



Summary of the June 22-25, 2015 CCC Meeting

Outcome Statements and Recommendations

| Issue | Action | Response | Comments/Outcomes |
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| Budget | The CCC received an update on 2015 funding and 2016 budget issues from NMFS including an update on Electronic Monitoring/Electronic Reporting and the SK Grant Awards. | The CCC took no action on the information presented. | N/A |
| National Observer Funding Allocation | The CCC received a presentation on the apportionment of National Observer Program budgets among the different observer programs. | The CCC took no action on the information presented. | N/A |
| Joint Enforcement Agreements | The CCC received a brief history of the Joint Enforcement Program including the JEA process and funding by Council. | The CCC took no action on the information presented. | N/A |
| MSA Reauthorization Legislative Update and Council Discussion | The CCC received an update on H.R. 1335 - Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act; S. 1403 - Florida Fisheries Improvement Act; a House Appropriations bill that states no funds can be used to enforce Amendment 40 in the Gulf; and a Senate Bill that NOAA cannot use any funding for managing fisheries in the Gulf unless they are subject to a seaward boundary of nine nautical miles. | NOAA General Counsel advised that Councils should focus comments on these bills by discussing how they would impact the resource and Council process versus supporting/opposing proposed legislation. The CCC discussed the major provisions of H.R. 1335 and S. 1403 and decided to reserve the rest of its discussion until after the NEPA Working Group Report. | A legislative Committee was formed and includes: Dan Hull, Rick Robbins, Dorothy Lowman, Tom Nies, Don McIsaac, Doug Gregory, and Kitty Simonds. |
| NEPA Working Group Report | The CCC had a brief discussion about its NEPA White Paper, then heard a NOAA presentation on the revised NEPA procedures to improve integration with MSA. | The CCC discussed reviewing NEPA again after more progress has been made on the MSA Reauthorization and formed a Legislative Committee. | |
| Council Member Recusal Interpretations | The CCC discussed recent recusal interpretations and whether there is an opportunity to develop a more logical and appropriate interpretation of the regulations or change the regulations. | NOAA advised they would explore the issue and that there is potentially an opportunity for change through regulatory action. | N/A |

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| Bycatch Strategy | The CCC received an update on the status of NOAA's updated Bycatch Strategy and was asked for input on the priorities and strategies for the next decade. | The CCC discussed various aspects of the strategy, but no action was taken. | Individual Council's will comment on the Bycatch Strategy by the July 10 deadline. |
| Presidential Task Force on IUU | The CCC received an update on the Presidential Task Force on IUU and the implementation of its recommendations. The action plan is currently being implemented by working groups. | The CCC took no action on the information presented. | NOAA will publish draft principles and species at risk by end of July. In February 2016, NOAA will publish a FRN seeking comments on a Trusted Trader Program. |
| Recreational Fishery Policy | The CCC received an update on the National Recreational Fishing Policy and the National Recreational Fishing Implementation Plan. | CCC members expressed the following concerns: Data Poor Stocks, Promoting Access, Timing and Council Involvement, Collaboration with the Office of National Marine Sanctuaries. | N/A |
| Marine Recreational Information Program | The CCC received an update on the Marine Recreational Information Program (MRIP). The presentation focused primarily on the private recreational fishing estimation process. | The CCC took no action on the information presented. | N/A |
| National Standard 1 | The CCC received an update on the key provisions of the proposed changes to the NS1 guidelines. | The CCC took no action on the information presented but commented on the changes. | Individual Council comments have been or will be submitted by the June 30 deadline. Comments already submitted are posted in the CCC agenda backup. |
| Cooperative Research and Management White Paper | NOAA presented a white paper that examines the use of cooperative research and cooperative management. | The CCC took no action on the information presented but provided comments on the white paper. | Individual Councils will submit comments by the extended July 10, 2015 deadline. |
| Operational Guidelines | The CCC received a brief update on the Status of the Operational Guidelines. | CCC members provided comments. | Individual Councils will submit comments by the July 10, 2015 deadline. |
| Allocation Working Group Report | The CCC received a briefing on the Allocation Working Group report. | The CCC discussed the issue at length and approved the following motion: Motion: To approve the Criteria for Initiating Fisheries Reviews document, amended to include a recommended timeframe of three years, or as soon as practicable, to establish criteria for triggering allocation reviews. | |

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| Presentations: | | | |
| AFS MREP Social Scientists in RFM | The Council heard presentations from the American Fisheries Society; Marine Resource Education Program; and the Social Scientists in Regional Fisheries Management | The CCC took no action on the information presented. | N/A |
| SK Funding Update | NOAA announced \$25 million in SK Funds for 88 projects under the 2014-15 combined grant program. NOTE: This announcement was preliminary. | The CCC took no action on the information presented. | N/A |
| Habitat Working Group Report | The CCC received a report from the Habitat Working Group on the plans for the EFH summit. | <p>The CCC had a lengthy discussion and expressed concerns about:</p> <p>Number of people and appropriate expertise for participation in the Summit; Terms of Reference; Scope of the Conference; Integration of habitat and EBFM and its impact on the size of the workshop; Best Practices; Potential FTE Time; Integrating EBFM into management.</p> | TORs will be circulated by NMFS for CCC review. |
| Assessment Prioritization Update | The CCC received an update on Stock Assessment Prioritization | CCC members raised several issues but took no action on the information presented. | N/A |
| International Affairs/Seafood Inspection | The CCC received a briefing on the combined Office of International Affairs and Seafood Inspection | The CCC took no action on the information presented. | N/A |
| SSC Issues | The CCC received a briefing on the National SSC workshop held in Honolulu February 23-25, 2015. Recommendations from the workshop will be finalized and disseminated by the Western Pacific Fishery Management Council. | The CCC agreed that the National SSC should not meet every year and that the next meeting is scheduled for early 2017. | The Pacific Fishery Management Council agreed to host the meeting. |
| 2016 CCC Meeting | Miguel Rolon provided the CCC with an update on the 2016 CCC meeting. | The 2016 CCC meeting is scheduled for May 23-27 in St. Thomas at the Frenchman's Reef (subject to change). The interim CCC meeting will be the week of February 22, 2016 in Washington, D.C. | N/A |
| Other Business | | | |
| NSI CCC Comments | CCC had a brief discussion regarding whether to submit comments as a CCC or individually, given the pending comment period. | CCC agreed that submitting separate letters would be the best approach. | Councils will submit separate comment letters. |
| Comanagement and Cooperative Research | The Western Pacific Council highlighted some examples of comanagement and cooperative research that have worked in that region. | The CCC took no action on this item. | The WPFMC will provide a written summary of those successes to NOAA Fisheries. |

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| Status of CCC Workgroups | A request was made for an update on the status of the various CCC Work Groups | Legislative Work Group will convene in the very near future. | Allocation Work Group and NEPA Work Group - GMFMC will confirm these two work groups have completed their work. |
| | | Habitat Work Group is ongoing | Work Group Chairs are requested to provide CCC members with email updates. |
| Coral Reef Task Force | Request to have observer status on the Coral Reef Task Force | CCC Agreed to send a letter to the task force co-chairs. | GMFMC will work with NOAA to get contact information and draft a letter for CCC review. |

