this Construction and
12 Operations Plan and we laugh at it, but it's
13 almost too late at that point. So, again,
14 reemphasizing how the sooner the better that you
15 engage the fishing community with these projects.

16 Another question I had is in
17 regards --

18 MR. BROOKS: Rick, if you could just
19 hold this to just one more question or comment?
20 Okay? I'm sorry.

21 But we're going to go to a break right

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1 after this. So, I would invite, because I know
2 there's some other people who probably still have
3 questions, and if, Brian, you're able to hang for
4 a few minutes, I would just encourage folks to
5 connect with Brian directly afterwards.

6 MR. BELLAVANCE: I just have one more
7 question I want to comment. So, I'll ask you the
8 question on the side.

9 MR. BROOKS: Thank you.

10 MR. BELLAVANCE: They're both kind of
11 important, too, which stinks. But that's okay.

12 So, these are big businesses.
13 There's a lot of money involved in here. And
14 ultimately, these business folks are going to
15 make the decision that they've done everything
16 they can for mitigation; it's time to move on to
17 the compensation discussion. And that's been
18 really difficult for us in Rhode Island.

19 And I've been involved in two
20 compensation negotiations so far, and they are
21 very difficult. There's not a lot of economic

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1 data on our fisheries, and some particular
2 fisheries, and I feel like we're at a
3 disadvantage. We're going up against these huge
4 companies that are stacked with high-paid lawyers
5 and lobbyists, and all that other stuff. And
6 we're fishermen and we're trying to work out
7 these negotiations, and it's really difficult.

8 And I just think that we should be
9 able to depend on your Agency to kind of level
10 the playing field a little bit and make it so
11 that we're not at such a disadvantage when we try
12 to negotiate with these folks. They've got every
13 tool in the toolbox, and we've got our stories
14 about fishermen dying and impacts that we think
15 might happen, and this, that, and the other
16 thing. And it's a very difficult time.

17 And I don't really want to go through
18 it again, to be honest with you. It sucks. But
19 I think that anything that you folks can do to
20 try to level that playing field off, so that we
21 can, once we get to that awkward compensation

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1 discussion, you know, be treated fairly. And
2 you're the folks that can make that happen, I
3 think. So, we're asking for that.

4 And thanks.

5 MR. HOOKER: Thank you. And we
6 definitely hear that loud and clear.

7 MR. BROOKS: So, obviously, a lot of
8 pent-up, but also newfound demand here.

9 And, Brian, thank you for coming here.
10 We went about 45 minutes long, and I think every
11 minute of that was well-spent. I know there are
12 other questions around the table, and we just
13 can't get to it now.

14 But, again, Brian is going to be here.
15 He'll wait.

16 We're going to go to a break now. So,
17 folks who have some additional things to say, I
18 encourage you to talk to Brian.

19 My counsel, obviously, is that we keep
20 this conversation going.

21 And I also think, Tobey, just a quick

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1 thought is there are other venues to be engaging
2 with Brian, with the program, on research. And
3 I think to the extent that HMS staff can get that
4 information out to the AP, that will be helpful,
5 because I think, as much time as we give it here,
6 that's never going to be enough, and it's never
7 going to be in the level of detail that you need
8 on the topic. So, I think getting that out will
9 be very important.

10 Brian, you wanted to just hit your
11 information?

12 MR. HOOKER: No, I just want to say,
13 yes, feel free to jot down my information. My
14 phone number and email address are on the screen.

15 MR. BROOKS: Hang on. Hang on. Hang
16 on.

17 MR. HOOKER: And anyway, it's there.
18 Feel free to reach out to me directly. That's
19 what I'm there for.

20 MR. BROOKS: Okay. We're doing a
21 bunch of agenda triage because we're, obviously,

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1 way behind. But we still think we'll get you out
2 by 11:30.

3 Let's go to a break now. We're
4 reconvene at 10:15.

5 Thanks.

6 (Whereupon, the above-entitled matter
7 went off the record at 10:06 a.m. and resumed at 10:24
8 a.m.)

9 MR. BROOKS: So, we have a little bit
10 more than an hour left before we need to let you
11 all get out. And we have, well, we'll have an
12 hour left of things to say then.

13 What we want to do is we're going to
14 flip and go to enforcement first, and we're going
15 to hear from Loren Remsberg with the General
16 Counsel and from Kevin Swiechowicz with OLE.
17 They both will have fairly short remarks. I
18 think Loren has a presentation, and Kevin will
19 just be sharing some remarks.

20 Katie Moore with the Coast Guard
21 couldn't be here today. Her presentation is

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1 online. So, that's available to you all.

2 And then, after we hear from
3 enforcement, we'll hand it off to Rick Pearson
4 for the Amendment 12 update.

5 So, Loren, all yours.

6 MS. REMSBERG: Good morning. My name
7 is Loren Remsberg. I work in NOAA's Office of
8 General Counsel, Enforcement Section. I'm going
9 to give just a brief update, hit a couple of
10 issues, and then, I'll let Kevin Swiechowicz from
11 the Office of Law Enforcement give any updates
12 that he would like to. And then, we can take
13 some questions.

14 Thanks for your flexibility. I
15 actually have to run to the airport pretty soon.

16 My office posts charging information
17 about Notices of Violation that we have assessed.
18 I want to just post for you our website, so that
19 you can see exactly where to go to find that
20 information. If you just Google the "Office of
21 General Counsel Enforcement Section," you'll come

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1 upon this website. And the red circle there
2 says, "Enforcing Charging Information". That
3 will give you access to, in six-month increments,
4 a list of all of the Notices of Violation that
5 the General Counsel's Office has issued.

6 After June, we will post the
7 information from the first half of this year.
8 And if you take a look through those lists, you'll
9 see, as far as HMS is concerned, some NOVAs
10 relating to detached shark fins. Penalties vary,
11 depending on the facts of those cases. We've
12 also charged some landing of tuna out of season,
13 a couple of fileting at sea NOVAs, and, also,
14 failure to release without minimizing the chance
15 of harm.

16 So, the only other thing I wanted to
17 touch on before this panel, I was asked by one of
18 my colleagues to bring this to your attention.
19 The NOAA data buoy vandalism team has been
20 working on ways to minimize the damage that has
21 been seen, I guess to a greater extent recently,

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1 to the data buoys that NOAA has deployed in the
2 Atlantic, in the Gulf, all over the place.

3 These data buoys collect wind
4 information and other data that are truly
5 critical in forecasting for hurricanes and other
6 weather events. They're also very far offshore.
7 So, when a piece of equipment breaks, it's very
8 expensive to deploy a team to travel all the way
9 out there, replace the part that's broken.

10 So, I just wanted to point out a
11 couple of issues that they've been seeing. There
12 has been a fairly high incidence of people
13 mooring on these buoys. What happens when
14 vessels tie off to these buoys is it disrupts
15 their ability to transmit data and can sort of
16 interfere with their positioning.

