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,

NOAA Fisheries.

MS. MENASHES: Emily Menashes, NOAA Fisheries.

MR. MOORE: Chris Moore, Executive Director of Mid-Atlantic Council.

MR. ROBINS: Rick Robins, Chair of Mid-Atlantic Council.

MR. LUISI: Mike Luisi, Vice Chair of Mid-Atlantic Council.

MR. HULL: Dan Hull, North Pacific Council Chairman.

MR. OLIVER: Chris Oliver, North Pacific Council Executive Director.

MR. TWEIT: Bill Tweit, North Pacific Council Vice Chair.

MR. BALSIGER: Jim Balsiger, Regional Administrator, Alaska.

MR. TURNER: Bob Turner, Sustainable Fisheries, West Coast Region.

MS. LOWMAN: Dorothy Lowman, Pacific Council Chair.

MR. MCISAAC: Don McIsaac, Pacific Council Executive Director.

MR. POLLARD: Herb Pollard, Pacific Council Vice Chair.

CHAIR FARCHETTE: Okay, thank you. Okay. I've got some people in the back. Do we have a mic?

MR. HANSEN: Don Hansen, Pacific Council.

MR. WITHERELL: Dave Witherell, North Pacific Deputy Director.

(Off microphone introductions.)

CHAIR FARCHETTE: Okay, thank you. Before we begin I'd like to thank Brian Fredieu and the NMFS staff for all their hard work in putting this meeting together. And before we begin we'd like Don McIsaac to come to the head of the table.

We would like to honor him for his 16 years as the Executive Director who is retiring after 16 years as Executive Director of the Pacific Council. Don.

MR. MCISAAC: I'll start by saying thanks to everybody for this. I didn't quite expect right out of the gate here to get this and all these presents. This is all very nice.

You know, at one point in time I said

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And in the past 16 years I have seen that. I think things are better. I think things are better in many ways for the councils. I think things are better in many ways for the National Marine Fishery Service. I think they're better in many ways for the fish and I think they're better in many ways for the fishing communities too.

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

And I'm just wishing everybody good

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

(Applause.)

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

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

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

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

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

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

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

And I'm really thrilled that when I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and we have of course our draft National Bycatch Strategy.

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

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

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

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

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

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

So next slide, recreational fisheries.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

out by the fall, late summer or fall.

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

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

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

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

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

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

partners to get the successes out there.

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

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

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

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

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

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

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

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

Next slide. Just want to note for the

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

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

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

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

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

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

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

And then the, almost the last point

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

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

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

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

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

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

helping generate their science and management agendas.

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

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

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

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

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

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

MR. ISSENBERG: Adam Issenberg, Assistant General Counsel.

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

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

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

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

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

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

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

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

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

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

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

hearings, mark ups and the like.

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

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

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

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

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

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

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

compressed period of time to actually execute all these resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FY '13.

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

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

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

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

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

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

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

to acceptable levels of service in those areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resiliency grants.

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

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

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

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

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

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

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

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

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

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

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

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

(Applause.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DR. DOREMUS: Thank you, Don. Much

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

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

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

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

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

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

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

CHAIR FARCHETTE: Okay. I have Doug.

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

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

did early in the year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

But generally speaking I think the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR FARCHETTE: Gregg.

MR. WAUGH: Thank you, Mr. Chairman.

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

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

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

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

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

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

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

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

little bit further.

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

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

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

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

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

CHAIR FARCHETTE: Thank you, Terry.

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

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

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

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

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

But we are doing a presentation in the

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

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

DR. DOREMUS: Yes, yes.

MR. STOCKWELL: Thank you.

CHAIR FARCHETTE: Thank you. I have Chris Oliver.

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

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

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

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

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

CHAIR FARCHETTE: Eileen.

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

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

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

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

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

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

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

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

CHAIR FARCHETTE: Tom.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

number.

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

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

CHAIR FARCHETTE: Kitty.

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

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

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

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

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

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

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

We're looking around the country. So

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

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

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

MS. SIMONDS: Okay. So within a month?

MR. RISENHOOVER: Hopefully.

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

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

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

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

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

CHAIR FARCHETTE: Chris.

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

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

it's through a NEPA vehicle.

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

CHAIR FARCHETTE: Doug.

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR FARCHETTE: Eileen.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. LOWMAN: Thanks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We try to get out, have workshops on

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DR. DOREMUS: Thank you, John.

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

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

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

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

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

CHAIR FARCHETTE: Don.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR FARCHETTE: Tom.

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

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

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

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

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

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

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

thorough as yours, but it's very similar.

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

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

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

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

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

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

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

CHAIR FARCHETTE: Thank you, Paul.

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

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

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

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

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

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

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

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

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

and anticipated agenda for the upcoming session.

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

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

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

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

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

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

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

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

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

We also passed our Magnuson Stevens

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

last year or so.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the bigger issue of Magnuson.

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

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

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

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

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

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

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

It's a hearing on the President's

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR FARCHETTE: Miguel.

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

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

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

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

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

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

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

CHAIR FARCHETTE: Chris.

MR. OLIVER: Yes, I wasn't, I was in the air when you gave your testimony yesterday. Sam, I think it's a question for you. But it's about the NS1 guidelines.

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

MR. RAUCH: Thank you. As I told the Senate yesterday we have, the comment period is closed on NS1. We had an enormous amount of comments and it's taken us a long time to work through all those.

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

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

CHAIR FARCHETTE: John Bullard.

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

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

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

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

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

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

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

MR. BULLARD: Thanks, Matt.

CHAIR FARCHETTE: Doug.

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

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

CHAIR FARCHETTE: Kitty.

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

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

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

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

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

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

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

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

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

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

MS. SIMONDS: Papahanaumokuakea.

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

actual designations without there being significant community support and significant Congressional support.

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

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

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

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

CHAIR FARCHETTE: Rick.

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

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

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

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

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

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

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

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

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

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

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

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

said we needed and try to provide that.

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

CHAIR FARCHETTE: Paul.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

further along or further behind than they were before?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If you move in that, if we all move in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR FARCHETTE: Don.

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

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

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

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

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

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

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

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

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

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

backfill.

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR FARCHETTE: Kitty.

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

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

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

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

MR. LAPOINTE: That's an important question.

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

another question but I think Sam answered it for me.

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

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

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

MR. LAPOINTE: Under ER, yes.

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

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

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

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

MR. LAPOINTE: In most cases, yes.

MS. SIMONDS: So it's theirs.

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

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

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

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

fishery.

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

MR. LAPOINTE: I will do that.

CHAIR FARCHETTE: Sam.

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

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

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

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

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

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

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

MR. LAPOINTE: Thanks.

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

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

so.

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

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

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

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

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

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

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

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

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

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

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

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

Just another plug for the regional electronic technologies implementation plans. We've just refreshed the ET website. And I've got that new URL in the presentation for your access in the future.

But as George identified in his presentation, these regional electronic

technologies implementation plans are really the link for driving all of these implementation proposals and projects in the next several years. This is just a different way that George presented the information.

But again, we have the four EM programs that have been implemented in Alaska, the one EM program for Atlantic highly migratory species and then you see our plan through the regional implementation plans for 2016, 2017 and 2018.

For ER the story is a little bit different. We have many more electronic reporting programs already implemented across the country. And with kind of a call out for the charter fishery in both the south Atlantic and Gulf of Mexico identified for 2017 and/or 2018 implementation.

So the outlook for electronic technologies is that the Agency is strongly committed to using these technologies to improve the timeliness and accuracy of fisheries dependent data collections. We are working with the councils and all other partners to develop these technical solutions that meet the monitoring needs of individual fisheries and that we're allocating more than $9 million in the next fiscal year to facilitate this implementation.

So now I'm transitioning to the budget information. So we have, as Dr. Doremus has mentioned, we prepare Spend Plans for each of our budgets.

And the Spend Plan for the National Observer Program budget to determine the allocations to the regional Observer Programs is based on maintaining historical funding levels of regional Observer Programs based on Congressional guidance. And we distribute some of the funds equally across the Observer Programs.

So that some of the funds typically are used to support a variety of high priority Observer Program needs that can change on an annual basis. For example, the electronic technology projects that I've just described and additional Observer sea days to address emerging management challenges.

We've already had a brief introduction for the FY '17 President's budget we're

requesting an additional 1,000 observer sea days. So these funds have been used to supplement regional Observer Programs to ensure that their operations can continue in a manner similar to the previous year, but also be flexible enough to respond to emerging priorities.

So I would also like to make a note that direct comparisons across the regional programs are difficult to make because the programs are different. They're fundamentally different in their sampling designs, the types of fisheries that they cover and in particular the percent observer coverage requirement in the different fisheries.

So I recognize that you didn't get this presentation ahead of time as you have for several others so we'll take our time on some of the more number heavy slides like this one. So this is the same, similar if not the same slides you saw in the presentation I made at your last meeting.

And so this is the budget structure for how Observer, the regional Observer Programs get their funding. So we'll just starting kind of at the top and working our way down. So there are about seven different PPA or sub budget lines that are congressionally directed to specific geographic or regional areas.

So for instance the top line, the Atlantic Coast Observers is split between the northeast and southeast. And that split is in, is based on Congressional direction.

The next one East Coast Observers is completely targeted to southeast. The, excuse me Hawaii Longline Observer Program money specifically is directed to the Pacific Islands. The North Pacific Observer Program also over $5.5 million goes towards the Alaska Observer Program.

Northeast at over $8 million goes to the northeast. I'll skip the National Observer Program for a moment and come back to that. Two more budget lines for the South Atlantic/Gulf Shrimp Observers over $1.7 million goes to the southeast for that fishery. And then the West Coast Observers gets over $4.8 million.

There's also another budget line, the reducing bycatch. And this table only incorporates the portion of that overall budget

line that comes to the Observer Program. And that is basically equally distributed across the different regions with a slightly smaller percentage that goes to the Science and Technology National Observer Program Office that I manage.

So returning back to the National Observer budget line. So this one along with the reducing bycatch are the two that are not targeted to a specific geographic region. I mentioned that the reducing bycatch line has an equal 14.4 percent split across the regions with a slightly smaller percentage to the National Observer Program.

But then turning to the National Observer Program budget line, these funds typically are used to support a variety of high priority Observer Program needs that change or can change on an annual basis. Again, I mentioned electronic technologies or changes in how the program is designed, that the sampling design changes as it did in Alaska in 2013 with their restructured Observer Program.

More funds were needed to fund that first year of fishing. So as I mentioned, many of, much of this, of that budget line is based on the historical allocations from Congress. They also incorporate changing priorities on an annual basis and then also includes a component of an equal split across the programs.

So this is the 2015 budget. 2016, I'm showing in comparison to 2015 and you can see that again, we're fairly much at the level funding. The one component that has changed in kind of the accounting process is that the reducing bycatch observer line has moved from kind of outside the program observers in training overall budget line to inside.

But essentially it's unchanged. We want to point out that these numbers are not final. As Paul mentioned in his presentation we're still awaiting approval of the higher level Spend Plans which is why I didn't go through the exercise of showing you these breakouts for 2016 since we don't have those numbers as final yet.

So I have some limited information on average sea day costs. This was requested by the councils. We know that the at sea costs are

estimated at a range between about $710 per day and over $1,400 per day.

However, in most regions the Observer provider companies hold their actual at sea daily costs as proprietary information. We don't collect that information and we don't publicize it.

One feature here to note is that where the at sea costs transition from NMFS to the fishing fleet we can easily expect that industry will be able to negotiate lower rates. We believe that this is or we've heard that this is happening in the northeast for the at sea monitoring program and perhaps the northeast council members can help with providing additional detail on that if it's available.

There are a lot of, when I reached out to the regional Observer Program managers to kind of talk about the issue of their at sea daily costs, each of them provided a laundry list of caveats that are associated with what types of information are included in the at sea costs versus the infrastructure costs.

That's not standard across the programs so there could be a little bit of apples and oranges when you compare the rate in one region with the rate in another region. So in terms of the Observer budget outlook we've noted that the budgets have been level funded and that most of the regional Observer Program budgets have been hard wired by Congress although there is flexibility to reprioritize funds as are identified based on our, kind of national priorities.

And this flexibility gets at some of the issues that we hear that the council members raise, for instance, Kitty, you know, was requesting additional NEPA funds because there's a priority in her region. And if we hard wire all the funds we don't have the ability within the fiscal year to respond to needs as expressed by the regions and the councils.

Another takeaway from this Observer budget outlook and I'll go into it in a little bit more detail, but as designed by the councils the costs in some of these observed fisheries are gradually transitioning to industry. In 2016, NMFS support of at sea observer costs are being

phased out into fisheries, in the west coast catch share fishery and in the north east at sea monitoring program and you likely have heard a lot about the latter.

So the councils requested quite a bit of detail to be reported back to them at this meeting. We're just not able to provide that level of information in terms of specific costs as they're budgeted out.

We just don't parse the budget in that fashion. So what we've done is we've highlighted the catch share fisheries around the country, identified the councils associated with these budget numbers and the percent observer coverage.

So let's just look at the northeast, the top line. You see that we have observer coverage in the range of zero to 20 percent. In FY 2013, the industry coverage of the at sea costs was 22 percent of the total. And then moving forward to the other, to the far bookend in FY 2015, you see that has increased to 30 percent.

And with the phase out in 2016 of the Agency's coverage of the at sea costs we expect that number to continue to go up. Similarly for the Pacific we mentioned that the Agency's assistance with covering at sea costs is ended in 2016. We expect to see that trend also to continue.

So for the Pacific Council the range of observer coverage is between 20 and 100 percent for their trawl rationalization fishery. And in FY '13 the industry contribution was around 22 percent. It's now as of FY 2015 at 37 percent and we expect that number to go up, the percent to go up in 2016.

For southeast the observer coverage levels are very low in the three to five percent. They are not covering their at sea costs due to a redesign of their program that shifts the coverage from at sea to dockside.

In the North Pacific you have up to 100 percent coverage. Starting in, just looking at FY '13 the industry coverage of those costs were at 41 percent and that has grown to 63 percent as of 2015.

And then looking at the total overall you're seeing that general, gradual transition

from 28 to 41 to 43. And I can't quite project what it will be in FY '16. But we expect it to move up.

The note that I want to draw here is the overall relationship of the industry coverage of the at sea portion relative to the observer coverage rate. You know, these are in some instances 100 percent observer coverage. Part of the design of the program by the councils was an acknowledgment that the industry would pay for those at sea costs.

And in conclusion, the observers and training budgets have been level funded. We're anticipating any potential increases in future budgets we mentioned we may see another $1 million or so that would translate into approximately 1,000 observer sea days would be apportioned across the regions.

The idea here is that we want to, we would use those increased observer sea days to increase the number of observed fisheries with adequate coverage. So we have a number of fisheries that have less than adequate coverage. We want to kind of raise them up over the bar.

The transition of at sea observer cost to industry will continue and that the $7 million in Congressional appropriation in FY '16 along with the base funds that the Agency continues to put towards EM and ER in FY '15 is about $2.9 million. Those funds will facilitate EM and ER implementation across the regions consistent with the Agency's policy directive on electronic technologies and fishery dependent data collection. And with that I will be happy to take questions.

CHAIR FARCHETTE: Chris.

MR. OLIVER: Thanks, Jane. That was very helpful information relative to some questions we had asked previously. Can you go back one slide where you say observer funding for catch share fisheries?

Do you know what's included in that North Pacific number because when you look at the industry percentage 58, 63 percent that seems low. But I guess you're only talking about catch share fisheries specifically. I guess I was trying to --

MS. DICOSIMO: That's correct. And we

just used the catch share fishery just to simplify this discussion because if we tried to list every observed fishery we couldn't fit it on the screen.

MR. OLIVER: Yes, I was getting at, what I was getting at is it would be interesting to know what those percentages are if you just said all fisheries in each region lumped together not tried to make a, in other words you could make the chart the same size you would have to add a bunch of stuff up I guess because some fisheries in the North Pacific there's boats that carry observers that participate in catch share fisheries and non-catch share fisheries.

And so I don't know how you parse that out. But I was more interested in the program percentage share if you did all fisheries but maybe that's a separate exercise.

MS. DICOSIMO: Okay.

MR. OLIVER: I did have one other question since I'm here. Where you said the regional distribution is hard wired, the regional observer program budgets are hard wired by Congress, does that mean like they actually have line items or for example we have $12.3 million in the National Observer Program.

Does Congress actually specify how that gets distributed within region?

MS. DICOSIMO: It does not specify it for that budget line.

MR. OLIVER: For that budget line, okay.

MS. DICOSIMO: But there is a component of that budget line that we do follow historic, Congressional direction for part of that allocation. So partly hard wired and then partly not hard wired.

CHAIR FARCHETTE: Chris Moore.

MR. MOORE: Jane, thanks. Can you go back to that slide that Chris was looking at? So what, do you remember what fisheries are included in the northeast? We get uncomfortable when we get lumped in with New England. We like to be separated. So I'm just curious which ones those are.

MS. DICOSIMO: I know there was the groundfish fleet, the surf clam and scallops. And I'm remembering a fourth line but it escapes

me at the moment. But I could easily check my notes at the break or follow up.

CHAIR FARCHETTE: Gregg.

MR. WAUGH: Thank you, Mr. Chairman. Chris, we share some of your discomfort when we get lumped in with our good friends from the Gulf because many times people see southeast but that effectively means Gulf.

And, Jane, as we move forward it would be very helpful for us to be able to talk about what's being spent in our councils' area of jurisdiction as we talk with the industry about how we might need to address bycatch and bycatch reporting into the future. We're going to need to be able to explain to them here's what's being spent now.

And maybe you can get that and get it to us subsequent to this meeting. That would be very helpful.

MS. DICOSIMO: I can certainly reach out to the Observer Programs to see if they in fact budget according to council jurisdiction. But I will certainly follow up with you on whether they do or don't.

CHAIR FARCHETTE: Tom and then Doug.

MR. NIES: I'm not comfortable being lumped together with the Mid-Atlantic, I guess. I've got two questions here. One is more a comment than a question.

I'm a little concerned about describing these as catch share programs with industry funding because I think in the northeast region in 2013, '14 and '15 the only fishery that had industry funding was the scallop fishery and that's not a catch share program. So I'm a little unclear about this slide represents.

My question is, do the centers or the regions provide an estimate of how much money they actually need to accomplish the observer coverage that's required? And if so, is there, obviously you say the funding has been kind of flat.

Is there a comparison somewhere that shows how much is being provided to each region and what proportion of the need is being met in each region or however you divide it up?

MS. DICOSIMO: Well we don't track that at the national level. That information may

or may not be available at the regional program information. I can just generally answer the question.

If I asked any program manager if they have enough money to meet their sampling needs they're going to say, no. They routinely say, no because we have these discussions when we're looking at potential changes to the budget. Does anybody have enough? None of them have enough.

CHAIR FARCHETTE: Doug.

MR. GREGORY: Thank you. Thank you, Jane. That was a good presentation. I have two questions. One in Slide 4 you talk about Congressional direction and charter for-hire recreational fishery in the Gulf of Mexico.

And the only funds that I'm aware of is I think NFWF funds to a nonprofit organization to do some sort of electronic monitoring either VMS or something with charter boats. But do you oversee that?

We would like, I would to see the proposal or the plan for that. And my other question is it seems like because you're trying to replace observers in general with electronic monitoring your office is handling most of this, how do you work with the science center let's say in the Gulf and South Atlantic where we're both trying to get more electronic data reporting from the for-hire fishery.

How do you interact with the science center in getting this money to them because right now the costs of those programs is like our big question mark?

MS. DICOSIMO: So I'm taking notes while the question, it kind of generates. I just wanted to start off with saying that we're really not anticipating that we're replacing observers with EM.

We are anticipating that we're augmenting. So just kind of setting that kind of philosophical debate aside. So, Doug, what you're asking is you would like to see more information about the specific project in the Gulf from last year that was funded by NFWF.

So this language is continuing the theme that Congress had directed how the monies that go to NFWF would have some kind of focus or priority. And so the, excuse me, the Congress is

identifying that they have a continued interest in seeing projects related to the charter for-hire recreational fishery in the Gulf of Mexico be funded.

And so when NFWF puts out, when it puts its RFP out last year and when it's going to put it out again this spring it will identify that as an area of interest to solicit proposals. I am not personally aware how public those NFWF proposals can be shared.

I don't know if somebody at the far end of the table can, has a better answer than that. But I would --

DR. DOREMUS: We'll look into that for sure.

MS. DICOSIMO: Yes, I don't think we know whether that's publicly available. Certainly the project reports that as those projects are completed would be on the NFWF, I believe, would be on the NFWF site. But I don't know what their cycle is of when those reports are due.

DR. DOREMUS: We'll definitely look at that and if it can be made available we'll certainly do that. It should be. The grant proposal should be available. I don't see any reason why not.

But it is a NFWF process so we would just want to check with them and make sure and we'll get what information we can to you.

MR. GREGORY: Thank you, because that program has been a little disruptive in the council's efforts to investigate or look into electronic monitoring data reporting. And because we had like VMS on one of our alternatives and we got some feedback from the docks that this project was going in and talking a lot about VMS and spooked a lot of fishermen.

You know, I know we can't coordinate everything. But it would be nice to kind of know what's going on in the region.

CHAIR FARCHETTE: Dorothy.

MS. LOWMAN: Jane, thanks for this. Another question on this chart on Page 14. For the Pacific Council, so what fishery, was it just the trawl catch fishery that's in here?

MS. DICOSIMO: No, also sablefish. That's where the 20 comes from and the 100 comes

from the trawl.

MS. LOWMAN: Okay, thanks.

MS. DICOSIMO: All right. Thank you very much.

CHAIR FARCHETTE: Doug, one.

MS. DICOSIMO: Sorry.

MR. GREGORY: My second question, you get electronic monitoring money that's targeted for 2017 for the southeast for-hire fishery. How do you or your program with this money interact or integrate with the southeast fishery center to make this happen because again from the outside looking in we see this national push for electronic monitoring.

Our council wants to do it as quickly as we can. But we're stymied by the lack of support, lack of money going into the regional center to develop it and implement it.

MS. DICOSIMO: So the, so it's a NFWF RFP and NFWF selects the, those proposals that they will make the awards to. They are doing that in consultation with National Marine and Fishery Service reviewers.

So we're involved in ranking the proposals, et cetera. What NFWF did last year was to, after the awards were identified they created a kind of hand shake between the award recipients and the Agency experts to make sure that the data collections in this particular instance that you're talking about that the data collected could actually be used by the Agency, could be incorporated into our existing data sets.

So there is that relationship between the regional program experts. So the folks at the science center would be working with the award recipients to make sure that they're design conforms with the data needs of the regional area and the national databases.

CHAIR FARCHETTE: Chris.

MR. OLIVER: Quickly one more thing. I keep looking at this figure. And I guess depending on which fisheries you define as catch shares and whether your denominator changes if you're allocating all of the science centers' funding, for example, those could change.

But I'm struck by the change from '13 to '14 to '15, 41, 58 63 percent for the North

Pacific. And I'm just wondering what causes that significant amount of percentage change when I think the program budget has been fairly constant. And our restructuring went into place in '13.

MS. DICOSIMO: Which is why I think that number is lower because the Agency front loaded year one's costs, at sea costs. So a footnote would have been helpful on that table to address that.

CHAIR FARCHETTE: Dorothy.

MS. LOWMAN: Thank you. Jane, one other thing on your chart of the, it's on Page 3 of the electronic monitoring.

CHAIR FARCHETTE: Microphone.

MS. LOWMAN: Sorry. So the chart on Page, yes, that one. And so that 2015 bar includes all of the different sources of funds within NMFS plus the matching funds out of NFWF and the fisheries information.

MS. DICOSIMO: Yes.

MS. LOWMAN: Anyway, so I know we don't have the Spend Plan and we don't know how it's all going to be put together. But if we had a $7 million bump in, you know, for EM do you have sense, I mean because if you look at all the sources in 2015 it's a little over $8 million.

So should we think there's probably more than a little over $8.5 million.

MS. DICOSIMO: Yes, and I think I said that on a different slide that what I expect to happen here is $7 million from the Congressional appropriation and then we've already identified at least $2.5 million in NMFS base funds. So we're at about $9.5 million just from Agency pass through our own funds not counting whatever the match might be.

CHAIR FARCHETTE: Bill.

MR. TWEIT: Thanks. Jane, right at the beginning of your presentation you mentioned also that you were hoping to have one of your sea grant fellows working on a study to look at factors that influence observer retention.

And I was wondering if you were able also to work into that factors that might also influence our ability to not just retain but actually promote observers. And as you're aware at least in the North Pacific the Agency is now

starting to set different, establish different categories of observers based on their experience and skill and limit certain duties to those higher levels.