COUNCIL COORDINATION COMMITTEE

JUNE 2015 MEETING

June 22-25, 2015 -- Key West, FL

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1. WELCOME AND INTRODUCTIONS

- Kevin Anson:* Good morning, everyone. We are going to go ahead and get started with the meeting. Good morning and welcome to the Council Coordination Committee meeting. My name is Kevin Anson and I'm the Chairman of the Gulf of Mexico Fishery Management Council and welcome to Key West, everyone. Hopefully you had safe travels and safe travels on your return home. We're going to go ahead and start with the introductions and we will start to my left and we will go around the table here.
- Eileen Sobeck:* Eileen Sobeck, Assistant Administrator.
- Samuel Rauch:* Sam Rauch, Deputy Assistant Administrator.
- Brian Pawlak:* Brian Pawlak, Director of Office of Management and Budget for the NOAA Fisheries.
- Alan Risenhoover:* Alan Risenhoover, Director of Sustainable Fisheries.
- Adam Issenberg:* Adam Issenberg with NOAA's Office of General Counsel in Silver Spring.
- Jane DiCosimo:* Jane DiCosimo, National Observer Program Manager with National Marine Fisheries Service.
- Richard Merrick:* Richard Merrick, Chief Science Advisor for NOAA Fisheries.
- Ben Hartig:* Ben Hartig, Chairman of the South Atlantic Fishery Management Council.
- Bob Mahood:* Bob Mahood, Executive Director, South Atlantic Fishery Management Council.
- Michelle Duval:* Michelle Duval, Vice Chair, South Atlantic Fishery Management Council.
- Carlos Farchette:* Carlos Farchette, Caribbean Council, Chair.
- Miguel Rolon:* Miguel Rolon, Caribbean Council.
- Dorothy Lowman:* Dorothy Lowman, Pacific Council, Chair.
- Donald McIsaac:* Don McIsaac, Pacific Council, Executive Director.
- Herb Pollard:* Herb Pollard, Pacific Council, Vice Chair.

Bob Turner: Bob Turner, NOAA Fisheries, West Coast Region.

Dan Hull: Dan Hull, North Pacific Council, Chair.

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

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

Jim Balsiger: Jim Balsiger, Regional Administrator in Alaska.

Michael Tosatto: Mike Tosatto, Pacific Islands, Regional Administrator.

William Sword: Will Sword, American Samoa.

Michael Duenas: Michael Duenas, Vice Chair, West Pacific, from Guam.

Edwin Ebisui: Good morning. Ed Ebisui, Chair, Western Pacific Regional Fishery Management Council.

John Gourley: John Gourley, Vice Chair, Marianas, Western Pacific.

Chris Moore: Chris Moore, Executive Director, Mid-Atlantic Council.

Lee Anderson: Lee Anderson, Vice Chair, Mid-Atlantic Council.

Richard Robins: Rick Robins, Chair, Mid-Atlantic Council.

Michael Pentony: Mike Pentony, Greater Atlantic Region.

John Bullard: John Bullard, Regional Administrator, Greater Atlantic Region.

John Quinn: John Quinn, Vice Chair, New England, from Massachusetts.

Tom Nies: Tom Nies, Executive Director, New England Fishery Management Council.

Terry Stockwell: Terry Stockwell, New England Council, Chair.

Roy Crabtree: Roy Crabtree, Southeast Regional Administrator.

Roy Williams: Roy Williams, Gulf Council, Vice Chair.

Douglas Gregory: Doug Gregory, ED for the Gulf Council. I just wanted to point out that we have all the briefing material on our website at gulfcouncil.org. You can also, if you have trouble seeing any

screens, if you're in the back of the room, go onto our website and sign on to the webinar and everything will be on your computer. If you have any questions about anything, don't hesitate to ask me or staff over here at the table. We will help you get copies or anything you want and welcome to everybody.

Kevin Anson: Before we continue on, there are a couple of items that we would like to take care of. Bob.

Douglas Gregory: Dave, if you would come up here, Dave Whaley.

Bob Mahood: I think most of you know and most of you who have been around for any length of time know all the contributions that Dave has made to the Magnuson Act and the council process and he is weaving his way up here now.

I have known Dave for a number of years and let me tell you a guy that would keep you in the loop of what was going on relative to Magnuson over the years, Dave has been that man and I know he has been a great asset to the folks working on Magnuson in Congress and he has been a great asset to the councils and NMFS and, Dave, we have a little presentation here for you, Dave Whaley. It reads: "Proudly presented by the Council Coordination Committee to Dave Whaley for his distinguished service in support of the Magnuson-Stevens Fishery Conservation and Management Act and his outstanding contributions in the conservation and management of our nation's marine fisheries resources."

Dave, you've been a great guy and you've been a great inspiration to me and I think the rest of the councils and so here you go and this is a little token of the Coordination Committee's appreciation.

Dave Whaley: Thank you. This is wonderful.

(Applause)

Dave Whaley: This is a real honor. Thank you. I couldn't have done my job without everybody in this room. I had a number of really wonderful bosses on the Hill that let me do what we did. We did a lot of good work for the fisheries and for the communities and for the fishermen and it's all thanks to all of you. You guys are on the front lines and you guys are the ones doing the work and so thank you. I appreciate this.

(Applause)

Kevin Anson: Thank you. Just one other announcement. Ben Hartig, this will be your last CCC meeting, as I understand. You will be going out as Chairman and so thank you and good luck to you.

Ben Hartig: Thanks, Kevin.

Kevin Anson: Just one agenda change to note before we continue and that is that we're going to move the discussion on the NEPA Working Group Report that's scheduled for tomorrow at 10:45 and we're going to move that today to after MSA reauthorization. In hindsight, there is quite a bit of discussion that pertain to both and so we're going to do that today, move the NEPA Working Group Report after MSA Reauthorization. Then that will push National Standard 1 to tomorrow in that same time slot, to 10:45 tomorrow. I just wanted to let everybody know about that. Next we have Eileen. Do you have some welcoming comments?

Eileen Sobeck: Yes, if you don't mind.

Kevin Anson: Yes, go ahead. Thank you.

Eileen Sobeck: Great and thanks. Good morning and it's good to see everybody, except for the people on the other side of the room. I can't really see you, but thank you very much to the Gulf Council and to Kevin and Doug. This is already shaping up to be a great meeting and a great location and a great event last night.

I know these meetings -- It seems like we just all walk in the room and have a meeting, but actually the planning is a lot of work, a lot more work than it appears, and so many thanks to you and your staff. I know that it's actually a lot more work, especially if things are going to go smoothly and we have everything like power strips that we need for a smooth meeting. Bob, thank you for making that presentation. I understand this might be your last CCC meeting?

Bob Mahood: Yes, I have been inspired to retire.