17 And we have also seen incidents of
18 fishing vessels that have been casting around the
19 buoys and actually snagging their gear on them.
20 This incident was a vessel that, further
21 investigation revealed it was participating in an

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1 HMS tournament at the time, and the line that
2 snagged on this buoy essentially broke a critical
3 piece on it. And this incident led to a civil
4 charge for destruction of federal property that
5 resulted in a settlement. I think it was about
6 \$7200.

7 So, I guess today I'm here asking for
8 your assistance, to the extent you have
9 constituents that may not understand the severity
10 of the interactions with these buoys. If you
11 could help us to spread that message, that would
12 be greatly appreciated.

13 So, I'll pass it over to Kevin, and
14 then, happy to take questions.

15 MR. SWIECHOWICZ: Yes, I'm Officer
16 Swiechowicz with the National Marine Fisheries
17 Service. I'm just going to provide a brief
18 update.

19 Posted on the website is the document
20 the OLE report, which summarizes the number of
21 investigations that occurred in the last

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1 reporting period. Between NED, being the
2 Northeast Division, and the Southeast Division,
3 more -- I think it was 75/25 percentagewise
4 violations in NED versus SED were pursued. But
5 that can be correlated to the seasonal
6 availability and when those violations were
7 written up.

8 Most of the violations were split
9 between fish maintained in improper form, failure
10 to report, and then, there were some longline
11 violations on SED. We can't discuss ongoing
12 investigations.

13 So, at this point, I can kind of defer
14 to the group, if anybody would have any direct
15 questions, knowing that we're pressed for time,
16 rather than go into a variety of other things.

17 MR. BROOKS: Great. Thanks very
18 much.

19 David, do you want to comment or a
20 question?

21 MR. SCHALIT: Yes. Thanks for that

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1 presentation.

2 Yes, indeed, we do have constituents
3 who are involved in fishing where NOAA buoys do
4 exist. And this is really useful information.

5 One of my questions is that we want to
6 be certain that, wherever there is a NOAA buoy,
7 it must be indicated on navigational
8 charts -- must. Okay? There is no wiggle room
9 here. All right?

10 I have seen instances in which NOAA
11 buoys were deployed. I can think of four, in
12 particular, near East Atlantis Canyon that in one
13 year there were four. In the next year there
14 were two, and in the following year there was
15 only one, and then, I think they're all gone now.
16 And in no instance were these indicated on the
17 charts.

18 And it doesn't surprise me when people
19 decide, well, I want to stay overnight here; let
20 me just tie up to this buoy. You know, it seems
21 that you can enhance the importance of this

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1 equipment by indicating it -- and it's also a
2 safety issue -- but by indicating its presence on
3 a chart.

4 Now these charts, your charts are
5 updated regularly. Okay? So, that if you deploy
6 a buoy and decide a year later, or for one reason
7 or another remove it, it will be reflected in the
8 latest charts. So, I think that's key.

9 But the dissemination of this
10 information that we're referring to here is
11 critical. I mean, I had no idea that people were
12 being cited for damage. I didn't even know there
13 was damage to these buoys. I just assumed that
14 they were kind of undamageable or something.

15 But the one that you showed us a
16 picture of looked like it had some delicate
17 equipment on it. And so, is there any outreach
18 that you guys are planning on doing to help
19 mitigate?

20 MS. REMSBERG: Yes. The one thing
21 that I know about as far as vessels participating

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1 in tournaments especially, the Data Buoy Center
2 is working on a brochure or a flyer that can be
3 inserted into the packet of information that can
4 be handed out at the beginning of the
5 tournaments.

6 So, other ideas are certainly welcome.
7 Prevention of these incidents is in everyone's
8 interest.

9 As far as the buoys moving or
10 disappearing, I think because of incidents like
11 these, they have to be repaired. Sometimes they
12 can be repaired onsite. I think sometimes they
13 have to be completed towed in.

14 But I'm happy to pass along your
15 comment about trying to make their presence more
16 ascertainable.

17 MR. SCHALIT: Thanks.

18 MR. BROOKS: Yes.

19 Randy?

20 MR. BLANKINSHIP: Yes, just to build
21 off of what Loren was saying related to

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1 distribution of the information to tournaments,
2 we have been in discussions with NOAA buoy folks
3 about the pamphlet or postcard, or whatever ends
4 up getting developed on this point, and
5 highlighting the issue.

6 And then, one of the ways that we
7 think that we will be able to effectively
8 distribute that information is, with the
9 tournament registration requirement that's
10 currently in place, we have outreach material
11 that we oftentimes send to the tournament
12 operator, and then, they can distribute at the
13 captain's meetings at the beginning of the
14 tournaments as they see fit.

15 And what we would plan to do is
16 include this pamphlet along with the other
17 outreach material that we send out. And, of
18 course, that would be a targeted outreach
19 opportunity. And we'll also be thinking about
20 other opportunities that we might have for
21 distributing that information, but that certainly

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1 is one very effective way that we can get it out
2 to the targeted universe.

3 MR. BROOKS: Thanks, Randy.

4 Mike?

5 MR. PIERDINOCK: I was just curious
6 if it's a certain part of the country that there's
7 been an increase in interaction, or is it just
8 here and there up and down the coast?

9 Thanks.

10 MS. REMSBERG: My colleague that
11 works on this team, he sent me some information
12 about buoys in the Gulf and South Atlantic. I
13 think because I'm based in St. Pete, I'm not
14 sure -- he thought this might have been a regional
15 specific meeting.

16 But I think it happens everywhere. I
17 think tying off is common, and fishing around the
18 buoys is also common. And damage doesn't always
19 result, but the wind-sensing equipment on these
20 buoys I think is very sensitive to being snagged
21 and, apparently, tying off, and tilting the buoys

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1 even can disrupt the transmittal of data.

2 So, hurricane season starts in, I
3 think, about a week or so. So, yes, any help you
4 guys and outreach you can help us with is
5 appreciated.

6 MR. PIERDINOCK: Thanks.

7 MR. BROOKS: Thanks.

8 Any other questions?

9 (No response.)

10 All right. If not, thank you both
11 very much.

12 Let me just do, in terms of managing
13 time here, are we expecting any public comment
14 today? Anyone in the audience who's wanting to
15 make comment?

16 On the phone, any public comment on
17 the telephone?

18 Operator, can you check and see if
19 anyone on the phone wants to make public comment?

20 Operator, are you hearing me?

21 OPERATOR: I see no questions at this

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1 time.

2 MR. BROOKS: Okay. Thank you.

3 All right. Let's get Rick Pearson up
4 here to talk about A12 updates.

5 And thanks to those of you that took
6 the time to fill out the survey over the last day
7 and a half. And he's worked your comments on
8 that into his presentation.

9 Sorry, for folks on the webinar, right
10 now, we don't seem to be projecting this
11 presentation, but we'll work on it.

12 MR. PEARSON: Good morning. My name
13 is Rick Pearson. I work in the HMS office in St.
14 Petersburg. I'm joined by Sarah McLaughlin, who
15 works in the HMS office in Gloucester,
16 Massachusetts.

