

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

OFFICE OF SUSTAINABLE FISHERIES

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COUNCIL COORDINATION COMMITTEE

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MEETING

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WEDNESDAY

FEBRUARY 24, 2016

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The Committee met in the Holiday Inn
Capitol, Capitol Ballroom, 550 C Street, S.W.,
Washington, D.C., at 8:30 a.m., Carlos Farchette,
Chair, presiding.

PRESENT

CARLOS FARCHETTE, Caribbean Council, Chair
KEVIN ANSON, Gulf of Mexico Council
JIM BALSIGER, Alaska Region
JOHN BULLARD, Greater Atlantic Region
ROY CRABTREE, Southeast Region
MICHELLE DUVAL, South Atlantic Council
ED EBISUI, JR., Western Pacific Council
DOUGLAS GREGORY, Gulf of Mexico Council
MARCOS HANKE, Caribbean Council
DON HANSEN, Pacific Council
DAN HULL, North Pacific Council
DOROTHY LOWMAN, Pacific Council
MICHAEL LUISI, Mid-Atlantic Council
DON MCISAAC, Pacific Council
CHRIS MOORE, Mid-Atlantic Council
TOM NIES, New England Council
CHRIS W. OLIVER, North Pacific Council
HERB A. POLLARD, II, Pacific Council
CHARLIE PHILLIPS, South Atlantic Council

JOHN QUINN, New England Council
RICK ROBINS, Mid-Atlantic Council
MIGUEL ROLON, Caribbean Council
KITTY SIMONDS, Western Pacific Council
TERRY STOCKWELL, New England Council
WILLIAM SWORD, Western Pacific Council
MIKE TOSATTO, Pacific Islands Region
BOB TURNER, West Coast Region
BILL TWEIT, North Pacific Council
GREGG WAUGH, South Atlantic Council

ALSO PRESENT

EILEEN SOBECK, Assistant Administrator for
Fisheries
PAUL DOREMUS, Deputy Assistant Administrator for
Operations
SAM RAUCH, Deputy Assistant Administrator for
Regional Programs
ALAN RISENHOOVER, Sustainable Fisheries
ADAM ISSENBERG, NOAA General Counsel
CAROLINE PARK, NOAA General Counsel
JANE DICOSIMO, National Observer Program Manager
BRIAN FREDIEU, Sustainable Fisheries
HANNAH HAFEY, Sustainable Fisheries
EMILY MENASHES, Sustainable Fisheries
TRACEY THOMPSON, Sustainable Fisheries
TOPHER HOLMES, Office of Legislative Affairs
BILL BALL, House Natural Resources Committee
Staff
JEFF LEWIS, Senate Commerce Committee Staff
MATT STRICKLER, House Natural Resources
Committee Staff
GEORGE LAPOINTE, NOAA Fisheries
DAVE WHALEY, Council Coordination Committee

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

(8:32 a.m.)

CHAIR FARCHETTE: Okay. I want to welcome everyone and good morning. I would like to welcome everyone to the Interim Council Coordinating Committee meeting being held at the Holiday Inn Capitol, Washington D.C., February 24, 2016.

Anyone who is using internet the access code is up on the screen there. The network capitol access code capitol two. Moving into the roll call I'm going to start on my left all the way down by, yes, Mike.

MR. TOSATTO: Mike Tosatto, Pacific Islands, Regional Administrator.

MR. SWORD: William Sword, Vice Chair for Western Pacific Council.

MR. EBISUI: Good morning. Ed Ebisui, Western Pacific Council.

MS. SIMONDS: Kitty Simonds, the Executive Director.

MR. ANSON: Kevin Anson, Chair for Gulf of Mexico.

MR. GREGORY: Doug Gregory, Gulf of Mexico Executive Director.

MR. PHILLIPS: Charlie Phillips, Vice Chair South Atlantic Council.

MR. WAUGH: Gregg Waugh, South Atlantic Council Executive Director.

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

MR. BULLARD: John Bullard, Regional Administrator, GARFO.

MR. QUINN: John Quinn, Vice Chair New England.

MR. STOCKWELL: Terry Stockwell, Chair New England.

MR. NIES: Tom Nies, Executive Director New England.

MR. HANKE: Marcos Hanke, Caribbean Fishery Management Council, Puerto Rico.

MR. ROLON: Miguel Rolon, Caribbean Council staff.

CHAIR FARCHETTE: Carlos Farchette, Caribbean Council Chair.

MS. SOBECK: Eileen Sobeck, NOAA Fisheries AA.

MR. RISENHOOVER: Alan Risenhoover,

1 NOAA Fisheries.
2 MS. MENASHES: Emily Menashes, NOAA
3 Fisheries.
4 MR. MOORE: Chris Moore, Executive
5 Director of Mid-Atlantic Council.
6 MR. ROBINS: Rick Robins, Chair of
7 Mid-Atlantic Council.
8 MR. LUISI: Mike Luisi, Vice Chair of
9 Mid-Atlantic Council.
10 MR. HULL: Dan Hull, North Pacific
11 Council Chairman.
12 MR. OLIVER: Chris Oliver, North
13 Pacific Council Executive Director.
14 MR. TWEIT: Bill Tweit, North Pacific
15 Council Vice Chair.
16 MR. BALSIGER: Jim Balsiger, Regional
17 Administrator, Alaska.
18 MR. TURNER: Bob Turner, Sustainable
19 Fisheries, West Coast Region.
20 MS. LOWMAN: Dorothy Lowman, Pacific
21 Council Chair.
22 MR. MCISAAC: Don McIsaac, Pacific
23 Council Executive Director.
24 MR. POLLARD: Herb Pollard, Pacific
25 Council Vice Chair.
26 CHAIR FARCHETTE: Okay, thank you.
27 Okay. I've got some people in the back. Do we
28 have a mic?
29 MR. HANSEN: Don Hansen, Pacific
30 Council.
31 MR. WITHERELL: Dave Witherell, North
32 Pacific Deputy Director.
33 (Off microphone introductions.)
34 CHAIR FARCHETTE: Okay, thank you.
35 Before we begin I'd like to thank Brian Fredieu
36 and the NMFS staff for all their hard work in
37 putting this meeting together. And before we
38 begin we'd like Don McIsaac to come to the head
39 of the table.
40 We would like to honor him for his 16
41 years as the Executive Director who is retiring
42 after 16 years as Executive Director of the
43 Pacific Council. Don.
44 MR. MCISAAC: I'll start by saying
45 thanks to everybody for this. I didn't quite
46 expect right out of the gate here to get this and
47 all these presents. This is all very nice.
48 You know, at one point in time I said

1 at the end of the meeting I'd like to say a few
2 words in terms of an exit interview after 16
3 years to maybe offer a few suggestions to the
4 group. But they're all kind of positive that I
5 want to say in terms of an exit interview.

6 And I'll start by saying thanks. You
7 know, the regional councils are kind of a unique
8 regional governance experiment that's gone good,
9 so to speak. You know, we've got eight regional
10 councils here, very dedicated superb people all
11 trying to do good and that's a good combination.

12 And I'm not going to be in St. Thomas
13 to enjoy everybody and to honor Kitty. But I did
14 want to say one thing about Kitty here to
15 everybody. She is really, it's really
16 appropriate that everybody is honoring her in St.
17 Thomas.

18 She is a real 24/7 executive director.
19 I can't imagine what things would be like in the
20 Western Pacific arena if it wasn't for Kitty and
21 all her good work over the last several years. I
22 won't say how many, Kitty. But she really
23 deserves the honors that you'll have down there
24 and she's just been excellent.

25 I don't know where everybody would be
26 out there. I don't know where the fish would be
27 without her. But it would be worse than it has
28 been with her, absolutely.

29 The Magnuson Act, as I said, is kind
30 of an experiment. It provides the councils with
31 a little bit of an autonomous role within the
32 federal system. But, you know, we're really all
33 in the barrel together here.

34 And, you know, I wanted to try to
35 think of good analogy to say some things about
36 the groups here and I went to my biology lessons
37 and got to a symbiotic relationship. You know,
38 we kind of have a symbiotic relationship which
39 according to the definition is a close
40 relationship between two organisms of different
41 species.

42 Now I don't know quite if we're
43 different species here. But there's different
44 kinds of symbiotic relationships. There's one
45 where one of the organisms or one of the species
46 benefits but doesn't harm the other one.

47 So you have the egret, the cattle
48 egret that sits on top of the cattle and when the

1 cattle go in and feed in the grass the insects
2 jump up and the egret eats the insects. Greatly
3 beneficial to the egret. Doesn't hurt the
4 cattle.

5 You have a parasitic symbiotic
6 relationship where it's beneficial to one of the
7 species but not necessarily beneficial to the
8 other one although usually the other one doesn't
9 die. You know, I could use salmon and lamprey as
10 an example.

11 There's a whole bunch of other
12 negative parasitic relationships that just get
13 too negative to talk about. But then there's the
14 one where there's some mutual benefit.

15 So I'll use the example of the
16 symbiotic relationship between shrimp and goby
17 where the shrimp dig a hole and the goby lives in
18 the hole but the shrimp is essentially blind and
19 so the goby darts around and tells the shrimp
20 when there's predators around and they both go
21 down in the hole.

22 And it's the latter that is really
23 what I think we all ought to strive for and I
24 think people have been striving for. When the
25 councils fail then the National Marine Fishery
26 Service fails. When the councils succeed then
27 the National Marine Fishery Service succeeds.

28 When the National Marine Fishery
29 Service succeeds then the councils succeed. And
30 when the National Marine Fishery Service fails
31 the councils fail. So that's the kind of
32 mutualistic relationship that I think we all
33 ought to strive for.

34 And in the past 16 years I have seen
35 that. I think things are better. I think things
36 are better in many ways for the councils. I
37 think things are better in many ways for the
38 National Marine Fishery Service. I think they're
39 better in many ways for the fish and I think
40 they're better in many ways for the fishing
41 communities too.

42 Things can get better and that's what
43 I'm urging everybody here to strive for. So
44 congratulations to everybody around the table
45 here for all the successes that I've seen over
46 the past 16 years and I'm sure that will
47 continue.

48 And I'm just wishing everybody good

1 luck and recommending to you that you just keep
2 it going. Thank you, Mr. Chairman. Thanks,
3 Miguel.

4 (Applause.)

5 CHAIR FARCHETTE: Thank you, Don. We
6 enjoy it every time. Forgive me if I have issues
7 with the names. This is my third schematic I
8 made because people change their cards around.
9 I'm still a little confused.

10 But thankfully I have Eileen and
11 Miguel on either side of me to keep me straight.
12 So we're going to continue on with the National
13 Marine Fishery Service update, Eileen Sobeck.

14 MS. SOBECK: Thank you, Mr. Chair.
15 And, Don, NOAA Fisheries wants to add our
16 gratitude for your 16 years of service. Those
17 are tough jobs. Your job is a tough job, the
18 Executive Council, executive directors it's a
19 tough job.

20 You have to deal with, you've had to
21 deal over the years with your council leadership
22 turning over, government leadership turning over,
23 lots of different personalities on top of the
24 actual substantive issues that you all are trying
25 to address. I don't know how those of you who
26 have been council executive directors this long
27 managed to weather the storm and stick with it.

28 But I do think that institutional
29 stability for the councils is really important
30 and I think you, Don, specifically should be
31 really proud of your tenure as well as all the
32 council executive directors. It is so clear how
33 far we've come, you've come in the management of
34 the resource in the last 40 years.

35 As you know, we'll be celebrating the
36 40th anniversary or we are. It's kind of a
37 rolling celebration. We're going to make the
38 party last as long as possible. So thank you
39 very much from the perspective of the Agency as
40 well.

41 So am I doing my slides? Is somebody
42 doing my slides? Okay. My slides are just
43 pictures. But it's good to see everybody again.
44 When I started about two years ago this was
45 pretty much the first meeting I came to and I
46 basically recognized almost nobody in the room,
47 but Sam.

48 And I'm really thrilled that when I

1 walked in today I really feel like there are a
2 lot of old friends and people that I understand
3 and feel comfortable with. A few of you I'm
4 trying to avoid given some of the unresolved
5 issues that are out there.

6 But, just kidding. But I realized at
7 that first meeting and I do feel every time we
8 meet that these are very useful meetings for us
9 that I'm hearing what issues concern more than
10 one council and, you know, where we have
11 commonality of interest and where we don't.

12 It's actually an interesting exercise
13 and it's a really wonderful opportunity for us to
14 all have one conversation instead of having a
15 conversation replicated but not perfectly
16 replicated in many different fora which is
17 sometimes, you know, leads to unnecessary
18 misunderstandings or sometimes misplaced
19 conspiracy theories or, you know.

20 And I think having, I think this group
21 has friendly but honest, frank conversations and
22 that that's really important. And if we ever
23 move away from that frank conversation then we
24 will have lost an opportunity. So I look
25 forward, I think we try to work with the Council
26 Chair to structure a lively meeting and it seems
27 like there are going to be some good topics.

28 Sam will be here soon. He is probably
29 recovering from his wounds on the Hill yesterday.
30 He testified in front of a Senate Subcommittee
31 yesterday. I think things went pretty well. He
32 got grilled by a certain Senator from New England
33 about a certain program that we won't be funding
34 anymore.

35 But again, it's, it was I think an
36 important exercise kind of kicking off the
37 legislative and budget season. So I want to
38 welcome a few new faces in the room.

39 It seems like this meeting there is a
40 bit more of a turnover than usual. In the South
41 Atlantic it looks like there's a whole new
42 delegation at the table. Welcome, Gregg. Really
43 wonderful to meet you.

44 Gregg Waugh is the new executive
45 director if you haven't met him yet, following
46 Bob Mahood's retirement in January. And Michelle
47 is the new Chair. And Charles Phillips is the
48 new vice chair. So welcome to your team.

1 We also want to welcome several new
2 vice chairs. Mike Luisi, Mid-Atlantic, there you
3 are, thank you, welcome. Marcos Hanke and Leann,
4 is it Bosarge, is she here? She's not here.

5 MR. ANSON: No, she isn't here.
6 Bosarge is here last name.

7 MS. SOBECK: Bosarge, great. And of
8 course Don will be leaving. I think you're
9 formally leaving not until April. So you're
10 actually, this is our last opportunity to see you
11 as a group but I guess you're still going to be a
12 force to be reckoned with here for another few
13 months.

14 Okay. So let's, if we could just move
15 to the next slide. I want to just talk about a
16 few regulatory, policy and research areas that
17 we've been working on at NOAA Fisheries.

18 The first one is this is National
19 Bycatch Month. I've said that several times at
20 NOAA level meetings. People still kind of look
21 at me blankly. But I think Dr. Sullivan
22 understands even if the head of NESDIS doesn't
23 yet.

24 But we realized that there are a
25 number of pretty significant developments in the
26 bycatch area that were all kind of maturing and
27 coming to fruition right at the same time which I
28 think, I think is really helpful to keep the
29 conversation going and to focus the conversation
30 on the fact that we've really made a lot of
31 progress and we have plans to make a lot of
32 additional progress in the general area of
33 bycatch and bycatch reduction.

34 This is an area where we, the fishing
35 sector in general and National Marine Fishery
36 Service, we get a lot of criticism from outside
37 groups and I think the reality is we are making a
38 lot of progress in this area. And I think that
39 by recognizing it and getting our messaging
40 straight around a lot of these different efforts
41 that are coming to the fore is really going to
42 help us with our message.

43 And so we're kind of capturing a
44 number of these efforts under the bycatch
45 umbrella. What we have coming up is the 2014
46 Bycatch Engineering Program Report to Congress.
47 We're releasing our Mortality Science Action
48 Plan. We have a National Bycatch Report update

1 and we have of course our draft National Bycatch
2 Strategy.

3 So we're trying hard to work with all
4 of you and with our communications team to get
5 the word out about what each of these documents,
6 reports, efforts are, how they relate to one
7 another, what they are and aren't. And so you'll
8 be seeing more of that.

9 Okay. Electronic monitoring and
10 reporting and observing. You're going to have,
11 we're going to have an agenda item on this where
12 George LaPointe and Jane DiCosimo are going to be
13 giving you a more detailed presentation and a
14 short update on regional plans and our progress
15 in electronic technology and implementation
16 generally.

17 As you know, we are strongly committed
18 to using electronic technologies to improve
19 timeliness and accuracy of fisheries dependent
20 data collection. And so we really want to thank
21 councils for all their efforts in helping us move
22 forward.

23 It's not easy. It requires
24 investments. It requires planning in order to
25 get data in a cost effective way. We do have
26 regional electronic technology implementation
27 plans that were completed last year. They do
28 provide what we consider at the Agency to be our
29 road map for moving forward and we're solidly
30 moving on that plan.

31 These are the, these plans are what we
32 refer to when we're talking to you all, when
33 we're talking to the Hill, when we're asked,
34 which we are quite often what we're going to do,
35 when. As you know, last year we received our
36 first identified chunk of appropriated funds to
37 apply to EM/ER which is extremely helpful.

38 We were really trying to nickel and
39 dime this and it was really impairing our ability
40 to move forward on actual implementation versus
41 pilot programs. So we are committed to this
42 effort. We look forward to your views and I
43 would suggest, Mr. Chairman, that we, that
44 perhaps at the next meeting in May we ask each
45 council to report on the progress on its
46 implementation of the plan if you all are
47 interested in doing that.

48 So next slide, recreational fisheries.

1 It was a year ago this month that I released our
2 National Salt Water Recreational Fisheries
3 policy. And two months after that we released
4 the national implementation plan. I feel as if
5 we've made quite a lot of progress in the last
6 several years on the rec fishing front.

7 And what we've been working on
8 diligently over the last few months is
9 preparation of our regional recreational
10 implementation plans. I believe that every
11 region has reached out to you or someone on your
12 council to solicit your input on these regional
13 plans.

14 If you need more detail about whether
15 those, whether that outreach has happened or
16 whether you have additional thoughts please, Russ
17 Dunn is here right over here. We are looking to
18 finalize these plans very soon, in the next month
19 or so because my goal is to have them out and
20 that we work hard towards implementation starting
21 this year.

22 I don't want to lose momentum here and
23 really, as we all know, we can have national
24 policies and national plans but the rubber meets
25 the road out in the regions in the fisheries and
26 that's where we are right now. So please if you
27 have any concerns, questions, issues, input
28 please see Russ or get comments to Russ and his
29 team as soon as you can.

30 And additionally, each Council
31 executive director should have received an
32 invitation. I'm seeking your participation in an
33 artificial reef workshop that NOAA Fisheries is
34 co-hosting with the Atlantic States Commission
35 meeting this June.

36 Okay. Species in the spotlight. I
37 just want to touch on this briefly to the extent
38 that it may involve some fisheries. But on, you
39 know, in addition to supporting responsible
40 fisheries management, one of our other prime core
41 mission areas, of course, is recovering protected
42 species.

43 And we have really in the past with
44 our budget and our resources focused, been forced
45 to focus on listings and Section 7 consultations
46 and process and I think that we have neglected
47 the recovery side of the house. We really want
48 to move the needle on some critical species.

1 We really want to get, we want to show
2 that the Endangered Species Act is not a one way
3 ticket to extinction but that we can really turn
4 the needle around, get species going in the right
5 direction.

6 And so we identified a few months ago
7 eight species that we think that with a concerted
8 a five year effort among National Marine Fishery
9 Service and our state and territorial partners
10 and external partners, that we can really make a
11 difference on some critical species, get them
12 going in the right direction, get them to be less
13 of an issue, less of an impediment for other
14 activities.

15 So we have identified those eight
16 species and recently the last week or the week
17 before we issued five year action plans where we
18 highlighted some activities and actions that were
19 sort of taken out of the existing recovery plans,
20 actions that we think could make a difference in
21 the next five years to really get these species
22 from going to a state where their populations are
23 declining to where they're holding level and
24 actually gaining ground.

25 And we are going to, we are committing
26 to moving some of our discretionary resources to
27 help these species and to go to external partners
28 to try to get them involved, whether it's other
29 federal agencies, whether it's our state
30 partners, whether its foundations, organizations
31 like NFWF, Nature Conservancy. We're running the
32 gamut.

33 We really want to highlight
34 partnership in these efforts. It's an agency-
35 wide effort. We're working with other parts of
36 NOAA as well. I think you'll see this reflected
37 in our budget requests. We need the states and
38 territories to help us.

39 But we understand that they don't have
40 the resources to do that. We've asked for a big
41 chunk of new grant money in our Section, ESA
42 Section 6 Grant Program, I think about \$16
43 million. And not that all of this would be
44 devoted to these eight species.

45 But I think that we would, if
46 received, we would welcome proposals that do
47 assist these species and would give them special
48 consideration in the grant process. So we have

1 tried to explain that to our friends at the Hill
2 as we made our budget presentations last week and
3 we hope for a bit more interest and support than
4 we got last year where we got an additional \$1
5 million added to the state grant effort.

6 So next slide. As you know, it's an
7 administration priority to focus on combating IUU
8 and seafood fraud. There was a federal task
9 force. There was a set of recommendations and a
10 very detailed implementation plan with very
11 aggressive time lines.

12 And we have been very successful in
13 marching forward on implementing those
14 recommendations. Earlier this month a very key
15 program, a very key part of those recommendations
16 went public. We published a proposed rule to
17 implement the first phase of a seafood
18 traceability program.

19 This new regulatory program applies to
20 seafood imports into the United States. It does
21 not apply to domestically caught and landed
22 seafood. There are no additional new reporting
23 requirements proposed for domestic fisherman. I
24 really want to make clear it's very important for
25 this rule to understand to what it does apply and
26 to what it does not apply.

27 The proposed rule is designed to build
28 on existing resources and processes to get a
29 uniform reporting system for certain at risk
30 species at the border, at the point of import
31 which is really, the point of entry where we have
32 really our most important ability to figure out
33 what's coming in and take a look at it and to
34 make sure that domestic, that seafood coming into
35 the product, imported product is really competing
36 on a level playing field with domestic
37 sustainably caught US fish.

38 So we hope you all engage and spread
39 the word and take a look at this important system
40 and feel free to talk to us if you have any
41 questions about it. Your former colleague, John
42 Henderschedt has really been instrumental in
43 helping us craft this draft regulation.

44 We, let's see we have a public comment
45 period which is open until April 5th. So we have
46 another good solid month plus. It is extremely
47 unlikely that we will extend the comment period.
48 We are on a very tight schedule to get this rule

1 out by the fall, late summer or fall.

2 So we've got plenty of time to help
3 you wade through the details if you're
4 interested. And if you need any assistance in
5 setting up further discussions on this please let
6 us know.

7 Next slide. So 40 years of Magnuson
8 Stevens. It has, it's been quite a journey and
9 many of you have been part of that for a
10 significant part of time. I really think that
11 this has been an incredible, incredibly
12 successful venture.

13 And by any objective measure we still
14 have a lot of, as Don said, you can always
15 improve on any process or substance. We have a
16 long way to go. We're not perfect. We're
17 reminded constantly of trouble spots, hot spots,
18 places where we have not figured out how to end
19 overfishing or to fully recover fish stocks.

20 But on whole the, where we are now
21 compared to where we were 40 years ago is really
22 an unbelievable success. And I think that this
23 is an opportunity for, that we are trying very
24 hard to communicate that we need to talk about
25 the overall successes and we need to continue to
26 focus on areas for improvement and make,
27 continuing to make progress and additional ways
28 to grow the paths of opportunity for fisherman,
29 for recreational and commercial opportunities to
30 continue to conserve fish stocks for future
31 responsible use.

32 But we have come so far and we should
33 really make sure that our successes as well as
34 our shortcomings are recognized by everybody from
35 members of the public to our elected officials on
36 the Hill. And this seems like a great
37 opportunity to do that.

38 We kicked this off, the campaign off
39 in November. But we are gathering, sort of,
40 evidence and statistics that try to, that sort of
41 capture our successes whether it's the fact that
42 we have the, we are at the lowest level in the
43 last 40 years of the number of stocks that are
44 overfished or subject to overfishing or that
45 there has been a publication of a self-assessment
46 showing that our standards of management in the
47 US under the Magnuson Act more than meet UN's FAO
48 ecolabelling guidelines that we work with our

1 partners to get the successes out there.

2 So on that front, let's see, next
3 slide. I always want to give you an update on
4 where we are on FishWatch. We have a redesigned
5 FishWatch website. So it's a mobile friendly
6 website.

7 And it gives individuals access to our
8 database on sustainable seafood anywhere, any
9 time on any device. I will, so again, this is
10 another tool that we want to get out there on MSA
11 40 campaign.

12 You might notice if you're looking for
13 some of our websites here in the future that
14 NOAA, the parent NOAA has, NOAA just launched
15 last week a newly redone first time in 15 years
16 redone website, noaa.gov site. And so we invite
17 you to go to that site, take a look.

18 See what you think about the way the
19 fisheries link and the fisheries, the new
20 fisheries main website on the noaa.gov site looks
21 and whether you like it or not. It's a great
22 time for feedback. We're still in the early
23 stages of that launch.

24 Okay, next slide, aquaculture.
25 Finally, congratulation, finally we released the
26 final rule to implement the fishery management
27 plan for offshore marine aquaculture in the Gulf
28 of Mexico. This is really a milestone a long
29 time coming.

30 Very interested in taking a look at
31 it. Very excited that Dr. Sullivan was able to
32 announce this while she was down in New Orleans.
33 And I think that it has really helped raise the
34 profile of aquaculture and the importance of
35 aquaculture in our community.

36 I understand we already have a legal
37 challenge to that rule. But that's the way it is
38 in the fishery management business. I don't
39 consider that to be any problem to us moving
40 forward and supporting and implementing this
41 rule.

42 So our overall goal is to facilitate
43 expansion of aquaculture in federal waters as a
44 complement to wild fisheries and a safe and
45 sustainable way. I think we all agree that safe
46 sustainable aquaculture is going to be a part of
47 our fisheries future.

48 Next slide. Just want to note for the

1 record that the final Deepwater settlement is,
2 was just approved this week, right or it was just
3 filed with the court this week. We are very
4 close to finalization of the \$18.7 billion BP
5 settlement.

6 We have done a lot of evaluation at
7 the programmatic level to ensure that when that
8 is approved that there will be, we will be able
9 to move forward, all parties that have projects
10 funded under this settlement will be able to
11 start moving forward. There is going to be a lot
12 of activity in the Gulf of Mexico in the next 15
13 years.

14 A lot of it is going to, obviously
15 involve near shore areas and potentially affect
16 fisheries habitat. Hopefully much of it will be
17 beneficial. But I think that we will all need
18 to, we at fisheries will be working closely with
19 all of those projects to make sure that there are
20 not significant adverse impacts to fisheries
21 habitat protected or protected resources.

22 So the fact that this, you know, we're
23 talking about \$18.7 billion. And that is just
24 from the one BP settlement. There are other
25 significant pots of money that will be being
26 spent in the Gulf over an extended period of
27 time. It's still a huge area of activity.

28 Quickly, I know I'm over my time but
29 I'm almost done. MAFAC, our marine fisheries
30 FACA committee there's a new chair, Julie Morris
31 from Florida. And MAFAC has been focusing,
32 spending a lot of time focusing on climate issues
33 in the past year and that will continue into
34 2106.

35 They are also looking into how NOAA
36 Fisheries can best meet fishing community needs
37 with respect to resources, habitat and
38 socioeconomic resiliency. They did, they've also
39 been looking at protected resource recovery
40 plans, aquaculture and developing recommendations
41 to improve coordination of ESA consultations.

42 So Jen Lukens, head of our policy
43 office, where is she, is here. She is working
44 with MAFAC. We want to make sure that MAFAC is
45 apprised of your priorities and vice versa and
46 that information and reports that MAFAC generate
47 that we bring those to your attention.

48 And then the, almost the last point

1 here is I just want to share with you some
2 internal NOAA Fisheries news just to make sure
3 that everybody knows what's going on with us
4 internally with respect to personnel. As you may
5 know we've advertised for a new west coast
6 regional administrator.

7 Will Stelle is not leaving. He will
8 be transferring to sort of a new position, a
9 senior policy position within NOAA. He will
10 remain based in the Pacific Northwest but he will
11 be moving, when we choose a new regional
12 administrator he will be moving out of that slot.

13 Tom O'Connell who is the former
14 Maryland State Director of Fisheries started on a
15 contract with us and he is working on several
16 areas including how we engage with our state and
17 territorial partners and how we can develop more
18 effective and efficient permitting models for
19 aquaculture.

20 So we're trying to, we know that we
21 work extensively with the states through you all
22 in the council process. But we also work
23 directly with the states and we've asked Tom to
24 really kind of do a deep dive as a former state
25 director into how we can do that most, how we can
26 do that better and whether there are some areas
27 of friction that we need to pay more attention
28 to.

29 In, last August we announced that Jim
30 Landon is our new director of NOAA Law
31 Enforcement. Jim is back here in the corner. I
32 think Jim has been around to almost every council
33 or is still making his way, still making rounds.
34 I think that we are really lucky to have Jim in
35 this position.

36 He had a, he's had a long and stellar
37 career with a lot of law enforcement credentials
38 including working with the FBI and working with
39 NOAA General Council leading their enforcement
40 office. And he and I are working closely with
41 Paul Doremus and I've made it very clear to Jim
42 and I've been very pleased with his follow up
43 that NOAA Law Enforcement is an integral part of
44 NOAA Fisheries and that he really needs to
45 understand our fisheries' priorities to help
46 establish law enforcement priorities and vice
47 versa that our fisheries, scientists and managers
48 need to understand law enforcement problems in

1 helping generate their science and management
2 agendas.

3 And I think that we are moving toward
4 a more integrated model of science management and
5 enforcement which I think is the hallmark of our
6 fishery management system. So I look forward to
7 hearing your reports from interacting with Jim
8 and please make him welcome if he visits your
9 councils.

10 Pat Montanio has returned to NOAA
11 Fisheries to lead our Office of Habitat
12 Conservation when Buck Sutter left. And as many
13 of you may know, Galen Tromble who is the chief
14 of our Domestic Fisheries Division in the Office
15 of Sustainable Fishery will be retiring in April.

16 Is Galen here? He's not. So he
17 started, he had a long career with NOAA Fisheries
18 first in the Alaska region and then for ten years
19 here in Silver Spring as division chief. So that
20 is going to create a big hole in NOAA Fisheries
21 and if you have worked with Galen this next
22 couple of months would be a good time to wish him
23 well.

24 And so I will leave it at that.
25 What's on the horizon? I think that we will, we
26 will leave that to the more substantive
27 discussions where we have, just like we are
28 focusing on issues like budget and what we're
29 doing in terms of science and some of our
30 continuing thorny issues like observers.

31 So thank you for your indulgence and
32 look forward to chatting with you all over the
33 next couple of days.

34 CHAIR FARCHETTE: Thank you, Eileen.
35 I would like General Counsel to make
36 introductions for the record.

37 MR. ISSENBERG: Adam Issenberg,
38 Assistant General Counsel.

39 CHAIR FARCHETTE: Thank you. Any
40 questions for Eileen on the updates? Hearing
41 none we will move forward. Management and Budget
42 Updates FY 2016 and '17 update by Paul Doremus.

43 DR. DOREMUS: Good morning. It's a
44 pleasure to be here and see you all again, have
45 the opportunity to talk about where we are with
46 the budget. Thank you, Brian.

47 And we're going to do a quick review
48 just to step back at the entire budget process

1 having a look at really the grand cycle of budget
2 decision making and the multiple years that we're
3 navigating at any particular time. I'll spend a
4 little bit of time reviewing 2016 with a note on
5 council funding in particular and then look at
6 where we stand with the President's budget
7 requests in 2017 and where we see things going
8 from there.

9 So starting just to kind of reappraise
10 we always and just did a budget briefing for all
11 of our staff internally yesterday and always like
12 to emphasize the complexity and length of time
13 involved in making budget decisions. Very often
14 even in our own staff when the President's budget
15 is released people think that's our budget when
16 in fact we are about halfway through the budget
17 cycle right here and have a long way to go.

18 So we're here in mid-winter looking
19 at, if you can see on your screens Step 5 where
20 we're engaging on the FY'17 budget with Congress.
21 Congress will have their deliberations. We're
22 not exactly sure how that will play out.

23 It's been different every year.
24 Appropriations should be passed in September.
25 Very often they're not as you know. And we step
26 into the execution phases in the best of all
27 possible worlds in the fall.

28 There's a very extended process which
29 I'll highlight in a second. When we even get to
30 this appropriation phase there is often a
31 considerable amount of time before we actually
32 have the resources in our hands to execute.

33 And I want to emphasize that piece as
34 well. So we're a long way off with the '17
35 proposal. We'll talk about details of that. But
36 they'll be considerable amendment of that
37 proposal in Congress when they get to it and then
38 subsequently some period of time before we're
39 actually able to execute those resources.

40 This is a look at any given point in
41 time. Here we are here in calendar year '16 at
42 the outset of the year. And we are executing '16
43 even though we don't have full spending authority
44 yet. More on that in a second.

45 We also have recently released, as you
46 know, the President's budget for FY '17. This is
47 our middle column. And we're about to enter this
48 phase of Congressional deliberation with

1 hearings, mark ups and the like.

2 And we're actually right now in the
3 internal process within NOAA of developing the FY
4 '18 budget. So there's been executive level
5 discussions, discussions in direction from the
6 NOAA administrator and just this week guidance
7 was sent to the budget office for formulation
8 priorities to develop the President's budget for
9 FY '18.

10 So at any given point in time we're
11 navigating a minimum of three. So execution
12 year, budget year and budget proposal year with
13 the PRES BUD and then a planning year.

14 To the point of the kind of many
15 phases of budget development, I think many people
16 are quite familiar with the extended planning
17 phase, internal discussions, where do we need to
18 modify our composition or scale or resources.
19 The President's budget is where things become
20 most visible when they're ultimately released in
21 February.

22 That is when we're able to kind of
23 come forward with the approved composition of
24 resource requests when the President starts his
25 deliberative process through the Hill and through
26 the appropriation process. And my main point
27 here is that a lot of people think when
28 appropriations hit we're done.

29 But there's still steps in the process
30 of getting authority to spend all of those
31 resources from the Office of Management and
32 Budget in the Executive Branch. And in the last
33 several budget cycles that has been predicated on
34 Spend Plan reviews that happen at the Department,
35 at OMB and then on the Hill.

36 So the steps here can take a lot of
37 time. So right now even though we have had a
38 Congressional appropriation for FY '16 we have
39 not yet received apportionment, which is
40 basically the authority to spend the resources
41 from OMB and the Spend Plan review process has
42 yet to happen.

43 So we have been through this cycle.
44 I just wanted to highlight that in particular for
45 people a little bit newer to the process that
46 it's a long way to go before we actually have
47 execution authority. That creates a lot of
48 challenges for us because we end up having a very

1 compressed period of time to actually execute all
2 these resources.

3 And I think you all are fairly well
4 familiar with that. So that's a process. Let's
5 start, the look at the numbers. In 2016, we are
6 again seeing, this is our top bar in blue, we are
7 again seeing some nice steady growth over the
8 resource levels of the prior year.

9 We're kind of building back out of the
10 FY '13 sequestration hole, if you will. And in
11 our core programs basically our operations
12 research lines, our program lines, our Pacific
13 Coast Salmon Recovery Fund, you add those
14 together and in that programmatic area we're
15 looking at about a, just over \$27 million
16 increase, three percent increase.

17 Our overall budget at \$971, is a \$13.5
18 million increase over the FY '15 enacted. So
19 very positive budget. It was a very strong
20 President's budget in FY '16. Many things that
21 were asked for were funded. Many things that
22 were asked for were not funded.

23 And that has factored into our
24 approach for FY '17 as well. So some of the
25 things that did not come through in FY '17 or
26 '16, I'm sorry, we are asking again in FY '17 for
27 Congressional consideration. And I'll get to
28 that in a sec.

29 So just a quick review. On '16 we
30 have covered this with you before. But just kind
31 of refresh on where we ended up. You can see
32 these are our major subactivities.

33 This is kind of highest level of
34 parsing of the budget in our Protected Resources,
35 Fishery Science, Enforcement Habitat and then
36 that subtotal for Operations Research Facilities.
37 And then PCSRF we always note here. So we've
38 seen progressive growth on all of these lines.

39 Most notably up to FY '16 the largest
40 numbers from '14, '15, '16 have been in the
41 Fisheries Science and Management line. And a
42 couple of notable things there I'll point out in
43 the next slide.

44 But we had very fortunately
45 Congressional approval of a \$7 million request
46 for electronic monitoring and electronic
47 recording. So we're starting to build a real
48 base program there. That's a whole part of that.

1 And there was also a part that wasn't
2 requested but was provided with Congress which
3 involves a \$5 million increase to enhance data
4 collection efforts in the Gulf of Mexico for reef
5 fish. And we can talk a little bit more about
6 that if that's of interest.

7 There's a couple of other pieces I'll
8 point out. But that's the area largely because
9 of those two things where we see the largest
10 increase in our subactivity level. Enforcement
11 relatively steady.

12 We had the benefit in '16 of some
13 recognition of our enhanced enforcement
14 requirements associated with illegal, unreported
15 and unregulated fishing and the like. One good
16 piece of news is the steady state on our PCSRF
17 funding. That has been a little bit of a budget
18 football and our proposed and enacted levels have
19 seemed to stabilize around the \$65 million level.

20 Here's, in this slide the kind of
21 reminder slide on where all the increases laid
22 out. We did get a small amount of attention to a
23 larger request for species recovery grants. This
24 comes back, this is one of the ones that comes
25 back again in FY '17.

26 Very, very strong strategic focus of
27 ours on recovery. This provides external grants
28 for that purpose. EM, I mentioned \$7 million.
29 That's a big one. And then also our effort to
30 hear, respond to Congressional interest in
31 improved data collection for Gulf of Mexico reef
32 fish. That's \$5 million.

33 They also directed the OAR Sea Grant
34 Program and another portion of our budget to also
35 provide \$5 million for the same type of purpose.
36 And they provided about a \$2.5 million increase
37 but told them to spend \$5. That's the type of
38 Congressional direction we sometimes get.

39 And we're collaborating very closely
40 with Sea Grant Program on a joint effort here and
41 are just as a matter of fact starting off with a
42 combined workshop that's bringing together, with
43 Sea Grant it's bringing together stock
44 assessment, data collection, expertise in the
45 private sector, fishing community,
46 commercial/recreational with state and federal
47 experts to determine where we should be asking
48 for grants, where would be the most profitable,

1 most useful, most usable data that would help
2 serve Congressional intent here to get a good
3 assessment of Gulf of Mexico reef fish focusing
4 on structures both artificial and natural.

5 We got some nice recognition of
6 aquaculture here. And again that comes back in
7 '17. And this \$3 million increase for
8 enforcement was a very, very welcome
9 Congressional reaction to our request to follow
10 through on the enforcement implications of the
11 President's Task Force on IUU fishing and seafood
12 fraud which has been a big strategic focus not
13 just of fisheries but of NOAA's and of the
14 Administration's.

15 And we also have in complement for
16 this effort here which gives us literally some
17 boots on the ground in strategically selected
18 areas to try to address that need. And here also
19 we were, the last major in '16 that we're very
20 pleased to have the ability to pursue is a \$5
21 million grant program for Coastal Ecosystem
22 Resiliency Grants.

23 This is coordinated very closely with
24 the National Ocean Service. They have a similar
25 but different focus on ecosystem and Coastal
26 resilience, a little bit more focused on built
27 infrastructure. So we're trying to combine these
28 two efforts and in FY '17 those are combined in
29 the NOS Program.

30 Here is our slide of great interest to
31 you and we'll get into the detail on the council
32 line. This basically shows the progression of
33 fisheries total budget in the columns here and
34 the line which is on the right hand scale is the
35 Council PPA.

36 So this is not the total amount of
37 money going to councils. In a prior graph we had
38 that there. But this is just the Council PPA.
39 And I'll show you the total picture next slide.
40 But you can basically see the progression with
41 our total budget.

42 We haven't seen any major departure
43 from the general progression of our budget with
44 the council appropriation, which included our
45 famous sequestration year here where we were all
46 dealing with lower budgets. And for a long
47 period of time as we talked about it that time,
48 our budget declined 12.5 percent from FY '10 to

1 FY '13.

2 We were able to keep the council line
3 fairly steady at the front end of that. But when
4 sequestration hit, it hit everything. And we've
5 been through that history and we're pleased to
6 see some positive growth since then to make sure
7 that you all have the resources that you need to
8 do your jobs.

9 Here is the detail table which we
10 present to you every year. This takes that
11 number on the prior slide, here is our 15
12 Regional Council PPA, 15 level of \$23.233 up to
13 \$23.9. We've got about a \$707,000 increase, two
14 and a half percent increase in this line.

15 And then as you're familiar, this
16 shows the additional funding resources that come
17 out of other areas, NEPA, ACL implementation, et
18 cetera that ratchet into the total that's
19 available for the council commission line. So
20 we're pleased to see here that at least in the
21 omnibus we've got a ways to go before we get to a
22 total fine line here, we're pleased to see a
23 \$28.6 million level that allows us to progress
24 with the councils.

25 One detail I want to mention and this
26 is not seen here, but we've had a lot of
27 discussion over time about the requirement across
28 all of NOAA to apply management and
29 administrative cost. We are continuing and this
30 number reflects a continued four percent
31 management administrative cost.

32 That was the subject of a lot of
33 discussion back around sequestration days. And
34 we also have, at the same time in NOAA growing
35 pressure on all of the lines to fund corporate
36 costs that have been capped in the appropriations
37 process.

38 Many of you have heard either from us
39 in fisheries leadership or perhaps from folks in
40 the region how challenging our workforce
41 management office has been at NOAA. That is
42 undergoing a wholesale restructuring.

43 There's a major effort both in the
44 workforce domain as well as in other areas like
45 IT to outsource some of the transactional aspects
46 of that corporate service. The Department is
47 pursuing this. It is a large, aggressive
48 restructuring of our corporate services to get us

1 to acceptable levels of service in those areas.

2 That's going to cost. And right now
3 we are being asked, along with all of the other
4 lines, to contribute to those costs. And the
5 good news story here and this is our particular
6 going away present and acknowledgment of Don
7 McIsaac, we have opted not to include those costs
8 in this, only in this council commission area.

9 And that's our way of acknowledging
10 Don's close and studied look at the budget every
11 year and his advocacy for the whole organization.
12 And I'm partly being in jest. But we really do
13 feel that is the most fair and appropriate way.

14 Those are aspects of the running of
15 our business that really do not touch what it is
16 that you do. We do have management and
17 administrative costs that are being acknowledged
18 here and we're going to leave it at that.

19 But partly in jest but partly in
20 acknowledgment seriously of the importance of
21 your work. So I just wanted to mention that not
22 on page but that's part of our choice there so we
23 can try to keep that line progressively moving
24 forward as is the case with the rest of our
25 budget. So overall good news there.

26 So let me hit the '17 budget quickly
27 and we'll leave plenty of time for Q&A as there
28 often is. The President's budget was just
29 released. You can get a very, very good summary
30 of NOAA's entire budget and it's very helpful to
31 see fisheries in the context of the total
32 organization.

33 And this budget gives you a really
34 nice synopsis not just of fisheries but of the
35 rest of NOAA. And this is a very brief account
36 just in terms of the basic budget for NOAA as a
37 whole a \$5.9 billion organization.

38 A good portion of that, nearly 40
39 percent in the case of our environmental
40 satellite data and information services is a
41 capital intensive line of business. We're
42 recapitalizing our satellite observing systems
43 for weather and climate.

44 That benefits us all. It is a huge
45 national asset and it's expensive. So \$2.3 of
46 our \$5.9 goes into that business line. The
47 Weather Service is here at over a billion in this
48 darker line, that's fisheries. So we're

1 effectively the third largest component of NOAA
2 just in terms of dollars.

3 But the important thing is to
4 acknowledge the interdependencies here. You
5 can't have fisheries without a fleet. Those are
6 not in our budget line. Those are here in OMAO.

7 You can't have our organization or any
8 of these other pieces function without Mission
9 Support. That's providing all of those corporate
10 services I alluded to before. That is a CAT
11 level.

12 So some of those expenses get covered
13 elsewhere. And you can't have functioning
14 fisheries actually without a lot of this
15 observing system content that we're getting from
16 our satellites, including but not limited to
17 climate information which is increasingly
18 important to our understanding of the direction
19 and pressures on living marine resources.

20 So this is an integrated organization.
21 We're going to focus only on our piece. But our
22 ability to recapitalize fleet and our ability to
23 benefit from these other pieces, including
24 programmatic research with OAR on the climate
25 front which we've been pressing fairly
26 aggressively, that's all going to be part of our
27 future as it is part of our present. And we hope
28 to get even greater benefit out of our other line
29 office allocations in the future.

30 On '17 here's the overview like we
31 looked at for '16. Again, a very, very solid
32 acknowledgment of our core mission needs by the
33 administration in this budget. So we're seeing
34 overall a \$44.2 million increase, about a 4.6
35 percent increase from '16 to '17.

36 So you can see the nice, kind of
37 gradual bump out from '15, '16 to '17, gradual
38 growth in our available resources. And that
39 reflects a lot of things. But we're going to
40 focus on the program pieces here where we have
41 recognition of some of our program priorities and
42 pressures on our organization.

43 Slide 15 covers, similar to the 16
44 slide that I showed you this is the subactivity
45 level, again the first order disaggregation of
46 our budget into these big pieces. And the main
47 thing I'm going to point out here and we'll get
48 into some of the details, one of the things that

1 we were somewhat disappointed in, in FY '16 is
2 that we have very, very strong and growing
3 pressures on the protected resources side of our
4 mission functions here in this top line related
5 to the consultation work that we need to do under
6 the Endangered Species Act.

7 That was an area, a core consultation
8 request in FY '16 that was asked for but not
9 provided and we're coming back again in the FY
10 '17 budget and asking for that along with some,
11 again a proposal for a stronger funding of
12 external grants for species recovery. So unlike,
13 for years and years as you've heard from me the
14 strongest growth has traditionally been in our
15 fisheries science and management domain.

16 That's where we were able to hold
17 steady during pressured budget years and we've
18 had better Congressional recognition of our
19 mission functions and mission requirements on the
20 fisheries science and management side generally,
21 just in terms of dollars appropriated, generally
22 than we have on the protected resources side.

23 So this budget is putting a little bit
24 more emphasis on areas that have not been
25 recognized in prior requests. And that's why you
26 see the larger increase from '16 of 182 to 216.
27 That proportionally is a larger increase here.

28 We have other important changes,
29 certainly large ones in the fisheries science and
30 management domain, a \$13.5 million increase from
31 '16 to '17. And there are some important pieces
32 in there that I'll highlight in a second and then
33 a couple of other smaller moves in enforcement
34 and elsewhere.

35 But this gives you our total picture
36 of \$1 billion and the 904.7 number plus PCSRF is
37 what we call in effect our sort of core program
38 budget line. So again, a very positive budget
39 overall and I want to highlight a few pieces and
40 then open it up for discussion.

41 Looking across our priority areas in
42 the fisheries management science and tech domain,
43 so this is where we are emphasizing areas of
44 investment to conduct our core work on the
45 fisheries side more efficiently in the future,
46 there's a \$5.9 million increase in here for
47 understanding coastal habitats, to strengthen
48 community resiliency.

1 That's a piece that I talked to you
2 about recently as well as our domestic
3 aquaculture increase, about a \$1.5 million
4 increase tools for rules trying to advance,
5 Eileen mentioned at the outset the Gulf of Mexico
6 aquaculture rule. We are trying to provide, if
7 you will, a smoother and a better greased
8 platform for increased investment in domestic fin
9 fish aquaculture and other aquaculture resources
10 around the country.

11 We also have very strong requests here
12 for our protected, to protect threatened and
13 endangered species. Big emphasis on our core
14 consultation capacity. There's a both an
15 Endangered Species Act and an essential fish
16 habitat piece of this.

17 So that's in two different parts of
18 our budget. A total of about \$20 million between
19 them, \$13.5 for the ESA Section 7 consultation
20 work and \$6.5 for EFH consultations. There are
21 huge economic consequences of not being able to
22 efficiently conduct these types of consultations.

23 We have been very pleased with
24 Congressional understanding of this in our
25 briefings on the Hill in recent days. And we
26 hope that there will be continued acknowledgment
27 of the economic and environmental consequences of
28 our basic ability to do these required
29 consultations.

30 So this is something that, it's an
31 essential government function. Only fisheries
32 can do it. We're required by law to do it. The
33 demand and the volume has just been accelerating
34 like crazy particularly in the Gulf.

35 We expect more with RESTORE Act and
36 also in the Pacific with our increased focus on
37 corals there. So those are among the drivers of
38 the increased volume of requests for
39 consultations under those provisions.

40 I had mentioned earlier this is our
41 limited, sort of new programmatic focus and it's
42 really an augmentation of our core functions in
43 the enforcement domain. But we're asking for an
44 additional \$1.5 million to complement the \$3
45 million that we were able to obtain in FY '16, \$3
46 million and about '15 FTE.

47 This would provide resources to engage
48 the states through our joint enforcement

1 agreements more broadly and also to take best
2 advantage of some of the traceability related
3 data collection efforts particularly through the
4 trade data collection systems that are being set
5 up for more broad, more broadly for trade
6 purposes across the United States.

7 And that will provide a really great
8 data stream for us to be able to meet the
9 expectations of our focus on combating illegal,
10 unreported and unregulated fishing as well as
11 seafood fraud. So those are huge pieces there.
12

13 We also are really pleased, particularly
14 those of us who are grappling with the continued
15 deterioration of our physical infrastructure
16 assets, we have a very important laboratory
17 building in Washington State and the laboratory
18 at Mukilteo that was, a laboratory that we've
19 been using for decades. It was basically a naval
20 facility never designed for the purposes that we
21 have it being used for or for the length of time
22 that we've been using it.

23 This whole thing sits on pilings that
24 have been eroding and they have been eroded so
25 far that we had an engineering inspection that
26 showed that the pilings were actually
27 structurally unsafe. We had to pull everybody
28 out of the building for a couple of months.

29 That building is now sitting on jacks.
30 Every month we're adjusting the height as it
31 settles and moves. There's two major, major
32 framing jacks on the side of each piling. It's a
33 whole lattice of jacks under there that they
34 adjust.

35 We've got about five years that we can
36 stay in this place. This is a really critical
37 laboratory for us. We have a line going out from
38 there into some of the most stable, clean, pure
39 ocean water for our experiments. This is a real
40 hub for ocean acidification work and
41 understanding ocean acidification impacts on
42 shellfish and other marine life.

43 And that's an area that we really
44 desperately need and with a new facility will be
45 able to actually do much more effectively. And
46 we're hoping, we've got a \$4.6 million increase
47 here to do some of the initial design,
48 permitting, preparation work and we hope to be

1 able to follow through with this in future years
2 as remains to be determined.

3 With administration priorities, a lot
4 of competing priorities we will see. But it's on
5 the order of a \$28 million complete rebuild of
6 this facility and we hope to be able to see that
7 coming forward in the future.

8 So this all kind of totals out if you
9 want to get one slide that looks at the
10 President's budget in a few nice baskets. We've
11 been emphasizing our core capacity investments,
12 the ESA work and smaller requests for Pacific
13 salmon or species recovery grants in the
14 facilities pieces I just talked about.