Eileen Sobeck: I just wanted to make sure that the group recognized that and recognized you and the fact that you been with the CCC and with NMFS and with the state for these many years and I won't say how many, but that will clearly be a big loss to the South Atlantic Council and to all of the great work and I just wanted to make sure that I recognized you in front of the group and on behalf of the National Marine Fisheries Service and so thank you so much.

Bob Mahood:

Thanks, Eileen. I have realized one thing over all these years and that is that nobody is irreplaceable and so I'm sure they will find a very good person to carry on in the South Atlantic.

Eileen Sobeck:

That's great and I see from my notes that you started as Executive Director the year that I left NOAA the first time and so it took me thirty-five years to come back and so congratulations on a long and fruitful career.

Today I just wanted to touch on a couple of things. Obviously the big topics like MSA and budget and so forth we will have separate agenda items and we will spend some time digging into the details and you guys always ask the hard and relevant questions, but I just wanted to touch on a couple of other topics. As usual, it's been a busy year.

I did want to note that we did come out a few months ago with one of the reports we come out with every year, the *Status of Stocks of U.S. Fisheries*, and it really highlights in an incredibly positive way, and I think we have some really great graphics that set this out and I hope that you all take a look at those and take advantage of them when you're telling the story of U.S. fisheries and that is that the U.S. fisheries are continuing to rebuild and that the number of stocks that are subject to overfishing and overfished has dropped to an all-time low in 2014 and that is a story we really need to get out there.

No new stocks were added to the list and what I've tried to say to our appropriators and regulators on the Hill is you want to know why we're asking for additional funds or for funds to support our budget and it's because we come up with results.

In the last several decades, the agency, in partnership with the councils and with the fishing industry and individual fishermen, have really turned around the status of U.S. stocks and it's reflected in the numbers and that's a good investment.

Our job has been to make U.S. fisheries sustainable and we have done that and continue to do that and, again, I recommend some great graphics trying to tell our story in a pretty simple way. You look at there's a little silhouette of a fish and all but a stripe of the tail represents the number of fisheries that are now not subject to overfishing or to being overfished and we're still striving and there are still some problematic stocks. We still have challenges, but we are working on the stripe on the tail of the fish and so I think everybody in this room deserves to take credit for that and we are

going to keep working, but at this point we really are in an enviable position, I think.

I wanted to say something about electronic monitoring. That is a topic that is a favorite of everybody on the Hill and in councils and elsewhere. I think that we've made a tremendous amount of progress this year. We've gotten our national electronic monitoring plan and each region has its plan and they are out there.

We have essentially a timeline of what we can and will do to move from pilots into operation and I think we are very -- We are being pushed to do that. The President's budget did have a line for separate funding for the first time, because if we are really going to go operational in a big way, we're going to need some dedicated funding to do it, but we are moving, regardless of that, to coverage of an entire fishery and so starting on June 1, just a couple of weeks ago, EM coverage on the Atlantic pelagic longline tuna fleet started in earnest.

Basically, it's the first fleet-wide implementation of EM in the country and so this is going to provide an effective and efficient way to monitor and verify all bluefin catches, including the landing and dead discards in the pelagic longline fishery.

Again, we've had numerous -- I think everybody in every council has had pilot projects, but we are trying to actually go operational in the full fleet in this one and so EM systems have been implemented on a hundred pelagic longline vessels. There are fifteen vessels that are not fishing yet and we'll bring them online in the next month or so and so it's a great milestone. We don't want it to be the only fishery, but at least -- You've got to start somewhere and we're really proud that we have.

We will have a separate update on this, but I did want to highlight it. The IUU Fishing and Seafood Fraud Presidential Taskforce still takes up a lot of our time at NOAA Fisheries. Our boss, Dr. Kathy Sullivan, is very interested in this. The work of the taskforce, we came out with an implementation plan. The Presidential memorandum establishing the taskforce and its priorities came out about a year ago and we came out with an implementation plan in February at the Boston Seafood Show and it has some incredibly ambitious milestones.

All of those milestones have the year 2015 and 2016 in them. It is a really short, ambitious schedule, especially with respect to the traceability recommendations of the taskforce. There are multiple

steps and I think many of you will want to be involved in those and have input into those milestones and so we'll be going into a bit more detail in that later in this meeting.

Just as a reminder, some of the other priorities in the recommendations in the implementation plan are strengthening enforcement, creating and expanding partnerships with state and local governments, industries, and NGOs, and, as I mentioned, creating a risk-based traceability program to track seafood from harvest to entry into U.S. commerce and so at this point either import into the United States, first point of entry, or, if it's a domestic fishery, landing on the dock. At this point, it is not a full to-plate traceability recommendation. It is an entry-into-commerce program and the fish species to which it will apply is going to be based on a risk-based system and so we'll get into more detail on that later.

John Henderschedt, who is somebody I think most of the people in this room know, now works for us and he is leading this effort, for the most part, on behalf of NOAA Fisheries and he is going to give you more detail.

The last thing that I want to just spend a minute on is, as you know, in addition to maintaining sustainable fisheries, our other NOAA Fisheries priority is recovering protected resources and that is something that all of us on the NOAA Fisheries side spend some time on. We did launch, on Endangered Species Day about a month ago, on May 15, a new initiative "Species in the Spotlight".

We do not have new, dedicated funding to this, but it's a little bit like our habitat focus area concept, which is we have a lot of legal responsibilities to protected resources under our portfolio and we will move forward with all of those, including our Section 7 consultation responsibilities, working on HAPCs, if there are applications, and evaluating listing petitions and coming up with recovery plans.

We will continue to do all of that, but, to the extent that we have some discretion, we have decided to focus on a handful of species and we came up -- We spent a long time coming up with this list and it's based on the degree of endangerment and the fact that these are all animals whose population trends are going in the wrong direction, going down, and based on -- We also considered whether there had been some recovery actions identified that could actually make a difference.

We kind of used as our model, and I know it's not totally popular, but northern white whales, where by addressing a couple of actions, ship strikes and fixed gear, we really turned around the population. We aren't at recovery yet, but at least the animal populations are going up instead of down and so we will be focusing on these species and we will be trying to run education campaigns and we will be trying to partner with industry. We would like to partner with any of you and we would love to get ideas about what to do to make a difference.

We will be coming up with a five-year action plan, based mostly on existing recovery plans, to identify things that could be done and not just by us, because, as everybody knows, a lot of the actions that we identify in species recovery plans are not just what the federal government or NOAA Fisheries can do, but it's what other federal agencies and what state and local and what outside entities would need to do to turn the populations around.

The eight species in the spotlight are: Atlantic salmon, the Gulf of Maine distinct population segment; Central California Coho salmon; Cook Inlet Beluga whales; the Hawaiian monk seal; Pacific leatherback sea turtles; Sacramento River winter-run chinook; Southern resident killer whales; and white abalone.