17 Our presentation today will provide an
18 update on Amendment 12 to the HMS FMP. Some of
19 you may recall that we gave a similar
20 presentation at the fall AP meeting indicating
21 that the purpose of A12 is to comply with

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1 recently-published Magnuson-Stevens Act
2 guidelines and policy directives. NMFS
3 occasionally publishes guidelines to interpret
4 and implement the National Standards.

5 The National Standard 1 and 2
6 Guidelines were updated recently to address,
7 among other things, reassessment of an FMP's
8 management objectives, review of stock status
9 determination criteria for internationally-
10 managed species, timing of SAFE reports.

11 NMFS also occasionally publishes
12 policy directives to ensure that certain issues
13 are addressed consistently nationwide. Recent
14 ones include a review of standardized bycatch
15 reporting methodology and the consideration of
16 triggers that can be used to determine when to
17 review allocation decisions.

18 Today's presentation is going to focus
19 exclusively on the reassessment of the HMS FMP
20 management objectives. We wanted to provide the
21 Advisory Panel with an opportunity to discuss

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1 this topic before we go out to scoping, to provide
2 an early opportunity for input.

3 That's one thing I want to emphasize
4 in this presentation, is that we're still in a
5 very early stage. So, there's plenty of
6 opportunity to comment upon the FMP management
7 objectives.

8 FMP objectives were last assessed and
9 revised when we developed the 2006 HMS FMP, which
10 combined the FMP for tuna, swordfish, and shark
11 with the billfish FMP. So, in that exercise, we
12 combined the objectives of the two different
13 management plans to remove redundancy and to
14 update the objectives.

15 Currently, there are 16 objectives in
16 the HMS FMP, plus several others from the 11
17 subsequent amendments that have followed since
18 2006.

19 The final rule revising the National
20 Standard 1 Guidelines indicates that FMP
21 objectives should be reassessed on a regular

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1 basis to reflect the changing needs of the
2 fishery over time. And that's exactly one of the
3 reasons why we're doing it now, because this AP
4 meeting we've discussed some of those changes
5 that have occurred recently, including changes in
6 forage species, environmental changes,
7 technology changes, stock status changes. So,
8 this seems to be an opportune time to review the
9 FMP objectives with that in mind.

10 The National Standard 1 Guidelines
11 indicate that the objectives should be clearly
12 stated, practically attainable, framed in terms
13 of definable events and measurable benefits, and
14 based on a comprehensive, rather than a
15 fragmentary, approach to the problems addressed.

16 Essentially, when new fishery
17 management measures are implemented, they are
18 measured against the FMP objectives as well as
19 the 10 National Standards. So, the FMP
20 objectives are very important when assessing new
21 management measures, whether or not they comply

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1 with those FMP objectives.

2 In the interest of time, I am not
3 going to read through all 16 current FMP
4 objectives. Just a couple of observations as the
5 team was reviewing the current FMP objectives.

6 They are fairly comprehensive and
7 there are a lot of them. Many other Council FMPs
8 contain four, five, or six objectives. The HMS
9 FMP contains 16. That's primarily because of the
10 multitude of species that are managed under the
11 HMS FMP. I just want to go through the first
12 five real quick.

13 Prevent or end overfishing; rebuild
14 overfished stocks; minimize bycatch and bycatch
15 mortality; provide a foundation for international
16 negotiation, and minimize social and economic
17 impacts. And No. 6, provide data for stock
18 assessments.

19 I encourage everybody to read those.
20 I'm going to go through each one of them and some
21 of our changes that we are considering towards

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1 the end of this presentation. So, you'll see a
2 little bit more about that.

3 We used four methods to reassess the
4 FMP objectives. The first method, for lack of a
5 better term, is we conducted a gap analysis. We
6 looked at the 11 subsequent amendments that have
7 been implemented since 2006. We reviewed the
8 objectives in those amendments, and then, we
9 compared them to the objectives that are
10 contained in the FMP to see whether or not they
11 are consistent with them or if there is something
12 that we may have missed in the FMP objectives.

13 The other method that we used was to
14 just simply reevaluate the current objectives.
15 We read them, determined if they could be
16 streamlined, rephrased, combined, or potentially
17 removed.

18 The other method that we utilized was
19 to determine if there are objectives in other
20 FMPs that might be applicable to the HMS FMP.

21 And finally, we intend to solicit

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1 public input. And that is why we provided the
2 opportunity for HMS Advisory Panel members
3 to comment on the FMP objectives.

4 So, I want to provide just one example
5 of what this gap analysis is. We did this for
6 all 11 of the amendments. But Amendment 4
7 implemented a new regional commercial HMS permit
8 that is valid only in the U.S. Caribbean, in
9 recognition of the unique characteristics of HMS
10 fisheries in that region.

11 And the objectives included several of
12 them that are listed here. You can see that, of
13 the six objectives in Amendment 4, five of those
14 objectives are already covered in the HMS FMP.
15 However, we did detect sort of a unique objective
16 in Amendment 4, which is examine and implement
17 regionally-tailored HMS management strategies.
18 So, we did this for all 11 of the amendments.

19 And in doing that, we identified
20 several potential items that could be added to
21 the HMS FMP, including regularly assess and

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1 update HMS essential fish habitat and analyze
2 impacts on HMS essential fish habitat as
3 necessary; facilitate regionally-tailored
4 management strategies; address annual catch
5 limits and accountability measures as
6 appropriate, and address the concept of providing
7 flexibility to HMS fishery participants to
8 utilize alternative or new fishing gears and
9 techniques.

10 The second method that we utilized was
11 just to reevaluate the current FMP objectives.
12 I'm not going to spend a lot of time on this right
13 now because I will be going through each one of
14 those subsequently.

15 At the last AP meeting, members
16 commented that they would like for us to prepare
17 it in highlight and strikeout mode, which is what
18 we have provided here, so that you can see the
19 changes that we are considering.

20 And one thing that I want to really
21 emphasize is that these are all just examples

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1 right now. We're in the very early stages of
2 reassessing the FMP objectives.

3 Then, we examined several other
4 Council FMP objectives, and many of the Councils
5 are also currently conducting this exercise as
6 well, too. So, some of the examples inspired by
7 the work of other Fishery Management Councils
8 include to promote understanding, compliance, and
9 effective enforcement of HMS regulations. So,
10 that hits on sort of the enforcement component.

11 And also, to promote ecosystem-based
12 science to support and enhance effective HMS
13 management. And that kind of gets back to one
14 of the discussions we had earlier in the week
15 about forage species and how that can be
16 incorporated into the HMS FMP. So, that's the
17 ecosystem-based fishery management that we
18 thought could be considered as we reassess these
19 objectives.

20 Okay. So, I'm just going to through
21 these and read how we are considering changing

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1 the objectives right now.

2 MR. BROOKS: Just a quick question.
3 As you're going through these, I'm going to
4 assume that these edits don't reflect the
5 feedback you heard over the last two days yet,
6 right?