And so we're beginning to face a recruitment problem now up the scale. So not just retention but also promotion. And I'm wondering if you're going to be able to broaden the retention study to look at factors that would help us promote because we are currently experiencing a shortage of the more highly qualified ones. And that's actually affecting fishing operations.

MS. DICOSIMO: Thank you for that question. Dr. Wang and I have had a discussion. I was up at the North Pacific Council meeting last month and heard these concerns about the lead level one, lead level two observers and the lack of availability of the lead level two.

We've talked about whether we might be able to when, through the survey vehicle once a survey responder identifies themselves as being an observer in a particular program that we can maybe then go and it calls up specific questions to that program. We're not sure the scale of the survey that we want to do at this point or what we could get through the OMB review process in terms the number of questions and when things get unwieldy.

Is it going to be an online survey or are we going to do a personal interview? So we're still at the early phases. But we appreciate those kinds of suggestions for consideration of inclusion and that's why I kind of brought it up at this group if there are issues that are specific to your council, region or Observer Program that we may not be aware of at that level of detail we definitely would like to hear it.

And Dr. Wang is scheduling calls, you know, around the country. So if you're interested in having that one on one with him let him or me know that you'd specifically like a call otherwise it might end up with, you know, your staff, the council staff person that's in charge of observer issues.

CHAIR FARCHETTE: Any more questions for Jane? Okay. Thank you, Jane.

MS. DICOSIMO: Thank you.
CHAIR FARCHETTE: We're kind of a little early here. I don't know if, it's almost 3 o'clock. Do you want to take a break or continue on? Break, I got the word. Okay, we'll break for 15 minutes.
(Whereupon, the above-entitled matter went off the record at 2:52 p.m. and resumed at 3:18 p.m.)
CHAIR FARCHETTE: Okay. We're going to move forward to bycatch strategy update, Sam Rauch.
MR. RAUCH: Thank you, Mr. Chairman. And I appreciate the opportunity to talk about this especially your dispensation that I can do it from up here without standing up there. The further I can get from the Western Pacific and the Pacific I think the better.
So we're doing good. Kitty wasn't even listening. I also, we're going to talk about bycatch for the next little bit. And before I start there's an awful lot of work on the Agency's perspective that went into these two documents led by Emily Menashes and her folks in SF, but also partners with people in protected resources in the science side.
Anything you like about these things be sure to congratulate them. If you don't like it that was all my fault. You can blame me. So the, we're going to talk about the strategy, the two documents which I apologize for getting to you late.
We actually did have a meeting several months ago about trying to roll out a number of bycatch products in series on a weekly basis this month. And it seems to be they all sort of happened in the last three days.
That's par for the course. So we tried to space them out. That didn't work. But we did commit to trying to get them to you ahead of time so we could start talking with you about these things at this meeting recognizing this may not be the last time we talk with you.
We may talk in more depth in St. Thomas at the next meeting. So let's talk about the bycatch strategy a little bit. Before I get into it let me put it in a little perspective. We jointly administer the requirement in the

Magnuson Act that we are to minimize bycatch to the extent practicable and if it's not practical to minimize the mortality.

I think that's the right terminology. Congress long ago had set down the requirement that we're trying to avoid bycatch. The councils have done a lot of great work on doing that.

Bycatch is much less of a problem today than it was when the Magnuson Act was first crafted or that has been periodically over the years in large measure to the way the council system the fishermen have embraced the idea of bycatch in that provision.

Many times we don't get, take credit for those kinds of things. We focus on the problems which we still have yet to address and don't focus on all the problems that we have addressed. And so we're mindful of that.

We want to work with you. We've talked in the past about communicating those efforts. On the Fishery Service side we have stepped up our ability to communicate the efforts and all of things that the council has done.

And at the end of this talk I'll talk about some more opportunities to highlight that. But one part of that is to actually talk about the overall national strategy. We currently have one.

It's very old. We have discussed with this group in the past the need to update that. Last June, I believe, we launched the effort to do that. We indicated that we were going to update it.

We went out for a round of initial sort of views on what should be in there. I want to talk to you about our draft proposal. We want to get your feedback on it. We'll talk about that process of how we can go forth and reiterate some of the things that are shared ideals that we have about bycatch or reducing bycatch and things we should do about it.

What other thing though that I want to talk about and its permeated this meeting and we've talked about this before is Standardized Bycatch Reporting Methodology. We've never issued a proposed rule about that since that standard has been in the act.

That has led to a diversity of approaches across the councils and many of them are appropriate. Some of them are very difficult to deal with.

We thought it timely to actually try to put down and the Agency interpretive rule on that so that as we go forward, as we continue to develop new bycatch systems, as we continue to evaluate our current systems we have some common understanding of what that looks like.

And I'll talk about that in the second half of this presentation. And both of those should be available now. I apologize that they weren't available earlier but they are in your materials.

All right. Let's talk about the national strategy. First, when we undertook this we were looking to do something similar to the way that the last bycatch strategy which is to put some high level guidance on our joint efforts recognizing that it's not only a Magnuson Act imperative, although that's often the context we think of it in, but we are, we do have a duty to ensure that we appropriately deal with bycatch of marine mammals and listed species.

And there are other relative mandates too. Accumulate those in one place. We think that there's some critical definitional things that we need to talk about. And one issue that I wanted to spend a little bit of time on is the second half of the strategy which is to encourage utilization of economic discards.

As we said before, bycatch is only the fish that you throw overboard. You may do it because you have to. Those are regulatory discards. There are certain things that we do not want you to or I shouldn't say you, that we do not want the fishermen to keep on board.

We want those to be avoided and we want them thrown over because hopefully it discourages use, it discourages targeting them and they have some chance of surviving. Those are regulatory discards.

But there's a lot of bycatch that is economic, that is legally caught the fishermen could keep it, they could land it. But for various reasons it's unmarketable or it's less marketable than what they catch.

And the easiest way to reduce that is bycatch is to make it marketable if you actually land it and sell it, it's not bycatch and then you can choose some economic value. We recognize though that there are reasons that it is not being landed or sold now.

And rather than looking at bycatch solely as a stick we shall continue to beat people over the head until you reduce bycatch by putting in evermore tighter regulatory controls we would like to look for opportunities to encourage, create new markets for this kind of underutilized economic discards to make it economical to land them, to sell them so that it is not wasted.

And that is a key part of and I think the difference between the approach we took several years ago when we did this the first time and this year. A lot of the other things are reiterated. But that is something that we do want to look towards investing in and that's part of our strategy.

So what is bycatch. So I talked about most of this. It is key, I think a lot of people do get confused as to what bycatch is. Bycatch is basically when you throw fish overboard or other things maybe it's a turtle or marine mammal.

If you leave it onboard and sell it, it's not bycatch. And there are, as we said, there are two kinds of bycatch. There is the one that we really do want people to avoid and the other one which is, it's just uneconomical.

So we think it is important to talk about it in terms of economic discards and regulatory discards to reflect that they are two different kinds of approaches and they're two different kinds of things that you might want to do about it.

Let's go forward. So when we think about bycatch there are sort of five big bins. We want to communicate about all of them that have a feedback around them and do form the basic structure of our strategy.

And we'll talk about these in a little bit more detail. But they range from monitoring and the SBRM Rule is part of that. How do you know what the bycatch is? How can you do

research to either reduce the bycatch or to make it more economical so that it's not bycatch at all?

Then there's the management side which is where the councils clearly have a role of implementing, crafting the right measures to deal with bycatch. There's enforcement of bycatch and then the councils also have a clear role in the evaluating and improving.

Are we doing the right thing? What is our goal towards bycatch? And we'll talk all those things. So the objectives. And the objectives sort of fall in line with the strategies that we talked about in that sort of graphical depiction.

But we do want to, we constantly strive to strengthen our monitoring and data collection programs. As we just talked about, those things are expense, they can be expensive.

That doesn't mean that we don't desire to do better. We want to make better use of the existing tools that we have. We want to incorporate new tools in the fishery. We have to be mindful of the cost of those things.

But it is something that we all think we need to do. And the science side has clarified some of their bycatch improvement things that we need to, there's a different report that we talked about where it highlights things that we can do to better understand what is happening out there and what is not.

It is clearly true that one of the most expensive things that we do as an agency is try to account for discards. If we didn't have to do that we would have a lot more money to do other things. A lot of the observers and everything else is because we are trying to address and understand the amounts and types of bycatch.

So part of this, the next thing is what is it that needs to be done? We talked about the monitoring. But what research do we need to invest in to meet our needs? We'll talk about that, we'll talk about all of these in a little bit more detail in the coming slides.

We want to improve discarded take estimates. We know that many fisheries have sort of default discard rates. And they, we account

for all discards. So for the fisheries that we have substantial sustainability concerns if you can improve the discard rates and find out that more fish are being discarded alive than we have estimated that may provide more opportunity for increased fishing.

But either way we need to understand those discard rates because, you know, we manage for total removals. Improve the management measures. A lot of our management measures are very course.

They, you know, set very broad targets. We can always look at ways to deal with them in a cheaper fashion or in a more targeted fashion to get at what actually we're trying to measure. We need to look at how effective they are.

We just issued National Standard 1, the proposed rule. We didn't just issue it. But a common theme for that and through the allocation discussion we've had with this group is the need to reevaluate your measures to see whether or not they meet the overall objectives of the fisheries.

The regular review part to let the public know what that regular review is because many of the things that we do, my belief is that we are imposing more costs on ourselves because they may not, many may no longer be directly serving our management need. And we also need to make sure that they're enforceable, the law enforcement is a critical component of this.

And then as we said, as this group has talked about in many ways, communicating both our successes and our challenges is important. We have the most transparent management structure in the world. And we have a lot of good stories but we also have problems and we know where those are and we are willing to engage with the public on solving them.

So those are, the strategy is there. You can look at some of these in more detail. If you want I'm happy to talk about those things. What the strategy talks about which is sort of the way that we are doing these things now.

So the national strategy is very broad. It's top level. It's high. It's high up. It does not dictate any particular action by

any particular council. And we recognize that where action needs to be taken, if action needs to be taken because as I said a lot of councils deal with bycatch on a very regular basis, it needs to be done at the regional level.

And so there's an idea that we will, like many other things, have regional plans in which will be done jointly with the centers, the regions and the councils and maybe others to look at what needs to be done in the particular region or what our vision is in the region. Are we in the right place?

Do we need to be in a different place? Those kinds of things can only be determined on a regional basis. And then that will guide us as we continue to implement the various aspects of the strategy.

So the time line. The draft strategy is available now. We had wished it was available a little sooner but it's available now. We are, will accept the comments until June 3rd. I think that allows every council except for the Caribbean to have at least one council meeting.

I am mindful of all the criticism we got earlier, the helpful criticism that we continue to do this to the councils. But I don't know at this point any better way to do these kind of things.

We do want to have this done by the end of the year. You can submit comments. We're also planning some webinars and some logistics on these kinds of things. So that's the strategy.

And before I take questions on the strategy let me just go ahead and finish the presentation with the other aspect and then I will deal with all the questions entirely. So the other thing that we have put out today which we did tell you was coming but we didn't give it to you until today, as this SBRM Rule.

So the Magnuson Act does require that every fishery management plan establish standardized reporting methodology to assess the amount and type of bycatch in the fishery. This is not a new requirement.

This has been around for a while. And each one of you have this in some manner or in some degree of formality. Some of you have a specific SBRM amendment. Others of you just have

the elements of an SBRM program in a broader amendment, a broader plan.

But all of you have this in some manner. And all of you are looking at this. And some councils are looking at this more often than others. Some councils get told they have to look at it more often than others often with the help of, the guidance of the court system.

But we've never interpreted it. It has just sort of grown up, the what is required and what is not required, has sort of grown up over the years. We've never put out a statement as to what should be in there.

And as the SBRM funding becomes more and more critical we just heard about the observer funds, a large portion of our observer funds where the Agency is spending the money goes to standardized bycatch reporting methodology. Where you're doing other kinds of things those are more the kinds of things that the industry is going to pay for.

But the Agency has traditionally said the SBRM is a requirement. It's a requirement by statute. It is at the moment covered by appropriations. So it is important to understand what is the SBRM requirement.

The SBRM requirements are not the requirements to do a full catch accounting of the fishery. It may be that you want to do that in some kind of fisheries. You may need 100 percent observer coverage. You do not necessarily need that for SBRM.

And we have been over the years very loose about these kind of things and that creates uncertainty. And so we wanted to put out some guidance on this to help both the public and ourselves understand what SBRM is and this is a good time to do that in the context of our broader efforts to address bycatch.

It is clear, as we've said before, that understanding the amount and type of bycatch is important if we are going to actually meet the Magnuson Act standard of minimizing the bycatch. So what does this rule do?

So first of all we define standardized reporting methodology that is part of, to make it clear that we're only talking about the bycatch part of the statute. We're not talking about

standardized reporting methodology for other kinds of catch counting which is something that we commonly confuse.

So this is reporting of bycatch. We define that. We clarify the procedures for documenting that. And one of the things that is clear is that we want to make sure that what the councils are requiring for SBRM meets the management objectives they've laid out for the fishery.

It is not, we don't observe bycatch just because we want to do it. We do it because we're trying to meet a management objective. And the tools that we use should meet that objective.

We want to be clear that the SBRM requirements are adaptable. The councils currently have a wide range of ways that they deal with it. And in some manner the rigor, the cost and rigor of it does tend to match the need.

There are some fisheries in which bycatch is not that significant of a problem. So the cost of SBRM should reflect some understanding of whether bycatch is important in the fishery or not.

So there's a lot of flexibility. So we want to make clear is that there's not a one size fits all. You do not all have to do what New England is having to do with their SBRM amendment, although you can. That certainly is, there's nothing wrong with their SBRM amendment.

But that may not be the model for everybody else. So we talked about this. What is the reporting methodology? It means a standard way to collect, record and report the data.

It can vary. So you can have two different fisheries in a region in which your standard procedures will vary. There needs to be a reason for why it varies. But it can vary and you just need to provide a consistent approach to collecting, recording and reporting the data.

The purpose, as I said, is to inform the assessment of the amount and type of bycatch. You may want observing requirements for other things, which is fine. But this is a statutory minimum. And so if we are not meeting the statutory minimum there become consequences for that.

So it is important to be clear about what observing requirements or what monitoring requirements are out there for bycatch versus other kinds of monitoring requirements because it's the difference between frankly a should and a must have. So we need to be clear on that and that will only help us all in the long run.

So the contents of the FMPs and I will, let me just cut to the chase. There is no requirement immediately to go change every FMP. We do recognize that many councils have already got all this down already. To those that don't we do have an implementation phase in of I think five years to help you get this recognizing that this is guidance on this requirement.

But you do need to address these things at some point here and you need to state what the SBRM, the standardized reporting methodology is. As I said, you already all have one. So you need to make sure it's clearly stated so people can understand what it is.

Explain why that's appropriate for that fishery based on some required discretionary factors which I think will be obvious to you when we look at them. And you can incorporate existing analysis or other documents.

So you can, there's a lot of flexibility how you want to do it. But the point being is you need to articulate, make sure you have articulated for the public and everybody else what the SBRM is and that you've considered this.

So the required factors, recognizing that this is a mandate. So you must be able to say that the SBRM is meeting your purpose which is to assess bycatch. Think about the conservation and management objectives related to bycatch.

Think about what is different between the bycatch part of it versus the other kind of purposes. You need to think about the data quality that you're getting. Do you need to be absolutely, do you need 100 percent observer coverage?

Do you need to know how every fish is caught? Sometimes you do. Sometimes we're dealing with an endangered species in which it is critically important that you account for every

one of them.

Sometimes it's not that important to be that precise and account for every one of them and we can go back towards one of the sampling methodologies that we have. Most of our SBRM programs only monitor a percentage of the fleet.

And from the percentage that we monitor we extrapolate to bycatch. That is perfectly appropriate in many fisheries. But so you need to figure out what data quality, what are you trying to aim for. And thinking about it in terms of what is the minimum required to meet your objectives.

And you need to think about the bycatch characteristics of the fishery. Is this a fishery that interacts all the time with, you know, where bycatch is a common occurrence or is it a rare occurrence? How important is that bycatch?

As we said, endangered species bycatch may be far more important. Dealing with the regulatory discard issue may be far more important than dealing with the economic discard issue understanding the exact number of economic discards, the environmental consequences may not be nearly as great as understanding exactly how many endangered species you're catching.

So you need to, as you're dealing with these issues think about that. And also you have to consider feasibility. This is something that is key. You cannot impose an SBRM requirement that we or the fishermen cannot afford.

We just talked about our observing resources. We talked about our monitoring resources. You could theoretically impose 100 percent observer monitoring requirement on every fishery. We can't afford that. But that would be one way to be 100 percent accurate in terms of bycatch.

The statute does not require that. It does allow through, but in crafting SBRM requirements we need to be mindful that the cost of the requirements are a consideration in terms of how we build this program. It is a consideration right now in the programs that we have and it should be a consideration as you look at news ways to assess bycatch and work continuously to deal with councils who are

addressing a new bycatch issue and who want 100 percent observing requirements.

That may be great. But we can't pay for it. And so the real question is what do you do if Congress won't pay for it? Are you going to charge the fishermen? If the fishermen refuse what happens? Did you really need 100 percent to begin with?

These are questions to deal with. You have to consider these things as we create new programs and we evaluate the effectiveness of existing programs.

So other things you consider the overall magnitude and economic impact of the fishery. Do you need to impose a hugely cost prohibitive program on a fishery that is very small? Maybe you do, I don't know.

These are things that you'll have to look at. And you'll have to look at those scientific methods because in particular the methods that were available ten years ago, 20 years ago are vastly different. We are a lot more able to target things and we've talked about the camera systems as opposed to human observers.

That is an important determination in going forward. They have different capabilities. Do we need humans? Maybe we do. Do we, can we get away with cameras? Maybe we have. Sometimes the cameras are more expensive.

So these are the kinds of things you need to take account and I reiterate these are things that the councils traditionally do take into account in doing these things.

All right. Implementation schedule. So the FMPs currently need to have, may include a process for adjusting implementation periodically. We're looking at this. We've said everything in an FMP should be subject to some sort of periodic review.

This would be one of the things. You could look at the ways to adjust. And one of the reasons you might want to adjust is based on changing the fishery dynamics, the participants in the fishery. But also you may want to adjust it based on funding changes.

So you could look at ways to change the SBRM requirements based on the changing external conditions or internal conditions to the

fishermen. And you could describe limits on how the council would determine whether or not to reevaluate the whole program or, you know, much like the catch share review we were talking about just because you review it doesn't mean that you have to go through a full plan amendment.

You may just say we reviewed it and it continues to meet the objectives that we're managing for. Everything is good. But you should be able to articulate what sort of considerations might warrant a fuller review.

We suggest that the FMPs be consistent with this rule within five years. Many of them are now. Many of them just require some sort of relabeling which would be fine. Some things, some councils may want to look at this rule and assuming it's finalized add different or alter their SBRM program.

But once it's, once the initial review is done then like everything else we would recommend that the councils periodically review this program as we recommend the councils periodically review everything that they do. The outcomes. So assuming we've finalized the rule we would have more consistent national approach to SBRM.

We would be better able to articulate what is an SBRM requirement versus other kinds of requirements. And the policy choices would be a lot clearer at the council process and we would better match those policy choices to the available funding which has been a big issue so far.

I'm about to stop and take questions. But I do want to alert you to a number of other things that have come out in addition to the strategy, the rule. We've got a Release Discard Mortality Action Plan which helps us try to clarify of the fish that were thrown overboard how many of them die.

Are there things that we can do about that? What do we need to do about, how do we better assess that? We have a Bycatch Reduction Engineering Report to Congress. So there is a, the BREP Program, the Bycatch Reduction Engineering Program which is a congressionally mandated program in the Magnuson Act which it's an external grant program for us to work with

industry and others to do gear modifications to help us reduce bycatch.

We do report to Congress every year. We do a funding every year. The preproposals for this year are coming up. And then we've got the National Bycatch Report. We've talked with this group on a number of occasions about this bycatch report.

That is sort of our report card about how much bycatch is actually going on, how much we've improved, where the problems still are. We have been in the process of bringing that report up to date with more modern information. It's a lengthy process.

Did that just come out? That just came out. So that's out there online. And I think that's it. So I'm happy to take questions or more likely throw questions over in that general direction. Questions.

CHAIR FARCHETTE: Chris.

MR. OLIVER: Yes, Sam. On the SBRM rule I'm trying to envision what it implies for us in terms of what we're going to need to do as a council, as a staff, the workload. I was thinking back to the ACL requirements and what we had to go through to amend our FMPs to basically formalize what we had already been doing for many, many years.

So we have a very, I would say, elaborate, robust catch accounting system, electronic reporting requirements, Observer Program requirements. Is it a matter of more, simply more clearly articulating that because I think what we have in place does what is intended here?

I just fear we're going to have to go through a big plan amendment process to do something that we're already doing.

MR. RAUCH: Yes. Our vision if you are already doing everything that would meet the, some councils have SBRM amendments. I don't recall what yours is. If you've got an SBRM amendment like the northeast does and it meets all these requirements there's no need to do anything.

If you don't have an SBRM amendment but you've articulated the elements of the SBRM program that meets this, I don't know that you

need a plan amendment to tell us that. But it would be important that you tell us that.

If you don't think you've actually met all these requirements and, you know, recognizing that this is guidance and it is a mandatory duty, then you might want to think about a plan amendment to actually create some of those. But I do not know, I cannot recall the details of this.

And I just want to be clear that we did not do this rule because we thought any council was deficient. All right. We know there are a lot of questions in the public. There's a lot of court cases out there right now about this.

We thought we should put out guidance. But it does not imply, nor should it imply that any particular council is currently deficient in any of these aspects.

MR. OLIVER: So and I, this is kind of a silly question. But when you talk about requirements for reporting bycatch, do you see that as requirements upon the industry for how they report or as opposed to how we, I say we the collective we as an Agency, NOAA Fisheries who implements the provisions and the regulatory requirements that we have in place for catch accounting those aren't, in many cases it's not reporting by the industry.

It's collection and reporting of that information by the Agency. So it's a, it's not so much a requirement to report upon fishermen. I --

MR. RAUCH: I think different councils can do this differently. You can, the requirement is to have a standardized way to report bycatch so that we understand the amount of bycatch.

One way to do that is to require the industry to report and to have some sort of, that's what the observers do. The observers basically act as a check on the industry, you know, basically are the industry log books.

But the observers, particularly if they're federal observers, you may obviate the need for any industry input. All we're looking at is observer reports. I think that's what we do sometimes.

Sometimes we don't have observers and we're relying on the industry to report it. That is an issue I think the councils can address. I know the North Pacific has a robust way of doing that. We're not suggesting that you have to change that.

But I am suggesting that it can be different. There are plenty of fisheries out there that do not have observers in which we rely heavily on either industry reporting or other kinds of reporting methodologies to do this. And I'm not suggesting that's wrong either. But we just need to think about what it is that we're doing.

CHAIR FARCHETTE: Gregg.

MR. WAUGH: Thanks for that presentation. One of the first questions I know we're going to get as we look at this is what is the level of discards in our council area. And I went and looked at the second update and maybe someone can guide me to the spot where I can find that because I couldn't find it.

MR. RAUCH: It was just posted yesterday. So I don't know. I will help you try to find that information. And the bycatch report data, I think this is the third iteration of that, that we did.

And the first iteration was data through 2005 or something like that. The second one was for I think 2010. This one I think is through either '12 or '13. So we're getting closer to real time.

But it still does not reflect, part of the criticism with the 2005 one is the councils had done an awful lot since then that weren't captured. And even so, the councils deal with bycatch an awful lot now.

A lot of the regulations and amendments that we see coming through deal with bycatch. So even the latest iteration will not be completely accurate because it won't deal with the latest kind of measures that you've put in place.

But we'll work with you on sort of a council specific where that is.

CHAIR FARCHETTE: I have Rick and then Dan.

MR. ROBINS: Thank you, Mr. Chairman.

Sam, thanks for the presentation. In the northeast region the SBRM amendment was ultimately subject to judicial review. And as a consequence of that litigation I think the effect it's had on us is that it's greatly limited our flexibility in terms of prioritizing observer coverage.

And so I'm just curious to know how the guidance on this will relate to that, the fact that there's some litigation history at least in our region on SBRM. I mean guidance isn't going to supersede case law.

But what's the relationship going to be between Agency guidance and the fact that there's some litigation history on that?

MR. RAUCH: Well the, I think we do address this in the rule. It is clear that the northeast SBRM, the joint northeast, Mid-Atlantic, New England Mid-Atlantic SBRM rule and efforts have been subject to the most intensive judicial scrutiny of any of them.

And many of those are fact based inquiries and we do not intend for this rule to, as you say, supersede any judicial pronouncements. Those, the judges in those cases made the rulings that they did.