15 That's really keeping the core mission
16 machinery of the organization moving forward and
17 that's how we kind of look at that basket of
18 activities. We've got some augmentation, what
19 we're calling strategic programmatic investments
20 that are related to the IUU seafood fraud
21 priority of the administration and many of our
22 stakeholders and partners in the industry and
23 elsewhere.

24 So we're pleased to have some
25 additional resources on top of FY '16. And then
26 in trying to increase our ability to do our core
27 fisheries work more effectively in the future and
28 address a lot of contemporary stressors that we
29 need to accommodate.

30 We've got a series of investments here
31 that I've already highlighted the bulk of them
32 for our grant program on ecosystem based
33 solutions for fisheries management, aquaculture,
34 the resilience grants, observers in training a
35 small increase gets us about 1,000 additional sea
36 days there. Continued moving out on our Catch
37 Share Program, a modest increase of \$2.5 million.

38 And then just a catch up piece from
39 prior, the Distributed Biological Observatory in
40 the Arctic is something we've requested for
41 several budget cycles now and hasn't come
42 through. So that's a continued ask, modest but
43 important observation capability out there.

44 One thing that we didn't include here
45 and it's, only in Washington can you have a
46 decrease that's actually an increase. But you
47 will note in our budget that there is a decrease
48 of \$5 million, I'm sorry, of ten for the coastal

1 Resiliency grants.

2 And what that effectively is, there's
3 been a lot of discussion, I mentioned before the
4 complementarity between the resiliency grant
5 program that we have run this year with a similar
6 grant program that NOS has run. And the
7 administration's proposal is to consolidate all
8 of that under the NOS budget line.

9 We will continue to work very closely
10 with them. We'll be pursuing some of the same
11 objectives. But the decrease for us actually
12 goes over to NOS and it's really not a decrease
13 for NOAA. So that's just a consolidation piece
14 that I wanted to mention that affects our bottom
15 line but it is, we're pleased to be able to
16 continue to work very closely with NOS on
17 implementing that broad base pursuit of coastal
18 and ocean ecosystem resiliency.

19 So to close out here, we're, we are
20 well-funded in 2016, I believe, for our core
21 mission functions. Got a long way to go before
22 we see '17 enacted. You all are as well aware as
23 we are of how many changes we are likely to see
24 in the coming months in our budget and policy
25 environment.

26 So this will be likely an area of
27 great debate and consideration in the coming
28 months. And our focus, as has always been the
29 case, on execution of our current resource level
30 of \$972 million, our best path to success in the
31 future, we believe, is with the most effective
32 execution of that.

33 And our ability to do so relies at its
34 core on your work. And so we are very grateful
35 to have the close, collaborative working
36 relationship that we do have with the councils as
37 well as with the commissions. And we look
38 forward to working with you and continuing to
39 improve the management of these precious
40 resources that we're entrusted with.

41 So thank you. Again, I do want to
42 make one last acknowledgment here of Don McIsaac
43 if I could. Don told me when I first met him he
44 invited me to a council meeting which I did and I
45 had a really nice lunch with Don and Dorothy.

46 I don't know if you remember. And
47 they were telling me that they were pretty
48 certain that my predecessor had left a, kind of a

1 secret cache. There's always seemed to be a
2 cache or resources that we could always find. It
3 was somewhere in the office.

4 It had to be that safe. And I told
5 him, I assured him, you know, I scoured up and
6 down and I emptied the M&M jars and I could not
7 find any spare coin. And this is as our budget
8 was declining.

9 And he said, honest to God there is a
10 way to print money in that, it's in the office
11 somewhere. Just keep looking. Well I found it.
12 I found the money printing machine.

13 So I cranked off a few million for Don
14 here to make sure that he can really make it
15 solid in his retirement and people told me that
16 well, costs have gone up these days. According
17 to what I got here, six million dollar bills that
18 for Don that should work.

19 And we didn't think that might do it
20 so we printed out a nice solid trillion dollar
21 number for you. So I'm going to pass this down
22 to Don and make sure he has great success in his
23 next steps.

24 (Applause.)

25 CHAIR FARCHETTE: Thank you, Paul.
26 And I'd like to acknowledge Sam Rauch. Welcome,
27 Sam. Any questions for Paul?

28 MR. ANSON: Kevin Anson, Gulf of
29 Mexico. Thank you for the presentation, Paul.
30 This might be down in the minutia for you. But
31 I'm just curious you had on your Slide Number 8
32 that reference to the \$5 million that's been
33 apportioned to the Gulf of Mexico for stock
34 assessments.

35 And you have the \$75 million total.
36 I'm just curious because we often deal with
37 limited staff and resources through the science
38 center they have to do assessments for three
39 Councils essentially and we don't seem to ever
40 have enough assessments. Do you know what that
41 overall number, the \$70 million if you took away
42 the five that was added this year, how that
43 compared to previous years?

44 And I noticed they've been trying to
45 staff up and I'm just curious if that's been
46 static or has that improved any.

47 DR. DOREMUS: I don't have that number
48 off the top of my head and we can certainly get

1 it, the break out that ultimately ends up as the
2 budget for the southeast center. Very good
3 question.

4 I'll be able to provide that number
5 for you. It is like most of our centers we're
6 seeing in these numbers adjustments to base. So
7 we're getting some recognition of increased staff
8 costs, things of that nature.

9 And then different of our initiatives
10 have different implications for the center. So
11 we don't have that totally worked out yet. We
12 have good estimates but not totally worked out
13 yet for '16. And we can provide that information
14 for you.

15 It's a really good question and I will
16 note as we noted when we had some consultations
17 with the Hill, on this five plus five fisheries
18 and Sea Grant focus on independent data
19 collection in the Gulf, as you all know in this
20 line of business it's one thing to collect data.
21 It's another thing to have a good stock
22 assessment and to have useful information for
23 management.

24 So we've been trying to apprise our
25 Congressional stakeholders. We are very, very
26 grateful for these resources. But there's a lot
27 that we have to do internally, as you recognized
28 to be able to use this data productively in the,
29 in our models and in the whole science based
30 deliberative process.

31 So we are basically going to absorb
32 the internal implications of that increased data
33 collection on our existing resources. We need to
34 keep an eye on that over time, as you suggest.
35 And we also, you know, have been emphasizing, as
36 Congress asked for, that those will all be
37 external grants.

38 So the activity that we need to
39 conduct to be able to direct that grant driven
40 data collection effort most productively and to
41 be able to adjust models and to be able to use
42 that information over time will require some in
43 kind contributions from us effectively. So we
44 need to keep an eye on that.

45 We'll provide our center level numbers
46 for you. But that is a growing demand and we
47 need to pay attention to our internal costs as
48 well.

1 MR. ANSON: Thank you.

2 CHAIR FARCHETTE: Rick.

3 MR. ROBINS: Thank you, Mr. Chairman.
4 Paul, thank you very much for the presentation.
5 And your comments about Don I think personally
6 remind me of how indebted we all are as councils
7 for his leadership which has been very consistent
8 on budget matters.

9 If there were ever a decimal point out
10 of place or a comma out of place we could always
11 count on Don to find it and bring it to our
12 attention. So we're all very indebted to Don for
13 his consistent leadership on the budget items.

14 I do have one question. Terry
15 Stockwell and I are co-chairing an advisory panel
16 and it's the Northeast Trawl Survey Advisory
17 Panel in the Northeast Region. And that's
18 examining the details and structure of the trawl
19 survey that we have in operation in the
20 northeast.

21 And just based on some of the
22 preliminary discussions we've had with the
23 industry participants that are on that I'd be
24 surprised if, as we come out of that we don't try
25 to explore ways to expand the industry based
26 surveys within our region.

27 And one of the impediments to that is
28 the fact that the line item funding for sea time
29 on, for example, on the Bigelow which does the
30 survey in our region comes out of OAMO. And that
31 simply can't be transferred or reallocated by the
32 science center if we say that we would like to
33 see that alternative survey model expanded.

34 So if as a sort of long-term game plan
35 we want to try to create space for that, what
36 would that require? Is that going to require
37 specific appropriations language to make room for
38 industry based survey type work in our region or
39 what means, what might we pursue to get that type
40 of funding?

41 DR. DOREMUS: I could only speak in
42 general terms about that. Sam may have
43 additional comments and if Richard were here he
44 would have a good reading on that as well.

45 Generally speaking, if we don't have
46 an increase in our funding lines for survey work,
47 data collection work doing that would require
48 moving resources from other existing surveys. So

1 it's often a tradeoff that is really very
2 difficult to try to make.

3 I mean we do pursue and have
4 benefitted from joint industry fed survey work
5 such as the sardine hake combined survey that
6 we've done on the west coast a number of times.
7 So generally speaking, we are quite receptive to
8 areas where we can either increase the quality or
9 effectiveness of the data collection effort at
10 current cost or with modest increase really be
11 able to do a different type of job in the data
12 collection process as you're suggesting.

13 That generally comes down to
14 resources. So our core funding lines would need
15 to be augmented typically to be able to do that.
16 Do you have any addition to that?

17 CHAIR FARCHETTE: Okay. I have Don
18 and then Doug and then John Quinn.

19 MR. MCISAAC: Thank you, Mr. Chairman.
20 Yesterday a couple of us, a subset of us were
21 able to get together and take a look at some of
22 this information. And I had my normal set of 72
23 medieval torture questions to put forward.

24 But considering these six million
25 dollar bills, and the one trillion dollar kicker,
26 that takes the edge off a little bit. So when we
27 spread this around to the folks maybe we'll be a
28 little better off.

29 However, I do have two questions and
30 wondered if we could take a look at Slide 9. And
31 let me start by saying thanks for getting this
32 information out last week. That enabled us to
33 have a more thorough discussion yesterday and
34 then the correction came through yesterday on one
35 of the slides.

36 And so we appreciate that because then
37 we're not in a position of having to think on our
38 feet here. Actually maybe it's the next slide,
39 ten which slows the individual breakdowns. And
40 the prior slide had a graph of the Council PPA
41 only as opposed to the full amount of funding.

42 And in prior years, 2010 and '11, some
43 of these rows were a little larger. ACL
44 implementation I think had reached \$4 million at
45 one point. There was another row for LAPS that
46 was about a million dollars.

47 And so there's been some jiggling
48 around on this. However, when we went back and

1 looked at it the pattern was still the same. If
2 we graft the equivalent of the \$28.636 million
3 out and just put in our totals instead of just
4 the PPA the pattern was still the same.

5 And so we also want to say thanks for
6 the increase of some \$700,000. Different
7 councils need a little bit different amounts of
8 money to completely do their job, as you say.
9 And it was unclear to all of us the original
10 source or purpose of that increase and what
11 exactly it was supposed to satisfy.

12 So let me ask you to turn to slide 23.
13 And in terms of the future make this, put up this
14 question. Slide Number 23 is the 2017
15 President's budget detail. And I'm not sure,
16 Brian, if you're the one who's got that.

17 There we go, okay. So in terms of the
18 questions of what is needed by all the councils
19 and what we set aside in 2016 as something that
20 we'll work as it stands and as the things are in
21 progress. What about 2017, '18 and beyond?

22 How do you know what the councils are
23 interested in for those things? I look at the
24 National Catch Share Program plus \$2.5 million.
25 Ecosystem based solutions for Fisheries
26 Management plus \$5.9 million.

27 It's unclear to the councils what
28 input you've taken as to the councils needs in
29 those areas. And so when 2017 and 2018 come
30 around what will that allocation of the councils
31 be? It seems there is room to improve in terms
32 of getting some input from the councils as to
33 future budgeting as to what might be needed.

34 In 2016, I think there was a plus \$7
35 million for the EM reporting and monitoring. And
36 it was unclear whether or not that might have
37 been a source for some of the \$700,000 increase
38 or not.

39 So maybe it's not so much a direct
40 question but a suggestion that as we move forward
41 through the years maybe we can do some
42 improvement in having the councils provide some
43 input about what each of them might need in some
44 of these specialized emphasis areas that we think
45 are coming up or that you think are coming up
46 just to do a little better job in coming together
47 on those.

48 DR. DOREMUS: Thank you, Don. Much

1 appreciate the questions and as always very much
2 on the mark. The \$700,000 increase let's start
3 with that. That is basically a reflection of our
4 budget language of adjustments to base.

5 So that's meant to really capture as
6 adjustments to base are done across our budget,
7 that's meant to capture rising costs. So all
8 councils have rising costs dominantly in staff.
9 And it isn't really directed towards any type of
10 programmatic purpose.

11 We haven't received any direction from
12 Congress nor do we have any internal reason to
13 change allocation at this point across councils.
14 We have this, the chart that you looked at, the
15 distribution by region hasn't changed over time.

16 We have talked at various points about
17 that issue. It opens up many secondary issues
18 that we have not yet seen the need or the benefit
19 to do although perhaps in the future we could get
20 better at it as you suggest.

21 We do take and benefit greatly from
22 the input that you all provide in various ways.
23 We have, as you know, consulted with you on our
24 regional strategy plans both at the regional
25 office level and at the science center level as
26 well as your own identification of R&D priorities
27 and research priorities, if you will.

28 Those are among the many key inputs
29 that we use when we consider where do we want to
30 try, where are the most urgent areas to try to
31 increase investment in. To the point of what the
32 implications are for specific councils, we
33 haven't got to that level of detail in our
34 planning.

35 And I think you're making a good
36 suggestion and we'll see what we can do in terms
37 of more effective joint planning in the future.

38 CHAIR FARCHETTE: Okay. I have Doug.

39 MR. GREGORY: Thank you, Mr. Chairman.
40 I have maybe a couple of questions and an
41 observation. The second question I think is
42 related to something you just mentioned.

43 But the first thing is 2015 was a good
44 year for us because we were able to have a no
45 cost extension of our 2014 money and a number of
46 us had quite a bit of money because we didn't get
47 our budget information, our money until July of
48 that year. In 2015, we got our full budget we

1 did early in the year.

2 And that was great. We appreciate
3 that. If we could continue to get our money
4 early in the year it helps us with our budgeting
5 and planning.

6 The observation is it looks like
7 during our five year grant we're going to see
8 about a three to four percent increase in our
9 budget although we initially did our five year
10 budget with an anticipated ten percent increase
11 based on guidance from NMFS.

12 So we'd like to go back and look at
13 that. The thing is the leisure industry has been
14 doing much better than I think the general
15 economy. And the costs of our meetings and our
16 travel is going up much greater than three to
17 four percent.

18 So we're going to have to look at our
19 budget near the end of the five year grant
20 because we might get squeezed because of these
21 increased costs. We're even having difficulty,
22 and I've talked to some councils and they're
23 having a similar problem of finding hotels that
24 will accept us because the way we're structured
25 is we hold the rooms overnight but we don't hold
26 banquets or generate any money for the hotel
27 during the evening.

28 So there's more and more hotels who
29 don't like us because we take up a lot of space
30 and generate too little income for them. So
31 that's a challenge.

32 The second thing and I don't know if
33 this is the right time in the discussion, was
34 that you referred to the various strategies and
35 priorities and draft documents that we've been
36 getting. Over the past year we've, I don't know
37 we've probably have ten or 12 IUU, bycatch,
38 climate, ecosystem based fisheries management,
39 cooperative research and management, recreational
40 policy, catch shares, electronic monitoring and
41 last but not least, assessment prioritization.

42 We haven't been given enough time to
43 really provide comprehensive comment back to the
44 administration because we haven't been given
45 enough time to have a council meeting to discuss
46 these. So a request I have for that is if you
47 could give us like a one year schedule of what
48 you're working on and when you anticipate having

1 these things come to us we can build that into
2 our council meeting schedule.

3 It's easy for us to set aside time for
4 presentations but it's not as easy for us to
5 develop some draft language to take to the
6 council and get it into our committee discussion
7 and get feedback to NMFS. So the two things just
8 if you can give us like a year time line so we
9 can anticipate what might be coming up because I
10 note it takes you all a long time to develop
11 these policies.

12 But, and we need more than two or
13 three months to provide feedback. So maybe four
14 months would give all the councils time to have a
15 meeting and provide feedback. I would be much
16 more comfortable with that because about half the
17 time the feedback you've gotten is from staff
18 only and that makes me nervous.

19 So that's my second request. Thank
20 you very much.

21 DR. DOREMUS: Well thank you for both
22 questions. On the first one certainly I feel
23 your pain. Those kind of rising costs are, all
24 of us are realizing the same issues.

25 We routinely grapple with different
26 ways to deal with those types of costs with
27 different travel structures and the like. And,
28 you know, I don't know what kinds of process
29 efficiencies or cost reduction strategies the
30 councils could entertain.

31 But we're all kind of in the same
32 boat. Generally speaking, adjustments to base
33 have lagged inflation for many, many years. We
34 routinely bring this up in our budget
35 discussions.

36 The cost of doing business in science
37 intensive operations has increased well above the
38 rate of inflation and generally speaking
39 adjustments to base have lagged inflation in
40 general price deflator level. So that's a
41 problem we've all been basically absorbing in our
42 base budgets, increased costs of doing business.

43 And I appreciate you bringing that
44 out. It has an effect on the councils as it does
45 with the rest of our operations. So we'll
46 continue to advocate for appropriate adjustments
47 to rising costs.

48 But generally speaking I think the

1 reality is those, it's difficult to get full
2 recognition of those things. There's broad
3 expectations that we could figure out ways to do
4 things less expensively. We've all been
5 grappling with that.

6 On your second question much
7 appreciated. We have been working in recent
8 years to more effectively reach out to our
9 strategic partners, our councils, our commissions
10 and make sure in a lot of different program areas
11 we are getting the advice and consultation that
12 we need.

13 And I certainly appreciate that it
14 sometimes comes rapid fire and with inadequate
15 turnaround time from your perspective.
16 Appreciate the point you're making. We'll do our
17 best to try to look ahead and provide as much
18 time as is available.

19 And that will remain a challenge. And
20 we'll just have to try to work together as best
21 we can to make sure that we get due consideration
22 from the council, the councils as a whole.
23 That's clearly an objective of ours and we'll do
24 the best we can to make it work better in the
25 future.

26 CHAIR FARCHETTE: Okay. I have John
27 Quinn then Gregg, Terry, Chris Oliver and then
28 Tom.

29 MR. QUINN: Thank you very much, Mr.
30 Chairman. Paul, nice presentation. I wanted to
31 ask you maybe a general question about the
32 capital budget and specifically how you
33 prioritize projects.

34 I know you had a couple of slides
35 about a lab and I'm sure those improvements are
36 much needed and I'm sure everybody has got their
37 top capital projects. But I wondered if any
38 money was set aside or if there has been any
39 discussions about the Northeast Science Center at
40 Woods Hole.

41 I know it's been in the news quite a
42 bit. You know, it's spread out across many
43 buildings and inefficient and whether that's part
44 of the capital budget planning money or anything
45 or even part of the capital budget discussion.

46 DR. DOREMUS: Thank you, John. And we
47 have, as many know, we have been looking closely
48 at the recapitalization requirement in the Woods

1 Hole area. We have conducted strategic
2 facilities plans in the northeast, the northwest
3 and the southeast.

4 We are working aggressively to make
5 sure that NOAA understands our recapitalization
6 requirements. But right now the process is that
7 long loop I talked to you about. Our first step
8 in that is looking at our recapitalization
9 requirements in the context of all of NOAA's
10 recapitalization requirements.

11 The Weather Service has huge
12 infrastructure across the whole nation, a lot of
13 deteriorating buildings, leases coming up. We
14 have a lot of coastal assets that we need to be
15 able to maintain our fleet that also are under
16 pressure.

17 So what tends to come forward, to be
18 perfectly honest about it, in part because we
19 don't have in the Department and for NOAA we do
20 not have a facilities recapitalization line or a
21 infrastructure recapitalization line. So we
22 don't have the ability to manage a steady
23 investment as most complex capital-intensive
24 organizations would do.

25 And in fact other parts of the federal
26 government do operate that way. So we end up
27 because we're relying on annual appropriations,
28 we end up with these episodic requests for large
29 expenses. And we have a line up.

30 And the Woods Hole lab it was built in
31 the early 60s. It's overcrowded. We've
32 recognized that need. We've invested in the
33 analytical work to understand our options and we
34 are prepared to go if there is a receptive
35 audience.

36 But we are in there in the mix with
37 the rest of NOAA and we expect, you know, some
38 ability to attend to that over time. But it will
39 be in this kind of budget environment, it will be
40 a difficult lift to get the resources required to
41 do a major central lab recapitalization as is
42 needed in Woods Hole. It's also needed in Miami
43 in our southeast center as well.

44 So those two plus Mukilteo which is
45 the most urgent of the three, those are in our
46 top tiered list.

47 CHAIR FARCHETTE: Gregg.

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

1 And, Paul, thank you for the presentation and
2 particularly getting it ahead of time. This
3 being my first meeting it gave me a chance to get
4 with my administrator, administrative officer and
5 be a little better prepared.

6 On Slide 8 I had a question about the
7 electronic monitoring and reporting increase.
8 You know, we're in the process of implementing
9 the regional EM/ER plan. And we've got an
10 amendment where we're looking at electronic log
11 books for our charter sector.

12 And our current timing has us
13 finishing that up mid-June and so looking towards
14 a January implementation. And just wondering how
15 that money was going to be distributed and
16 whether some of it would be available to our
17 region and center to implement that electronic
18 reporting amendment.

19 DR. DOREMUS: As is, as we all know is
20 the case the implementation of our electronic
21 monitoring, electronic reporting process and the
22 resource is, it's inherently regionally centered.
23 We have EM/ER plans in every region.

24 We're advancing those. We have George
25 LaPointe here who has been assisting us in that
26 process. I don't have a look ahead yet on how
27 those resources will actually end up getting
28 distributed.

29 But the priorities are well
30 articulated in the regional EM/ER planning
31 documents that we have. And that's our field of
32 vision, if you will, for where to step forward.
33 But we'll certainly be working with all those
34 involved in this process closely as we look at
35 the best implementation of those resources.

36 We do have just as a note here, I
37 should have mentioned earlier, \$3 million of that
38 EM/ER we are required by Congressional direction,
39 as was the case last year, to collaborate with
40 the National Fish and Wildlife Foundation for
41 external grants. So at least three of that will
42 be going through that external grant process
43 which opens up the opportunity for external
44 match.

45 So with the resources we were able to
46 put forward last year we got a substantial
47 augmentation with external match. So that's, we
48 hope that will be able to leverage that line a

1 little bit further.

2 But we won't have as direct
3 implementation control of that piece, if you
4 will. We will certainly be stipulating the
5 requested priority areas in that grant program
6 and that will be built out of our regional EM/ER
7 efforts as well.

8 Yes, okay. So Eileen is pointing out
9 as I also should have mentioned, we are, I talked
10 earlier about the length of time involved in
11 actually getting to the ability to spend
12 resources.

13 We have to put together a Spend Plan.
14 Our Spend Plans have gone forward. But they have
15 to be reviewed by the Department, by OMB and by
16 the Hill. And sometimes there's modifications at
17 every step and they bounce back to OMB.

18 So we're a ways away from getting a
19 Spend Plan approved. And it's not until that
20 point that we would be able to fully lay out
21 where it is that we expect these resources to
22 flow.

23 But we'll certainly, as that evolves,
24 provide the information as it becomes available.

25 CHAIR FARCHETTE: Thank you, Terry.

26 MR. STOCKWELL: Yes, thank you, Mr.
27 Chairman, and thank you, Paul. In Eileen's
28 opening comments she referred to the grilling Sam
29 got on the Hill yesterday related to ASM. And,
30 Sam, I want to let you know she's not my Senator.

31 But I would like to refer to Slide 21
32 and the 2017 President's budget and specifically
33 the line item on the 1.1 plus on the observers
34 and training. I'm sure that's going to get a lot
35 of attention once this becomes public.

36 So, Paul, can you provide some context
37 on what the additional plus is going to fund?

38 DR. DOREMUS: The request there was
39 for an additional 1,000, see basically that will
40 fund about 1,000 days at sea for observing. I
41 don't have any information yet about how that
42 would get distributed.

43 I'm not sure we know that yet. But
44 that's essentially what that resource will allow
45 us to purchase, if you will. And I don't know if
46 either Eileen or Sam would want to speak to that
47 any further.

48 But we are doing a presentation in the

1 course of this whole meeting here on our
2 observing funds and how those are being allocated
3 for at sea monitoring and for observers
4 generally. And we might be able to address the
5 broader program and these additional resources in
6 that process. But it's designed for, to augment
7 about 1,000 days at sea.

8 MR. STOCKWELL: So, Eileen, you may be
9 about to answer. But my assumption that would
10 then be applied to the NMFS planning under SBRM.

11 DR. DOREMUS: Yes, yes.

12 MR. STOCKWELL: Thank you.

13 CHAIR FARCHETTE: Thank you. I have
14 Chris Oliver.

15 MR. OLIVER: I was going to follow up
16 on Greg's, Doug Gregory's comments. He prompted
17 something in my head when he was talking about
18 needing lead time. It seems like over the past
19 six months there's been a whole lot of strategic
20 plans and policy directives or otherwise or
21 guidance directives.

22 I use the word directive. I don't
23 know if that's the right terminology. But one
24 issue is having time to respond and that takes
25 resources as well. But some of these things have
26 very significant budget implications for the
27 councils.

28 And I don't want to jump ahead to an
29 agenda item. But there's a particular agenda
30 item tomorrow this Catch Share Program review
31 that is an example of something that has a huge
32 potential budget implication for the councils,
33 for both the councils and NMFS, but
34 proportionally for the councils.

35 And I think a lot of these get, they
36 don't get taken explicitly into the budget
37 calculus and so they end up getting sort of
38 soaked, if you will, into our overhead. They
39 become part of our overhead and some of them have
40 really, some don't.

41 Some have minor budget implications.
42 Some of them have big ones. So that's a comment.
43 Again, I brought up a specific example that I'll
44 talk more about tomorrow. But this is just a
45 general comment.

46 CHAIR FARCHETTE: Eileen.

47 MS. SOBECK: So I think that your
48 observations that we have been peppering the

1 councils with a lot of these is accurate. I do
2 think that over time it's probably going to
3 subside because I think the idea is to, in some
4 of these is to provide some longer term policy
5 preview of what we think the priorities are and
6 where we're going and, you know.

7 So if we're talking about strategic
8 planning and prioritization of climate science or
9 what have you. And I think a lot of those are
10 also living documents. So if you weren't able to
11 fully comment on a particular plan, you know, I
12 think it's never, it's probably never too late
13 and a lot of them will be revisited.

14 The list is long. But I think over
15 the long haul the idea is to try to be more
16 efficient and strategic. Some of them, as Sam
17 was saying, we'll say the bycatch review is
18 mandated by law, the catch share review rather.

19 So some of them are triggered by legal
20 requirements. You know, I think you're right
21 that they do have some budget implications some
22 of them. Some a lot, some not so much.

23 But I do think that it is part of our
24 larger goal to get a handle about what our
25 overall work is, what are overall priorities are
26 so that we will be making and want your input on
27 that so when we are making longer range budget
28 requests we have some sense of what our and you
29 have a sense of what our future road map is and
30 so what will be guiding our budget requests.

31 I guess I'll just reinforce Paul's
32 first slide on the budget which is what comes out
33 in the final President's budget request is a lot
34 different than what in our original presentations
35 at the NOAA Fisheries level to NOAA for what we
36 feel our budget, in the perfect world our budget
37 priorities would be.

38 And, you know, a lot of that gets, a
39 lot of important areas get picked up and a lot of
40 important areas get left by the wayside as
41 tradeoffs are made at every level. So I just
42 commend you back to the beginning of the process.

43 CHAIR FARCHETTE: Tom.

44 MR. NIES: Thank you, Mr. Chairman.
45 Thank you, Paul, for the presentation. I got to,
46 I guess maybe two or three questions on Slide 10.
47 As you pointed out the councils received an
48 overall increase of roughly \$700,000 and that

1 seems, as you explained it seems to come
2 primarily from the adjustments to base which is
3 essentially automatic.

4 And I'm just curious why the
5 adjustments to base is not applied to what I'm
6 going to refer to as the add-ons which are the
7 lines like our ACL implementation, regulatory
8 streamlining. Those are flat from last year to
9 this year and I'm just curious why they're
10 treated different when it comes to adjustments to
11 base.

12 DR. DOREMUS: The adjustments to base
13 are applied at the PPA level. That's sort of sub
14 PPA architecture. And that's, it's not
15 necessarily broken out into every spending
16 category in that same fashion.

17 But I'll look into it. Basically
18 those lines are fairly stable and we haven't
19 really looked at specific inflation area issues
20 or had allocations specific to this detail budget
21 line that we were expected to implement.

22 So point taken. There was inflation
23 of costs everywhere. We can look into that. But
24 generally speaking we apply it at a higher level
25 of our budget architecture at the PPA level.

26 MR. NIES: So at the higher level, at
27 the PPA level there were adjustments to base but
28 those were not translated down to these add-ons
29 at the council.

30 DR. DOREMUS: No, not in those areas.
31 Relatively modest additional levels it's been
32 applied at the PPA level.

33 MR. NIES: The following question that
34 relates to these add-ons. And I guess I'm a
35 little curious. I understand how some of these
36 things might have been new at one time.

37 For example, ACL implementation. But
38 ACL implementation is going to be a longstanding
39 council requirement. And I guess my question is
40 when do things like this move from being add-ons
41 to being considered part of our base and
42 incorporated into the overall PPA?

43 And the reason I ask that is because
44 this is a relatively minor example where the
45 adjustments to base are not added to the add-ons.
46 You know, conceivably the add-ons could vanish or
47 be reduced at any time. They have fluctuated
48 both up and down in the past.

1 So, you know, what is the process or
2 is there any expectations that some of these
3 longstanding things like ACL implementation and
4 maybe some of the others would get added to the
5 base, added to the PPA and be reflected in the
6 PPA rather than, and become a permanent part of
7 our budget rather than my term, add-on? I don't
8 know what the correct term is.

9 DR. DOREMUS: Yes. There is an
10 interesting challenge in understanding budget.
11 Budget doesn't always correspond to program, if
12 you will. And in any given part of our
13 organization a program may rely on its execution
14 from budget resources from multiple lines.

15 So we try to line them up as closely
16 as possible. But that's not always the case.
17 When we look at this total picture here we
18 consider these requirements as they have stood
19 for a number of years as portions of our NEPA
20 line, a separate PPA for separate purposes.

21 Portions of it imply council
22 activities. And I'm not sure what the formula
23 was historically to come up with that portion.
24 But we consider that piece of the separate NEPA
25 line to be a NEPA component that's executed by
26 the council.

27 So when we look at the council PPA and
28 the work of the councils we basically consider
29 the base resources to be this whole table. It
30 doesn't really matter if they come in the form of
31 the council PPA or not. These come through other
32 lines.

33 They're funded through other PPAs,
34 this kind of budget category. And we've capped
35 each of those to be able to bring a portion of
36 those resources into the councils for council
37 execution of their portion of that function.

38 So they, when you talk about add-ons
39 to us it's only an add-on in budget speak. In
40 terms of our thinking of council operations it is
41 this total that is your core base budget.

42 MR. NIES: Okay, thank you. And I
43 appreciate you saying that you'll look at least
44 at the adjustments to base for these other pieces
45 in the future.

46 DR. DOREMUS: Yes, we'll look at that.
47 And there really, there would not be any benefit
48 to the councils of trying to roll these into one

1 number.

2 And in fact if we tried to open up and
3 disaggregate some of these other budget pieces it
4 opens up the possibility that those resources
5 could get moved elsewhere for other purposes for
6 people who might be less sensitive to the value
7 of these numbers to the councils.

8 So our preference is to just keep this
9 stable. I think it reflects the right baskets of
10 work that the council executes in each of these
11 domains. And it is a, in effect an appropriate
12 way to handle things in the budget world. We'll
13 look into the ATB issue for you.

14 CHAIR FARCHETTE: Kitty.

15 MS. SIMONDS: Hi, Sam. You did a good
16 job yesterday. Ed and I were in that room and
17 wow, those two ladies were just giving you good
18 lickings. But anyway, you were good, you were
19 good.

20 A month or so ago I sent you a request
21 for NEPA money. You're our, we have a fishery
22 that for every amendment that we produce and you
23 all agree to is sued upon by the same groups,
24 Earth Justice and other conservation groups.

25 So what we were telling you is that we
26 don't have the money and our region doesn't have
27 the money. But it's very important for us to
28 have NEPA coverage for part of our fishery which
29 is the deep set fishery.

30 And I'm waiting for a response. I
31 also cc'd Alan because I thought that's where the
32 money comes from. Alan makes the decisions
33 about, you know, not Paul but Alan. So really we
34 would appreciate a response.

35 You know very well that we need to
36 have this NEPA work done on that fishery. I mean
37 we just won a lawsuit in December. But we feel
38 that our fishery is very vulnerable and so where
39 does that money come from in all of these, you
40 know, lines and graphs and whatever?

41 When we need funds to do NEPA for a
42 vulnerable fishery that's sued every year.
43 Hello.

44 MR. RISENHOOVER: So I'll try and
45 answer that, Kitty. And, yes, I saw your e-mail.
46 I talked to Mike about it. So he's involved
47 letting me know what we think it would take.

48 We're looking around the country. So

1 we ask folks every year around the country where
2 are some unmet needs. What are your highest
3 priorities that you don't have funding for or
4 funding that you can't move to your highest
5 priorities then we fund lower priorities.

6 But, yes, we're aware of that. We're
7 collecting all that information. We'll look at
8 those. We'll prioritize them around the country
9 and then we'll look to see if we do have any
10 available funding that can go to those.

11 So I don't have an answer for you
12 today. But hopefully soon we'll be able to tell
13 Mike that, yes, there is or there isn't funding
14 or try to find a way to get some funding.

15 MS. SIMONDS: Okay. So within a
16 month?

17 MR. RISENHOOVER: Hopefully.

18 MS. SIMONDS: Okay. The usual
19 response from an agency.

20 MR. RISENHOOVER: Right. What I want
21 to do is blame it on Paul. I don't have a full
22 allocation yet. But we are working on that. And
23 just as a general statement to everybody we know
24 there are needs around the country.

25 We're trying to collect those needs so
26 we can look at them, prioritize them and fund
27 them if we can find the funding.

28 MS. SIMONDS: This leads to something
29 that we had talked about yesterday. But I'm not
30 sure if we mentioned it is that we think every
31 year you should ask us that question formally to
32 all the councils.

33 Otherwise we're in this ad hoc sort of
34 position. And you haven't done that and you
35 don't do that. But we think you should and
36 really ask the councils what are their highest
37 priorities that aren't being met. Just start to
38 have that process in place.

39 CHAIR FARCHETTE: Chris.

40 MR. OLIVER: Kitty's question just
41 underscored Tom Nies' question. And it may end
42 up being six of one, half a dozen of another
43 whether you have these additional small baskets
44 versus putting them in our base budget.

45 But to look at NEPA as a \$756,000
46 basket out of \$27 million makes no sense at all
47 because 80 percent of our budget could be called
48 NEPA. Everything we do is a NEPA document and

1 it's through a NEPA vehicle.

2 So it just makes no sense to me to
3 have NEPA as a separate basket of that tiny
4 amount relative to the total budget. And maybe
5 that's just a philosophical comment.

6 CHAIR FARCHETTE: Doug.

7 MR. GREGORY: You know, let me join
8 the mob. From a non-budget person's perspective
9 and I think our concern is that the NEPA, the
10 ACL, the SSC stipends seem to be the result of
11 the last reauthorization.

12 And so we're coming up to another
13 reauthorization. The fear is that, and these are
14 added costs to us that will not go away. So our
15 fear is next year or the year after let's say the
16 numbers don't change but ACL implementation
17 becomes some other topic.

18 And we've, we haven't built that extra
19 cost into our permanent budget. I mean I don't
20 quite understand everything that you said because
21 I'm not a, you know, budget person. But that's
22 kind of our concern that the titles will change
23 but the numbers won't change that much and they
24 just, our costs continue to go up without really
25 being incorporated.

26 And the regulatory streamlining to me
27 goes along with the NEPA. The streamlining part
28 is a tremendous burden on our staff. It ends up
29 with good results coordinating better with the
30 regional office, getting our documents in almost
31 iron clad shape before they're even submitted.

32 That is an improvement over the
33 historical activities. But it's a tremendous
34 burden and cost to our staff time wise and it's
35 resulted in us hiring more staff people. So and
36 those become permanent increases in our costs.

37 So that's our concern from a budget
38 standpoint that things will change but they won't
39 be incorporated permanently even though they are
40 permanent costs.

41 MR. RISENHOOVER: So I think as Paul
42 said there's no intent to reduce these in the
43 future. Some of them go back past the last
44 reauthorization. Regulatory streamlining
45 probably goes back to 2002, 2003 and it's still
46 there.

47 NEPA goes back beyond that. A lot of
48 these were added when we got increases, like when

1 the Agency got some modest increases for NEPA or
2 implementation of the 2007 Amendments. At one
3 time we had about a \$3 million increase requested
4 for regulatory streamlining.

5 Congress cut that entire funding and
6 yet we still fund the councils. So we don't
7 intend for these to go away unless the budget
8 changes. So if there's a big budget reduction in
9 these lines that could impact these.

10 Paul mentioned you all are not going
11 to be paying the additional four percent or
12 whatever it is for M&A. I am. So we've held the
13 councils harmless in those cases. So I don't
14 think these are going away.

15 And again the risk that Paul mentioned
16 is if we try to transfer that funding from the
17 lines these other things originate from, that
18 fisheries research management programs lines,
19 that's a negative. We would then add the same
20 amount as a positive to your base line.

21 A lot of times Congress takes
22 negatives and does not add positives. So in that
23 case there's a risk there. So what we've done is
24 we've continued to fund these and a lot of these
25 go back for ten or 15 years out of other
26 resources that have varied over time and we've
27 attempted to keep them at the same level or where
28 possible increase them.

29 CHAIR FARCHETTE: Eileen.

30 MS. SOBECK: And I take a lot of your
31 comments are issues that relate to us. You know,
32 you are worried about having to do more with the
33 same or less. And we share that concern and that
34 is a real concern.

35 And I don't think that we see a way to
36 insulate you guys from that any more than we see
37 a way to insulate ourselves other than just
38 spending the money we have wisely, justifying why
39 we can't do, why if we don't get more money we
40 have to do less rather than more. We'll do more
41 if we can and I know you guys will too.

42 And, Kitty, you know, as Paul said
43 there is printing press in the basement. It's a,
44 we've got a certain pot of money and, you know,
45 if NEPA money for your work is going to come out
46 of other people's priorities.

47 So it's a painful process. It's
48 really painful.

1 MS. SIMONDS: I think we know that for
2 the last 30 years. But all I'm saying is that we
3 need to, well, no, again I go back to you folks
4 having a process to ask us what our needs are
5 every year.

6 And that, NEPA is our basic humongous
7 need where I come from. So again like the
8 Senator said to you, Sam, find the money
9 somewhere. That's what she said to you.

10 And you kept saying well, there was a
11 lawsuit that prevents you from distributing at
12 sea monitoring money and she kept telling you
13 find the money someplace else. So I think I'm
14 saying the same thing to you. I'm just speaking
15 personally about our council.

16 MS. SOBECK: Well I think we're all in
17 this together and we're all looking for win wins.
18 And you're right, Kitty, it has gone on for 30
19 years and it's going to continue to be a
20 struggle.

21 And I appreciate the fact that we are
22 all making joint efforts. It's not about Alan
23 giving you the secret pot of money. It's Alan
24 reaching out to everyone else. And I take your
25 suggestion seriously for a process.

26 Again, you know, there's a plus side
27 and a minus side to everything we do. We've
28 really been trying to work on process and being
29 transparent about what our planning is on various
30 fronts and we've just heard that's also
31 burdensome.

32 So I think that we're, I think that
33 we've strayed away from the budget per se. But
34 it's all related. Policy and budget is one,
35 different sides of the same coin.

36 MS. SIMONDS: And I'm not sure about
37 any other councils FEPs. But, as I said, every
38 amendment that we send to you and that you
39 approve is sued on, every amendment. So we are
40 in lawsuits all the time.

41 And so it's just a fact of life. But
42 just don't forget what happened several years
43 ago. I mean NEPA coverage is very, very
44 important. So I'm not asking for money for
45 anything else but NEPA.

46 CHAIR FARCHETTE: Any more questions
47 for Paul? Hearing none I think it's, I'm sorry.
48 Dorothy.

1 MS. LOWMAN: It is pretty far down
2 here. So again, thanks, Paul, for your
3 presentation. And in particular I do appreciate
4 getting it early too.

5 I had one question. Let's go back to
6 the basic information in here. You showed that
7 in the FY '17 request you're asking for \$2.5
8 million more for the National Catch Share
9 Program. And on Page 8 on the highlights of 2016
10 I didn't see that highlighted.

11 And so I'm wondering if I should
12 assume it just stayed the same or did it decrease
13 or what's the status of that particular?

14 DR. DOREMUS: If I recall correctly I
15 can confirm. But we have asked for increases in
16 that area in the past and not gotten them. So
17 the President's budget request in '16 did include
18 a similar level. It was at 2.2, just over 2.2
19 request.

20 And it was not funded. So this
21 request of 2.5 is trying, again, to come back for
22 the need to continue to build out at a modest
23 rate to build out that effort. So it was
24 requested but unfunded in 2016.

25 MS. LOWMAN: Thanks.

26 CHAIR FARCHETTE: Any further
27 questions for Paul? Hearing none I think it's
28 time for a quick break. Thank you, 15 minute
29 break.

30 (Whereupon, the above-entitled matter
31 went off the record at 10:34 a.m. and resumed at
32 11:00 a.m.)

33 CHAIR FARCHETTE: Okay. Thank you
34 once again. Next on the agenda is the overview
35 of the S-K FY 15-16 grant process. And Paul has
36 the hot seat again.

37 DR. DOREMUS: Thank you, Mr. Chairman.
38 Back at it at this time on the S-K process which
39 as I mention frequently is one of the good news
40 pieces in our budget.

41 We went through a period of time in FY
42 '11, FY '12 where there were zero resources
43 available for the S-K grant program. And we're
44 going to step back here and just kind of take a
45 look quickly at aspects of this program from the
46 last few years.

47 It was reinstated in FY '13 and I'll
48 give you a quick look at the nature of the

1 program for those who are less familiar with it
2 and what we have done with it in the last few
3 years and emphasizing in the end here our efforts
4 in recent years and this year to improve the
5 process by getting input in some direction from
6 the councils for this whole process going
7 forward.

8 It is fundamentally a component of a
9 big account that's called a promote and develop
10 account. And this is really driven by tariffs on
11 trade of seafood products and other goods. So
12 there's 30 percent of duties are collected. They
13 come to NOAA out of this promote and develop
14 account.

15 And since '79 Congress has used the
16 largest portion of the promote and development
17 account to essentially offset our core budget
18 expenses. So if you saw the number in the
19 promote and development account you're going to
20 see \$100, \$120, \$130 million depending on the
21 year.

22 The bulk of that basically pays for
23 our core programs and we account for that very
24 clearly in reports to Congress. And then
25 Congress typically directs a certain amount to be
26 used for the Saltonstall-Kennedy Grant Program.

27 And this is oriented towards
28 addressing the needs of the industry through R&D.
29 We have a basic statement of objective that's
30 been stable for a long time to address the needs
31 of the fishing communities in optimizing economic
32 benefits all focused on rebuilding, maintaining
33 sustainable fisheries and dealing with the
34 impacts of conservation and management measures.

35 And this is an annual process. Again
36 it's been varying by year. A couple of years, in
37 FY '11, '12 it was not available. But we have
38 had a great benefit in recent years of bringing
39 that back online.

40 In '13, when we first kind of came
41 back up we had a very rapidly implemented program
42 because the FY '13 budget was a difficult year.
43 We were pleased in that environment to at least
44 have these resources available.

45 It was perhaps the only bright spot in
46 our budget at that time. And because we got the
47 budget so late it was a really compressed
48 program. We got 250 applications. It's about

1 \$10.5 million effort to cover, it went across all
2 of the priority areas that we listed here.

3 But because it came so quickly we
4 really never had an opportunity to think about
5 and kind of step back and consult with councils,
6 commissions, our own internal program experts on
7 what would be the best mix of priorities. So in
8 S-K '13 these priority areas we had done in years
9 past.

10 There had been a very studied process
11 to derive these consistent with the broad S-K
12 guidance that I just mentioned. But these areas
13 were ones that we had, at least these first five
14 areas were ones that we had for years.

15 Aquaculture, utilization of harvested
16 resources, socioeconomic, conservation
17 engineering and ecosystem studies. We added the
18 territorial science. As many of you will recall,
19 one of the points of constructive change that
20 were brought forward to us was the particular
21 challenges in this kind of grant, competitive
22 grant review process, peer review grant process.

23 The challenge of pulling forward very
24 strong research grants from the territories, they
25 were not able to successfully compete in prior
26 years. So we set up a priority just in that area
27 to make sure that we were, and we focused
28 resources on developing good grant proposals out
29 of the territories.

30 And that's been something that we've
31 been really pleased to put into play here and
32 continue in subsequent years which I'll mention
33 in a second. So that's a, that was a big add in
34 '13.

35 But otherwise we were executing pretty
36 much what we had done in years past. So '14,
37 '15, again the '14 appropriation came so late we
38 couldn't run a full grant cycle. So we combined
39 '14 and '15 and had a very sizeable program.

40 We ended up with 88 awards of \$25
41 million going out. And that was a very, very
42 huge effort. But it was also compressed because
43 of the lateness of the appropriations process in
44 FY '14. We got our final Spend Plan approval
45 deep into the fiscal year and it made it kind of
46 a sprint to actually execute that process.

47 I do want to say I should have noted
48 at the outset when we were looking at the S-K

1 funding overall and part of the direction from
2 Congress we are by Congressional direction asked
3 to put at least 60 percent of the S-K funds that
4 come to fisheries out for competitive external
5 grants. In practice we have put 95 percent out
6 in external funding.

7 We have not used these funds to
8 augment our resources even during a period of
9 declining budgets. We were very well aware as
10 our budgets were going down in FY '13 and many of
11 you know the, and it's true across all agencies
12 when you have a very rapid reduction in resources
13 it tends to come from grant programs.

14 They are easier to scale up and scale
15 down than programs that are FTE-intensive or
16 resource-intensive. You have a lot of
17 expenditure requirements that are not that
18 flexible, that malleable in any given fiscal
19 year.

20 And in that context and also just to
21 maintain the true spirit we think of the S-K
22 Program, we have consistently made sure that
23 those funds went out to external grants and we
24 did that in FY '13 and all the way through '14,
25 '15 as well. In '14 and '15 the biggest change
26 is that we really rethought the themes and
27 priorities.

28 These are the large themes. There
29 were priorities expressed within each of these.
30 And as many you will know we did this through
31 consultation with the councils and commissions as
32 we did again, for the FY '16 competition which I
33 will get to in a second.

34 But this was a wholesale restructuring
35 of the priorities and it reflected our look on a
36 regional level, not just national but regional
37 level looking at council views on research
38 priorities among other considerations. And we
39 ended up with this set of priorities that
40 structured our approach to what became a \$25
41 million grant effort.

42 So that was a very, I believe,
43 successful process. We are now in the middle of
44 our FY '16 S-K effort. And it is well underway
45 and we'll get into some details. But we are
46 looking at about a \$10 million program.

47 And we have substantially changed, the
48 one thing we did in '16 on the heels of '14 and

1 '15 which was very hurriedly implemented, we did
2 change the time line in the schedule for this
3 process in a pretty substantial way so that there
4 would be more time for the Technical Review, more
5 time for the constituent review and we would get
6 the actual decisions done in time so we weren't
7 running up against the wall with our grants
8 program in their end of fiscal year allocation
9 process which has been a challenge in the past.

10 We ended up in this very stressful
11 effort to make sure that those grants were
12 actually executed in the fiscal year. That's one
13 of the many implications of these late Spend Plan
14 reviews is that the crush of grants and
15 acquisitions activity in the third or fourth
16 quarter can make it difficult to get things
17 through.

18 So this is a big program. It involves
19 lots of effort by, in particular by the Technical
20 Review process. We got about \$76 million worth
21 of applications for what will be \$10 million
22 worth of grants. And we conducted 975 Technical
23 Reviews and just recently closed that process
24 out.

25 It is a significant effort just from
26 a review point of view. So we've got the seven
27 areas that again were informed by another round
28 of consideration with all of you and others.
29 Those large theme areas which were heavily
30 bundled.

31 So we listed them out as seven. We've
32 maintained the territorial science that I
33 mentioned before to focus on aquaculture data
34 collection which is of great priority we know in
35 every region and with the states in particular.

36 And we have techniques for reducing
37 bycatch. Another good one that we have not been
38 as successful with in getting resources into our
39 organization to study the effects of climate and
40 other long-term ecosystem changes on living
41 marine resources.

42 So we're pleased to be able to direct
43 some S-K funds into that domain. We also called
44 out, another area of criticism particularly from
45 industry is that S-K allows for a focus on
46 promotion development marking and typically those
47 types of funding proposals did not come through
48 very strongly.

1 So we called out that category as well
2 as socioeconomic research. So those priorities
3 were heavily influenced by all of you and we
4 appreciate the effort. This was on the list of
5 the many things that we asked you for to comment
6 on in terms of our plan.

7 So we got a fairly even distribution
8 of proposals in all of these areas. We got about
9 77 applications for fisheries data collection.
10 I'll actually start at the top with aquaculture.
11 We got 66 applications for \$16 million. A lot of
12 demand there, more than we have in the total
13 program.

14 We got 77 applications nearly \$18
15 million for fisheries data collection. The
16 bycatch effort brought in about 52 applications
17 for around \$10 million. Similar size for
18 adapting to climate change long-terms ecosystem
19 change, 51 applications. A little bit more, \$13
20 million.

21 And then our promote development and
22 marketing got 42 applications. So there's a lot
23 of demand in that area, around \$10 million.
24 Again, you could spend our entire resource just
25 on that piece alone based on the demand for
26 grants.

27 And socioeconomic research brought in
28 31 applications for \$7.2 and we had six
29 applications for \$1.5 in the territorial science
30 area. So there's a really healthy degree of
31 demand in each of these areas and also equally
32 spread out across all of the regions which is one
33 of the things we wanted to look at.

34 Key thing, again is this is a
35 competitive program. Technical merit is at the
36 center of it. And these are the criteria that
37 are reviewed and they're laid out in the Federal
38 Funding Opportunity notice, importance, relevance
39 of the topic.

40 Technical merit is the real core of
41 the initial assessment and we also of course look
42 at the ability of the applicants to conduct this
43 kind of work, project costs and what kind of
44 effort is embedded in the grant program to get
45 the results out which is the outreach and
46 education piece of that.

47 So that's how they're evaluated. We
48 have right now 325 applications going through

1 three merit reviews. That's, so the total number
2 of reviews was in the 900s. And what we do with
3 that is basically put them in rank order of their
4 technical score and based on available funds look
5 for a logical break in the ranking.