7 MR. PEARSON: That's correct. That's
8 correct. We have those contained after we go
9 through these potential changes.

10 MR. BROOKS: Okay. Thanks.

11 MR. PEARSON: So, Objective 1,
12 prevent or end overfishing of Atlantic HMS stocks
13 and adopt a precautionary approach to fishery
14 management, including the establishment of
15 biological reference points as appropriate.

16 FMP Objective 2, we're not proposing
17 any changes to that. That's to rebuild
18 overfished HMS stocks.

19 FMP Objective 3, through active
20 outreach and education, and based upon continued
21 research on careful release protocols and other

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1 methods, minimize to the extent practicable
2 bycatch and mortality of such bycatch that cannot
3 be avoided, and minimize to the extent
4 practicable post-release mortality in directed
5 fisheries. This is actually kind of a
6 combination of current HMS Objective 14 with
7 Objective 3.

8 FMP Objective 4, just doing some
9 wordsmithing right there to indicate to promote
10 conservation and management measures through
11 international entities such as ICCAT.

12 FMP Objective 5, this was kind of an
13 interesting one where we received extensive input
14 from some of our fishery economists. Currently,
15 it reads, "minimize to the extent practicable
16 adverse social and economic impacts on fishing
17 communities," et cetera. We're considering
18 changing it to "to the extent practicable,
19 optimize social and economic benefits to the
20 nation in managing Atlantic HMS fisheries." So,
21 the thinking there is that it's probably better,

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1 rather than minimizing adverse impacts, it's
2 better to optimize benefits. So, that's some of
3 the thinking in reviewing that one.

4 FMP Objective 6, identify, collect,
5 and provide data necessary to support and enhance
6 effective management of Atlantic HMS fisheries.

7 Objective 7, which addresses managing
8 HMS fisheries for optimum yield, we are adding
9 the concept of taking into account regional
10 variations in Atlantic HMS fisheries.

11 FMP Objective 8, rather than listing
12 out Atlantic tuna, swordfish, sharks, and
13 billfish, we're simply replacing that with
14 "Atlantic HMS fisheries," and, also,
15 incorporating the concept of regional variations
16 in fisheries.

17 No change to Objective 9.

18 FMP Objective 10, it's a little bit
19 more specific. Identify, conserve, enhance, and
20 periodically update areas identified as EFH.

21 FMP Objective 11, no changes. We all

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1 think it's a good thing to simplify and
2 streamline HMS management while seeking input.

3 FMP Objective 12, just adding "to
4 promote the live release and tagging of Atlantic
5 HMS based upon continued research on careful
6 release protocols and other methods."

7 FMP Objective 13, we are recommending
8 maintaining that, to maintain the highest
9 availability of billfish to the U.S. recreational
10 fishery by implementing conservation measures
11 that will reduce fishing mortality.

12 I think that we had probably the
13 longest discussion on current FMP Objective 14,
14 which we are considering removing. It reads,
15 optimize the social and economic benefits to the
16 nation while reserving the Atlantic billfish
17 resource for its traditional use, which in the
18 United States is entirely a recreational fishery.

19 We felt that, with recent passage of
20 the Billfish Conservation Act and its amendment,
21 that this FMP objective is currently redundant.

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1 Currently, it's illegal for the commercial
2 transaction of any billfish in the continental
3 United States. The only exception is for
4 billfish landed in Pacific insular areas and
5 remaining in Pacific insular areas. So, for the
6 sake of brevity, we're considering removing it.

7 Oh, yes, and then, we also combined
8 that. We put some of this information in with
9 current FMP Objective 5. So, we combined 5 and
10 14.

11 FMP Objective 16, just putting the
12 word "Atlantic HMS stocks". I will say
13 that -- and Sarah's going to get into this
14 next -- but from the HMS Advisory Panel, we got
15 probably the most input on FMP Objective 6 and
16 15, which is to increase our knowledge and
17 understanding of HMS stocks for accurate stock
18 assessment purposes. That seemed to be the trend
19 that we received from the Advisory Panel.

20 Finally, FMP Objective 16, create a
21 management system to make fleet capacity

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1 commensurate with resource status, so as to
2 improve economic efficiency and biological
3 conservation, and provide access for both new and
4 traditional gears and fishermen. And the new
5 gears came about as a result of FMP Amendment 8,
6 in which we authorized the use of green-stick and
7 implemented the swordfish hand gear permit. So,
8 we're trying to encourage not just traditional
9 fisheries, but the development of new gears as
10 well, too.

11 And then, potential new objectives,
12 and these were the ones that we obtained from
13 reviewing other Councils' work.

14 Promote and enhance understanding and
15 compliance with, and effective enforcement of,
16 HMS fishery management regulations, and to
17 promote ecosystem-based science to support and
18 enhance effective HMS fishery management.

19 Now I'm going to turn it over to Sarah
20 McLaughlin, who is going to review the
21 suggestions that we received from the Advisory

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1 Panel at this meeting.

2 MS. McLAUGHLIN: We got a handful of
3 pages in our Santa shark box for suggestions on
4 revision or, in some cases, just sort of
5 endorsement of what we already had.

6 So, the first two are about Objectives
7 1 and 2, which are currently preventing and
8 ending overfishing and rebuilding overfished
9 stock. So, the suggestion is to remove species
10 that are no longer overfished or overfishing is
11 no longer occurring. And also, to consider
12 language in Objectives 1 and 2 regarding harvest
13 strategies and management strategy evaluation.

14 As I go through these, I may mention
15 that, back a few slides, we had our draft
16 suggestions, and we already thought to add
17 reference points in Objective 2.

18 The third one is to consider language
19 in Objective 3 which is about minimizing bycatch
20 to the extent practicable; to encourage the
21 development of better or other technological

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1 solutions for bycatch reduction and to reduce
2 post-release mortality.

3 Consider language in Objective 4,
4 which is about establishing the foundation for
5 international negotiation on conservation and
6 management measures. That one specifically
7 references ICCAT. So, in this case, it was to
8 consider language for coastal shark species or
9 RFMOs other than ICCAT. So, it's a little bit
10 broader than just what we're familiar with in the
11 ICCAT realm.

12 Consider language in Objective 6 -- 6
13 is providing the data necessary for assessing
14 fish stocks -- to include more long-term and
15 historical data for stock assessment purposes,
16 like data rescue projects, and use of more
17 technology in data reporting and collection. I
18 think we got that; we had built that one in a bit
19 to Objective 6 so far.

20 Also, in 6 and in 15 -- so, these are
21 both about assessing the stocks or understanding

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1 the condition of the stocks --

2 MR. PEARSON: Providing data.

3 MS. McLAUGHLIN: Yes, providing data.

4 Consider language to ensure better and more stock
5 assessments, eliminating unknown status for shark
6 species, including prohibited sharks. And in
7 Objective 15, considering more frequent
8 assessment updates after benchmark assessments
9 have been completed and accepted. So, like Rick
10 say, these two were the ones probably the most
11 emphasized.