The councils responded in the ways that they did. And I think those are likely to not change any of that. I will mention that the latest iteration is under court challenge again.

But it would provide guidance as to, as you are either looking to create new monitoring systems or to evaluate existing monitoring systems, what I think we're trying to do is articulate what about that court case is a generic, national pronouncement and what of that court case is a very fact specific issue to that case.

Some of the things that are required and were done in that case do not necessarily, in our view, have national applicability and we are trying to articulate some of that. But we want to be respectful of the court decisions. We don't intend to try to overturn any of those decisions.

MR. ROBINS: If I may follow up. I appreciate that. And I guess one final thought on it. I'm trying to think through whether, if

there's an initiative to reduce economic discards and I hear the, you know, the term underutilized species and things like that as part of that discussion, you know, I wonder if that ends up potentially being in some tension with the broader push towards EBFM and EAFM approaches to managing fisheries.

I mean on the one hand they could be complementary. On the other if it led to targeting of species that are not currently being utilized, you know, that could potentially be in some conflict with that.

We're in the middle right now of an action, as you know, to address unmanaged forage fisheries within in our region. And this is where, you know, when you discussed potentially underutilized species they may also have an important ecological role.

So, you know, I'm just hearing it for the first time but wondering if there's potential for tension there. Maybe that's something to keep in mind as this process goes forward.

MR. RAUCH: Yes. Our intent is not to increase the catch on these, on currently uncaught species. But if the species are currently being caught and are thrown overboard dead, then that's wasteful.

If they're going to be done anyway that way we would like to create markets for those kind of species so that things that we would allow to be caught, mindful that these economic discards are discards that currently we do not believe create an ecological, environmental sustainability issue.

They are perfectly fine to catch them. They are just being thrown overboard by the fishermen because of economic reasons. If they're dead anyway we would rather they be brought back and some use made out of them.

But those are complicated issues, right. This is, I think this is an issue where you are seeing more and more interest from the policymakers to try to get more fish and to try to use all the resources of the fishery.

That's one of the things that we would like to explore. But we are mindful of that. I mean if the concern is ultimately we don't those fisheries, those species caught then they should

be in the regulatory discard and we should look for ways to avoid catching them.

So that's why we're trying to recognize the distinction between those two types. And if it's a regulatory discard or should be we do want to be very vigilant and create better mechanisms to avoid or minimize that.

MR. ROBINS: Thank you for that important clarification. I appreciate it.

CHAIR FARCHETTE: Dan.

MR. HULL: Thank you, Mr. Chairman. Thanks, Sam, for the presentation. Back in June we provided some extensive comments on the bycatch web page and the National Bycatch Report as well as some ideas about what might go into the policy and implementation plan.

And I'm just curious to know since just received this information and haven't had a chance to look at the web page, for example, to what extent were our comments taken into consideration in all those. Are you expecting us or would like us to provide comments on those components again?

MR. RAUCH: Well if we didn't take them into account then you have an opportunity and please reiterate them again. But, Emily, do you have a better answer? I don't have your comments in front of me so I can't track them. Emily, do you recall?

MS. MENASHES: No. We could look into that. I mean we got a series of comments on a really broad scope if you remember what we put out in June. It was a pretty wide range of getting input on people's bycatch concerns, ideas, priorities, that type of thing.

So it wasn't a rulemaking so we didn't necessarily do a specific response to comment on the input we got. But tried to put it all together in addition to a lot of internal analysis and data gathering we did to help sort of scope what the strategy was.

So we didn't specifically, you know, respond to comments. But we could certainly pull those and be happy to talk with you about what got in, what didn't, if there was a reason. But, yes, absolutely we would want comments on the strategy here if there was something really

significant you raised that you don't feel got addressed.

MR. HULL: All right. Thank you.

CHAIR FARCHETTE: Kitty.

MS. SIMONDS: Thank you, Sam. In 2003, we amended, we did an omnibus FMP amendment that included the standardized bycatch reporting methodology and all of that. And since that time, you know, we've made these changes to, for sea bird bycatch, turtle bycatch, sharks and all those kinds of things.

So just quickly looking at the new strategy I think it's really good. I mean sometimes we're always afraid you're going to come out with something that raises the bar so high we can't do it.

But we've got wiggle room in here for our weakest fisheries because in the islands we do creel surveys and those kinds of things. For pelagics, you know, we have an overload of data.

So I think what we have to do is right now we're reviewing all of our FEPs. So we'll just have to see how things measure up with the old and the new since we're redoing these plans.

MR. RAUCH: As I said, I'm not responsible for anything good in there, only the bad things. Emily is responsible for all the good.

MS. SIMONDS: I forgot that's right. No, no thank you, Sam.

CHAIR FARCHETTE: Any more questions for Sam? Hearing none. Thanks, Sam. Okay. We'll go to the NMFS and NOAA General Counsel review of council conflict of interest regulations. And I think Adam.

MR. ISSENBERG: Thank you, Mr. Chairman. So I've got a short presentation on the recusal issue and then hopefully they'll be an opportunity for all of you to provide your input on this.

So this issue was the subject of discussion at the last meeting in Key West. I think the trigger for the interest in this was two appeals from recusal decisions in the North Pacific Council.

Those were the first appeals that we had in, since the recusal provision was added to the Magnuson Act in the 1996 amendments. And I

think that puts some focus on the issue.

So to start with just by way of introduction and a refresher, the provision that was added or prior to 1996 there had been a requirement for financial disclosures. And as long as council members disclosed their financial interests there was no prohibition on voting on any matter.

In 1996, Congress added the recusal provision which required not only disclosure but that an affected individual not vote on council decisions that would have a significant and predictable effect on a disclosed financial interest. And the statute went on to define, to provide some further guidance on what was a significant and predictable effect.

But it still left that open for quite a bit of interpretation. And so the Fishery Service developed a regulation that set a ten percent threshold. The ten percent rule is the basis for determining whether a recusal is required.

In addition to the regulations, there are also Fishery Service policy directives and the cites for those or the links for those are at the bottom of the slide there. The other background point that's not on the slide is that the, neither, the statute does not specify who makes the initial recusal determination.

But it does specify that appeals should be directed to the NOAA General Counsel. Under the regulations the initial responsibility to serve as designated official, the person that is responsible for making those determinations is assigned to an individual identified by the NOAA General Counsel and that in turn has been delegated to the individual regional councils.

So the regional attorney or section chief for each section identifies who will be the designated official for any particular council meeting. A little bit more background. So here's some information on the number of recusals over the last four years.

You'll notice that it's jumped around a bit. And there was a big jump last year in 2015. A couple of points about this. First, the vast majority of these recusals were voluntary recusals.

They were not recusals that were carried out through determinations by the designated officials at the council meetings. Now I understand that a lot of them were made in consultation with the designated officials.

Council members would talk to the responsible NOAA GC attorney and ultimately decide to recuse themselves. But most of the recusals are not carried out through formal determinations.

The other thing to keep in mind is that not all of these recusals are the result of interests in, that are related to fishery management measures. So you might have a vote on an amendment that will put in place a certain set of measures and somebody might have to recuse because they've got a particular interest that will be disproportionately affected by that particular amendment or that particular measure within the amendment.

Some of these recusals are the result of contracts, votes on contracts, things like that where a council member may have an interest in some particular matter that isn't really a fishery management measure. And I don't have specific numbers for how many of those fall into that category, but some of them do.

Just a word about the 2015 jump since that is a significant jump. And it also relates to the fact that we had these two appeals in 2015. The North Pacific Council had some change in membership in 2015 or I think actually it might have been 2014.

But the result of that was that two new members came on that had significant interests in some fairly significant fisheries and in addition those particular, there were amendments related to those particular fisheries and those particular interests in 2015.

And so the result of that was a jump in recusals for the North Pacific Council in particular. A couple of other councils also had an increase in recusals that particular year. But that's, the largest part of that increase was in the North Pacific Council.

So we had a discussion about this issue in Key West in June. And just a little bit about what we have been doing since then. We put

together a work group consisting of NOAA GC attorneys who deal with these issues from around the various regions as well as the Fishery Service itself.

We've been scoping a number of issues and have identified some potential actions to address some of the concerns that have been raised in this arena. And I've got two slides identifying what some of the things that we're looking at are.

They're grouped under, there's one slide on procedural issues. You know, how these determinations are made. And then one on substantive issues. What are the standards for making these determinations?

And before I turn to those two slides, one thing I just want to say is that in the process this working group has gotten together and met, I don't know half a dozen times over the last some months and we've talked quite a bit about how the different regional GC offices approached these recusal issues.

And, you know, I think by and large I shouldn't put it that way, I think without exception they, you know, what's come to light is that folks are carrying out these determinations according to similar standards. There are certainly differences that, in how those manifest because the fisheries are different.

You have fisheries that are very complex, have complex ownership relationships. You have other fisheries where you have many small participants, nobody approaches a ten percent threshold. And so, you know, these issues have not really come up or when they do come up they tend to be much more simple.

But where regions have had similar issues, you know, the standards are the same. There is some difference in how NOAA GC, you know, sort of approaches looking at these issues as a council meeting approaches.

And I think that's also a reflection of the differences in fisheries. You know, where you have these fisheries that have lots of small participants, you know, it's not such an acute issue and there may not be such an intense, as intense a look at the issue.

It's more of a streamlined process

than it is where you have the more complicated fisheries. So I'm going to talk first about the, what I've characterized as the process options. And these really go to, you know, the transparency of the process and the clarity of the process.

So these are a number of things we've been talking about. One is, and many of these things are already in effect in many councils. There's not necessarily uniformity across the board on all of these things. And in fact the last bullet point kind of gets to that.

Most, I think that most of the regions provide most of the councils a notice of who the designated official is for each council meeting. But I don't think that is universal. So one step that we've been considering is institutionalizing that practice of ensuring that everybody knows who the designated official is, who will be making the recusal determinations.

Another is posting all recusal determinations online so that there is an online repository of what the decisions are, what the basis for those determinations are. This would go both to the designated officials' initial determination as well as to the determination by the general counsel on any appeal.

And we hope that would provide, you know, some opportunity for folks to go and look at the reasoning for these things and, you know, see how the different regions are making determinations. And then the next is a series of points on, you know, where we would consider national guidance.

And these go both to the types of information that's considered, how it's treated. That kind of gets to, you know, are we taking those disclosure forms at face value? What type of additional digging are the NOAA GC attorneys doing?

What should they do with information if it's changed since the disclosure form was submitted? When will determinations be made? You know, one process, one problem with this is that these things tend to be made on a very expedited time frame.

The agenda for the meeting comes out. NOAA GC has a very limited time to make the

determinations. Technically under the regulations the NOAA GC has 30 days to decide an appeal.

But with the case of both of the two appeals last year that would have taken us beyond the relevant council meeting. And so GC made both of those determinations, I think, in under ten days. I think one of them we made in under four days.

And so, you know, one idea there is to try to provide a little bit of additional clarity about, you know, what the time frame for those determinations is and how we can all work together to expedite those so that if we're really pushed by an approaching council meeting we can ensure that they occur quickly and smoothly.

One thing that does seem to vary a bit around the country is what happens once an initial determination is made. Who knows about it and how is it publicized? I think some of the regions communicate it directly to the relevant council member, perhaps to the chair and executive director.

Some publicize that more broadly. And I think that's one thing that we probably should standardize across the country. And the other, related to that is when will the basis of the determination, the rationale be available, how will it be made available?

Some regions do it orally. Some do it through an e-mail. Some have a more formal document. And it may be that it's appropriate for that to vary which brings me to the next point which is developing and posting written regional procedures.

So as I said, you know, some in some regions or for some councils the ownership relationships are very complicated. It requires a much more detailed look, a much more detailed written analysis is appropriate.

We don't necessarily want to impose that work for every council action. There are hundreds of council actions each year. There are I think 72 council members. So when you look at that total number of recusals it's actually quite small.

And, you know, it would add quite a

burden to require, you know, regional, the designated official to produce a detailed written determination for some of those councils where this just really never comes up. They handle this more informally looking at the beginning of the year at, you know, who are the council members? What are their interests?

Documenting whether there's a potential for concern in that particular councilor at those particular fisheries. So to the extent it would be appropriate to have some differing procedures it might make sense to at least have the individual council or the individual regional GC offices explain why there are different procedures within the factual context of those particular councils.

So I'll go ahead and I'll describe the substantive options and then we can come back and I'm happy to just get your thoughts on any of these. So the substantive options are focused on the two main issues that came up in the appeals.

One issue was how is the affected fishery or sector determined? So when you look at the ten percent under the regulations it says an interest in ten percent of the affected fishery or sector.

And one of the questions in one of the appeals from the North Pacific Council was how do you determine what is the fishery or sector. Is it, you know, the entire fishery? It is a gear type? Is it some defined subsector within the fishery?

I think most of you will relate, you know, will understand that these are often complicated questions and it's not simple to necessarily identify what is the affected interest and how does that translate into who is actually affected by the particular action.

The appeal determination does provide some guidance on that. But I think, you know, there could be room for more explanation on that, that would provide some more predictability on that particular issue.

And then similarly the other issue that was significant in those North Pacific appeals was the question of the ten percent threshold and particularly the full attribution question. So as I said, the ten percent

threshold is established by regulation.

One thing the regulation doesn't address is what do you do when you have a council member who represents an interest that has a partial share in another entity and how do you calculate what their interest is in that company in which they have a partial share? So if they've got a 50 percent share do you attribute the entire harvest by that one company to that member or do you only attribute 50 percent?

And the longstanding practice across NOAA GC in the few regions, more than one, but a few regions in which that has come up is to fully attribute the entire harvest to the council member. That's what the initial determinations in the North Pacific held and that's the, that was affirmed by the NOAA General Counsel.

So that is the current status quo. So, you know, one question is whether to take another look at that and that would likely require regulatory change. If we, and in addition to that there are additional issues that we need to look at.

That full attribution rule is the rule that is generally applied in other contexts outside the fishery management realm in which conflicts of interest are dealt with. And then are there other issues regarding the ten percent rule?

For example, you know, is ten percent the right number? You know, I think at the end of the day any number is going to be, you know, a line and there are always going to be people that are going to be above or below that line.

That would also require regulatory change, obviously. So I'll take questions in a minute or comments in a minute. The, just a word about our further process. We are working on an action plan as to which of these steps we think makes sense to pursue.

Our goal is to have a plan that we can share with you at the next CCC meeting in May. Depending on what we move forward with some of these things we may actually be able to, you know, complete by that time.

Some of them it may be, you know, a time frame for how we're going to pursue them. Obviously is we pursue any of the things that

require regulatory change that will be a much longer time frame.

So with that, you know, I'm interested in your thoughts on any of these issues. I think just, you know, to sort of organize the discussion it might make sense to deal with the two slides one at a time. So why don't we go back.

We can focus on the process options and when we've exhausted that we can go on to the substantive issues.

CHAIR FARCHETTE: Tom.

MR. NIES: Thanks for this, Adam. I think a lot of this will be helpful once we work through it and see how it turns out. Just a suggestion on the process options.

I think it should be identified who brings forward the information that's considered. The financial disclosure forms currently don't have enough detail to make some of these determinations.

And, you know, is this the responsibility of the council member to bring the info forward? Is it the responsibility of the Agency to try and dig it up? Is it the responsibility of the council? I hope not.

But it seems that should be clarified particularly when you're talking about ownership issues. I don't know that we have the information to track that down. But even things like landings information.

You know, who is that's supposed to bring that to the table?

CHAIR FARCHETTE: Dan.

MR. HULL: Thank you, Mr. Chairman. And thanks, Adam, for the presentation. I definitely appreciate the responsiveness to the requests and letters that we've sent and, you know, the attention that you and the work group have paid to this issue as you can realize full participation by our council members who have been appointed by the Secretary of Commerce because of their knowledge is critically important.

I think the process options are all really helpful and we've already heard from NOAA GC in our region that some of those would begin. We've actually seen them in the February meeting,

some of these beginning.

So I think those will definitely be very helpful in terms of transparency and how determinations are perceived. I think it's when we get to the predictability issue that becomes perhaps more challenging.

But I'll just, since we're on this slide to begin with I'll just offer those comments.

CHAIR FARCHETTE: Yes, Bill, sorry.

MR. TWEIT: Thank you, Mr. Chair. I'd like to dive a little bit deeper into one particular issue you brought up. You sort of flagged the jump in that we saw in the last year that almost doubling, you flagged that was largely the result of the particular circumstances of the two newest council members on the North Pacific Council.

And I think therein lies a bit of a contradiction that I would urge you to take another look at. Both of those council members, part of the uniqueness of their circumstances are that they're really directly linked to CDQs, the Community Development Quota entities that the Magnuson Act established.

And the intent of the establishment of those in the Magnuson Act was that they would invest very broadly in the fishery across the range of fisheries, across the range of sectors. That's what they've done.

And that's where running headlong then into the full, the, excuse me while I'm looking up your term, the full attribution rule. And that's the problem. On the one hand we'd like to have council members who represent and understand the CDQs.

They're a very important part of the North Pacific structure. And yet at the same time they're the ones who apparently, if I'm following your description correctly are most likely to run afoul of the full attribution rule precisely because those CDQs have been doing what we asked them to do which is invest broadly.

So one member works fairly directly for a CDQ group. The other one works for a private fishing company that a while ago was simply that, a private fishing company. It is now a private fishing company with the largest

shareholder being the CDQ corporation.

And that's what I think I at least would like you to dig further into because it seems to me that on the one hand we've got a program that's succeeding very well and at the same time because it's succeeding that well it's now running afoul of not the Act and not even the Agency's rules regarding that. It's the practice of how those rules are being applied.

It's the full attribution practice. So I'm having a difficult time with that inconsistency.

MR. ISSENBERG: Thank you. We'll, I'll pass that along to the group and we'll, you know, we'll certainly think about that.

I mean I think this is, you know, this is, you know, the very tension that's built into the Magnuson Act in the first place brought to sort of, you know, a much finer point about the interest in having those who are knowledgeable and interested in the fishery participate in the process but, you know, ensuring that, you know, we deal with conflicts of interest where they reach a level of concern.

And in this particular case they really do reach a fine point. Just to the point about the full attribution rule. You know, I mean this, you know, this like any other issue this, you know, there are, we ultimately have to interpret the regulations.

The regulations don't cover every situation. And, you know, so this is an interpretation. I wouldn't necessarily describe it as a practice. It's a longstanding interpretation.

It is one that we can, you know, take a look at and consider particularly in the context of the concerns you identified.

CHAIR FARCHETTE: John and then Chris.

MR. QUINN: Thank you very much, Adam. I'm just maybe looking, I'm a little confused maybe looking for a little clarity. Part of your presentation was we should leave it to the regional GCs to make decisions.

Then up here we talk about having national guidance then have written regional procedures. So I'm just trying to understand is it, who is making the decisions on these? And I

mean kind of an offshoot of Tom's question should they be standardized forms or should the thing be nationalized?

And I'll just not to bore you with the details, I had a, out of an abundance of caution I sent an e-mail to my local GC. They sent me an e-mail back on it that was the form. And based on what you just explained, they were wrong and I was right.

So I think there better be maybe some consistency across regions on how these things are handled.

MR. ISSENBERG: Thank you. Sorry if this was confusing. You know, at the end, ultimately it will be the designated official in each region, so the regional GC who is identified as responsible for making the determination will make the determination.

Any appeal would go to the NOAA General Counsel here in DC. The idea of, and as I said earlier, the standards would be the same. If we, you know, for argument's sake let's say we keep the full attribution rule.

If that's the case then that will apply across the board. That would not change. If we have guidance on how a fishery or sector is determined that would not change.

You know, I think the question really is in terms of the context of the individual fisheries where you have those smaller fisheries where, you know, where we haven't had a recusal in years and are unlikely to have a recusal, do we need to have the same formal structure that we might have in some other places where we have much more complicated situations?

And so the point of the national guidance would be to look at what should be the same everywhere. The point of the regional procedures would be to look at, okay, are there certain things not the legal standards, but in terms of some of the process that it might make sense to have, you know, regional approaches.

MR. QUINN: Well so you're not concerned that even though there's national guidance that local GCs have difference of opinions or different interpretations thus the identical fact pattern in one region is okay, in another region it's not. I mean I think you

ought to really think of standardizing it.

MR. ISSENBERG: Well, you know, what I'll say in response to that is, you know, we have a structure in place for all legal issues in which we advise the, you know, six regions, I'm sorry, now five regions, the eight councils, Fishery Service headquarters. We have regular dialogue among the attorneys across the country.

We have standing discussions every other week among all the MSA attorneys. And we invest a lot of time and effort in avoiding those inconsistencies and talking about the fact patterns, you know, trying to ensure that where there are different results they are based on different fact patterns.

Trying to ensure that we are providing the same legal advice as to how to interpret the law. And that would apply to recusal determinations as well.

CHAIR FARCHETTE: Chris.

MR. OLIVER: I just wanted to focus and stress this full attribution point. And I think as you noted, Adam, that is not in the rule. That's a practice or an interpretation that's been fairly consistently applied.

And I respectfully submit that doesn't make it right. It would have made a big difference or would have made all the difference in at least one if not both of the recusal determinations that we were referring to and so to me that proportional attribution versus full attribution is almost a logic more than a legal question.

And I guess I just wanted to make that point and to clarify that is still something on the table for consideration is how that full versus partial attribution is still something you're considering.

MR. RAUCH: So and I should have said this at the outset, when we talked about this in June the Fishery Service committed to providing guidance on this and that was really inappropriate as it turns out. And as Adam has said, this issue is designated to the General Counsel.

In that sense General Counsel is acting as a policymaker on this and they have been very willing to work and to rethink these

issues. But it is not appropriate here to think in terms of what their position is and what is a legal policy issue.

They are exercising that policy framework here and I think one of the things I wanted to thank them for is their willingness to take what has been their policy and take input and look at changing their policy approach to this. But it really is, in this case they are the policymaker decision makers and they're looking at it through that lens.

And I think they expressed to me and I think you just heard here, they are willing to revisit that. But it is a really policy view that they are applying.

MR. OLIVER: Yes, and I just wanted to clarify that's still under consideration, whether it's a policy. Yes, still being considered and you could decide that, at some point you may decide that a proportional attribution is more appropriate for example or not.

CHAIR FARCHETTE: Adam.

MR. ISSENBERG: Yes, that is one thing we are looking at. I just and we will, you know, obviously we've heard quite a bit about it and I'll take that back to the working group and we will discuss that.

You know, at this point it is a formal legal interpretation as a result of the NOAA General Counsel's appeal decision. It is, you know, as binding on the Agency at this point as a regulation is.

Like a regulation, it could potentially change. But at this point it's not a matter of just changing our practice. I just want to clarify one point that Sam made which is that, you know, Sam is correct that NOAA GC has sort of a unique role here because we have a certain, calling it policy isn't quite right but I don't have a better term.

We have a certain role where we actually carry this out as opposed to just giving legal advice because of the regulations that assign the responsibility of serving as designated official to a NOAA GC attorney and because of the statute makes the NOAA General Counsel the appeal officer.

That said, some of this is also

carried out as a result of Fishery Service regulations. So at least to that extent the Fishery Service also has a, you know, also does have a policy role in this and that's why the work group is not an NOAA GC work group. It is a Fishery Service and NOAA GC work group.

CHAIR FARCHETTE: Tom.

MR. NIES: And I might, since we've moved onto the substantive options I've got an issue that sort of overlaps both screens here. So it seems on the substantive issues that the implication is that the only time that there's a conflict of interest that could warrant recusal is if the council member is involved in a fishing business.

And I'm curious whether the group has thought whether there are other instances where there may be a financial interest that at least should be declared on the financial disclosure form if not considered when it comes to recusals.

As an example, if you have a council member who works for an organization that is receiving sizable grants to advocate for a specific fishery management program or specific fishery management option, presumably the person issuing the grant has some sort of performance standards that says if you want this money you have to do certain things or accomplish certain things.

So it seems like there's, potentially there are financial interests that has a direct impact on the person or the person's employer that has really nothing to do with whether that person is involved in a fishing business or not. But it seems like it should be declared on the financial disclosure form so that people are aware of it.

And perhaps in some extreme cases, I'm not quite sure what they would be, there may be a time when it rises to the level of recusal. But I don't see that being addressed in this stuff.

And I, you know, looking at the financial disclosure forms it's not clear to me that someone who is employed is supposed to declare where their employer is getting his money from. So that information is not really readily available.

MR. ISSENBERG: A couple of points in

response to that. First, for this, for the purpose of this slide the first paragraph only, actually I'm sorry, it's the second, the cite to the reg there only, it summarizes the rule.