6 It's just an available funds issue.
7 And then we take everything above that cut off
8 line and put that forward to constituent panels
9 for further evaluation. And based on that
10 review, so they're looking at issues in that
11 process at the constituent panel level they're
12 looking at factors related to the fit to
13 priority.

14 Do we have a good balance across
15 priorities? The type of applicants that we're
16 funding with, you know, across the academic
17 sector, industry, et cetera. Geographic
18 dispersion is a key issue as well.

19 And we got a pretty good dispersion of
20 applications across the regions. We have had in
21 the past a very, very strong applicant pool in
22 the northeast region basically. And that
23 continues to be the case.

24 But we have seen a much stronger
25 growth in applications from other regions as
26 well. So we have 132 applications out of this
27 325, about a third of them, came from the greater
28 Atlantic region.

29 We had in the west coast region 42
30 applications, 83 in the southeast where there's a
31 lot of demand for this kind of work, 42 in the
32 Pacific island and 26 in Alaska. So it was a
33 pretty good distribution of applications. And
34 we're looking now at the top tier funding.

35 So we put out a request to you, as we
36 did in prior years, for your recommendations on
37 the constituent panels. And from that last
38 review we will in effect end the process for '16.
39 The recommendations will come forward to
40 fisheries leadership to me, to Eileen ultimately
41 for acceptance.

42 And it is a competitive grant program.
43 And with this much review very, very high quality
44 technical review and then a subsequent review for
45 balance, geographic balance, type of application.
46 So we're cutting across all of our priorities.

47 We try to encourage partnerships and
48 the like. We get constituent review panel to

1 look at that, make sure we're not missing
2 anything. But in our view, from a fisheries
3 leadership point of view we go with the results
4 of the Technical Review and the constituent panel
5 review.

6 In there is a need, for instance, if
7 the view of the panels and recommendations to us
8 were to change the regional mix they would go to,
9 down the list of the Technical Review. We don't
10 jump in any order other than the order that they
11 were reviewed in for those technical merit
12 qualifications that we noted in a previous slide.

13 So we are hugely grateful for council
14 contribution to this process. This has been a
15 point of discussion in the past when we talked
16 about S-K. We had our earlier implementation.
17 You all very well brought forward the opportunity
18 to contribute and that has been a very, very
19 substantial and meaningful effort in the creation
20 of the priorities themselves making sure we have
21 the right reviewers and the constituent panel
22 expertise is very important in this process.

23 And then reviewing what comes out of
24 that for these factors that I've been talking
25 about in terms of their diversity across
26 geography, their diversity across the priority
27 areas are the two really critical things that
28 we're looking at there.

29 I know this is effort. This is added
30 to the list of things we ask for you to do. And
31 I know that it typically because of the complex
32 nature of a grant cycle and the limited time that
33 we have to work with we often ask you for your
34 input on fairly short time periods.

35 And I do want to acknowledge that.
36 We're doing what we can to stretch out the time
37 cycle which we did this year. It was not
38 anywhere near as compressed as '14, '15. But it
39 is, we hope, workable from your vantage point.

40 Also I mentioned this with respect to
41 the territorial science. But it really matters
42 all over the board. Even in the northeast where
43 we have a lot of applicants we often hear or hear
44 on occasion from industry members that are less
45 familiar with cranking out grant applications and
46 dealing with frankly the bureaucracy of this kind
47 of stuff from their vantage point.

48 We try to get out, have workshops on

1 grant proposal writing, try to provide assistance
2 to potential applicants and you all can assist,
3 as has been the case in a number of regions, very
4 heavily in you know in each of these, these
5 priority areas were informed by you. You know
6 where the research needs are.

7 You know where some potential
8 applicants are. And you can reach out to them
9 and make sure they're aware of the grant
10 opportunity, that they're aware of the resources
11 available to them to put in high quality grant
12 proposals.

13 And your contribution to the, what
14 we've all been calling the outreach and education
15 effort here is really a big part of what makes
16 this program successful. So I primarily want to
17 thank you for that effort, acknowledge the short
18 turnaround times.

19 Always open to your recommendations
20 for how, if at all, we can improve this. But I
21 think after successive cycles we have a well-run,
22 competitive grant process rooted in technical
23 review criteria, smart priorities and a good
24 vetting from constituent panels and from all of
25 you as well as fisheries leadership, a good
26 vetting for diversity geographically and
27 diversity across program type.

28 I will end trying to get through this
29 quickly and get us a little close to on time.
30 I'm certainly willing to take any questions and
31 we'll turn it back to the Chair. Thank you, Mr.
32 Chair.

33 CHAIR FARCHETTE: Thank you, Paul. We
34 have about five minutes for questions on S-K.
35 Yes, John Bullard.

36 MR. BULLARD: Thank you, Mr. Chair,
37 and thank you, Paul, very much for this
38 presentation. As you noted the GARFO Region is
39 very active in this program and it's a huge work
40 load on our staff.

41 But I would say that it is a work load
42 that we relish because this is a really great
43 program. And we do appreciate very much the
44 input from the councils on this. We know it is
45 input that is, has kind of last minute, hurry up,
46 quick turnaround aspects to it.

47 But it's still critical both in when
48 we ask for technical reviewers and also when we

1 ask for service on panels for priorities towards
2 the end of the process. The comment I want to
3 make is in the hope that it might generate some
4 reaction and discussion.

5 And that is, and I think I've made it
6 before, it's a concern I've long had. As you've
7 said, this is a very competitive proposal
8 program. There's a lot more proposals than there
9 is money and so we're faced with having to say no
10 to a lot of people.

11 Therefore, we want to find criteria to
12 be able to justify those decisions and back up
13 those decisions. And we want to make sure that
14 those criteria can, you know, stand up against
15 challenges.

16 And so the easiest way to do that is,
17 and you mentioned technical merit probably 15
18 times in your presentation. The result of that
19 is that S-K has always had the reputation of
20 being to industry an intimidating program.

21 It is seen as owned by the academy and
22 inaccessible. And so my concern and my question
23 to others is, is that something that we care
24 about because we occasionally say that we want to
25 build partnerships with industry.

26 And how can you be against technical
27 merit? That's like motherhood and apple pie.
28 But it's owned by a few in the academic realm who
29 know how to put together Saltonstall-Kennedy
30 applications.

31 And they're very good at it and they
32 know how to win these applicants, these awards.
33 And a lot of people in industry said I just can't
34 go up against that. These reviews are so tough
35 that why bother.

36 And so if we want something that's,
37 that puts a higher priority on industry
38 participation, if that has value, I don't want to
39 come across as saying well that must mean that we
40 want to lower our standards because I'm not
41 saying that. I'm just saying that if you want
42 something that's more accessible to industry that
43 places a higher value on industry participation,
44 then it's adjusting a balance somehow.

45 And does that mean that we are making
46 our jobs harder in how we review? I think it
47 does. And I'm not, I don't unfortunately have an
48 answer to this, Paul. I'm just saying when you

1 have something that's so competitive the easy
2 recourse is to come up with a way of judging
3 applications that we've come up with, you know.

4 This double blind, triple blind way of
5 reviewing it. Have all these experts review
6 these things and you're going to get academically
7 oriented stuff. But the cost of that is I think
8 it's an intimidating program for industry and I
9 think we lose something in that.

10 DR. DOREMUS: Thank you, John.

11 MR. BULLARD: And I don't know whether
12 other people think that's a down side or not.
13 That's why I wanted to see if other people wanted
14 to weigh in on that.

15 DR. DOREMUS: I could respond
16 initially, Mr. Chair, thank you. Thank you and I
17 do share those concerns. Some of the things that
18 we have done as you were thinking about this
19 issue to try to make it as accessible to all
20 applicants while maintaining the criterion for
21 technical merit and not diminishing that, a
22 couple of the things that we've done are first
23 making sure we have the right priorities.

24 That's one. And these are designed to
25 be relevant to industry concerns to different
26 degrees but very heavily. Second, is we have
27 encouraged in the grant process and encouraged in
28 our outreach partnership. So one of the things
29 industry can do is partner with academic
30 institutions and essentially do a collaborative
31 venture.

32 We would like to promote more of that.
33 So that's another avenue. And then the third is
34 really the one that I mentioned at the end which
35 is the outreach education and improving the
36 capacity of industry participants to either
37 joining collaborative ventures or so we're doing
38 these grant proposal workshops.

39 We're doing some in the northeast
40 region and elsewhere. So we're hoping that helps
41 but would certainly welcome views of other
42 members here on either the issue or how we're
43 addressing it at this point.

44 CHAIR FARCHETTE: Don.

45 MR. MCISAAC: Thank you, Mr. Chairman
46 and thanks for the presentation and thanks for
47 the opportunity for the councils to be more
48 involved in this important program. The last

1 time '14 and '15 with a \$25 million release and
2 the council participation early in terms of
3 priorities and the rest of the process was very,
4 very positively viewed on the west coast.

5 In Key West when the results came out
6 and we came back to the west coast it was all
7 very, very positive. So I think that it's good
8 that we're trying to continue that.

9 To speak just a little bit to the
10 quick turnaround problems here for councils that
11 have as their primary obligation conducting
12 council meetings over the course of the year, we
13 do five. They're about nine days straight for
14 the staff.

15 We actually have two of them coming up
16 here in March and April. So the quick turnaround
17 results, presents some difficulty. And so my
18 question really gets to the next year. I think
19 the Pacific Council will try to do what they can
20 this year because it is so important.

21 But if we knew more about the schedule
22 and process for the next year maybe we could plan
23 for it in advance. It just is too difficult to
24 pull a staff officer off of completing and draft
25 a NEPA document that the council is about ready
26 to vote on to take up something like this.

27 And just quickly on Mr. Bullard's
28 comment there. I think that there is that
29 perception that there's much more value and a
30 greater PR benefit to the Agency if there is an
31 industry funded study that is conducted primarily
32 or mostly or a lot by industry people.

33 And that information bursts on the
34 council floor and is ready to be used quite a bit
35 compared to the more thorough academic study that
36 takes years and years and subsequent renewals to
37 really get to that. But my main question and my
38 main thought here is for the next year if we knew
39 about the council, the schedule in process in
40 advance maybe we could get around some of the
41 quick turnaround problems.

42 DR. DOREMUS: Thank you. We'll
43 certainly do that. We did make fairly major
44 schedule modifications this year acknowledging
45 there's only 12 months to work with.

46 The one caveat, Don, as I was saying
47 in our budget presentation earlier part of what
48 will pace us is when we actually receive the

1 authority to spend. So that may or may not if
2 that Spend Plan review gets very dragged out that
3 can complicate matters as it did in '14 and '15.

4 So we should have a good reading on
5 the schedule for next year based on how things
6 work this year. And we will certainly make every
7 effort to get that notional calendar out
8 acknowledging that we need to make adjustments as
9 budget realities evolve.

10 CHAIR FARCHETTE: Tom.

11 MR. NIES: Thank you, Mr. Chairman.
12 Thank you, Paul. I've got a couple comments to
13 make. One is that, you know, we just received
14 this week a request, the executive directors
15 received a request this week to take a look at
16 the proposed group that may go to the review
17 panel.

18 And I welcome that. But I sent an e-
19 mail last year and I resent it just this week. I
20 think we can do a better job of doing that if we
21 had some more information available to us rather
22 than just a list of the projects you want to move
23 forward.

24 Now given your time line, you may not
25 be able to provide that to us this year. But I
26 really think you should consider that next year
27 because I feel like we're hamstrung a little bit
28 in what you're asking us to do by the information
29 you're giving us.

30 You've asked us to comment on whether
31 there's a good mix of partners but you didn't
32 give us any information on who the partners are.
33 So I don't really know how I'm supposed to answer
34 that question.

35 Then moving to my good friend John's
36 comment about the program. I think, you know, we
37 run sort of, if you will, a mini S-K program in
38 our region and a number of fisheries through our
39 Research Set-Aside programs.

40 Giving out, when I say we I mean the
41 regional office and the science center at NMFS
42 giving out, you know, \$10 or \$12 million a year
43 of money to the scallop industry for research.
44 Smaller amounts to the herring and monkfish
45 industries for research.

46 And the model we use kind of follows
47 the S-K program model. It's a competitive grant.
48 We do technical reviews. It's not quite as

1 thorough as yours, but it's very similar.

2 And we've often received comments from
3 a few people that we should get away from the
4 competitive grant model and move towards a more
5 collaborative perhaps contract approach where a
6 group of people design a research proposal for a
7 contract and then people bid on doing that
8 contract. Now my understanding is there's some
9 legal issues with that.

10 I'm not quite sure what they are. But
11 if there was an opportunity to explore an
12 approach like that with part of the S-K money it
13 might enable you to get at the issue that John is
14 talking about because it may allow the industry
15 folks to be involved in the design of what's
16 going to happen at an earlier level and perhaps a
17 non-technical level.

18 And then the researchers can say,
19 okay, well we need to do this and this in order
20 to make it really useful in the science arena.
21 But that's a long-term process. And I, it may
22 not be legal from what I understand.

23 DR. DOREMUS: Thank you, Tom. We
24 certainly did get your e-mail and we'll do what
25 we can to make sure you have the best information
26 for the review that we've requested. We can
27 always get better at that.

28 And likewise we really welcome any
29 comments that you and others may have about how
30 the process can be improved, in particular how we
31 can get a better balanced set of qualified
32 applicants in the future. The possibility of
33 directing S-K funds to contracts I think is quite
34 low.

35 It would require a statutory revision
36 of the S-K Program. And I think some of the
37 ideas that we have talked about in terms of
38 encouraging partnerships building the grant
39 application capacity, if you will, in industry
40 outreach, mechanisms like that I think would, are
41 mechanisms we can pursue now.

42 And even though it may take time to
43 get to where we want to get we can get better
44 each year. So always open to ideas for how we
45 could do things differently. But I think that
46 avenue is accessible to us and that we should use
47 it.

48 CHAIR FARCHETTE: Thank you, Paul.

1 Any more questions for Paul on S-K? Chris.

2 MR. OLIVER: Yes. And I don't want to
3 belabor the point. But and I appreciate the fact
4 that you are on this tight time line and you want
5 to try to involve the councils, that's great.
6 But it becomes like for example we've got your e-
7 mail I guess yesterday with the initial list.

8 And we basically have six days
9 counting the weekend and we're here in this
10 meeting. Some parts of that process really
11 become more of a staff function than a council
12 function because when we're outside council
13 meetings council members sort scatter to the four
14 winds and to their day jobs and it becomes hard
15 in that short time window to really get
16 meaningful, I guess, feedback or input from a
17 formal council level.

18 And so I don't, I know that I don't
19 have a solution or a suggestion right now. I
20 guess I'm just echoing some of the things in
21 terms of the timing that makes it hard for us to
22 get the kind of input that would be most valuable
23 to you.

24 DR. DOREMUS: Point taken. Thanks
25 very much. I think Don's idea of trying to get
26 the calendar out in advance and make sure we're
27 providing within all the phases that need to
28 happen for one grant cycle as much opportunity as
29 possible.

30 We'll seek every effort to do that.
31 But thank you for your views and we'll take that
32 in consideration for our next grant cycle.

33 CHAIR FARCHETTE: Thank you, Paul.
34 Any further questions for Paul? Coming from a,
35 being a lifer in the law enforcement arena I am a
36 strong advocate of outreach and education. So
37 I'm glad to hear all the mention of outreach
38 communication and also the industry
39 participation.

40 Okay. We'll move forward with the
41 legislative outlook. Dave Whaley.

42 MR. HOLMES: Good morning everyone.
43 My name is Topher Holmes. I'm with the NOAA
44 Office of Legislative Affairs. Per tradition
45 rather than having us give you our perception of
46 what the upcoming legislative agenda will be we
47 tend to invite our partners on the Hill to come
48 and talk with us about their recent activities

1 and anticipated agenda for the upcoming session.

2 So with us today we have Jeff Lewis
3 from the Senate Commerce Committee, Subcommittee
4 on Oceans, Atmospheres, Fisheries and Coast Guard
5 Council. And then from the House Natural
6 Resources Committee we have Bill Ball and Matt
7 Strickler who are professional staff.

8 So with that I'll turn it over to
9 them. Thank you.

10 MR. BALL: All right. Well I'll take
11 it by the reins and go first I guess. Some of
12 you know me, some of you may not. My name is
13 Bill Ball, again. I work for Natural Resources
14 majority on fisheries issues on the Water, Power
15 and Ocean Subcommittee.

16 I've been there for about a year.
17 Before that I came from the Senate. I grew up in
18 Maine, you know, a state that's rich with fishing
19 heritage. I grew up on boats my whole life. I
20 put myself through school fishing in Maine.

21 In 2010, decided to trade in my oil
22 gear for a suit and I came to DC. Today I wish I
23 wouldn't have done that because I got soaking wet
24 walking over here so it might not have been the
25 best decision. But it is what it is.

26 Spent the first four years over there
27 working the cod situation in New England trying
28 to get the disaster declaration, trying to get
29 the funding as the guys from the New England
30 Council can attest was a long, tiring process.
31 But we got there.

32 In a political and fiscal climate that
33 wasn't very open we got money and that money has
34 got on the ground. So that was a huge
35 accomplishment and kind of a great way to start,
36 you know, my Congressional career.

37 Anyways, I'm in the House Natural
38 Resources for the last year. We've had a pretty
39 productive year I think again, given the larger
40 issues at hand. We were able to pass, first and
41 foremost, the IUU Bill of Ms. Bordallo which was
42 signed into law.

43 We were able to pass the Dungeness
44 Bill to eliminate that sunset and extend that
45 authority, that state management authority. Both
46 of those passed with overwhelming bipartisan
47 support.

48 We also passed our Magnuson Stevens

1 reauthorization bill which is extremely
2 important, you know, to us, the Chairman, to our
3 members, also bipartisan. Maybe not quite the
4 same threshold. But, so you know those are
5 pretty big accomplishments.

6 Outside of that however, we have done
7 a lot of work, regional work whether it be
8 through be field hearings or oversight hearings
9 looking at bigger picture issues that are, that
10 may impact fisheries access whether that's down
11 in Biscayne with Park Service and the Marine
12 National Park or whether that's looking at
13 Antiquities Act designations in the ocean or
14 expansions.

15 That's an area where we've been really
16 focused. Certainly Chairman Bishop coming from
17 Utah is extremely engaged and active in the
18 Antiquities Act. So, you know, that's been a
19 huge part of what we've done.

20 Looking forward again, you know,
21 certainly looking forward Antiquities Act is
22 something on our radar. I know New England
23 potential monument is still out there. I know
24 there's whispers about other actions that are
25 going to happen.

26 You know, that's something that if you
27 look earlier this year, I guess last year, you
28 know, we've had sanctuaries that are, you know,
29 protected areas that have gone through the
30 regular process, that have gone through the
31 stakeholder process that have gotten sign off by
32 the states and by the local governments that, you
33 know, have been implemented and have been fine.

34 You're not seeing backlash. But
35 people get really nervous for good reason when
36 actions that, you know, could have serious impact
37 on access, permanent impact are done behind
38 closed doors or done without consultation with
39 the industry or the states. And so that's
40 something that we just want to make sure to the
41 best we can that groups and states and
42 stakeholders are involved in those processes.

43 As some of you know, we scheduled a
44 hearing, legislative hearing next week around
45 this meeting to consider two, well one bill that
46 would implement the North and South Pacific
47 Fisheries Conventions. This is a Radewagen and
48 Mr. Young bill.

1 It's a bill that I think is a good
2 bill. I think it's a bill we're going to be able
3 to move without, you know, it's not a contentious
4 bill. The changes from the administration
5 proposal that are in our bill are largely
6 consistent with the Senate counterparts.

7 And they consist of making sure the
8 councils are involved, making sure the councils
9 can preserve their management jurisdiction and
10 making sure that territories are participants, et
11 cetera, et cetera to the best of their ability.
12 So that will be Tuesday afternoon.

13 I know we had been, you know, in
14 contact with the applicable councils that would
15 be for those two conventions and we look forward
16 to working, you know, with Matt and with Jeff in
17 Commerce on trying to get these things done.
18 Also, you know, we're working to hopefully find a
19 path forward on a Magnuson reauthorization with
20 the Senate.

21 As I think I saw some of you yesterday
22 at the Senate Oversight hearing. I think some
23 good things came out of that and hoping that we
24 can find a path forward. You know, I know that's
25 a bill that likely won't get hotlined.

26 But we're hoping that we can find some
27 compromise there and find a path forward on that.
28 I know there's interest in the Senate on putting
29 something together and we're very interested to
30 see what that's going to be.

31 We've also, actually today our
32 Subcommittee is having a hearing on western water
33 issues. We had a part one of that hearing a few
34 weeks ago that dealt with predation issues in the
35 west.

36 And while some of that stuff is
37 certainly more contentious early in the year we
38 had a hearing on Herrera-Butler Bill 564 which
39 deals with sea lion predation, specifically or
40 primarily up in the Columbia, lower Columbia.
41 And, you know, I know that Mr. Huffman has
42 expressed interest in maybe a path forward on
43 trying to find some resolution to fix that
44 situation.

45 And so we're looking forward to
46 working on that too. Outside of that, you know,
47 it's a little bit to be determined. You know, I
48 know, as someone that came from the Senate I know

1 the realities of the Supreme Court issue is going
2 to make it extremely difficult to move anything
3 on the floor for the time being.

4 But we're hoping that's not the case
5 for the whole Congress. But that, you know, that
6 is what it is. And still we'll be looking at,
7 you know, potential marine monument designations
8 and, you know, do our best ensuring that anything
9 that moves forward has full participation from
10 any applicable states or interest groups and
11 stakeholders.

12 And with that, short and sweet I'll
13 turn it over to Matt.

14 MR. STRICKLER: Thanks, Bill. I'm
15 Matt Strickler. I've met a lot of you by now.
16 I've been on the Resources Committee Democratic
17 staff for several years and through a number of
18 ranking members at this point. I'm kind of like
19 a cockroach. It's hard for them to get rid of
20 me.

21 So right now as I've mentioned at last
22 year's meeting we do have a new ranking member.
23 It's Raul Grijalva from the Third District of
24 Arizona. He obviously has not had an ocean in or
25 near his district for about 250 million years.

26 But he's getting up to speed on these
27 issues. He's very engaged. And we also have a
28 Subcommittee ranking member on Water, Power and
29 Oceans, Jared Huffman for the Second District of
30 California who has a lot of recreational and
31 commercial fishing interest in his district and
32 is obviously very involved and interested in
33 domestic and international fisheries issues.

34 Although I think that subcommittee may
35 be in danger of being renamed the Gulf of Mexico
36 Red Snapper Subcommittee given that's what we
37 spend most of our time on. We can talk a little
38 bit about NSA. I'm not going to get too deep in
39 it.

40 Bill said we passed our bill already.
41 So there's not a whole to discuss from the House
42 standpoint right now. Although we are looking
43 forward to NOAA putting out its, you know, its
44 final NS1 guidance so we can take a look at that
45 and how that would affect implementation of the
46 law and, you know, potentially if we, if the
47 Senate is enabled to act on a Magnuson bill this
48 year than perhaps we can kind of go back to the

1 drawing board and try to put together a
2 reauthorization that's bipartisan from the start.

3 You know, Bill also mentioned we've
4 had a couple of spasms of bipartisanship over the
5 last year or so. We did get the IUU Bill
6 through, Ms. Bordallo's bill that Mr. Young and
7 others worked with us on that. I think that was
8 really important legislation both for, you know,
9 for conservation on the high seas but also for
10 our fishermen to level the playing field for
11 them.

12 The Dungeness Crab Bill, the North and
13 South Pacific Convention hearing next week I
14 think has the potential to, you know, to bear
15 some fruit. So that will be good as well.

16 You know, I think really I'm just here
17 to kind of hear what you all have to say and
18 catch up with folks and hear what the concerns
19 are out in the regions. So I won't say a whole
20 lot more, although I got here just for the tail
21 end of the discussion on Saltonstall-Kennedy and
22 so maybe this was addressed before.

23 But I understand from talking to
24 Senate Appropriations staff yesterday that the
25 Trans Pacific partnership deal and the tariff
26 level lowerings there could have a significant
27 impact on the amount of money that's coming in to
28 S-K. So I don't know if folks from NOAA have
29 commented on that or not. But it might be a good
30 topic for discussion here.

31 MR. LEWIS: Thanks, Matt. So I'm Jeff
32 Lewis. I'm with the Democratic staff for the
33 Senate Commerce Committee which as I'm sure you
34 are all aware handles fisheries, marine fisheries
35 issues in the Senate.

36 I work for Senator Nelson who is our
37 ranking member of the full committee and Senator
38 Booker of New Jersey is our Subcommittee ranking
39 member for the Oceans, Atmosphere, Fisheries and
40 Coast Guard Subcommittee. So we're very excited
41 to have two coastal state Senators as our ranking
42 members.

43 That's the upside. The downside is
44 that we've got a full committee chairman from a
45 landlocked state in the Midwest and we have a
46 subcommittee chairman that's running for
47 president. And so we have not had the most
48 productive subcommittee agenda I suppose in the

1 last year or so.

2 But given those things, we have still
3 been able to get some work done. We have, as my
4 House staff counterparts mentioned, we've moved
5 the IUU legislation. It was not all that some of
6 us wanted it to be but it's a healthy start on
7 trying to crack down on that problem
8 internationally.

9 We also have been able to report or
10 the committee has at least voted to favorably
11 report the implementing legislation for the NAFO
12 amendments for the South Pacific Treaty
13 implementing statute and the North Pacific
14 statute. We hope to try to be able to hotline
15 those soon after they're, after the reports are
16 completed which our committee is unfortunately
17 notoriously slow at doing.

18 We also have, the committee has voted
19 to favorably report a Dungeness crab bill that
20 would repeal the sunset that currently is in
21 place in the statute. And just yesterday we have
22 had a couple of hearing now on fisheries
23 management issues.

24 Just yesterday we had a hearing that
25 was focused in part on the NS1 refinements that
26 NMFS is currently undertaking. Sam was good
27 enough to come to the table and answer questions
28 and weather some somewhat withering treatment by
29 some of our members who are frustrated by current
30 situations that they're dealing with in their
31 states.

32 But on the whole I think that the tone
33 of that hearing was impressively calm and it is
34 as if a lot of the difficult work that you all
35 did in 2010, 2011, now that it's been done and
36 now that in many instances fisheries are turning
37 a corner that were having trouble before I think
38 that there seems to be a general level of, I
39 don't know if it's satisfaction or resignation
40 maybe it's a little of both about the statute as
41 it currently is.

42 We've had no one banging down our door
43 saying you've got to radically overhaul the
44 Magnuson Stevens Act. So that's been, it's been
45 interesting to watch that, how that's evolved.
46 There may very well be an opportunity to
47 reauthorize the statute speaking to what Bill and
48 Matt had mentioned.

1 I think that Senator Thune's committee
2 staff and Senator Thune is our Chairman, I think
3 they are interested in trying to engage. Senator
4 Sullivan shared our hearing yesterday. He's of
5 course very active on fisheries issues being the
6 junior senator from Alaska.

7 And I think he seems to be interested
8 in trying to work on Magnuson Stevens Act
9 reauthorization. I do want to make sure though
10 and I would welcome comments on this, we want to
11 make sure that we're not pulling the rug out from
12 underneath the Agency just as they are looking at
13 refinements to NS1, NS3 and NS what 7?

14 Yes. If you're about to come out with
15 revised guidance I hate to go back and change the
16 guidance on you that you're trying to or the
17 standards that you're trying to, you know,
18 provide guidance on. So I would welcome
19 perspectives on that if I can solicit that.

20 And I also am very interested in the
21 S-K situation. Some of you may be aware that the
22 Commerce Committee has, at least certain members
23 on the Commerce Committee have been frustrated
24 for many years now that as well as have the staff
25 been, that money is largely raided and taken from
26 promote and develop and put into ORF.

27 And we are told that it goes to
28 science funding. But money is fungible so
29 there's really no way to peer past the opaque
30 glass to see whether or not that's actually
31 what's happening. We have to trust but not
32 verify.

33 And so I have been concerned about the
34 Trans-Pacific Partnership and TTIP. You think of
35 all those fish products coming in and the duties
36 that are assessed on them, everything from, I
37 guess, canned tuna to pearls from the Orient,
38 from Asia. And those duties are all going to go
39 away.

40 And so I'm curious to see how the
41 Agency is going to kick its S-K money habit, so
42 to speak. And I'm sorry to be blunt about that.
43 But it's kind of a raw issue for us and we've
44 kind of known all along that it wasn't a healthy
45 thing in the long run to be doing.

46 So at least some of our members on the
47 committee have felt that way. So that's kind of,
48 that's what's going on in a nut shell. I'll turn

1 it over to Dave if he wants to give some comments
2 or --

3 MR. WHALEY: Thanks. Before I get
4 into some specifics I wanted to talk a little bit
5 about timing. Not only is this an election year
6 but it's also a presidential election year. So
7 I'm going to preface this by saying I have no
8 idea what's going to happen in Congress for the
9 rest of the year.

10 Even though the election isn't until
11 November there are only 77 days of Congress that,
12 where Congress is going to be in legislative
13 session between now and the election. So, and
14 some of those are what we call getaway days where
15 the House is in session until early afternoon and
16 then members leave.

17 So there's not a lot of time left
18 before the election. Now having said that, the
19 last reauthorization of Magnuson happened after
20 the election and after the House Committee
21 Chairman of Jurisdiction was defeated in his
22 reelection bid. So stranger things have
23 happened.

24 So I wouldn't say that Magnuson is not
25 going to happen this year. But as these guys
26 have said, it's becoming less and less likely.
27 Between the last time we all got together two
28 bills that had fishery related provisions became
29 public law.

30 These guys have mentioned the IUU
31 Bill. But also the Appropriations bill, not only
32 did we have an Appropriation bill that actually
33 signed into law for the first time in years, but
34 it included some fishery provisions including
35 ones that were not just specifying how funding
36 would be spent, in particular the language on red
37 snapper and extending the state jurisdiction out
38 to nine miles.

39 That's not, it's not totally unheard
40 of but it is unusual. So I just wanted to note
41 that. Quick thumbnail update on Magnuson. These
42 guys have told you a little bit. The House
43 already passed the bill to reauthorize the Act,
44 H.R. 1335.

45 The Senate Commerce Committee held a
46 hearing on S. 1403 which amends the act but does
47 not reauthorize it. And then yesterday obviously
48 the Senate Commerce Committee had a hearing on

1 the bigger issue of Magnuson.

2 There have been some behind the scenes
3 discussions to see whether this reauthorization
4 could get jump started. I know there's at least
5 one member of the House who has been pushing hard
6 to get that done and he's been annoying his
7 Senate counterparts.

8 I know there's been some discussion
9 among staff about whether there are some things
10 that could be jettisoned from the House bill or
11 there could be some consensus on. So those
12 discussions are taking place. So be aware of
13 that.

14 The one big question is whether the
15 issue of red snapper is going to continue to hold
16 up the reauthorization. This Congress so far
17 there have been two bills that would reauthorize
18 the Act. There have been eight bills that deal
19 with red snapper.

20 So if that tells you a little bit
21 about where members are concerned. In addition
22 the red snapper issue has held up Senate
23 consideration of the Dungeness Crab Bill. And
24 also this is somewhat unusual, but the red
25 snapper issue has come up in a bunch of
26 committees even if there's no jurisdiction
27 including the Environment and Public Works
28 Committee on the Senate side.

29 So and there's another issue coming up
30 that I'll touch on in a minute. As Bill
31 mentioned there was a new bill that was
32 introduced to implement the two international
33 fish treaties. There's going to be a hearing on
34 that March 1st, next Tuesday and at least two of
35 the councils will be participating.

36 Quick wrap up on hearings. Obviously
37 yesterday the Senator Commerce Committee, also
38 yesterday the House Appropriations Committee had
39 a hearing on the Department of Commerce budget
40 and the Secretary was there to testify. I don't
41 know whether NOAA issues came up or not.

42 But that was the start of the House's
43 consideration of the Commerce Department budget.
44 So it's already up and started. And today
45 there's a hearing over at the House Natural
46 Resources Committee this afternoon. It's the
47 Subcommittee on Oversight and Investigations.

48 It's a hearing on the President's

1 imposition of new environmental mitigation
2 regulations. So I'm assuming that will touch on
3 some NEPA issues.

4 And the one thing that I was going to
5 mention, the other thing on red snapper I heard
6 in the hallway yesterday that yet another Senate
7 committee is going to jump into potentially red
8 snapper issues. The Senate Small Business and
9 Entrepreneurship Committee we heard may be having
10 a hearing on fisheries issues.

11 The chair of that committee is Senator
12 Vitter. So I suspect red snapper may come up. I
13 don't have any other information other than
14 hearing that in the hallway. So as I hear more
15 I'll let you know.

16 Quick discussion about politics. I
17 mentioned this is an election year. Every single
18 member of the House of Representatives is up for
19 election, one-third of the Senate is up for
20 election and the President is up for election.
21 So there's a whole lot of politics going on if
22 you hadn't noticed.

23 There are 43 Members of the House,
24 almost ten percent that are either retiring,
25 running for other office, resigning or have
26 passed away. There are six Senate members who
27 are retiring or running for other office. So
28 there's going to be some new blood coming in.

29 In particular some of the members who
30 are either running for other office or are
31 retiring are key members who have been interested
32 in fisheries issues. I mentioned Senator Vitter
33 is retiring. He ran for the governorship of
34 Louisiana and was not elected. So he has
35 announced he will not maintain his Senate seat.

36 Senator Rubio, if you hadn't noticed,
37 is running for President. He has announced that
38 he will not stay in his seat no matter what
39 happens in the presidential election.
40 Congressman Fleming who is the Chair of the Water
41 and Power Subcommittee which is the subcommittee
42 of jurisdiction over Magnuson and most fisheries
43 issues in the House is running for Senate.

44 Congressman Jolly who has been on the
45 House Appropriations Committee and has been
46 interested in the red snapper issue and was very
47 instrumental in getting that extra five million
48 in the FY '16 budget is running for Senate.

1 Congressman Wittman from Virginia is going to run
2 for governor in 2017.

3 That's an off year for Congress so he
4 is running for his Congressional seat in 2016 and
5 then will run for governor in 2017. But he will
6 still remain a member of the House, assuming he's
7 reelected in November.

8 Congressman Pierluisi from Puerto Rico
9 is running for governor. He's on the House
10 Natural Resources Committee. And little known
11 fact, he is the only member of the House of
12 Representatives who serves a four year term, very
13 unusual.

14 There are four other members who, two
15 of which are coastal members and two of which are
16 not. Dan Benishek from Michigan is a member of
17 the Natural Resources Committee, has been
18 interested in NEPA and some other bigger picture
19 issues that affect fisheries is retiring.

20 Lois Capps and Sam Farr are both of
21 California. They have been active on fisheries
22 issues and are retiring. And Cynthia Lummis from
23 Wyoming who is a member of the Natural Resources
24 Committee is retiring as well.

25 Real quickly, as I mentioned there
26 have been behind the scenes discussions about
27 trying to find a more streamlined Magnuson
28 reauthorization bill. If there are priorities
29 that any of the individual councils have if you
30 could let me know in case they come up and so I
31 can help let folks know what your priorities are
32 if asked that would be helpful. Thanks.

33 CHAIR FARCHETTE: Miguel.

34 MR. ROLON: Yes, Dave. Thank you for
35 your presentation. We have been asked to clarify
36 your position most about you in your role,
37 capacity coming from the Hill like the three
38 instruments running you.

39 So can you introduce yourself again
40 and tell us what you do for us.

41 MR. WHALEY: Sure. Dave Whaley. I
42 was on the Hill for 30 years. I retired a year
43 ago and I've been retained by the councils to
44 provide information on what's going on, on
45 Capitol Hill. So I work for you guys.

46 So I am not a lobbyist. I do not
47 lobby. But I provide information on what's going
48 on, on the Hill and hopefully all of you have

1 seen the monthly reports that I send out. It
2 would be very helpful if you have any feedback on
3 those reports.

4 Are they helpful? Are there things
5 you would like to see added? And if there are
6 things that you have particular interests in,
7 other issues other than Magnuson please let me
8 know and I can help you track those.

9 At least one of you has not been shy
10 about calling me about some issues. So, Kitty,
11 good job. So please let me know what I can do to
12 help you.

13 CHAIR FARCHETTE: Chris.

14 MR. OLIVER: Yes, I wasn't, I was in
15 the air when you gave your testimony yesterday.
16 Sam, I think it's a question for you. But it's
17 about the NSI guidelines.

18 And as this Magnuson has been pricking
19 a lot of those issues we talked about earlier
20 could be addressed to some degree or other within
21 that. So what's the timing like on that now? It
22 looks like Magnuson may not happen right away.
23 So that may be a good thing.

24 MR. RAUCH: Thank you. As I told the
25 Senate yesterday we have, the comment period is
26 closed on NSI. We had an enormous amount of
27 comments and it's taken us a long time to work
28 through all those.

29 We are getting close. We hope to
30 submit a rule to OMB in the coming month or so.
31 OMB takes about 90 days to review those rules,
32 that's their guidance. And when they do then if
33 it clears out of that process I would expect a
34 final rule early summer some time.

35 That is assuming that Congress does
36 not act. If Congress acts obviously we would
37 reassess.

38 CHAIR FARCHETTE: John Bullard.

39 MR. BULLARD: It's a question for Matt
40 and Bill. I had the NAFO delegation and I'm
41 interested as we're trying to build opportunity
42 for US vessels. For example, there's a thousand
43 metric tons of yellowtail that we're, we get as a
44 result of our membership in NAFO.

45 That's about four times what we're
46 able to fish in US waters. And you mentioned
47 there's a hearing on the two Pacific conventions.
48 But I didn't hear you mention anything about NAFO

1 and I just, Jeff did but I didn't, you were
2 silent on that. I wanted to, any prospects?

3 MR. BALL: At this point we don't have
4 anything on the calendar, no. I mean, the
5 hearing next week is a legislative hearing on
6 just that single bill to implement those two
7 conventions.

8 So, you know, I think I'm open to
9 discussing with you guys and with Matt if that's,
10 you want to look at something. But as of right
11 now, no, we don't have anything scheduled to do
12 that.

13 MR. STRICKLER: I'll just add, John,
14 and thank you for your question. Our challenge
15 on the minority side of the committee I think
16 with NAFO is that we don't have anybody, any
17 members with any skin in the game up there since
18 Mr. Markey left.

19 We don't have a New England member.
20 However, if a Democratic or Republican member
21 introduced a NAFO implementation bill I think
22 that's something that we could definitely take a
23 look at.

24 MR. BULLARD: Thanks, Matt.

25 CHAIR FARCHETTE: Doug.

26 MR. GREGORY: Yes, I want to thank you
27 all for coming here today. I know you have been
28 busy, appreciate that. And, Dave, I want to
29 thank you for your help. The Gulf Council was
30 the host of the CCC last year.

31 And despite my best efforts I couldn't
32 keep up with what was going on with the various
33 bills and you've been very helpful to us. So we
34 appreciate that input. And I've been circulating
35 your reports to the Gulf Council directly and
36 some of the council members have expressed their
37 appreciation for that. Thank you.

38 CHAIR FARCHETTE: Kitty.

39 MS. SIMONDS: My interest is if there
40 is any movement in either house but mainly on the
41 House side, having to do with Antiquities Act.
42 As you all know all of the marine, US marine
43 monuments are in our part of the world.

44 And they're, a request has been made
45 to the President to expand the current monument
46 in the northwestern Hawaiian Islands. It's such
47 a long name that we just call it Papa and Mama.
48 Most people don't know how to pronounce it.

1 But anyway the request is to expand it
2 200 miles. It's just totally, you know, out of
3 line. And so I was curious about, you know,
4 legislation. And I kind of recall on the House
5 side Congressman looking at amending the
6 Antiquities Act. So what's up, boys?

7 MR. BALL: Well as I said, that's
8 something we're closely paying attention to and
9 something that Chairman Bishop cares a lot about.
10 And we would, you know, given the size of that
11 monument already we would be concerned, I think
12 it's very safe to say, if there was efforts to do
13 an expansion of that magnitude.

14 There are, I know Mr. Young I believe
15 has a bill out. I know in previous Congress'
16 Chairman, well at that time not chairman, but Mr.
17 Bishop had a bill out there to amend the
18 Antiquities Act or to change the way the process.

19 We're certainly looking at that. I
20 mean that's not something that you, you know, we
21 can take lightly. That's a huge undertaking and
22 it's something that needs to be, you know, very
23 thoughtful in the process.

24 But I think that there's, you know,
25 interest in looking at those. I don't, I can't
26 tell you that bills amending the Antiquities Act
27 are going to move or what we're going to do. But
28 as a general rule, we've been very engaged and
29 active on potential designations for the best we
30 could.

31 MS. SIMONDS: Right. Perhaps it would
32 be a good idea to hold a hearing.

33 MR. STRICKLER: Kitty, thanks for your
34 question. If I could just add. And Bill and I
35 work really well together I think. I've really
36 enjoyed getting to know him and working with him
37 on the committee.

38 The Antiquities Act is one area that
39 our Chairman and ranking member did not see eye
40 to eye. Mr. Grijalva is a big supporter of the
41 Act. We have heard about the proposal that you
42 mentioned for Papahanaumokuakea. Is that how you
43 say it?

44 MS. SIMONDS: Papahanaumokuakea.

45 MR. STRICKLER: Well I was close
46 maybe. Anyway, we'll take a look at that for
47 sure. The one thing I'll say about Antiquities
48 is that these proposals don't move forward into

1 actual designations without there being
2 significant community support and significant
3 Congressional support.

4 I'm not saying that means unanimous.
5 As you all know, there are folks who think that a
6 lot of monument designations are controversial.
7 But, you know, I don't think we would see an
8 expansion of that monument or designation of
9 other ones particularly in the marine space
10 without, you know, folks from communities and
11 folks from Congress coming forward and saying
12 that's something that they want to do.

13 And I think the talk and the
14 controversy over the proposed monument and
15 because New England is a great example of that.
16 The folks who were supportive of that concept got
17 out a little bit ahead of themselves I think and
18 there's been some backlash and now we're kind of
19 resetting the process.

20 And they've I think realized that if
21 they, if that's a priority for them then they're
22 going to have to get some buy in from
23 stakeholders and actually have a, you know, a
24 public process and an open conversation about
25 whether or not that's something that folks want
26 and I think that's appropriate.

27 MS. SIMONDS: Right, because for us it
28 would be two-thirds of the State of Hawaii.
29 Thanks.

30 CHAIR FARCHETTE: Rick.

31 MR. ROBINS: Thank you, Mr. Chairman.
32 In the last omnibus spending bill there was
33 language that targeted the implementation of
34 MRIP.

35 And the ongoing improvements to MRIP
36 are things that on the east coast we've been
37 looking forward to for a very long time and
38 recognize that there's been an extensive effort
39 to try to drill into the issues where there might
40 be bias in those estimates and make structural
41 improvements to address that.

42 And so, you know, as a consequence of
43 that there's a new methodology for effort
44 estimation. And we have been trying to plan
45 around that transition relative to the stock
46 assessment process and things like that at the
47 council level and between and among the councils
48 in the science center.

1 But that omnibus bill included
2 language that would essentially preclude the
3 implementation of that new methodology until the
4 Agency improves stock assessments relative to
5 artificial reefs and fixed offshore energy
6 structures. So that appears to be a Gulf
7 specific concern.

8 And I just wanted to ask if that issue
9 had, I mean that's not part of a reauthorization
10 language. That was in the omnibus bill for
11 spending. But has that issue made its way onto
12 your radar at the committee level?

13 MR. LEWIS: Yes, Rick. So for the
14 record, we objected to that with our colleagues
15 on Appropriations staff. And we also objected to
16 redrawing maritime boundaries on an
17 Appropriations bill for the record.

18 But I was, I'm glad you brought that
19 up because I'm curious to know what we think that
20 really is, what is that targeted at. Is it about
21 a new methodology that's been developed? I
22 looked at it and thought it was about the switch
23 to, you know, paper mailings, the switch away
24 from telephone, you know, random dial stuff
25 because nobody was picking up, right.

26 But how do others see that as, I mean
27 what is it trying to get at? I'm curious.

28 MR. RAUCH: I can address a little
29 bit. I'm not going to answer as to what it's
30 trying to get it. I don't want to speak for the
31 Appropriations Committees. But in terms of
32 implementation of the switch, we are switching as
33 we've talked I think with this group, from the
34 telephone survey to a mail survey.

35 That has implications for how we
36 manage the recreational data set particularly in
37 the south east. That transition was not going to
38 happen until about 2018 anyway. There was going
39 to be two years of calibration, at least two
40 years of calibration before it.

41 So what the language indicates is that
42 we cannot transition this year. We were not
43 planning on transitioning this year. It added
44 some considerations which at some point may
45 become problematic.

46 But it did not preclude us from doing
47 the calibration which is what we're doing. And
48 we'll look at the kind of information Congress

1 said we needed and try to provide that.

2 But right now it's not delaying the
3 transition. The transition was not going to
4 happen this year. This year is a calibration
5 year.

6 CHAIR FARCHETTE: Paul.

7 DR. DOREMUS: I just wanted to pick up
8 on the S-K topic really briefly. There was
9 mentioned in opening comments about the impact,
10 the TPP on S-K. And that is slightly difficult
11 to predict.

12 S-K, as I mentioned earlier, is a
13 function of import tariffs. TPP would reduce
14 import tariffs for some countries starting in,
15 basically in the FY '18 budget cycle. We have
16 looked at this closely to try to guesstimate what
17 the impact on the S-K grant program might be.

18 But it's a function of the composition
19 of imports and the countries that are affected by
20 TPP. And the way it basically shakes out and we
21 can provide further information but seafood
22 imports into the United States, as many of you
23 know, we can, 90 percent of our seafood
24 consumption in the United States is imported
25 product. Sixty percent of that is from Asia, 16
26 percent from North America and 15 percent from
27 South America.

28 And the TPP agreement would eliminate
29 import tariffs from Australia, Canada, Chile and
30 Singapore and some tariff reductions over the
31 five, ten year time frame would take place in
32 Brunei, Japan, Malaysia, Mexico, New Zealand,
33 Peru and Vietnam. Notably, China is not included
34 and China alone is 24 percent of seafood imports
35 into the United States.

36 So from our look at the countries that
37 are affected TPP about a third of our seafood
38 imports would have a lower tariff and about two-
39 thirds would likely be unaffected. So if you
40 made an assumption for FY '18 that our
41 appropriation was the same and the same amount of
42 the promote and develop account went into S-K,
43 into ORF offset, the available resources for the
44 S-K program would be on the order of \$6.7, \$7
45 million.

46 So there would be an impact. But it
47 wouldn't be dramatic and it would increase over
48 time as those other countries that I mentioned,

1 as those tariffs become progressively further
2 reduced. So that was our quick look at it.

3 Happy to discuss further. I do want
4 to note that when it comes to the ORF offset that
5 Congress provides we do provide a report that
6 comes, basically offsets our four major fisheries
7 PPAs. And we do provide information on how that
8 all factors down. So happy to provide that for
9 any council members or others who would like.

10 CHAIR FARCHETTE: Thanks, Paul. Any
11 more questions? Okay. Before we break for lunch
12 I want to announce that the observer and bycatch
13 presentations are posted on the NMFS CCC website
14 in case you all want to take a look. And we'll
15 break for lunch. We'll see everyone at 1:45.

16 (Whereupon, the above-entitled matter
17 went off the record at 12:15 p.m. and resumed at
18 1:47 p.m.)

19 CHAIR FARCHETTE: Okay. Next on the
20 agenda is the electronic monitoring update by
21 George LaPointe.

22 MR. LAPOINTE: Is this on? Yes, it
23 is. Thank you, Mr. Chairman. My name is George
24 LaPointe. I'm a contractor with NOAA who has
25 been working on electronic technology issues for
26 a couple years and I'm going to give you a brief
27 update on the electronic technologies
28 implementation plans that the regions put
29 together and then some ongoing issues.

30 The policy director from 2013 required
31 that the regions put together electronic
32 technology implementation plans. The regionally
33 specific technology issues that would advance
34 fishery dependent monitoring in the various
35 regions, those were put together by all the
36 regions and Atlantic Highly Migratory Species.

37 And they were completed in February
38 2015, a year ago. And the plans are updated by
39 the regions or progress towards achieving the
40 plans are updated to the Regulatory Board and the
41 Science Board twice annually. The next update is
42 May of 2016.

43 And in talking to people this morning
44 it strikes me that the councils and the regional
45 offices could get together and look at what's in
46 those regional or the semi-annual updates to see
47 if it needs to be made more contemporary. Are
48 there issues in your council region that are

1 further along or further behind than they were
2 before?

3 So if issues should be added and
4 importantly schedules should be adjusted. The,
5 another thing we're doing for this May is adding
6 a cost accounting component to the updates. One
7 of the things that we've not done well
8 collectively is really document how much it costs
9 to put electronic monitoring plans in particular
10 but also electronic reporting programs in place.

11 And so we're starting with an
12 accounting template that has a lot of categories.
13 Some regions have done better than others and I
14 will guarantee that none of us will do this 100
15 percent this first time. But it will allow us to
16 start getting a better handle on the costs. So
17 that's an important thing to pay attention to.

18 And people have said well how are
19 these plans used. And I want to mention that
20 they're useful in maintaining a focus on
21 electronic technologies. People in the regions
22 look at them and can see where the focus is and
23 again, because they are documents that can be
24 changed look at them say there should be changing
25 emphases.

26 They are used in the budgeting process
27 when people ask is a particular issue in or
28 outside of the plan. And they're also used in
29 reviewing RFPs for proposals for NFWF grants et
30 cetera because they focus the regions efforts on
31 electronic technologies.

32 And so they're used as a guidepost in
33 funding. This is a big slide and it's similar to
34 the one I showed you last year. And it is
35 planned progress. And I was thinking about
36 putting up last year's plan because it had more
37 yellow and red and less green.

38 But what it shows is, by region it
39 shows that where there's electronic reporting in
40 line now coming on board for observers. And it
41 shows that there's a lot of expansion in
42 electronic reporting and electronic monitoring.

43 I left VMS in there just because it's
44 used in all regions. Recreational fisheries lag
45 behind broadly. And then the, you can see that
46 all the plans cover cost components. But the
47 cost share component is something we need to come
48 along.

1 But a lot more green and a lot less
2 red than we've had in the past. Putting this in
3 an implementation time line for starting last
4 year and I put the things up on top because if
5 you start in 2015 it ignores the fact that Alaska
6 has had four EM programs in place for quite some
7 time.

8 And for electronic reporting both the
9 west coast and Alaska have an ongoing expansion
10 to all their fisheries. So it's hard to put that
11 on a time line so I put it up on top. And if I
12 missed other issues, my apologies. It's my
13 fault.

14 If there's important things you think
15 should be on here let me know. But on the time
16 line it shows that a lot of things are happening.
17 The HMS fishery started electronic monitoring in
18 the middle of 2015. Groundfish EM is going to
19 start in the northeast with some of the sectors
20 in May of this year.