There is actually a nice mix of marine mammals, sea turtles, even an invertebrate, the white abalone off of California, and it's sort of a nice, as it turned out, a nice regional distribution. These species, they are already listed and they already have recovery plans and, again, we haven't asked for or gotten new money, but to the extent that we have applications for species recovery grants or we have some discretion about whether we're going to do research on this or that species, we're going to try to use this just as we do with our habitat focus areas, to try to make a difference and get these species turned around and get them heading towards recovery so that they will become less of a burden to all of us in this room and that they don't blink out on our watch.

We will be looking for opportunities to work with you to highlight the good things that you are doing to help protect these species and welcome any opportunities that you might have.

I don't have a lot of agency, National Marine Fisheries Service, announcements. I think that you guys know that two of our key offices, International Fisheries and our Seafood Inspection Program, are being merged under John Henderschedt's leadership. He is working with Paul Doremus, my Deputy who is not here

today, to just sort of rethink those offices and to try to think about opportunities for how to do more and how to constructively promote our industry while maintaining all of our international responsibilities that we have.

It's a very sensitive time and we have a lot of challenging international relationships to work with. We have things like the IUU Taskforce Implementation and I think that this office has never been more important and I am really confident that John's leadership is going to take it to a new level and so I'm really looking forward to having John work with all of you guys. He will be here later today and we will go into a bit more detail.

Again, we have some personnel changes that have been in the works for quite a while. Mike Seki is going to be leading our Pacific Islands Science Center. Jen Lukens is the head of our Policy Office and Jen is right here and so that's great. Brian Pawlak is leading our Office of Management and Budget and it really leaves currently only one senior leadership position in the Fisheries Service open, which is our Head of Law Enforcement, and we are very close to filling that position and so we are going through the last stages and certainly by the next time we meet we will have that position filled and it's really important to have all those leadership positions filled. It's been a challenge and obviously people move on and that's perfectly okay, but it really makes a difference to have an entire team engaged and it's even more people for you guys to call and make constructive suggestions to.

In closing, many thanks for the opportunity to speak and I know that you're all dying to hear about the budget, because that's where the rubber really meets the road, and since I'm the only thing between you and listening to Brian talk about the budget, I am going to stop now and so thanks very much.

Kevin Anson:

Thank you, Eileen. Being the agency responsible for managing the nation's resources, as usual you have lots of issues and topics that you deal with and thank you for the update.

Just a little point. I will try to use the name when I call on folks if they would like to speak, but in case I miss your name or mispronounce it or don't call on the right person, please just say that in the microphone before you talk. I do like seeing you all, but unfortunately it's just a couple of times a year and so the name/face recognition is a little slow on my part. With that, we will go ahead and move into Brian Pawlak with the Discussion on

the 2016 Budget and SK Grants. Brian.

2. BUDGET

Brian Pawlak:

Thank you and thanks for the introduction. I appreciate the opportunity to talk to everyone today. As Eileen said, I'm fairly new in the leadership position, starting in February, but I have been acting in the role for more than a year now actually and I've been with NOAA, NOAA Fisheries specifically, this last stint, if you could call it a stint, started out fifteen years -- I started out at the Beaufort Lab of the Southeast Fisheries Science Center and so I know NOAA Fisheries and don't know your community very well.

I have met some of you throughout the years and spoke to you in different forums and I'm glad to have this chance to talk in my new role and I'm glad to convey and get an understanding a little more of what the budget is about and what we're doing with the budget.

I had dinner with folks last night and heard a couple of people tell me that the budget is really confusing and it is. It's confusing even for folks who work in it daily and there's a lot of different ways to look at it and a lot of different influences on the different aspects of the budget and so hopefully today the point is to go over some of that and maybe clarify where we are with some things and highlight just where we are with our overall NOAA budget and the NOAA Fisheries budget and highlight where the councils are sitting at.

I will touch on a bit of some specific focus and where we are with the EM/ER, the electronic monitoring and electronic reporting, in 2015 and kind of touch on all the pieces of that and so I appreciate the ability to do that.

Then I will kind of break it in halves here and we also will do an update, at least to the extent we can, because we can't be completely public yet on all the awards, but we will do a bit of a deep-dive into the SK and reviewing the process we went through and Dan will be able to answer any detailed questions on SK when we get there.

This slide just kind of conveys where we are in the budget process. It definitely accents the idea that budget is a complicated thing here and I'm not sure this slide completely helps in that, but what we really want to convey here is that we definitely have three, if not four, budget years going on at the same time when we're looking at the budget and so this is just kind of base-lining kind of where we are right now.

We are in FY2015, obviously, and executing the budget for 2015. We are in the fourth quarter and we're actually thinking about how we're going to start closing out 2015 and the 2016 President's Budget is being considered on the Hill. We have some feedback from the House and from the Senate and I will go over that in detail here in a couple of slides.

We have also got the FY2017 budget in consideration from the department before that goes on to OMB and we're actually just at the very initial phases and in a couple of weeks we'll be first considering what might be in the FY2018 budget and so a lot of different pieces moving at the same time and I think that's one thing that makes it complicated, what budget year are you talking about and what phase of the budget you're in. This just kind of highlights where we sit right now.

I think this is a chart and graphic that Paul Doremus has showed you before. It's the historical budget trends of NOAA Fisheries and the councils and it's specific to the councils' budget line, the PPA.

This amount shown on these tables here, and unless you've got them right in front of you and open in front of you, I know it's going to be pretty hard to see. It's basically trying to show here that we've, over the years, as the Fisheries budget has grown, we have been able to make attempts to keep the council budget growing and we've tried to avoid places where the Fisheries budget goes down. We have tried to avoid having the councils' budget go down.

Specific to the numbers on the red line there for councils, this is the amount available to the councils and some questions came up earlier to me through email, before even getting out here. This is the funding that the councils received post-Hollings rescission or any Congressional rescission post-M&A assessments, Management Administration Assessments. Just to clarify that that number is not the same as the amount enacted, obviously, and I've already had some questions via email before getting out here of what the distinction is here.

Again, the trend here is that minus the outstanding year of 2013, when sequestration hit, council funding largely remaining stable for a couple of years and we've made efforts to try to make sure we don't bring the council funding down when NMFS is decreasing.

What you don't see on this table and we will talk about a bit in a couple of slides is FY2016 request. FY2016 request is that \$25.1 million for the regional councils PPA. Again, that number is not directly comparable to these numbers, because these numbers are, again, the enacted amount minus Hollings rescission, any Congressional rescissions, and M&A.

Just overall where we are in 2015, just a reminder, since we're already in it here, we received our appropriation in December. That was fairly early for us, if you look at the last couple of years, of \$958 million. This was an increase over the 2014 spend plan for our core programs, meaning fisheries, protected resources, enforcement and habitat. That's good. There was a slight increase. It was a small increase, but that's at least a positive trend compared to where we were maybe in the years before or fears of where we might be.

One flag here on this slide is just to say that even though we got our budget in December of 2014, the budget conventions, budget rules, require we have an apportionment from OMB before we can obligate funds, before we can spend money. We got a budget relatively early, still the first quarter, in December, and we did not have our apportionment from OMB until March, end of February or March timeframe. I think it wasn't until even the second week of March.