And there is, there are a number of subsections there. One of them specifically deals with processing not just harvesting. And there's another that's a bit more of a catch all. In addition to the 600.235, there's also another regulation 600.225 that mirrors the general statutory conflict of interest law which applies to all of the federal employees sitting at the table here.

And that would apply to those other situations you're talking about if somebody has, you know, works for a business that, you know, is that might receive a grant that the council is considering making recommendations with respect to the grant or, you know, even more to the point if the council, you know, is contracting for something and there's a council member who, you know, is a potential recipient of the contract or has an interest in a business that's a potential recipient of the contract that other regulation might apply.

And that's something, you know, I think there's been a lack of clarity as to the relationship of those two provisions. We have not really focused on the other one and it's something we've talked about providing additional guidance on as well.

But, you know, for, just for, you know, to bite things off in chunks we've been focusing on this piece.

MR. NIES: So I was having a little trouble and I'm not as familiar with the regs obviously as you are. But I'm not convinced the examples you used at the tail end reflect the situation I was talking about. But maybe we can talk about it later.

CHAIR FARCHETTE: Dan.

MR. HULL: On the topic of predictability just thinking about some of the conversations that we've had among council members in the North Pacific and why predictability is so important. One of the recusal determinations described how the structure of our decision has bearing on whether

there is a recusal or not.

And so that then engenders some discussions among council members well how we should we structure the analysis to avoid that? We also had, prior to our December meeting when we set the groundfish harvest specifications, questions about whether there would be recusals from those decisions because with the $2 million metric ton cap if their decision is made about moving one species up or down in terms of tack how would that be affected?

How would voting be affected? And then if in the process of being recused a council member then has the option of changing affiliations to avoid being recused then it creates a system that's just not as, it's not predictable I guess as it should be.

And it results in some amount of game playing. I think the end result of or the end goal that we should be looking for is to have a process that minimizes that to the extent, not to the extent practical but to the greatest extent possible. So just some further observations on that.

MR. ISSENBERG: And I would just respond that, you know, I think as we've been looking at these options, you know, certainly for all of our sakes I think predictability is, you know, something that, you know, we would like to strive for.

You know, like everything else I'm not sure that, you know, it's something that's attainable in every situation. But, you know, I think to the extent we can provide more transparency, more predictability that's something that we would like to do.

CHAIR FARCHETTE: Don.

MR. MCISAAC: Thank you, Mr. Chairman. I have a question on a slightly different angle if we're all done with the North Pacific and New England questions.

It's the kind of question you could probably only get from a lame duck executive director. Okay. So on the west coast, this is a question for Adam or Sam. On the west coast we have a trawl catch share program that has a ten percent or five percent free refinancing tax on the fishermen.

We have a cost recovery of three percent. That's eight. The cost recovery for one of the sectors has been proclaimed to be far in excess of three percent but there's this three percent ceiling.

So to the extent that the federal government has a greater than ten percent interest in the total harvest of this fishery will the federal seat be recusing themselves from votes at the Pacific Council?

MR. RAUCH: When did the train leave Toledo? I don't even, I don't know the answer to that question.

MR. ISSENBERG: I was going to say that I felt like I was listening to one of those puzzlers on Car Talk.

CHAIR FARCHETTE: Any more questions for Adam? Okay. Hearing none I want to thank everyone for their participation today and for taking it easy on the Chair. So we will be in recess until tomorrow morning, 9 o'clock. Thank you.

(Whereupon, the above-entitled matter 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.

Neal R Gross

Court Reporter

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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THURSDAY
FEBRUARY 25, 2016

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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

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

(9:06 a.m.)

CHAIR FARCHETTE: Good morning. Before I begin, there seems to have been a little dissension among the ranks and we had John Bullard move over from the east to the west. So he's going to justify that.

MR. BULLARD: Thank you, Mr. Chair. I wanted to explain why I changed seats. GARFO serves two councils, the New England council and the Mid Atlantic council. And those who've been here a long time know that we used to be the Northeast Regional Office.

And some people felt NERO stood for New England Regional Office and that we spent too much time focusing our attention on the New England council. And among those people was Senator Barbara Mikulski from Maryland.

And she sat on the Senate Appropriations Committee. She not only sat there, she was one point chair of it. And we found language in a budget that moved our almost 200 employees, coincidentally, to Maryland.

And we negotiated a resolution that kept our employees and their families at their home but changed our name to GARFO, Portuguese for fort. And also, committed that we would spend equal time and attention with both councils.

And so I'm very careful to spend equal time because Chairman Robins has Senator Mikulski on speed dial. And so I don't want to reprint stationary. You know, who knows, it could be MARFO next week. So hence, I'm over here, equal time. Thank you, Mr. Chairman, for allowing me that explanation.

CHAIR FARCHETTE: Thanks, Terry.

MR. STOCKWELL: Thank you, John. But from New England's perspective, we feel forked again.

CHAIR FARCHETTE: Okay, I want to welcome everyone to the continuation of the interim CCC meeting. It's February 25th, 2016 at the Holiday Inn Capitol, Washington, DC.

Okay, first item on the agenda is a Catch Share Program have new guidance. Alan Risenhoover.

MR. RISENHOOVER: Thanks, Mr.

Chairman. And before we get started, just one quick thing. I think most of you probably woke up to the news this morning with the fishing vessel being shown washed ashore somewhere on New York. So while I don't think there's a direct link to us here, you know, it does remind me of the safety issues we have with folks out there fishing.

And a week or two ago, we released a technical memo on what councils and what the Agency may be able to do within our authorities on safety. I believe copies of that tech memo are out on the table.

So just as a reminder, you know, safety's important. Take a look at that tech memo and hopefully we won't have any accidents or anything in the future.

So with that, let's start and talk a little bit about the five, seven year catch share reviews. First of all, I want to thank everybody for their extensive and helpful thoughts that you sent in on that.

I realize folks are reaching saturation with reviewing things. And in this case we were able to extend what we thought was a timeframe from late in the fall to basically I think about a couple weeks ago to give the councils a little more time to review that. So thanks for taking the time to look at that and getting us some comments.

Just a couple reminders and then I'm going to turn it over to Kelly Denit to run through a presentation here. But just as a reminder that these reviews are required by the Magnuson Act and our Catch Share policy talks about reviewing Catch Share Programs as well.

So to date there have been four reviews of Catch Share Programs, crab rationalization, Amendment 80, both of those in Alaska, gulf red snapper, and the Pacific halibut permit stacking program.

So these guidelines we put out are not a criticism of those four reviews. Instead, it's intended to be a helpful guide to do future reviews. So several of these are coming up in the near term. So we wanted to get this guidance out to provide this help.

So part of it is that, you know, the

four reviews that were done were by no means a check the box exercise, and we want to make sure that it continues that way.

The feedback we got from the councils listed a number of concerns and Kelly will address those in turn. But I think the main concern we got was that the guidance was too prescriptive, would entail too heavy a workload for the councils.

Well, a good review requires a lot of work. And again, I think all the councils intent is to do a good, solid review and not just say yes, it's okay the way it is and move on. I think your intent is to do good reviews, and hopefully this guidance will provide some ways, some thoughts, some techniques, some best practices to conduct those reviews.

So as we move forward here, hopefully we can plan to have good, solid, robust reviews of these programs. Catch Share Programs are always in the spotlight of folks. Many critics of those, and these reviews are a way to address those criticisms and make sure that you do have the best programs.

So again, we appreciate the feedback you gave us on this. We will look at that carefully, adjust the guidances as needed. But we want to make sure that these reviews are conducted in a solid fashion in the future. And hopefully this guidance provides some ideas and ways to do that.

So with that, I'm going to turn it over to Kelly and she'll run through what's in the guidance again, a summary of the comments, and then we'll be ready to answer any of your questions and concerns. Kelly, thanks.

MS. DENIT: Thanks. Good morning, everybody. I'm really hoping that no one's sticking a fork in me during this, although after Chris' comments yesterday, I did listen to a little Eye of the Tiger on the way in. So looking forward to a lively conversation around this guidance.

So just kind of wanted to talk through things. Alan kind of just gave a brief overview. The intent of the guidance is to identify the key components of the process, the document, and the questions and issues that we would like to see

addressed.

This is one place where I want to talk a little bit. There are a lot of "should" in the guidance. There were some comments that came in about well, what's really mandatory versus what's not. Our intent is to lay out all the things that we think you should look at.

There might be very compelling reasons why it's not relevant for your program. And so therefore, we don't expect that you would then analyze that. So we're going to kind of talk through that in a little bit of detail as I go through each of the slides.

So the periodicity of the reviews, this is straight out of Magnuson, and we appreciate the comments from those of you who caught our error where we had within. It is five years after the program was established for LAPPs that have been implemented after 2007.

The subsequent reviews coincide with the counselor secretarial review of the FMP but no less than every seven years. As Alan described, our Catch Share policy does state for those that are Catch Share Programs and not just LAPPs.

We do have an expectation that a review will be conducted. We think Congress was right, it's always good to take a step back and look at these programs after they've been in place for a little bit of time and you have some data to analyze and look at what have been the trends.

Process, so this was an area where there's a lot of comments from you all, which we really appreciate. The review plan, we are suggesting that you come up with your plan for how you do the review within that five year timeframe so it tees you up to begin work on the actual review five years after the program has been implemented.

We recognize that that may not be possible given other council priorities. It's a suggestion that you kind of lay out what does that work plan look like so that you can be in the best position to move forward with the review.

The review team, our intent here was to be as inclusive as possible. We certainly

recognize that the councils are going to establish their review team with the folks that they think are most relevant, and that in some cases you might want to contract out for particular work in economic analysis or to conduct some type of survey or some other type of activity that would be relevant for your review.

There's nothing in the guidance that precludes you from doing that, and we certainly think that having that inclusive review team is well within your decision making to figure out who that is. What we were trying to get at was having it be as inclusive as possible.

The interim reports, there was quite a bit of confusion about this. This was not intended to be some sort of new report that we were expecting the councils to generate.

We were referring to the annual reports that almost all of you already have for your Catch Share Programs. Generally, these are done by your regional office or your science center.

So this was not intended to be some sort of new requirement. It was merely an acknowledgment of the fact that these reports already exist and we think that those are documents that you should be taking advantage of as part of your overall assessment of your Catch Share Programs.

So we'll make some adjustments to that language to make that clearer that that's what we're referring to. This is not some sort of new requirement that we were trying to impose.

Process, we heard a lot from you guys related to this, and we agree. The review team, you know, this is kind of the motherhood and apple pie, right? You guys are going to have the review team be responsible for pulling together the data and doing the review.

We want you to make sure that those reports and those drafts are being shared as much with stakeholders as possible, which is your standard approach for your council activities.

So we will again make some tweaks along those lines to make that more clear to folks. And again, this was just our attempt to try and articulate that we want it to be as inclusive a process as possible.

The review of the final report, this was one where there was substantial comment and concern from you all about sort of the bureaucracy and what is it going to mean to have this report reviewed by all of these people.

And so we hear you. We will take that out, and we will go with the approach that has been used which is the RA sitting at the council meeting. It's a council document. The council approves it and then decides what it's going to do. So we will make that adjustment based on your feedback.

So general approach and scope, we were looking to describe in, you know, asking you guys to look and describe and analyze the effects that have taken place since the baseline time period. That's mainly for those who are doing their first five year review, referring to that kind of pre-implementation timeframe.

We understand for those of you who have had programs that have been in place for longer, that that's not a relevant comparison at this point. If your program's been in place for 20 years, you don't necessarily want to go back to that.

So we had in there language that refers to or your last review. So I just wanted to highlight that because that was another place where there seemed to be a little bit of a misunderstanding of what we would be looking for people to compare.

So if your program's been in place for a long time, we understand there have been substantial changes over the course of that. And so you need to just figure out and articulate what is going to be your comparison period and why did you pick that comparison period if it isn't the pre-implementation.

We talked about incorporating by reference or summarizing other findings where possible. This kind of gets to there were several comments. We had a reference to NEPA in there. We will take that out. We understand that that was creating a lot of confusion.

This is not intended to be a NEPA document or have to go through that process. We're going to take that out. And so what we were looking for here is it doesn't need to be a

600 page review.

If you've done some analysis, let's just say you closed out an action that was making some changes, you can incorporate the analysis that you did there by reference and just summarize what it is that you found or changed as part of it.

On the use of standardized indicators, so our social and economic folks have been working very hard on all of our Catch Share Programs to generate a whole series of indicators for programs going back historically all the way up through with the present.

These are already being generated. Literally, you just click on the website and pull them off. It's things like ex-vessel value, revenue from species in the Catch Share, species outside the Catch Share, all of which we think are relevant.

You, in fact, may have more detailed data that you want to analyze in a more thorough way or a more detailed way, which again, nothing in this guidance precludes you from doing that. We're just suggesting that you take advantage of these standardized indicators where they are relevant for your use in your review.

And I've talked quite a bit already about kind of the holistic approach. What we really want folks to be thinking about is being as inclusive as possible.

And in situations where you have programs that might have a lot of overlap that maybe in future years you look at doing those reviews jointly so you can kind of look at how things are going across those programs where you might have substantial overlap.

Structure, just briefly. I don't think there's anything surprising here, your purpose and need, look at your goals and objectives, description of the history, description of what have been the changes that you've seen across some categories, economic, social, administrative, biological, ecological.

And evaluate those with respect to your goals that you established for the program, and then have a summary. And if there's any recommendations for changes, you could include those as well.

So briefly kind of walking through the analysis, the goals and objectives, I think you guys have heard this repeatedly whether it was under NS1 or allocation discussion, the point is to look at the goals and objectives you established for your program, and are those being met.

Are they the goals that you want to have still, or have things changed and you want to make adjustments. Are they clear or do you need to make some tweaks to help you better be able to analyze what impact you're actually seeing as part of the program and whether you're achieving that goal.

I'll take a minute on the allocation question. This was another area where there were a number of comments that came in from across the councils. So you all, of course, are well aware of the allocation guidance that got finalized last year where we were looking to identify triggers for each council, for each FMP to look at allocations.

So what we're saying in this guidance is if, for example, your council has selected your 5/7 year review as one of your allocation triggers, then you would look at allocation as part of your 5/7 year review.

If your council has decided that your triggers are going to be something else, then that's what your trigger is and that's what, I mean, you would review your allocation.

And as part of your 5/7 year review, you would say we're not going to review the allocations, here's the reason why. Your compelling reason not to do so is that you've established this other trigger, and that's going to be when you, as the council, are going to review the allocations.

And so if you are looking at your allocations as part of your 5/7 year review, then we are looking for that to be, you know, consistent with that allocation guidance and that you're going to look across all the different components of allocation within your Catch Share Program including whether that's, how that's been split between commercial and recreational.

So kind of looking at that situation where perhaps not the entire fishery is in the

Catch Share Program.

Eligibility requirements, looking at who can hold shares, do you need to make tweaks one way or another. In some cases you might want to liberalize that based on what you're seeing. In other cases you might need to be more restrictive. But it really comes down to are you achieving your goals, what have you seen as the effects of the program, and what do you think would make it more effective or not.

Transferability, I think, you know, you guys are well aware of all the complexities in Catch Share Programs, so I'm going to kind of run through these relatively quickly.

But looking at what's the tradeoffs, do you want to make any tweaks to your transferability provisions. Most of you have allowed for transferability. I don't think we have any programs that completely close off transferability. So you know, analyzing that and evaluating whether that's been effective for your program or not.

Looking at your ACLs and AM and quota performance, have your landing stay within limits, any stock status changes, changes in bycatch which we've seen some pretty substantial changes in some of the most recent programs.

And then also looking at is the quota being fully utilized. And if it's not, what might be tweaks to the program that would help with that.

Accumulation limits and caps, all of our programs at this point have their caps in place. So looking at those, looking at market power, and looking at your data collection. Do you feel like you're collecting the data to be able to really analyze what those impacts are?

You know, we've heard a lot of concerns about consolidation in Catch Share Programs. And so this would be an opportunity to look at that as part of your review.

Cost recovery and other component of Catch Share Programs, what is the current percentage, what is the economic impact of having to pay that fee on the fishermen who are participating.

Are we being as efficient as possible as part of our implementation, and are there any

issues or compliance issues with the cost recovery program that you would need to address.

Data collection and then monitoring and enforcement, these kind of go hand in hand. You know, what data are you collecting, is that getting you all the information that you think that you need.

Or maybe after five or seven years you've realized wow, it would be really nice to have information on X, and you want to look at that that and pull together some cost information of what would it take to put that in place.

Monitoring and enforcement, what types of noncompliance have you had. Is there any type of pattern there that you would want to take any action to try and address. Any of those kind of elements to look at under these categories.

And then the duration. MSA states clearly that the programs are in place for ten years, although they will be renewed if not revoked or modified. Does that still make sense? New entrance, again this is another area where we've heard a lot of questions from constituents.

You know, what is happening in the program, are you getting new entrance into it, what tweaks might you make, if any. There is the ability to implement loan programs for your LAPP. Some of you have taken advantage of that. Not everyone has. Does it make sense now to do that?

And then the last two are looking at options and royalties, or options or royalties I should say. So you all might recall that in the Magnuson, you have the ability to auction quota if you so choose. No one has done that to this point.

But if, for example, all of a sudden your stock was going bonkers, maybe you want to set aside two percent of that to be auctioned off. The funds that would be generated from that auction would go into a specific fund in a treasury that would only be able to be used in that fishery.

So maybe you feel like you really want to have some sort of additional survey or cooperative research work. This would be a tool that you could do. And again, it's just there for your consideration. This might be one where you say we don't need to analyze that.

And then we kind of had a category of fishery species and gears. And this is kind of looking at the interdependencies with other fisheries. Are there any components that you would want to add or remove?

If you have programs that maybe overlap a lot, do you want to combine those, do you not. Are there species maybe that have been external to the Catch Share Program up until now, but based on what's happening in the fishery, it would make sense to go ahead and incorporate them into the Catch Share Program. Those would be the kids of things for your consideration there.

So I've tried to talk through I think most of the comments that we got in and the changes that we plan to make to the guidance as part of that. But I wanted to kind of talk through a little bit more.

So again, as Alan said, we really appreciate all of the feedback that you all provided. Overall, the feeling was that the document was really too prescriptive and onerous.

There was kind of a lack of clarity on what should or should not be done. And so like I mentioned, we will go in and make some adjustments to make that clear.

Do keep in mind that when we say should, that's what we mean. If we mean that it's, we are expecting it to be a requirement it would be shall or something like that. So should is intended to mean we think you should look at it. If it's not relevant, then you can explain that it's not relevant.

I already talked about we'll take out the NEPA reference, and I think I've clarified the whole MSA. As Alan mentioned, we understand that these analyses will take time and resources, and I think that that's what we're looking for as part of those reviews is to make sure those are as comprehensive as possible.

And again, we're not looking for a 600 page document, but trying to find that sweet spot in between that's not too much of a burden but is still a really thorough review.

There was also some questions raised about historical participants. And again, this is one where we think that if you do have the data, it's worth looking at what's happened with

those historical participants, why did they get out of the fishery, what happened.

If that's not relevant or you don't have that data, then this might be one where you are not doing that kind of analysis.

There were a couple comments related to the document setting up the councils for perceived failure that constituents would see this guidance and have expectations of what the review might look like.

And so we are taking that into account and we will try and look at the document and see if there are some ways that we can try and, I think that circles back to kind of bullet number three there, clarifying what we really think needs to be in there versus what might be more nice to do.

I think I mentioned this already, but there was the question raised about Catch Share Programs versus LAPPs. So you are correct that the LAPPs programs are the ones that have the statutory MSA requirement. So those are the ones where, I guess presumably someone could sue us for not doing a five year review as a violation of Magnuson.

But we have said as part of our Catch Share Policy that we think that all Catch Share Programs should be reviewed. And so that's what we're saying in this guidance as well.

I've talked a bit about the allocations already. We can discuss that more if there are questions. And on the process and timing, like I said, you made these points and we agree. And so we've made and will make those changes so that that's more clear in the document and then specifically related to the review team, that it's a council document and the approval.

So with that, I would be happy to take any questions.

CHAIR FARCHETTE: Don?

MR. MCISAAC: Thank you, Mr. Chairman, and thanks, Kelly, for a nice presentation. At the end there you mentioned a couple of things that, well we've thought about what the councils have said and we agree.

And earlier in the presentation on this matter of the process of, I'll just call it approval I guess, we've heard what you had to say

and we're looking to change from the draft guidelines we put out before.

I wondered just for clarity if you could go through again on Slides 15 and 16, and just for clarity state from this feedback that we've heard from you on our draft which was just a draft, we're now looking at changing the draft and changing it to exactly what?

So I think it's 15 and 16 where you said some of that. I wondered, just for clarity, if you could go through that again.

MS. DENIT: Sure. And I might flip back just a little bit because it's written up here. So I think this slide is one of the, where we were making the most changes based on your feedback.

So starting at the top, we recognize that the components and who's going to be on the review team is up to the council to decide what our guidance will say, as we think you should be as inclusive as possible in who is participating in that review team and for your decision.

The report, the drafts, again, we would change it to make it more clear that we want this to be as inclusive a process as possible with stakeholders. We leave it to the councils to decide what that inclusive process looks like.

With respect to the approval of the final report, original language, it listed all of these people as being required to approve the review. And so that will be taken out and it will clarify and say that the document would be approved through the council process with the regional administrators' participation on the council.

So I think that's the biggest one. The other really big one was the NEPA. So there was a reference in the draft guidance to NEPA and using a NEPA structure to the document, and we will delete that, gone.

And then the rest, I think, Don, are kind of really specific wording changes that we would make. But the intent is kind of as I described, to try and be responsive to your comments. Does that -- yes.

CHAIR FARCHETTE: Chris?

MR. OLIVER: Yes, thank you. I guess

I have a number of comments and a couple of questions. I guess my first comment is, Kelly, your presentation this morning and willingness to take our comments into consideration and revise the document somewhat accordingly does give me some comfort level. Not entirely.

I guess I would go back to a couple years ago when NOAA came to us and said we're developing guidance to require review of allocations. And we questioned the illegal basis and authority of requiring us to do program reviews beyond what was actually mandated in the Act for LAPP programs.

We also were concerned that depending on how you define that review, it could be anywhere from a cursory review to an EIS level review with alternatives and extensive analysis that we could be doing nothing but that to the exclusion of all of our other important work.

And so the Agency agreed and we put together a CCC working group and we came up with some rather extensive guidance for how those allocations would be conducted.

So this generated a similar concern. I'm still confused though, it appears now that allocation and all the guidance we did for what triggers and how you would conduct an allocation review is now a subset of this Catch Share Program review.

And I'm still not sure what's a Catch Share versus what's a LAPP versus what's an allocation because I think that, frankly I think that this guidance really subsumes all the work that we did with the allocation workgroup.

And then if you go with this, you're going to cover, I mean, the allocation is the core heart of any Catch Share Program frankly. So I'm concerned that this requirement or guidance for reviewing all Catch Share Programs does go beyond what's mandated by the Act which is specifically with regard to LAPP programs.

My initial read of this document, and I say that because this is not a council action that gets submitted for Secretarial review. And I know I can overreact. But my initial reaction to this guidance was I was horrified.

We, almost all of our management programs in the North Pacific could be defined as

Catch Share Programs. And we are currently in the process right now of a formal LAPP review per the mandate of the Act of three different LAPP programs, Crab Rationalization, the American Fisheries Act, and our Halibut/Sablefish IFQ Program.

Based on an approach similar to what we've done with other LAPP reviews which is measuring it against defined performance objectives that the council defined and the program design as well as requirements of the Magnuson Act and others.

And based on that approach, we've done a number of reviews. Amendment 80 for example was a recent one that everyone seemed to think accomplished what we needed to accomplish.

And when I looked at this initial guidance, I would literally have to hire a team of analysts, three, four, five high level analysts to even begin to attempt to do what was being suggested in the guidance.

Or take four or five of my existing staff and take them off all the other important projects that they're working on so they could do nothing by Catch Share Program reviews for the indefinite future.

And so I think it was not, while I may have been overreacting to some extent, I think it was a legitimate and not an exaggerated response because again, I know some regions don't have a lot of Catch Share Programs. Most of our fisheries are.

We've got so many other big projects. When you come out with something, I brought this up under the budget discussion yesterday because this is an issue where when you come out with something like this, and this version to me was an academic ideal.

It may make sense to try to do all this and if you're, you know, looking at it from the perspective of a large Government agency with thousands of employees. But then you transfer that responsibility on to a council that has a total of 15 employees, I guess probably about the average across the councils, it's simply impossible. It would be impossible for us to do this.

And so that gets back to setting us up

for failure. So I am somewhat comforted by the fact that you've, what you've said in your presentation. I still have some concern, I guess.

Are we going to have another chance to review this after you do the revisions? And I guess my second question is regardless of what those revisions look like, I'm curious as to what -- they're couched as shoulds and they're couched as guidance.