21 West coast has a couple fisheries in
22 2017. You can see it there that between now and
23 2018 there's a lot of EM programs that are going
24 to be coming online. And you know in the
25 councils and for HMS better than I do each one is
26 a work in progress and there's just a lot of
27 procedural issues to get through in getting those
28 in place.

29 We also have some electronic reporting
30 things I want to mention. There's interest in
31 the plans the Mid-Atlantic wants to implement
32 party charter electronic reporting in 2017 as
33 does the south Atlantic. I put the Gulf of
34 Mexico as 2018, it might be 2017.

35 But in the next couple years
36 electronic reporting for party charter vessels is
37 going to get much more attention. And the
38 northeast data modernization is still occurring
39 where the northeast region, and John can correct
40 me if I'm wrong, is looking at their entire data
41 collection system and modernizing it so that it
42 looks forward 20 years, as much as any of us can,
43 as opposed to being built on what's been done in
44 the last 30 years.

45 They are going to start implementing
46 that next year and will implement it in stages
47 for a couple years. Some ongoing issues that
48 I'll talk about briefly. Data storage and

1 retention, confidentiality and minimum
2 participation levels because these are issues
3 that are occurring in all the regions.

4 For data storage and retention there
5 has been an ongoing question of who owns the data
6 and how long do you store it. And this is coming
7 to a head in a couple of the regions because EM
8 is coming online. The west coast is struggling
9 with this, I shouldn't say struggling, is working
10 through the issues on this right now.

11 HMS has similar issues. And one of
12 them is who stores the EM data. And if NMFS owns
13 the data, if NMFS stores the data it's a federal
14 record and there are a lot of requirements and
15 costs that come along with how long you need to
16 keep it.

17 As it says here once NMFS possesses
18 the data becomes a federal record. If it's held
19 by a third party only those data that are used by
20 the Agency, and this is a new term for me, but it
21 is evidence of Agency action becomes a federal
22 record.

23 And then for how long the data needs
24 to be retained there's ongoing questions about
25 this. The federal records retentions rules, I
26 don't remember the exact length of time but there
27 are, there's some requirements that video be held
28 for 15 years.

29 The public access to research records
30 I think calls for indefinite storage and there
31 are other standards like the Statute of
32 Limitations for, under various statutes but for
33 Magnuson and civil law enforcement cases I think
34 it's five years.

35 The issue here is one of cost. The
36 data that's generated by EM systems is, as you
37 all know, voluminous. And if you have a lot of
38 vessels in the fishery storing data for a long
39 time you could easily see data storage costs
40 eclipsing program costs.

41 And so we are trying to work through
42 the issue in a pretty short amount of time for,
43 I've been advocating, I've been promoting five
44 years because that's the Statute of Limitations
45 under Magnuson. It gives you enough time to look
46 at the data if you want to go back but it's not
47 holding it for a long period of time.

48 If you move in that, if we all move in

1 that direction it will require some ongoing
2 discussions about PARR, the Public Access for
3 Research Records and changes in federal retention
4 or federal records retention rules. But if we
5 move in that direction we'll also have time to
6 work on those issues because if you use five
7 years you've got five years to work on the data
8 issues.

9 Those are largely my thoughts. And
10 obviously there's a lot of federal steps to go
11 through. But that's kind of my thought right
12 now.

13 On the data confidentiality I've been
14 talking to folks about it before. I think you
15 all have discussed this a lot. And broadly, EM
16 data are observer data and therefore confidential
17 per Magnuson.

18 The exception which needs to be
19 addressed case by case is with limit access,
20 privilege programs and how you aggregate data.
21 And again those need to be addressed case by case
22 and the recommendation is that people work with
23 their regional offices and GCs to work through
24 those kind of issues.

25 The last issue is one that I've
26 mentioned internally at NMFS and that is minimum
27 participation levels in the EM programs. As I've
28 observed the amount of effort that it takes,
29 councils, it take NMFS, it takes fishermen to
30 implement EM programs, implementing the EM
31 programs for a very small number of vessels is
32 something I think we need to think about.

33 I think there's got to be some return
34 per unit effort and developing a really small
35 program for a small number of vessels doesn't
36 make sense to me. So this is something we need
37 to work on. There's been no decisions made but I
38 think it's an important thing to consider as we
39 consider new EM programs moving ahead.

40 The last thing I'll mention is we are
41 planning a second national EM workshop for fall
42 2016. And the focus for this workshop will be on
43 EM program implementation, what's working and
44 what's not in the two years since the first
45 workshop.

46 And it will be more nuts and bolts
47 focused than the first workshop which was still
48 trying to develop the foundation for people

1 considering an EM. So more information will be
2 coming out about that soon. And so with that I
3 will, that's the end of what I was going to talk
4 about. And I'm happy to try to answer any
5 questions.

6 CHAIR FARCHETTE: Thank you. Do we
7 have questions for George? Gregg.

8 MR. WAUGH: Thank you, George. That
9 was a very interesting presentation. You know,
10 when you came to our council we talked a lot
11 about the cost sharing aspect and the industry is
12 going to have to cough up their portion.

13 Can you talk as to what's going on
14 within the Agency to cover Agency costs for
15 implementing things like this, like electronic
16 reporting, a log book program because in the
17 sharing part the fishermen can do their part, but
18 we've got to have Agency support for the regions
19 and centers in order to implement these.

20 MR. LAPOINTE: I'll talk about it
21 broadly and then if we get into more specific
22 budget numbers I'm going to punt it to the people
23 at the other end of the table. The policy
24 directive talks about cost sharing and we're
25 working on a cost sharing policy that allocates
26 broadly the cost that the Agency should pay for
27 and the cost that the industry should pay for.

28 And there's exceptions for programs
29 that are already underway. But if it's on a
30 vessel or it's waterside it will largely be an
31 industry cost. If it's shoreside it will largely
32 be an Agency cost and there will be transition
33 plans with that.

34 But I don't, run by the second part of
35 your question for electronic reporting as well
36 for me, Gregg.

37 MR. WAUGH: It was just the fact that
38 for us to implement these things our regions and
39 centers are going to have to have some funding to
40 implement the reporting aspect. And is that
41 being talked about within the Agency?

42 MR. LAPOINTE: The short answer is,
43 yes. But can Sam or Paul go into that in a
44 little bit more detail?

45 MR. RAUCH: Yes, in our existing
46 programs even where the industry has borne the
47 cost the industry, we pick up a substantial cost
48 in terms of staff time and resources. In a level

1 funded budget, which largely all of these are, we
2 have to do that by not doing something else.

3 And so as we engage in more of these
4 programs we look at that. Some of the, you know,
5 we have, we put in requests for these various
6 funding pools and to the extent some of it's
7 internal it goes that some of them are developed
8 in conjunction with catch share programs and so
9 we've some catch share.

10 But we are very cognizant as we are
11 going forward that not only do we have to pay for
12 the external costs but we also have to be willing
13 to commit to the internal costs. There's not
14 huge pots of money out there to do that.

15 We engaged in that kind of analysis.
16 But our view is that we will cover the shoreside
17 costs. That may mean we're not doing other
18 things. And that is an issue that we deal with
19 as these things are developing. But it is one of
20 our big concerns.

21 MR. LAPOINTE: With respect to
22 electronic reporting with party charter vessels
23 and there's three councils who are interested, I
24 think that we're at the cusp of being able to do
25 that in a good way. And I think that, I mean
26 discussions between the councils, fishing
27 industry and the Agency about how you implement
28 so that everybody moves along at the same pace,
29 you know.

30 Understanding Sam's question is really
31 important because when I was talking to some
32 folks in the mid not too long ago I think people
33 think that we can just buy a bunch of, you know,
34 in this case electronic reporting units and plug
35 it in and not pay attention to all the back end
36 issues. And I think that's really important for
37 us all to consider.

38 CHAIR FARCHETTE: Don.

39 MR. MCISAAC: Thank you, Mr. Chairman.
40 I wondered if you could turn to Slide Number 6.
41 And you were making a point about federal records
42 in comparison to the evidence of Agency action
43 records.

44 So we have a swordfish fishery and
45 some discussions about an EFP. The applicants
46 were willing to have 100 percent observer.

47 They were willing to have EM out there
48 but they wanted to own the video because they

1 were concerned that the video wouldn't have
2 confidentiality and that there might have been
3 some groups out there who were going to select
4 out of the video if there happened to be a
5 mortality on board of a particular bycatch
6 species, the messiest and gruesome portions of
7 that video and post them on their website.

8 And so they were not anxious to have
9 the video be a federal record but rather looked
10 at, jotted down numbers and the numbers then
11 would become a federal record. So but I wondered
12 if you could speak to what is the difference
13 between the evidence of an Agency action versus
14 the entire video being a federal record?

15 MR. LAPOINTE: I'll get started and
16 then let other people jump in. And I'll use the
17 northeast as an example just because I know it
18 more, Don. With the sector program EM that's
19 being developed there the video is being held by
20 a third party, by the service provider.

21 And the Agency can go in and look at
22 the video for evidence of compliance with, you
23 know, the program goals. And so the video, the
24 whole video is owned by the third party service
25 provider or the fishermen. I don't know the
26 exact arrangement.

27 When portions of the video are used
28 for evidence of Agency action monitoring for
29 compliance, discard monitoring in this case, in
30 that drift gillnet fishery I suspect protected
31 resources would be, you know, what they would be
32 looking for, those portions of the video that are
33 used for the Agency doing its job become a
34 federal record as an evidence of Agency action.

35 In that fishery in particular and I
36 may get beaten by Sam and Caroline but I think
37 I'm still on okay ground, that's not a limited
38 access program is it, the drift gillnet fishery
39 in Southern California? Well let me, it is.

40 Well then forget what I was going to
41 say. So you do have to, there the development of
42 that program would require, you know, what I
43 called, what other people have called a case by
44 case, an ad hoc approach to dealing with the
45 issue because it's a LAPP and there's an
46 exception for confidentiality under Magnuson.
47 With that I'm going to stop because like I'm way
48 over my head legally and see if I need some

1 backfill.

2 MR. RAUCH: So I'm not going to give
3 any legal advice. That's for Caroline's job.
4 But in my view there are a number of federal
5 programs that the federal agency will require a
6 third party to maintain records and make them
7 available for inspection.

8 The IRS does that. The FDA does that
9 for food safety. They have to know where you
10 sold it to, where you sold it from. We require
11 log books for fishermen. But those records are
12 not given to us necessarily.

13 They are available. We can demand to
14 see them. And if we take them away they become
15 federal records. But the mere fact that we are
16 requiring someone to have them does not make them
17 federal records.

18 And I think that is the way that most
19 of the other federal agencies in this kind of
20 situation deal with it. It's not a federal
21 record just because you are required to have one.
22 It is only when the federal agency takes it.

23 The federal agency has a right to
24 inspect it. And if they take it then it becomes
25 a federal record. But it is not one just because
26 you are requiring someone to maintain it. I
27 think that is the way all of these other federal
28 inspection programs, and there are many of them
29 in the government, deal with records.

30 There is a distinction between, just
31 because a federal agency requires you to have it
32 doesn't make it a record. But once the federal
33 agency has it in their possession and for
34 official use then it is.

35 And that's I think the distinction
36 here. If you can create a situation where the
37 third party, the fishermen they have it and they
38 must maintain it, my belief is and we haven't
39 worked this out through the legal channels, my
40 belief is that should not be deemed a federal
41 record unless our auditors, unless we demand them
42 give it to us.

43 But at the point that we possess it
44 and take it away then it's a federal record. And
45 I will defer the rest of it to General Counsel if
46 she wants to say anything, Caroline.

47 MS. PARK: Okay. One thing I just
48 want to mention. I think George's

1 characterization of this and also what Sam was
2 just describing is, as a general overview that's
3 my understanding as well.

4 I mean you have the clearly,
5 physically in possession of federal government
6 situation versus the when we actually use the
7 data that somebody might be required to hold.
8 And then there's that question of where is that
9 line when our use, our demand for it and all that
10 make it a federal record.

11 So I think that generally how this is
12 described is correct. I think also just as a big
13 caveat on all of this the Department of Commerce
14 General Counsel's office is kind of the expert
15 specifically on the Federal Records Act. So as
16 these things are evolving part of the
17 consultation that NMFS as well as NOAA General
18 Counsel has clearly is to consult with them about
19 how we explore that line.

20 Like when do certain things really
21 become a record when we're not requiring them in
22 every instance to be handed over to the
23 government. So that's something that's a
24 continued discussion that I'm sure NMFS will
25 continue to have with, but not only NOAA GC, but
26 also DOC GC.

27 CHAIR FARCHETTE: Kitty.

28 MS. SIMONDS: Hi, George. Are other
29 regions requiring eReporting tablet data to be
30 encrypted when transmitted? This is the question
31 that came up with us and the science center
32 discussing where we are, you know, with our
33 tablets and all those kinds of things.

34 And our center believes that the data
35 should be encrypted. So I thought I would check
36 to see if that is the case in other parts of the,
37 in the other regions.

38 MR. LAPOINTE: I don't know the answer
39 to that, Kitty. But I will find out and
40 circulate it back however you get information
41 from the CCC.

42 MS. SIMONDS: Okay, good, thank you,
43 because --

44 MR. LAPOINTE: That's an important
45 question.

46 MS. SIMONDS: Right. And if everybody
47 is doing that then it will cost some money for
48 that to happen in terms of the contractor. I had

1 another question but I think Sam answered it for
2 me.

3 The other question was going to be
4 fishermen accessing their electronically
5 submitted data. So if they have it and they're
6 just sending you a report then they own it.

7 MR. LAPOINTE: I guess I don't
8 understand, who owns it?

9 MS. SIMONDS: Right, so they have
10 these tablets right and they're going to report
11 their catch.

12 MR. LAPOINTE: Under ER, yes.

13 MS. SIMONDS: Right. But it's their
14 tablet, you know. We've given it to them. So
15 that data they can access. I mean it's not a
16 federal record, right?

17 MR. LAPOINTE: Well I think it's, I
18 don't think in all the ER programs that people
19 assume that we're going to give them tablets.
20 That remains to be seen.

21 But the data will become federal data
22 similar to a paper report, you know. If you
23 submit your data as a fisherman by paper or by
24 electronic records it becomes federal data as
25 well. I think that --

26 MS. SIMONDS: In that case we
27 purchased those things for the fishermen.

28 MR. LAPOINTE: In most cases, yes.

29 MS. SIMONDS: So it's theirs.

30 MR. LAPOINTE: But the data, again the
31 data, all it is, is electronically submitting the
32 required data the same as you would by paper.
33 And so the data, once it's been submitted becomes
34 part of the federal, you know, data for a
35 particular fishery.

36 MS. SIMONDS: Unless there's like a
37 third party or the same thing would happen if you
38 had a third party involved in this.

39 MR. LAPOINTE: I think the
40 requirement, the details on how the data gets to,
41 you know, to the data needed to manage a fishery
42 is, can occur through a third party. But I think
43 a requirement of, you know, the particular
44 fishery would be the submission of data.

45 So it wouldn't matter whether you
46 submit it or a third party submits it or NMFS
47 gets it directly. The data has to get submitted
48 somehow. That would be a requirement of the

1 fishery.

2 MS. SIMONDS: Okay. Anyway, thanks
3 for getting back to me about the encryption
4 stuff.

5 MR. LAPOINTE: I will do that.

6 CHAIR FARCHETTE: Sam.

7 MR. RAUCH: Yes, I just wanted to
8 correct one thing you said, Kitty. I think that
9 we should not presume that the federal government
10 is going to be purchasing the various pieces of
11 equipment.

12 It has been the case that
13 Congressional appropriations in some instances
14 have allowed us to do that and we're perfectly
15 willing to do that. But if that doesn't happen
16 that's another cost that needs to be accounted
17 for somewhere.

18 So we can't just assume, and it is not
19 our policy necessarily absent appropriations
20 directions to purchase the equipment just like we
21 wouldn't purchase net modifications or things
22 like that.

23 MS. SIMONDS: I understand that and we
24 all deal with it differently in the regions.

25 MR. LAPOINTE: And in one of the pilot
26 projects I was dealing with in another, on the
27 east coast in New England for party charter
28 captains a number of the captains said they
29 wanted to use their own tablets. I mean they
30 wanted to make it theirs.

31 They thought they would take care of
32 it in a better way and they didn't want, you
33 know, they didn't want anybody else to pay the
34 tablet, they wanted to, for the tablet, they
35 wanted to use their own.

36 CHAIR FARCHETTE: Any more questions
37 for George? Hearing none thank you, George.

38 MR. LAPOINTE: Thanks.

39 CHAIR FARCHETTE: Okay. Next on the
40 agenda is the observer program and electronic
41 monitoring funding update, Jane DiCosimo.

42 MS. DICOSIMO: Good afternoon. I'm
43 Jane DiCosimo. I am the National Observer
44 Program Coordinator in the Office of Science and
45 Technology. Before I launch into my presentation
46 I would just like introduce our Sea Grant fellow
47 for the year, Dr. Yuntao Wang is in the back of
48 the room and will be with us for the next year or

1 so.

2 He's working on several projects in
3 the National Observer Program, two related to
4 bycatch. As you may know, we just published
5 online the second update of the National Bycatch
6 Report and we're already jumping off into the
7 next edition and Yuntao will be working with Lee
8 Benaka in our office to work on that.

9 Both Yuntao and Lee are also working
10 on a discard mortality action plan. But the
11 third project that Yuntao is working with me on
12 is a study of observer retention. And I know
13 this is of interest to several of the Observer
14 Programs and hopefully most of the councils in
15 terms of being able to provide the correct
16 incentives for maintaining a professional
17 observer cadre.

18 And so what we're hoping to do is
19 develop a database of all past observers, past
20 and present observers. Find out why they left
21 the program if they did leave the program and did
22 they advance their careers and are now placed in
23 different government agencies or academia or what
24 were the disincentives that they left the program
25 and did not stay in government service.

26 So if you have any ideas on that
27 please reach out to either me or Yuntao. He'll
28 be reaching out to the Observer Programs and the
29 councils to provide some input on the survey that
30 he's developing.

31 So thank you for allowing me to plug
32 some of the projects that we're working on. So
33 because I'm following George's presentation on
34 electronic technologies I thought I would front
35 load my presentation with similar and related
36 information about the funding.

37 I'll also be talking generally about
38 the Observer Program funding and address at sea
39 daily costs which was also part of the council's
40 request for this presentation. So this is our
41 long range trajectory or history of electronic
42 monitoring project funding.

43 So this is starting as early as 2002
44 up through 2015, showing the federal investment
45 over that period of time as well as external
46 funding opportunities. So that you can see that
47 there's been a long-term, base level interest in
48 funding electronic monitoring.

1 But you see this spike that's happened
2 in the last several years as the councils and the
3 regional programs have taken a direct interest in
4 developing pilot projects as we ramp up the
5 development of the regional electronic technology
6 implementation plans that were published early in
7 2015 and now that we're in the pre-implementation
8 phase particularly in the northeast, the west
9 coast and Alaska.

10 If we were a little bit further along
11 in our budget cycle you would see 2016 bar.
12 We're anticipating the \$7 million that you've
13 heard a little bit about already and I'll talk
14 about a little bit more that is part of the FY
15 '16 Congressional appropriation for advancing
16 electronic technologies.

17 We also have over \$2.5 million of base
18 funds going to internal EM and ER projects and
19 then of course the match that will come, as we
20 expect it will come with NFWF and perhaps other
21 opportunities. So as has been mentioned the
22 Congress appropriations included over \$7 million
23 for EM/ER.

24 The language identified that not less
25 than \$3 million shall be available for
26 collaborative partnerships. We are currently in
27 discussions with the National Fish and Wildlife
28 Foundation for the development of a request for
29 proposals that will happen in the next month or
30 so, so that we can solicit, so that NFWF can
31 solicit proposals for funding as early in the
32 summer as possible so that this research can
33 occur this summer.

34 The Congressional language also
35 directed that NMFS will continue to work in the
36 current fiscal year with the charter for-hire
37 recreational fishery in the Gulf of Mexico, the
38 northeast multi-species groundfish fishery fleet
39 and also generically, you know, any regional
40 fishery fleet that's interested in advancing EM
41 and ER.

42 Just another plug for the regional
43 electronic technologies implementation plans.
44 We've just refreshed the ET website. And I've
45 got that new URL in the presentation for your
46 access in the future.

47 But as George identified in his
48 presentation, these regional electronic

1 technologies implementation plans are really the
2 link for driving all of these implementation
3 proposals and projects in the next several years.
4 This is just a different way that George
5 presented the information.

6 But again, we have the four EM
7 programs that have been implemented in Alaska,
8 the one EM program for Atlantic highly migratory
9 species and then you see our plan through the
10 regional implementation plans for 2016, 2017 and
11 2018.

12 For ER the story is a little bit
13 different. We have many more electronic
14 reporting programs already implemented across the
15 country. And with kind of a call out for the
16 charter fishery in both the south Atlantic and
17 Gulf of Mexico identified for 2017 and/or 2018
18 implementation.

19 So the outlook for electronic
20 technologies is that the Agency is strongly
21 committed to using these technologies to improve
22 the timeliness and accuracy of fisheries
23 dependent data collections. We are working with
24 the councils and all other partners to develop
25 these technical solutions that meet the
26 monitoring needs of individual fisheries and that
27 we're allocating more than \$9 million in the next
28 fiscal year to facilitate this implementation.

29 So now I'm transitioning to the budget
30 information. So we have, as Dr. Doremus has
31 mentioned, we prepare Spend Plans for each of our
32 budgets.

33 And the Spend Plan for the National
34 Observer Program budget to determine the
35 allocations to the regional Observer Programs is
36 based on maintaining historical funding levels of
37 regional Observer Programs based on Congressional
38 guidance. And we distribute some of the funds
39 equally across the Observer Programs.

40 So that some of the funds typically
41 are used to support a variety of high priority
42 Observer Program needs that can change on an
43 annual basis. For example, the electronic
44 technology projects that I've just described and
45 additional Observer sea days to address emerging
46 management challenges.

47 We've already had a brief introduction
48 for the FY '17 President's budget we're

1 requesting an additional 1,000 observer sea days.
2 So these funds have been used to supplement
3 regional Observer Programs to ensure that their
4 operations can continue in a manner similar to
5 the previous year, but also be flexible enough to
6 respond to emerging priorities.

7 So I would also like to make a note
8 that direct comparisons across the regional
9 programs are difficult to make because the
10 programs are different. They're fundamentally
11 different in their sampling designs, the types of
12 fisheries that they cover and in particular the
13 percent observer coverage requirement in the
14 different fisheries.

15 So I recognize that you didn't get
16 this presentation ahead of time as you have for
17 several others so we'll take our time on some of
18 the more number heavy slides like this one. So
19 this is the same, similar if not the same slides
20 you saw in the presentation I made at your last
21 meeting.

22 And so this is the budget structure
23 for how Observer, the regional Observer Programs
24 get their funding. So we'll just starting kind
25 of at the top and working our way down. So there
26 are about seven different PPA or sub budget lines
27 that are congressionally directed to specific
28 geographic or regional areas.

29 So for instance the top line, the
30 Atlantic Coast Observers is split between the
31 northeast and southeast. And that split is in,
32 is based on Congressional direction.

33 The next one East Coast Observers is
34 completely targeted to southeast. The, excuse me
35 Hawaii Longline Observer Program money
36 specifically is directed to the Pacific Islands.
37 The North Pacific Observer Program also over \$5.5
38 million goes towards the Alaska Observer Program.

39 Northeast at over \$8 million goes to
40 the northeast. I'll skip the National Observer
41 Program for a moment and come back to that. Two
42 more budget lines for the South Atlantic/Gulf
43 Shrimp Observers over \$1.7 million goes to the
44 southeast for that fishery. And then the West
45 Coast Observers gets over \$4.8 million.

46 There's also another budget line, the
47 reducing bycatch. And this table only
48 incorporates the portion of that overall budget

1 line that comes to the Observer Program. And
2 that is basically equally distributed across the
3 different regions with a slightly smaller
4 percentage that goes to the Science and
5 Technology National Observer Program Office that
6 I manage.

7 So returning back to the National
8 Observer budget line. So this one along with the
9 reducing bycatch are the two that are not
10 targeted to a specific geographic region. I
11 mentioned that the reducing bycatch line has an
12 equal 14.4 percent split across the regions with
13 a slightly smaller percentage to the National
14 Observer Program.

15 But then turning to the National
16 Observer Program budget line, these funds
17 typically are used to support a variety of high
18 priority Observer Program needs that change or
19 can change on an annual basis. Again, I
20 mentioned electronic technologies or changes in
21 how the program is designed, that the sampling
22 design changes as it did in Alaska in 2013 with
23 their restructured Observer Program.

24 More funds were needed to fund that
25 first year of fishing. So as I mentioned, many
26 of, much of this, of that budget line is based on
27 the historical allocations from Congress. They
28 also incorporate changing priorities on an annual
29 basis and then also includes a component of an
30 equal split across the programs.

31 So this is the 2015 budget. 2016, I'm
32 showing in comparison to 2015 and you can see
33 that again, we're fairly much at the level
34 funding. The one component that has changed in
35 kind of the accounting process is that the
36 reducing bycatch observer line has moved from
37 kind of outside the program observers in training
38 overall budget line to inside.

39 But essentially it's unchanged. We
40 want to point out that these numbers are not
41 final. As Paul mentioned in his presentation
42 we're still awaiting approval of the higher level
43 Spend Plans which is why I didn't go through the
44 exercise of showing you these breakouts for 2016
45 since we don't have those numbers as final yet.

46 So I have some limited information on
47 average sea day costs. This was requested by the
48 councils. We know that the at sea costs are

1 estimated at a range between about \$710 per day
2 and over \$1,400 per day.

3 However, in most regions the Observer
4 provider companies hold their actual at sea daily
5 costs as proprietary information. We don't
6 collect that information and we don't publicize
7 it.

8 One feature here to note is that where
9 the at sea costs transition from NMFS to the
10 fishing fleet we can easily expect that industry
11 will be able to negotiate lower rates. We
12 believe that this is or we've heard that this is
13 happening in the northeast for the at sea
14 monitoring program and perhaps the northeast
15 council members can help with providing
16 additional detail on that if it's available.

17 There are a lot of, when I reached out
18 to the regional Observer Program managers to kind
19 of talk about the issue of their at sea daily
20 costs, each of them provided a laundry list of
21 caveats that are associated with what types of
22 information are included in the at sea costs
23 versus the infrastructure costs.

24 That's not standard across the
25 programs so there could be a little bit of apples
26 and oranges when you compare the rate in one
27 region with the rate in another region. So in
28 terms of the Observer budget outlook we've noted
29 that the budgets have been level funded and that
30 most of the regional Observer Program budgets
31 have been hard wired by Congress although there
32 is flexibility to reprioritize funds as are
33 identified based on our, kind of national
34 priorities.

35 And this flexibility gets at some of
36 the issues that we hear that the council members
37 raise, for instance, Kitty, you know, was
38 requesting additional NEPA funds because there's
39 a priority in her region. And if we hard wire
40 all the funds we don't have the ability within
41 the fiscal year to respond to needs as expressed
42 by the regions and the councils.

43 Another takeaway from this Observer
44 budget outlook and I'll go into it in a little
45 bit more detail, but as designed by the councils
46 the costs in some of these observed fisheries are
47 gradually transitioning to industry. In 2016,
48 NMFS support of at sea observer costs are being

1 phased out into fisheries, in the west coast
2 catch share fishery and in the north east at sea
3 monitoring program and you likely have heard a
4 lot about the latter.

5 So the councils requested quite a bit
6 of detail to be reported back to them at this
7 meeting. We're just not able to provide that
8 level of information in terms of specific costs
9 as they're budgeted out.

10 We just don't parse the budget in that
11 fashion. So what we've done is we've highlighted
12 the catch share fisheries around the country,
13 identified the councils associated with these
14 budget numbers and the percent observer coverage.

15 So let's just look at the northeast,
16 the top line. You see that we have observer
17 coverage in the range of zero to 20 percent. In
18 FY 2013, the industry coverage of the at sea
19 costs was 22 percent of the total. And then
20 moving forward to the other, to the far bookend
21 in FY 2015, you see that has increased to 30
22 percent.

23 And with the phase out in 2016 of the
24 Agency's coverage of the at sea costs we expect
25 that number to continue to go up. Similarly for
26 the Pacific we mentioned that the Agency's
27 assistance with covering at sea costs is ended in
28 2016. We expect to see that trend also to
29 continue.

30 So for the Pacific Council the range
31 of observer coverage is between 20 and 100
32 percent for their trawl rationalization fishery.
33 And in FY '13 the industry contribution was
34 around 22 percent. It's now as of FY 2015 at 37
35 percent and we expect that number to go up, the
36 percent to go up in 2016.

37 For southeast the observer coverage
38 levels are very low in the three to five percent.
39 They are not covering their at sea costs due to a
40 redesign of their program that shifts the
41 coverage from at sea to dockside.

42 In the North Pacific you have up to
43 100 percent coverage. Starting in, just looking
44 at FY '13 the industry coverage of those costs
45 were at 41 percent and that has grown to 63
46 percent as of 2015.

47 And then looking at the total overall
48 you're seeing that general, gradual transition

1 from 28 to 41 to 43. And I can't quite project
2 what it will be in FY '16. But we expect it to
3 move up.

4 The note that I want to draw here is
5 the overall relationship of the industry coverage
6 of the at sea portion relative to the observer
7 coverage rate. You know, these are in some
8 instances 100 percent observer coverage. Part of
9 the design of the program by the councils was an
10 acknowledgment that the industry would pay for
11 those at sea costs.

12 And in conclusion, the observers and
13 training budgets have been level funded. We're
14 anticipating any potential increases in future
15 budgets we mentioned we may see another \$1
16 million or so that would translate into
17 approximately 1,000 observer sea days would be
18 apportioned across the regions.

19 The idea here is that we want to, we
20 would use those increased observer sea days to
21 increase the number of observed fisheries with
22 adequate coverage. So we have a number of
23 fisheries that have less than adequate coverage.
24 We want to kind of raise them up over the bar.

25 The transition of at sea observer cost
26 to industry will continue and that the \$7 million
27 in Congressional appropriation in FY '16 along
28 with the base funds that the Agency continues to
29 put towards EM and ER in FY '15 is about \$2.9
30 million. Those funds will facilitate EM and ER
31 implementation across the regions consistent with
32 the Agency's policy directive on electronic
33 technologies and fishery dependent data
34 collection. And with that I will be happy to
35 take questions.

36 CHAIR FARCHETTE: Chris.

37 MR. OLIVER: Thanks, Jane. That was
38 very helpful information relative to some
39 questions we had asked previously. Can you go
40 back one slide where you say observer funding for
41 catch share fisheries?

42 Do you know what's included in that
43 North Pacific number because when you look at the
44 industry percentage 58, 63 percent that seems
45 low. But I guess you're only talking about catch
46 share fisheries specifically. I guess I was
47 trying to --

48 MS. DICOSIMO: That's correct. And we

1 just used the catch share fishery just to
2 simplify this discussion because if we tried to
3 list every observed fishery we couldn't fit it on
4 the screen.

5 MR. OLIVER: Yes, I was getting at,
6 what I was getting at is it would be interesting
7 to know what those percentages are if you just
8 said all fisheries in each region lumped together
9 not tried to make a, in other words you could
10 make the chart the same size you would have to
11 add a bunch of stuff up I guess because some
12 fisheries in the North Pacific there's boats that
13 carry observers that participate in catch share
14 fisheries and non-catch share fisheries.

15 And so I don't know how you parse that
16 out. But I was more interested in the program
17 percentage share if you did all fisheries but
18 maybe that's a separate exercise.

19 MS. DICOSIMO: Okay.

20 MR. OLIVER: I did have one other
21 question since I'm here. Where you said the
22 regional distribution is hard wired, the regional
23 observer program budgets are hard wired by
24 Congress, does that mean like they actually have
25 line items or for example we have \$12.3 million
26 in the National Observer Program.

27 Does Congress actually specify how
28 that gets distributed within region?

29 MS. DICOSIMO: It does not specify it
30 for that budget line.

31 MR. OLIVER: For that budget line,
32 okay.

33 MS. DICOSIMO: But there is a
34 component of that budget line that we do follow
35 historic, Congressional direction for part of
36 that allocation. So partly hard wired and then
37 partly not hard wired.

38 CHAIR FARCHETTE: Chris Moore.

39 MR. MOORE: Jane, thanks. Can you go
40 back to that slide that Chris was looking at? So
41 what, do you remember what fisheries are included
42 in the northeast? We get uncomfortable when we
43 get lumped in with New England. We like to be
44 separated. So I'm just curious which ones those
45 are.

46 MS. DICOSIMO: I know there was the
47 groundfish fleet, the surf clam and scallops.
48 And I'm remembering a fourth line but it escapes

1 me at the moment. But I could easily check my
2 notes at the break or follow up.

3 CHAIR FARCHETTE: Gregg.

4 MR. WAUGH: Thank you, Mr. Chairman.
5 Chris, we share some of your discomfort when we
6 get lumped in with our good friends from the Gulf
7 because many times people see southeast but that
8 effectively means Gulf.

9 And, Jane, as we move forward it would
10 be very helpful for us to be able to talk about
11 what's being spent in our councils' area of
12 jurisdiction as we talk with the industry about
13 how we might need to address bycatch and bycatch
14 reporting into the future. We're going to need
15 to be able to explain to them here's what's being
16 spent now.

17 And maybe you can get that and get it
18 to us subsequent to this meeting. That would be
19 very helpful.

20 MS. DICOSIMO: I can certainly reach
21 out to the Observer Programs to see if they in
22 fact budget according to council jurisdiction.
23 But I will certainly follow up with you on
24 whether they do or don't.

25 CHAIR FARCHETTE: Tom and then Doug.

26 MR. NIES: I'm not comfortable being
27 lumped together with the Mid-Atlantic, I guess.
28 I've got two questions here. One is more a
29 comment than a question.

30 I'm a little concerned about
31 describing these as catch share programs with
32 industry funding because I think in the northeast
33 region in 2013, '14 and '15 the only fishery that
34 had industry funding was the scallop fishery and
35 that's not a catch share program. So I'm a
36 little unclear about this slide represents.

37 My question is, do the centers or the
38 regions provide an estimate of how much money
39 they actually need to accomplish the observer
40 coverage that's required? And if so, is there,
41 obviously you say the funding has been kind of
42 flat.

43 Is there a comparison somewhere that
44 shows how much is being provided to each region
45 and what proportion of the need is being met in
46 each region or however you divide it up?

47 MS. DICOSIMO: Well we don't track
48 that at the national level. That information may

1 or may not be available at the regional program
2 information. I can just generally answer the
3 question.

4 If I asked any program manager if they
5 have enough money to meet their sampling needs
6 they're going to say, no. They routinely say, no
7 because we have these discussions when we're
8 looking at potential changes to the budget. Does
9 anybody have enough? None of them have enough.

10 CHAIR FARCHETTE: Doug.

11 MR. GREGORY: Thank you. Thank you,
12 Jane. That was a good presentation. I have two
13 questions. One in Slide 4 you talk about
14 Congressional direction and charter for-hire
15 recreational fishery in the Gulf of Mexico.

16 And the only funds that I'm aware of
17 is I think NFWF funds to a nonprofit organization
18 to do some sort of electronic monitoring either
19 VMS or something with charter boats. But do you
20 oversee that?

21 We would like, I would to see the
22 proposal or the plan for that. And my other
23 question is it seems like because you're trying
24 to replace observers in general with electronic
25 monitoring your office is handling most of this,
26 how do you work with the science center let's say
27 in the Gulf and South Atlantic where we're both
28 trying to get more electronic data reporting from
29 the for-hire fishery.

30 How do you interact with the science
31 center in getting this money to them because
32 right now the costs of those programs is like our
33 big question mark?

34 MS. DICOSIMO: So I'm taking notes
35 while the question, it kind of generates. I just
36 wanted to start off with saying that we're really
37 not anticipating that we're replacing observers
38 with EM.

39 We are anticipating that we're
40 augmenting. So just kind of setting that kind of
41 philosophical debate aside. So, Doug, what
42 you're asking is you would like to see more
43 information about the specific project in the
44 Gulf from last year that was funded by NFWF.

45 So this language is continuing the
46 theme that Congress had directed how the monies
47 that go to NFWF would have some kind of focus or
48 priority. And so the, excuse me, the Congress is

1 identifying that they have a continued interest
2 in seeing projects related to the charter for-
3 hire recreational fishery in the Gulf of Mexico
4 be funded.

5 And so when NFWF puts out, when it
6 puts its RFP out last year and when it's going to
7 put it out again this spring it will identify
8 that as an area of interest to solicit proposals.
9 I am not personally aware how public those NFWF
10 proposals can be shared.

11 I don't know if somebody at the far
12 end of the table can, has a better answer than
13 that. But I would --

14 DR. DOREMUS: We'll look into that for
15 sure.

16 MS. DICOSIMO: Yes, I don't think we
17 know whether that's publicly available.
18 Certainly the project reports that as those
19 projects are completed would be on the NFWF, I
20 believe, would be on the NFWF site. But I don't
21 know what their cycle is of when those reports
22 are due.

23 DR. DOREMUS: We'll definitely look at
24 that and if it can be made available we'll
25 certainly do that. It should be. The grant
26 proposal should be available. I don't see any
27 reason why not.

28 But it is a NFWF process so we would
29 just want to check with them and make sure and
30 we'll get what information we can to you.

31 MR. GREGORY: Thank you, because that
32 program has been a little disruptive in the
33 council's efforts to investigate or look into
34 electronic monitoring data reporting. And
35 because we had like VMS on one of our
36 alternatives and we got some feedback from the
37 docks that this project was going in and talking
38 a lot about VMS and spooked a lot of fishermen.

39 You know, I know we can't coordinate
40 everything. But it would be nice to kind of know
41 what's going on in the region.

42 CHAIR FARCHETTE: Dorothy.

43 MS. LOWMAN: Jane, thanks for this.
44 Another question on this chart on Page 14. For
45 the Pacific Council, so what fishery, was it just
46 the trawl catch fishery that's in here?

47 MS. DICOSIMO: No, also sablefish.
48 That's where the 20 comes from and the 100 comes

1 from the trawl.

2 MS. LOWMAN: Okay, thanks.

3 MS. DICOSIMO: All right. Thank you
4 very much.

5 CHAIR FARCHETTE: Doug, one.

6 MS. DICOSIMO: Sorry.

7 MR. GREGORY: My second question, you
8 get electronic monitoring money that's targeted
9 for 2017 for the southeast for-hire fishery. How
10 do you or your program with this money interact
11 or integrate with the southeast fishery center to
12 make this happen because again from the outside
13 looking in we see this national push for
14 electronic monitoring.

15 Our council wants to do it as quickly
16 as we can. But we're stymied by the lack of
17 support, lack of money going into the regional
18 center to develop it and implement it.

19 MS. DICOSIMO: So the, so it's a NFWF
20 RFP and NFWF selects the, those proposals that
21 they will make the awards to. They are doing
22 that in consultation with National Marine and
23 Fishery Service reviewers.

24 So we're involved in ranking the
25 proposals, et cetera. What NFWF did last year
26 was to, after the awards were identified they
27 created a kind of hand shake between the award
28 recipients and the Agency experts to make sure
29 that the data collections in this particular
30 instance that you're talking about that the data
31 collected could actually be used by the Agency,
32 could be incorporated into our existing data
33 sets.

34 So there is that relationship between
35 the regional program experts. So the folks at
36 the science center would be working with the
37 award recipients to make sure that they're design
38 conforms with the data needs of the regional area
39 and the national databases.

40 CHAIR FARCHETTE: Chris.

41 MR. OLIVER: Quickly one more thing.
42 I keep looking at this figure. And I guess
43 depending on which fisheries you define as catch
44 shares and whether your denominator changes if
45 you're allocating all of the science centers'
46 funding, for example, those could change.

47 But I'm struck by the change from '13
48 to '14 to '15, 41, 58 63 percent for the North

1 Pacific. And I'm just wondering what causes that
2 significant amount of percentage change when I
3 think the program budget has been fairly
4 constant. And our restructuring went into place
5 in '13.

6 MS. DICOSIMO: Which is why I think
7 that number is lower because the Agency front
8 loaded year one's costs, at sea costs. So a
9 footnote would have been helpful on that table to
10 address that.

11 CHAIR FARCHETTE: Dorothy.

12 MS. LOWMAN: Thank you. Jane, one
13 other thing on your chart of the, it's on Page 3
14 of the electronic monitoring.

15 CHAIR FARCHETTE: Microphone.

16 MS. LOWMAN: Sorry. So the chart on
17 Page, yes, that one. And so that 2015 bar
18 includes all of the different sources of funds
19 within NMFS plus the matching funds out of NFWF
20 and the fisheries information.

21 MS. DICOSIMO: Yes.

22 MS. LOWMAN: Anyway, so I know we
23 don't have the Spend Plan and we don't know how
24 it's all going to be put together. But if we had
25 a \$7 million bump in, you know, for EM do you
26 have sense, I mean because if you look at all the
27 sources in 2015 it's a little over \$8 million.

28 So should we think there's probably
29 more than a little over \$8.5 million.

30 MS. DICOSIMO: Yes, and I think I said
31 that on a different slide that what I expect to
32 happen here is \$7 million from the Congressional
33 appropriation and then we've already identified
34 at least \$2.5 million in NMFS base funds. So
35 we're at about \$9.5 million just from Agency pass
36 through our own funds not counting whatever the
37 match might be.

38 CHAIR FARCHETTE: Bill.

39 MR. TWEIT: Thanks. Jane, right at
40 the beginning of your presentation you mentioned
41 also that you were hoping to have one of your sea
42 grant fellows working on a study to look at
43 factors that influence observer retention.

44 And I was wondering if you were able
45 also to work into that factors that might also
46 influence our ability to not just retain but
47 actually promote observers. And as you're aware
48 at least in the North Pacific the Agency is now

1 starting to set different, establish different
2 categories of observers based on their experience
3 and skill and limit certain duties to those
4 higher levels.

5 And so we're beginning to face a
6 recruitment problem now up the scale. So not
7 just retention but also promotion. And I'm
8 wondering if you're going to be able to broaden
9 the retention study to look at factors that would
10 help us promote because we are currently
11 experiencing a shortage of the more highly
12 qualified ones. And that's actually affecting
13 fishing operations.

14 MS. DICOSIMO: Thank you for that
15 question. Dr. Wang and I have had a discussion.
16 I was up at the North Pacific Council meeting
17 last month and heard these concerns about the
18 lead level one, lead level two observers and the
19 lack of availability of the lead level two.

20 We've talked about whether we might be
21 able to when, through the survey vehicle once a
22 survey responder identifies themselves as being
23 an observer in a particular program that we can
24 maybe then go and it calls up specific questions
25 to that program. We're not sure the scale of the
26 survey that we want to do at this point or what
27 we could get through the OMB review process in
28 terms the number of questions and when things get
29 unwieldy.

30 Is it going to be an online survey or
31 are we going to do a personal interview? So
32 we're still at the early phases. But we
33 appreciate those kinds of suggestions for
34 consideration of inclusion and that's why I kind
35 of brought it up at this group if there are
36 issues that are specific to your council, region
37 or Observer Program that we may not be aware of
38 at that level of detail we definitely would like
39 to hear it.

40 And Dr. Wang is scheduling calls, you
41 know, around the country. So if you're
42 interested in having that one on one with him let
43 him or me know that you'd specifically like a
44 call otherwise it might end up with, you know,
45 your staff, the council staff person that's in
46 charge of observer issues.

47 CHAIR FARCHETTE: Any more questions
48 for Jane? Okay. Thank you, Jane.

1 MS. DICOSIMO: Thank you.

2 CHAIR FARCHETTE: We're kind of a
3 little early here. I don't know if, it's almost
4 3 o'clock. Do you want to take a break or
5 continue on? Break, I got the word. Okay, we'll
6 break for 15 minutes.

7 (Whereupon, the above-entitled matter
8 went off the record at 2:52 p.m. and resumed at
9 3:18 p.m.)

10 CHAIR FARCHETTE: Okay. We're going
11 to move forward to bycatch strategy update, Sam
12 Rauch.

13 MR. RAUCH: Thank you, Mr. Chairman.
14 And I appreciate the opportunity to talk about
15 this especially your dispensation that I can do
16 it from up here without standing up there. The
17 further I can get from the Western Pacific and
18 the Pacific I think the better.

19 So we're doing good. Kitty wasn't
20 even listening. I also, we're going to talk
21 about bycatch for the next little bit. And
22 before I start there's an awful lot of work on
23 the Agency's perspective that went into these two
24 documents led by Emily Menashes and her folks in
25 SF, but also partners with people in protected
26 resources in the science side.

27 Anything you like about these things
28 be sure to congratulate them. If you don't like
29 it that was all my fault. You can blame me. So
30 the, we're going to talk about the strategy, the
31 two documents which I apologize for getting to
32 you late.

33 We actually did have a meeting several
34 months ago about trying to roll out a number of
35 bycatch products in series on a weekly basis this
36 month. And it seems to be they all sort of
37 happened in the last three days.

38 That's par for the course. So we
39 tried to space them out. That didn't work. But
40 we did commit to trying to get them to you ahead
41 of time so we could start talking with you about
42 these things at this meeting recognizing this may
43 not be the last time we talk with you.

44 We may talk in more depth in St.
45 Thomas at the next meeting. So let's talk about
46 the bycatch strategy a little bit. Before I get
47 into it let me put it in a little perspective.
48 We jointly administer the requirement in the

1 Magnuson Act that we are to minimize bycatch to
2 the extent practicable and if it's not practical
3 to minimize the mortality.

4 I think that's the right terminology.
5 Congress long ago had set down the requirement
6 that we're trying to avoid bycatch. The councils
7 have done a lot of great work on doing that.

8
9 Bycatch is much less of a problem today than
10 it was when the Magnuson Act was first crafted or
11 that has been periodically over the years in
12 large measure to the way the council system the
13 fishermen have embraced the idea of bycatch in
14 that provision.

15 Many times we don't get, take credit
16 for those kinds of things. We focus on the
17 problems which we still have yet to address and
18 don't focus on all the problems that we have
19 addressed. And so we're mindful of that.

20 We want to work with you. We've
21 talked in the past about communicating those
22 efforts. On the Fishery Service side we have
23 stepped up our ability to communicate the efforts
24 and all of things that the council has done.

25 And at the end of this talk I'll talk
26 about some more opportunities to highlight that.
27 But one part of that is to actually talk about
28 the overall national strategy. We currently have
29 one.

30 It's very old. We have discussed with
31 this group in the past the need to update that.
32 Last June, I believe, we launched the effort to
33 do that. We indicated that we were going to
34 update it.

35 We went out for a round of initial
36 sort of views on what should be in there. I want
37 to talk to you about our draft proposal. We want
38 to get your feedback on it. We'll talk about
39 that process of how we can go forth and reiterate
40 some of the things that are shared ideals that we
41 have about bycatch or reducing bycatch and things
42 we should do about it.

43 What other thing though that I want to
44 talk about and its permeated this meeting and
45 we've talked about this before is Standardized
46 Bycatch Reporting Methodology. We've never
47 issued a proposed rule about that since that
48 standard has been in the act.

1 That has led to a diversity of
2 approaches across the councils and many of them
3 are appropriate. Some of them are very difficult
4 to deal with.

5 We thought it timely to actually try
6 to put down and the Agency interpretive rule on
7 that so that as we go forward, as we continue to
8 develop new bycatch systems, as we continue to
9 evaluate our current systems we have some common
10 understanding of what that looks like.

11 And I'll talk about that in the second
12 half of this presentation. And both of those
13 should be available now. I apologize that they
14 weren't available earlier but they are in your
15 materials.

16 All right. Let's talk about the
17 national strategy. First, when we undertook this
18 we were looking to do something similar to the
19 way that the last bycatch strategy which is to
20 put some high level guidance on our joint efforts
21 recognizing that it's not only a Magnuson Act
22 imperative, although that's often the context we
23 think of it in, but we are, we do have a duty to
24 ensure that we appropriately deal with bycatch of
25 marine mammals and listed species.

26 And there are other relative mandates
27 too. Accumulate those in one place. We think
28 that there's some critical definitional things
29 that we need to talk about. And one issue that I
30 wanted to spend a little bit of time on is the
31 second half of the strategy which is to encourage
32 utilization of economic discards.

33 As we said before, bycatch is only the
34 fish that you throw overboard. You may do it
35 because you have to. Those are regulatory
36 discards. There are certain things that we do
37 not want you to or I shouldn't say you, that we
38 do not want the fishermen to keep on board.

39 We want those to be avoided and we
40 want them thrown over because hopefully it
41 discourages use, it discourages targeting them
42 and they have some chance of surviving. Those
43 are regulatory discards.

44 But there's a lot of bycatch that is
45 economic, that is legally caught the fishermen
46 could keep it, they could land it. But for
47 various reasons it's unmarketable or it's less
48 marketable than what they catch.

1 And the easiest way to reduce that is
2 bycatch is to make it marketable if you actually
3 land it and sell it, it's not bycatch and then
4 you can choose some economic value. We recognize
5 though that there are reasons that it is not
6 being landed or sold now.

7 And rather than looking at bycatch
8 solely as a stick we shall continue to beat
9 people over the head until you reduce bycatch by
10 putting in evermore tighter regulatory controls
11 we would like to look for opportunities to
12 encourage, create new markets for this kind of
13 underutilized economic discards to make it
14 economical to land them, to sell them so that it
15 is not wasted.

16 And that is a key part of and I think
17 the difference between the approach we took
18 several years ago when we did this the first time
19 and this year. A lot of the other things are
20 reiterated. But that is something that we do
21 want to look towards investing in and that's part
22 of our strategy.

23 So what is bycatch. So I talked about
24 most of this. It is key, I think a lot of people
25 do get confused as to what bycatch is. Bycatch
26 is basically when you throw fish overboard or
27 other things maybe it's a turtle or marine
28 mammal.

29 If you leave it onboard and sell it,
30 it's not bycatch. And there are, as we said,
31 there are two kinds of bycatch. There is the one
32 that we really do want people to avoid and the
33 other one which is, it's just uneconomical.

34 So we think it is important to talk
35 about it in terms of economic discards and
36 regulatory discards to reflect that they are two
37 different kinds of approaches and they're two
38 different kinds of things that you might want to
39 do about it.

40 Let's go forward. So when we think
41 about bycatch there are sort of five big bins.
42 We want to communicate about all of them that
43 have a feedback around them and do form the basic
44 structure of our strategy.

45 And we'll talk about these in a little
46 bit more detail. But they range from monitoring
47 and the SBRM Rule is part of that. How do you
48 know what the bycatch is? How can you do

1 research to either reduce the bycatch or to make
2 it more economical so that it's not bycatch at
3 all?

4 Then there's the management side which
5 is where the councils clearly have a role of
6 implementing, crafting the right measures to deal
7 with bycatch. There's enforcement of bycatch and
8 then the councils also have a clear role in the
9 evaluating and improving.

10 Are we doing the right thing? What is
11 our goal towards bycatch? And we'll talk all
12 those things. So the objectives. And the
13 objectives sort of fall in line with the
14 strategies that we talked about in that sort of
15 graphical depiction.