The challenge that that creates for us and created for you is our ability to get grants out the door and so we have money appropriated to us and we did not yet have it apportioned and we cannot obligate funds without that apportionment and I know that became a challenge for the councils last February when Paul Doremus was speaking to you and folks were looking for the renewal of the five-year grants.

We could not move on those until OMB made its apportionment and actually it was the pressure we put up through NOAA, through DOC, to OMB, because the pressure and noise and concern we had from you all that some of the council funding was running out that we actually got our apportionment. Some of the delay in our initial process was due to not being able to have the ability to obligate our funds.

Again, this will be pretty hard to see unless you've got your computer open in front of you here, but this is a slide you should have seen before. This is a slide that Paul Doremus has shared

with you and, again, the amounts in the table are the amounts that have been made available to the councils and so this is the post-reductions from M&A and Hollings numbers.

The increases you see here between the different budget lines is largely for ATBs, or adjustments to base, that we get from the department and where we've been able to request them, we've been able to direct some of that increase to the council funding line.

Total funding to the councils in 2015 was 27.9 million and so if you're looking at the table there, the third column over, we're talking the regional council PPA and that's a distinct PPA, budget line, for the councils and falling down the rows there, that's all the different sources of funding that the councils receive from NOAA Fisheries and you've got the NEPA and we've got the ACL implementation and regulatory streamlining, SSC stipends, council peer review. That sum total in 2015 was \$27.9 million and that was up about \$670,000 from 2014 and, again, the increase was largely from ATB and recognizing there were some decreases kind of from the programmatic funds from the ACL implementation and others.

Again, I think this is a slide you've seen before and I think, again, to clarify some questions that folks have had in the past and this is not synonymous with the enacted funds. If you're looking at the FY2015 spend plan, the enacted amount would have been \$24.4 million and then in 2016 what we have requested is the \$25.1 million for the councils.

Specific focus in 2015, in kind of an effort for us in highlighting here where we've tried to put dollars towards priorities that we've had for the agencies, that the councils have had, is electronic monitoring and reporting.

I'm sure, as you're all aware, since the agency worked with the councils to develop the electronic reporting and technology plans and we've got the link here where they're all posted. It had obviously your input and involvement in that and we're trying to get some money in 2015 to move past the pilot stages and get a little more kind of on-the-ground development of these technologies.

Also in FY2015 we had specific Congressional language to make sure we spend money on a volunteer program and a cost-shared program for electronic monitoring and reporting and that

Congressional language was specific to us to find within our funds provided of \$2 million and also to provide that funding through NFWF to ensure a cost-shared program and we ran that this spring and considered applications from all U.S. fisheries. The goal was to catalyze EM/ER and get more demonstration projects going and get more on-the-ground.

With partnering with NFWF, we were able to obtain a match of at least I think \$1.5 million and I think we expect more funding to be matched by some of the -- In-kind match, at least, from some of the recipients. Those awards have already been made and it's just an example of kind of what we have within our base funds to try to move and push towards a priority area that we see and that we've heard from the councils that this is an important aspect and that was important to Congress, since they put it in the language.

I will just keep talking here and I'm glad to do questions along the way as well or we can break it at the -- Are there hands going up? Yes, sir.

Unidentified:

Brian, I had a question on this slide and it may be appropriate to wait, because I know there's additional discussion scheduled for funding, observer program funding, allocation, but specifically on this slide, the plus-up of \$1.5 for management and regulatory support for electronic technologies, we have a number of amendment processes, regulatory amendments and adjustments to our recently restructured program and we're anticipating a likely package of regulatory measures to implement EM that we're working on in our region next year.

We're struggling already with staff resources, literally, between our region and our council staff that work on these observer program issues and do you see that -- Is that \$1.5 million to -- How does that get spent? Is it new staff or when you say regulatory support, what does that really entail?

Brian Pawlak:

Thanks for the question. Let me just clarify the two pieces and I will get to your question in a second. The first piece, the \$5.6 million, this is the total \$7 million that Eileen was referring to for electronic monitoring in the 2016 request.

The first bit of funding there, electronic monitoring and reporting, that's really on the science side, the testing that's internal fisheries and evaluation and calibration of the tools. The second portion there, the \$1.5 million, is on the management and regulatory side and looking for what support -- Primarily, and as we presented it to

Congress, it was support within NOAA Fisheries, which does include some staff and effort to be able to handle the data and incorporate the data into management activities.

Again, as we presented this budget to the Hill and developed it, it was funding largely internal to NOAA Fisheries, but we're open to having discussion about, once we know what the different requirements are, what the different electronic monitoring programs might produce or need, from the regulatory context, have a conversation with the councils and see if there's any availability or flexibility in here, in that resource, but the bulk is flagged as internal to NOAA Fisheries.

Eileen Sobeck:

I mean I'm just going to cut to the chase though and I know Brian has this laid out in a more systematic way, but you know this is what's in the President's 2016 request and this isn't really -- I mean it is what it is and we're kind of beyond this now and so where this shakes out and whether there is going to be a budget and when and whether there is going to be a CR -- If there's a CR, there is no EM line and so we're going through all this because we want you guys to understand kind of all the pieces, but we don't know where we're going to be at the end of the day.

You know we would love nothing more than to have the funds for everybody to dive into, wherever they can, the implementation on an accelerated basis and we're just going to have to do it in a slower, more systematic way based on how much money is out there.

Brian Pawlak:

Thanks and actually, the House mark didn't support this at all. I will hit it in a little more detail. The Senate did support it in part though.

Again, as Eileen was highlighting, again I think you've seen the 2016 President's budget before from Paul and so I won't spend a lot of time on this, because I think Paul walked through that in detail in February, but just kind of framing where we are now.

As Eileen was saying, this was our wish list, which was a total budget of \$990 million, almost a \$32 million increase from 2015 enacted. That's what we presented to the Hill and we're starting to get feedback on what the Hill thinks of that.

First, before I get to what the Hill thinks of that, specifically for fisheries, overall for NOAA, the NOAA budget, and so obviously fisheries is part of that, we've got to work in the political

environment and challenges that we might have within NOAA.

The NOAA budget at the House level, we're looking at \$800 million below the NOAA request and so significantly far off the mark from where NOAA wanted to be and \$274 million below our enacted. The Senate is largely the same and kind of different places from what the Hill thinks versus what the President's budget request is.

It's nearly \$600 million dollars off of request and about \$60 million off the enacted and so the key point here is just flagging that at the NOAA level NOAA is facing challenges with any budget increases and the language in both the House and Senate marks at this point also flag strong support and kind of full funding, full support, for the Weather Service in both the House and Senate and so, really, one of our challenges in this fiscal environment within NOAA is the need and high priority that Congress is putting on the Weather Service and any increase or maintaining funding through them obviously puts a challenge for the whole entire NOAA portfolio when part of that portfolio we're asking for increases in that budget.