12 And then, in Objective 16, which is
13 about fleet capacity, the language right now, it
14 says, create a management system to make fleet
15 capacity commensurate with resource status.
16 That's the gist. So, it's consider language for
17 limiting or increasing fleet capacity as
18 appropriate to ensure that it's commensurate with
19 stock status.

20 So, generally, we had a suggestion to
21 add an objective for ecosystem-based fishery

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1 management, which you can see from our draft
2 we've done, and that the objectives seem to be
3 very high-level in that they reiterate the goals
4 of the Magnuson Act and National Standards. So,
5 sort of a question of, are they all needed? And
6 that the measurable goals themselves should be
7 specified in the FMP.

8 MR. PEARSON: Okay. So, thank you,
9 Sarah.

10 As I indicated, we have not yet gone
11 to scoping with Amendment 12. We plan to
12 finalize the scoping document this spring, as
13 well as the Notice of Intent, and conduct a
14 scoping meeting, probably a webinar, this summer;
15 finalize the Draft Amendment 12 and present it to
16 the HMS Advisory Panel at the next AP meeting.
17 And then, release the final Amendment 12 in about
18 a year from now.

19 MR. BROOKS: Great. Thanks.

20 One quick question. If folks didn't
21 get to complete the survey or have some thoughts

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1 that come to mind after the meeting, are they
2 able to send feedback to you all? And until when
3 is that particularly helpful?

4 MR. PEARSON: Yes, you can email me
5 at rick.a.pearson@noaa.gov. I'm more than happy
6 to receive those.

7 And I would say that within the next
8 month, if you have any comments or suggestions on
9 the HMS FMP objectives, we're still working on
10 it. But, like I said, we wanted to obtain the
11 input from the AP before we finalize that scoping
12 document.

13 MR. BROOKS: Great. Thanks, Rick.

14 Let's go to some questions/comments.
15 I've got Scott, and then, over to David.

16 MR. TAYLOR: I appreciate the
17 presentation, especially in the overview,
18 particularly because I missed the first day when
19 we heard the scoping meeting. So, if I'm
20 redundant or go over anything, I apologize. But
21 I have a couple of comments, particularly when

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1 we're talking about, you know, definitions of
2 things and how we're moving forward to maybe
3 modify ways that we look at stuff.

4 And I think there's a fundamental
5 problem, and I will provide some comments on
6 this, in terms of what we, this panel, and what
7 the Agency considers and uses the term
8 "sustainability". Because without including
9 socioeconomic into that model, it doesn't matter
10 what the health of the stock of the fish is like.
11 If the guys that are executing these HMS
12 fisheries can't have a home life because where
13 and how long they have to fish, can't make a
14 living that is viable and to take care of their
15 family, you could have the most healthy stock in
16 the world and it is not going to be a sustainable
17 fishery for the individuals that are executing
18 that fishery here in the United States.

19 And I think that, in terms of the
20 general public, and in sentiment in general, that
21 those are factors that are not lost in the

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1 European models of food production, but are lost
2 here in the United States. We think of Monterey
3 Bay and the ranking system, and how the health
4 stock is, and what gets communicated to the
5 public. But they forget about the people that
6 are actually on the ground that are executing the
7 fishery.

8 And I wanted to bring a comment that
9 I missed yesterday. You know, there was an awful
10 lot packed into the time that we had. Where we
11 were looking at economic data for some of the
12 vessels, I'm not sure if you can pull the slide,
13 but I can refer to it anyway. It's where we
14 looked essentially the net value of the trip from
15 a pelagic longline trip. And I believe that your
16 current numbers, as current as you had, which was
17 2017, was in the \$17,000 range per trip. I can
18 probably find the slide if it's relevant.

19 I can tell you that, if catch numbers
20 stayed flat, in 2019 that number is substantially
21 lower because of bait costs and fuel costs since

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1 2017. But even at the \$17,000 number, which
2 seems like a big number to you, 50 percent of
3 that number essentially goes to boat ownership in
4 order to facilitate upkeep and maintenance of the
5 vessel. That's a real number. So, whatever the
6 net proceeds of the trip are, 50 percent of that
7 is carved off of the top. So now, you're looking
8 at, you know, in the \$8,000 range for the proceeds
9 from the trip under your model.

10 I would venture to say that the
11 average incorporates on the basis of a 30-day
12 cycle. Okay? There's some smaller boat stuff;
13 there's some bigger boat stuff in there. But,
14 you know, on the average of probably a trip a
15 month.

16 So now, you're talking about \$8,000
17 split between the captain and the crew on the
18 boat. I can tell you, at those numbers, you
19 would make more money flipping hamburgers at
20 McDonald's. And that's an inherent when we look
21 at numbers without having a frame of reference

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1 for what's going on.

2 So, when you start talking about the
3 modeling, about what's sustainable, I'm imploring
4 the Agency to get its brain around the fact that
5 this industry is contracting because it's not
6 sustainable; and that if we don't make some
7 fundamental changes to help the guys that are
8 executing all of these HMS fisheries, that
9 everyone in this room, whether or not that it's
10 environmental or whether or not it is the
11 scientific community, whether or not it's the
12 commercial community, or whether or not it's the
13 government agency, is going to suffer as a result
14 of it.

15 Because I assure you that the
16 economics of it are that this product is going to
17 continue to come into this country and people are
18 going to continue to eat food. You're already
19 at a 90 percent import rate here in this country.
20 And so, every opportunity I get, I need to try to
21 refocus the narrative about what sustainable

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1 really means, and would really appreciate -- and
2 I will send some comments to you, Rick. I talked
3 to you about the fact that the 15 minutes I had
4 yesterday between the end of the meeting and last
5 night, I wasn't going to be able to get that done.
6 But I really think that we really need to define
7 what sustainable means for this Agency and this
8 group.

9 MR. BROOKS: Thanks.

10 MR. TAYLOR: Thank you.

11 MR. BROOKS: David?

12 MR. SCHALIT: I'll try to be brief
13 because this meeting is not sustainable.

14 (Laughter.)

15 Rick, Sarah, thank you very much.

16 I was planning, and I still am
17 planning, on writing in on this. So, I didn't
18 make any comments in the last few days, but I
19 thought I would just give you a few thoughts on
20 this.

21 If I looked at slide -- what is

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1 it? -- slide No. 9, yes, slide No. 9, I can see
2 that this basically follows a model that I saw a
3 few years ago when National Standards -- pardon?
4 "Reevaluation of Current HMS FMP Objectives".
5 Objective 5, yes. Okay.

6 So, looking at this, it reminds me of
7 the edits that were done on National Standard 1
8 a few years ago. You know what I'm talking
9 about? They didn't use red ink; they used green.
10 But it's the same thing.

11 Essentially, what's taking place here
12 is -- I don't know -- there are two different
13 types of edit. There's a top edit and a content
14 edit. That's standard in the publishing
15 industry, in journalism, whatever, right? Okay,
16 this is not just a top edit. This is looking at
17 content as well. But it's focused on syntax,
18 word choice, repetition, removing repetition,
19 stuff, mechanical aspects of writing. Okay?