16 But we do want to, we constantly
17 strive to strengthen our monitoring and data
18 collection programs. As we just talked about,
19 those things are expense, they can be expensive.

20 That doesn't mean that we don't desire
21 to do better. We want to make better use of the
22 existing tools that we have. We want to
23 incorporate new tools in the fishery. We have to
24 be mindful of the cost of those things.

25 But it is something that we all think
26 we need to do. And the science side has
27 clarified some of their bycatch improvement
28 things that we need to, there's a different
29 report that we talked about where it highlights
30 things that we can do to better understand what
31 is happening out there and what is not.

32 It is clearly true that one of the
33 most expensive things that we do as an agency is
34 try to account for discards. If we didn't have
35 to do that we would have a lot more money to do
36 other things. A lot of the observers and
37 everything else is because we are trying to
38 address and understand the amounts and types of
39 bycatch.

40 So part of this, the next thing is
41 what is it that needs to be done? We talked
42 about the monitoring. But what research do we
43 need to invest in to meet our needs? We'll talk
44 about that, we'll talk about all of these in a
45 little bit more detail in the coming slides.

46 We want to improve discarded take
47 estimates. We know that many fisheries have sort
48 of default discard rates. And they, we account

1 for all discards. So for the fisheries that we
2 have substantial sustainability concerns if you
3 can improve the discard rates and find out that
4 more fish are being discarded alive than we have
5 estimated that may provide more opportunity for
6 increased fishing.

7 But either way we need to understand
8 those discard rates because, you know, we manage
9 for total removals. Improve the management
10 measures. A lot of our management measures are
11 very course.

12 They, you know, set very broad
13 targets. We can always look at ways to deal with
14 them in a cheaper fashion or in a more targeted
15 fashion to get at what actually we're trying to
16 measure. We need to look at how effective they
17 are.

18 We just issued National Standard 1,
19 the proposed rule. We didn't just issue it. But
20 a common theme for that and through the
21 allocation discussion we've had with this group
22 is the need to reevaluate your measures to see
23 whether or not they meet the overall objectives
24 of the fisheries.

25 The regular review part to let the
26 public know what that regular review is because
27 many of the things that we do, my belief is that
28 we are imposing more costs on ourselves because
29 they may not, many may no longer be directly
30 serving our management need. And we also need to
31 make sure that they're enforceable, the law
32 enforcement is a critical component of this.

33 And then as we said, as this group has
34 talked about in many ways, communicating both our
35 successes and our challenges is important. We
36 have the most transparent management structure in
37 the world. And we have a lot of good stories but
38 we also have problems and we know where those are
39 and we are willing to engage with the public on
40 solving them.

41 So those are, the strategy is there.
42 You can look at some of these in more detail. If
43 you want I'm happy to talk about those things.
44 What the strategy talks about which is sort of
45 the way that we are doing these things now.

46 So the national strategy is very
47 broad. It's top level. It's high. It's high
48 up. It does not dictate any particular action by

1 any particular council. And we recognize that
2 where action needs to be taken, if action needs
3 to be taken because as I said a lot of councils
4 deal with bycatch on a very regular basis, it
5 needs to be done at the regional level.

6 And so there's an idea that we will,
7 like many other things, have regional plans in
8 which will be done jointly with the centers, the
9 regions and the councils and maybe others to look
10 at what needs to be done in the particular region
11 or what our vision is in the region. Are we in
12 the right place?

13 Do we need to be in a different place?
14 Those kinds of things can only be determined on a
15 regional basis. And then that will guide us as
16 we continue to implement the various aspects of
17 the strategy.

18 So the time line. The draft strategy
19 is available now. We had wished it was available
20 a little sooner but it's available now. We are,
21 will accept the comments until June 3rd. I think
22 that allows every council except for the
23 Caribbean to have at least one council meeting.

24 I am mindful of all the criticism we
25 got earlier, the helpful criticism that we
26 continue to do this to the councils. But I don't
27 know at this point any better way to do these
28 kind of things.

29 We do want to have this done by the
30 end of the year. You can submit comments. We're
31 also planning some webinars and some logistics on
32 these kinds of things. So that's the strategy.

33 And before I take questions on the
34 strategy let me just go ahead and finish the
35 presentation with the other aspect and then I
36 will deal with all the questions entirely. So
37 the other thing that we have put out today which
38 we did tell you was coming but we didn't give it
39 to you until today, as this SBRM Rule.

40 So the Magnuson Act does require that
41 every fishery management plan establish
42 standardized reporting methodology to assess the
43 amount and type of bycatch in the fishery. This
44 is not a new requirement.

45 This has been around for a while. And
46 each one of you have this in some manner or in
47 some degree of formality. Some of you have a
48 specific SBRM amendment. Others of you just have

1 the elements of an SBRM program in a broader
2 amendment, a broader plan.

3 But all of you have this in some
4 manner. And all of you are looking at this. And
5 some councils are looking at this more often than
6 others. Some councils get told they have to look
7 at it more often than others often with the help
8 of, the guidance of the court system.

9 But we've never interpreted it. It
10 has just sort of grown up, the what is required
11 and what is not required, has sort of grown up
12 over the years. We've never put out a statement
13 as to what should be in there.

14 And as the SBRM funding becomes more
15 and more critical we just heard about the
16 observer funds, a large portion of our observer
17 funds where the Agency is spending the money goes
18 to standardized bycatch reporting methodology.
19 Where you're doing other kinds of things those
20 are more the kinds of things that the industry is
21 going to pay for.

22 But the Agency has traditionally said
23 the SBRM is a requirement. It's a requirement by
24 statute. It is at the moment covered by
25 appropriations. So it is important to understand
26 what is the SBRM requirement.

27 The SBRM requirements are not the
28 requirements to do a full catch accounting of the
29 fishery. It may be that you want to do that in
30 some kind of fisheries. You may need 100 percent
31 observer coverage. You do not necessarily need
32 that for SBRM.

33 And we have been over the years very
34 loose about these kind of things and that creates
35 uncertainty. And so we wanted to put out some
36 guidance on this to help both the public and
37 ourselves understand what SBRM is and this is a
38 good time to do that in the context of our
39 broader efforts to address bycatch.

40 It is clear, as we've said before,
41 that understanding the amount and type of bycatch
42 is important if we are going to actually meet the
43 Magnuson Act standard of minimizing the bycatch.
44 So what does this rule do?

45 So first of all we define standardized
46 reporting methodology that is part of, to make it
47 clear that we're only talking about the bycatch
48 part of the statute. We're not talking about

1 standardized reporting methodology for other
2 kinds of catch counting which is something that
3 we commonly confuse.

4 So this is reporting of bycatch. We
5 define that. We clarify the procedures for
6 documenting that. And one of the things that is
7 clear is that we want to make sure that what the
8 councils are requiring for SBRM meets the
9 management objectives they've laid out for the
10 fishery.

11 It is not, we don't observe bycatch
12 just because we want to do it. We do it because
13 we're trying to meet a management objective. And
14 the tools that we use should meet that objective.

15 We want to be clear that the SBRM
16 requirements are adaptable. The councils
17 currently have a wide range of ways that they
18 deal with it. And in some manner the rigor, the
19 cost and rigor of it does tend to match the need.

20 There are some fisheries in which
21 bycatch is not that significant of a problem. So
22 the cost of SBRM should reflect some
23 understanding of whether bycatch is important in
24 the fishery or not.

25 So there's a lot of flexibility. So
26 we want to make clear is that there's not a one
27 size fits all. You do not all have to do what
28 New England is having to do with their SBRM
29 amendment, although you can. That certainly is,
30 there's nothing wrong with their SBRM amendment.

31 But that may not be the model for
32 everybody else. So we talked about this. What
33 is the reporting methodology? It means a
34 standard way to collect, record and report the
35 data.

36 It can vary. So you can have two
37 different fisheries in a region in which your
38 standard procedures will vary. There needs to be
39 a reason for why it varies. But it can vary and
40 you just need to provide a consistent approach to
41 collecting, recording and reporting the data.

42 The purpose, as I said, is to inform
43 the assessment of the amount and type of bycatch.
44 You may want observing requirements for other
45 things, which is fine. But this is a statutory
46 minimum. And so if we are not meeting the
47 statutory minimum there become consequences for
48 that.

1 So it is important to be clear about
2 what observing requirements or what monitoring
3 requirements are out there for bycatch versus
4 other kinds of monitoring requirements because
5 it's the difference between frankly a should and
6 a must have. So we need to be clear on that and
7 that will only help us all in the long run.

8 So the contents of the FMPs and I
9 will, let me just cut to the chase. There is no
10 requirement immediately to go change every FMP.
11 We do recognize that many councils have already
12 got all this down already. To those that don't
13 we do have an implementation phase in of I think
14 five years to help you get this recognizing that
15 this is guidance on this requirement.

16 But you do need to address these
17 things at some point here and you need to state
18 what the SBRM, the standardized reporting
19 methodology is. As I said, you already all have
20 one. So you need to make sure it's clearly
21 stated so people can understand what it is.

22 Explain why that's appropriate for
23 that fishery based on some required discretionary
24 factors which I think will be obvious to you when
25 we look at them. And you can incorporate
26 existing analysis or other documents.

27 So you can, there's a lot of
28 flexibility how you want to do it. But the point
29 being is you need to articulate, make sure you
30 have articulated for the public and everybody
31 else what the SBRM is and that you've considered
32 this.

33 So the required factors, recognizing
34 that this is a mandate. So you must be able to
35 say that the SBRM is meeting your purpose which
36 is to assess bycatch. Think about the
37 conservation and management objectives related to
38 bycatch.

39 Think about what is different between
40 the bycatch part of it versus the other kind of
41 purposes. You need to think about the data
42 quality that you're getting. Do you need to be
43 absolutely, do you need 100 percent observer
44 coverage?

45 Do you need to know how every fish is
46 caught? Sometimes you do. Sometimes we're
47 dealing with an endangered species in which it is
48 critically important that you account for every

1 one of them.

2 Sometimes it's not that important to
3 be that precise and account for every one of them
4 and we can go back towards one of the sampling
5 methodologies that we have. Most of our SBRM
6 programs only monitor a percentage of the fleet.

7 And from the percentage that we
8 monitor we extrapolate to bycatch. That is
9 perfectly appropriate in many fisheries. But so
10 you need to figure out what data quality, what
11 are you trying to aim for. And thinking about it
12 in terms of what is the minimum required to meet
13 your objectives.

14 And you need to think about the
15 bycatch characteristics of the fishery. Is this
16 a fishery that interacts all the time with, you
17 know, where bycatch is a common occurrence or is
18 it a rare occurrence? How important is that
19 bycatch?

20 As we said, endangered species bycatch
21 may be far more important. Dealing with the
22 regulatory discard issue may be far more
23 important than dealing with the economic discard
24 issue understanding the exact number of economic
25 discards, the environmental consequences may not
26 be nearly as great as understanding exactly how
27 many endangered species you're catching.

28 So you need to, as you're dealing with
29 these issues think about that. And also you have
30 to consider feasibility. This is something that
31 is key. You cannot impose an SBRM requirement
32 that we or the fishermen cannot afford.

33 We just talked about our observing
34 resources. We talked about our monitoring
35 resources. You could theoretically impose 100
36 percent observer monitoring requirement on every
37 fishery. We can't afford that. But that would
38 be one way to be 100 percent accurate in terms of
39 bycatch.

40 The statute does not require that. It
41 does allow through, but in crafting SBRM
42 requirements we need to be mindful that the cost
43 of the requirements are a consideration in terms
44 of how we build this program. It is a
45 consideration right now in the programs that we
46 have and it should be a consideration as you look
47 at news ways to assess bycatch and work
48 continuously to deal with councils who are

1 addressing a new bycatch issue and who want 100
2 percent observing requirements.

3 That may be great. But we can't pay
4 for it. And so the real question is what do you
5 do if Congress won't pay for it? Are you going
6 to charge the fishermen? If the fishermen refuse
7 what happens? Did you really need 100 percent to
8 begin with?

9 These are questions to deal with. You
10 have to consider these things as we create new
11 programs and we evaluate the effectiveness of
12 existing programs.

13 So other things you consider the
14 overall magnitude and economic impact of the
15 fishery. Do you need to impose a hugely cost
16 prohibitive program on a fishery that is very
17 small? Maybe you do, I don't know.

18 These are things that you'll have to
19 look at. And you'll have to look at those
20 scientific methods because in particular the
21 methods that were available ten years ago, 20
22 years ago are vastly different. We are a lot
23 more able to target things and we've talked about
24 the camera systems as opposed to human observers.

25 That is an important determination in
26 going forward. They have different capabilities.
27 Do we need humans? Maybe we do. Do we, can we
28 get away with cameras? Maybe we have. Sometimes
29 the cameras are more expensive.

30 So these are the kinds of things you
31 need to take account and I reiterate these are
32 things that the councils traditionally do take
33 into account in doing these things.

34 All right. Implementation schedule.
35 So the FMPs currently need to have, may include a
36 process for adjusting implementation
37 periodically. We're looking at this. We've said
38 everything in an FMP should be subject to some
39 sort of periodic review.

40 This would be one of the things. You
41 could look at the ways to adjust. And one of the
42 reasons you might want to adjust is based on
43 changing the fishery dynamics, the participants
44 in the fishery. But also you may want to adjust
45 it based on funding changes.

46 So you could look at ways to change
47 the SBRM requirements based on the changing
48 external conditions or internal conditions to the

1 fishermen. And you could describe limits on how
2 the council would determine whether or not to
3 reevaluate the whole program or, you know, much
4 like the catch share review we were talking about
5 just because you review it doesn't mean that you
6 have to go through a full plan amendment.

7 You may just say we reviewed it and it
8 continues to meet the objectives that we're
9 managing for. Everything is good. But you
10 should be able to articulate what sort of
11 considerations might warrant a fuller review.

12 We suggest that the FMPs be consistent
13 with this rule within five years. Many of them
14 are now. Many of them just require some sort of
15 relabeling which would be fine. Some things,
16 some councils may want to look at this rule and
17 assuming it's finalized add different or alter
18 their SBRM program.

19 But once it's, once the initial review
20 is done then like everything else we would
21 recommend that the councils periodically review
22 this program as we recommend the councils
23 periodically review everything that they do. The
24 outcomes. So assuming we've finalized the rule
25 we would have more consistent national approach
26 to SBRM.

27 We would be better able to articulate
28 what is an SBRM requirement versus other kinds of
29 requirements. And the policy choices would be a
30 lot clearer at the council process and we would
31 better match those policy choices to the
32 available funding which has been a big issue so
33 far.

34 I'm about to stop and take questions.
35 But I do want to alert you to a number of other
36 things that have come out in addition to the
37 strategy, the rule. We've got a Release Discard
38 Mortality Action Plan which helps us try to
39 clarify of the fish that were thrown overboard
40 how many of them die.

41 Are there things that we can do about
42 that? What do we need to do about, how do we
43 better assess that? We have a Bycatch Reduction
44 Engineering Report to Congress. So there is a,
45 the BREP Program, the Bycatch Reduction
46 Engineering Program which is a congressionally
47 mandated program in the Magnuson Act which it's
48 an external grant program for us to work with

1 industry and others to do gear modifications to
2 help us reduce bycatch.

3 We do report to Congress every year.
4 We do a funding every year. The preproposals for
5 this year are coming up. And then we've got the
6 National Bycatch Report. We've talked with this
7 group on a number of occasions about this bycatch
8 report.

9 That is sort of our report card about
10 how much bycatch is actually going on, how much
11 we've improved, where the problems still are. We
12 have been in the process of bringing that report
13 up to date with more modern information. It's a
14 lengthy process.

15 Did that just come out? That just
16 came out. So that's out there online. And I
17 think that's it. So I'm happy to take questions
18 or more likely throw questions over in that
19 general direction. Questions.

20 CHAIR FARCHETTE: Chris.

21 MR. OLIVER: Yes, Sam. On the SBRM
22 rule I'm trying to envision what it implies for
23 us in terms of what we're going to need to do as
24 a council, as a staff, the workload. I was
25 thinking back to the ACL requirements and what we
26 had to go through to amend our FMPs to basically
27 formalize what we had already been doing for
28 many, many years.

29 So we have a very, I would say,
30 elaborate, robust catch accounting system,
31 electronic reporting requirements, Observer
32 Program requirements. Is it a matter of more,
33 simply more clearly articulating that because I
34 think what we have in place does what is intended
35 here?

36 I just fear we're going to have to go
37 through a big plan amendment process to do
38 something that we're already doing.

39 MR. RAUCH: Yes. Our vision if you
40 are already doing everything that would meet the,
41 some councils have SBRM amendments. I don't
42 recall what yours is. If you've got an SBRM
43 amendment like the northeast does and it meets
44 all these requirements there's no need to do
45 anything.

46 If you don't have an SBRM amendment
47 but you've articulated the elements of the SBRM
48 program that meets this, I don't know that you

1 need a plan amendment to tell us that. But it
2 would be important that you tell us that.

3 If you don't think you've actually met
4 all these requirements and, you know, recognizing
5 that this is guidance and it is a mandatory duty,
6 then you might want to think about a plan
7 amendment to actually create some of those. But
8 I do not know, I cannot recall the details of
9 this.

10 And I just want to be clear that we
11 did not do this rule because we thought any
12 council was deficient. All right. We know there
13 are a lot of questions in the public. There's a
14 lot of court cases out there right now about
15 this.

16 We thought we should put out guidance.
17 But it does not imply, nor should it imply that
18 any particular council is currently deficient in
19 any of these aspects.

20 MR. OLIVER: So and I, this is kind of
21 a silly question. But when you talk about
22 requirements for reporting bycatch, do you see
23 that as requirements upon the industry for how
24 they report or as opposed to how we, I say we the
25 collective we as an Agency, NOAA Fisheries who
26 implements the provisions and the regulatory
27 requirements that we have in place for catch
28 accounting those aren't, in many cases it's not
29 reporting by the industry.

30 It's collection and reporting of that
31 information by the Agency. So it's a, it's not
32 so much a requirement to report upon fishermen.
33 I --

34 MR. RAUCH: I think different councils
35 can do this differently. You can, the
36 requirement is to have a standardized way to
37 report bycatch so that we understand the amount
38 of bycatch.

39 One way to do that is to require the
40 industry to report and to have some sort of,
41 that's what the observers do. The observers
42 basically act as a check on the industry, you
43 know, basically are the industry log books.

44 But the observers, particularly if
45 they're federal observers, you may obviate the
46 need for any industry input. All we're looking
47 at is observer reports. I think that's what we
48 do sometimes.

1 Sometimes we don't have observers and
2 we're relying on the industry to report it. That
3 is an issue I think the councils can address. I
4 know the North Pacific has a robust way of doing
5 that. We're not suggesting that you have to
6 change that.

7 But I am suggesting that it can be
8 different. There are plenty of fisheries out
9 there that do not have observers in which we rely
10 heavily on either industry reporting or other
11 kinds of reporting methodologies to do this. And
12 I'm not suggesting that's wrong either. But we
13 just need to think about what it is that we're
14 doing.

15 CHAIR FARCHETTE: Gregg.

16 MR. WAUGH: Thanks for that
17 presentation. One of the first questions I know
18 we're going to get as we look at this is what is
19 the level of discards in our council area. And I
20 went and looked at the second update and maybe
21 someone can guide me to the spot where I can find
22 that because I couldn't find it.

23 MR. RAUCH: It was just posted
24 yesterday. So I don't know. I will help you try
25 to find that information. And the bycatch report
26 data, I think this is the third iteration of
27 that, that we did.

28 And the first iteration was data
29 through 2005 or something like that. The second
30 one was for I think 2010. This one I think is
31 through either '12 or '13. So we're getting
32 closer to real time.

33 But it still does not reflect, part of
34 the criticism with the 2005 one is the councils
35 had done an awful lot since then that weren't
36 captured. And even so, the councils deal with
37 bycatch an awful lot now.

38 A lot of the regulations and
39 amendments that we see coming through deal with
40 bycatch. So even the latest iteration will not
41 be completely accurate because it won't deal with
42 the latest kind of measures that you've put in
43 place.

44 But we'll work with you on sort of a
45 council specific where that is.

46 CHAIR FARCHETTE: I have Rick and then
47 Dan.

48 MR. ROBINS: Thank you, Mr. Chairman.

1 Sam, thanks for the presentation. In the
2 northeast region the SBRM amendment was
3 ultimately subject to judicial review. And as a
4 consequence of that litigation I think the effect
5 it's had on us is that it's greatly limited our
6 flexibility in terms of prioritizing observer
7 coverage.

8 And so I'm just curious to know how
9 the guidance on this will relate to that, the
10 fact that there's some litigation history at
11 least in our region on SBRM. I mean guidance
12 isn't going to supersede case law.

13 But what's the relationship going to
14 be between Agency guidance and the fact that
15 there's some litigation history on that?

16 MR. RAUCH: Well the, I think we do
17 address this in the rule. It is clear that the
18 northeast SBRM, the joint northeast, Mid-
19 Atlantic, New England Mid-Atlantic SBRM rule and
20 efforts have been subject to the most intensive
21 judicial scrutiny of any of them.

22 And many of those are fact based
23 inquiries and we do not intend for this rule to,
24 as you say, supersede any judicial
25 pronouncements. Those, the judges in those cases
26 made the rulings that they did.

27 The councils responded in the ways
28 that they did. And I think those are likely to
29 not change any of that. I will mention that the
30 latest iteration is under court challenge again.

31 But it would provide guidance as to,
32 as you are either looking to create new
33 monitoring systems or to evaluate existing
34 monitoring systems, what I think we're trying to
35 do is articulate what about that court case is a
36 generic, national pronouncement and what of that
37 court case is a very fact specific issue to that
38 case.

39 Some of the things that are required
40 and were done in that case do not necessarily, in
41 our view, have national applicability and we are
42 trying to articulate some of that. But we want
43 to be respectful of the court decisions. We
44 don't intend to try to overturn any of those
45 decisions.

46 MR. ROBINS: If I may follow up. I
47 appreciate that. And I guess one final thought
48 on it. I'm trying to think through whether, if

1 there's an initiative to reduce economic discards
2 and I hear the, you know, the term underutilized
3 species and things like that as part of that
4 discussion, you know, I wonder if that ends up
5 potentially being in some tension with the
6 broader push towards EBFM and EAFM approaches to
7 managing fisheries.

8 I mean on the one hand they could be
9 complementary. On the other if it led to
10 targeting of species that are not currently being
11 utilized, you know, that could potentially be in
12 some conflict with that.

13 We're in the middle right now of an
14 action, as you know, to address unmanaged forage
15 fisheries within in our region. And this is
16 where, you know, when you discussed potentially
17 underutilized species they may also have an
18 important ecological role.

19 So, you know, I'm just hearing it for
20 the first time but wondering if there's potential
21 for tension there. Maybe that's something to
22 keep in mind as this process goes forward.

23 MR. RAUCH: Yes. Our intent is not to
24 increase the catch on these, on currently
25 uncaught species. But if the species are
26 currently being caught and are thrown overboard
27 dead, then that's wasteful.

28 If they're going to be done anyway
29 that way we would like to create markets for
30 those kind of species so that things that we
31 would allow to be caught, mindful that these
32 economic discards are discards that currently we
33 do not believe create an ecological,
34 environmental sustainability issue.

35 They are perfectly fine to catch them.
36 They are just being thrown overboard by the
37 fishermen because of economic reasons. If
38 they're dead anyway we would rather they be
39 brought back and some use made out of them.

40 But those are complicated issues,
41 right. This is, I think this is an issue where
42 you are seeing more and more interest from the
43 policymakers to try to get more fish and to try
44 to use all the resources of the fishery.

45 That's one of the things that we would
46 like to explore. But we are mindful of that. I
47 mean if the concern is ultimately we don't those
48 fisheries, those species caught then they should

1 be in the regulatory discard and we should look
2 for ways to avoid catching them.

3 So that's why we're trying to
4 recognize the distinction between those two
5 types. And if it's a regulatory discard or
6 should be we do want to be very vigilant and
7 create better mechanisms to avoid or minimize
8 that.

9 MR. ROBINS: Thank you for that
10 important clarification. I appreciate it.

11 CHAIR FARCHETTE: Dan.

12 MR. HULL: Thank you, Mr. Chairman.
13 Thanks, Sam, for the presentation. Back in June
14 we provided some extensive comments on the
15 bycatch web page and the National Bycatch Report
16 as well as some ideas about what might go into
17 the policy and implementation plan.

18 And I'm just curious to know since
19 just received this information and haven't had a
20 chance to look at the web page, for example, to
21 what extent were our comments taken into
22 consideration in all those. Are you expecting us
23 or would like us to provide comments on those
24 components again?

25 MR. RAUCH: Well if we didn't take
26 them into account then you have an opportunity
27 and please reiterate them again. But, Emily, do
28 you have a better answer? I don't have your
29 comments in front of me so I can't track them.
30 Emily, do you recall?

31 MS. MENASHES: No. We could look into
32 that. I mean we got a series of comments on a
33 really broad scope if you remember what we put
34 out in June. It was a pretty wide range of
35 getting input on people's bycatch concerns,
36 ideas, priorities, that type of thing.

37 So it wasn't a rulemaking so we didn't
38 necessarily do a specific response to comment on
39 the input we got. But tried to put it all
40 together in addition to a lot of internal
41 analysis and data gathering we did to help sort
42 of scope what the strategy was.

43 So we didn't specifically, you know,
44 respond to comments. But we could certainly pull
45 those and be happy to talk with you about what
46 got in, what didn't, if there was a reason. But,
47 yes, absolutely we would want comments on the
48 strategy here if there was something really

1 significant you raised that you don't feel got
2 addressed.

3 MR. HULL: All right. Thank you.

4 CHAIR FARCHETTE: Kitty.

5 MS. SIMONDS: Thank you, Sam. In
6 2003, we amended, we did an omnibus FMP amendment
7 that included the standardized bycatch reporting
8 methodology and all of that. And since that
9 time, you know, we've made these changes to, for
10 sea bird bycatch, turtle bycatch, sharks and all
11 those kinds of things.

12 So just quickly looking at the new
13 strategy I think it's really good. I mean
14 sometimes we're always afraid you're going to
15 come out with something that raises the bar so
16 high we can't do it.

17 But we've got wiggle room in here for
18 our weakest fisheries because in the islands we
19 do creel surveys and those kinds of things. For
20 pelagics, you know, we have an overload of data.

21 So I think what we have to do is right
22 now we're reviewing all of our FEPs. So we'll
23 just have to see how things measure up with the
24 old and the new since we're redoing these plans.

25 MR. RAUCH: As I said, I'm not
26 responsible for anything good in there, only the
27 bad things. Emily is responsible for all the
28 good.

29 MS. SIMONDS: I forgot that's right.
30 No, no thank you, Sam.

31 CHAIR FARCHETTE: Any more questions
32 for Sam? Hearing none. Thanks, Sam. Okay.
33 We'll go to the NMFS and NOAA General Counsel
34 review of council conflict of interest
35 regulations. And I think Adam.

36 MR. ISSENBERG: Thank you, Mr.
37 Chairman. So I've got a short presentation on
38 the recusal issue and then hopefully they'll be
39 an opportunity for all of you to provide your
40 input on this.

41 So this issue was the subject of
42 discussion at the last meeting in Key West. I
43 think the trigger for the interest in this was
44 two appeals from recusal decisions in the North
45 Pacific Council.

46 Those were the first appeals that we
47 had in, since the recusal provision was added to
48 the Magnuson Act in the 1996 amendments. And I

1 think that puts some focus on the issue.

2 So to start with just by way of
3 introduction and a refresher, the provision that
4 was added or prior to 1996 there had been a
5 requirement for financial disclosures. And as
6 long as council members disclosed their financial
7 interests there was no prohibition on voting on
8 any matter.

9 In 1996, Congress added the recusal
10 provision which required not only disclosure but
11 that an affected individual not vote on council
12 decisions that would have a significant and
13 predictable effect on a disclosed financial
14 interest. And the statute went on to define, to
15 provide some further guidance on what was a
16 significant and predictable effect.

17 But it still left that open for quite
18 a bit of interpretation. And so the Fishery
19 Service developed a regulation that set a ten
20 percent threshold. The ten percent rule is the
21 basis for determining whether a recusal is
22 required.

23 In addition to the regulations, there
24 are also Fishery Service policy directives and
25 the cites for those or the links for those are at
26 the bottom of the slide there. The other
27 background point that's not on the slide is that
28 the, neither, the statute does not specify who
29 makes the initial recusal determination.

30 But it does specify that appeals
31 should be directed to the NOAA General Counsel.
32 Under the regulations the initial responsibility
33 to serve as designated official, the person that
34 is responsible for making those determinations is
35 assigned to an individual identified by the NOAA
36 General Counsel and that in turn has been
37 delegated to the individual regional councils.

38 So the regional attorney or section
39 chief for each section identifies who will be the
40 designated official for any particular council
41 meeting. A little bit more background. So
42 here's some information on the number of recusals
43 over the last four years.

44 You'll notice that it's jumped around
45 a bit. And there was a big jump last year in
46 2015. A couple of points about this. First, the
47 vast majority of these recusals were voluntary
48 recusals.

1 They were not recusals that were
2 carried out through determinations by the
3 designated officials at the council meetings.
4 Now I understand that a lot of them were made in
5 consultation with the designated officials.

6 Council members would talk to the
7 responsible NOAA GC attorney and ultimately
8 decide to recuse themselves. But most of the
9 recusals are not carried out through formal
10 determinations.

11 The other thing to keep in mind is
12 that not all of these recusals are the result of
13 interests in, that are related to fishery
14 management measures. So you might have a vote on
15 an amendment that will put in place a certain set
16 of measures and somebody might have to recuse
17 because they've got a particular interest that
18 will be disproportionately affected by that
19 particular amendment or that particular measure
20 within the amendment.

21 Some of these recusals are the result
22 of contracts, votes on contracts, things like
23 that where a council member may have an interest
24 in some particular matter that isn't really a
25 fishery management measure. And I don't have
26 specific numbers for how many of those fall into
27 that category, but some of them do.

28 Just a word about the 2015 jump since
29 that is a significant jump. And it also relates
30 to the fact that we had these two appeals in
31 2015. The North Pacific Council had some change
32 in membership in 2015 or I think actually it
33 might have been 2014.

34 But the result of that was that two
35 new members came on that had significant
36 interests in some fairly significant fisheries
37 and in addition those particular, there were
38 amendments related to those particular fisheries
39 and those particular interests in 2015.

40 And so the result of that was a jump
41 in recusals for the North Pacific Council in
42 particular. A couple of other councils also had
43 an increase in recusals that particular year.
44 But that's, the largest part of that increase was
45 in the North Pacific Council.

46 So we had a discussion about this
47 issue in Key West in June. And just a little bit
48 about what we have been doing since then. We put

1 together a work group consisting of NOAA GC
2 attorneys who deal with these issues from around
3 the various regions as well as the Fishery
4 Service itself.

5 We've been scoping a number of issues
6 and have identified some potential actions to
7 address some of the concerns that have been
8 raised in this arena. And I've got two slides
9 identifying what some of the things that we're
10 looking at are.

11 They're grouped under, there's one
12 slide on procedural issues. You know, how these
13 determinations are made. And then one on
14 substantive issues. What are the standards for
15 making these determinations?

16 And before I turn to those two slides,
17 one thing I just want to say is that in the
18 process this working group has gotten together
19 and met, I don't know half a dozen times over the
20 last some months and we've talked quite a bit
21 about how the different regional GC offices
22 approached these recusal issues.

23 And, you know, I think by and large I
24 shouldn't put it that way, I think without
25 exception they, you know, what's come to light is
26 that folks are carrying out these determinations
27 according to similar standards. There are
28 certainly differences that, in how those manifest
29 because the fisheries are different.

30 You have fisheries that are very
31 complex, have complex ownership relationships.
32 You have other fisheries where you have many
33 small participants, nobody approaches a ten
34 percent threshold. And so, you know, these
35 issues have not really come up or when they do
36 come up they tend to be much more simple.

37 But where regions have had similar
38 issues, you know, the standards are the same.
39 There is some difference in how NOAA GC, you
40 know, sort of approaches looking at these issues
41 as a council meeting approaches.

42 And I think that's also a reflection
43 of the differences in fisheries. You know, where
44 you have these fisheries that have lots of small
45 participants, you know, it's not such an acute
46 issue and there may not be such an intense, as
47 intense a look at the issue.

48 It's more of a streamlined process

1 than it is where you have the more complicated
2 fisheries. So I'm going to talk first about the,
3 what I've characterized as the process options.
4 And these really go to, you know, the
5 transparency of the process and the clarity of
6 the process.

7 So these are a number of things we've
8 been talking about. One is, and many of these
9 things are already in effect in many councils.
10 There's not necessarily uniformity across the
11 board on all of these things. And in fact the
12 last bullet point kind of gets to that.

13 Most, I think that most of the regions
14 provide most of the councils a notice of who the
15 designated official is for each council meeting.
16 But I don't think that is universal. So one step
17 that we've been considering is institutionalizing
18 that practice of ensuring that everybody knows
19 who the designated official is, who will be
20 making the recusal determinations.

21 Another is posting all recusal
22 determinations online so that there is an online
23 repository of what the decisions are, what the
24 basis for those determinations are. This would
25 go both to the designated officials' initial
26 determination as well as to the determination by
27 the general counsel on any appeal.

28 And we hope that would provide, you
29 know, some opportunity for folks to go and look
30 at the reasoning for these things and, you know,
31 see how the different regions are making
32 determinations. And then the next is a series of
33 points on, you know, where we would consider
34 national guidance.

35 And these go both to the types of
36 information that's considered, how it's treated.
37 That kind of gets to, you know, are we taking
38 those disclosure forms at face value? What type
39 of additional digging are the NOAA GC attorneys
40 doing?

41 What should they do with information
42 if it's changed since the disclosure form was
43 submitted? When will determinations be made?
44 You know, one process, one problem with this is
45 that these things tend to be made on a very
46 expedited time frame.

47 The agenda for the meeting comes out.
48 NOAA GC has a very limited time to make the

1 determinations. Technically under the
2 regulations the NOAA GC has 30 days to decide an
3 appeal.

4 But with the case of both of the two
5 appeals last year that would have taken us beyond
6 the relevant council meeting. And so GC made
7 both of those determinations, I think, in under
8 ten days. I think one of them we made in under
9 four days.

10 And so, you know, one idea there is to
11 try to provide a little bit of additional clarity
12 about, you know, what the time frame for those
13 determinations is and how we can all work
14 together to expedite those so that if we're
15 really pushed by an approaching council meeting
16 we can ensure that they occur quickly and
17 smoothly.

18 One thing that does seem to vary a bit
19 around the country is what happens once an
20 initial determination is made. Who knows about
21 it and how is it publicized? I think some of the
22 regions communicate it directly to the relevant
23 council member, perhaps to the chair and
24 executive director.

25 Some publicize that more broadly. And
26 I think that's one thing that we probably should
27 standardize across the country. And the other,
28 related to that is when will the basis of the
29 determination, the rationale be available, how
30 will it be made available?

31 Some regions do it orally. Some do it
32 through an e-mail. Some have a more formal
33 document. And it may be that it's appropriate
34 for that to vary which brings me to the next
35 point which is developing and posting written
36 regional procedures.

37 So as I said, you know, some in some
38 regions or for some councils the ownership
39 relationships are very complicated. It requires
40 a much more detailed look, a much more detailed
41 written analysis is appropriate.

42 We don't necessarily want to impose
43 that work for every council action. There are
44 hundreds of council actions each year. There are
45 I think 72 council members. So when you look at
46 that total number of recusals it's actually quite
47 small.

48 And, you know, it would add quite a

1 burden to require, you know, regional, the
2 designated official to produce a detailed written
3 determination for some of those councils where
4 this just really never comes up. They handle
5 this more informally looking at the beginning of
6 the year at, you know, who are the council
7 members? What are their interests?

8 Documenting whether there's a
9 potential for concern in that particular
10 councilor at those particular fisheries. So to
11 the extent it would be appropriate to have some
12 differing procedures it might make sense to at
13 least have the individual council or the
14 individual regional GC offices explain why there
15 are different procedures within the factual
16 context of those particular councils.

17 So I'll go ahead and I'll describe the
18 substantive options and then we can come back and
19 I'm happy to just get your thoughts on any of
20 these. So the substantive options are focused on
21 the two main issues that came up in the appeals.

22 One issue was how is the affected
23 fishery or sector determined? So when you look
24 at the ten percent under the regulations it says
25 an interest in ten percent of the affected
26 fishery or sector.

27 And one of the questions in one of the
28 appeals from the North Pacific Council was how do
29 you determine what is the fishery or sector. Is
30 it, you know, the entire fishery? It is a gear
31 type? Is it some defined subsector within the
32 fishery?

33 I think most of you will relate, you
34 know, will understand that these are often
35 complicated questions and it's not simple to
36 necessarily identify what is the affected
37 interest and how does that translate into who is
38 actually affected by the particular action.

39 The appeal determination does provide
40 some guidance on that. But I think, you know,
41 there could be room for more explanation on that,
42 that would provide some more predictability on
43 that particular issue.

44 And then similarly the other issue
45 that was significant in those North Pacific
46 appeals was the question of the ten percent
47 threshold and particularly the full attribution
48 question. So as I said, the ten percent

1 threshold is established by regulation.

2 One thing the regulation doesn't
3 address is what do you do when you have a council
4 member who represents an interest that has a
5 partial share in another entity and how do you
6 calculate what their interest is in that company
7 in which they have a partial share? So if
8 they've got a 50 percent share do you attribute
9 the entire harvest by that one company to that
10 member or do you only attribute 50 percent?

11 And the longstanding practice across
12 NOAA GC in the few regions, more than one, but a
13 few regions in which that has come up is to fully
14 attribute the entire harvest to the council
15 member. That's what the initial determinations
16 in the North Pacific held and that's the, that
17 was affirmed by the NOAA General Counsel.

18 So that is the current status quo.
19 So, you know, one question is whether to take
20 another look at that and that would likely
21 require regulatory change. If we, and in
22 addition to that there are additional issues that
23 we need to look at.

24 That full attribution rule is the rule
25 that is generally applied in other contexts
26 outside the fishery management realm in which
27 conflicts of interest are dealt with. And then
28 are there other issues regarding the ten percent
29 rule?

30 For example, you know, is ten percent
31 the right number? You know, I think at the end
32 of the day any number is going to be, you know, a
33 line and there are always going to be people that
34 are going to be above or below that line.

35 That would also require regulatory
36 change, obviously. So I'll take questions in a
37 minute or comments in a minute. The, just a word
38 about our further process. We are working on an
39 action plan as to which of these steps we think
40 makes sense to pursue.

41 Our goal is to have a plan that we can
42 share with you at the next CCC meeting in May.
43 Depending on what we move forward with some of
44 these things we may actually be able to, you
45 know, complete by that time.

46 Some of them it may be, you know, a
47 time frame for how we're going to pursue them.
48 Obviously is we pursue any of the things that

1 require regulatory change that will be a much
2 longer time frame.

3 So with that, you know, I'm interested
4 in your thoughts on any of these issues. I think
5 just, you know, to sort of organize the
6 discussion it might make sense to deal with the
7 two slides one at a time. So why don't we go
8 back.

9 We can focus on the process options
10 and when we've exhausted that we can go on to the
11 substantive issues.

12 CHAIR FARCHETTE: Tom.

13 MR. NIES: Thanks for this, Adam. I
14 think a lot of this will be helpful once we work
15 through it and see how it turns out. Just a
16 suggestion on the process options.

17 I think it should be identified who
18 brings forward the information that's considered.
19 The financial disclosure forms currently don't
20 have enough detail to make some of these
21 determinations.

22 And, you know, is this the
23 responsibility of the council member to bring the
24 info forward? Is it the responsibility of the
25 Agency to try and dig it up? Is it the
26 responsibility of the council? I hope not.

27 But it seems that should be clarified
28 particularly when you're talking about ownership
29 issues. I don't know that we have the
30 information to track that down. But even things
31 like landings information.

32 You know, who is that's supposed to
33 bring that to the table?

34 CHAIR FARCHETTE: Dan.

35 MR. HULL: Thank you, Mr. Chairman.
36 And thanks, Adam, for the presentation. I
37 definitely appreciate the responsiveness to the
38 requests and letters that we've sent and, you
39 know, the attention that you and the work group
40 have paid to this issue as you can realize full
41 participation by our council members who have
42 been appointed by the Secretary of Commerce
43 because of their knowledge is critically
44 important.

45 I think the process options are all
46 really helpful and we've already heard from NOAA
47 GC in our region that some of those would begin.
48 We've actually seen them in the February meeting,

1 some of these beginning.

2 So I think those will definitely be
3 very helpful in terms of transparency and how
4 determinations are perceived. I think it's when
5 we get to the predictability issue that becomes
6 perhaps more challenging.

7 But I'll just, since we're on this
8 slide to begin with I'll just offer those
9 comments.

10 CHAIR FARCHETTE: Yes, Bill, sorry.

11 MR. TWEIT: Thank you, Mr. Chair. I'd
12 like to dive a little bit deeper into one
13 particular issue you brought up. You sort of
14 flagged the jump in that we saw in the last year
15 that almost doubling, you flagged that was
16 largely the result of the particular
17 circumstances of the two newest council members
18 on the North Pacific Council.

19 And I think therein lies a bit of a
20 contradiction that I would urge you to take
21 another look at. Both of those council members,
22 part of the uniqueness of their circumstances are
23 that they're really directly linked to CDQs, the
24 Community Development Quota entities that the
25 Magnuson Act established.

26 And the intent of the establishment of
27 those in the Magnuson Act was that they would
28 invest very broadly in the fishery across the
29 range of fisheries, across the range of sectors.
30 That's what they've done.

31 And that's where running headlong then
32 into the full, the, excuse me while I'm looking
33 up your term, the full attribution rule. And
34 that's the problem. On the one hand we'd like to
35 have council members who represent and understand
36 the CDQs.

37 They're a very important part of the
38 North Pacific structure. And yet at the same
39 time they're the ones who apparently, if I'm
40 following your description correctly are most
41 likely to run afoul of the full attribution rule
42 precisely because those CDQs have been doing what
43 we asked them to do which is invest broadly.

44 So one member works fairly directly
45 for a CDQ group. The other one works for a
46 private fishing company that a while ago was
47 simply that, a private fishing company. It is
48 now a private fishing company with the largest

1 shareholder being the CDQ corporation.

2 And that's what I think I at least
3 would like you to dig further into because it
4 seems to me that on the one hand we've got a
5 program that's succeeding very well and at the
6 same time because it's succeeding that well it's
7 now running afoul of not the Act and not even the
8 Agency's rules regarding that. It's the practice
9 of how those rules are being applied.

10 It's the full attribution practice.
11 So I'm having a difficult time with that
12 inconsistency.

13 MR. ISSENBERG: Thank you. We'll,
14 I'll pass that along to the group and we'll, you
15 know, we'll certainly think about that.

16 I mean I think this is, you know, this
17 is, you know, the very tension that's built into
18 the Magnuson Act in the first place brought to
19 sort of, you know, a much finer point about the
20 interest in having those who are knowledgeable
21 and interested in the fishery participate in the
22 process but, you know, ensuring that, you know,
23 we deal with conflicts of interest where they
24 reach a level of concern.

25 And in this particular case they
26 really do reach a fine point. Just to the point
27 about the full attribution rule. You know, I
28 mean this, you know, this like any other issue
29 this, you know, there are, we ultimately have to
30 interpret the regulations.

31 The regulations don't cover every
32 situation. And, you know, so this is an
33 interpretation. I wouldn't necessarily describe
34 it as a practice. It's a longstanding
35 interpretation.

36 It is one that we can, you know, take
37 a look at and consider particularly in the
38 context of the concerns you identified.

39 CHAIR FARCHETTE: John and then Chris.

40 MR. QUINN: Thank you very much, Adam.
41 I'm just maybe looking, I'm a little confused
42 maybe looking for a little clarity. Part of your
43 presentation was we should leave it to the
44 regional GCs to make decisions.

45 Then up here we talk about having
46 national guidance then have written regional
47 procedures. So I'm just trying to understand is
48 it, who is making the decisions on these? And I

1 mean kind of an offshoot of Tom's question should
2 they be standardized forms or should the thing be
3 nationalized?

4 And I'll just not to bore you with the
5 details, I had a, out of an abundance of caution
6 I sent an e-mail to my local GC. They sent me an
7 e-mail back on it that was the form. And based
8 on what you just explained, they were wrong and I
9 was right.

10 So I think there better be maybe some
11 consistency across regions on how these things
12 are handled.

13 MR. ISSENBERG: Thank you. Sorry if
14 this was confusing. You know, at the end,
15 ultimately it will be the designated official in
16 each region, so the regional GC who is identified
17 as responsible for making the determination will
18 make the determination.

19 Any appeal would go to the NOAA
20 General Counsel here in DC. The idea of, and as
21 I said earlier, the standards would be the same.
22 If we, you know, for argument's sake let's say we
23 keep the full attribution rule.

24 If that's the case then that will
25 apply across the board. That would not change.
26 If we have guidance on how a fishery or sector is
27 determined that would not change.

28 You know, I think the question really
29 is in terms of the context of the individual
30 fisheries where you have those smaller fisheries
31 where, you know, where we haven't had a recusal
32 in years and are unlikely to have a recusal, do
33 we need to have the same formal structure that we
34 might have in some other places where we have
35 much more complicated situations?

36 And so the point of the national
37 guidance would be to look at what should be the
38 same everywhere. The point of the regional
39 procedures would be to look at, okay, are there
40 certain things not the legal standards, but in
41 terms of some of the process that it might make
42 sense to have, you know, regional approaches.

43 MR. QUINN: Well so you're not
44 concerned that even though there's national
45 guidance that local GCs have difference of
46 opinions or different interpretations thus the
47 identical fact pattern in one region is okay, in
48 another region it's not. I mean I think you

1 ought to really think of standardizing it.

2 MR. ISSENBERG: Well, you know, what
3 I'll say in response to that is, you know, we
4 have a structure in place for all legal issues in
5 which we advise the, you know, six regions, I'm
6 sorry, now five regions, the eight councils,
7 Fishery Service headquarters. We have regular
8 dialogue among the attorneys across the country.

9 We have standing discussions every
10 other week among all the MSA attorneys. And we
11 invest a lot of time and effort in avoiding those
12 inconsistencies and talking about the fact
13 patterns, you know, trying to ensure that where
14 there are different results they are based on
15 different fact patterns.

16 Trying to ensure that we are providing
17 the same legal advice as to how to interpret the
18 law. And that would apply to recusal
19 determinations as well.

20 CHAIR FARCHETTE: Chris.

21 MR. OLIVER: I just wanted to focus
22 and stress this full attribution point. And I
23 think as you noted, Adam, that is not in the
24 rule. That's a practice or an interpretation
25 that's been fairly consistently applied.

26 And I respectfully submit that doesn't
27 make it right. It would have made a big
28 difference or would have made all the difference
29 in at least one if not both of the recusal
30 determinations that we were referring to and so
31 to me that proportional attribution versus full
32 attribution is almost a logic more than a legal
33 question.

34 And I guess I just wanted to make that
35 point and to clarify that is still something on
36 the table for consideration is how that full
37 versus partial attribution is still something
38 you're considering.

39 MR. RAUCH: So and I should have said
40 this at the outset, when we talked about this in
41 June the Fishery Service committed to providing
42 guidance on this and that was really
43 inappropriate as it turns out. And as Adam has
44 said, this issue is designated to the General
45 Counsel.

46 In that sense General Counsel is
47 acting as a policymaker on this and they have
48 been very willing to work and to rethink these

1 issues. But it is not appropriate here to think
2 in terms of what their position is and what is a
3 legal policy issue.

4 They are exercising that policy
5 framework here and I think one of the things I
6 wanted to thank them for is their willingness to
7 take what has been their policy and take input
8 and look at changing their policy approach to
9 this. But it really is, in this case they are
10 the policymaker decision makers and they're
11 looking at it through that lens.

12 And I think they expressed to me and
13 I think you just heard here, they are willing to
14 revisit that. But it is a really policy view
15 that they are applying.

16 MR. OLIVER: Yes, and I just wanted to
17 clarify that's still under consideration, whether
18 it's a policy. Yes, still being considered and
19 you could decide that, at some point you may
20 decide that a proportional attribution is more
21 appropriate for example or not.

22 CHAIR FARCHETTE: Adam.

23 MR. ISSENBERG: Yes, that is one thing
24 we are looking at. I just and we will, you know,
25 obviously we've heard quite a bit about it and
26 I'll take that back to the working group and we
27 will discuss that.

28 You know, at this point it is a formal
29 legal interpretation as a result of the NOAA
30 General Counsel's appeal decision. It is, you
31 know, as binding on the Agency at this point as a
32 regulation is.

33 Like a regulation, it could
34 potentially change. But at this point it's not a
35 matter of just changing our practice. I just
36 want to clarify one point that Sam made which is
37 that, you know, Sam is correct that NOAA GC has
38 sort of a unique role here because we have a
39 certain, calling it policy isn't quite right but
40 I don't have a better term.

41 We have a certain role where we
42 actually carry this out as opposed to just giving
43 legal advice because of the regulations that
44 assign the responsibility of serving as
45 designated official to a NOAA GC attorney and
46 because of the statute makes the NOAA General
47 Counsel the appeal officer.

48 That said, some of this is also

1 carried out as a result of Fishery Service
2 regulations. So at least to that extent the
3 Fishery Service also has a, you know, also does
4 have a policy role in this and that's why the
5 work group is not an NOAA GC work group. It is a
6 Fishery Service and NOAA GC work group.

7 CHAIR FARCHETTE: Tom.

8 MR. NIES: And I might, since we've
9 moved onto the substantive options I've got an
10 issue that sort of overlaps both screens here.
11 So it seems on the substantive issues that the
12 implication is that the only time that there's a
13 conflict of interest that could warrant recusal
14 is if the council member is involved in a fishing
15 business.

16 And I'm curious whether the group has
17 thought whether there are other instances where
18 there may be a financial interest that at least
19 should be declared on the financial disclosure
20 form if not considered when it comes to recusals.

21
22 As an example, if you have a council member
23 who works for an organization that is receiving
24 sizable grants to advocate for a specific fishery
25 management program or specific fishery management
26 option, presumably the person issuing the grant
27 has some sort of performance standards that says
28 if you want this money you have to do certain
29 things or accomplish certain things.

30 So it seems like there's, potentially
31 there are financial interests that has a direct
32 impact on the person or the person's employer
33 that has really nothing to do with whether that
34 person is involved in a fishing business or not.
35 But it seems like it should be declared on the
36 financial disclosure form so that people are
37 aware of it.

38 And perhaps in some extreme cases, I'm
39 not quite sure what they would be, there may be a
40 time when it rises to the level of recusal. But
41 I don't see that being addressed in this stuff.

42 And I, you know, looking at the
43 financial disclosure forms it's not clear to me
44 that someone who is employed is supposed to
45 declare where their employer is getting his money
46 from. So that information is not really readily
47 available.

48 MR. ISSENBERG: A couple of points in

1 response to that. First, for this, for the
2 purpose of this slide the first paragraph only,
3 actually I'm sorry, it's the second, the cite to
4 the reg there only, it summarizes the rule.