Specifically for NOAA Fisheries, we have a House-passed bill where we're 6.5 percent below our 2016 request and that's why I think Eileen is saying we have a long way to go, because we did not get most of what we asked for in the 2016 bill.

We are 1 percent above FY2015 enacted and so that's, given concerns of where we could have been and how different -- Different places we could be with the new Senate and at least, to me, that's semi-encouraging that we didn't go down any and obviously certain budget lines might have gone down. Basically, the House and Senate land about the same place for total spending and the same place for kind of a total amount above enacted.

Again, just as we're kind of getting to the details that Eileen was just flagging, that 2016 -- If you go to the third column over with the numbers in it and so the fourth column total, where it says "FY2016 Program Changes", just a remind that's the increases that we had asked for in the President's budget a big focus on protected resources, science, and management, where we are just not meeting our requirements under ESA, MMPA and kind of including the EFH and consultation. We're getting behind in our ability to keep up with the consultation backlog and so big increases there.

Obviously this reflects the EM/ER increase and it reflects the IUU increase in the enforcement line and so, again, I know Paul went through this with you in February and I will just kind of put the big picture up there of what we were asking for and flagging really that it was our ask and it points to where some of our priorities are, but also as the ask, we've already learned from the House and Senate, that most of these asks are not supported by either side of Congress.

If we switch to the next slide, you can see a little more detail of what the House and Senate marks have supported. The first box up there, the first item, from the House and Senate marks is, as I'm sure you guys are aware and I think Paul talked to you in February, we are looking to adopt a new budget structure and if that's not something you're familiar with, simply what we're trying to do is reduce the number of budget lines in the budget and compress the budget a bit.

We have thirty-seven budget lines which we're moving into I believe ten or maybe it's eleven budget lines. It really becomes a challenge and difficulty in accounting in just keeping track of that many budget lines, where there is very small pools of funding in any particular budget line. It's hard to manage the program that way.

House mark adopted the budget restructure and the Senate mark adopted the budget structure, for the most part, except with minor modifications. We had rolled up the aquaculture line, for example, into a fisheries management line and that line has been pulled out separately. We had tried to roll salmon spending into one budget line and they clearly wanted us to make sure we break out Atlantic salmon from Pacific salmon. Bob, you had a question?

Bob Mahood:

Yes, Brian. Something must be missing or I'm missing something. If you look at the second box down, Regional Councils and Regional Councils and Commissions funded at \$32 million, \$4 million below 2016 request, and then you go over on the other side and the Senate mark would imply that the 2016 request was \$33.5, the same as the 2016 request. One total is \$36 million on the House side and \$33.5 on the Senate side.

Brian Pawlak:

What that is is in the House mark they took our proposed budget structure, which includes interjurisdictional fisheries grants and it includes a number of the commission budget lines and so there's probably \$10 million more of other things in that budget line called Regional Councils and Commissions.

In the Senate mark, the Regional Councils and Commissions, they broke out IJ and they put that into a separate line and so if you look at the Senate mark from what's in the budget, they funded the regional councils, the detailed line, PPA, for what you all receive from NOAA Fisheries through the grant process and that would be level funded. If the House mark was enacted, we would have to make some determination of where that reduction would come from, among the many different items that are in the Regional Councils and Commissions line.

Again, we're hoping the House mark doesn't happen and we're hoping the Senate mark happens. It keeps everyone here whole and if the House mark were to happen, we would strive to protect the council funding and so the difference is how they broke out the budget in different lines between the House and Senate.

Bob Mahood: Okay and so it's apples and oranges.

Brian Pawlak: It's a little bit of apples and oranges for sure, yes.

Unidentified: Hi, Brian. Since Bob raised that second line, I am a little confused on the Senate mark side, where it says Regional Councils and Commissions funded at a \$700,000 mark above Fiscal Year 2015. When we met in February, Paul Doremus told us that there was about a \$2 million increase in the President's budget for the councils and commissions and so what happened to the missing \$1.3 million?

Brian Pawlak: So the delta that Paul maybe spoke about in February was from the President's budget to the amount available to you in 2015 and so, again, the amount available to you is not the amount that's enacted and so the apples-to-apples comparison would be the amount enacted, which I can find here in a second.

In 2015, \$24.4 million would have been enacted, but, again, what Paul was talking about in February was the \$23.233, which is on the graphs and the tables. That's, again, that's post-Hollings rescission and it's post-MNA charges and so there is a \$1.9 million delta between that number available to the councils and available to fisheries in 2015. There is a \$1.9 delta to the \$25.1 President's budget request in 2016. In 2016 at this point, there is no rescissions and there is no assessments taken from that. The 2015 number has those rescissions and assessments taken off before even Fisheries gets that. Again, it's a bit of the apples-to-oranges comparison versus apples-to-apples.

Unidentified: I am not sure I followed all of that, but does that mean that the \$700,000 increase doesn't include the M&A fund that we get reduced by?

Brian Pawlak: The \$700,000 increase would be from what Congress enacted last year and so if we were to receive the 25.1 this year, before that money is made available to Fisheries and before it's made available to the councils, there would be Hollings rescission and there would be MNA assessments to that number.

Eileen Sobeck: So it would \$700,000 minus something.

Brian Pawlak: It would be \$25.1 million minus -- The apples-to-apples comparison between 2015 and 2016 is the President's budget and what was enacted from Congress and so enacted in Congress in 2015 was \$24.4 and so the apples-to-apples comparison would be the \$24.4 million enacted to the \$25.1 million we're requesting today.

The rescissions would come from the \$25.1 million, which would bring you down to a number that would then be an apples-to-apples or we just did apples and let's say oranges-to-oranges. So an oranges-to-oranges comparison then would be that whatever the \$25.1 million got reduced by from Hollings or M&A, that number would be then comparable to the 2015 \$23.3 million that you have now. If you're still not clear, I would be glad to sit at the table and walk through it. Any other questions on that?

Donald McIsaac: A follow-up. If I'm trying to track that discussion, if it comes to \$1.3 million -- I think what I thought I heard you say was about \$1.3 million would be taken away by rescissions and such and so if that's right, \$1.3 million out of \$23 million sounds a little strong for rescissions and is that the same rate of rescission for all the other fishery management programs in NMFS, that same rate?

Brian Pawlak: Yes and actually in 2015 it would have been kind of M&A and the Hollings rescission would have been just at a million and so the \$1.3 isn't the right applicable term, but your point of would it be the same amount taken across every PPA is yes. The regional council PPA, any reduction to Hollings or M&A is the same -- That reduction will be seen from every budget line across Fisheries. Any other questions on that? I am not comfortable that everyone is clear, but if you want to grab me afterwards or -- It really comes down to what dollar number is your comparison and what delta your comparison is off of.

Again, I will just maybe repeat myself and I'm not sure if that's making it clear, but the enacted number from Congress does not become the amount available to us in what we can put out the door in grants. The President's budget number is the number before any reductions happen. The enacted number is the number before any reductions happen and that's where the comparison needs to be drawn. It can be drawn anyplace, but it's just that you're going to get a different delta.