20 It occurred to me that it's possible
21 this could be outsourced to an editor. In other

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1 words, somebody who doesn't know anything about
2 these regulations probably is in a better
3 position to look for the mistakes that are
4 inherent in it. And a good editor is someone who
5 is capable of reading some of NOAA's literature
6 to grasp NOAA's, quote/unquote, "voice," you
7 know, what NOAA literature sounds like when you
8 read it. Right? And actually be faithful to
9 that voice, but at the same time find better ways
10 of phrasing things.

11 Okay. This is a suggestion. This is
12 not an expensive process, by the way. I know.
13 But you are dealing with people who are
14 professional editors. Follow me? All right.
15 Then, that's just one thought.

16 Then, moving on, okay, I suppose
17 there's a question that's going to come out of
18 this. This is slide No. 11, "Potential Changes
19 to HMS FMP Objectives," FMP Objective 1. There
20 you go. Right. Okay.

21 "Prevent or end overfishing of

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1 Atlantic HMS and adopt the precautionary approach
2 to fishery management." Okay. So, the first
3 thing that occurred to me when I saw this was,
4 okay, a precautionary approach is a wholly
5 ambiguous statement -- wholly ambiguous. And I'm
6 prepared to support that with references from
7 environmental law.

8 Okay. A precautionary approach, it's
9 kind of like ecosystem-based fishery management.
10 It has multiple meanings. And so, what we're
11 doing is we're making the assumption that
12 everyone who reads this understands what it
13 means, and that's simply not the case. Okay?

14 So, what I want to know from you guys
15 is -- I could make that comment in writing. I
16 could say, "Hey, and here I'm citing the resource
17 that I'm using for this," blah, blah, blah. Is
18 this what you're looking for?

19 Thanks.

20 MR. PEARSON: Yes, to a large extent
21 that is one of the things that we are looking at.

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1 And you're correct that the precautionary
2 approach, that phrase was a little bit more in
3 vogue 10-15 years ago than it is now. However,
4 when we were looking at the objectives that are
5 in the current FMP, we didn't feel the need to
6 remove that at the present time, but I understand
7 exactly what you're saying, that it is somewhat
8 nebulous; it has different meanings to different
9 people. So, that type of a comment would be
10 valuable.

11 I would like to go back to your
12 comments on Objective 5, though. There is a
13 content change in there. It used to read,
14 "minimize adverse impacts," and then, it goes,
15 "on fishing communities and recreational and
16 commercial activities". Then, it has the phrase,
17 "during the transition from overfished fisheries
18 to healthy ones". We felt that that was
19 something that could be removed at this point in
20 time because not all of our fisheries are in the
21 transition from overfished fisheries to healthy

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1 ones. Some of them are also now healthy. So,
2 we tried to sort of broaden the context of this
3 objective by emphasizing optimizing social and
4 economic benefits. So, there is some content
5 there as fish stock status has changed over time.

6 But we welcome truly any comments that
7 you have, syntax, content, or otherwise. Okay?

8 MR. BROOKS: Thanks, David.

9 Any other questions or comments on
10 this for Rick or Sarah?

11 (No response.)

12 I'm going to put you on hold for a
13 public comment in a second, Greg.

14 Okay. If not, thank you both very
15 much, and thank you for contracting to fit the
16 time. I appreciate it. But I think the previous
17 conversation needed that time. So, much obliged.

18 MR. PEARSON: Thank you.

19 MR. BROOKS: All right. Let's go to
20 public comment.

21 Other than Greg, any other public

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1 comments? We'll find out. Stay close. Stay
2 close.

3 All right. Greg, if you would come
4 up to the table? To start with, name and
5 affiliation, and public comment.

6 MR. DiDOMENICO: Good morning, and
7 thank you for giving me the opportunity to
8 comment. I really will be brief.

9 My question is to HMS leadership. I'm
10 going to assume that you've received the letters
11 from the Mid-Atlantic Council. I would ask, if
12 you have, then I would request that you send them
13 to the Advisory Panel for review. And I would
14 ask that really in the vein of this last
15 presentation. I feel very strongly that the
16 contents of those letters will give people a very
17 good idea about perhaps some comments they would
18 like to write as you change your objectives and
19 go through that entire process.

20 And, in fact, I would ask the HMS
21 staff to read those letters and consider where

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1 they might be able to -- how they might have an
2 impact on those amendments you're going through
3 to your FMP objectives. I think they fit very
4 well. I think they fit very well to the issue
5 of compliance. I think they fit very well to the
6 issue of enforcement and many other goals and
7 objectives that the HMS FMP has, including
8 sustainability, including the economic and social
9 issues.

10 And from my part, there's a real
11 benefit, I think, to conservation of HMS species
12 contained in some of those letters and some of
13 the requests that they made. So, again, I would
14 ask you to please provide those materials to the
15 AP and to consider them as you proceed with your
16 rulemaking.

17 Thank you.

18 MR. BROOKS: Thanks, Greg.

19 Any other public comments?

20 (No response.)

21 Okay. If not, I want to hand it off

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1 to Pete for wrap-up and priorities.

2 And I do want to mention something
3 that we said at the outset, which was Pete will
4 be doing a slightly different wrap-up this time,
5 not in the level of detail. I've had one AP
6 member mention to me some misgivings about that
7 because it's a really good way for the AP to make
8 sure the Agency is listening and hearing things
9 throughout the course of the meeting. So, I take
10 that comment seriously and do invite people to
11 give us feedback on how to close this out and do
12 it in a way that is responsive and reflects what's
13 been heard, but do it in a way that also feels
14 meaningful to you. So, just keep that in mind
15 and give us feedback.

16 Pete?

17 MR. COOPER: Yes, first, before I dive
18 in, if anybody around the table has anything for
19 just the benefit of the group before we get out
20 of here?

21 MR. BROOKS: Sure. Any general

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1 comments before -- Marcos?

2 MR. HANKE: I just wrote a letter
3 because I sent a letter to the DNR of Puerto Rico
4 on September 31st last year requesting to
5 clarify, for them to clarify the language that
6 addressed HMS on the local regulation. And I
7 didn't receive any response to that. And I make
8 a letter with a space for everybody that wants to
9 help me on this to sign supporting my effort on
10 those clarification issues. And, please, if you
11 can help me to sign this letter in support to
12 this effort to make clear to the fishermen what
13 are the rules in the state waters of Puerto Rico
14 about HMS in a more clear manner. I will really
15 appreciate it.

16 Thank you.

17 MR. BROOKS: Thanks, Marcos.

18 Any other -- Bob?

19 DR. HUETER: Yes, I just want to
20 second what Marcos just asked for. We have a new
21 project down there working with Marcos, and Rai

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1 Espinoza started in September. And I'm getting
2 educated at how chaotic the regulations are in
3 Puerto Rico when it comes to HMS. Basically,
4 it's a total mess. It's not the fishermen who
5 are at fault. It's because the regulations are
6 in conflict with each other. So, fishermen are
7 just -- it's the Wild West, and nothing is clear.