5 And there is, there are a number of
6 subsections there. One of them specifically
7 deals with processing not just harvesting. And
8 there's another that's a bit more of a catch all.
9 In addition to the 600.235, there's also another
10 regulation 600.225 that mirrors the general
11 statutory conflict of interest law which applies
12 to all of the federal employees sitting at the
13 table here.

14 And that would apply to those other
15 situations you're talking about if somebody has,
16 you know, works for a business that, you know, is
17 that might receive a grant that the council is
18 considering making recommendations with respect
19 to the grant or, you know, even more to the point
20 if the council, you know, is contracting for
21 something and there's a council member who, you
22 know, is a potential recipient of the contract or
23 has an interest in a business that's a potential
24 recipient of the contract that other regulation
25 might apply.

26 And that's something, you know, I
27 think there's been a lack of clarity as to the
28 relationship of those two provisions. We have
29 not really focused on the other one and it's
30 something we've talked about providing additional
31 guidance on as well.

32 But, you know, for, just for, you
33 know, to bite things off in chunks we've been
34 focusing on this piece.

35 MR. NIES: So I was having a little
36 trouble and I'm not as familiar with the regs
37 obviously as you are. But I'm not convinced the
38 examples you used at the tail end reflect the
39 situation I was talking about. But maybe we can
40 talk about it later.

41 CHAIR FARCHETTE: Dan.

42 MR. HULL: On the topic of
43 predictability just thinking about some of the
44 conversations that we've had among council
45 members in the North Pacific and why
46 predictability is so important. One of the
47 recusal determinations described how the
48 structure of our decision has bearing on whether

1 there is a recusal or not.

2 And so that then engenders some
3 discussions among council members well how we
4 should we structure the analysis to avoid that?
5 We also had, prior to our December meeting when
6 we set the groundfish harvest specifications,
7 questions about whether there would be recusals
8 from those decisions because with the \$2 million
9 metric ton cap if their decision is made about
10 moving one species up or down in terms of tack
11 how would that be affected?

12 How would voting be affected? And
13 then if in the process of being recused a council
14 member then has the option of changing
15 affiliations to avoid being recused then it
16 creates a system that's just not as, it's not
17 predictable I guess as it should be.

18 And it results in some amount of game
19 playing. I think the end result of or the end
20 goal that we should be looking for is to have a
21 process that minimizes that to the extent, not to
22 the extent practical but to the greatest extent
23 possible. So just some further observations on
24 that.

25 MR. ISSENBERG: And I would just
26 respond that, you know, I think as we've been
27 looking at these options, you know, certainly for
28 all of our sakes I think predictability is, you
29 know, something that, you know, we would like to
30 strive for.

31 You know, like everything else I'm not
32 sure that, you know, it's something that's
33 attainable in every situation. But, you know, I
34 think to the extent we can provide more
35 transparency, more predictability that's
36 something that we would like to do.

37 CHAIR FARCHETTE: Don.

38 MR. MCISAAC: Thank you, Mr. Chairman.
39 I have a question on a slightly different angle
40 if we're all done with the North Pacific and New
41 England questions.

42 It's the kind of question you could
43 probably only get from a lame duck executive
44 director. Okay. So on the west coast, this is a
45 question for Adam or Sam. On the west coast we
46 have a trawl catch share program that has a ten
47 percent or five percent free refinancing tax on
48 the fishermen.

1 We have a cost recovery of three
2 percent. That's eight. The cost recovery for
3 one of the sectors has been proclaimed to be far
4 in excess of three percent but there's this three
5 percent ceiling.

6 So to the extent that the federal
7 government has a greater than ten percent
8 interest in the total harvest of this fishery
9 will the federal seat be recusing themselves from
10 votes at the Pacific Council?

11 MR. RAUCH: When did the train leave
12 Toledo? I don't even, I don't know the answer to
13 that question.

14 MR. ISSENBERG: I was going to say
15 that I felt like I was listening to one of those
16 puzzlers on Car Talk.

17 CHAIR FARCHETTE: Any more questions
18 for Adam? Okay. Hearing none I want to thank
19 everyone for their participation today and for
20 taking it easy on the Chair. So we will be in
21 recess until tomorrow morning, 9 o'clock. Thank
22 you.

23 (Whereupon, the above-entitled matter
24 went off the record at 4:45 p.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Council Coordination Committee

Before: NOAA/NMFS

Date: 02-24-16

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

OFFICE OF SUSTAINABLE FISHERIES

+ + + + +

COUNCIL COORDINATION COMMITTEE

+ + + + +

MEETING

+ + + + +

THURSDAY
FEBRUARY 25, 2016

+ + + + +

The Committee met in the Holiday Inn Capitol, Capitol Ballroom, 550 C Street, S.W., Washington, D.C., at 9:00 a.m., Carlos Farchette, Chair, presiding.

PRESENT

CARLOS FARCHETTE, Caribbean Council, Chair
KEVIN ANSON, Gulf of Mexico Council
JIM BALSIGER, Alaska Region
JOHN BULLARD, Greater Atlantic Region
ROY CRABTREE, Southeast Region
MICHELLE DUVAL, South Atlantic Council
ED EBISUI, JR., Western Pacific Council
DOUGLAS GREGORY, Gulf of Mexico Council
MARCOS HANKE, Caribbean Council
DON HANSEN, Pacific Council
DAN HULL, North Pacific Council
DOROTHY LOWMAN, Pacific Council
MICHAEL LUISI, Mid-Atlantic Council
DON MCISAAC, Pacific Council
CHRIS MOORE, Mid-Atlantic Council
TOM NIES, New England Council
CHRIS W. OLIVER, North Pacific Council
HERB A. POLLARD, II, Pacific Council
CHARLIE PHILLIPS, South Atlantic Council
JOHN QUINN, New England Council

RICK ROBINS, Mid-Atlantic Council
MIGUEL ROLON, Caribbean Council
KITTY SIMONDS, Western Pacific Council
TERRY STOCKWELL, New England Council
WILLIAM SWORD, Western Pacific Council
MIKE TOSATTO, Pacific Islands Region
BOB TURNER, West Coast Region
BILL TWEIT, North Pacific Council
GREGG WAUGH, South Atlantic Council

ALSO PRESENT

EILEEN SOBECK, Assistant Administrator for
Fisheries
PAUL DOREMUS, Deputy Assistant Administrator for
Operations
SAM RAUCH, Deputy Assistant Administrator for
Regional Programs
ALAN RISENHOOVER, Sustainable Fisheries
ADAM ISSENBERG, General Counsel
CAROLINE PARK, General Counsel
KELLY DENIT, Sustainable Fisheries
BRIAN FREDIEU, Sustainable Fisheries
HANNAH HAFEY, Sustainable Fisheries
EMILY MENASHES, Sustainable Fisheries
TRACEY THOMPSON, Sustainable Fisheries
TOPHER HOLMES, Office of Legislative Affairs
TOM BIGFORD, American Fisheries Society
NED CYR, Science and Technology
KATIE LATANICH, Fisheries Leadership &
Sustainability Forum

C-O-N-T-E-N-T-S

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Meeting

Adjourn

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

2 (9:06 a.m.)

3 CHAIR FARCHETTE: Good morning.
4 Before I begin, there seems to have been a little
5 dissension among the ranks and we had John
6 Bullard move over from the east to the west. So
7 he's going to justify that.

8 MR. BULLARD: Thank you, Mr. Chair.
9 I wanted to explain why I changed seats. GARFO
10 serves two councils, the New England council and
11 the Mid Atlantic council. And those who've been
12 here a long time know that we used to be the
13 Northeast Regional Office.

14 And some people felt NERO stood for
15 New England Regional Office and that we spent too
16 much time focusing our attention on the New
17 England council. And among those people was
18 Senator Barbara Mikulski from Maryland.

19 And she sat on the Senate
20 Appropriations Committee. She not only sat
21 there, she was one point chair of it. And we
22 found language in a budget that moved our almost
23 200 employees, coincidentally, to Maryland.

24 And we negotiated a resolution that
25 kept our employees and their families at their
26 home but changed our name to GARFO, Portuguese
27 for fort. And also, committed that we would
28 spend equal time and attention with both
29 councils.

30 And so I'm very careful to spend equal
31 time because Chairman Robins has Senator Mikulski
32 on speed dial. And so I don't want to reprint
33 stationary. You know, who knows, it could be
34 MARFO next week. So hence, I'm over here, equal
35 time. Thank you, Mr. Chairman, for allowing me
36 that explanation.

37 CHAIR FARCHETTE: Thanks, Terry.

38 MR. STOCKWELL: Thank you, John. But
39 from New England's perspective, we feel forked
40 again.

41 CHAIR FARCHETTE: Okay, I want to
42 welcome everyone to the continuation of the
43 interim CCC meeting. It's February 25th, 2016 at
44 the Holiday Inn Capitol, Washington, DC.

45 Okay, first item on the agenda is a
46 Catch Share Program have new guidance. Alan
47 Risenhoover.

48 MR. RISENHOOVER: Thanks, Mr.

1 Chairman. And before we get started, just one
2 quick thing. I think most of you probably woke
3 up to the news this morning with the fishing
4 vessel being shown washed ashore somewhere on New
5 York. So while I don't think there's a direct
6 link to us here, you know, it does remind me of
7 the safety issues we have with folks out there
8 fishing.

9 And a week or two ago, we released a
10 technical memo on what councils and what the
11 Agency may be able to do within our authorities
12 on safety. I believe copies of that tech memo
13 are out on the table.

14 So just as a reminder, you know,
15 safety's important. Take a look at that tech
16 memo and hopefully we won't have any accidents or
17 anything in the future.

18 So with that, let's start and talk a
19 little bit about the five, seven year catch share
20 reviews. First of all, I want to thank everybody
21 for their extensive and helpful thoughts that you
22 sent in on that.

23 I realize folks are reaching
24 saturation with reviewing things. And in this
25 case we were able to extend what we thought was a
26 timeframe from late in the fall to basically I
27 think about a couple weeks ago to give the
28 councils a little more time to review that. So
29 thanks for taking the time to look at that and
30 getting us some comments.

31 Just a couple reminders and then I'm
32 going to turn it over to Kelly Denit to run
33 through a presentation here. But just as a
34 reminder that these reviews are required by the
35 Magnuson Act and our Catch Share policy talks
36 about reviewing Catch Share Programs as well.

37 So to date there have been four
38 reviews of Catch Share Programs, crab
39 rationalization, Amendment 80, both of those in
40 Alaska, gulf red snapper, and the Pacific halibut
41 permit stacking program.

42 So these guidelines we put out are not
43 a criticism of those four reviews. Instead, it's
44 intended to be a helpful guide to do future
45 reviews. So several of these are coming up in
46 the near term. So we wanted to get this guidance
47 out to provide this help.

48 So part of it is that, you know, the

1 four reviews that were done were by no means a
2 check the box exercise, and we want to make sure
3 that it continues that way.

4 The feedback we got from the councils
5 listed a number of concerns and Kelly will
6 address those in turn. But I think the main
7 concern we got was that the guidance was too
8 prescriptive, would entail too heavy a workload
9 for the councils.

10 Well, a good review requires a lot of
11 work. And again, I think all the councils intent
12 is to do a good, solid review and not just say
13 yes, it's okay the way it is and move on. I
14 think your intent is to do good reviews, and
15 hopefully this guidance will provide some ways,
16 some thoughts, some techniques, some best
17 practices to conduct those reviews.

18 So as we move forward here, hopefully
19 we can plan to have good, solid, robust reviews
20 of these programs. Catch Share Programs are
21 always in the spotlight of folks. Many critics
22 of those, and these reviews are a way to address
23 those criticisms and make sure that you do have
24 the best programs.

25 So again, we appreciate the feedback
26 you gave us on this. We will look at that
27 carefully, adjust the guidances as needed. But
28 we want to make sure that these reviews are
29 conducted in a solid fashion in the future. And
30 hopefully this guidance provides some ideas and
31 ways to do that.

32 So with that, I'm going to turn it
33 over to Kelly and she'll run through what's in
34 the guidance again, a summary of the comments,
35 and then we'll be ready to answer any of your
36 questions and concerns. Kelly, thanks.

37 MS. DENIT: Thanks. Good morning,
38 everybody. I'm really hoping that no one's
39 sticking a fork in me during this, although after
40 Chris' comments yesterday, I did listen to a
41 little Eye of the Tiger on the way in. So
42 looking forward to a lively conversation around
43 this guidance.

44 So just kind of wanted to talk through
45 things. Alan kind of just gave a brief overview.
46 The intent of the guidance is to identify the key
47 components of the process, the document, and the
48 questions and issues that we would like to see

1 addressed.

2 This is one place where I want to talk
3 a little bit. There are a lot of "should" in the
4 guidance. There were some comments that came in
5 about well, what's really mandatory versus what's
6 not. Our intent is to lay out all the things
7 that we think you should look at.

8 There might be very compelling reasons
9 why it's not relevant for your program. And so
10 therefore, we don't expect that you would then
11 analyze that. So we're going to kind of talk
12 through that in a little bit of detail as I go
13 through each of the slides.

14 So the periodicity of the reviews,
15 this is straight out of Magnuson, and we
16 appreciate the comments from those of you who
17 caught our error where we had within. It is five
18 years after the program was established for LAPPs
19 that have been implemented after 2007.

20 The subsequent reviews coincide with
21 the counselor secretarial review of the FMP but
22 no less than every seven years. As Alan
23 described, our Catch Share policy does state for
24 those that are Catch Share Programs and not just
25 LAPPs.

26 We do have an expectation that a
27 review will be conducted. We think Congress was
28 right, it's always good to take a step back and
29 look at these programs after they've been in
30 place for a little bit of time and you have some
31 data to analyze and look at what have been the
32 trends.

33 Process, so this was an area where
34 there's a lot of comments from you all, which we
35 really appreciate. The review plan, we are
36 suggesting that you come up with your plan for
37 how you do the review within that five year
38 timeframe so it tees you up to begin work on the
39 actual review five years after the program has
40 been implemented.

41 We recognize that that may not be
42 possible given other council priorities. It's a
43 suggestion that you kind of lay out what does
44 that work plan look like so that you can be in
45 the best position to move forward with the
46 review.

47 The review team, our intent here was
48 to be as inclusive as possible. We certainly

1 recognize that the councils are going to
2 establish their review team with the folks that
3 they think are most relevant, and that in some
4 cases you might want to contract out for
5 particular work in economic analysis or to
6 conduct some type of survey or some other type of
7 activity that would be relevant for your review.

8 There's nothing in the guidance that
9 precludes you from doing that, and we certainly
10 think that having that inclusive review team is
11 well within your decision making to figure out
12 who that is. What we were trying to get at was
13 having it be as inclusive as possible.

14 The interim reports, there was quite
15 a bit of confusion about this. This was not
16 intended to be some sort of new report that we
17 were expecting the councils to generate.

18 We were referring to the annual
19 reports that almost all of you already have for
20 your Catch Share Programs. Generally, these are
21 done by your regional office or your science
22 center.

23 So this was not intended to be some
24 sort of new requirement. It was merely an
25 acknowledgment of the fact that these reports
26 already exist and we think that those are
27 documents that you should be taking advantage of
28 as part of your overall assessment of your Catch
29 Share Programs.

30 So we'll make some adjustments to that
31 language to make that clearer that that's what
32 we're referring to. This is not some sort of new
33 requirement that we were trying to impose.

34 Process, we heard a lot from you guys
35 related to this, and we agree. The review team,
36 you know, this is kind of the motherhood and
37 apple pie, right? You guys are going to have the
38 review team be responsible for pulling together
39 the data and doing the review.

40 We want you to make sure that those
41 reports and those drafts are being shared as much
42 with stakeholders as possible, which is your
43 standard approach for your council activities.

44 So we will again make some tweaks
45 along those lines to make that more clear to
46 folks. And again, this was just our attempt to
47 try and articulate that we want it to be as
48 inclusive a process as possible.

1 The review of the final report, this
2 was one where there was substantial comment and
3 concern from you all about sort of the
4 bureaucracy and what is it going to mean to have
5 this report reviewed by all of these people.

6 And so we hear you. We will take that
7 out, and we will go with the approach that has
8 been used which is the RA sitting at the council
9 meeting. It's a council document. The council
10 approves it and then decides what it's going to
11 do. So we will make that adjustment based on
12 your feedback.

13 So general approach and scope, we were
14 looking to describe in, you know, asking you guys
15 to look and describe and analyze the effects that
16 have taken place since the baseline time period.
17 That's mainly for those who are doing their first
18 five year review, referring to that kind of pre-
19 implementation timeframe.

20 We understand for those of you who
21 have had programs that have been in place for
22 longer, that that's not a relevant comparison at
23 this point. If your program's been in place for
24 20 years, you don't necessarily want to go back
25 to that.

26 So we had in there language that
27 refers to or your last review. So I just wanted
28 to highlight that because that was another place
29 where there seemed to be a little bit of a
30 misunderstanding of what we would be looking for
31 people to compare.

32 So if your program's been in place for
33 a long time, we understand there have been
34 substantial changes over the course of that. And
35 so you need to just figure out and articulate
36 what is going to be your comparison period and
37 why did you pick that comparison period if it
38 isn't the pre-implementation.

39 We talked about incorporating by
40 reference or summarizing other findings where
41 possible. This kind of gets to there were
42 several comments. We had a reference to NEPA in
43 there. We will take that out. We understand
44 that that was creating a lot of confusion.

45 This is not intended to be a NEPA
46 document or have to go through that process.
47 We're going to take that out. And so what we
48 were looking for here is it doesn't need to be a

1 600 page review.

2 If you've done some analysis, let's
3 just say you closed out an action that was making
4 some changes, you can incorporate the analysis
5 that you did there by reference and just
6 summarize what it is that you found or changed as
7 part of it.

8 On the use of standardized indicators,
9 so our social and economic folks have been
10 working very hard on all of our Catch Share
11 Programs to generate a whole series of indicators
12 for programs going back historically all the way
13 up through with the present.

14 These are already being generated.
15 Literally, you just click on the website and pull
16 them off. It's things like ex-vessel value,
17 revenue from species in the Catch Share, species
18 outside the Catch Share, all of which we think
19 are relevant.

20 You, in fact, may have more detailed
21 data that you want to analyze in a more thorough
22 way or a more detailed way, which again, nothing
23 in this guidance precludes you from doing that.
24 We're just suggesting that you take advantage of
25 these standardized indicators where they are
26 relevant for your use in your review.

27 And I've talked quite a bit already
28 about kind of the holistic approach. What we
29 really want folks to be thinking about is being
30 as inclusive as possible.

31 And in situations where you have
32 programs that might have a lot of overlap that
33 maybe in future years you look at doing those
34 reviews jointly so you can kind of look at how
35 things are going across those programs where you
36 might have substantial overlap.

37 Structure, just briefly. I don't
38 think there's anything surprising here, your
39 purpose and need, look at your goals and
40 objectives, description of the history,
41 description of what have been the changes that
42 you've seen across some categories, economic,
43 social, administrative, biological, ecological.

44 And evaluate those with respect to
45 your goals that you established for the program,
46 and then have a summary. And if there's any
47 recommendations for changes, you could include
48 those as well.

1 So briefly kind of walking through the
2 analysis, the goals and objectives, I think you
3 guys have heard this repeatedly whether it was
4 under NS1 or allocation discussion, the point is
5 to look at the goals and objectives you
6 established for your program, and are those being
7 met.

8 Are they the goals that you want to
9 have still, or have things changed and you want
10 to make adjustments. Are they clear or do you
11 need to make some tweaks to help you better be
12 able to analyze what impact you're actually
13 seeing as part of the program and whether you're
14 achieving that goal.

15 I'll take a minute on the allocation
16 question. This was another area where there were
17 a number of comments that came in from across the
18 councils. So you all, of course, are well aware
19 of the allocation guidance that got finalized
20 last year where we were looking to identify
21 triggers for each council, for each FMP to look
22 at allocations.

23 So what we're saying in this guidance
24 is if, for example, your council has selected
25 your 5/7 year review as one of your allocation
26 triggers, then you would look at allocation as
27 part of your 5/7 year review.

28 If your council has decided that your
29 triggers are going to be something else, then
30 that's what your trigger is and that's what, I
31 mean, you would review your allocation.

32 And as part of your 5/7 year review,
33 you would say we're not going to review the
34 allocations, here's the reason why. Your
35 compelling reason not to do so is that you've
36 established this other trigger, and that's going
37 to be when you, as the council, are going to
38 review the allocations.

39 And so if you are looking at your
40 allocations as part of your 5/7 year review, then
41 we are looking for that to be, you know,
42 consistent with that allocation guidance and that
43 you're going to look across all the different
44 components of allocation within your Catch Share
45 Program including whether that's, how that's been
46 split between commercial and recreational.

47 So kind of looking at that situation
48 where perhaps not the entire fishery is in the

1 Catch Share Program.

2 Eligibility requirements, looking at
3 who can hold shares, do you need to make tweaks
4 one way or another. In some cases you might want
5 to liberalize that based on what you're seeing.
6 In other cases you might need to be more
7 restrictive. But it really comes down to are you
8 achieving your goals, what have you seen as the
9 effects of the program, and what do you think
10 would make it more effective or not.

11 Transferability, I think, you know,
12 you guys are well aware of all the complexities
13 in Catch Share Programs, so I'm going to kind of
14 run through these relatively quickly.

15 But looking at what's the tradeoffs,
16 do you want to make any tweaks to your
17 transferability provisions. Most of you have
18 allowed for transferability. I don't think we
19 have any programs that completely close off
20 transferability. So you know, analyzing that and
21 evaluating whether that's been effective for your
22 program or not.

23 Looking at your ACLs and AM and quota
24 performance, have your landing stay within
25 limits, any stock status changes, changes in
26 bycatch which we've seen some pretty substantial
27 changes in some of the most recent programs.

28 And then also looking at is the quota
29 being fully utilized. And if it's not, what
30 might be tweaks to the program that would help
31 with that.

32 Accumulation limits and caps, all of
33 our programs at this point have their caps in
34 place. So looking at those, looking at market
35 power, and looking at your data collection. Do
36 you feel like you're collecting the data to be
37 able to really analyze what those impacts are?

38 You know, we've heard a lot of
39 concerns about consolidation in Catch Share
40 Programs. And so this would be an opportunity to
41 look at that as part of your review.

42 Cost recovery and other component of
43 Catch Share Programs, what is the current
44 percentage, what is the economic impact of having
45 to pay that fee on the fishermen who are
46 participating.

47 Are we being as efficient as possible
48 as part of our implementation, and are there any

1 issues or compliance issues with the cost
2 recovery program that you would need to address.

3 Data collection and then monitoring
4 and enforcement, these kind of go hand in hand.
5 You know, what data are you collecting, is that
6 getting you all the information that you think
7 that you need.

8 Or maybe after five or seven years
9 you've realized wow, it would be really nice to
10 have information on X, and you want to look at
11 that that and pull together some cost information
12 of what would it take to put that in place.

13 Monitoring and enforcement, what types
14 of noncompliance have you had. Is there any type
15 of pattern there that you would want to take any
16 action to try and address. Any of those kind of
17 elements to look at under these categories.

18 And then the duration. MSA states
19 clearly that the programs are in place for ten
20 years, although they will be renewed if not
21 revoked or modified. Does that still make sense?
22 New entrance, again this is another area where
23 we've heard a lot of questions from constituents.

24 You know, what is happening in the
25 program, are you getting new entrance into it,
26 what tweaks might you make, if any. There is the
27 ability to implement loan programs for your LAPP.
28 Some of you have taken advantage of that. Not
29 everyone has. Does it make sense now to do that?

30 And then the last two are looking at
31 options and royalties, or options or royalties I
32 should say. So you all might recall that in the
33 Magnuson, you have the ability to auction quota
34 if you so choose. No one has done that to this
35 point.

36 But if, for example, all of a sudden
37 your stock was going bonkers, maybe you want to
38 set aside two percent of that to be auctioned
39 off. The funds that would be generated from that
40 auction would go into a specific fund in a
41 treasury that would only be able to be used in
42 that fishery.

43 So maybe you feel like you really want
44 to have some sort of additional survey or
45 cooperative research work. This would be a tool
46 that you could do. And again, it's just there
47 for your consideration. This might be one where
48 you say we don't need to analyze that.

1 And then we kind of had a category of
2 fishery species and gears. And this is kind of
3 looking at the interdependencies with other
4 fisheries. Are there any components that you
5 would want to add or remove?

6 If you have programs that maybe
7 overlap a lot, do you want to combine those, do
8 you not. Are there species maybe that have been
9 external to the Catch Share Program up until now,
10 but based on what's happening in the fishery, it
11 would make sense to go ahead and incorporate them
12 into the Catch Share Program. Those would be the
13 kids of things for your consideration there.

14 So I've tried to talk through I think
15 most of the comments that we got in and the
16 changes that we plan to make to the guidance as
17 part of that. But I wanted to kind of talk
18 through a little bit more.

19 So again, as Alan said, we really
20 appreciate all of the feedback that you all
21 provided. Overall, the feeling was that the
22 document was really too prescriptive and onerous.

23 There was kind of a lack of clarity on
24 what should or should not be done. And so like I
25 mentioned, we will go in and make some
26 adjustments to make that clear.

27 Do keep in mind that when we say
28 should, that's what we mean. If we mean that
29 it's, we are expecting it to be a requirement it
30 would be shall or something like that. So should
31 is intended to mean we think you should look at
32 it. If it's not relevant, then you can explain
33 that it's not relevant.

34 I already talked about we'll take out
35 the NEPA reference, and I think I've clarified
36 the whole MSA. As Alan mentioned, we understand
37 that these analyses will take time and resources,
38 and I think that that's what we're looking for as
39 part of those reviews is to make sure those are
40 as comprehensive as possible.

41 And again, we're not looking for a 600
42 page document, but trying to find that sweet spot
43 in between that's not too much of a burden but is
44 still a really thorough review.

45 There was also some questions raised
46 about historical participants. And again, this
47 is one where we think that if you do have the
48 data, it's worth looking at what's happened with

1 those historical participants, why did they get
2 out of the fishery, what happened.

3 If that's not relevant or you don't
4 have that data, then this might be one where you
5 are not doing that kind of analysis.

6 There were a couple comments related
7 to the document setting up the councils for
8 perceived failure that constituents would see
9 this guidance and have expectations of what the
10 review might look like.

11 And so we are taking that into account
12 and we will try and look at the document and see
13 if there are some ways that we can try and, I
14 think that circles back to kind of bullet number
15 three there, clarifying what we really think
16 needs to be in there versus what might be more
17 nice to do.

18 I think I mentioned this already, but
19 there was the question raised about Catch Share
20 Programs versus LAPPs. So you are correct that
21 the LAPPs programs are the ones that have the
22 statutory MSA requirement. So those are the ones
23 where, I guess presumably someone could sue us
24 for not doing a five year review as a violation
25 of Magnuson.

26 But we have said as part of our Catch
27 Share Policy that we think that all Catch Share
28 Programs should be reviewed. And so that's what
29 we're saying in this guidance as well.

30 I've talked a bit about the
31 allocations already. We can discuss that more if
32 there are questions. And on the process and
33 timing, like I said, you made these points and we
34 agree. And so we've made and will make those
35 changes so that that's more clear in the document
36 and then specifically related to the review team,
37 that it's a council document and the approval.

38 So with that, I would be happy to take
39 any questions.

40 CHAIR FARCHETTE: Don?

41 MR. MCISAAC: Thank you, Mr. Chairman,
42 and thanks, Kelly, for a nice presentation. At
43 the end there you mentioned a couple of things
44 that, well we've thought about what the councils
45 have said and we agree.

46 And earlier in the presentation on
47 this matter of the process of, I'll just call it
48 approval I guess, we've heard what you had to say

1 and we're looking to change from the draft
2 guidelines we put out before.

3 I wondered just for clarity if you
4 could go through again on Slides 15 and 16, and
5 just for clarity state from this feedback that
6 we've heard from you on our draft which was just
7 a draft, we're now looking at changing the draft
8 and changing it to exactly what?

9 So I think it's 15 and 16 where you
10 said some of that. I wondered, just for clarity,
11 if you could go through that again.

12 MS. DENIT: Sure. And I might flip
13 back just a little bit because it's written up
14 here. So I think this slide is one of the, where
15 we were making the most changes based on your
16 feedback.

17 So starting at the top, we recognize
18 that the components and who's going to be on the
19 review team is up to the council to decide what
20 our guidance will say, as we think you should be
21 as inclusive as possible in who is participating
22 in that review team and for your decision.

23 The report, the drafts, again, we
24 would change it to make it more clear that we
25 want this to be as inclusive a process as
26 possible with stakeholders. We leave it to the
27 councils to decide what that inclusive process
28 looks like.

29 With respect to the approval of the
30 final report, original language, it listed all of
31 these people as being required to approve the
32 review. And so that will be taken out and it
33 will clarify and say that the document would be
34 approved through the council process with the
35 regional administrators' participation on the
36 council.

37 So I think that's the biggest one.
38 The other really big one was the NEPA. So there
39 was a reference in the draft guidance to NEPA and
40 using a NEPA structure to the document, and we
41 will delete that, gone.

42 And then the rest, I think, Don, are
43 kind of really specific wording changes that we
44 would make. But the intent is kind of as I
45 described, to try and be responsive to your
46 comments. Does that -- yes.

47 CHAIR FARCHETTE: Chris?

48 MR. OLIVER: Yes, thank you. I guess

1 I have a number of comments and a couple of
2 questions. I guess my first comment is, Kelly,
3 your presentation this morning and willingness to
4 take our comments into consideration and revise
5 the document somewhat accordingly does give me
6 some comfort level. Not entirely.

7 I guess I would go back to a couple
8 years ago when NOAA came to us and said we're
9 developing guidance to require review of
10 allocations. And we questioned the illegal basis
11 and authority of requiring us to do program
12 reviews beyond what was actually mandated in the
13 Act for LAPP programs.

14 We also were concerned that depending
15 on how you define that review, it could be
16 anywhere from a cursory review to an EIS level
17 review with alternatives and extensive analysis
18 that we could be doing nothing but that to the
19 exclusion of all of our other important work.

20 And so the Agency agreed and we put
21 together a CCC working group and we came up with
22 some rather extensive guidance for how those
23 allocations would be conducted.

24 So this generated a similar concern.
25 I'm still confused though, it appears now that
26 allocation and all the guidance we did for what
27 triggers and how you would conduct an allocation
28 review is now a subset of this Catch Share
29 Program review.

30 And I'm still not sure what's a Catch
31 Share versus what's a LAPP versus what's an
32 allocation because I think that, frankly I think
33 that this guidance really subsumes all the work
34 that we did with the allocation workgroup.

35 And then if you go with this, you're
36 going to cover, I mean, the allocation is the
37 core heart of any Catch Share Program frankly.
38 So I'm concerned that this requirement or
39 guidance for reviewing all Catch Share Programs
40 does go beyond what's mandated by the Act which
41 is specifically with regard to LAPP programs.

42 My initial read of this document, and
43 I say that because this is not a council action
44 that gets submitted for Secretarial review. And
45 I know I can overreact. But my initial reaction
46 to this guidance was I was horrified.

47 We, almost all of our management
48 programs in the North Pacific could be defined as

1 Catch Share Programs. And we are currently in
2 the process right now of a formal LAPP review per
3 the mandate of the Act of three different LAPP
4 programs, Crab Rationalization, the American
5 Fisheries Act, and our Halibut/Sablefish IFQ
6 Program.

7 Based on an approach similar to what
8 we've done with other LAPP reviews which is
9 measuring it against defined performance
10 objectives that the council defined and the
11 program design as well as requirements of the
12 Magnuson Act and others.

13 And based on that approach, we've done
14 a number of reviews. Amendment 80 for example
15 was a recent one that everyone seemed to think
16 accomplished what we needed to accomplish.

17 And when I looked at this initial
18 guidance, I would literally have to hire a team
19 of analysts, three, four, five high level
20 analysts to even begin to attempt to do what was
21 being suggested in the guidance.

22 Or take four or five of my existing
23 staff and take them off all the other important
24 projects that they're working on so they could do
25 nothing by Catch Share Program reviews for the
26 indefinite future.

27 And so I think it was not, while I may
28 have been overreacting to some extent, I think it
29 was a legitimate and not an exaggerated response
30 because again, I know some regions don't have a
31 lot of Catch Share Programs. Most of our
32 fisheries are.

33 We've got so many other big projects.
34 When you come out with something, I brought this
35 up under the budget discussion yesterday because
36 this is an issue where when you come out with
37 something like this, and this version to me was
38 an academic ideal.

39 It may make sense to try to do all
40 this and if you're, you know, looking at it from
41 the perspective of a large Government agency with
42 thousands of employees. But then you transfer
43 that responsibility on to a council that has a
44 total of 15 employees, I guess probably about the
45 average across the councils, it's simply
46 impossible. It would be impossible for us to do
47 this.

48 And so that gets back to setting us up

1 for failure. So I am somewhat comforted by the
2 fact that you've, what you've said in your
3 presentation. I still have some concern, I
4 guess.

5 Are we going to have another chance to
6 review this after you do the revisions? And I
7 guess my second question is regardless of what
8 those revisions look like, I'm curious as to what
9 -- they're couched as shoulds and they're couched
10 as guidance.

11 But I know we've had guidance before
12 that is treated as having the force of law by the
13 Agency, by NOAA general counsel. And I would
14 really like a clear answer on what force of law
15 this guidance carries in terms of once it gets
16 published because some of it makes sense, don't
17 get me wrong, and some of it we would like to do.

18 I think some of it doesn't make sense
19 and some of it's impossible. So I'm very anxious
20 to hear an answer to what guidance means in terms
21 of how it's going to be viewed by the Agency and
22 by NOAA general counsel.

23 MS. DENIT: Great. Thanks, Chris.
24 Just to kind of respond in order, with respect to
25 the allocations, I actually see it the other way.
26 I think the allocation guidance is the
27 overarching component.

28 You know, you guys have laid out your
29 process for defining your triggers, whatever
30 those triggers may be that you decide. That
31 would be what would be guiding your review of
32 allocations.

33 If you decide that your 5/7 year
34 reviews are going to be your trigger, then you
35 would look at your allocations as part of this.
36 If you decide that it's going to be some other
37 metric or some other timetable, then that's what
38 you're going to do to review your allocations.

39 So that's how I would respond to that.
40 In terms of the workload, we will be looking at
41 the wording in there to try and make clear.
42 There were a number of comments about the detail
43 on some of the analyses and the description of
44 some of the analyses.

45 So we want to make that clear that
46 those are kind of recommended best practices.
47 Those are things that we think that you should
48 look at. It may not be possible for you to do

1 those, and we understand some of the constraints
2 that you're working under. So we will, again,
3 try to revise that to make that a little bit
4 clearer.

5 To answer your question about review,
6 if this group is interested, we would be
7 delighted to send the revised version back
8 through you all if that's of interest. That's
9 not a problem.

10 And with respect to sort of the legal
11 question, you know, I don't think, I'm kind of
12 looking at Alan, I don't think our intention was
13 that this is going to be some sort of legally
14 binding, we're going to come after you.

15 This is really we are looking to you
16 all to do as robust a job with these reviews as
17 possible, and we're trying to lay out what we
18 think that looks like.

19 There might be perfectly rational
20 reasons why some of those elements are not
21 relevant. But Alan or Sam, I don't know if you
22 want to add more.

23 MR. RISENHOOVER: Yes, I think that's
24 exactly right, Kelly. As I started out here, the
25 goal of this was to be helpful, to provide all
26 the councils some guidance on how these reviews
27 could be conducted.

28 And so that we meet that standard of
29 what's in the Magnuson Act, that way as councils
30 go forward, if they refer to this guidance, then
31 that in a way helps those councils show that yes,
32 we did a comprehensive, good, solid review
33 because look, where it could, it followed Agency
34 guidance.

35 But I don't think it slides, and Adam
36 may through something at me, I don't think it
37 slides into an absolute requirement. But I
38 think, you know, hearing the points that have
39 been raised around the table, reading your 30 or
40 so pages of comments we got from the councils, we
41 need to go back and look at these.

42 If it's simple changes, you know, we
43 might not send it out again. But it doesn't
44 sound like they are going to be simple changes.
45 So we need to take a close look at those and then
46 get them back out for you all to look at again.

47 MR. ISSENBERG: What Alan said, other
48 than, you know, this is not intended to be

1 regulatory guidance. I think, you know, the
2 Agency could do that. That's not the route they
3 took here.

4 The route was to try to develop
5 something in consultation with the Councils that
6 would make sense and be workable. So at least
7 from our perspective, you know, we don't see this
8 as legally binding.

9 This is advisory guidance, and
10 hopefully we can get to a point where that is all
11 that is necessary.

12 CHAIR FARCHETTE: Chris?

13 MR. OLIVER: Yes. I appreciate that
14 response. And you know, going back to what's
15 required and what's not required and the Magnuson
16 Act specifically refers to LAPP programs, but you
17 reference a Catch Share Policy that includes
18 other Catch Share Programs.

19 And I'm not sure I fully understand a
20 specific definition of what that is yet. But
21 that policy I guess is treated as having force of
22 law, I don't know.

23 I'm not arguing that it's not a good
24 idea to review allocations and Catch Share
25 Programs notwithstanding the fact that the
26 Magnuson Act may only mandate those reviews for
27 LAPP programs.

28 I guess, and I don't know, other
29 people are going to talk and have questions, but
30 I hope that if necessary through a motion that we
31 get another chance to not only look at this but
32 discuss it again at our May CCC meeting before
33 it's finalized.

34 CHAIR FARCHETTE: Rick?

35 MR. ROBINS: Thank you, Mr. Chairman.
36 You know, I think if you look at the councils'
37 written comments collectively, there is a sense
38 that we found the guidance to be slightly
39 overwhelming in terms of an undertaking and a
40 tasking for the councils, particularly with
41 respect to available resources.

42 And I'm just thinking in particular,
43 just a single component that highlights that and
44 that is the need to review potential presence of
45 market power in an ITQ program or Catch Share
46 Program.

47 And our council, a number of years
48 ago, took up this question in our surf clam ocean

1 quahog fishery. And it required a very
2 comprehensive examination through the use of an
3 outside group of experts that had that specific
4 expertise in issues related to market power.

5 And it's just a, I mean it's an
6 extremely complicated issue where you can have
7 power potentially on the selling side within the
8 market. You can have power that accrues from
9 concentration of ownership shares within a
10 leasing market.

11 There can be optimistic powers between
12 the processor and producer, or harvester. So it
13 is a, it's an important question but it's also a
14 very complicated one that in order to really
15 treat it very thoroughly requires, it's very
16 resource intensive. And I think as we consider
17 this, there has to be some consideration of
18 practicability.

19 Now we could look at available data
20 and look at concentration metrics and things like
21 that in a fairly high level look at that type of
22 question. But if as a matter of going through
23 these reviews we have to do in depth analyses of
24 that question of market power just as one
25 example, that's something that becomes very
26 resource intensive.

27 So I think, you know, collectively
28 since perhaps that we found the guidance to be a
29 little bit overwhelming at this point. Thank
30 you.

31 CHAIR FARCHETTE: Chris?

32 MR. MOORE: I have many of the same
33 comments that Chris and others have made already.
34 But I do have some specific questions and some
35 additional comments.

36 Kelly, I really do appreciate your
37 presentation this morning, and I appreciate the
38 fact that you have addressed a number of the
39 comments in the letter that we sent to you.

40 I'm wondering about a couple things.
41 One is in terms of next steps, we've talked
42 about, you know, possibility of maybe bringing
43 this forward for an additional review by the
44 councils.

45 Certainly I think that's a good idea.
46 We need to make a motion to have that happen. I
47 think, you know, I'm prepared to do that or
48 second the motion that Chris would make.

1 Do you think the timing of that could
2 work in terms of being able to bring that
3 document back to us for consideration at the May
4 CCC meeting?

5 MS. DENIT: Yes.

6 MR. MOORE: In addition to that,
7 there's some very specific comments that I've
8 had, or questions that I have. One of them is
9 looking through the letter that we sent you.

10 One of the comments was that the draft
11 guidance proposes a Catch Share review process
12 that is ongoing. So in there, in the document,
13 and you didn't address it today I don't think, in
14 the document you really talk about this annual
15 review.

16 So you have the five to seven year
17 thing and then you talk about an annual review.
18 And that seemed very burdensome and somewhat
19 confusing.

20 MS. DENIT: So Chris, I think what
21 you're referring to was the interim reports. So
22 those are the documents that in general are
23 already being produced by your regional offices
24 and science centers.

25 This is not something that we were
26 intending would be a new requirement for councils
27 to be doing some sort of annual review. We were
28 trying to acknowledge that work that's already
29 going on to produce those annual reports for
30 almost all of our Catch Share Programs have that
31 at this point.

32 So we will make that clear that that's
33 what we're referring to and we're not talking
34 about the council needing to do any sort of
35 annual review, but just acknowledging those
36 reports exist, those are documents and analyses
37 that the council should be taking advantage of as
38 part of reviewing your Catch Share Programs.

39 CHAIR FARCHETTE: Follow up?

40 MR. MOORE: So in addition to my other
41 comments, like Chris, was freaked out when I saw
42 the initial draft. And, you know, my staff was
43 concerned and I was concerned. And I think the
44 presentation today has helped quite a bit.

45 In fact, I find your presentation much
46 better than the actual guidance document. You
47 know, not to insult anybody, but I really think
48 this helped. So I think some additional

1 discussions and additional work by you guys.

2 Certainly, I think that council staff
3 would be interested in any additional involvement
4 with the refinement to the document. I'm not
5 sure how that could work, if in fact we want to
6 form a CCC working group to help do that. I
7 think at least I'm willing to volunteer my staff
8 to help with that. But if you think that could
9 help, we're certainly willing to do that.

10 I think the other general question I
11 have is you talked about reviews that have
12 happened already. So one of them, so snapper,
13 the ones up in the North Pacific, can you
14 identify which one of those you think really hits
15 the mark in terms of review? Or do you think
16 they're still lacking something? You know, I'm
17 asking that because it's always nice to have an
18 example. Right?

19 MS. DENIT: I would not be ready to do
20 that off the top of my head right now because I
21 read those many months ago. But that's something
22 that we could look at and kind of try to pull out
23 here's an example of where, that's really
24 describing what it is that we're saying in this
25 guidance or here's an example where we think
26 maybe there could have been a little bit more or
27 something else. We could do that.

28 MR. MOORE: Thanks.

29 CHAIR FARCHETTE: Tom?

30 MR. NIES: Kelly, thank you for an
31 excellent presentation. I've got I guess one
32 sort of broad question and then a much more
33 specific question which I don't think you really
34 addressed in your presentation.

35 And the broad one is, I mean, my take
36 on the purpose for the Catch Share review is
37 primarily to provide information to our managers
38 on how they should or whether they need to modify
39 the Catch Share Program as well as perhaps other
40 people involved so they can evaluate whether the
41 program is working as a policy choice.

42 And so from that standpoint it seems
43 like the Catch Share review would be designed to
44 provide the information that they want to see.
45 And it's not clear to me how the Agency developed
46 the idea that these elements that are in this
47 program are what the managers want to see.

48 So I guess this is kind of a process

1 question. Who was it that said we think that
2 these types of things will help us make better
3 decisions, or was this just kind of an in house
4 laundry list that says these are all wonderful
5 things to examine, if resources are unlimited and
6 data is always available and you have the time to
7 do it.

8 So the question is where was the, how
9 was the decision made on what information the
10 managers and the public want to see about their
11 Catch Share Programs? That's the general
12 question and then I'll have a much more specific
13 question.

14 MS. DENIT: Great. Thanks, Tom. It
15 was based on feedback that we had heard from
16 constituents on various reviews and in various
17 conversations around Catch Share Programs. It's
18 based on what is laid out in the Magnuson as the
19 design features, I'm going to call them, that
20 should be included as part of a Catch Share
21 Program.

22 So if you go through the LAPP section,
23 it lays out transferability, it talks about
24 accumulation caps, it goes through all of those
25 different elements.

26 And as you all know from designing
27 these programs, there's so much interdependency
28 and there's tradeoffs between all of those
29 different elements as you're designing the
30 program.

31 Our perspective was as part of your
32 review, you should be looking at all of those
33 elements and those interdependencies in looking
34 at what have been the tradeoffs based on what you
35 thought was going to happen when you designed the
36 program, and did it pan out that way or should
37 you be looking at making some tweaks to it based
38 on what you're seeing.

39 So I think that answers your first
40 question.

41 MR. NIES: Well, it does. I actually
42 don't find the answer very satisfactory in some
43 respects because while I understand that there
44 are things specified in the Act that of course
45 would be in the guidance, it seems like a more
46 thorough discussion perhaps with the people that
47 are going to use the information on what it is
48 that they really want to see might have either

1 broadened the list or might have narrowed the
2 list of what items might be appropriate to be in
3 the plan. And I think that's missing.

4 To move on to my more specific
5 question, this kind of relates a little bit to
6 the idea of whether this is a NEPA document or
7 not, but it also relates to the complexity that
8 this seems to impose on us.

9 In Page 10 of the document it talks
10 about, Page 5 and Page 10 it talks about since,
11 I'm sorry, Page 10. It says net benefits to the
12 nation should be maximized under the program
13 relative to any alternatives to the Catch Share
14 Programs or variance of the existing program.

15 Well, this sort of indicates that the
16 review should compare this to other possible
17 Catch Share Programs which are essentially
18 unlimited. And that, I think, is expanding the
19 scope of the review way beyond what we have the
20 ability to do, way beyond what's really
21 appropriate for a Catch Share review rather than
22 a management action alternative.

23 And I would suggest that this and some
24 other statements in the document that are
25 highlighted in our letter related to this really
26 ought to be removed or modified that it's clear
27 we're not asking you to compare this program to
28 any other program that you might possibly have
29 considered.

30 That is a very large scope that I
31 think is unrealistic.

32 MS. DENIT: Yes. Thanks, Tom. To
33 your process question, we, I mean, we agree,
34 right? I just, I think I just laid out if you
35 feel there are elements that are in this guidance
36 that are not relevant to this program, then you
37 can explain that and narrow that scope.

38 If your stakeholders feel like there
39 are other elements that were not included in this
40 guidance but that they want to talk about, that's
41 also fair game. There's nothing in this guidance
42 that precludes your ability to do that.

43 With respect to the specific comment
44 that you pointed out, we will look at that and
45 try to make that clear. It was not our intent
46 that you be doing some sort of analyses that
47 compares your existing program to every possible
48 alternative to what is in there.

1 So we noted that comment from you all
2 and we'll do that. I should have noted while I
3 was giving my presentation that the points that I
4 put up were points that came in from multiple
5 councils. There were several additional points
6 that only came in from one council, and so I
7 didn't go through all of those.

8 But we certainly saw those in the
9 letter and will be working our way through those
10 to make some adjustments. So Tom, I think we can
11 clarify that point specifically that you've
12 raised.

13 MR. NIES: Thank you.

14 CHAIR FARCHETTE: Bill?

15 MR. TWEIT: Thanks. As I'm sitting
16 here listening to the question back and forth,
17 it's occurring to me that, I mean, I'm sort of
18 starting from Alan Risenhoover's basic point of
19 trying to be helpful. And I think ultimately
20 this can be.

21 But the conversation, if it had
22 started differently, if it had started with an
23 expression of concern that maybe we haven't
24 collectively put enough thought into both
25 frequency of review as well as contents of
26 review, my reaction might have been well we don't
27 need guidance, but a checklist would certainly be
28 helpful, and some thinking about the frequency of
29 review and do we have the resources for the
30 frequency of review.

31 And it may seem a little bit like
32 semantics to be drawing a distinction between
33 guidance and checklist, but I don't think it is.
34 A checklist is simply that, an aid to the
35 councils to ensure that as they think through
36 what their needs are, they're not missing
37 anything.

38 Guidance really comes across, even if
39 it's filled with shoulds, guidance is still this
40 is kind of the best advice and you ignore it at
41 your peril. Now yes, you can go through a lot of
42 work to describe why you're choosing not to
43 accept all the guidance.

44 But a checklist is simply that, it's
45 a checklist. And I'm wondering if recasting it a
46 lot more as a checklist and a lot less as
47 guidance might not help our comfort level as
48 well, and might not be the most helpful product.

1 MS. DENIT: Yes, thanks for that. We
2 can definitely think about it. I think one of
3 the considerations we had is if you go to kind of
4 that checklist approach, then you start to get
5 questions, well what do you mean by this.

6 And so we ended up with a little bit
7 more meat on the bones to try and explain, well
8 this is what we mean by this. But we can
9 certainly take that into account as we're looking
10 at all of these revisions as a possible way
11 forward.

12 CHAIR FARCHETTE: Dorothy?

13 MS. LOWMAN: Thank you. And thank
14 you, Kelly, again. I mean, I really felt, as
15 everyone has said, this has been really helpful.
16 I think it did alleviate a lot of our concerns in
17 what you're doing.

18 And of course, this is a presentation.
19 Some of what you said verbally isn't in the
20 presentation and you have made a commitment to
21 try to get another draft out.

22 You know, and of course, you're in
23 that challenging position of when do people have
24 council meetings to do that. So I just want to
25 let you know, our last chance before the May is,
26 you know, a meeting that starts on April 9th.
27 And we, you know, having things before that, the
28 briefing, the deadline is a couple of weeks
29 before that at least.

30 So, you know, whatever you can get
31 that is as clear as possible about what's getting
32 changed, if we don't see the actual final, final
33 draft would be greatly appreciated for that.

34 I just, another quick comment, you
35 know, maybe about some of the angst around some
36 of this too is that we have, as you know, a very
37 complex Catch Share system that has been in place
38 for five years now, or going on the sixth.

39 And it hasn't, it's not a static
40 thing. We haven't, like, said here it is and
41 we're not going to do anything for five years.
42 And we've been, you know, looking at how well
43 it's performing against its objectives each and
44 every year, each and every meeting it seems like.

45 And it's doing well on some and it's
46 doing, you know, it has a lot of room for
47 improvement on others. And because of that, and
48 it's not room for improvement that needs to wait

1 until you begin a five year and complete a five
2 year review.

3 So we have a number of actions that
4 are critical that will probably come out as part
5 of the five year review that were important too.
6 So you know, in some sense, we're not reviewing
7 the program that we envisioned completely, and
8 that we knew some changes that needed to happen
9 because they haven't gotten through the system to
10 be completed.

11 So I think on our council, part of
12 what was the deep concern about what this might
13 require and so on and so forth is that
14 competition from not delaying those things that
15 are already in the system that are critical to
16 then, you know, and people are saying we need
17 these now.

18 We can't even wait for the amount of
19 time it's going to take to get them through and
20 survive. But if we delay that for another two or
21 five if you start the regulatory issue for, you
22 know, for addressing them after that, that would
23 not be a good situation for us.

24 CHAIR FARCHETTE: Don?

25 MR. MCISAAC: Thank you, Mr. Chairman.
26 And one follow up to your response to New
27 England's question, and then one more piece of
28 detail on following up on Dorothy's. But again,
29 thanks again for the presentation. No end to
30 what listening to good music on the way here can
31 do, right?