But I know we've had guidance before that is treated as having the force of law by the Agency, by NOAA general counsel. And I would really like a clear answer on what force of law this guidance carries in terms of once it gets published because some of it makes sense, don't get me wrong, and some of it we would like to do.

I think some of it doesn't make sense and some of it's impossible. So I'm very anxious to hear an answer to what guidance means in terms of how it's going to be viewed by the Agency and by NOAA general counsel.

MS. DENIT: Great. Thanks, Chris. Just to kind of respond in order, with respect to the allocations, I actually see it the other way. I think the allocation guidance is the overarching component.

You know, you guys have laid out your process for defining your triggers, whatever those triggers may be that you decide. That would be what would be guiding your review of allocations.

If you decide that your 5/7 year reviews are going to be your trigger, then you would look at your allocations as part of this. If you decide that it's going to be some other metric or some other timetable, then that's what you're going to do to review your allocations.

So that's how I would respond to that. In terms of the workload, we will be looking at the wording in there to try and make clear. There were a number of comments about the detail on some of the analyses and the description of some of the analyses.

So we want to make that clear that those are kind of recommended best practices. Those are things that we think that you should look at. It may not be possible for you to do

those, and we understand some of the constraints that you're working under. So we will, again, try to revise that to make that a little bit clearer.

To answer your question about review, if this group is interested, we would be delighted to send the revised version back through you all if that's of interest. That's not a problem.

And with respect to sort of the legal question, you know, I don't think, I'm kind of looking at Alan, I don't think our intention was that this is going to be some sort of legally binding, we're going to come after you.

This is really we are looking to you all to do as robust a job with these reviews as possible, and we're trying to lay out what we think that looks like.

There might be perfectly rational reasons why some of those elements are not relevant. But Alan or Sam, I don't know if you want to add more.

MR. RISENHOOVER: Yes, I think that's exactly right, Kelly. As I started out here, the goal of this was to be helpful, to provide all the councils some guidance on how these reviews could be conducted.

And so that we meet that standard of what's in the Magnuson Act, that way as councils go forward, if they refer to this guidance, then that in a way helps those councils show that yes, we did a comprehensive, good, solid review because look, where it could, it followed Agency guidance.

But I don't think it slides, and Adam may through something at me, I don't think it slides into an absolute requirement. But I think, you know, hearing the points that have been raised around the table, reading your 30 or so pages of comments we got from the councils, we need to go back and look at these.

If it's simple changes, you know, we might not send it out again. But it doesn't sound like they are going to be simple changes. So we need to take a close look at those and then get them back out for you all to look at again.

MR. ISSENBERG: What Alan said, other than, you know, this is not intended to be

regulatory guidance. I think, you know, the Agency could do that. That's not the route they took here.

The route was to try to develop something in consultation with the Councils that would make sense and be workable. So at least from our perspective, you know, we don't see this as legally binding.

This is advisory guidance, and hopefully we can get to a point where that is all that is necessary.

CHAIR FARCHETTE: Chris?

MR. OLIVER: Yes. I appreciate that response. And you know, going back to what's required and what's not required and the Magnuson Act specifically refers to LAPP programs, but you reference a Catch Share Policy that includes other Catch Share Programs.

And I'm not sure I fully understand a specific definition of what that is yet. But that policy I guess is treated as having force of law, I don't know.

I'm not arguing that it's not a good idea to review allocations and Catch Share Programs notwithstanding the fact that the Magnuson Act may only mandate those reviews for LAPP programs.

I guess, and I don't know, other people are going to talk and have questions, but I hope that if necessary through a motion that we get another chance to not only look at this but discuss it again at our May CCC meeting before it's finalized.

CHAIR FARCHETTE: Rick?

MR. ROBINS: Thank you, Mr. Chairman. You know, I think if you look at the councils' written comments collectively, there is a sense that we found the guidance to be slightly overwhelming in terms of an undertaking and a tasking for the councils, particularly with respect to available resources.

And I'm just thinking in particular, just a single component that highlights that and that is the need to review potential presence of market power in an ITQ program or Catch Share Program.

And our council, a number of years ago, took up this question in our surf clam ocean

quahog fishery. And it required a very comprehensive examination through the use of an outside group of experts that had that specific expertise in issues related to market power.

And it's just a, I mean it's an extremely complicated issue where you can have power potentially on the selling side within the market. You can have power that accrues from concentration of ownership shares within a leasing market.

There can be optimistic powers between the processor and producer, or harvester. So it is a, it's an important question but it's also a very complicated one that in order to really treat it very thoroughly requires, it's very resource intensive. And I think as we consider this, there has to be some consideration of practicability.

Now we could look at available data and look at concentration metrics and things like that in a fairly high level look at that type of question. But if as a matter of going through these reviews we have to do in depth analyses of that question of market power just as one example, that's something that becomes very resource intensive.

So I think, you know, collectively since perhaps that we found the guidance to be a little bit overwhelming at this point. Thank you.

CHAIR FARCHETTE: Chris?

MR. MOORE: I have many of the same comments that Chris and others have made already. But I do have some specific questions and some additional comments.

Kelly, I really do appreciate your presentation this morning, and I appreciate the fact that you have addressed a number of the comments in the letter that we sent to you.

I'm wondering about a couple things. One is in terms of next steps, we've talked about, you know, possibility of maybe bringing this forward for an additional review by the councils.

Certainly I think that's a good idea. We need to make a motion to have that happen. I think, you know, I'm prepared to do that or second the motion that Chris would make.

Do you think the timing of that could work in terms of being able to bring that document back to us for consideration at the May CCC meeting?

MS. DENIT: Yes.

MR. MOORE: In addition to that, there's some very specific comments that I've had, or questions that I have. One of them is looking through the letter that we sent you.

One of the comments was that the draft guidance proposes a Catch Share review process that is ongoing. So in there, in the document, and you didn't address it today I don't think, in the document you really talk about this annual review.

So you have the five to seven year thing and then you talk about an annual review. And that seemed very burdensome and somewhat confusing.

MS. DENIT: So Chris, I think what you're referring to was the interim reports. So those are the documents that in general are already being produced by your regional offices and science centers.

This is not something that we were intending would be a new requirement for councils to be doing some sort of annual review. We were trying to acknowledge that work that's already going on to produce those annual reports for almost all of our Catch Share Programs have that at this point.

So we will make that clear that that's what we're referring to and we're not talking about the council needing to do any sort of annual review, but just acknowledging those reports exist, those are documents and analyses that the council should be taking advantage of as part of reviewing your Catch Share Programs.

CHAIR FARCHETTE: Follow up?

MR. MOORE: So in addition to my other comments, like Chris, was freaked out when I saw the initial draft. And, you know, my staff was concerned and I was concerned. And I think the presentation today has helped quite a bit.

In fact, I find your presentation much better than the actual guidance document. You know, not to insult anybody, but I really think this helped. So I think some additional

discussions and additional work by you guys.

Certainly, I think that council staff would be interested in any additional involvement with the refinement to the document. I'm not sure how that could work, if in fact we want to form a CCC working group to help do that. I think at least I'm willing to volunteer my staff to help with that. But if you think that could help, we're certainly willing to do that.

I think the other general question I have is you talked about reviews that have happened already. So one of them, so snapper, the ones up in the North Pacific, can you identify which one of those you think really hits the mark in terms of review? Or do you think they're still lacking something? You know, I'm asking that because it's always nice to have an example. Right?

MS. DENIT: I would not be ready to do that off the top of my head right now because I read those many months ago. But that's something that we could look at and kind of try to pull out here's an example of where, that's really describing what it is that we're saying in this guidance or here's an example where we think maybe there could have been a little bit more or something else. We could do that.

MR. MOORE: Thanks.

CHAIR FARCHETTE: Tom?

MR. NIES: Kelly, thank you for an excellent presentation. I've got I guess one sort of broad question and then a much more specific question which I don't think you really addressed in your presentation.

And the broad one is, I mean, my take on the purpose for the Catch Share review is primarily to provide information to our managers on how they should or whether they need to modify the Catch Share Program as well as perhaps other people involved so they can evaluate whether the program is working as a policy choice.

And so from that standpoint it seems like the Catch Share review would be designed to provide the information that they want to see. And it's not clear to me how the Agency developed the idea that these elements that are in this program are what the managers want to see.

So I guess this is kind of a process

question. Who was it that said we think that these types of things will help us make better decisions, or was this just kind of an in house laundry list that says these are all wonderful things to examine, if resources are unlimited and data is always available and you have the time to do it.

So the question is where was the, how was the decision made on what information the managers and the public want to see about their Catch Share Programs? That's the general question and then I'll have a much more specific question.

MS. DENIT: Great. Thanks, Tom. It was based on feedback that we had heard from constituents on various reviews and in various conversations around Catch Share Programs. It's based on what is laid out in the Magnuson as the design features, I'm going to call them, that should be included as part of a Catch Share Program.

So if you go through the LAPP section, it lays out transferability, it talks about accumulation caps, it goes through all of those different elements.

And as you all know from designing these programs, there's so much interdependency and there's tradeoffs between all of those different elements as you're designing the program.

Our perspective was as part of your review, you should be looking at all of those elements and those interdependencies in looking at what have been the tradeoffs based on what you thought was going to happen when you designed the program, and did it pan out that way or should you be looking at making some tweaks to it based on what you're seeing.

So I think that answers your first question.

MR. NIES: Well, it does. I actually don't find the answer very satisfactory in some respects because while I understand that there are things specified in the Act that of course would be in the guidance, it seems like a more thorough discussion perhaps with the people that are going to use the information on what it is that they really want to see might have either

broadened the list or might have narrowed the list of what items might be appropriate to be in the plan. And I think that's missing.

To move on to my more specific question, this kind of relates a little bit to the idea of whether this is a NEPA document or not, but it also relates to the complexity that this seems to impose on us.

In Page 10 of the document it talks about, Page 5 and Page 10 it talks about since, I'm sorry, Page 10. It says net benefits to the nation should be maximized under the program relative to any alternatives to the Catch Share Programs or variance of the existing program.

Well, this sort of indicates that the review should compare this to other possible Catch Share Programs which are essentially unlimited. And that, I think, is expanding the scope of the review way beyond what we have the ability to do, way beyond what's really appropriate for a Catch Share review rather than a management action alternative.

And I would suggest that this and some other statements in the document that are highlighted in our letter related to this really ought to be removed or modified that it's clear we're not asking you to compare this program to any other program that you might possibly have considered.

That is a very large scope that I think is unrealistic.

MS. DENIT: Yes. Thanks, Tom. To your process question, we, I mean, we agree, right? I just, I think I just laid out if you feel there are elements that are in this guidance that are not relevant to this program, then you can explain that and narrow that scope.

If your stakeholders feel like there are other elements that were not included in this guidance but that they want to talk about, that's also fair game. There's nothing in this guidance that precludes your ability to do that.

With respect to the specific comment that you pointed out, we will look at that and try to make that clear. It was not our intent that you be doing some sort of analyses that compares your existing program to every possible alternative to what is in there.

So we noted that comment from you all and we'll do that. I should have noted while I was giving my presentation that the points that I put up were points that came in from multiple councils. There were several additional points that only came in from one council, and so I didn't go through all of those.

But we certainly saw those in the letter and will be working our way through those to make some adjustments. So Tom, I think we can clarify that point specifically that you've raised.

MR. NIES: Thank you.

CHAIR FARCHETTE: Bill?

MR. TWEIT: Thanks. As I'm sitting here listening to the question back and forth, it's occurring to me that, I mean, I'm sort of starting from Alan Risenhoover's basic point of trying to be helpful. And I think ultimately this can be.

But the conversation, if it had started differently, if it had started with an expression of concern that maybe we haven't collectively put enough thought into both frequency of review as well as contents of review, my reaction might have been well we don't need guidance, but a checklist would certainly be helpful, and some thinking about the frequency of review and do we have the resources for the frequency of review.

And it may seem a little bit like semantics to be drawing a distinction between guidance and checklist, but I don't think it is. A checklist is simply that, an aid to the councils to ensure that as they think through what their needs are, they're not missing anything.

Guidance really comes across, even if it's filled with shoulds, guidance is still this is kind of the best advice and you ignore it at your peril. Now yes, you can go through a lot of work to describe why you're choosing not to accept all the guidance.

But a checklist is simply that, it's a checklist. And I'm wondering if recasting it a lot more as a checklist and a lot less as guidance might not help our comfort level as well, and might not be the most helpful product.

MS. DENIT: Yes, thanks for that. We can definitely think about it. I think one of the considerations we had is if you go to kind of that checklist approach, then you start to get questions, well what do you mean by this.

And so we ended up with a little bit more meat on the bones to try and explain, well this is what we mean by this. But we can certainly take that into account as we're looking at all of these revisions as a possible way forward.

CHAIR FARCHETTE: Dorothy?

MS. LOWMAN: Thank you. And thank you, Kelly, again. I mean, I really felt, as everyone has said, this has been really helpful. I think it did alleviate a lot of our concerns in what you're doing.

And of course, this is a presentation. Some of what you said verbally isn't in the presentation and you have made a commitment to try to get another draft out.

You know, and of course, you're in that challenging position of when do people have council meetings to do that. So I just want to let you know, our last chance before the May is, you know, a meeting that starts on April 9th. And we, you know, having things before that, the briefing, the deadline is a couple of weeks before that at least.

So, you know, whatever you can get that is as clear as possible about what's getting changed, if we don't see the actual final, final draft would be greatly appreciated for that.

I just, another quick comment, you know, maybe about some of the angst around some of this too is that we have, as you know, a very complex Catch Share system that has been in place for five years now, or going on the sixth.

And it hasn't, it's not a static thing. We haven't, like, said here it is and we're not going to do anything for five years. And we've been, you know, looking at how well it's performing against its objectives each and every year, each and every meeting it seems like.

And it's doing well on some and it's doing, you know, it has a lot of room for improvement on others. And because of that, and it's not room for improvement that needs to wait

until you begin a five year and complete a five year review.

So we have a number of actions that are critical that will probably come out as part of the five year review that were important too. So you know, in some sense, we're not reviewing the program that we envisioned completely, and that we knew some changes that needed to happen because they haven't gotten through the system to be completed.

So I think on our council, part of what was the deep concern about what this might require and so on and so forth is that competition from not delaying those things that are already in the system that are critical to then, you know, and people are saying we need these now.

We can't even wait for the amount of time it's going to take to get them through and survive. But if we delay that for another two or five if you start the regulatory issue for, you know, for addressing them after that, that would not be a good situation for us.

CHAIR FARCHETTE: Don?

MR. MCISAAC: Thank you, Mr. Chairman. And one follow up to your response to New England's question, and then one more piece of detail on following up on Dorothy's. But again, thanks again for the presentation. No end to what listening to good music on the way here can do, right?

You mentioned that there was, each of the councils had a long list of things, and some of the ones from New England didn't get specific response into your presentation there.

Similarly, we had a couple of different things. I think we ended up having six when we added all of our points together. One of them had to do with having a good, thorough review that got into all the subservient systems including the data systems and whether substitute electronic technologies ought to be involved.

Whenever you're doing a review, it never hurts to be as thorough as you can. As you can being one of the key parts to all this.

So if this is going to a spot where there's going to be another draft that everybody will have a chance to take a look at and maybe

review at the annual meeting in St. Thomas, getting that draft out for our council process would be very valuable.

That's one of the things we recommended is a delay in all this so we can have this discussed at a council meeting, have our SSC and our advisory bodies weigh in on it, have the public weigh in on it.

We haven't been able to do that. You'll see here, our letter just comes from the staff's opinion on what they think the full council process might have yielded if we had the opportunity to do that.

Our briefing deadline for the April meeting is March 16th or something right coming up quickly. So, but I think that's a good spot for this to go.

If that's where this is headed, and that is looking at another draft, seeing it in writing what you've got here, seeing what you have in writing for the miscellaneous minor points that we haven't seen yet, and another discussion at the end of May.

CHAIR FARCHETTE: Gregg?

MR. WAUGH: Thanks, Kelly. A specific question. I've heard Catch Shares, LAPPs. But we have a wreckfish ITQ program. Would that be included in this guidance?

MS. DENIT: If you, we were not planning that your, the EFP would count. But if you moved forward with the program, I forget which amendment it is, then yes, we would anticipate that that would be, get reviewed five years after it's been implemented.

MR. WAUGH: Okay. And I was actually referring to we have an existing wreckfish ITQ program that's been in place for quite a number of years.

MS. DENIT: Sorry.

MR. WAUGH: That's all right.

MS. DENIT: When you say rec fish there's, okay. Yes.

MR. WAUGH: Sorry. Yes, W-R-E-C-K.

MS. DENIT: Yes, got it now. Can see where my brain was. Yes, I think, but I think you guys just did at least a little bit of a review as part of your consideration of some of the reallocation of some of your latent shares

and other elements.

But the short answer is yes, we would anticipate that any of our Catch Share Programs would do some sort of review. And kind of the timing of that would be up to you since that's a program that went into place prior to these, the reauthorization.

CHAIR FARCHETTE: Okay. So from what I'm hearing, is there a consensus on some type of motion that's going to be made? Oh, a consensus to include it for the May. Chris?

MR. OLIVER: I don't know if we need a motion. If we do, I would be glad to make it. But it would be my fervent hope and expectation that we would have another chance to review the revised document at our May meeting prior to it being finalized.

CHAIR FARCHETTE: Alan?

MR. RISENHOOVER: Yes, and I think that's the direction we're going. We'll look at the comments, continue working on those. We may reach out to some of your staff to expand and work on some of those comments.

I'll get with Kelly and others and look at a timeline on whether we can meet, you know, say a March 15 briefing book deadline for the Pacific council.

If we can't, maybe we revise, we talk about it at the next CCC, and then have the council review post that. But that I think I need to talk with folks about what makes sense.

Again, do we turn it round real quick and get it back out or do we have a good substantive discussion at the CCC and then you guys can have it run through the council.

We'll just look at some timing and see what works.

CHAIR FARCHETTE: Chris?

MR. OLIVER: And I appreciate Don's comments and Dorothy's and others desire to have time for their individual councils to look at it, either before or after. That's fine, but I'm most concerned that we as a CCC have a chance to look at it before it's finalized.

MR. RISENHOOVER: Yes, and Chris, we won't miss that chance.

CHAIR FARCHETTE: Thank you. Okay, we're a little early for the break but we're

going to take a break. 10:07, 15 minute break.
(Whereupon, the above-entitled matter went off the record at 10:08 a.m. and resumed at 10:32 a.m.)
CHAIR FARCHETTE: Okay. Next on the agenda is National Marine Fisheries Service Science Update. We'll be discussing climate science strategies, EBFM and stock prioritization. Ned Cyr.
DR. CYR: Thank you, Chairman. Good morning, everybody. I apologize for not having been here for much of the meeting. We're having a National Academy of Sciences review of our MRIP program, going on this week.
And a lot of staff are pretty busy with that. It's been about ten years since we had the original NRC review of the old MRFSS program, our recreational fishing statistics. A lot of interesting recommendations that came out of that report.
And we established the MRIP program in 2008 to respond to those recommendations. We've been busy since. So this is a, it's timely for us to take a step back and review the program with the help of the National Academy. So that's one of the big events on the science side that's going on this week.
But my presentation this morning is going to touch on three topics, Climate Science Strategy and our Regional Action Plans, our Ecosystem Based Fisheries Management, or EBFM policy and roadmap, and then our stock assessment prioritization. So let me talk first about climate change.
As you know climate change is occurring. And it's affecting the resources that we have the responsibility to manage through things like drought that affects anadromous fishes, warming ocean that affects fish distribution, loss of sea ice, which is an issue both for our protected resources' responsibilities, ice dependent animals, and also for fish stocks in the Bering Sea, rising seas that threaten coastal infrastructure and coastal habitat, and ocean acidification that has an effect on coral reefs and shellfish production.
Because of this we have a growing demand for information on climate change. We

sort of think of four key categories of information that we need to prepare ourselves for climate ready decision making.

One is to understand what is changing. And to do that we need to be able to make observations to track the pulse of change over time. We also need to understand what's changing and what's vulnerable.

So we need research to develop a mechanistic understanding of climate change. We need to understand how it's going to change. So we need better modeling to predict future changes across several time scales, from sort of near term seasonal time scales through annual, and then out to multidecadal.

And then finally, we need to know how to respond, which requires an analysis of management options, such as we get with our management strategy evaluations. So the demand for this information is already high. And it's just been increasing over the last few years.

So, I think you're all familiar with the Climate Science Strategy. There was a lot of consultation that occurred with the councils when this was produced. The goal, of course, is to increase production delivery and use of climate related information in fulfilling our mandates.

The Climate Science Strategy is built on seven interdependent objectives. And it's all driven with sort of that top level in mind. That is, that we need to be able to produce climate informed reference points, and have robust management strategies.

And so, all of these other objectives are layered underneath that, in order to produce those final results. It was sort of, the planning was done beginning with the end in mind.

And it goes all the way down to just ensuring that we have the basic science infrastructure to deliver actionable information through maintaining the fleet, maintaining our ability to make observations out in the environment.

And then, moving up through again modeling projections, et cetera, until we get to the point where we can actually incorporate that information into useful management of the kind that's being done by the councils.

If we do this right we're going to end up with enhanced observations of ecosystem change that can provide us with those early warnings of climate related changes. We'll end up with a better understanding of what's vulnerable.

And some of you may be familiar, recently we've done a fish climate vulnerability framework that was developed, and we pilot tested that in the Northeast now. We've also done a protected resources climate vulnerability analysis framework that we'll be testing in the near future.

We should be able to produce better forecasts of ocean conditions. We'll be able to do climate sensitive resource assessments, and to have those biological reference points that fit into our management processes. And ultimately more robust management scenarios.

So this is where all of you come in. These climate regional action plans are currently under development. And we need your input to finalize them. The plans are intended to customize the implementation of the Climate Science Strategy in each region.

As you're well aware, climate change is going to affect all of the regions, all of the large marine ecosystems of the country in different ways. So we can't simply have a one size fits all strategy. And that requires regional planning.

These regional action plans are also going to inform our out year planning and budgeting. So I'm sure you're going to want to participate in that. It's going to involve the councils and the other key partners.

We're going to use this as an opportunity to build and expand our partnerships with other relevant parts of NOAA, and other agencies. For example, NOAA has resources like PMEL and GFDL that are experts at providing physical climate science modeling and advice.

They already do that on the drought side, the flood side. And we're getting them interested in providing advice for living marine resources and ecosystems. And so, those are opportunities to strengthen those relationships.

We're seeking your input on these plans from now through this summer. And we

intend to finalize all the plans by October the 1st. If you're not already involved with these regional action plans, please see me or your local science center directors, and we will get you up to speed and provide you with an opportunity to give your input.

So, again, appreciate your input both to Climate Science Strategy and the regional action plans, and all your support. So, sorry, Chairman, I've got three parts to this presentation. Do you want to take questions now, or just go through the whole thing and do questions at that end? I can do it either way.

CHAIR FARCHETTE: I think we'll go ahead and take questions at the end.

DR. CYR: Okay. Okay. All right. So, second topic today is Ecosystem Based Fisheries Management. I think you're aware there's a lot going on at millet fisheries related to Ecosystem Based Fisheries Management.

But there's also a lot going on at all of the councils that we're aware of, that we appreciate, and we really want to continue to support. For example, the updates to the new developments with regard to fisheries ecosystem plan. So thanks for all of your work on ecosystem based management.

Today we wanted to give you a quick update on our two main efforts in this area, the EBFM policy statement, which you've seen, and the EBFM roadmap, which is just now in development.

So, thank you for the council's comments on the EBFM policy. We've received comments from many of the councils when we presented this last year. We also received comments from more than 30 organizations and individuals, which have been very helpful.

Many of the comments brought up topics that were missing from the policy. And these are being addressed in the roadmap. We expect the policy is going to be finalized and released this spring. So, it's good to have an EBFM policy.

But that in and of itself is insufficient to guide implementation. So we need something that's more detailed, and sort of more incremental about how we develop an overall, develop and implement an overall Ecosystem Based Fisheries Management. And that's why we've come

up with this EBFM roadmap.

It incorporates a menu of options for implementation, and benchmarks for NMFS. Ultimately, we want to be able to answer sort of what does a successful EBFM look like.

There are a number of different models that exist, not only in the U.S. but globally, about how to do EBFM. And so, we need to think about what are the most effective models. For example, the integrated ecosystem assessments that we've been piloting out on the West Coast, and a couple of other regions.

What are the best models that we can use here within the fisheries service? What resources do we need for successful implementation? How do we measure completion? And what a successful EBFM look like? So we're working on that right now.

We've got a team from across the science centers that's pulling that together. And the first draft is going to be finalized and open for informal public comment this spring. So this is a start to codify what operational EBFM looks like.