Donald McIsaac: Thank you and one other follow-up on the House mark, where it says \$32 million, \$3.2 million below Fiscal Year 2015 enacted, it seems to me that the \$32 million has been pretty constant for a while and so by Fiscal Year 2015 enacted, are you referring to the actual Congressional line item having been somewhere in the upper twenties or are you talking about the spend plan versus the Congressional line item or what?

Brian Pawlak: It would not be the spend plan. It would be Congressional enacted and, again, the challenging part here is this is where we've restructured the budget and so the delta would be off of all the different components that are in the budget and so, for example, the IJ, the commissions, and obviously the regional councils PPA.

It's a comparison that might not be true from the year past because of the budget restructuring. There is different things in the line, if that make sense. If anyone wants to double check with me afterwards, I can flip over to the table and we can walk through it and we can sketch out the math right on the back of a napkin if you've still got questions on that.

Just moving on from what has been in the House and Senate, as we alluded to earlier, the House mark did not provide the requested increases for the electronic monitoring and reporting or the IUU. It has language about us directing us to fund these activities within our existing resources.

Obviously, as Eileen pointed out, that's pretty hard to do, at least at any new or different level. We did get from the Senate partial increases for the EM and ER and the IUU. Not the full amounts that we asked and, of course, language supporting this and really where we are with the budget is the House and Senate have to get together and agree. There is already talk and likeliness of a CR and a long-term CR and so that would make most of these requested increases probably a moot point, because we wouldn't see those.

Other kind of different pieces of the budget that might be of interest to you, PCSRF is funded at \$65 million and that's above our 2016 request and the budget does not include the \$10.3 million in budget authority that we would need to run the Pacific Refinance Program. It does include \$12 million for cooperative research, which is level funding, and based on the current estimates, and this is a nice segue into our next topic here, the FY2016 budget, once enacted and once we have it, based on current estimates, we're estimating just shy of \$14 million for the SK Program in FY2016. That's kind of the budget piece of it and I'm going to move, if there are no immediate questions, to the SK Update. Sorry, yes.

Bill Tweit:

Brian, I had sort of a side question about the OMB appropriate process. As I think you're aware, we have funds actually collected directly from fishermen in the North Pacific that are designated specifically and only for use for the North Pacific Observer Program there and can't be used for anything else and yet for several years now we've had trouble getting those funds released from OMB.

In fact, there has been a sequestration applied to them as well and I am just wondering -- That's now to the point where it's affecting our ability to efficiently use those funds to run the observer program. It's actually cutting into -- As best we can understand, it's actually beginning to impact observer levels and is there anything that can be done to streamline the release of those from OMB?

I understand that's not directly an agency problem and it's more of an OMB problem, but for the life of me I can't understand why funds that are essentially fishermen's funds that by law can't be used for anything else and why they're subject to sequestration and why it takes forever to get them out of OMB and I am wondering if the agency has any thoughts about what could be done to help release those and allow us to use them efficiently.

Brian Pawlak:

Thanks and as you said, it's not a Fisheries problem, but I think it is a Fisheries problem. It's not one we actually created, but it's a Fisheries problem. I haven't heard of this one specifically, but my guess is if what you're hearing is that they haven't been released or we can't use them is it's probably subject to spend plan approval still early in the year and my guess is that there's still probably apportionment issues, because we get -- Even though we get a one big lump sum apportionment or we should or could get a one big

lump sum apportionment at the beginning of the year, OMB has been looking at apportionments over different pots of funding throughout the year and releasing these in kind of bits and bops throughout the year, which has made it challenging for us.

I am not familiar with that specific issue and so I don't know if anyone else here knows specifically what the delay is, but it is something that I think we have to keep conveying back to OMB and through NOAA and the Department what the problems are of not getting an apportionment. Like I said upfront, not having the apportionment for the council grants early was one of the big reasons we were just behind the eight-ball in getting the grants out for the new five-year cycle.

We pushed the Department and the Department called up OMB, quite frankly, and yelled and said we've got important constituents that are not getting their funding because we're waiting for an apportionment and that was what drove OMB to finish that apportionment, but it took the pressure from you all in this room and us through DOC to make that apportionment happen and I won't say it was timely, but to make it happen and I think we need to make those apportionments happen more timely.

Eileen Sobeck:

Right and so if there are specific issues like that, we'll take those back and look at them and try to figure out why they're being held up and if we can do anything to move them forward, but just so everybody is clear, the general spend plan issue -- A lot of times the approval of the spend plan has nothing to do with -- Sometimes it does, but many times it has nothing to do with NOAA Fisheries, but lots of things to do with the other parts of NOAA's budget, but until everything for NOAA gets cleared up, our spend plan isn't approved and that period has been waxing and waning a lot longer.

I mean it's really -- We couldn't agree more that it's a terrible way to run a business, knowing that you have this appropriated money and not being able to actually spend it until quite late in the year. We find it incredibly frustrating too and it isn't necessarily a reflection of anybody's problem with what we're doing, but it's part of larger issues, but if there are specific reasons to break out specific things, we will try to do that, but we can't guarantee that we will be successful.

Brian Pawlak:

Thanks and that's not one that I have heard specifically, but if it's still an issue -- At least that I have personally heard and maybe Jane knows about it from the observer side of the house, but let's talk afterwards or send me a note and we can try to track that one

down.

Kevin Anson: Brian, we have Kitty Simonds.

Kitty Simonds: We can talk more about it offline or whatever, but we have a Sustainable Fisheries Fund and that fund says that only the council can spend that money and so this is the first year that we're being told that NMFS is holding back a certain percentage of that money and so that's something that we need to clear up.

Brian Pawlak: Okay and is it Fisheries is holding back a certain portion or OMB is holding back a certain portion?

Kitty Simonds: Pardon me. You talk so fast that I can't follow you.

Brian Pawlak: Is it Fisheries holding back a certain portion or is it OMB holding back a portion?

Kitty Simonds: I think it's Fisheries or it's part of the sequester.

Brian Pawlak: Right and so my understanding is OMB -- Their general approach, for at least the accounts that I'm familiar with, has been to take the sequester off of accounts, even though they might not have the -- I don't know if "authority" is the right word, but although they might intend to give that back.

There is a number of accounts where the sequester is taken off initially, but then they go back and what we generically refer to as the "pop back" or the "pop up", meaning the amount that was sequestered comes back to that account. My understanding is the account that you're talking about that OMB did initially sequester - - That money will not be held by them and that money will, again, in our phrasing, it will come back to you or it will pop back to that fund.

Kitty Simonds: Okay. That's good, because it's not government money. It's private money.

Brian Pawlak: Right and my understanding is that is not one of the accounts meant to be sequestered, but they do take the sequester. It's kind of like a general assessment upfront. They take the sequester and then where it is not appropriate to take it from, they go put it back and that happens actually in SK funds and it happens in other mandatory accounts and except where not allowed by law, and there are some accounts like that, but my understanding is that account that you're speaking to that OMB should -- The pop-back

should come back to the account.