32 You mentioned that there was, each of
33 the councils had a long list of things, and some
34 of the ones from New England didn't get specific
35 response into your presentation there.

36 Similarly, we had a couple of
37 different things. I think we ended up having six
38 when we added all of our points together. One of
39 them had to do with having a good, thorough
40 review that got into all the subservient systems
41 including the data systems and whether substitute
42 electronic technologies ought to be involved.

43 Whenever you're doing a review, it
44 never hurts to be as thorough as you can. As you
45 can being one of the key parts to all this.

46 So if this is going to a spot where
47 there's going to be another draft that everybody
48 will have a chance to take a look at and maybe

1 review at the annual meeting in St. Thomas,
2 getting that draft out for our council process
3 would be very valuable.

4 That's one of the things we
5 recommended is a delay in all this so we can have
6 this discussed at a council meeting, have our SSC
7 and our advisory bodies weigh in on it, have the
8 public weigh in on it.

9 We haven't been able to do that.
10 You'll see here, our letter just comes from the
11 staff's opinion on what they think the full
12 council process might have yielded if we had the
13 opportunity to do that.

14 Our briefing deadline for the April
15 meeting is March 16th or something right coming
16 up quickly. So, but I think that's a good spot
17 for this to go.

18 If that's where this is headed, and
19 that is looking at another draft, seeing it in
20 writing what you've got here, seeing what you
21 have in writing for the miscellaneous minor
22 points that we haven't seen yet, and another
23 discussion at the end of May.

24 CHAIR FARCHETTE: Gregg?

25 MR. WAUGH: Thanks, Kelly. A specific
26 question. I've heard Catch Shares, LAPPs. But
27 we have a wreckfish ITQ program. Would that be
28 included in this guidance?

29 MS. DENIT: If you, we were not
30 planning that your, the EFP would count. But if
31 you moved forward with the program, I forget
32 which amendment it is, then yes, we would
33 anticipate that that would be, get reviewed five
34 years after it's been implemented.

35 MR. WAUGH: Okay. And I was actually
36 referring to we have an existing wreckfish ITQ
37 program that's been in place for quite a number
38 of years.

39 MS. DENIT: Sorry.

40 MR. WAUGH: That's all right.

41 MS. DENIT: When you say rec fish
42 there's, okay. Yes.

43 MR. WAUGH: Sorry. Yes, W-R-E-C-K.

44 MS. DENIT: Yes, got it now. Can see
45 where my brain was. Yes, I think, but I think
46 you guys just did at least a little bit of a
47 review as part of your consideration of some of
48 the reallocation of some of your latent shares

1 and other elements.

2 But the short answer is yes, we would
3 anticipate that any of our Catch Share Programs
4 would do some sort of review. And kind of the
5 timing of that would be up to you since that's a
6 program that went into place prior to these, the
7 reauthorization.

8 CHAIR FARCHETTE: Okay. So from what
9 I'm hearing, is there a consensus on some type of
10 motion that's going to be made? Oh, a consensus
11 to include it for the May. Chris?

12 MR. OLIVER: I don't know if we need
13 a motion. If we do, I would be glad to make it.
14 But it would be my fervent hope and expectation
15 that we would have another chance to review the
16 revised document at our May meeting prior to it
17 being finalized.

18 CHAIR FARCHETTE: Alan?

19 MR. RISENHOOVER: Yes, and I think
20 that's the direction we're going. We'll look at
21 the comments, continue working on those. We may
22 reach out to some of your staff to expand and
23 work on some of those comments.

24 I'll get with Kelly and others and
25 look at a timeline on whether we can meet, you
26 know, say a March 15 briefing book deadline for
27 the Pacific council.

28 If we can't, maybe we revise, we talk
29 about it at the next CCC, and then have the
30 council review post that. But that I think I
31 need to talk with folks about what makes sense.

32 Again, do we turn it round real quick
33 and get it back out or do we have a good
34 substantive discussion at the CCC and then you
35 guys can have it run through the council.

36 We'll just look at some timing and see
37 what works.

38 CHAIR FARCHETTE: Chris?

39 MR. OLIVER: And I appreciate Don's
40 comments and Dorothy's and others desire to have
41 time for their individual councils to look at it,
42 either before or after. That's fine, but I'm
43 most concerned that we as a CCC have a chance to
44 look at it before it's finalized.

45 MR. RISENHOOVER: Yes, and Chris, we
46 won't miss that chance.

47 CHAIR FARCHETTE: Thank you. Okay,
48 we're a little early for the break but we're

1 going to take a break. 10:07, 15 minute break.

2 (Whereupon, the above-entitled matter
3 went off the record at 10:08 a.m. and resumed at
4 10:32 a.m.)

5 CHAIR FARCHETTE: Okay. Next on the
6 agenda is National Marine Fisheries Service
7 Science Update. We'll be discussing climate
8 science strategies, EBFM and stock
9 prioritization. Ned Cyr.

10 DR. CYR: Thank you, Chairman. Good
11 morning, everybody. I apologize for not having
12 been here for much of the meeting. We're having
13 a National Academy of Sciences review of our MRIP
14 program, going on this week.

15 And a lot of staff are pretty busy
16 with that. It's been about ten years since we
17 had the original NRC review of the old MRFSS
18 program, our recreational fishing statistics. A
19 lot of interesting recommendations that came out
20 of that report.

21 And we established the MRIP program in
22 2008 to respond to those recommendations. We've
23 been busy since. So this is a, it's timely for
24 us to take a step back and review the program
25 with the help of the National Academy. So that's
26 one of the big events on the science side that's
27 going on this week.

28 But my presentation this morning is
29 going to touch on three topics, Climate Science
30 Strategy and our Regional Action Plans, our
31 Ecosystem Based Fisheries Management, or EBFM
32 policy and roadmap, and then our stock assessment
33 prioritization. So let me talk first about
34 climate change.

35 As you know climate change is
36 occurring. And it's affecting the resources that
37 we have the responsibility to manage through
38 things like drought that affects anadromous
39 fishes, warming ocean that affects fish
40 distribution, loss of sea ice, which is an issue
41 both for our protected resources'
42 responsibilities, ice dependent animals, and also
43 for fish stocks in the Bering Sea, rising seas
44 that threaten coastal infrastructure and coastal
45 habitat, and ocean acidification that has an
46 effect on coral reefs and shellfish production.

47 Because of this we have a growing
48 demand for information on climate change. We

1 sort of think of four key categories of
2 information that we need to prepare ourselves for
3 climate ready decision making.

4 One is to understand what is changing.
5 And to do that we need to be able to make
6 observations to track the pulse of change over
7 time. We also need to understand what's changing
8 and what's vulnerable.

9 So we need research to develop a
10 mechanistic understanding of climate change. We
11 need to understand how it's going to change. So
12 we need better modeling to predict future changes
13 across several time scales, from sort of near
14 term seasonal time scales through annual, and
15 then out to multidecadal.

16 And then finally, we need to know how
17 to respond, which requires an analysis of
18 management options, such as we get with our
19 management strategy evaluations. So the demand
20 for this information is already high. And it's
21 just been increasing over the last few years.

22 So, I think you're all familiar with
23 the Climate Science Strategy. There was a lot of
24 consultation that occurred with the councils when
25 this was produced. The goal, of course, is to
26 increase production delivery and use of climate
27 related information in fulfilling our mandates.

28 The Climate Science Strategy is built
29 on seven interdependent objectives. And it's all
30 driven with sort of that top level in mind. That
31 is, that we need to be able to produce climate
32 informed reference points, and have robust
33 management strategies.

34 And so, all of these other objectives
35 are layered underneath that, in order to produce
36 those final results. It was sort of, the
37 planning was done beginning with the end in mind.

38 And it goes all the way down to just
39 ensuring that we have the basic science
40 infrastructure to deliver actionable information
41 through maintaining the fleet, maintaining our
42 ability to make observations out in the
43 environment.

44 And then, moving up through again
45 modeling projections, et cetera, until we get to
46 the point where we can actually incorporate that
47 information into useful management of the kind
48 that's being done by the councils.

1 If we do this right we're going to end
2 up with enhanced observations of ecosystem change
3 that can provide us with those early warnings of
4 climate related changes. We'll end up with a
5 better understanding of what's vulnerable.

6 And some of you may be familiar,
7 recently we've done a fish climate vulnerability
8 framework that was developed, and we pilot tested
9 that in the Northeast now. We've also done a
10 protected resources climate vulnerability
11 analysis framework that we'll be testing in the
12 near future.

13 We should be able to produce better
14 forecasts of ocean conditions. We'll be able to
15 do climate sensitive resource assessments, and to
16 have those biological reference points that fit
17 into our management processes. And ultimately
18 more robust management scenarios.

19 So this is where all of you come in.
20 These climate regional action plans are currently
21 under development. And we need your input to
22 finalize them. The plans are intended to
23 customize the implementation of the Climate
24 Science Strategy in each region.

25 As you're well aware, climate change
26 is going to affect all of the regions, all of the
27 large marine ecosystems of the country in
28 different ways. So we can't simply have a one
29 size fits all strategy. And that requires
30 regional planning.

31 These regional action plans are also
32 going to inform our out year planning and
33 budgeting. So I'm sure you're going to want to
34 participate in that. It's going to involve the
35 councils and the other key partners.

36 We're going to use this as an
37 opportunity to build and expand our partnerships
38 with other relevant parts of NOAA, and other
39 agencies. For example, NOAA has resources like
40 PMEL and GFDL that are experts at providing
41 physical climate science modeling and advice.

42 They already do that on the drought
43 side, the flood side. And we're getting them
44 interested in providing advice for living marine
45 resources and ecosystems. And so, those are
46 opportunities to strengthen those relationships.

47 We're seeking your input on these
48 plans from now through this summer. And we

1 intend to finalize all the plans by October the
2 1st. If you're not already involved with these
3 regional action plans, please see me or your
4 local science center directors, and we will get
5 you up to speed and provide you with an
6 opportunity to give your input.

7 So, again, appreciate your input both
8 to Climate Science Strategy and the regional
9 action plans, and all your support. So, sorry,
10 Chairman, I've got three parts to this
11 presentation. Do you want to take questions now,
12 or just go through the whole thing and do
13 questions at that end? I can do it either way.

14 CHAIR FARCHETTE: I think we'll go
15 ahead and take questions at the end.

16 DR. CYR: Okay. Okay. All right.
17 So, second topic today is Ecosystem Based
18 Fisheries Management. I think you're aware
19 there's a lot going on at millet fisheries
20 related to Ecosystem Based Fisheries Management.

21 But there's also a lot going on at all
22 of the councils that we're aware of, that we
23 appreciate, and we really want to continue to
24 support. For example, the updates to the new
25 developments with regard to fisheries ecosystem
26 plan. So thanks for all of your work on
27 ecosystem based management.

28 Today we wanted to give you a quick
29 update on our two main efforts in this area, the
30 EBFM policy statement, which you've seen, and the
31 EBFM roadmap, which is just now in development.

32 So, thank you for the council's
33 comments on the EBFM policy. We've received
34 comments from many of the councils when we
35 presented this last year. We also received
36 comments from more than 30 organizations and
37 individuals, which have been very helpful.

38 Many of the comments brought up topics
39 that were missing from the policy. And these are
40 being addressed in the roadmap. We expect the
41 policy is going to be finalized and released this
42 spring. So, it's good to have an EBFM policy.

43 But that in and of itself is
44 insufficient to guide implementation. So we need
45 something that's more detailed, and sort of more
46 incremental about how we develop an overall,
47 develop and implement an overall Ecosystem Based
48 Fisheries Management. And that's why we've come

1 up with this EBFM roadmap.

2 It incorporates a menu of options for
3 implementation, and benchmarks for NMFS.
4 Ultimately, we want to be able to answer sort of
5 what does a successful EBFM look like.

6 There are a number of different models
7 that exist, not only in the U.S. but globally,
8 about how to do EBFM. And so, we need to think
9 about what are the most effective models. For
10 example, the integrated ecosystem assessments
11 that we've been piloting out on the West Coast,
12 and a couple of other regions.

13 What are the best models that we can
14 use here within the fisheries service? What
15 resources do we need for successful
16 implementation? How do we measure completion?
17 And what a successful EBFM look like? So we're
18 working on that right now.

19 We've got a team from across the
20 science centers that's pulling that together.
21 And the first draft is going to be finalized and
22 open for informal public comment this spring. So
23 this is a start to codify what operational EBFM
24 looks like.

25 It's going to help us meet our
26 mandates more efficiently, and in a coordinated
27 manner. It will particularly help us to meet new
28 unforeseen, unanticipated, what we call non
29 classical impacts, things like climate change
30 that aren't already built into our management
31 process. We've done an initial analysis.

32 And we think that we're already doing
33 on the order of 20 to 30 percent of the basic
34 EBFM elements in our regional ecosystems across
35 the Fishery Management councils, across the large
36 marine ecosystems.

37 We're going to have the public comment
38 period on the roadmap starting in May of this
39 year. And you will all be invited to comment on
40 that. And we will aim to have the final policy
41 and the draft roadmap to you by the May CCC
42 meeting. So look forward to that.

43 So, the final of my three topics is a
44 quick update on our stock assessment
45 prioritization process. And I know you've
46 already had several briefings on this, both at
47 the council level, and here at the CCC. So it's
48 really just a, kind of a reminder of what we're

1 doing.

2 Before I start that I wanted to
3 introduce Patrick Lynch, who's here in the back,
4 who is our new stock assessment, national stock
5 assessment coordinator in the Office of Science
6 Technology, taking over from Rick Methot. And if
7 there are any questions Patrick's going to take
8 them. Thanks, Patrick.

9 So, just a quick update on our stock
10 assessment prioritization. All of our managed
11 stocks need some level of assessment. But some
12 need a higher level. Some need more frequent
13 assessments, depending on a number of different
14 factors.

15 And we need objective advice to be
16 able to guide the development of a prioritized
17 portfolio of right size and right frequency
18 assessments for all of our stocks.

19 And this process is also helpful in
20 terms of highlighting gaps in our capacity to
21 develop good stock assessments. We need a
22 national system, but we need regional
23 implementation. And that is, we can develop this
24 national framework for stock assessment
25 prioritization.

26 But we don't want to do, we don't want
27 to rack and stack all of our stock assessments
28 nationally. This has to be done on a regional
29 basis, based on regional prioritizations. And in
30 the end, even when we do come up with the list on
31 a regional basis, that's not a rigid
32 prescription.

33 I know Rick Methot has made this point
34 before. But it's not a rigid prescription. It's
35 a starting point for conversation with the
36 council about what are our most important
37 priorities, and how do we go about doing them?

38 And so, these are the steps that have
39 been identified for the prioritization in each of
40 the regions. It starts with organizing the
41 stocks by any number of factors, shared data,
42 shared constituencies, or assessment resources.
43 For example, by FMPs.

44 Then we identify assessment targets,
45 which are based on both the frequency and the
46 assessment level. The staff at the science
47 centers work with the council advisors and the
48 SSCs to develop scores for each of the 12

1 prioritization factors. Then NMFS works with the
2 FMCs to assign factor weights.

3 So these are overall weightings for
4 each of the major factors that are done on a
5 regional basis, not on a stock by stock basis,
6 but on a regional basis.

7 And so, these things, these factors
8 include things like commercial importance,
9 recreational importance, economic importance,
10 relative stock abundance, relative stock
11 mortality, things like that. But it allows each
12 region to determine which are the most important
13 factors that ultimately you want to see weighting
14 your stock assessments.

15 And then finally, we come up with
16 ranked weighted scores. That leads to an initial
17 one to end list. And that leads to the start of
18 conversations. So, this is the schedule of the
19 assessment prioritization.

20 I think all of you are probably
21 already familiar with this, and I'm not going to
22 go into it. And again, if you have any
23 questions, I'm going to redirect them to Patrick.
24 So, thanks. And that's my presentation. Happy
25 to take any questions. Thank you.

26 CHAIR FARCHETTE: Thank you, Ned.
27 John.

28 MR. BULLARD: Thanks, Ned. This
29 question may sound incoherent, which will be an
30 accurate reflection of my understanding. But I
31 want to focus on the, focus is probably the wrong
32 word too, on the middle presentation on EBFM.

33 And that is, I'm trying to get a
34 handle on understanding how we move towards EBFM.
35 I certainly subscribe to the need to move in that
36 direction. But I have a hard time understanding
37 exactly how we get from single species management
38 to managing by ecosystem, exactly how we make the
39 transition when we do it.

40 And I see, or don't see in Magnuson
41 exactly where there's a provision for that. And
42 one of the wonders of Magnuson is that it
43 champions regional difference.

44 And says, within a region there can be
45 differences in management plans, scallops,
46 groundfish, and so on. And there can be
47 differences from one region to another. And
48 that's one of the great beauties of the Magnuson

1 Act.

2 And as we move to ecosystem based
3 management, as you laid out your plan, we have in
4 just the two councils we're dealing with, each
5 council kind of approaching ecosystem based
6 management from the outside, you know, gingerly
7 saying, you know, how do we attack this animal
8 from the edges?

9 And your, you at the national level,
10 the Northeast Science Center at our regional
11 level is trying to provide scientific support to
12 that, for which, and I don't want to speak for
13 the councils, they can speak for themselves. But
14 we're very grateful for that. And we recognize
15 the limitations of resources in that. And the
16 approaches of the two councils are different.

17 And so, one of my questions is, given
18 limited resources by the Northeast Science
19 Center, supporting different approaches by
20 different councils, you know, may be a strain on
21 resources. Is there one way to do ecosystem
22 based management?

23 In your presentation it suggested that
24 there was a picture of how to do it that was
25 going to be revealed. I don't know in the
26 timeframe. In the spring, here's the way to do
27 it.

28 And so, is there one way to do it, and
29 we should all subscribe to that? Or, like
30 Magnuson, is there not one way? And, you know,
31 every council can figure out, as they do in
32 single species, you know, all infinite number of
33 permutations. And does that then cause
34 inefficiencies in how science centers and others
35 produce the support necessary for that?

36 I told you this was going to be
37 unfocused, incoherent. But that's what I'm
38 trying to get at as we try and get to this thing
39 that I know is very important.

40 I was very glad to see. because one of
41 the council Members who chairs the New England
42 Ecosystem Committee said, asked me on Monday, is
43 NOAA Fisheries committed to this concept? And on
44 one of your slides you said, yes, we are. So,
45 that is very good to hear.

46 But, how we get to this is still
47 something that's, I may be the only one where
48 it's not exactly clear how we actually are going

1 to pull the switch. There was a question in
2 there somewhere, Ned, I'm sure.

3 DR. CYR: Yes, thanks, John. That's
4 a lot to unpack. I'll try. I mean, I guess the
5 simple answer to your question is, there is no
6 one size fits all approach.

7 And I think that the regional
8 implementation is going to have to be scaled to
9 available information and available resources.
10 And so, I see this roadmap as more laying out a
11 menu of options for how we can do it.

12 I mean, you know, at its simplest, you
13 know, Ecosystem Based Fisheries Management is
14 things like, you know, conservative single
15 species stocks, right, you know, management,
16 protecting habitat, reducing bycatch,
17 incorporating the effects of climate change and
18 environmental variability at a very simple level.

19 You move up a level, you know, you can
20 do ecosystem modeling, you can do ecosystem
21 status reports. You got up a level you can
22 develop, you know, things like whole ecosystem
23 models like Atlantis and integrated ecosystem
24 assessments. But there's a whole range of
25 options in there.

26 I don't anticipate this driving a
27 single solution for every one of the regions. So
28 I think there are going to be, I know there are
29 going to be options in there for how to do that.

30 And yes, currently as it's written, I
31 don't think the Magnuson Act provides a
32 prescription for how to do this either. But I
33 think the argument we would make is that it also
34 gives us plenty of latitude to come up with
35 effective EBFM solutions.

36 CHAIR FARCHETTE: Bill, and then Doug.

37 MR. TWEIT: Thanks. Sort of following
38 up on John's question. I really like the term
39 roadmap for this. Just because I think it, in a
40 lot of ways it provides that answer that, you
41 know, you can take the scenic route, or you can
42 take the direct route. Or you can take the route
43 with the most places to drop your kids off, or
44 whatever.

45 But the point of all that is, those
46 routes do change over time too. In fact, I'm
47 guessing over the next couple of years we're
48 going to learn a lot about some of those routes

1 being less than useful, or not being as
2 advertised. Others, you know, new routes
3 constructed that torture your metaphor I guess
4 way too far.

5 But, and so, I'm wondering how the
6 Agency is thinking about the resources for
7 essentially keeping a roadmap like this current
8 enough that it's actually useful to the councils,
9 and to others as they look at EBFM?

10 To me, essentially we're going to have
11 to be, at least in this initial stage, I'm
12 guessing we're going to have to be exchanging
13 information fairly regularly about what some of
14 the different councils are trying that seems to
15 be working well, what' not working well, and what
16 it was about their particular circumstances that
17 made it work well or not.

18 I think there's a lot of work in that.
19 And probably consuming a fair amount of
20 resources. And so, the question is, how are you
21 thinking about the roadmap version 1A, version 2,
22 et cetera?

23 DR. CYR: Yes, I don't -- Obviously
24 we're going to have to, this is going to be a
25 learning process. And we already have a number
26 of different, you know, call them experiments or
27 models right within the councils.

28 Some of the councils are more
29 aggressively pursuing fishery ecosystem plans.
30 Some are, like for example, the Pacific Council's
31 working closely with the science centers on the
32 West Coast to use information from integrated
33 ecosystem assessments.

34 So I think that we're already starting
35 to sort of see models for how to implement EBFM
36 out there. Some more successful than others.
37 And we can see in what circumstances they're more
38 successful. And so, we're already getting
39 feedback on what's useful.

40 At this stage of the game I don't
41 think there's been a formal discussion in the
42 EBFM roadmap development about sort of how we
43 make these living plans, how frequently we may
44 want to update them, based on what's working and
45 what's not.

46 I mean, I can assure you that we're
47 going to have to take that into consideration.
48 Because, like you say, there's going to be a lot

1 of learning that's going to go on at least in the
2 first few years of that. But that's something
3 we'll certainly want to take into account.

4 CHAIR FARCHETTE: Doug.

5 MR. GREGORY: Good morning, Ned. It's
6 a good presentation. I kind of wanted to follow
7 along with John and maybe offer my perspective to
8 answer his question.

9 You know, we've had, four out of the
10 eight councils are having a difficult time
11 getting data for our single species management,
12 because history, whatever. So, to some of us it
13 seems incomprehensible we'll have the data to
14 really fill in an ecosystem model that can give
15 us reasonable management advice.

16 And we're having challenges with the
17 single species. So, the transition is what's
18 important. And to me, like you mentioned
19 earlier, there's partners in NOAA that can help
20 with this.

21 The transition is to build in the
22 environmental factors into our single species
23 stock assessment. And the simplest way, are
24 there indices that we can use, similar to indices
25 of abundance?

26 We see very dramatically on the East
27 Coast the effects of changing in the climate,
28 changing in the environment. And we know that
29 the ocean is an extremely variable environment,
30 which is the root of the problem we have with
31 understanding what's going on out there.

32 So, if we include the environmental
33 indices as indices of abundance, if we can get
34 the information. You know, what is the decadal
35 oscillations doing? We've never really looked at
36 that. They could be having a bigger impact on
37 things than we realize, the El Nino even.

38 And then to me, because of, in the
39 Gulf of Mexico there's a little bit of extra
40 money floating around, people are coming to the
41 council saying, well, what are your ecosystem
42 needs? What can we do to help push this? And I
43 think in the Gulf we're going to see a very big
44 spurt of good science that's going to help us
45 move in that direction.

46 But again, when you look at our stock
47 assessments and, you know, we've got these models
48 out there, MSY models, the stock recruitment

1 model. And the data don't fit all that well in
2 most cases, particularly for the four of us
3 councils in the subtropics and tropics.

4 So, the modeling thing may not be the
5 answer. But these environmental factors may be.
6 And how is it that we get our year class stream?
7 In the Gulf, stock assessment after stock
8 assessment saying we don't see a clear stock
9 recruitment relationship.

10 Well, that's no surprise to those of
11 us in fisheries biology. We kind of learned that
12 in school. But you got these models where the
13 data are very variable. So what is creating or
14 closing your class stream's variability?

15 It's something in the environment. So
16 if we focus on that as the bigger picture, while
17 we're still incorporating the environmental
18 parameters, other indices we can find, into our
19 stock assessment as a part of the integrated
20 ecosystem analysis, then maybe we can get it in
21 the big picture.

22 What is causing variations in your
23 class stream? And then climate change comes
24 along, and kind of monkeys up the whole mess.
25 But that's my idea of how to approach ecosystem
26 management.

27 One, focus on recruitment mechanisms.
28 And two, build in the integrated ecosystem
29 analyses, the environmental indices that might be
30 playing a part in shaping the trajectories of
31 our populations.

32 I'm very leery of just taking these
33 models, these big models, some of which only
34 parrot back what the programmer puts in. They
35 don't provide us with insight into the system.

36 And our single species models do
37 provide us insight into the population. They
38 just don't parrot back the parameters we put into
39 it. So that's, I guess, my approach to this, and
40 what I'm trying to do in talking with people in
41 the Gulf. Thank you.

42 DR. CYR: Yes. Thanks. I had meant
43 to make that point earlier, that the linkage
44 between the regional action plans and the Climate
45 Science Strategy, and EBFM. Because climate's
46 obviously one very important input to ecosystem
47 based management.

48 There's considerable experience in

1 some parts of the country about how to
2 incorporate environmental variability into
3 assessments. And I point to the North Pacific as
4 probably the best that we have right now, where
5 they've been dealing with Pacific decadal
6 oscillation, and trying to understand its effects
7 on productivity in the Gulf of Alaska and Bering
8 Sea for a while.

9 The Pacific Marine Environmental Lab
10 of OAR has what they call the Bering Climate
11 Page, which is for the Bering Sea. It's a set of
12 climate related indicators. And they track
13 those. It's refreshed frequently. And you can
14 go there and sort of see how the climate is
15 trending.

16 And the scientists at the Alaska
17 Fisheries Science Center use that information
18 when they update the ecosystem chapter in their
19 SAFE report. They have a number of climate
20 related indices.

21 So, having that relationship with, you
22 know, principle climate researchers who can
23 provide that information and that input is really
24 important. I'm not sure we have that for the
25 Gulf yet. But it's something that we recognize.
26 We need to develop that capability around the
27 coastline.

28 But I would, I'd encourage you to
29 maybe talk to Chris or some of the folks from
30 Alaska about how they've had success in doing
31 that up there. But it's a good point.

32 CHAIR FARCHETTE: Terry.

33 MR. STOCKWELL: Thank you, Ned, for
34 your presentation. I'm looking forward to
35 receiving the roadmap. Following on John's
36 comments about potentially different philosophies
37 and timelines between the two different councils
38 that he sits between.

39 The New England Council is charging
40 along on the development of a draft fishery
41 ecosystem plan framework, with associated goals
42 and objectives, with the intention of having it
43 developed within this year. There are, the Mid
44 is on a different process.

45 And actually, during the previous
46 break Tom and I talked with Rick about, you know,
47 how if we marry some of our thoughts and
48 timelines on how to move ahead. And I'm hoping

1 that these guidelines will provide us some of the
2 tools, so that we all don't do a lot of work with
3 the limited resources that we have, and have to
4 spend more time on doing than we do.

5 CHAIR FARCHETTE: Michelle.

6 MS. DUVAL: Thank you, Mr. Chairman.
7 So, there's a couple of us sitting here around
8 the table who, I think myself and Tom Nies, who
9 are currently members of the Lenfest EBFM Task
10 Force Advisory Panel, as well as, you know,
11 several staff from the Fisheries Service.

12 And I was wondering if you could
13 clarify for folks around the table how the
14 roadmap fits in with the Lenfest Report that will
15 probably be coming out, you know, midway through
16 this year?

17 DR. CYR: I don't have any specific
18 information about the Lenfest Report. I'd be
19 surprised if the people who are developing the
20 EBFM roadmap within Fisheries though, aren't
21 aware of what the major recommendations are going
22 to be coming out of the Lenfest Report, and are
23 working to try to ensure that there's some
24 coherence between the two. But I don't have any
25 specific details on that.

26 CHAIR FARCHETTE: Any more questions
27 for Ned? Okay. Hearing none, thank you. Thank
28 you, Doctor. And next on the agenda is the AFS
29 Presentation, Tom Bigford.

30 MR. BIGFORD: Right behind you.

31 CHAIR FARCHETTE: Okay.

32 MR. BIGFORD: Okay. Right. Thank
33 you. Sorry. I'll start over. I won't use the
34 full hour. I promise you that. But it's
35 tempting. Thank you, Ned, for giving me the
36 option.

37 It's nice to see so many familiar
38 people here, and the new faces who have come to
39 this field since I retired two years ago. I'm
40 obviously not fully retired. So it's nice to be
41 at the American Fisheries Society, and contribute
42 to a lot of these discussions that were very
43 important before, and will always be important.

44 This one right here is something that
45 we really want input from you on. So, it's great
46 to focus on this one topic. The American
47 Fisheries Society is working with dozens of other
48 groups, and hundreds of individuals to get

1 recommendations for the next administration
2 related to fish.

3 So we want to make sure that they hear
4 from this collective community on what's
5 important about fish, about fishing, about
6 commercial and recreational fisheries, and about
7 everything related to it, ecosystems, forage,
8 things like that.

9 You'll see me use interchangeably the
10 words aquatic resources and fisheries. We
11 started out focused on fisheries. But then we
12 heard from some people who had ecosystem concerns
13 about commensal species.

14 And they started talking about snails
15 and mussels, and seagrass, and a lot of other
16 issues. So aquatic resources. But you can think
17 of it as fisheries for this audience.

18 It would be really great to get input
19 from the National Marine Fisheries Service. But
20 we realize that what they can say and do is
21 limited when you get into this sort of an arena.
22 But councils have got a little bit more of a
23 prerogative.

24 The interstate commissions too can
25 engage. But it's not just recommendations that
26 would be new that might get you in trouble with
27 your supervisors.

28 It could be reports that you've put
29 out recently that have got your priorities, your
30 2016 Strategic Plan that was released last year,
31 a list of priority science needs. It could be
32 anything like that that would help, that would
33 help us develop recommendations, draft
34 recommendations for others to review.

35 I'm working on this in cooperation,
36 close cooperation with Taylor Pool in the back.
37 I want to introduce him. Taylor, could you stand
38 up, just so people know you're there. I won't
39 pull a Ned Cyr and say Taylor's going to answer
40 all the questions.

41 But Taylor is certainly front and
42 center in helping to do all this work.
43 Collectively we've been out talking to a lot of
44 people. And I'll mention a little bit of that in
45 a little while.

46 I also want to note that the American
47 Fisheries Society is not starting the third of a
48 series of five year cooperative agreements with

1 NOAA Fisheries, to provide general help. This
2 doesn't fit perfectly into that.

3 But there's a, so there's a broader
4 opportunity for the American Fisheries Society to
5 help all of you if you've got issues you want to
6 bring to the Hill through Congressional
7 Briefings. If you've got topics to include in an
8 article in one of our publications.

9 We have a monthly magazine, and then
10 five journals, and books that come out of our
11 Annual Meeting. So there's a lot of opportunity
12 to get the word out. That's separate from this.
13 So we'd love to talk to you about that too.

14 Also, there's a one pager out there on
15 the table. Feel free to pick that up if you
16 want. Taylor's email address, some ideas about
17 what we're talking about here today.

18 So, quickly, we're working with a lot
19 of different agencies on this. We're not just
20 coming here and talking to the Marine Fisheries
21 family. This effort relates to freshwater and
22 marine species.

23 So we're talking to agencies that have
24 got their finger on a lot of these issues. This
25 slide focuses on the agencies, because a big part
26 of the opportunity we have before us is to
27 influence the selections of leaders in these
28 agencies that have fish programs, and also the
29 agenda that those people would set for the
30 agencies that they would be leading.

31 So the opportunity is freshwater and
32 marine. You'll see a lot of groups here that are
33 just involved in one or the other. But certainly
34 when it comes to the marine side, this group here
35 in this room have got a major driving, are a
36 major driving force.

37 We're not the only ones doing this.
38 And this is not the only time that, I mean, what
39 we're doing right now in anticipation of the next
40 administration is something that happens
41 routinely.

42 Every time there's an election, and an
43 opportunity for new leaders, even if the leaders
44 remain in the same party, there's always this
45 opportunity to review leadership, to review
46 priorities. So, there's a lot of examples out
47 there.

48 Here's two examples of other efforts

1 to develop recommendations for the incoming
2 leaders. And we, you could certainly find a lot
3 more. They are everywhere from a couple of pages
4 with bullets, to maybe ten or 20 pages with a lot
5 of text.

6 So the format, the way to convey this
7 information is in many ways just as important as
8 the information itself. We want to make sure
9 that it is heard and read, and considered. So,
10 we've got to make sure that we focus on the
11 process and the product, as much as we focused on
12 the content.

13 Now, we've been talking to a lot of
14 people so far. And Taylor and I have been out
15 actively for the last five weeks. I'll get to
16 that in a little bit, about some of the places
17 we've gone, just to give you an idea of the types
18 of audiences that we've been engaging with.

19 But just to give you an idea of some
20 of the ideas that came in. We started with a
21 clean slate, and have been taking a lot of notes,
22 getting a lot of solid input from people across
23 the range of issues. And also format.

24 There are some people suggesting that
25 we might even have different products if we take
26 some of the ideas to the winners that emerge from
27 the conventions, versus maybe the leaders on
28 Capitol Hill. But you'll see some here. There's
29 certainly a lot more.

30 There are a lot of connections to
31 priorities in Marine Fisheries. Some of them
32 might be a little obscure. But certainly there's
33 a lot of parallels. There's a lot of direct
34 connections to the topics that Ned just talked
35 about, as far as the three research priorities
36 that he chose to focus on.

37 When we're thinking about these
38 recommendations, we want to stay at a scale
39 that's going to get the attention of the new
40 leaders. So, we don't want to get into great
41 depth about the need to eradicate lionfish, or
42 the need to do something specific for redfish.

43 But doing something at an appropriate
44 scale that gets their attention, and then maybe
45 offering an example that gets that local, I think
46 that's a good way to get the attention of the
47 people that we're trying to influence.

48 And to have our fish related

1 recommendations influence decisions that come, or
2 that start being considered as soon as the
3 conventions are over, but certainly extend into
4 2017 and beyond. For instance, maybe there's a
5 need for more social science.

6 And then we have an example of where
7 social science has been used very well to improve
8 the harvest opportunity, and the success of a
9 particular fishery management plan.

10 Or, maybe we stay away from fisheries
11 management, per se, and we're focused on just the
12 science that supports protected resources
13 habitat, or fisheries management, sustainable
14 fisheries generally.

15 So this is not just an American
16 Fisheries Society effort. We certainly started
17 this. We started it really with the Fish and
18 Wildlife Service about a year ago, thinking about
19 how we could prepare for the next administration.

20 Fish and Wildlife Service decided that
21 they wanted to do something much more
22 quantitative. And I think they're going to focus
23 more on freshwater. So they are likely to do
24 something that's separate, and aimed more toward
25 2017.

26 We're going to focus, American
27 Fisheries Society with these types of
28 discussions, are focusing on what we might
29 deliver to the candidates for the general
30 election in November. And certainly have it on
31 the desk of the winners for, as soon as
32 inauguration day passes.

33 But the Fish and Wildlife Service is
34 thinking more quantitatively, and thinking about
35 analyzing the health of stocks. And doing
36 something almost like what you collectively do
37 regularly through managing our nation's
38 fisheries, and other types of efforts.

39 There is nothing like that on
40 freshwater. So there might be a parallel effort
41 that we want to keep track of here, so that we
42 can influence collectively the most we can.

43 Back to the part about the American
44 Fisheries Society leading this effort. We are
45 looking for partners, people who can help us
46 lead, hosting meetings, developing
47 recommendations, contributing to AFS's effort.

48 AFS is hosting its own meetings. We

1 had one a couple of weeks ago where the National
2 Fisheries Services and the Atlantic States Marine
3 Fisheries Commission were among the attendees.
4 That was very good. We want to expand that.

5 So, if you have opportunities, other
6 ones like this, we're all ears. We will try to
7 arrange to extend the conversation to as many
8 arenas as we can, during the time when we're
9 collecting ideas.

10 We have to shift to writing in a
11 couple of months. But right now, when we're
12 reaching out, we are all ears on opportunities to
13 reach out as effectively as we can.

14 So, some of the ideas that I just
15 mentioned here, just to reiterate. There are
16 ways to get involved. You can have a meeting on
17 your own. You could have a meeting and invite us
18 to speak, like here. We could forego the
19 meetings and just engage in some email exchange.

20 You could send us copies of reports
21 that you think address some of this opportunity.
22 I mentioned the strategic plan that came out of
23 NOAA Fisheries in late 2016.

24 I think that's a good example of where
25 something is already produced. It's timely. It
26 still reflects priorities. And it might be a
27 good basis for recommendations.

28 And maybe you could even point to the
29 parts of reports like that, that you think
30 reflect points that you want to make. We can
31 make 50 recommendations in total. We can
32 probably have half of those relate to marine
33 fisheries, to marine interests.

34 Which ones do you really want to see
35 on the document? We're all ears when it comes to
36 the documents, the topics themselves. Not just
37 the specific recommendations, but adding to the
38 topics that were listed on that earlier slide,
39 topics like climate or invasive species, or
40 ecosystem approaches, or social sciences. So,
41 we're all ears when it comes to that.

42 And also the format too. So, to give
43 you an idea of the overall picture here, we are
44 squarely in the first step of this process. On
45 the upper left there we are identifying topics,
46 and having initial conversations to start the
47 list, start developing the list of
48 recommendations.

1 This started in January. I think it's
2 going to continue for at least another month
3 before we start shifting into making some sense
4 out of the various recommendations that we're
5 getting.

6 It's not going to be as simple as if
7 50 people say something then it gets, it becomes
8 a recommendation. Because we want this to make
9 sense. We want it to reflect the collective
10 sense of the group, rather than the loudest
11 voices. Maybe they will intersect, and they'll
12 be the same.

13 But we really wanted to start the
14 conversation, and then start drafting in a couple
15 of months. It will take a few months to draft.
16 We'll be going out to people, back to people to
17 tell them what we heard, tell them how it was
18 converted into draft recommendations.

19 We have a goal for the AFS Annual
20 Meeting in August in Kansas City, for unveiling
21 what we hope then will be complete draft of the
22 recommendations that are emerging from the
23 meetings and discussions that we're having now,
24 and will continue in March through July.

25 So, keep that in mind too. This
26 process is going to be very active for the next
27 six months at least, before we get to that point
28 where we unveil it at the AFS meeting.

29 That will not be the only place that
30 we share it with people. But we do have a
31 special session planed in Kansas City for that
32 discussion.

33 After that we'll shift into polishing
34 this into final recommendations, and get ready to
35 give it to the people who emerge from, the
36 winners who emerge from the conventions, the
37 Republican and Democratic convention.

38 And if there's an independent
39 convention, or whatever might happen, who knows,
40 we'll prepared to give it to people, so they've
41 got it in their hands when they start thinking
42 about their platforms for the general election,
43 and thinking about filling all the, making the,
44 taking all the actions that they'll have to
45 during the transition.

46 So, the overall schedule is very
47 active right now in reaching out to people, but
48 extending at least into, deep into the fall.

1 Before I close with some suggestions,
2 I want to just give you an idea of the kinds of
3 events, activities, and discussions that Taylor
4 and I have been leading for the last couple of
5 months.

6 Our first effort was to reach out to
7 the National Fish Habitat Partnership Board in
8 January. We talked to them a little bit about
9 this, floated the idea of having this discussion
10 leading towards the document that we're talking
11 about here.

12 Since then we've gone to groups
13 working on interagency climate strategies. We
14 went to the Atlantic States Marine Fisheries
15 Commission. And hope to get to the other three
16 Commissions, so that we can make sure this
17 discussion extends down to the states, and
18 certainly to the harvest sectors.

19 We talked to the Theodore Roosevelt
20 Conservation Partnership, which turns out to be a
21 great group, a great way to work through one
22 existing network to reach about 100 groups that
23 work on hunting and fishing, on fish and
24 wildlife, on commercial and recreational
25 interests, on data, budgets, all sorts of things.

26 So, that's a great way to reach out to
27 the NGO, to the nonprofit sector. We did that
28 because the American Fisheries Society is on
29 their Board. In February we talked to the Coral
30 Reef Task Force. That was just last week I
31 think.

32 Also last week we started an effort of
33 reaching out to AFS chapters and divisions, to
34 make sure that they know what we're doing. So we
35 can get a lot of input from the 8,000 some
36 members in the American Fisheries Society that
37 represent a lot of the interests that are around
38 the table. So we're starting to hit people in
39 more than one way.

40 We also hosted a meeting of our own.
41 So, instead of going to other people's meetings
42 we convened a meeting on February 9th. And we
43 did have people there, as I mentioned, from the
44 National Fisheries Service, and from the Atlantic
45 Commission.

46 But we wanted to make sure we had a
47 dedicated discussion on this. Instead of ten or
48 15 minutes on an agenda, we had two hours to talk

1 about this. And it was very good. We had 15
2 groups in the room, 25 attendees, and spent a
3 couple of hours getting into detail on this.

4 That seems to be a real good way to
5 get immediate feedback. But this kind of reach
6 out to a lot of people is a good way to generate
7 feedback that often comes after the meeting. We
8 expect some Q&A here. But often we're hearing
9 from people afterwards. And they both work.

10 We also went to the Social Coast
11 Forum. We reached out to those people who are
12 working on aquatic resource, aquatic issues along
13 the coast, especially the social scientists.

14 And that was a completely different
15 audience, with very different ideas. An audience
16 that we want to make sure that we represent in
17 this effort. And then, we're here now.

18 We are talking to the State Fish and
19 Wildlife leaders in the Regional Fish and
20 Wildlife conferences, including the national one
21 in Pittsburgh in a couple of weeks. So, we've
22 done a lot. We're doing a lot now. It seems
23 like every week we're reaching out to one or two
24 more groups.

25 But I just wanted to give you an idea,
26 so that you can keep that in mind for an even
27 that might be near you, or an opportunity that
28 you might want to create.

29 In closing, just want to remind
30 everyone that if you want to send ideas to us
31 there's the contact information for Taylor and
32 me. We're seeking partners to help lead these
33 efforts, to be very engaged in the discussions.

34 If you don't choose to lead, certainly
35 engage. And send us your ideas any way at all.
36 Send us reports. Send us testimony. Send us
37 anything at all, just to make sure that we've got
38 it, so that we can consider that when we're
39 developing the recommendations that will
40 eventually lead to those drafts that we'll be
41 sharing with people.

42 I will close right there, and
43 hopefully have time for some questions, and get
44 the discussion going. Thank you very much.

45 CHAIR FARCHETTE: Thank you, Tom.
46 Questions for Tom? Michelle?

47 MS. DUVAL: Thank you, Mr. Chairman.
48 Tom, I noted that one of your issue or topic

1 areas was citizen science/participation and
2 transparency. I was wondering if you could
3 elaborate a little bit more on that. I'm not
4 quite sure how to read that, if it's citizen
5 science/participation, or if it's citizen science
6 participation and transparency. I guess I'm just
7 having a little bit of trouble clearly
8 understanding what's meant --

9 MR. BIGFORD: That's --

10 MS. DUVAL: Especially about
11 transparency, I guess.

12 MR. BIGFORD: Yes. That's one of the
13 topics that came up at a meeting without much
14 detail. So, there were people who were
15 interested in, I think they were getting to the,
16 some of the data issues that we hear so much,
17 especially on the recreational side. And
18 suggesting that information can come from a lot
19 of different directions, including perhaps some
20 of the regional ocean planning bodies that have,
21 are diving into recreations data, commercial data
22 from a different angle. Not that it's better or
23 worse, but it's another source of information,
24 another audience to listen to. Taylor, did that
25 come up someplace where you might have another
26 idea?

27 (Off microphone comment.)

28 MR. BIGFORD: Okay. All right. So it
29 -- I wish I could be more specific. But I don't
30 think the suggestion was more specific. It was
31 just tossed out there. And there are several
32 like that, that some are very detailed, like
33 climate. And others are not quite so much.

34 CHAIR FARCHETTE: Don.

35 MR. MCISAAC: Thank you, Mr. Chairman.
36 In the end I wonder how you're going to
37 characterize your final recommendations. So, as
38 you solicit things from various partners, you
39 mentioned you had a meeting already with the
40 National Marine Fisheries Service folks, the
41 Atlantic States Commission. If you heard from
42 the CCC, or you heard from individual councils,
43 and you get all of these ideas, and they build
44 through your process to August, and you talk to
45 the successful candidates that are running for
46 President, will you characterize these as AFS
47 recommendations? Or will you characterize them
48 as the recommendations of all of your partners?

1 And how will you struggle with some partners
2 agreeing with part of this, and some partners not
3 agreeing with part of this?

4 MR. BIGFORD: Excellent question. And
5 struggle is a good word. Because we're thinking
6 about this a lot. It will definitely not be an
7 American Fisheries Society document. We're
8 wondering whether it would be valuable to list
9 all of the events, all the opportunities for
10 people, where people gave input. Sort of at the
11 end of this there would be a list of parties that
12 were engaged, or events that were attended. Or
13 something like that to convey the breadth of
14 this. Right now I think we're leaning towards
15 the fact that this would be better, this would
16 achieve its purpose more if it had no authorship
17 associated with it. It would just basically be
18 recommendations from fish, fishing and fisheries
19 interests, and leave it at that. We don't want
20 it to have an American Fisheries Society name on
21 it, because it's not going to be our product.
22 We're trying to convene a discussion. And then
23 we want a report on the discussion. We don't
24 want a report on our take of the discussion. You
25 know, our, we don't want to influence that. So
26 we're trying to figure that out. And some people
27 have suggested that there might be a different
28 format for messages that might go to the Hill,
29 than there would be to the convention winners.
30 But, you know, we don't want five pages of
31 recommendations, and then five pages, or ten
32 pages of a list of all the meetings we went to,
33 or agencies that we engaged. But it's a real
34 important question. And we want to make it so
35 it's not a detractant, it doesn't detract from
36 what we're doing, but it informs. So suggestions
37 on that would be very welcome. We won't say it's
38 from the Pacific Council.

39 CHAIR FARCHETTE: Eileen.

40
41 MS. SOBECK: So, Tom, thank you. And,
42 you know, it's always good to know that experts
43 are thinking about the future. I do think you
44 have to be very careful about how you
45 characterize any Government participation. You
46 know, we have extremely strict rules about
47 playing in partisan politics, as you all know. I
48 mean, we're going to be preparing in our own

1 internal way, both at the political and
2 nonpolitical level, for transitions. And we're
3 obviously happy to participate in general
4 discussions about futures of fisheries. But I
5 think we'll be wanting to work with you and
6 General Counsel. If you're going to be
7 characterizing political input from meetings that
8 we're sitting in, we're going to have to be
9 really careful about that. I'm looking at
10 general counsel. But just stepping away from
11 that technical question, I guess my only other
12 thought is, one of, as somebody who's been a, you
13 know, I was a career bureaucrat for 35 plus years
14 before I stepped into this political job. You
15 know, I'm one of the people that won't be around
16 probably to read this advice, or work with it
17 going forward. But transitions are always a,
18 it's inevitable that there would be certain
19 changes in direction. It's a good opportunity
20 for changes in direction. But I think one thing
21 that's really important is, what are the valuable
22 efforts that are still priorities, and should be
23 carried forward? And I think I would just make
24 that, raise that institutional question. I think
25 that one of my observations on, you know, over
26 the last couple of years is that there were a lot
27 of efforts that started way before I got to NMFS,
28 where there has been a really -- Even though I
29 know some, you know, some of the products this
30 group has been, has had input in, and sometime is
31 critical of. But a lot of self-examination of
32 why are we doing what we're doing? Where should
33 we be changing directions? Have we looked
34 adequately at certain topics? And that we have
35 really killed ourselves to put forward some
36 better articulated strategic documents,
37 prioritization. And I guess I would just commend
38 some of those efforts, and make sure that you
39 guys are aware of all of them. And we talked
40 about some of them yesterday, about how there is
41 a, there has been quite a laundry list. But I do
42 think that it is a reflection of -- Even if a new
43 administration doesn't agree with our priorities,
44 I think that the fact that we articulated what
45 some of the ranges of options were, and laid out,
46 you know, this administration's, or this Agency's
47 current prioritization, it's a, there's a lot of
48 wasteful, there's a lot of potential for wasteful

1 reinventions of the wheel, even if emphasis is
2 going to change. And I guess I would just, you
3 were talking about gathering some of those
4 existing documents. And I just underscore that I
5 think that would be a worthwhile effort.

6 MR. BIGFORD: Thanks, Eileen. Yes, we
7 definitely want to be aware of all of the
8 existing successes, the ideas programs,
9 initiatives that the Agency wants to continue.
10 That's a message that we've been conveying to
11 everyone that we meet with. We don't pretend to
12 know everything. So it would be great to be told
13 which of the ones, you know, to sort of answer
14 your challenge there, which are the ones that you
15 really want us to know about? Maybe they're
16 already written up. Maybe they're in documents.
17 Maybe they're in, you know, someone's got a
18 PowerPoint presentation on it. Maybe there's
19 just something that could convey to us the
20 importance of existing successes that you want to
21 make sure you remind people of. I think those
22 successes, whether it's a best management
23 practice, a pilot program, you know, a management
24 strategy, whatever it might be that really
25 worked, those are among the things that we want
26 to make sure we showcase. Yes. Totally agree.
27 So, please, an open invitation to people to send
28 them to us, or send us links.

29 CHAIR FARCHETTE: Any more questions
30 for Tom?

31 MR. BIGFORD: All right. Thank you
32 all very much.

33 CHAIR FARCHETTE: Thank you, Tom.
34 Okay. We still have at least a half hour before
35 lunch. Do you all want to keep pushing forward?
36 It's up to the group. Sure. Okay. Got the
37 sign. Okay, we're going to keep pushing. And we
38 have the South Atlantic Fishery Management
39 Council, Citizen Science Workshop with Michelle
40 Duval.

41 MS. DUVAL: All right. Thank you, Mr.
42 Chairman. I will run through this, because I
43 know I'm holding everybody from their lunch. But
44 we just wanted to give you all an update on the
45 South Atlantic Council Citizen Science
46 Initiative.

47 This is something that has its roots
48 in our Snapper Grouper Visioning Project, which

1 started at the end of 2013, beginning of 2013.
2 We were hearing a lot of concerns from our
3 stakeholders about management strategies for the
4 snapper grouper fishery. That we had been
5 engaged in sort of crisis management or triage
6 management, if you will.

7 So, we wanted to go out to our
8 stakeholders and ask them for their input on, you
9 know, what do you guys think are the best ways to
10 manage this fishery for the future?

11 So we actually shamelessly plagiarized
12 from our neighbors to the north in the Mid-
13 Atlantic Council. Chairman Robins was gracious
14 enough to come down to our kickoff meeting, and
15 share the lessons that the Mid-Atlantic Council
16 had learned.