8 So, getting the environmental agency,
9 the territorial agency to address these questions
10 I think is really important, and I urge everybody
11 to sign onto Marcos' letter

12 Thank you.

13 MR. BROOKS: Thanks, Bob.

14 Marty? And then, over to Grant.

15 MR. SCANLON: I just want to take the
16 opportunity, on behalf of Blue Water, to thank
17 and compliment Pete and his entire staff on the
18 outstanding job they have done in fighting
19 through the government shutdown and addressing
20 our concerns, and putting as much of them
21 forward, moving them as forward as possible at

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1 this time. And so, much appreciated by Blue
2 Water. Great job by you and your entire staff.

3 MR. BROOKS: Thanks, Marty.
4 Grant?

5 MR. GALLAND: Similar to what Marty
6 said, I just wanted to also say it's clear the
7 folks who have been pressed into several
8 leadership roles in an acting capacity have done
9 a great job over the last couple of years. And
10 I do hope we can have some permanent folks soon.
11 I don't know if you can offer a quick update on
12 that. But, if not, just great job in the acting
13 capacity and look forward to the permanent
14 person.

15 MR. COOPER: Just a general update on
16 that, I think my 120-day detail ends sometime in
17 June. I don't know exactly the date. But,
18 hopefully, I'll be the last "actor". I know the
19 job had gone out and posted, and they've gotten
20 applications in and I believe are in the review
21 process of moving that forward. It's a whole HR-

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1 type thing. So, when it gets done, it gets done.
2 And I'm expecting to have a permanent person here
3 by the fall. So, hopefully, fall AP meeting
4 you'll have somebody in place to kind of keep
5 moving forward with all of this stuff.

6 MR. GALLAND: Okay.

7 MR. COOPER: And then, I'll just
8 continue on?

9 MR. BROOKS: Yes.

10 MR. COOPER: Does anybody else --

11 (No response.)

12 Okay. So, here's the wrap-up. Yes,
13 it's not the traditional wrap-up where we go
14 through everything, but we are going to have that
15 available online with all the slides. So, check
16 that out. It will be available in the next
17 couple of days. If you see something that's
18 missed, want to add something, clarify something,
19 send me an email; let me know, and we can get
20 that adjusted. So, that will be there for folks
21 to get a quick recap if they weren't at the

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1 meeting, and then, we'll also post the
2 transcripts in full when we get those back. So,
3 that will be there.

4 Everything will be captured, and I've
5 got this giant pad full of notes that I've been
6 taking the last couple of days. So, I definitely
7 will want to make sure that we heard you and we'll
8 be taking what we talked about over the last few
9 days back to the office, and then, moving forward
10 with the stuff that we're discussing.

11 And there was a lot of discussion,
12 lots to think about. You know, I start talking
13 about sardines in my opening presentation, and
14 then, we get right into forage fish. So, that's
15 my fault, I think, but, anyway, it's an important
16 thing that John brought up. And I think that
17 we'll have it on the agenda in the fall to keep
18 moving forward with that.

19 How does HMS get their voice heard?
20 How do we work with the Councils on forage? How
21 does it work with our EBFM implementation plan,

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1 those sorts of things?

2 We also did a lot of other stuff that
3 impacts HMS, but it's not exactly stuff that we
4 are in control of. So, the Deepwater Horizon
5 projects; the SIMP information, the data that's
6 coming out of there. Can we get some aggregate
7 data? Maybe a better understanding of how that
8 system works. The CITES, you know, the shortfin
9 mako discussion, and then, the great offshore
10 wind discussion today, which I think was really
11 needed and I'm glad that we were able to bring
12 Brian in for that.

13 So, these are things that I think we
14 can continue to stay engaged with and update the
15 AP on. When we're going into these meetings,
16 it's always good to get your feedback. I usually
17 send out the email with all the travel
18 instructions and stuff, but, also, there that's
19 the time to say, "Hey, I want to bring some things
20 up on the agenda." The earlier we get that
21 information to integrate it into the agenda

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1 development, it is always better.

2 And then, yes, so yesterday was a huge
3 day, and I was really impressed with everybody
4 being able to power through, stay focused, and
5 keep a productive conversation going.

6 The Amendment 7 three-year review, you
7 know, it's looking pretty, pretty good on hitting
8 some of those objectives of the IBQ program. So,
9 a lot of information there, and I know we hit you
10 with that fairly recently. And then, we're using
11 that to lead into some of our scoping stuff that's
12 coming up over the next couple of months with
13 Amendment 13.

14 And we heard, how do we figure out
15 who's active and getting the quota to those
16 active participants. What are we doing with
17 purse seine? And what are we doing with that
18 quota, and those sorts of things?

19 So, having that at this meeting, it's
20 the first chance at it. Our comment period is
21 open and it's scoping. So, everything is on the

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1 table. We'll take what we got here, and then,
2 if you have more ideas, keep them coming.

3 The same for Amendment 14. You know,
4 the things that we were hearing as far as ABC
5 control rules, using a tiered approach, getting
6 some peer review involved, coordinating with the
7 Councils, getting their feedback on how they do
8 things. So, those are some of the things that
9 we heard, but there's also more.

10 And the data collection for spatial
11 management, we had a good discussion about that
12 yesterday. Right now, there's no dedicated funds
13 for that. So, I think that was one of the ideas.
14 Like how do we move forward? What's the
15 financials on it?

16 In the future, it's hard to say, you
17 know. Shake the magic 8-ball. Probably signs
18 point to -- probably you're thinking what I'm
19 thinking.

20 (Laughter.)

21 But, you know, how can we get some

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1 data from these areas, and then, figure out ways
2 to move forward? So, let's keep working on that.

3 And then, we have our framework action
4 for the pelagic longline area-based and weak hook
5 management. We heard a lot about let the IBQ do
6 its work. It's been doing a good job. Also, if
7 we're going to allow access into areas and look
8 at things and do a review over three years, is
9 the type of review involved rigorous enough? Do
10 we need to add something more? And to kind of
11 look at maybe not treating things in the Gulf of
12 Mexico the same as we do in the Atlantic because
13 we've got different bluefin in different places.

14 The research plan, that's another
15 thing where everything's better with money.
16 There's nothing there.

17 Bennett, I had a cup of coffee this
18 morning downstairs. They didn't have one of
19 those cardboard wrappers. So, I just put a \$20
20 bill around it. It was the best cup of coffee I
21 ever had.

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1 (Laughter.)

2 No, that's not true. I don't have
3 \$20.

4 (Laughter.)

5 So, it's kind of like the research
6 plan; it would be terrific with a lot of money,
7 but like the cup of coffee got me going today,
8 and we can use it as a tool to, hopefully, get
9 some leverage on the HMS research. I was able
10 to use it somewhat recently on a HMS Sea Grant
11 RFP that went out. And so, it would be great to
12 update these. I'm glad we got your feedback on
13 it. And we'll take that, streamline it a bit,
14 and see if we can get the most bang for other
15 people's bucks.