It's going to help us meet our mandates more efficiently, and in a coordinated manner. It will particularly help us to meet new unforeseen, unanticipated, what we call non classical impacts, things like climate change that aren't already built into our management process. We've done an initial analysis.

And we think that we're already doing on the order of 20 to 30 percent of the basic EBFM elements in our regional ecosystems across the Fishery Management councils, across the large marine ecosystems.

We're going to have the public comment period on the roadmap starting in May of this year. And you will all be invited to comment on that. And we will aim to have the final policy and the draft roadmap to you by the May CCC meeting. So look forward to that.

So, the final of my three topics is a quick update on our stock assessment prioritization process. And I know you've already had several briefings on this, both at the council level, and here at the CCC. So it's really just a, kind of a reminder of what we're

doing.

Before I start that I wanted to introduce Patrick Lynch, who's here in the back, who is our new stock assessment, national stock assessment coordinator in the Office of Science Technology, taking over from Rick Methot. And if there are any questions Patrick's going to take them. Thanks, Patrick.

So, just a quick update on our stock assessment prioritization. All of our managed stocks need some level of assessment. But some need a higher level. Some need more frequent assessments, depending on a number of different factors.

And we need objective advice to be able to guide the development of a prioritized portfolio of right size and right frequency assessments for all of our stocks.

And this process is also helpful in terms of highlighting gaps in our capacity to develop good stock assessments. We need a national system, but we need regional implementation. And that is, we can develop this national framework for stock assessment prioritization.

But we don't want to do, we don't want to rack and stack all of our stock assessments nationally. This has to be done on a regional basis, based on regional prioritizations. And in the end, even when we do come up with the list on a regional basis, that's not a rigid prescription.

I know Rick Methot has made this point before. But it's not a rigid prescription. It's a starting point for conversation with the council about what are our most important priorities, and how do we go about doing them?

And so, these are the steps that have been identified for the prioritization in each of the regions. It starts with organizing the stocks by any number of factors, shared data, shared constituencies, or assessment resources. For example, by FMPs.

Then we identify assessment targets, which are based on both the frequency and the assessment level. The staff at the science centers work with the council advisors and the SSCs to develop scores for each of the 12

prioritization factors. Then NMFS works with the FMCs to assign factor weights.

So these are overall weightings for each of the major factors that are done on a regional basis, not on a stock by stock basis, but on a regional basis.

And so, these things, these factors include things like commercial importance, recreational importance, economic importance, relative stock abundance, relative stock mortality, things like that. But it allows each region to determine which are the most important factors that ultimately you want to see weighting your stock assessments.

And then finally, we come up with ranked weighted scores. That leads to an initial one to end list. And that leads to the start of conversations. So, this is the schedule of the assessment prioritization.

I think all of you are probably already familiar with this, and I'm not going to go into it. And again, if you have any questions, I'm going to redirect them to Patrick. So, thanks. And that's my presentation. Happy to take any questions. Thank you.

CHAIR FARCHETTE: Thank you, Ned. John.

MR. BULLARD: Thanks, Ned. This question may sound incoherent, which will be an accurate reflection of my understanding. But I want to focus on the, focus is probably the wrong word too, on the middle presentation on EBFM.

And that is, I'm trying to get a handle on understanding how we move towards EBFM. I certain subscribe to the need to move in that direction. But I have a hard time understanding exactly how we get from single species management to managing by ecosystem, exactly how we make the transition when we do it.

And I see, or don't see in Magnuson exactly where there's a provision for that. And one of the wonders of Magnuson is that it champions regional difference.

And says, within a region there can be differences in management plans, scallops, groundfish, and so on. And there can be differences from one region to another. And that's one of the great beauties of the Magnuson

Act.

And as we move to ecosystem based management, as you laid out your plan, we have in just the two councils we're dealing with, each council kind of approaching ecosystem based management from the outside, you know, gingerly saying, you know, how do we attack this animal from the edges?

And your, you at the national level, the Northeast Science Center at our regional level is trying to provide scientific support to that, for which, and I don't want to speak for the councils, they can speak for themselves. But we're very grateful for that. And we recognize the limitations of resources in that. And the approaches of the two councils are different.

And so, one of my questions is, given limited resources by the Northeast Science Center, supporting different approaches by different councils, you know, may be a strain on resources. Is there one way to do ecosystem based management?

In your presentation it suggested that there was a picture of how to do it that was going to be revealed. I don't know in the timeframe. In the spring, here's the way to do it.

And so, is there one way to do it, and we should all subscribe to that? Or, like Magnuson, is there not one way? And, you know, every council can figure out, as they do in single species, you know, all infinite number of permutations. And does that then cause inefficiencies in how science centers and others produce the support necessary for that?

I told you this was going to be unfocused, incoherent. But that's what I'm trying to get at as we try and get to this thing that I know is very important.

I was very glad to see. because one of the council Members who chairs the New England Ecosystem Committee said, asked me on Monday, is NOAA Fisheries committed to this concept? And on one of your slides you said, yes, we are. So, that is very good to hear.

But, how we get to this is still something that's, I may be the only one where it's not exactly clear how we actually are going

to pull the switch. There was a question in there somewhere, Ned, I'm sure.

DR. CYR: Yes, thanks, John. That's a lot to unpack. I'll try. I mean, I guess the simple answer to your question is, there is no one size fits all approach.

And I think that the regional implementation is going to have to be scaled to available information and available resources. And so, I see this roadmap as more laying out a menu of options for how we can do it.

I mean, you know, at its simplest, you know, Ecosystem Based Fisheries Management is things like, you know, conservative single species stocks, right, you know, management, protecting habitat, reducing bycatch, incorporating the effects of climate change and environmental variability at a very simple level.

You move up a level, you know, you can do ecosystem modeling, you can do ecosystem status reports. You got up a level you can develop, you know, things like whole ecosystem models like Atlantis and integrated ecosystem assessments. But there's a whole range of options in there.

I don't anticipate this driving a single solution for every one of the regions. So I think there are going to be, I know there are going to be options in there for how to do that.

And yes, currently as it's written, I don't think the Magnuson Act provides a prescription for how to do this either. But I think the argument we would make is that it also gives us plenty of latitude to come up with effective EBFM solutions.

CHAIR FARCHETTE: Bill, and then Doug.

MR. TWEIT: Thanks. Sort of following up on John's question. I really like the term roadmap for this. Just because I think it, in a lot of ways it provides that answer that, you know, you can take the scenic route, or you can take the direct route. Or you can take the route with the most places to drop your kids off, or whatever.

But the point of all that is, those routes do change over time too. In fact, I'm guessing over the next couple of years we're going to learn a lot about some of those routes

being less than useful, or not being as advertised. Others, you know, new routes constructed that torture your metaphor I guess way too far.

But, and so, I'm wondering how the Agency is thinking about the resources for essentially keeping a roadmap like this current enough that it's actually useful to the councils, and to others as they look at EBFM?

To me, essentially we're going to have to be, at least in this initial stage, I'm guessing we're going to have to be exchanging information fairly regularly about what some of the different councils are trying that seems to be working well, what' not working well, and what it was about their particular circumstances that made it work well or not.

I think there's a lot of work in that. And probably consuming a fair amount of resources. And so, the question is, how are you thinking about the roadmap version 1A, version 2, et cetera?

DR. CYR: Yes, I don't -- Obviously we're going to have to, this is going to be a learning process. And we already have a number of different, you know, call them experiments or models right within the councils.

Some of the councils are more aggressively pursuing fishery ecosystem plans. Some are, like for example, the Pacific Council's working closely with the science centers on the West Coast to use information from integrated ecosystem assessments.

So I think that we're already starting to sort of see models for how to implement EBFM out there. Some more successful than others. And we can see in what circumstances they're more successful. And so, we're already getting feedback on what's useful.

At this stage of the game I don't think there's been a formal discussion in the EBFM roadmap development about sort of how we make these living plans, how frequently we may want to update them, based on what's working and what's not.

I mean, I can assure you that we're going to have to take that into consideration. Because, like you say, there's going to be a lot

of learning that's going to go on at least in the first few years of that. But that's something we'll certainly want to take into account.

CHAIR FARCHETTE: Doug.

MR. GREGORY: Good morning, Ned. It's a good presentation. I kind of wanted to follow along with John and maybe offer my perspective to answer his question.

You know, we've had, four out of the eight councils are having a difficult time getting data for our single species management, because history, whatever. So, to some of us it seems incomprehensible we'll have the data to really fill in an ecosystem model that can give us reasonable management advice.

And we're having challenges with the single species. So, the transition is what's important. And to me, like you mentioned earlier, there's partners in NOAA that can help with this.

The transition is to build in the environmental factors into our single species stock assessment. And the simplest way, are there indices that we can use, similar to indices of abundance?

We see very dramatically on the East Coast the effects of changing in the climate, changing in the environment. And we know that the ocean is an extremely variable environment, which is the root of the problem we have with understanding what's going on out there.

So, if we include the environmental indices as indices of abundance, if we can get the information. You know, what is the decadal oscillations doing? We've never really looked at that. They could be having a bigger impact on things than we realize, the El Nino even.

And then to me, because of, in the Gulf of Mexico there's a little bit of extra money floating around, people are coming to the council saying, well, what are your ecosystem needs? What can we do to help push this? And I think in the Gulf we're going to see a very big spurt of good science that's going to help us move in that direction.

But again, when you look at our stock assessments and, you know, we've got these models out there, MSY models, the stock recruitment

model. And the data don't fit all that well in most cases, particularly for the four of us councils in the subtropics and tropics.

So, the modeling thing may not be the answer. But these environmental factors may be. And how is it that we get our year class stream? In the Gulf, stock assessment after stock assessment saying we don't see a clear stock recruitment relationship.

Well, that's no surprise to those of us in fisheries biology. We kind of learned that in school. But you got these models where the data are very variable. So what is creating or closing your class stream's variability?

It's something in the environment. So if we focus on that as the bigger picture, while we're still incorporating the environmental parameters, other indices we can find, into our stock assessment as a part of the integrated ecosystem analysis, then maybe we can get it in the big picture.

What is causing variations in your class stream? And then climate change comes along, and kind of monkeys up the whole mess. But that's my idea of how to approach ecosystem management.

One, focus on recruitment mechanisms. And two, build in the integrated ecosystem analyses, the environmental indices that might be playing a part in shaping the trajectories of our populations.

I'm very leery of just taking these models, these big models, some of which only parrot back what the programmer puts in. They don't provide us with insight into the system.

And our single species models do provide us insight into the population. They just don't parrot back the parameters we put into it. So that's, I guess, my approach to this, and what I'm trying to do in talking with people in the Gulf. Thank you.

DR. CYR: Yes. Thanks. I had meant to make that point earlier, that the linkage between the regional action plans and the Climate Science Strategy, and EBFM. Because climate's obviously one very important input to ecosystem based management.

There's considerable experience in

some parts of the country about how to incorporate environmental variability into assessments. And I point to the North Pacific as probably the best that we have right now, where they've been dealing with Pacific decadal oscillation, and trying to understand its effects on productivity in the Gulf of Alaska and Bering Sea for a while.

The Pacific Marine Environmental Lab of OAR has what they call the Bering Climate Page, which is for the Bering Sea. It's a set of climate related indicators. And they track those. It's refreshed frequently. And you can go there and sort of see how the climate is trending.

And the scientists at the Alaska Fisheries Science Center use that information when they update the ecosystem chapter in their SAFE report. They have a number of climate related indices.

So, having that relationship with, you know, principle climate researchers who can provide that information and that input is really important. I'm not sure we have that for the Gulf yet. But it's something that we recognize. We need to develop that capability around the coastline.

But I would, I'd encourage you to maybe talk to Chris or some of the folks from Alaska about how they've had success in doing that up there. But it's a good point.

CHAIR FARCHETTE: Terry.

MR. STOCKWELL: Thank you, Ned, for your presentation. I'm looking forward to receiving the roadmap. Following on John's comments about potentially different philosophies and timelines between the two different councils that he sits between.

The New England Council is charging along on the development of a draft fishery ecosystem plan framework, with associated goals and objectives, with the intention of having it developed within this year. There are, the Mid is on a different process.

And actually, during the previous break Tom and I talked with Rick about, you know, how if we marry some of our thoughts and timelines on how to move ahead. And I'm hoping

that these guidelines will provide us some of the tools, so that we all don't do a lot of work with the limited resources that we have, and have to spend more time on doing than we do.

CHAIR FARCHETTE: Michelle.

MS. DUVAL: Thank you, Mr. Chairman. So, there's a couple of us sitting here around the table who, I think myself and Tom Nies, who are currently members of the Lenfest EBFM Task Force Advisory Panel, as well as, you know, several staff from the Fisheries Service.

And I was wondering if you could clarify for folks around the table how the roadmap fits in with the Lenfest Report that will probably be coming out, you know, midway through this year?

DR. CYR: I don't have any specific information about the Lenfest Report. I'd be surprised if the people who are developing the EBFM roadmap within Fisheries though, aren't aware of what the major recommendations are going to be coming out of the Lenfest Report, and are working to try to ensure that there's some coherence between the two. But I don't have any specific details on that.

CHAIR FARCHETTE: Any more questions for Ned? Okay. Hearing none, thank you. Thank you, Doctor. And next on the agenda is the AFS Presentation, Tom Bigford.

MR. BIGFORD: Right behind you.

CHAIR FARCHETTE: Okay.

MR. BIGFORD: Okay. Right. Thank you. Sorry. I'll start over. I won't use the full hour. I promise you that. But it's tempting. Thank you, Ned, for giving me the option.

It's nice to see so many familiar people here, and the new faces who have come to this field since I retired two years ago. I'm obviously not fully retired. So it's nice to be at the American Fisheries Society, and contribute to a lot of these discussions that were very important before, and will always be important.

This one right here is something that we really want input from you on. So, it's great to focus on this one topic. The American Fisheries Society is working with dozens of other groups, and hundreds of individuals to get

recommendations for the next administration related to fish.

So we want to make sure that they hear from this collective community on what's important about fish, about fishing, about commercial and recreational fisheries, and about everything related to it, ecosystems, forage, things like that.

You'll see me use interchangeably the words aquatic resources and fisheries. We started out focused on fisheries. But then we heard from some people who had ecosystem concerns about commensal species.

And they started talking about snails and mussels, and seagrass, and a lot of other issues. So aquatic resources. But you can think of it as fisheries for this audience.

It would be really great to get input from the National Marine Fisheries Service. But we realize that what they can say and do is limited when you get into this sort of an arena. But councils have got a little bit more of a prerogative.

The interstate commissions too can engage. But it's not just recommendations that would be new that might get you in trouble with your supervisors.

It could be reports that you've put out recently that have got your priorities, your 2016 Strategic Plan that was released last year, a list of priority science needs. It could be anything like that that would help, that would help us develop recommendations, draft recommendations for others to review.

I'm working on this in cooperation, close cooperation with Taylor Pool in the back. I want to introduce him. Taylor, could you stand up, just so people know you're there. I won't pull a Ned Cyr and say Taylor's going to answer all the questions.

But Taylor is certainly front and center in helping to do all this work. Collectively we've been out talking to a lot of people. And I'll mention a little bit of that in a little while.

I also want to note that the American Fisheries Society is not starting the third of a series of five year cooperative agreements with

NOAA Fisheries, to provide general help. This doesn't fit perfectly into that.

But there's a, so there's a broader opportunity for the American Fisheries Society to help all of you if you've got issues you want to bring to the Hill through Congressional Briefings. If you've got topics to include in an article in one of our publications.

We have a monthly magazine, and then five journals, and books that come out of our Annual Meeting. So there's a lot of opportunity to get the word out. That's separate from this. So we'd love to talk to you about that too.

Also, there's a one pager out there on the table. Feel free to pick that up if you want. Taylor's email address, some ideas about what we're talking about here today.

So, quickly, we're working with a lot of different agencies on this. We're not just coming here and talking to the Marine Fisheries family. This effort relates to freshwater and marine species.

So we're talking to agencies that have got their finger on a lot of these issues. This slide focuses on the agencies, because a big part of the opportunity we have before us is to influence the selections of leaders in these agencies that have fish programs, and also the agenda that those people would set for the agencies that they would be leading.

So the opportunity is freshwater and marine. You'll see a lot of groups here that are just involved in one or the other. But certainly when it comes to the marine side, this group here in this room have got a major driving, are a major driving force.

We're not the only ones doing this. And this is not the only time that, I mean, what we're doing right now in anticipation of the next administration is something that happens routinely.

Every time there's an election, and an opportunity for new leaders, even if the leaders remain in the same party, there's always this opportunity to review leadership, to review priorities. So, there's a lot of examples out there.

Here's two examples of other efforts

to develop recommendations for the incoming leaders. And we, you could certainly find a lot more. They are everywhere from a couple of pages with bullets, to maybe ten or 20 pages with a lot of text.

So the format, the way to convey this information is in many ways just as important as the information itself. We want to make sure that it is heard and read, and considered. So, we've got to make sure that we focus on the process and the product, as much as we focused on the content.

Now, we've been talking to a lot of people so far. And Taylor and I have been out actively for the last five weeks. I'll get to that in a little bit, about some of the places we've gone, just to give you an idea of the types of audiences that we've been engaging with.

But just to give you an idea of some of the ideas that came in. We started with a clean slate, and have been taking a lot of notes, getting a lot of solid input from people across the range of issues. And also format.

There are some people suggesting that we might even have different products if we take some of the ideas to the winners that emerge from the conventions, versus maybe the leaders on Capitol Hill. But you'll see some here. There's certainly a lot more.

There are a lot of connections to priorities in Marine Fisheries. Some of them might be a little obscure. But certainly there's a lot of parallels. There's a lot of direct connections to the topics that Ned just talked about, as far as the three research priorities that he chose to focus on.

When we're thinking about these recommendations, we want to stay at a scale that's going to get the attention of the new leaders. So, we don't want to get into great depth about the need to eradicate lionfish, or the need to do something specific for redfish.

But doing something at an appropriate scale that gets their attention, and then maybe offering an example that gets that local, I think that's a good way to get the attention of the people that we're trying to influence.

And to have our fish related

recommendations influence decisions that come, or that start being considered as soon as the conventions are over, but certainly extend into 2017 and beyond. For instance, maybe there's a need for more social science.

And then we have an example of where social science has been used very well to improve the harvest opportunity, and the success of a particular fishery management plan.

Or, maybe we stay away from fisheries management, per se, and we're focused on just the science that supports protected resources habitat, or fisheries management, sustainable fisheries generally.

So this is not just an American Fisheries Society effort. We certainly started this. We started it really with the Fish and Wildlife Service about a year ago, thinking about how we could prepare for the next administration.

Fish and Wildlife Service decided that they wanted to do something much more quantitative. And I think they're going to focus more on freshwater. So they are likely to do something that's separate, and aimed more toward 2017.

We're going to focus, American Fisheries Society with these types of discussions, are focusing on what we might deliver to the candidates for the general election in November. And certainly have it on the desk of the winners for, as soon as inauguration day passes.

But the Fish and Wildlife Service is thinking more quantitatively, and thinking about analyzing the health of stocks. And doing something almost like what you collectively do regularly through managing our nation's fisheries, and other types of efforts.

There is nothing like that on freshwater. So there might be a parallel effort that we want to keep track of here, so that we can influence collectively the most we can.

Back to the part about the American Fisheries Society leading this effort. We are looking for partners, people who can help us lead, hosting meetings, developing recommendations, contributing to AFS's effort.

AFS is hosting its own meetings. We

had one a couple of weeks ago where the National Fisheries Services and the Atlantic States Marine Fisheries Commission were among the attendees. That was very good. We want to expand that.

So, if you have opportunities, other ones like this, we're all ears. We will try to arrange to extend the conversation to as many arenas as we can, during the time when we're collecting ideas.

We have to shift to writing in a couple of months. But right now, when we're reaching out, we are all ears on opportunities to reach out as effectively as we can.

So, some of the ideas that I just mentioned here, just to reiterate. There are ways to get involved. You can have a meeting on your own. You could have a meeting and invite us to speak, like here. We could forego the meetings and just engage in some email exchange.

You could send us copies of reports that you think address some of this opportunity. I mentioned the strategic plan that came out of NOAA Fisheries in late 2016.

I think that's a good example of where something is already produced. It's timely. It still reflects priorities. And it might be a good basis for recommendations.

And maybe you could even point to the parts of reports like that, that you think reflect points that you want to make. We can make 50 recommendations in total. We can probably have half of those relate to marine fisheries, to marine interests.

Which ones do you really want to see on the document? We're all ears when it comes to the documents, the topics themselves. Not just the specific recommendations, but adding to the topics that were listed on that earlier slide, topics like climate or invasive species, or ecosystem approaches, or social sciences. So, we're all ears when it comes to that.

And also the format too. So, to give you an idea of the overall picture here, we are squarely in the first step of this process. On the upper left there we are identifying topics, and having initial conversations to start the list, start developing the list of recommendations.

This started in January. I think it's going to continue for at least another month before we start shifting into making some sense out of the various recommendations that we're getting.

It's not going to be as simple as if 50 people say something then it gets, it becomes a recommendation. Because we want this to make sense. We want it to reflect the collective sense of the group, rather than the loudest voices. Maybe they will intersect, and they'll be the same.

But we really wanted to start the conversation, and then start drafting in a couple of months. It will take a few months to draft. We'll be going out to people, back to people to tell them what we heard, tell them how it was converted into draft recommendations.

We have a goal for the AFS Annual Meeting in August in Kansas City, for unveiling what we hope then will be complete draft of the recommendations that are emerging from the meetings and discussions that we're having now, and will continue in March through July.

So, keep that in mind too. This process is going to be very active for the next six months at least, before we get to that point where we unveil it at the AFS meeting.

That will not be the only place that we share it with people. But we do have a special session planed in Kansas City for that discussion.

After that we'll shift into polishing this into final recommendations, and get ready to give it to the people who emerge from, the winners who emerge from the conventions, the Republican and Democratic convention.

And if there's an independent convention, or whatever might happen, who knows, we'll prepared to give it to people, so they've got it in their hands when they start thinking about their platforms for the general election, and thinking about filling all the, making the, taking all the actions that they'll have to during the transition.

So, the overall schedule is very active right now in reaching out to people, but extending at least into, deep into the fall.

Before I close with some suggestions, I want to just give you an idea of the kinds of events, activities, and discussions that Taylor and I have been leading for the last couple of months.

Our first effort was to reach out to the National Fish Habitat Partnership Board in January. We talked to them a little bit about this, floated the idea of having this discussion leading towards the document that we're talking about here.

Since then we've gone to groups working on interagency climate strategies. We went to the Atlantic States Marine Fisheries Commission. And hope to get to the other three Commissions, so that we can make sure this discussion extends down to the states, and certainly to the harvest sectors.

We talked to the Theodore Roosevelt Conservation Partnership, which turns out to be a great group, a great way to work through one existing network to reach about 100 groups that work on hunting and fishing, on fish and wildlife, on commercial and recreational interests, on data, budgets, all sorts of things.

So, that's a great way to reach out to the NGO, to the nonprofit sector. We did that because the American Fisheries Society is on their Board. In February we talked to the Coral Reef Task Force. That was just last week I think.

Also last week we started an effort of reaching out to AFS chapters and divisions, to make sure that they know what we're doing. So we can get a lot of input from the 8,000 some members in the American Fisheries Society that represent a lot of the interests that are around the table. So we're starting to hit people in more than one way.

We also hosted a meeting of our own. So, instead of going to other people's meetings we convened a meeting on February 9th. And we did have people there, as I mentioned, from the National Fisheries Service, and from the Atlantic Commission.

But we wanted to make sure we had a dedicated discussion on this. Instead of ten or 15 minutes on an agenda, we had two hours to talk

about this. And it was very good. We had 15 groups in the room, 25 attendees, and spent a couple of hours getting into detail on this.

That seems to be a real good way to get immediate feedback. But this kind of reach out to a lot of people is a good way to generate feedback that often comes after the meeting. We expect some Q&A here. But often we're hearing from people afterwards. And they both work.

We also went to the Social Coast Forum. We reached out to those people who are working on aquatic resource, aquatic issues along the coast, especially the social scientists.

And that was a completely different audience, with very different ideas. An audience that we want to make sure that we represent in this effort. And then, we're here now.

We are talking to the State Fish and Wildlife leaders in the Regional Fish and Wildlife conferences, including the national one in Pittsburgh in a couple of weeks. So, we've done a lot. We're doing a lot now. It seems like every week we're reaching out to one or two more groups.

But I just wanted to give you an idea, so that you can keep that in mind for an even that might be near you, or an opportunity that you might want to create.

In closing, just want to remind everyone that if you want to send ideas to us there's the contact information for Taylor and me. We're seeking partners to help lead these efforts, to be very engaged in the discussions.