17 And we definitely benefitted greatly
18 from their experience. So, we're very
19 appreciative of that. So we used the same bottom
20 up, stakeholder driven process to gather input,
21 using informal port style meetings in order to
22 gather this input.

23 And we sort of settled on the same
24 four strategical areas of science, management,
25 governance, and communication. So, this is just
26 a listing of some of the issues that we heard
27 throughout the port meetings that we went to.

28 So we had a lot of input across a
29 variety of different science and data issues, you
30 know, better recreational data, and more
31 participation by stakeholders, and data
32 collection.

33 You know, folks don't trust the data.
34 There are too many discards floating off, et
35 cetera, et cetera. So, you know, again, these
36 are just the themes from our stakeholders.

37 They wanted more data. They wanted
38 better data. And they were willing to
39 participate in the collection of that data, and
40 specifically to work with scientists.

41 I think one of the things that we
42 heard over and over again is, I'll take any of
43 you guys out on my boat. And I'm sure this is
44 something that everybody has heard from a lot of
45 people sitting around the table.

46 But folks were very eager to share
47 their on the water knowledge, and have that be
48 used as part of the development of the science

1 that is used to make management decisions.

2 So, this was actually, really birthed
3 over a breakfast in March of 2015 during the
4 council meeting, after which we reviewed the
5 draft components of our vision blueprint that we
6 were going to be taking out for a round of public
7 comments. So our citizen science organizing
8 committee really sort of was organically formed.

9 You can see the list of folks who are
10 a part of that organizing committee. John
11 Carmichael is our Deputy Director for Science and
12 Statistics on the council. Amber Von Harten is
13 our Outreach Coordinator. It was myself, Ben
14 Hartig, who is our immediate Past Chair, and a
15 commercial waterman, Mark Brown, a charter head
16 boat Captain out of South Carolina.

17 We were very fortunate to have Dr.
18 Ponwith's participation. She's been a pretty
19 strong supporter of this effort. And as well as
20 Leda Dunmire, who is with the Pew Charitable
21 Trust, and has a lot of experience in previous
22 positions with the collection and use of citizen
23 science.

24 So, what would a program look like?
25 So, in June of 2015 the council approved support
26 for our Citizen Science Workshop. We developed a
27 fact sheet to try to inform our stakeholders as
28 to, you know, what is citizen science? Why are
29 we engaging in this? What are our next steps?

30 So, that's just a picture of the flyer
31 that staff put together for that. And between
32 June and December of last year we were reaching
33 out to our Sea Grant partners, who have a lot of
34 experience on the water working with fishermen
35 to, in cooperative research efforts.

36 I mean, many of those efforts are
37 actually funded efforts, whereby both your
38 scientist and your fishermen are receiving some
39 kind of compensation for that.

40 But, you know, the important thing is
41 that Sea Grant is kind of boots on the ground.
42 And, you know, they have those outreach channels
43 already well established.

44 We were also working with Cornell
45 Citizen Science Program experts. So these guys
46 pretty much like wrote the book on citizen
47 science.

48 If you google Citizenscience.org, it

1 will take you to the Cornell lab of Ornithology.
2 These are the folks that developed eBird, which
3 is probably one of the biggest citizen science
4 initiatives, and most well-known initiatives
5 throughout the company, or throughout the country
6 rather. So they were very gracious in the
7 donation of their time to help us think through
8 how best to move forward with this type of
9 program.

10 So, we, it was a lot of hard work on
11 a really tight timeframe. But we launched our
12 Citizen Science Program Design Workshop about a
13 month ago in January. We, and at first, you
14 know, we were very concerned about whether or not
15 people were actually going to want to
16 participate.

17 But as we started sending out the
18 invitations, and this was an invitation only
19 workshop, because we wanted to make sure that we
20 actually got things done. Of course, it was a
21 public meeting. So anybody could come and
22 observe.

23 But we, in terms of the break out
24 groups, and the actual working through the pieces
25 of the agenda, this was for the invited
26 participants. But the more word sort of got out,
27 the more folks wanted to come and be a part of
28 this.

29 And so, we had all of our fishery
30 sectors, all of our states represented. We had,
31 you know, we had scientists. We had state and
32 federal Agency scientists. We had researcher who
33 were on the ground working with fishermen. We
34 had state and federal Agency staff, data
35 managers.

36 And, you know, our goal was to come
37 away with, what would a Citizen Science Program
38 in the South Atlantic look like? And we were
39 very fortunate to have Dr. Merrick participate
40 during the entire week, as well as Dr. Ponwith.

41 And that's really, that's a tough
42 thing to do, is to get that much time from those
43 folks. So we were especially grateful for their
44 participation.

45 We also, a couple of other folks from
46 headquarters, Laura Oremland and Danielle Rioux
47 were there. I hope I'm not leaving anybody out.
48 And I apologize if I am. But we were grateful to

1 have that level of participation and
2 acknowledgment. So, this was really a working
3 workshop.

4 People were not just sitting around
5 and drinking coffee. Although we had some good
6 coffee. We had great keynote presentations from
7 practitioners in the citizen science world as an
8 orientation.

9 So, what are the traits of a
10 successful project? How do you design a sample
11 project? What are the components of a successful
12 program? Many of which you see up there under
13 the expert guidance themes.

14 And then we broke folks out into mixed
15 groups to do, under, tackle a variety of
16 projects. So we had a project ideas breakout.
17 And we did that right away.

18 Because I think part of the enthusiasm
19 was people have all these ideas for how they
20 think different types of citizen science
21 projects. So we thought we would try to
22 capitalize that.

23 And we had four different breakout
24 groups, a mix of fishermen, scientists,
25 researchers, Agency staff, to brainstorm on what
26 types of projects would be good for a citizen
27 science approach, based on those keynote
28 addresses that they heard. Then we had a
29 project, and we came back into plenary.

30 And it was amazing to see the overlap
31 between all four of these breakout groups in
32 terms of the types of ideas that folks had for
33 what would make a good citizen science project.

34 Then we had a project design breakout
35 group, I think later that afternoon or the next
36 day. So, trying to apply those components of
37 what makes a good Citizen Science Program.
38 Trying to address things like communication and
39 standards, and data management, and governance.

40 And so, in the, we had two topics that
41 came out of the project ideas workshop that we
42 asked folks to try to address through the project
43 design component. And then, the final set of
44 breakout groups were expert workgroups.

45 So we put all the data managers
46 together. We put all the scientists together.
47 We put the fishermen together. And we asked them
48 to brainstorm on how to address each one of those

1 bullets that you see up there on the screen.

2 And again, it was really amazing to
3 see the overlap, in terms of how, what people
4 were thinking. It was really impressive.

5 So, what's next for us? We, staff has
6 been busy developing a blueprint for the South
7 Atlantic Citizen Science Program. And we're
8 going to be looking at that during our upcoming
9 March council meeting in a couple of weeks.

10 And I expect that we'll receive some
11 feedback and recommendations about program
12 development from our council members. And so, I
13 think really beyond this it's, you know, how do
14 we keep this momentum going?

15 There was a lot of excitement in the
16 room. And that was coming not just from
17 fishermen, but also from, you know, quite
18 honestly, federal agency scientists as well.

19 We had the Branch Chief of the Stock
20 Assessment Group from the Beaufort Lab of the
21 Southeast Fisheries Science Center there. And he
22 was very supportive of this. So, you know, we
23 want to make sure that we can capitalize on this
24 and move forward.

25 And I think, one thing I want to make
26 clear is that this is not an effort that is meant
27 to replace our existing cooperative research
28 program in the Southeast. That's a very
29 important program.

30 And, you know, we've tried to
31 distinguish between, I think cooperative research
32 and citizen science, that there is a little bit
33 of a fine line between the two.

34 And that cooperative research often
35 requires, it's not just a compensation component,
36 but also often requires more statistical analysis
37 of the data that you're gathering to answer a
38 very specific question. Whereas, citizen
39 science, this program is meant to be a little bit
40 more nimble.

41 I think trying to fill some of our
42 pressing data needs in a timely fashion. So, and
43 also, you know, citizen science can be, it can be
44 contributory, where folks are just collecting
45 data. And maybe you put a bunch of temperature
46 sensors on boats to collect information like
47 that.

48 It can be collaborative, where you're

1 actually having the folks who are gathering data
2 for you participate on some level of the
3 analysis. And then it can also be co-creative,
4 where you're actually collecting ideas.

5 And citizens and scientists are
6 working together to actually flesh out the
7 details of a project. So, you know, I think our
8 roadmap is still a little bit unclear at this
9 point. But we're really excited about this.

10 We are in the process of I think
11 looking for resources to help support this
12 program. I think, just given the workload that
13 is on our staff right now, it's become clear to
14 us that this would require another person to help
15 manage this effort. And it's not something that
16 you can just say you're going to do.

17 I mean, there is a huge amount of
18 effort in running a successful Citizen Science
19 Program that extends to just the infrastructure
20 behind that effort. The communication outreach
21 to hook up scientists who may have data needs,
22 but don't really know how to go about getting
23 those data needs filled.

24 And, you know, we're thinking of data
25 needs that are, that span maybe large stretches
26 of space and time, that are spatially and
27 temporally long. So, I think I'll just leave it
28 at that.

29 This is the link to the materials for
30 out Citizen Science Workshop. I would encourage
31 folks to take a gander through those materials.
32 We didn't have a huge briefing book for that. We
33 just had a few articles on program structure and
34 design. But all the presentations from the
35 keynote speakers are posted there.

36 And I have to say that I was very
37 excited this morning when I checked my email to
38 see in NOAA Fish News that there was a citizen
39 science project tracking gray whales out on the
40 West Coast, and how useful that has been. So,
41 and I know that there's an administration focus
42 on citizen science as well.

43 The National Science Foundation has
44 been involved in this. So we are hopeful that
45 what we're doing in the South Atlantic can maybe
46 prove to be a model for other regions that may be
47 considering similar programs.

48 And we recognize that we need to move

1 very carefully, you know, through this process in
2 setting things up. So, I think with that, I'd be
3 happy to answer any questions. Thank you, Mr.
4 Chairman.

5 CHAIR FARCHETTE: Thank you, Michelle.
6 Any questions for Michelle? Bill.

7 MR. TWEIT: Thanks. And, Michelle,
8 this looks really exciting. And I'm hoping we'll
9 sort of get, I'd at least love some fairly
10 frequent updates on this.

11 One of the, my Agency is also looking
12 at a fair number of citizen science projects,
13 mostly in the terrestrial environment. But the
14 fundamental dynamics I think are all pretty
15 similar.

16 One of the things we're really
17 wrestling with is finding the time to get the
18 appropriate experts in to continuously ensure
19 quality, the data quality, or meeting standards
20 that are going to be useful to them. And I'm
21 just wondering how you're envisioning taking on
22 the data quality challenge.

23 MS. DUVAL: It's a great question.
24 And it is a key issue in some things that we
25 talked about. And I think we were encouraged to
26 think of it more as data integrity, as opposed to
27 data quality, by some of our citizen science
28 practitioner experts that we have in the room.

29 And some of the examples that have
30 been given, I think I might shift back to eBird,
31 is that some of those sightings, that there are
32 scientists who volunteer their time to go back
33 and check, and check the database for some of
34 those sightings, to do some of that QA, QC.

35 Now that certainly is not going to
36 work in every instance. But I think we're going
37 to have to be creative about that.

38 And one of the things that we've
39 talked about amongst the organizing committee is,
40 you know, in terms of an initial project, that
41 we're going to have to look at something that
42 does not impact the opening or closing of a
43 fishery, to be quite frank. So that you can sort
44 of take that level of bias or data integrity
45 away.

46 But, you know, that's something that
47 we're tackling in terms of moving forward. We
48 did, you know, our data management folks got

1 together, and when they were in their breakout
2 group, you know, recommended development of a
3 data management plan that includes those types of
4 issues.

5 I don't have, I mean, that's not a
6 great answer for you. But it's something that
7 we're going to have to address as we move along.
8 And it is one of the key components.

9 And I think part of it, from some of
10 the scientists that I talked to who were there,
11 is that the volume of data that you collect for a
12 particular parameter, yes, there may be some
13 imprecision in those data. But, you know, as
14 with anything, the greater your N, you know, the
15 smaller your error bars.

16 CHAIR FARCHETTE: Don.

17 MR. MCISAAC: Thank you, Mr. Chairman.
18 It's an interesting program. There's so many
19 junior scientists and Jacques Cousteau type folks
20 out there that can have good ideas. But it's a
21 little bit, this question's a little bit of a
22 twist on Bill's.

23 What is your best example of some new
24 scientific information that you think might come
25 out of this, that goes through your SSC, through
26 your advisory bodies to the council table, and is
27 actually used in fishery management decision
28 making, that might be used? What's your most
29 promising example?

30 MS. DUVAL: So, I think one of the
31 things is we're moving forward in the South
32 Atlantic, and are actually scheduled to take
33 final action right now at our upcoming meeting,
34 on spawning special management zones.

35 So, very focused areas looking at
36 trying to provide some protection for some of our
37 spawning fish that are, some species of which are
38 of concern.

39 And we're looking to citizen science
40 as being one avenue in which we can work with
41 fishermen to collect data during the course of
42 their normal activities, to determine whether or
43 not spawning may be occurring.

44 And we would envision that this
45 information would go through our SSC and our
46 advisory panels. We did have, I would classify
47 this as more of cooperative research.

48 But we did have a funded project with

1 one of our fishermen out of Charleston to
2 actually work with the scientists onboard his
3 boat, go out to a particular geographic
4 configuration, the sort of elbow edge
5 configurations on the shelf break, to collect
6 samples of fish to determine whether or not they
7 were in spawning condition, based on the time of
8 year, time of day, et cetera.

9 So, that would be one example I would
10 give you of how we could work with our
11 stakeholders to collect that type of information
12 that would be reviewed by the SSC and the
13 advisory panels.

14 We also have existing deepwater marine
15 protected areas. And we are in the process of
16 finalizing a system management plan for both
17 those marine protected areas, and the spawning
18 SMZs that we hope to establish.

19 You know, those system management
20 plans are virtually identical. But they include
21 this as a component, citizen science working with
22 the fishermen to try to collect that information.

23 Although, the Agency has done some
24 work in our deepwater marine protected areas, you
25 know, they've only been able to, they haven't had
26 the resources to go into those areas on more than
27 an annual basis. So, you know, we're trying to
28 supplement what the Agency can do with what
29 fishermen have offered to do.

30 CHAIR FARCHETTE: Tom.

31 MR. NIES: Hi, Michelle. Thanks. I
32 got sort of an odd question. I mean, this sounds
33 like a very interesting program. And I'm
34 wondering, as you were developing it, did you run
35 into any questions or concerns about whether
36 having a council manage a science program was
37 consistent with the terms of our grant?

38 MS. DUVAL: Well, the short answer
39 would be, no. But you do bring up an interesting
40 consideration. I think, I mean, I see us and,
41 you know, Gregg may want to offer some thoughts
42 here. But I see the council as really being the
43 facilitator in this process.

44 So, we're still relying on scientists
45 to provide their input on the data needs, and
46 using a willing group of stakeholders to fill
47 those data needs.

48 So, I mean, right now our staff

1 actually runs the SEDAR program in the Southeast.
2 So John Carmichael has that program up, you know.
3 It's just, the cooperators are all three of the
4 Southeastern Councils plus HMS, the Commissions,
5 et cetera.

6 CHAIR FARCHETTE: Follow-up?

7 MR. NIES: Sort of getting off that
8 one. I'm not going to go down that road any
9 further. But, you know, you touched a little bit
10 on it when you said this is going to take
11 resources from you to one of those programs to
12 organize it or coordinate it, facilitate it.

13 Has your science center committed to
14 housing the data, and that sort of thing?
15 Because, you know, I don't really know what the
16 citizen science is going to be. But if you talk
17 about water temperature, or whatever, have they
18 talked about housing the data, and agreed to
19 that?

20 MS. DUVAL: So, I mean, one of the
21 things that we've tossed around is whether or not
22 -- And, I mean, at the workshop itself was
23 whether or not ACCSP would have the ability to
24 house that data.

25 I mean, it's, you know, it's, the data
26 storage warehouse role is one that they play for
27 us anyway. So, could that be expanded somehow?

28 CHAIR FARCHETTE: Eileen.

29 MS. SOBECK: So, thanks for that
30 report out, Michelle. And thank you for
31 including some of our senior science folks.
32 Because I think, you know, your presentation and
33 the discussion shows that this is an area that
34 everybody's really interested in.

35 But nobody knows quite how to kind of
36 walk it into actual operation. And I think you
37 guys are struggling with a lot of issues in a
38 really thoughtful way. And I really appreciate
39 that.

40 Because I think what we don't want to
41 do is rush into the wrong project, or not answer
42 some of the questions like you and Tom have
43 raised about where's the data going to be housed?
44 And not raise the wrong kind of expectations
45 about how the data will or won't be used.

46 And so, I think engaging with federal,
47 state, other scientists at the get go, to make
48 sure that we have common understandings and work

1 though these issues is really important.

2 Because I think there is an appetite,
3 both from stakeholders to help, and to encourage
4 for all of the other reasons, you know, better
5 relationships, enhancing trust in our science, a
6 better, you know, creating a new generation of
7 scientists. Making everybody realize that
8 science isn't a separate category. It's
9 something that we're all part of.

10 So, I had a, we had a big headquarters
11 meeting where we got a download that's very
12 consistent with your report. And there was a lot
13 of interest and enthusiasm. So I think we're
14 thinking through with you.

15 And really appreciate you guys, the
16 effort that you guys made to put together what
17 sounds like a really informative and challenging
18 workshop.

19 MS. DUVAL: And again, we were so
20 appreciative to have your headquarters staff
21 there, and particularly Dr. Merrick. And he
22 selflessly offered up Laura Oremland as a point
23 of contact for helping us to work through, I
24 think some of those legal issues, where you all
25 have the resources to help us think through those
26 in as thorough a manner as possible, and make
27 sure we're not missing dotting any Is, or
28 crossing any Ts in that regard.

29 CHAIR FARCHETTE: Rick.

30 MR. ROBINS: Thank you, Mr. Chairman.
31 Michelle, you know, I think you all made a
32 remarkable investment as a council in this
33 effort.

34 And it's reminded to me that whenever
35 the councils are able to engage with their
36 stakeholders a lot of great things can happen.
37 And it's difficult to find the time and the
38 resources to set aside to have these types of
39 engagements.

40 But, you know, I'm just again reminded
41 that a lot of great things can come out of this.
42 I'll look forward to seeing what some of the
43 deliverables end up being as a result of this
44 effort.

45 But it sounds like you all have laid
46 some groundbreaking work through this program
47 that will ultimately yield some significant
48 opportunities to improve the fisheries in the

1 region. Plus, I think it's a great investment.

2 MS. DUVAL: Thanks, Rick. I
3 appreciate those words. And I think for other
4 councils that are sort of pondering similar
5 efforts with these questions, there are actually
6 a lot of resources out there online.

7 And, you know, we were very grateful
8 to have the folks from the Cornell Lab or
9 Ornithology, you know, with us sort of as
10 consultants to our organizing committee, to help
11 us think through, I think the, sort of the non-
12 sexy parts of a Citizen Science Program, which
13 are exactly those, you know, back end,
14 infrastructure types of things.

15 And, you know, that's what the public
16 doesn't see, what our stakeholders don't
17 necessarily see, but is really key to success,
18 you know.

19 CHAIR FARCHETTE: Any more questions
20 for Michelle? Okay. Thank you, Michelle. You
21 want to keep pushing forward? We only have one
22 or two items left. Or --

23 PARTICIPANT: Break at 1:00 p.m.

24 CHAIR FARCHETTE: Want to break at
25 1:00 p.m.? Okay. Great. Sounds good. Okay.
26 The current status of CCC Workshop and sub,
27 Workgroups and Subcommittees. We're going to
28 have a presentation by Fisheries Forum.

29 MS. LATANICH: Okay. Well, thank you,
30 Mr. Chairman. And good morning, everybody. I'm
31 Katie Latanich. I'm the Co-Director at the
32 Fisheries Leadership and Sustainability Forum.
33 We're based at Duke University's Nicholas
34 Institute for Environmental Policy Solutions.

35 So, thank you very much for a chance
36 to share a quick update on the National Essential
37 Fish Habitat Summit. That's going to be May 17th
38 to 19th at Annapolis, Maryland. And that is the
39 week directly before your next CCC meeting.

40 So, the Summit is sponsored by the
41 Office of Habitat Conservation and the Office of
42 Science and Technology. And as you know, it's an
43 offshoot of the CCC Habitat Workgroup. The
44 Fisheries Forum is leading this planning process.

45 And we know many of you. We work with
46 the councils and the Agency to plan and
47 facilitate discussions that help support your
48 work.

1 We've been planning the Summit with
2 the help of two planning groups that include
3 council and Agency staff. So a big thanks to all
4 of you who are directly involved, and those of
5 you who have contributed the time of your staff.
6 It's been great working with them.

7 The purpose of the Summit is to mark
8 20 years of the EFH authorities, and convene
9 council and Agency habitat experts to share ideas
10 and experience. And yesterday we opened with
11 some remarks about the value of meetings just
12 like this for staying informed and connected with
13 the national management community.

14 And the Summit has really similar type
15 of value. So, just from talking with your staff
16 I just want to emphasize that they're very eager
17 to share their work, and to learn what other
18 regions are working on.

19 So, I'd like to highlight a few points
20 about the approach we're taking to the Summit,
21 and how we're responding to your feedback, and
22 the feedback from our two planning groups.

23 First point would be networking. Our
24 planning groups have emphasized that we need to
25 really mix it up. So we're going to be
26 structuring conversations that give people a
27 chance to kind of have conversations across
28 boundaries, across roles and responsibilities,
29 and regions.

30 Another point is coverage. So I've
31 got the revised terms of reference up here on the
32 slide. And you'll see that there have been some
33 minor adjustments.

34 But overall we heard that it's really
35 important to spend time on all of these topics.
36 So, I just want to emphasize that we will stay
37 focused. So, our job is to invest time and reach
38 out, and figure out what are the most valuable
39 conversations to have for each of these topics.

40 A third point is inclusion. So, this
41 is a national workshop. It's important for
42 Summit discussions, and the examples we share, to
43 be useful for all regions and all levels of
44 information availability.

45 And finally, fourth point would be
46 focused discussion. You asked for this to be a
47 working meeting. And we heard this very strongly
48 from our planning groups as well. People don't

1 want it to be a symposium. They don't want to be
2 just talked out. They want to be active
3 participants.

4 So, we plan to use short talks really
5 as catalysts for discussion, and not the main
6 ingredient. And also, rather than having a
7 distinction between speakers and audience, we'll
8 really consider all participants active
9 participants and contributors to the discussion.

10 One thing I wanted to add is that our
11 staff are working on a series of short EFH
12 profiles. And these will be just short, concise
13 two page backgrounders on each region's approach
14 to identifying and reviewing EFH. The hope is to
15 provide some context going into the Summit.

16 What we heard very clearly from our
17 planning group was, don't sit us down and have us
18 give half our presentations on how we do EFH
19 reviews. Let's get to the good stuff, and make
20 the best use of our time.

21 So again, our staff are leading this
22 process, and will be doing most of the work.
23 We'll just be checking in with your staff through
24 conversations.

25 So, together these four points about
26 networking, coverage of topics, inclusion of all
27 regions, and focused discussion capture what I
28 think we can do really well with the EFH Summit,
29 which is share regional ideas and approaches, put
30 our heads together, reflect on what each region
31 has learned about the use of EFH authorities, and
32 begin thinking ahead to how our use of EFH
33 authorities may continue to evolve.

34 So, I sent around a draft agenda a few
35 weeks ago. And this was divided into two
36 segments. The first part is, where are we now?
37 And this section will focus on EFH identification
38 and review. And this was a very high priority
39 for council staff in particular. They really
40 wanted us to spend some time on this.

41 The second portion of the agenda is,
42 where are we going? And this section will look
43 at the effective use of EFH authorities in a
44 changing environment.

45 And this was really a high priority
46 for everyone, for council staff, science center
47 staff, regional office staff, and headquarters.
48 So, this will be a series of explorations looking

1 at advances in habitat science, communication
2 around EFH consultations, opportunities for EFH
3 authorities to support and reinforce ecosystem
4 productivity and resilience.

5 And finally, pathways for
6 collaboration and information sharing. So,
7 that's a really quick snapshot. But that
8 reflects a lot of information, and a lot of
9 conversations with lots of people.

10 So I want to share some quick
11 reminders and information, and just make sure you
12 understand the invitation process, and have a
13 chance to ask us any questions.

14 So again, the Summit's going to
15 include participation by councils, regional
16 offices, science centers, and headquarters. So
17 we're trying to reach a very, very big group of
18 people.

19 So, in order to facilitate that
20 process we sent invitations to leadership at each
21 office, each region, and each council. So, for
22 our council folks here, we sent those invitations
23 to executive directors and council chairs. And
24 for regional office staff we sent those to your
25 habitat assistant regional administrators.

26 Just want to emphasize, since there
27 have been some questions, we look to leadership
28 to be our point of contact, and to help spread
29 the word. The target audience are really your
30 habitat staff.

31 So, in those letters of invitation we
32 asked each region to support the participation of
33 three to five attendees. And just to be very
34 clear, that's three to five each. So, per
35 council, per region, per office. Understanding
36 that participation's going to vary.

37 And that's just a target. Some
38 regions may send five, some may send one. So
39 it's really up to you. So again, if you do the
40 math, three to five people, understanding that
41 there will be some variation, that still works
42 out to that target size of about 80 people that
43 you've asked for.

44 So, for councils, your participants
45 might include council staff, council members, and
46 advisors with habitat responsibilities. I know
47 some councils are interested to send SSC members
48 or advisors. This is really up to you.

1 Each region is free to send whoever
2 you think will benefit from the Summit or may be
3 able to contribute. Again, this is just really
4 open ended. But we're happy to talk with you if
5 you have questions about your participation.

6 And your target for registration is
7 April 1st. So, for Agency participation we
8 anticipate that that will most likely include EFH
9 coordinators, and other who are directly involved
10 with the use of EFH authorities.

11 I'm going to make this very clear, the
12 group travel deadline is imminent. It is this
13 Monday, close of business February 29th. So, for
14 all participants, all the information you need is
15 in that email, the letter that we sent earlier
16 this month.

17 And again, we're trying to reach a
18 really, really wide cross section of people. So
19 we're looking to you for your help getting the
20 word out there and spreading the invitation. So,
21 we appreciate your help.

22 And finally, on public participation,
23 this is a public meeting, and there will be a
24 Federal Register notice. And we will accommodate
25 interested members of the public with advance
26 registration.

27 And a request to councils, we're
28 asking you to serve as a point of contact to your
29 stakeholders just by adding the Summit to your
30 council calendar or newsletter, something like
31 that would be great.

32 So finally, I wanted to just note that
33 we've included a placeholder for opening remarks
34 in the draft agenda, on behalf of the CCC. And
35 this is just a way to demonstrate that this is a
36 shared Summit, and includes Agency participation
37 and council participation.

38 It would be great to acknowledge your
39 support and all of the input you've given on the
40 terms of reference. So, if you'd like, I'd
41 encourage you to think about someone who's
42 interested to attend, and would be willing to
43 speak from a CCC perspective.

44 So, thank you for your time. I'll
45 just close by saying that we've talked to a
46 really wide range of people. And there's just so
47 much enthusiasm for the Summit. And your staff
48 see a lot of value in this meeting. So, thanks.

1 And I'm happy to answer any questions.

2 CHAIR FARCHETTE: Thank you. Any
3 questions? Dorothy.

4 MS. LOWMAN: So, Katie, and maybe I
5 just, you were going kind of fast, and I may have
6 missed it. But you said something about a group
7 travel deadline being next Monday?

8 MS. LATANICH: Yes.

9 MS. LOWMAN: And then I'm thinking
10 that the registration is April 1st. So the
11 deadline is April 1st. So I'm trying to, you
12 know, and we were going to have a little bit of
13 discussion of this at our March council Meeting.
14 So I'm just, if you could clarify that?

15 MS. LATANICH: Yes. Good point of
16 clarification. So, we give a council -- Well,
17 let me go the other way around. So the travel
18 request deadline is only for Agency staff. So
19 you have to complete a group travel request since
20 there are a large number of people participating.

21 For council participation there's no
22 hard and fast deadline. We said April 1st just
23 to give people a target to shoot for. But there
24 is no deadline associated with travel.

25 CHAIR FARCHETTE: Miguel.

26 MR. ROLON: You mentioned that in,
27 that it would be a good idea to have the CCC
28 perspective presented at this meeting, at the
29 Summit. So the question to the group is, do you
30 think it's a good idea?

31 And probably we will be asking for one
32 volunteer to go there and give that perspective.
33 And then the other council can help talk more, or
34 whatever it is that's needed. So that
35 representative will go over what the CCC interest
36 is in this effort.

37 CHAIR FARCHETTE: Bill.

38 MR. TWEIT: Thank you, Mr. Chair.
39 I'd certainly be interested in representing the
40 CCC. There may be others who are interested as
41 well. But I think this is a worthwhile effort.
42 And I've been able to help participate in some of
43 the planning.

44 CHAIR FARCHETTE: Okay. Does any --
45 Michelle.

46 MS. DUVAL: Yes. I've been able to
47 participate in some of the planning with Bill as
48 well. And, you know, I'd also be willing to do

1 that. But I'm happy to defer to Bill since he
2 spoke up first.

3 And I know that my attendance is going
4 to have to be limited, based on having a State
5 Commission meeting going on at the same time back
6 home. So --

7 CHAIR FARCHETTE: So everybody -- Oh,
8 Don.

9 MR. MCISAAC: Thank you, Mr. Chairman.
10 Just a question. If there is a CCC
11 representative there, what will you say on behalf
12 of the CCC who are committing to on behalf of the
13 CCC?

14 MR. TWEIT: Thanks, Mr. Chair. I'd
15 certainly start with working off of our, the
16 comments that we made previously, that have been
17 incorporated into the design of this. So,
18 reflecting that.

19 But I'm also actually hopeful we can
20 have a few minutes dialogue about how to do that,
21 maybe either through our habitat workgroup, or
22 just maybe I think Michelle and I could work on
23 drafting something that we could then just
24 circulate around.

25 I'm not quite sure of a good process
26 there. But I think certainly starting off of
27 what we've already said, and then maybe
28 developing through the habitat workgroup. And
29 then a final circulation around. That's
30 certainly at the pleasure of the CCC.

31 CHAIR FARCHETTE: Does everybody agree
32 with Bill representing the CCC? Okay. So be it.
33 Bill it is. Thanks for volunteering, Bill.
34 Okay, yes. Right. Miguel.

35 MR. ROLON: As you know, the CCC has
36 several working groups in the past. And probably
37 this time we'd like to remind ourselves which are
38 those habitats, I mean, those working groups, and
39 whether we would like to start anew with working
40 groups that will be reflective of the challenges
41 that we have as CCC.

42 And the past we have legislative
43 working group, the habitat working group. And it
44 will be reflective of the challenges that we have
45 at CCC. But it will, we always say that we do
46 not have an SSC national committee, just a
47 subcommittee of the CCC.

48 And at this time we would like to hear

1 from you which of these working groups you would
2 like to keep alive, and who would be the members
3 of that.

4 We also mentioned that here in the
5 catch share is a very interesting and very
6 important issue to habitat share workgroup to
7 prepare something for the May meeting.

8 So, do we still need to have a working
9 group of catch share? Are we satisfied with what
10 we discussed this morning? What is your pleasure
11 regarding the working groups?

12 CHAIR FARCHETTE: Chris. Chris Moore.

13 MR. MOORE: So, I think to the direct
14 question, Miguel, about the catch share working
15 group. I think after our discussion this
16 morning, I don't think we need to have one at
17 this point. I think that we had some indication
18 from the Agency that they'll reach out to staff
19 as appropriate. And --

20 (Off microphone comment.)

21 MR. MOORE: Sure. I think we had
22 indication from the Agency this morning that
23 they're going to reach out to council staff as
24 appropriate. So I don't think at this point we
25 need a working group.

26 CHAIR FARCHETTE: Kitty.

27 MS. SIMONDS: And I don't think we
28 need the SSC group anymore. Because that was,
29 you know, that was an issue that we had. And we
30 resolved that. And, but I think we should keep
31 the legislative group.

32 But nobody can remember who chaired
33 that the last time. I chaired it once. But that
34 was years ago. I think it was you, Chris.
35 Didn't you chair the legislative committee?
36 You're the most recent one. But we haven't met.
37 Because Don and I were on this committee.

38 CHAIR FARCHETTE: Rick.

39 MR. ROBINS: Thank you, Mr. Chairman.
40 Kitty, as I recall we had, our council simply had
41 to lead by virtue of the fact that we were
42 chairing the CCC that year, that we were dealing
43 with the potential re-authorization.

44 So, you know, we did take a lead in
45 putting together some of those calls, and
46 developing some of the supporting documents that
47 came out of those discussions. But that was
48 simply by virtue of sharing the CCC that year.

1 MS. SIMONDS: So, maybe we should
2 continue that process. So, hello, who's in
3 charge?

4 CHAIR FARCHETTE: Doug.

5 MS. SIMONDS: Caribbean.

6 CHAIR FARCHETTE: Oh, I'm sorry.

7 MR. GREGORY: So are you, I apologized
8 the other day. And you were going, now you're
9 going to make me apologize in public for not
10 doing anything with the legislative working group
11 last year. I mean, how can I follow the Mid-
12 Atlantic Council?

13 So, what I did is, in an attempt to
14 try to save face was, I engaged Dave Whaley to
15 try, to keep track of legislation and stuff. And
16 I did that after the June council, June SSC
17 meeting where I met him. So that's what happened
18 to the legislative committee.

19 MS. SIMONDS: Okay.

20 MR. GREGORY: It just faded away.

21 MS. SIMONDS: Yes. Well, no, you just
22 continued the whoever, whichever council is in
23 charge. So this year it's the Caribbean Council.

24 MR. ROLON: Well, we'll be happy to do
25 that. And probably what we should do is to rely
26 on the advice of Dave Whaley on factions in the
27 Hill. And see if we need it. Then I will knock
28 on the doors of each council, see if you have
29 anything to add.

30 But do we want to have the group
31 appointed now? Or at least a contact person from
32 each council? Or that be only the executive
33 directors?

34 CHAIR FARCHETTE: Dan.

35 MR. HULL: Thank you, Mr. Chairman.
36 We volunteered, or I think I volunteered last
37 year to be on the group. And I'll continue to do
38 that. And I do think it's a good idea to
39 maintain that working group.

40 CHAIR FARCHETTE: Chris.

41 MR. OLIVER: I was just, I was going
42 to say that too. I do think this, maybe not
43 today, or even, depending on how Magnuson re-
44 authorization and other issues evolve.

45 I've always thought that in general we
46 should only establish workgroups when we really
47 have something specific in front of us. But in
48 this case I think having a standing CCC

1 legislative workgroup is a good idea.

2 And whether and how often they meet is
3 going to depend on circumstances. But I think
4 that we should try to leave here with fairly
5 definitive, explicit understanding of who is on
6 that workgroup, who's in the lead.

7 My chairman, of course, has
8 volunteered to be on it. I think Mr. Whaley
9 should be an ex-officio member of it, or whatever
10 term we want to use.

11 But I do think we should be pretty
12 explicit about who's on this group, so that if
13 something comes up, and if you're in charge,
14 Miguel, you'll know who to contact and who to
15 bring into the loop. So that's my two cents on
16 that.

17 I would, I don't know if you had other
18 workgroups on the list. I think you mentioned
19 habitat. We at one time had a NEPA workgroup
20 that was very active.

21 But I think with the finalization of
22 that administrative order, or whatever the
23 vehicle was, I think that group's no longer
24 needed. So that's one we can take off the books,
25 in my opinion. That's, anyway, those are my
26 thoughts right now.

27 CHAIR FARCHETTE: Kitty.

28 MS. SIMONDS: Yes. We should keep the
29 legislative committee. And I guess I'll stay on
30 it, but I won't chair it. I'm too busy
31 testifying.

32 CHAIR FARCHETTE: Don.

33 MR. MCISAAC: Thank you, Mr. Chairman.
34 Tuesday afternoon some of the folks from the
35 councils got together. And I think Kitty and
36 Chris Oliver weren't there.

37 But that discussion did come around to
38 keeping the legislative committee, because
39 they're, we anticipated that there still might be
40 something, some need for that committee to meet
41 during the course of the year.

42 I think there was some discussion
43 about keeping the SSC subcommittee. And in the
44 May meeting, hearing about what people have
45 called the National SSC Meetings, anyway, that is
46 a matter of the CCC identifying a charge for them
47 to do.

48 The Pacific Council is the next in the

1 rotation on that. And so, I think that Tuesday
2 afternoon discussion was, keep that group. And
3 in St. Thomas hear from people about a
4 recommendation of their charge. And then
5 schedule that meeting sometime over the course of
6 the next year.

7 I think that discussion also talked
8 about disbanding all the rest of the workgroups,
9 including the habitat workgroup, which just a
10 moment ago got resurrected out of the grave, I
11 think, by Mr. Tweit's conversation.

12 So I think it's consistent with all
13 the NEPA workgroups and the other ones, is to
14 wait until there's a charge, and not have a
15 variety of lingering workgroups around, who may
16 or may not have any particular duties.

17 With regard to the legislative
18 workgroup, I think the Pacific Council has an
19 interest and involvement. I'm not sure we're
20 quite ready to identify a name at the moment.

21 CHAIR FARCHETTE: Miguel. Doug.

22 MR. GREGORY: All right. Last year at
23 this meeting we talked about the National SSC
24 Subcommittee, in choosing locations, and times,
25 and topics for discussion.

26 So at some point, I mean, I guess if
27 topics don't come up, then we don't have a
28 meeting of that. So, okay. I was just reviewing
29 my notes. Because I remember we discussed it
30 last year.

31 CHAIR FARCHETTE: Tom.

32 MR. NIES: I'd like to nominate my
33 Vice Chair for the legislative working group.

34 MR. STOCKWELL: Second. Signed,
35 sealed and delivered.

36 CHAIR FARCHETTE: Michelle.

37 MS. DUVAL: Well, I'll volunteer on
38 behalf of the South Atlantic to be involved with
39 the legislative workgroup as well.

40 CHAIR FARCHETTE: Chris. I mean, I'm
41 sorry, Rick.

42 MR. ROBINS: Thank you, Mr. Chairman.
43 I'd also be willing to serve, although I would be
44 a short timer in the role. But I would be glad
45 to serve on the committee as well.

46 MR. ROLON: So, in summary, we will
47 keep the legislative working group with the
48 volunteers. I will circle this on the list, make

1 sure I have the right names. We agree the
2 leaders, following the advice of Dave Whaley, in
3 case something comes up.

4 We will discuss it with this group.
5 We will scratch all the others, except for the
6 subcommittee and the habitat. Because of the
7 Summit on EFH. And Bill will be working probably
8 with those members, make sure that we have the
9 right idea presented at the Summit.

10 And then with the SSC, the committee,
11 we'll keep it alive until May, so they can
12 present a schedule of next activities that they
13 would like to undertake.

14 And at that time also you mentioned
15 that we write to refresh the minds of everybody
16 about the terms of reference of the CCC, and how
17 we deal with these committees and subcommittees.

18 So for the May meeting we'll have an
19 agenda item that will include a report from the
20 SSC Subcommittee. Maybe habitat and the
21 legislative, if we have something to present to
22 you, definitely we will have it for your
23 consideration.

24 CHAIR FARCHETTE: Okay. Thank you.
25 Other business? Tom?

26 MR. NIES: Yes, Mr. Chairman. I don't
27 know if we want to do it now, or by email. Did
28 you want to solicit ideas for agenda items for
29 the May meeting? Do you want to talk about that
30 at all today, or do it later?

31 MR. ROLON: Actually, that was my next
32 topic. Somebody told me that NMFS will usually
33 send agenda items. So we will expect that to
34 Brian for the May meeting? Okay. So that's
35 done.

36 And then I will circulate among the
37 EDs any -- all the agenda items that we have.
38 And I would like to close this by April 15th. So
39 we can remember April 15th, IRS, and this one.
40 Because remember, we have to advertise this in
41 the Federal Register. And we need 22 days, or
42 whatever, to give the public notice.

43 So far I have for an agenda an update
44 Catch Share Program, the items. I have SCC terms
45 of reference. We would like to discuss that. We
46 have a stock status. It's something that Gregg
47 wanted to include in the agenda. So I will do
48 that part. And that's it so far.

1 For the meeting also in May, we are
2 going to be celebrating the 40th anniversary of
3 the council. And we will have an activity there
4 in the evening of the 25th. I will send that to
5 everybody.

6 We already have the hotel, Frenchman
7 Reef at St. Thomas. It will be \$199 plus taxes.
8 And they are giving us three days before, three
9 days after, in case you want your significant one
10 accompany you. And you will enjoy the U.S.
11 Virgin Islands, or the British Virgin Islands
12 next door.

13 And basically that information, the
14 hotel may, they have a glitch on their web page.
15 But they're fixing it now. So by next week I
16 will circulate that to everybody. And have the
17 facility, either have the facility for you to
18 make the reservations.

19 CHAIR FARCHETTE: Sam.

20 MR. RAUCH: I just wanted to remind
21 the councils that we had released a number of
22 bycatch documents right before this meeting. And
23 we agreed to keep the concrete open at least
24 through the CCC meeting in May. And so, I think
25 it would be appropriate to put those on the
26 agenda as well.

27 MR. ROLON: Okay. Chris.

28 MR. OLIVER: A comment and a question.
29 I think we at least have to have some type of
30 placeholder on the agenda for legislative update

31 --

32 MR. ROLON: Yes.

33 MR. OLIVER: -- depending on what may
34 transpire between now and then. Just with regard
35 to logistics, you're going to send us information
36 for that room block, Miguel? And when I was
37 looking at their website I couldn't, I was a
38 little confused.

39 Because part, one part of the hotel
40 was like an all-inclusive thing where you pay X
41 amount, and they furnish all your food and such.
42 But we're not doing that part. Is that correct?

43 MR. ROLON: Yes.

44 MR. OLIVER: Okay. So I just wanted
45 to make sure.

46 MR. ROLON: For us it's easier for all
47 the council to just have it the way we do
48 everywhere, without the all-inclusive. Because

1 when you do the all-inclusive it's quite
2 expensive. And you end up paying \$14,000 dollars
3 for meals. And it's --

4 CHAIR FARCHETTE: Tom.

5 MR. NIES: Thanks, Mr. Chairman. I
6 think we, one agenda item that we might want to
7 talk about, and I'll talk to Gregg. Because I
8 think we can kind of pull it together with his
9 suggestion.

10 It's a little bit of a discussion
11 about how best scientific information is
12 determined, and the interaction between the SSCs
13 and the Agency with respect to that.

14 Now, we might want to talk about that
15 through email, or something. I don't know that
16 we want to get into it today. I mean, maybe this
17 is old ground, and it's just that Gregg and I are
18 relatively new, and aren't familiar with the
19 discussion.

20 But it's an issue that both of our
21 councils have an issue with. So it may be
22 worthwhile talking about.

23 CHAIR FARCHETTE: Dan.

24 MR. HULL: I think yesterday we talked
25 about reviewing again the conflict of interest
26 regulations, a review of what kind of next steps
27 in recusal determinations.

28 CHAIR FARCHETTE: Rick. Gregg.

29 MR. ROLON: No, Rick.

30 CHAIR FARCHETTE: Rick. I'm sorry.

31 MR. ROBINS: Thank you, Mr. Chairman.
32 A lot of times at the Annual Meeting in the past
33 we've had a bit of a round robin discussion about
34 things that are currently hot items in front of
35 each council.

36 And that could include initiatives or
37 recent successes, or challenges, et cetera. But
38 I feel like in that type of forum we do learn a
39 lot from each other. And I would just suggest we
40 have that type of item on the May agenda.

41 I don't know that we need to have that
42 twice a year. I mean, at some point that might
43 be too much. And yet, doing it once a year I
44 think is a good opportunity for us to see what
45 the other councils are working on, and glean from
46 that experience.

47 MR. ROLON: Yes. Some of you also
48 told me that rather than having all the councils

1 doing the round robin, just to make it voluntary.
2 So you have something that you want to share with
3 the other council we will have that place in the
4 agenda. That way we won't be repetitive of what
5 we had done before.

6 Another one suggested to me to talk
7 about, what have we done in the last 40 years,
8 and what are the challenges for the next 40
9 years? And that will be part of the banquet.

10 We were, let me give you a little bit
11 of what I'm going to have at the banquet is,
12 started this big, now is this small. And we want
13 to keep it very brief. There we will honor one
14 of our oldest Secretary Directors.

15 PARTICIPANT: That is not oldest.

16 MR. ROLON: Sorry. And given that the
17 Caribbean is the old council we are selfish, and
18 we are going to honor at the beginning our first
19 chairman. And probably one of the only two
20 members alive of our first council.

21 Mr. Viridin Brown, some of you know
22 him, he has a deep voice and a good presence.
23 So, I believe he will be a good Master of
24 Ceremony. After that he will just introduce our
25 honoree.

26 And then we talk about having a,
27 similar to what they do in the Oscars, we will
28 have an In Memoriam PowerPoint presentation. So,
29 we will have just that PowerPoint going. And at
30 the end we will have a toast on behalf of
31 everybody have been working with us in the last
32 40 years.

33 At the beginning NMFS used to be the
34 enemy. Every time I went to talk to NMFS, going
35 back to my council meetings there, why is the
36 enemy doing? Then I have to report. Now we have
37 been partners.

38 And I believe personally that for the
39 last several years, ten or 15 years, we have
40 become real partners. And like a family, we are
41 not in agreement all the time. And sometime we
42 have issues that are not resolved that easy.

43 It's like my wife and I for the last
44 44 years. But we keep trucking along, and
45 working together. And really we are actually
46 grateful for that. And we should be keeping
47 working together as much as possible.

48 And our last four years we did a lot

1 of good. We made a lot of mistakes. And we have
2 learned from all of them. And certainly the last
3 four years we have developed new strategies.

4 We have the Smartphones, iPad, new
5 stock assessment technologies that we can
6 celebrate. So, for that meeting, the next
7 meeting, if you have an idea how to convey that,
8 put in the agenda, please let me know.

9 Also on this is, the last thing. Some
10 of you are leaving in May. Some of the people
11 around the table will be done in May. So I
12 encourage each one of those councils that have
13 members that will be terminating their period in
14 August 11th to think about something that we can
15 nice about these people. And bring it to the
16 meeting in May.

17 And that's about it. I will keep in
18 contact with the Secretary Director, make sure I
19 have the right list of topics. The agenda will
20 be for two full days. And if we need a half a
21 day on the 27th, depending on how we set up this,
22 we will have the agenda then for half a day on
23 the 27th.

24 I will have transcriptions. I will
25 have a person that do nothing but transcribe the
26 meeting minutes. So we will be able to share it
27 with everybody, and make sure that we capture it,
28 what we need to do, what we didn't discuss at the
29 meeting. Thank you, Mr. Chairman.

30 CHAIR FARCHETTE: Thank you, Miguel.
31 Chris.

32 MR. OLIVER: Just to clarify, Miguel,
33 that the actual meeting dates are the 25th, 26th,
34 half a day on the 27th?

35 MR. ROLON: Yes. And usually we have
36 an informal discussion prior to the meeting. So
37 we will have that facility for us, and also for
38 NMFS. And they will have a separate room. And,
39 you know, it's informal.

40 By the way, the attire for the meeting
41 is tropical, casual tropical. You don't have to
42 have a suit and tie. But for the banquet I will
43 take pictures. So please use a suit and tie so
44 it looks nicer.

45 And we will take picture of each
46 council, and then all the people together. And
47 then they will with the NMFS. So it will be
48 something to remind you what we are celebrating,

1 and what we will be celebrating in May.

2 CHAIR FARCHETTE: Yes. And casual
3 tropical does not include flip flops. I'm sorry.
4 Anything else from the committee? Rick.

5 MR. ROBINS: Thank you, Mr. Chairman.
6 I just wanted to note that we regret that Lee
7 Anderson hadn't been able to be with us this
8 week.

9 And he's been out with some medical
10 considerations. But we are very hopeful that he
11 will be 100 percent and back in action for the
12 May meeting. So we hope to see him back there in
13 May. Thank you.

14 CHAIR FARCHETTE: Dorothy.

15 MS. LOWMAN: Thank you, Mr. Chair.
16 And I just wanted to say that, you know, every
17 once in a while we have a discussion about
18 whether this February meeting should be by
19 webinar or something. And I firmly believe that
20 it's really important for us to be here in
21 person.

22 But it does take a lot of effort for
23 that to happen. And so, I do want to recognize
24 the efforts of Brian Fredieu and all of the NMFS
25 folks that helped on site here, as well as all of
26 your efforts to get together with, and get the
27 agenda together, and all of your efforts
28 throughout this year to, you know. Because it is
29 a big undertaking to be chairing this and be in
30 the lead for the year. So, thank you.

31 CHAIR FARCHETTE: That calls for an
32 applause. Kitty.

33 MS. SIMONDS: I have one last comment.
34 Yesterday when Dr. McIsaac said a few nice words
35 about me, about an hour later I started to get
36 emails from people. The first email came from
37 the Pew Uncharitable Trust, sorry, the Pew
38 Charitable Trust.

39 And they said, Kitty, congratulations.
40 We need to celebrate. I said, sorry, I just
41 replied, I just said no. So I got about five
42 emails. And I scolded this guy for talking about
43 me.

44 But I thought you guys would find it
45 funny that it was the Pew who, they were the
46 first, that was the first email I got
47 congratulating me.

48 CHAIR FARCHETTE: Don.

1 MR. MCISAAC: Just to be clear, what
2 she was getting emails on was congratulating her
3 on her retirement. And there was some confusion
4 there when I was saying that the Magnuson Act at
5 four years is going to celebrate and honor
6 somebody who's been around for the full 40, and
7 deservedly so, and the rest of it.

8 But the confusion was some people were
9 breaking some champagne about a retirement that
10 they were hoping was going to happen. But we
11 will not see that retirement any time soon,
12 fortunately for the group here.

13 And one last thing, Mr. Chairman, in
14 closing, congratulations to yourself for the
15 stern gavel. And Miguel and Marcos, these three
16 iron men held the group together for four
17 straight hours Tuesday afternoon, and now have
18 driven the cattle through lunch. And so,
19 they're, it's a strong group of iron men up here
20 at front. So, congratulations on running a good
21 meeting.

22 CHAIR FARCHETTE: Thank you. Thank
23 you. But I'll make sure we have our breaks in
24 the Caribbean. Well, I want to thank everyone
25 for the participation and all the hard work. And
26 productive meeting. And I'll see you in paradise
27 in May. Thank you very much. This meeting is
28 adjourned.

29 (Whereupon, the above-entitled matter
30 went off the record at 12:38 p.m.)
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In the matter of: Council Coordination Committee

Before: NOAA/NMFS

Date: 02-25-16

Place: Washington, DC

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