16 Amendment 12, we just had that and
17 public comment on it. So, we'll keep moving on
18 Amendment 12 as well.

19 Dates and upcoming actions. So, we
20 have got all that scoping going on, and comments
21 are due by July 31st.

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1 And then, also, the PLL Area-Based
2 Management and weak hook management stuff. And
3 here's all the documents that we had there.
4 That's not even including the three-year review
5 on that. So, we can't even fit them all on one
6 slide.

7 Some other noteworthy dates. So,
8 comment on the Open Ocean Draft Restoration Plan
9 2 and the Environmental Assessment are due July
10 1. So, there's also a public meeting on June 4th
11 and a couple of webinars, so you can weigh-in
12 there.

13 And then, that oceanic whitetip
14 recovery planning workshop, still tentative, but
15 looking at November 13th and 14th in Miami. So,
16 contact Chelsea if you're interested in
17 participating or have any questions about it.

18 And then, here's some of our upcoming
19 scoping meetings and webinars. We've got a bunch
20 of them for A14, 13, spatial management.

21 And then, we're going to hit the

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1 Councils. We'll hit South Atlantic Council, the
2 Gulf Council, and New England coming up.

3 And then, we roll out the proposed
4 rule for the pelagic longline, area-based and
5 weak hook management. Then, that schedule of
6 public hearings will come out as well. So,
7 plenty of public hearings coming up.

8 Upcoming workshops. So, we keep
9 rolling with our safe handling and release
10 identification workshops. A couple in June, and
11 then, the shark ID workshops for the dealers,
12 there's one June 20th as well.

13 And then, reminders to the AP members.
14 Your Google travel form, so you can just go right
15 here, click on that for your voucher form, fill
16 it out, attach your receipts there.

17 Oh, Carrie, do you want them emailed
18 your way? I think you can attach them or email
19 to Carrie. Either way, get them to her, and
20 we'll start processing that as soon as possible.

21 Return your table tents, name cards.

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1 We'll use them again.

2 And complete the satisfaction survey.

3 I think we have our standard stuff on there, but
4 any other feedback on like how the meeting went,
5 as far as we did a little couple of breakouts.
6 Did you like that? Not like that? Do you want
7 to see like bigger breakouts? Any other things
8 on how we approach stuff here.

9 And the fall meeting, you know when
10 that will be because we always have it the week
11 of Labor Day. But that will get announced in The
12 Federal Register and everything. So, I can't
13 really say, but you know when to be here again.

14 So, thank you all for a busy last
15 couple of days and today. I think we got a lot
16 of great comments.

17 And Bennett for keeping us all on
18 track and getting the best out of all of us.

19 And Carrie for doing all the work
20 behind the scenes here and making it abundantly
21 clear that I am easily replaceable.

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1 (Laughter.)

2 And for all of the HMS staff, and all
3 of the hard work they did leading up to this
4 meeting and during this meeting, and it rang
5 through with the presentations and everything
6 upfront and all the sidebars. Really appreciate
7 all of the work. So, thank you.

8 MR. BROOKS: Just two last quick words
9 from me. One is I think just a recommendation
10 that, if you can send out the summary slides to
11 the AP members rather than just asking folks to
12 come and get them, that will make it more likely
13 they'll see it, would be a suggestion.

14 MR. COOPER: Yes.

15 MR. BROOKS: And then, just my own
16 thanks to everybody for what was a very busy
17 couple of days.

18 And I just really want to echo Pete's
19 comment around your feedback on balance across
20 issues, how we structure the discussions. It's
21 always a balancing act. It's always hard.

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1 There's tons of important stuff to talk about and
2 never enough time.

3 As always, if you didn't get in the
4 queue or didn't get in the queue enough, my
5 apologies. I always do my best to try to make
6 sure we're balancing that right. But any
7 feedback is helpful.

8 So, with that, anything? Last
9 comment around the table?

10 Ray?

11 MR. KANE: Yes, thank you, Peter.
12 Thank you, Bennett.

13 I would just hope that HMS would keep
14 BOEM's feet to the fire. We heard today they did
15 very little research on the HMS species. And for
16 people around the table, this is a track, when
17 it's fully developed, 1440 square miles. So, I
18 would like to see more presentations from BOEM at
19 these AP meetings because my feeling that I was
20 left with is that the Vineyard farm, it's an
21 experimental process, and BOEM is going to learn

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1 from that, but we are left with that. So, I
2 would like to see it in the queue in the future.

3 Thank you.

4 MR. BROOKS: Thanks. Understood.

5 And again, I'll reiterate, I think
6 whatever HMS staff can do to keep you all apprised
7 of the other venues where this is happening will
8 be very important, because that will have a level
9 of detail that we'll never be able to get here.

10 And, David, I've got you. Don't worry.

11 MR. SCHALIT: Thanks very much to both
12 of you, to everyone who was involved here. This
13 was a really excellent meeting, in my opinion.
14 We got a lot done in a very short period of time.

15 Just a couple, one or two comments.
16 I mean, it seems conclusive to me, anyway, that
17 part of the problem we have in scheduling has to
18 do with the government shutdown last winter.
19 Yes, and I just want to bring to everyone's
20 attention, and I probably don't even need to
21 mention this, but we have a serious bottleneck

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1 here. I mean, we are looking for public comment
2 on two different documents by July 31st. We have
3 public comment meetings beginning next week,
4 right, on issues that are basically looking for
5 public comment on a 220-page document. I mean,
6 the likelihood that anyone is going to go through
7 that document, has gone through that document in
8 this time -- what it's going to do is it's going
9 to put a very heavy lean on your presentation.
10 Okay?

11 But I'm concerned about the timing
12 here. It's that this is the beginning of the
13 fishing season. It starts on June 1st, and the
14 very first meeting we have in Portland is on June
15 3rd. Do you see what I'm saying? And I'm
16 worried that we're not going to have the kind of
17 turnout we need because of that. And I'm sure
18 there's no way to avoid this. I just wanted to
19 mention that.

20 And it also creates problems for us as
21 well, the people who are involved in this, in the

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1 AP, because we wanted to give our best comments,
2 and we have to do it over a compressed period of
3 time.

4 The 30-page issues and options
5 document, just a minor suggestion would be, in
6 the future include an executive summary, a very
7 brief executive summary, because we have
8 fishermen who might want to read this or get some
9 flavor on that, but they're not going to wade
10 through 30 pages. They will, however, wade
11 through two paragraphs. So, just keep that in
12 mind for the future.

13 Thanks very much. I appreciate all
14 your work.

15 MR. BROOKS: Thanks.

16 All right. We should let everybody
17 go. Thank you very much, and we'll see you in
18 September. Thanks.

19 (Whereupon, above-entitled matter
20 went off the record at 11:33 a.m.)

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