If you don't choose to lead, certainly engage. And send us your ideas any way at all. Send us reports. Send us testimony. Send us anything at all, just to make sure that we've got it, so that we can consider that when we're developing the recommendations that will eventually lead to those drafts that we'll be sharing with people.

I will close right there, and hopefully have time for some questions, and get the discussion going. Thank you very much.

CHAIR FARCHETTE: Thank you, Tom. Questions for Tom? Michelle?

MS. DUVAL: Thank you, Mr. Chairman. Tom, I noted that one of your issue or topic

areas was citizen science/participation and transparency. I was wondering if you could elaborate a little bit more on that. I'm not quite sure how to read that, if it's citizen science/participation, or if it's citizen science participation and transparency. I guess I'm just having a little bit of trouble clearly understanding what's meant --

MR. BIGFORD: That's --

MS. DUVAL: Especially about transparency, I guess.

MR. BIGFORD: Yes. That's one of the topics that came up at a meeting without much detail. So, there were people who were interested in, I think they were getting to the, some of the data issues that we hear so much, especially on the recreational side. And suggesting that information can come from a lot of different directions, including perhaps some of the regional ocean planning bodies that have, are diving into recreations data, commercial data from a different angle. Not that it's better or worse, but it's another source of information, another audience to listen to. Taylor, did that come up someplace where you might have another idea?

(Off microphone comment.)

MR. BIGFORD: Okay. All right. So it -- I wish I could be more specific. But I don't think the suggestion was more specific. It was just tossed out there. And there are several like that, that some are very detailed, like climate. And others are not quite so much.

CHAIR FARCHETTE: Don.

MR. MCISAAC: Thank you, Mr. Chairman. In the end I wonder how you're going to characterize your final recommendations. So, as you solicit things from various partners, you mentioned you had a meeting already with the National Marine Fisheries Service folks, the Atlantic States Commission. If you heard from the CCC, or you heard from individual councils, and you get all of these ideas, and they build through your process to August, and you talk to the successful candidates that are running for President, will you characterize these as AFS recommendations? Or will you characterize them as the recommendations of all of your partners?

And how will you struggle with some partners agreeing with part of this, and some partners not agreeing with part of this?

MR. BIGFORD: Excellent question. And struggle is a good word. Because we're thinking about this a lot. It will definitely not be an American Fisheries Society document. We're wondering whether it would be valuable to list all of the events, all the opportunities for people, where people gave input. Sort of at the end of this there would be a list of parties that were engaged, or events that were attended. Or something like that to convey the breadth of this. Right now I think we're leaning towards the fact that this would be better, this would achieve its purpose more if it had no authorship associated with it. It would just basically be recommendations from fish, fishing and fisheries interests, and leave it at that. We don't want it to have an American Fisheries Society name on it, because it's not going to be our product. We're trying to convene a discussion. And then we want a report on the discussion. We don't want a report on our take of the discussion. You know, our, we don't want to influence that. So we're trying to figure that out. And some people have suggested that there might be a different format for messages that might go to the Hill, than there would be to the convention winners. But, you know, we don't want five pages of recommendations, and then five pages, or ten pages of a list of all the meetings we went to, or agencies that we engaged. But it's a real important question. And we want to make it so it's not a detractant, it doesn't detract from what we're doing, but it informs. So suggestions on that would be very welcome. We won't say it's from the Pacific Council.

CHAIR FARCHETTE: Eileen.

MS. SOBECK: So, Tom, thank you. And, you know, it's always good to know that experts are thinking about the future. I do think you have to be very careful about how you characterize any Government participation. You know, we have extremely strict rules about playing in partisan politics, as you all know. I mean, we're going to be preparing in our own

internal way, both at the political and nonpolitical level, for transitions. And we're obviously happy to participate in general discussions about futures of fisheries. But I think we'll be wanting to work with you and General Counsel. If you're going to be characterizing political input from meetings that we're sitting in, we're going to have to be really careful about that. I'm looking at general counsel. But just stepping away from that technical question, I guess my only other thought is, one of, as somebody who's been a, you know, I was a career bureaucrat for 35 plus years before I stepped into this political job. You know, I'm one of the people that won't be around probably to read this advice, or work with it going forward. But transitions are always a, it's inevitable that there would be certain changes in direction. It's a good opportunity for changes in direction. But I think one thing that's really important is, what are the valuable efforts that are still priorities, and should be carried forward? And I think I would just make that, raise that institutional question. I think that one of my observations on, you know, over the last couple of years is that there were a lot of efforts that started way before I got to NMFS, where there has been a really -- Even though I know some, you know, some of the products this group has been, has had input in, and sometime is critical of. But a lot of self-examination of why are we doing what we're doing? Where should we be changing directions? Have we looked adequately at certain topics? And that we have really killed ourselves to put forward some better articulated strategic documents, prioritization. And I guess I would just commend some of those efforts, and make sure that you guys are aware of all of them. And we talked about some of them yesterday, about how there is a, there has been quite a laundry list. But I do think that it is a reflection of -- Even if a new administration doesn't agree with our priorities, I think that the fact that we articulated what some of the ranges of options were, and laid out, you know, this administration's, or this Agency's current prioritization, it's a, there's a lot of wasteful, there's a lot of potential for wasteful

reinventions of the wheel, even if emphasis is going to change. And I guess I would just, you were talking about gathering some of those existing documents. And I just underscore that I think that would be a worthwhile effort.

MR. BIGFORD: Thanks, Eileen. Yes, we definitely want to be aware of all of the existing successes, the ideas programs, initiatives that the Agency wants to continue. That's a message that we've been conveying to everyone that we meet with. We don't pretend to know everything. So it would be great to be told which of the ones, you know, to sort of answer your challenge there, which are the ones that you really want us to know about? Maybe they're already written up. Maybe they're in documents. Maybe they're in, you know, someone's got a PowerPoint presentation on it. Maybe there's just something that could convey to us the importance of existing successes that you want to make sure you remind people of. I think those successes, whether it's a best management practice, a pilot program, you know, a management strategy, whatever it might be that really worked, those are among the things that we want to make sure we showcase. Yes. Totally agree. So, please, an open invitation to people to send them to us, or send us links.

CHAIR FARCHETTE: Any more questions for Tom?

MR. BIGFORD: All right. Thank you all very much.

CHAIR FARCHETTE: Thank you, Tom. Okay. We still have at least a half hour before lunch. Do you all want to keep pushing forward? It's up to the group. Sure. Okay. Got the sign. Okay, we're going to keep pushing. And we have the South Atlantic Fishery Management Council, Citizen Science Workshop with Michelle Duval.

MS. DUVAL: All right. Thank you, Mr. Chairman. I will run through this, because I know I'm holding everybody from their lunch. But we just wanted to give you all an update on the South Atlantic Council Citizen Science Initiative.

This is something that has its roots in our Snapper Grouper Visioning Project, which

started at the end of 2013, beginning of 2013. We were hearing a lot of concerns from our stakeholders about management strategies for the snapper grouper fishery. That we had been engaged in sort of crisis management or triage management, if you will.

So, we wanted to go out to our stakeholders and ask them for their input on, you know, what do you guys think are the best ways to manage this fishery for the future?

So we actually shamelessly plagiarized from our neighbors to the north in the Mid-Atlantic Council. Chairman Robins was gracious enough to come down to our kickoff meeting, and share the lessons that the Mid-Atlantic Council had learned.

And we definitely benefitted greatly from their experience. So, we're very appreciative of that. So we used the same bottom up, stakeholder driven process to gather input, using informal port style meetings in order to gather this input.

And we sort of settled on the same four strategical areas of science, management, governance, and communication. So, this is just a listing of some of the issues that we heard throughout the port meetings that we went to.

So we had a lot of input across a variety of different science and data issues, you know, better recreational data, and more participation by stakeholders, and data collection.

You know, folks don't trust the data. There are too many discards floating off, et cetera, et cetera. So, you know, again, these are just the themes from our stakeholders.

They wanted more data. They wanted better data. And they were willing to participate in the collection of that data, and specifically to work with scientists.

I think one of the things that we heard over and over again is, I'll take any of you guys out on my boat. And I'm sure this is something that everybody has heard from a lot of people sitting around the table.

But folks were very eager to share their on the water knowledge, and have that be used as part of the development of the science

that is used to make management decisions.

So, this was actually, really birthed over a breakfast in March of 2015 during the council meeting, after which we reviewed the draft components of our vision blueprint that we were going to be taking out for a round of public comments. So our citizen science organizing committee really sort of was organically formed.

You can see the list of folks who are a part of that organizing committee. John Carmichael is our Deputy Director for Science and Statistics on the council. Amber Von Harten is our Outreach Coordinator. It was myself, Ben Hartig, who is our immediate Past Chair, and a commercial waterman, Mark Brown, a charter head boat Captain out of South Carolina.

We were very fortunate to have Dr. Ponwith's participation. She's been a pretty strong supporter of this effort. And as well as Leda Dunmire, who is with the Pew Charitable Trust, and has a lot of experience in previous positions with the collection and use of citizen science.

So, what would a program look like? So, in June of 2015 the council approved support for our Citizen Science Workshop. We developed a fact sheet to try to inform our stakeholders as to, you know, what is citizen science? Why are we engaging in this? What are our next steps?

So, that's just a picture of the flyer that staff put together for that. And between June and December of last year we were reaching out to our Sea Grant partners, who have a lot of experience on the water working with fishermen to, in cooperative research efforts.

I mean, many of those efforts are actually funded efforts, whereby both your scientist and your fishermen are receiving some kind of compensation for that.

But, you know, the important thing is that Sea Grant is kind of boots on the ground. And, you know, they have those outreach channels already well established.

We were also working with Cornell Citizen Science Program experts. So these guys pretty much like wrote the book on citizen science.

If you google Citizenscience.org, it

will take you to the Cornell lab of Ornithology. These are the folks that developed eBird, which is probably one of the biggest citizen science initiatives, and most well-known initiatives throughout the company, or throughout the country rather. So they were very gracious in the donation of their time to help us think through how best to move forward with this type of program.

So, we, it was a lot of hard work on a really tight timeframe. But we launched our Citizen Science Program Design Workshop about a month ago in January. We, and at first, you know, we were very concerned about whether or not people were actually going to want to participate.

But as we started sending out the invitations, and this was an invitation only workshop, because we wanted to make sure that we actually got things done. Of course, it was a public meeting. So anybody could come and observe.

But we, in terms of the break out groups, and the actual working through the pieces of the agenda, this was for the invited participants. But the more word sort of got out, the more folks wanted to come and be a part of this.

And so, we had all of our fishery sectors, all of our states represented. We had, you know, we had scientists. We had state and federal Agency scientists. We had researcher who were on the ground working with fishermen. We had state and federal Agency staff, data managers.

And, you know, our goal was to come away with, what would a Citizen Science Program in the South Atlantic look like? And we were very fortunate to have Dr. Merrick participate during the entire week, as well as Dr. Ponwith.

And that's really, that's a tough thing to do, is to get that much time from those folks. So we were especially grateful for their participation.

We also, a couple of other folks from headquarters, Laura Oremland and Danielle Rioux were there. I hope I'm not leaving anybody out. And I apologize if I am. But we were grateful to

have that level of participation and acknowledgment. So, this was really a working workshop.

People were not just sitting around and drinking coffee. Although we had some good coffee. We had great keynote presentations from practitioners in the citizen science world as an orientation.

So, what are the traits of a successful project? How do you design a sample project? What are the components of a successful program? Many of which you see up there under the expert guidance themes.

And then we broke folks out into mixed groups to do, under, tackle a variety of projects. So we had a project ideas breakout. And we did that right away.

Because I think part of the enthusiasm was people have all these ideas for how they think different types of citizen science projects. So we thought we would try to capitalize that.

And we had four different breakout groups, a mix of fishermen, scientists, researchers, Agency staff, to brainstorm on what types of projects would be good for a citizen science approach, based on those keynote addresses that they heard. Then we had a project, and we came back into plenary.

And it was amazing to see the overlap between all four of these breakout groups in terms of the types of ideas that folks had for what would make a good citizen science project.

Then we had a project design breakout group, I think later that afternoon or the next day. So, trying to apply those components of what makes a good Citizen Science Program. Trying to address things like communication and standards, and data management, and governance.

And so, in the, we had two topics that came out of the project ideas workshop that we asked folks to try to address through the project design component. And then, the final set of breakout groups were expert workgroups.

So we put all the data managers together. We put all the scientists together. We put the fishermen together. And we asked them to brainstorm on how to address each one of those

bullets that you see up there on the screen.

And again, it was really amazing to see the overlap, in terms of how, what people were thinking. It was really impressive.

So, what's next for us? We, staff has been busy developing a blueprint for the South Atlantic Citizen Science Program. And we're going to be looking at that during our upcoming March council meeting in a couple of weeks.

And I expect that we'll receive some feedback and recommendations about program development from our council members. And so, I think really beyond this it's, you know, how do we keep this momentum going?

There was a lot of excitement in the room. And that was coming not just from fishermen, but also from, you know, quite honestly, federal agency scientists as well.

We had the Branch Chief of the Stock Assessment Group from the Beaufort Lab of the Southeast Fisheries Science Center there. And he was very supportive of this. So, you know, we want to make sure that we can capitalize on this and move forward.

And I think, one thing I want to make clear is that this is not an effort that is meant to replace our existing cooperative research program in the Southeast. That's a very important program.

And, you know, we've tried to distinguish between, I think cooperative research and citizen science, that there is a little bit of a fine line between the two.

And that cooperative research often requires, it's not just a compensation component, but also often requires more statistical analysis of the data that you're gathering to answer a very specific question. Whereas, citizen science, this program is meant to be a little bit more nimble.

I think trying to fill some of our pressing data needs in a timely fashion. So, and also, you know, citizen science can be, it can be contributory, where folks are just collecting data. And maybe you put a bunch of temperature sensors on boats to collect information like that.

It can be collaborative, where you're

actually having the folks who are gathering data for you participate on some level of the analysis. And then it can also be co-creative, where you're actually collecting ideas.

And citizens and scientists are working together to actually flesh out the details of a project. So, you know, I think our roadmap is still a little bit unclear at this point. But we're really excited about this.

We are in the process of I think looking for resources to help support this program. I think, just given the workload that is on our staff right now, it's become clear to us that this would require another person to help manage this effort. And it's not something that you can just say you're going to do.

I mean, there is a huge amount of effort in running a successful Citizen Science Program that extends to just the infrastructure behind that effort. The communication outreach to hook up scientists who may have data needs, but don't really know how to go about getting those data needs filled.

And, you know, we're thinking of data needs that are, that span maybe large stretches of space and time, that are spatially and temporally long. So, I think I'll just leave it at that.

This is the link to the materials for out Citizen Science Workshop. I would encourage folks to take a gander through those materials. We didn't have a huge briefing book for that. We just had a few articles on program structure and design. But all the presentations from the keynote speakers are posted there.

And I have to say that I was very excited this morning when I checked my email to see in NOAA Fish News that there was a citizen science project tracking gray whales out on the West Coast, and how useful that has been. So, and I know that there's an administration focus on citizen science as well.

The National Science Foundation has been involved in this. So we are hopeful that what we're doing in the South Atlantic can maybe prove to be a model for other regions that may be considering similar programs.

And we recognize that we need to move

very carefully, you know, through this process in setting things up. So, I think with that, I'd be happy to answer any questions. Thank you, Mr. Chairman.

CHAIR FARCHETTE: Thank you, Michelle. Any questions for Michelle? Bill.

MR. TWEIT: Thanks. And, Michelle, this looks really exciting. And I'm hoping we'll sort of get, I'd at least love some fairly frequent updates on this.

One of the, my Agency is also looking at a fair number of citizen science projects, mostly in the terrestrial environment. But the fundamental dynamics I think are all pretty similar.

One of the things we're really wrestling with is finding the time to get the appropriate experts in to continuously ensure quality, the data quality, or meeting standards that are going to be useful to them. And I'm just wondering how you're envisioning taking on the data quality challenge.

MS. DUVAL: It's a great question. And it is a key issue in some things that we talked about. And I think we were encouraged to think of it more as data integrity, as opposed to data quality, by some of our citizen science practitioner experts that we have in the room.

And some of the examples that have been given, I think I might shift back to eBird, is that some of those sightings, that there are scientists who volunteer their time to go back and check, and check the database for some of those sightings, to do some of that QA, QC.

Now that certainly is not going to work in every instance. But I think we're going to have to be creative about that.

And one of the things that we've talked about amongst the organizing committee is, you know, in terms of an initial project, that we're going to have to look at something that does not impact the opening or closing of a fishery, to be quite frank. So that you can sort of take that level of bias or data integrity away.

But, you know, that's something that we're tackling in terms of moving forward. We did, you know, our data management folks got

together, and when they were in their breakout group, you know, recommended development of a data management plan that includes those types of issues.

I don't have, I mean, that's not a great answer for you. But it's something that we're going to have to address as we move along. And it is one of the key components.

And I think part of it, from some of the scientists that I talked to who were there, is that the volume of data that you collect for a particular parameter, yes, there may be some imprecision in those data. But, you know, as with anything, the greater your N, you know, the smaller your error bars.

CHAIR FARCHETTE: Don.

MR. MCISAAC: Thank you, Mr. Chairman. It's an interesting program. There's so many junior scientists and Jacques Cousteau type folks out there that can have good ideas. But it's a little bit, this question's a little bit of a twist on Bill's.

What is your best example of some new scientific information that you think might come out of this, that goes through your SSC, through your advisory bodies to the council table, and is actually used in fishery management decision making, that might be used? What's your most promising example?

MS. DUVAL: So, I think one of the things is we're moving forward in the South Atlantic, and are actually scheduled to take final action right now at our upcoming meeting, on spawning special management zones.

So, very focused areas looking at trying to provide some protection for some of our spawning fish that are, some species of which are of concern.

And we're looking to citizen science as being one avenue in which we can work with fishermen to collect data during the course of their normal activities, to determine whether or not spawning may be occurring.

And we would envision that this information would go through our SSC and our advisory panels. We did have, I would classify this as more of cooperative research.

But we did have a funded project with

one of our fishermen out of Charleston to actually work with the scientists onboard his boat, go out to a particular geographic configuration, the sort of elbow edge configurations on the shelf break, to collect samples of fish to determine whether or not they were in spawning condition, based on the time of year, time of day, et cetera.

So, that would be one example I would give you of how we could work with our stakeholders to collect that type of information that would be reviewed by the SSC and the advisory panels.

We also have existing deepwater marine protected areas. And we are in the process of finalizing a system management plan for both those marine protected areas, and the spawning SMZs that we hope to establish.

You know, those system management plans are virtually identical. But they include this as a component, citizen science working with the fishermen to try to collect that information.

Although, the Agency has done some work in our deepwater marine protected areas, you know, they've only been able to, they haven't had the resources to go into those areas on more than an annual basis. So, you know, we're trying to supplement what the Agency can do with what fishermen have offered to do.

CHAIR FARCHETTE: Tom.

MR. NIES: Hi, Michelle. Thanks. I got sort of an odd question. I mean, this sounds like a very interesting program. And I'm wondering, as you were developing it, did you run into any questions or concerns about whether having a council manage a science program was consistent with the terms of our grant?

MS. DUVAL: Well, the short answer would be, no. But you do bring up an interesting consideration. I think, I mean, I see us and, you know, Gregg may want to offer some thoughts here. But I see the council as really being the facilitator in this process.

So, we're still relying on scientists to provide their input on the data needs, and using a willing group of stakeholders to fill those data needs.

So, I mean, right now our staff

actually runs the SEDAR program in the Southeast. So John Carmichael has that program up, you know. It's just, the cooperators are all three of the Southeastern Councils plus HMS, the Commissions, et cetera.

CHAIR FARCHETTE: Follow-up?

MR. NIES: Sort of getting off that one. I'm not going to go down that road any further. But, you know, you touched a little bit on it when you said this is going to take resources from you to one of those programs to organize it or coordinate it, facilitate it.

Has your science center committed to housing the data, and that sort of thing? Because, you know, I don't really know what the citizen science is going to be. But if you talk about water temperature, or whatever, have they talked about housing the data, and agreed to that?

MS. DUVAL: So, I mean, one of the things that we've tossed around is whether or not -- And, I mean, at the workshop itself was whether or not ACCSP would have the ability to house that data.

I mean, it's, you know, it's, the data storage warehouse role is one that they play for us anyway. So, could that be expanded somehow?

CHAIR FARCHETTE: Eileen.

MS. SOBECK: So, thanks for that report out, Michelle. And thank you for including some of our senior science folks. Because I think, you know, your presentation and the discussion shows that this is an area that everybody's really interested in.

But nobody knows quite how to kind of walk it into actual operation. And I think you guys are struggling with a lot of issues in a really thoughtful way. And I really appreciate that.

Because I think what we don't want to do is rush into the wrong project, or not answer some of the questions like you and Tom have raised about where's the data going to be housed? And not raise the wrong kind of expectations about how the data will or won't be used.

And so, I think engaging with federal, state, other scientists at the get go, to make sure that we have common understandings and work

though these issues is really important.

Because I think there is an appetite, both from stakeholders to help, and to encourage for all of the other reasons, you know, better relationships, enhancing trust in our science, a better, you know, creating a new generation of scientists. Making everybody realize that science isn't a separate category. It's something that we're all part of.

So, I had a, we had a big headquarters meeting where we got a download that's very consistent with your report. And there was a lot of interest and enthusiasm. So I think we're thinking through with you.

And really appreciate you guys, the effort that you guys made to put together what sounds like a really informative and challenging workshop.

MS. DUVAL: And again, we were so appreciative to have your headquarters staff there, and particularly Dr. Merrick. And he selflessly offered up Laura Oremland as a point of contact for helping us to work through, I think some of those legal issues, where you all have the resources to help us think through those in as thorough a manner as possible, and make sure we're not missing dotting any Is, or crossing any Ts in that regard.

CHAIR FARCHETTE: Rick.

MR. ROBINS: Thank you, Mr. Chairman. Michelle, you know, I think you all made a remarkable investment as a council in this effort.

And it's reminded to me that whenever the councils are able to engage with their stakeholders a lot of great things can happen. And it's difficult to find the time and the resources to set aside to have these types of engagements.

But, you know, I'm just again reminded that a lot of great things can come out of this. I'll look forward to seeing what some of the deliverables end up being as a result of this effort.

But it sounds like you all have laid some groundbreaking work through this program that will ultimately yield some significant opportunities to improve the fisheries in the

region. Plus, I think it's a great investment.

MS. DUVAL: Thanks, Rick. I appreciate those words. And I think for other councils that are sort of pondering similar efforts with these questions, there are actually a lot of resources out there online.

And, you know, we were very grateful to have the folks from the Cornell Lab or Ornithology, you know, with us sort of as consultants to our organizing committee, to help us think through, I think the, sort of the non-sexy parts of a Citizen Science Program, which are exactly those, you know, back end, infrastructure types of things.

And, you know, that's what the public doesn't see, what our stakeholders don't necessarily see, but is really key to success, you know.

CHAIR FARCHETTE: Any more questions for Michelle? Okay. Thank you, Michelle. You want to keep pushing forward? We only have one or two items left. Or --

PARTICIPANT: Break at 1:00 p.m.

CHAIR FARCHETTE: Want to break at 1:00 p.m.? Okay. Great. Sounds good. Okay. The current status of CCC Workshop and sub, Workgroups and Subcommittees. We're going to have a presentation by Fisheries Forum.

MS. LATANICH: Okay. Well, thank you, Mr. Chairman. And good morning, everybody. I'm Katie Latanich. I'm the Co-Director at the Fisheries Leadership and Sustainability Forum. We're based at Duke University's Nicholas Institute for Environmental Policy Solutions.

So, thank you very much for a chance to share a quick update on the National Essential Fish Habitat Summit. That's going to be May 17th to 19th at Annapolis, Maryland. And that is the week directly before your next CCC meeting.

So, the Summit is sponsored by the Office of Habitat Conservation and the Office of Science and Technology. And as you know, it's an offshoot of the CCC Habitat Workgroup. The Fisheries Forum is leading this planning process.

And we know many of you. We work with the councils and the Agency to plan and facilitate discussions that help support your work.

We've been planning the Summit with the help of two planning groups that include council and Agency staff. So a big thanks to all of you who are directly involved, and those of you who have contributed the time of your staff. It's been great working with them.

The purpose of the Summit is to mark 20 years of the EFH authorities, and convene council and Agency habitat experts to share ideas and experience. And yesterday we opened with some remarks about the value of meetings just like this for staying informed and connected with the national management community.

And the Summit has really similar type of value. So, just from talking with your staff I just want to emphasize that they're very eager to share their work, and to learn what other regions are working on.

So, I'd like to highlight a few points about the approach we're taking to the Summit, and how we're responding to your feedback, and the feedback from our two planning groups.

First point would be networking. Our planning groups have emphasized that we need to really mix it up. So we're going to be structuring conversations that give people a chance to kind of have conversations across boundaries, across roles and responsibilities, and regions.

Another point is coverage. So I've got the revised terms of reference up here on the slide. And you'll see that there have been some minor adjustments.

But overall we heard that it's really important to spend time on all of these topics. So, I just want to emphasize that we will stay focused. So, our job is to invest time and reach out, and figure out what are the most valuable conversations to have for each of these topics.

A third point is inclusion. So, this is a national workshop. It's important for Summit discussions, and the examples we share, to be useful for all regions and all levels of information availability.

And finally, fourth point would be focused discussion. You asked for this to be a working meeting. And we heard this very strongly from our planning groups as well. People don't

want it to be a symposium. They don't want to be just talked out. They want to be active participants.

So, we plan to use short talks really as catalysts for discussion, and not the main ingredient. And also, rather than having a distinction between speakers and audience, we'll really consider all participants active participants and contributors to the discussion.

One thing I wanted to add is that our staff are working on a series of short EFH profiles. And these will be just short, concise two page backgrounders on each region's approach to identifying and reviewing EFH. The hope is to provide some context going into the Summit.

What we heard very clearly from our planning group was, don't sit us down and have us give half our presentations on how we do EFH reviews. Let's get to the good stuff, and make the best use of our time.

So again, our staff are leading this process, and will be doing most of the work. We'll just be checking in with your staff through conversations.

So, together these four points about networking, coverage of topics, inclusion of all regions, and focused discussion capture what I think we can do really well with the EFH Summit, which is share regional ideas and approaches, put our heads together, reflect on what each region has learned about the use of EFH authorities, and begin thinking ahead to how our use of EFH authorities may continue to evolve.

So, I sent around a draft agenda a few weeks ago. And this was divided into two segments. The first part is, where are we now? And this section will focus on EFH identification and review. And this was a very high priority for council staff in particular. They really wanted us to spend some time on this.

The second portion of the agenda is, where are we going? And this section will look at the effective use of EFH authorities in a changing environment.

And this was really a high priority for everyone, for council staff, science center staff, regional office staff, and headquarters. So, this will be a series of explorations looking

at advances in habitat science, communication around EFH consultations, opportunities for EFH authorities to support and reinforce ecosystem productivity and resilience.

And finally, pathways for collaboration and information sharing. So, that's a really quick snapshot. But that reflects a lot of information, and a lot of conversations with lots of people.

So I want to share some quick reminders and information, and just make sure you understand the invitation process, and have a chance to ask us any questions.

So again, the Summit's going to include participation by councils, regional offices, science centers, and headquarters. So we're trying to reach a very, very big group of people.

So, in order to facilitate that process we sent invitations to leadership at each office, each region, and each council. So, for our council folks here, we sent those invitations to executive directors and council chairs. And for regional office staff we sent those to your habitat assistant regional administrators.

Just want to emphasize, since there have been some questions, we look to leadership to be our point of contact, and to help spread the word. The target audience are really your habitat staff.

So, in those letters of invitation we asked each region to support the participation of three to five attendees. And just to be very clear, that's three to five each. So, per council, per region, per office. Understanding that participation's going to vary.

And that's just a target. Some regions may send five, some may send one. So it's really up to you. So again, if you do the math, three to five people, understanding that there will be some variation, that still works out to that target size of about 80 people that you've asked for.

So, for councils, your participants might include council staff, council members, and advisors with habitat responsibilities. I know some councils are interested to send SSC members or advisors. This is really up to you.

Each region is free to send whoever you think will benefit from the Summit or may be able to contribute. Again, this is just really open ended. But we're happy to talk with you if you have questions about your participation.

And your target for registration is April 1st. So, for Agency participation we anticipate that that will most likely include EFH coordinators, and other who are directly involved with the use of EFH authorities.

I'm going to make this very clear, the group travel deadline is imminent. It is this Monday, close of business February 29th. So, for all participants, all the information you need is in that email, the letter that we sent earlier this month.

And again, we're trying to reach a really, really wide cross section of people. So we're looking to you for your help getting the word out there and spreading the invitation. So, we appreciate your help.

And finally, on public participation, this is a public meeting, and there will be a Federal Register notice. And we will accommodate interested members of the public with advance registration.

And a request to councils, we're asking you to serve as a point of contact to your stakeholders just by adding the Summit to your council calendar or newsletter, something like that would be great.

So finally, I wanted to just note that we've included a placeholder for opening remarks in the draft agenda, on behalf of the CCC. And this is just a way to demonstrate that this is a shared Summit, and includes Agency participation and council participation.

It would be great to acknowledge your support and all of the input you've given on the terms of reference. So, if you'd like, I'd encourage you to think about someone who's interested to attend, and would be willing to speak from a CCC perspective.

So, thank you for your time. I'll just close by saying that we've talked to a really wide range of people. And there's just so much enthusiasm for the Summit. And your staff see a lot of value in this meeting. So, thanks.

And I'm happy to answer any questions.

CHAIR FARCHETTE: Thank you. Any questions? Dorothy.

MS. LOWMAN: So, Katie, and maybe I just, you were going kind of fast, and I may have missed it. But you said something about a group travel deadline being next Monday?

MS. LATANICH: Yes.

MS. LOWMAN: And then I'm thinking that the registration is April 1st. So the deadline is April 1st. So I'm trying to, you know, and we were going to have a little bit of discussion of this at our March council Meeting. So I'm just, if you could clarify that?

MS. LATANICH: Yes. Good point of clarification. So, we give a council -- Well, let me go the other way around. So the travel request deadline is only for Agency staff. So you have to complete a group travel request since there are a large number of people participating.

For council participation there's no hard and fast deadline. We said April 1st just to give people a target to shoot for. But there is no deadline associated with travel.

CHAIR FARCHETTE: Miguel.

MR. ROLON: You mentioned that in, that it would be a good idea to have the CCC perspective presented at this meeting, at the Summit. So the question to the group is, do you think it's a good idea?

And probably we will be asking for one volunteer to go there and give that perspective. And then the other council can help talk more, or whatever it is that's needed. So that representative will go over what the CCC interest is in this effort.

CHAIR FARCHETTE: Bill.

MR. TWEIT: Thank you, Mr. Chair. I'd certainly be interested in representing the CCC. There may be others who are interested as well. But I think this is a worthwhile effort. And I've been able to help participate in some of the planning.

CHAIR FARCHETTE: Okay. Does any -- Michelle.

MS. DUVAL: Yes. I've been able to participate in some of the planning with Bill as well. And, you know, I'd also be willing to do

that. But I'm happy to defer to Bill since he spoke up first.

And I know that my attendance is going to have to be limited, based on having a State Commission meeting going on at the same time back home. So --

CHAIR FARCHETTE: So everybody -- Oh, Don.

MR. MCISAAC: Thank you, Mr. Chairman. Just a question. If there is a CCC representative there, what will you say on behalf of the CCC who are committing to on behalf of the CCC?

MR. TWEIT: Thanks, Mr. Chair. I'd certainly start with working off of our, the comments that we made previously, that have been incorporated into the design of this. So, reflecting that.

But I'm also actually hopeful we can have a few minutes dialogue about how to do that, maybe either through our habitat workgroup, or just maybe I think Michelle and I could work on drafting something that we could then just circulate around.

I'm not quite sure of a good process there. But I think certainly starting off of what we've already said, and then maybe developing through the habitat workgroup. And then a final circulation around. That's certainly at the pleasure of the CCC.

CHAIR FARCHETTE: Does everybody agree with Bill representing the CCC? Okay. So be it. Bill it is. Thanks for volunteering, Bill. Okay, yes. Right. Miguel.

MR. ROLON: As you know, the CCC has several working groups in the past. And probably this time we'd like to remind ourselves which are those habitats, I mean, those working groups, and whether we would like to start anew with working groups that will be reflective of the challenges that we have as CCC.

And the past we have legislative working group, the habitat working group. And it will be reflective of the challenges that we have at CCC. But it will, we always say that we do not have an SSC national committee, just a subcommittee of the CCC.

And at this time we would like to hear

from you which of these working groups you would like to keep alive, and who would be the members of that.

So, we also mentioned that here in the catch share is a very interesting and very important issue to habitat share workgroup to prepare something for the May meeting.

So, do we still need to have a working group of catch share? Are we satisfied with what we discussed this morning? What is your pleasure regarding the working groups?

CHAIR FARCHETTE: Chris. Chris Moore.

MR. MOORE: So, I think to the direct question, Miguel, about the catch share working group. I think after our discussion this morning, I don't think we need to have one at this point. I think that we had some indication from the Agency that they'll reach out to staff as appropriate. And --

(Off microphone comment.)

MR. MOORE: Sure. I think we had indication from the Agency this morning that they're going to reach out to council staff as appropriate. So I don't think at this point we need a working group.

CHAIR FARCHETTE: Kitty.

MS. SIMONDS: And I don't think we need the SSC group anymore. Because that was, you know, that was an issue that we had. And we resolved that. And, but I think we should keep the legislative group.

But nobody can remember who chaired that the last time. I chaired it once. But that was years ago. I think it was you, Chris. Didn't you chair the legislative committee? You're the most recent one. But we haven't met. Because Don and I were on this committee.

CHAIR FARCHETTE: Rick.

MR. ROBINS: Thank you, Mr. Chairman. Kitty, as I recall we had, our council simply had to lead by virtue of the fact that we were chairing the CCC that year, that we were dealing with the potential re-authorization.

So, you know, we did take a lead in putting together some of those calls, and developing some of the supporting documents that came out of those discussions. But that was simply by virtue of sharing the CCC that year.

MS. SIMONDS: So, maybe we should continue that process. So, hello, who's in charge?

CHAIR FARCHETTE: Doug.

MS. SIMONDS: Caribbean.

CHAIR FARCHETTE: Oh, I'm sorry.

MR. GREGORY: So are you, I apologized the other day. And you were going, now you're going to make me apologize in public for not doing anything with the legislative working group last year. I mean, how can I follow the Mid-Atlantic Council?

So, what I did is, in an attempt to try to save face was, I engaged Dave Whaley to try, to keep track of legislation and stuff. And I did that after the June council, June SSC meeting where I met him. So that's what happened to the legislative committee.

MS. SIMONDS: Okay.

MR. GREGORY: It just faded away.

MS. SIMONDS: Yes. Well, no, you just continued the whoever, whichever council is in charge. So this year it's the Caribbean Council.

MR. ROLON: Well, we'll be happy to do that. And probably what we should do is to rely on the advice of Dave Whaley on factions in the Hill. And see if we need it. Then I will knock on the doors of each council, see if you have anything to add.

But do we want to have the group appointed now? Or at least a contact person from each council? Or that be only the executive directors?

CHAIR FARCHETTE: Dan.

MR. HULL: Thank you, Mr. Chairman. We volunteered, or I think I volunteered last year to be on the group. And I'll continue to do that. And I do think it's a good idea to maintain that working group.

CHAIR FARCHETTE: Chris.

MR. OLIVER: I was just, I was going to say that too. I do think this, maybe not today, or even, depending on how Magnuson re-authorization and other issues evolve.

I've always thought that in general we should only establish workgroups when we really have something specific in front of us. But in this case I think having a standing CCC

legislative workgroup is a good idea.

And whether and how often they meet is going to depend on circumstances. But I think that we should try to leave here with fairly definitive, explicit understanding of who is on that workgroup, who's in the lead.

My chairman, of course, has volunteered to be on it. I think Mr. Whaley should be a ex-officio member of it, or whatever term we want to use.

But I do think we should be pretty explicit about who's on this group, so that if something comes up, and if you're in charge, Miguel, you'll know who to contact and who to bring into the loop. So that's my two cents on that.

I would, I don't know if you had other workgroups on the list. I think you mentioned habitat. We at one time had a NEPA workgroup that was very active.

But I think with the finalization of that administrative order, or whatever the vehicle was, I think that group's no longer needed. So that's one we can take off the books, in my opinion. That's, anyway, those are my thoughts right now.

CHAIR FARCHETTE: Kitty.

MS. SIMONDS: Yes. We should keep the legislative committee. And I guess I'll stay on it, but I won't chair it. I'm too busy testifying.

CHAIR FARCHETTE: Don.

MR. MCISAAC: Thank you, Mr. Chairman. Tuesday afternoon some of the folks from the councils got together. And I think Kitty and Chris Oliver weren't there.

But that discussion did come around to keeping the legislative committee, because they're, we anticipated that there still might be something, some need for that committee to meet during the course of the year.

I think there was some discussion about keeping the SSC subcommittee. And in the May meeting, hearing about what people have called the National SSC Meetings, anyway, that is a matter of the CCC identifying a charge for them to do.

The Pacific Council is the next in the

rotation on that. And so, I think that Tuesday afternoon discussion was, keep that group. And in St. Thomas hear from people about a recommendation of their charge. And then schedule that meeting sometime over the course of the next year.

I think that discussion also talked about disbanding all the rest of the workgroups, including the habitat workgroup, which just a moment ago got resurrected out of the grave, I think, by Mr. Tweit's conversation.

So I think it's consistent with all the NEPA workgroups and the other ones, is to wait until there's a charge, and not have a variety of lingering workgroups around, who may or may not have any particular duties.

With regard to the legislative workgroup, I think the Pacific Council has an interest and involvement. I'm not sure we're quite ready to identify a name at the moment.

CHAIR FARCHETTE: Miguel. Doug.

MR. GREGORY: All right. Last year at this meeting we talked about the National SSC Subcommittee, in choosing locations, and times, and topics for discussion.

So at some point, I mean, I guess if topics don't come up, then we don't have a meeting of that. So, okay. I was just reviewing my notes. Because I remember we discussed it last year.

CHAIR FARCHETTE: Tom.

MR. NIES: I'd like to nominate my Vice Chair for the legislative working group.

MR. STOCKWELL: Second. Signed, sealed and delivered.

CHAIR FARCHETTE: Michelle.

MS. DUVAL: Well, I'll volunteer on behalf of the South Atlantic to be involved with the legislative workgroup as well.

CHAIR FARCHETTE: Chris. I mean, I'm sorry, Rick.

MR. ROBINS: Thank you, Mr. Chairman. I'd also be willing to serve, although I would be a short timer in the role. But I would be glad to serve on the committee as well.

MR. ROLON: So, in summary, we will keep the legislative working group with the volunteers. I will circle this on the list, make

sure I have the right names. We agree the leaders, following the advice of Dave Whaley, in case something comes up.

We will discuss it with this group. We will scratch all the others, except for the subcommittee and the habitat. Because of the Summit on EFH. And Bill will be working probably with those members, make sure that we have the right idea presented at the Summit.

And then with the SSC, the committee, we'll keep it alive until May, so they can present a schedule of next activities that they would like to undertake.

And at that time also you mentioned that we write to refresh the minds of everybody about the terms of reference of the CCC, and how we deal with these committees and subcommittees.

So for the May meeting we'll have an agenda item that will include a report from the SSC Subcommittee. Maybe habitat and the legislative, if we have something to present to you, definitely we will have it for your consideration.

CHAIR FARCHETTE: Okay. Thank you. Other business? Tom?

MR. NIES: Yes, Mr. Chairman. I don't know if we want to do it now, or by email. Did you want to solicit ideas for agenda items for the May meeting? Do you want to talk about that at all today, or do it later?

MR. ROLON: Actually, that was my next topic. Somebody told me that NMFS will usually send agenda items. So we will expect that to Brian for the May meeting? Okay. So that's done.

And then I will circulate among the EDs any -- all the agenda items that we have. And I would like to close this by April 15th. So we can remember April 15th, IRS, and this one. Because remember, we have to advertise this in the Federal Register. And we need 22 days, or whatever, to give the public notice.

So far I have for an agenda an update Catch Share Program, the items. I have SCC terms of reference. We would like to discuss that. We have a stock status. It's something that Gregg wanted to include in the agenda. So I will do that part. And that's it so far.

For the meeting also in May, we are going to be celebrating the 40th anniversary of the council. And we will have an activity there in the evening of the 25th. I will send that to everybody.

We already have the hotel, Frenchman Reef at St. Thomas. It will be $199 plus taxes. And they are giving us three days before, three days after, in case you want your significant one accompany you. And you will enjoy the U.S. Virgin Islands, or the British Virgin Islands next door.

And basically that information, the hotel may, they have a glitch on their web page. But they're fixing it now. So by next week I will circulate that to everybody. And have the facility, either have the facility for you to make the reservations.

CHAIR FARCHETTE: Sam.

MR. RAUCH: I just wanted to remind the councils that we had released a number of bycatch documents right before this meeting. And we agreed to keep the concrete open at least through the CCC meeting in May. And so, I think it would be appropriate to put those on the agenda as well.

MR. ROLON: Okay. Chris.

MR. OLIVER: A comment and a question. I think we at least have to have some type of placeholder on the agenda for legislative update --

MR. ROLON: Yes.

MR. OLIVER: -- depending on what may transpire between now and then. Just with regard to logistics, you're going to send us information for that room block, Miguel? And when I was looking at their website I couldn't, I was a little confused.

Because part, one part of the hotel was like an all-inclusive thing where you pay X amount, and they furnish all your food and such. But we're not doing that part. Is that correct?

MR. ROLON: Yes.

MR. OLIVER: Okay. So I just wanted to make sure.

MR. ROLON: For us it's easier for all the council to just have it the way we do everywhere, without the all-inclusive. Because

when you do the all-inclusive it's quite expensive. And you end up paying $14,000 dollars for meals. And it's --

CHAIR FARCHETTE: Tom.

MR. NIES: Thanks, Mr. Chairman. I think we, one agenda item that we might want to talk about, and I'll talk to Gregg. Because I think we can kind of pull it together with his suggestion.

It's a little bit of a discussion about how best scientific information is determined, and the interaction between the SSCs and the Agency with respect to that.

Now, we might want to talk about that through email, or something. I don't know that we want to get into it today. I mean, maybe this is old ground, and it's just that Gregg and I are relatively new, and aren't familiar with the discussion.

But it's an issue that both of our councils have an issue with. So it may be worthwhile talking about.

CHAIR FARCHETTE: Dan.

MR. HULL: I think yesterday we talked about reviewing again the conflict of interest regulations, a review of what kind of next steps in recusal determinations.

CHAIR FARCHETTE: Rick. Gregg.

MR. ROLON: No, Rick.

CHAIR FARCHETTE: Rick. I'm sorry.

MR. ROBINS: Thank you, Mr. Chairman. A lot of times at the Annual Meeting in the past we've had a bit of a round robin discussion about things that are currently hot items in front of each council.

And that could include initiatives or recent successes, or challenges, et cetera. But I feel like in that type of forum we do learn a lot from each other. And I would just suggest we have that type of item on the May agenda.

I don't know that we need to have that twice a year. I mean, at some point that might be too much. And yet, doing it once a year I think is a good opportunity for us to see what the other councils are working on, and glean from that experience.

MR. ROLON: Yes. Some of you also told me that rather than having all the councils

doing the round robin, just to make if voluntary. So you have something that you want to share with the other council we will have that place in the agenda. That way we won't be repetitive of what we had done before.

Another one suggested to me to talk about, what have we done in the last 40 years, and what are the challenges for the next 40 years? And that will be part of the banquet.

We were, let me give you a little bit of what I'm going to have at the banquet is, started this big, now is this small. And we want to keep it very brief. There we will honor one of our oldest Secretary Directors.

PARTICIPANT: That is not oldest.

MR. ROLON: Sorry. And given that the Caribbean is the old council we are selfish, and we are going to honor at the beginning our first chairman. And probably one of the only two members alive of our first council.

Mr. Virdin Brown, some of you know him, he has a deep voice and a good presence. So, I believe he will be a good Master of Ceremony. After that he will just introduce our honoree.

And then we talk about having a, similar to what they do in the Oscars, we will have an In Memoriam PowerPoint presentation. So, we will have just that PowerPoint going. And at the end we will have a toast on behalf of everybody have been working with us in the last 40 years.

At the beginning NMFS used to be the enemy. Every time I went to talk to NMFS, going back to my council meetings there, why is the enemy doing? Then I have to report. Now we have been partners.

And I believe personally that for the last several years, ten or 15 years, we have become real partners. And like a family, we are not in agreement all the time. And sometime we have issues that are not resolved that easy.

It's like my wife and I for the last 44 years. But we keep trucking along, and working together. And really we are actually grateful for that. And we should be keeping working together as much as possible.

And our last four years we did a lot

of good. We made a lot of mistakes. And we have learned from all of them. And certainly the last four years we have developed new strategies.

We have the Smartphones, iPad, new stock assessment technologies that we can celebrate. So, for that meeting, the next meeting, if you have an idea how to convey that, put in the agenda, please let me know.

Also on this is, the last thing. Some of you are leaving in May. Some of the people around the table will be done in May. So I encourage each one of those councils that have members that will be terminating their period in August 11th to think about something that we can nice about these people. And bring it to the meeting in May.

And that's about it. I will keep in contact with the Secretary Director, make sure I have the right list of topics. The agenda will be for two full days. And if we need a half a day on the 27th, depending on how we set up this, we will have the agenda then for half a day on the 27th.

I will have transcriptions. I will have a person that do nothing but transcribe the meeting minutes. So we will be able to share it with everybody, and make sure that we capture it, what we need to do, what we didn't discuss at the meeting. Thank you, Mr. Chairman.

CHAIR FARCHETTE: Thank you, Miguel. Chris.

MR. OLIVER: Just to clarify, Miguel, that the actual meeting dates are the 25th, 26th, half a day on the 27th?

MR. ROLON: Yes. And usually we have an informal discussion prior to the meeting. So we will have that facility for us, and also for NMFS. And they will have a separate room. And, you know, it's informal.

By the way, the attire for the meeting is tropical, casual tropical. You don't have to have a suit and tie. But for the banquet I will take pictures. So please use a suit and tie so it looks nicer.

And we will take picture of each council, and then all the people together. And then they will with the NMFS. So it will be something to remind you what we are celebrating,

and what we will be celebrating in May.

CHAIR FARCHETTE: Yes. And casual tropical does not include flip flops. I'm sorry. Anything else from the committee? Rick.

MR. ROBINS: Thank you, Mr. Chairman. I just wanted to note that we regret that Lee Anderson hadn't been able to be with us this week.

And he's been out with some medical considerations. But we are very hopeful that he will be 100 percent and back in action for the May meeting. So we hope to see him back there in May. Thank you.

CHAIR FARCHETTE: Dorothy.

MS. LOWMAN: Thank you, Mr. Chair. And I just wanted to say that, you know, every once in a while we have a discussion about whether this February meeting should be by webinar or something. And I firmly believe that it's really important for us to be here in person.

But it does take a lot of effort for that to happen. And so, I do want to recognize the efforts of Brian Fredieu and all of the NMFS folks that helped on site here, as well as all of your efforts to get together with, and get the agenda together, and all of your efforts throughout this year to, you know. Because it is a big undertaking to be chairing this and be in the lead for the year. So, thank you.

CHAIR FARCHETTE: That calls for an applause. Kitty.

MS. SIMONDS: I have one last comment. Yesterday when Dr. McIsaac said a few nice words about me, about an hour later I started to get emails from people. The first email came from the Pew Uncharitable Trust, sorry, the Pew Charitable Trust.

And they said, Kitty, congratulations. We need to celebrate. I said, sorry, I just replied, I just said no. So I got about five emails. And I scolded this guy for talking about me.

But I thought you guys would find it funny that it was the Pew who, they were the first, that was the first email I got congratulating me.

CHAIR FARCHETTE: Don.

MR. MCISAAC: Just to be clear, what she was getting emails on was congratulating her on her retirement. And there was some confusion there when I was saying that the Magnuson Act at four years is going to celebrate and honor somebody who's been around for the full 40, and deservedly so, and the rest of it.

But the confusion was some people were breaking some champagne about a retirement that they were hoping was going to happen. But we will not see that retirement any time soon, fortunately for the group here.

And one last thing, Mr. Chairman, in closing, congratulations to yourself for the stern gavel. And Miguel and Marcos, these three iron men held the group together for four straight hours Tuesday afternoon, and now have driven the cattle through lunch. And so, they're, it's a strong group of iron men up here at front. So, congratulations on running a good meeting.

CHAIR FARCHETTE: Thank you. Thank you. But I'll make sure we have our breaks in the Caribbean. Well, I want to thank everyone for the participation and all the hard work. And productive meeting. And I'll see you in paradise in May. Thank you very much. This meeting is adjourned.

(Whereupon, the above-entitled matter went off the record at 12:38 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: 02-25-16

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.

Neal R Gross

Court Reporter