Eileen Sobeck:

Kitty, that's coming from OMB and not from Fisheries.

Brian Pawlak:

All right. Now we're ready for SK. Any questions that you want to grab me after, please do and I can walk through the detailed budget tables if there is still confusion about the apples-to-oranges question and the enacted to available funds question. I will be glad to walk through that with anyone to make it clear, because I know it's not necessarily simple.

Maybe a little more straightforward and simple and actually kind of I think good news is the Saltonstall-Kennedy Grant Program. I'm just kind of giving you an overview and update here and Dan Namur is here and he actually runs and directs all the nuts and bolts of the program.

He is meeting with the Administrative Officers tomorrow and he's going to be talking with them about the program and also looking for opportunities to get feedback from you all and the Administrative Officers on ways to improve the program, enhance the program, and further your involvement as we kind of change the model that we've done this in.

Just a bit of the background first, if you remember the 2015 awards was actually a combined 2014 and 2015 competitive grant solicitation, largely because 2014 -- We got our budget so late in the year and it's a lot of administrative work, as you all know, and a challenge to put together an FFO and run a solicitation and run the competitive process.

We combined the 2014 and 2015 program, one to kind of just ease the administrative burden and make sure we could get the 2015 money out quickly if we were delayed in budget and it also I think this year gave us a chance to fund some kind of bigger awards, bigger projects, and maybe get a little more bang for the buck with a little larger pool available.

From the announcement this year, we received a total of 285 applications and we are at the stage of getting ready to award and announce more than \$24 million of available funding and actually today Paul Doremus is going to the Hill to inform them of our -- Again, we were just talking about spend plans and we have a requirement from our appropriations language to brief the Hill before we award any funding and tell them what we are spending the SK money on and what kind of the generic breakout of the

funding is.

We are obligated to do that before we make any announcements and that's what Paul is doing today and so a little more general on the details here today than I would be able to be in maybe a couple of weeks, but we expect the funds to be obligated in the third and fourth quarters of this year.

Obviously this year one thing that we focused on is greater engagement and so with the councils and greater participation of the councils in the prioritization process and the selection and so we definitely appreciate all your help in identifying reviewers and participating in the different stages.

The first place where we took your help or feedback is in developing the priorities for SK this year and we went to the five-year research plans, the councils' five-year research plans, to start focusing and narrowing in the priorities.

What we developed, which you're probably all familiar with, having already been through it, is these themes and priorities, where we're maximizing fishing opportunities and jobs, improving the cost effectiveness and capacity for observations, increasing supply and quality of domestic seafood, and improving the quantity and quality of fisheries information in the U.S. territories is the four themes we landed on this year.

If you go to the next slide, we had 285 applicants that underwent a minimum of three merit reviews. After all reviews were conducted, we did a rank order and we hit a cutoff score of eighty-five was determined, kind of the ranking process, and from that and kind of looking at what the availability of funds were, we had 112 applications that were moved to the panel evaluation and panel review that happened in St. Petersburg a couple of months ago.

Again, based on those results, we just moved the package a couple of weeks ago to Eileen's signature for approving the awards and selected awards. Again, because we're not at quite the place to be able to announce these yet -- We actually expect the end of this week and hopefully we're not pushing into next week, but possibly early next week the applicants will know. The initial announcement to applicants will go out and so folks in your region who are getting SK awards will be informed and you will know who is receiving what.

Again, since we're not quite at that rollout stage yet, we don't want

to provide all the details on that, but we do have a broad range of good projects, excellent projects, across the different regions and across the themes. There is a good number, more than 50 percent of the proposals on any region, are being awarded SK funds.

If you jump to the next slide, this just highlights where we reached out to the council to make sure we got your input and involvement in this. It was something Congress asked us to do and it's something we knew we should be doing and so, again, we built the priorities list, first starting from priorities that we shared with you and your five-year research documents.

You helped us identify potential reviewers and nominating subject matter experts for each stage of the review. Again, we also went back to the council leadership here for an initial review of the rank order, to make sure we had the proper spread of projects across themes, across regions, and across geographic location, just the whole mix of diversity and making sure those were appropriate and, of course, you have always helped us with the outreach and education on the process and as we roll these out in the next week or two here, we also appreciate the help in kind of the education and announcement process.

Tomorrow, Dan is going to talk to the folks a bit about ways we can improve it and what can we do to do better, to have more direct involvement from you all on what things worked well and what did not work well and I would be glad to hear some of that today if we have time as well.

Kevin Anson:

We have questions.

Terry Stockwell:

I greatly appreciate the regional invitation to participate in the final review panel, but at least in New England, a week was not enough time to get the -- Many of the folks that we intended to send down to the panel couldn't rearrange their schedule and so hopefully next year we can reach out and a couple or three weeks' notice would be greatly appreciated.

Brian Pawlak:

Yes, I appreciate that. We definitely heard that from many people and we definitely knew that made it rushed for everyone and it probably prevented some people from going. We have heard that and we're starting and planning for the next round, probably after these announcements get made in the next few weeks. In the next few weeks we'll be planning for next year and hopefully we won't run into that again, but we recognize that was a burden.

Eileen Sobeck:

This was a learning year and there was a lot of money at stake and so you don't want to learn at the expense, but it is a really compressed timeframe, given the need to have extensive outreach and we had a bunch of webinars and when you see the volume of proposals that came in and trying to figure out where you were going to need reviewers from and what the subject matter and so we did kind of shortchange that process and we'll try to build that in and we won't be trying to deal with -- Fortunately or unfortunately, we will have somewhat less money and so maybe fewer proposals.

This was two years' worth of SK proposals and so we had a -- I guess I will even say that maybe we can all think about what the schedule is and that it's likely to be kind of compressed and we do apologize for that, but there was a -- Given the additional amount of outreach, unfortunately we ended up shortchanging everybody on that, but I think that the quality of the proposals that are funded, I think everybody will be pleased with them when they see them very soon and you guys saw previews of that when you saw the ranked lists.

Kitty Simonds:

Since we're going to have a larger discussion about this tomorrow, I won't go into detail, but we did send Eileen a letter about the process and just a couple of things is it was difficult for our reviewers to be reviewing a project that they know nothing about fisheries.

For example, I think one example was reviewing a scup fishery and our reviewers from the Western Pacific Region are not familiar with that fishery and so I'm still, which is what we said before, is that I really believe that this whole process should be a regional process and that it should all be done in the regions and so we'll talk more about it tomorrow.

The other thing is the projects were based on the councils' five-year research plans, but those weren't available at that time for people to review them if they wanted to and so, anyway, I think we had like a two-pager on how to review the process and I still think it should all be done in the regions and have the Regional Administrators deal with them. Thanks.

Brian Pawlak:

I appreciate the comment and I read your letter and Dan has read your letter, I think, and we'll be talking about some of that tomorrow. The point of maybe having the research plans for everyone available is a good one, but also we said that was a component to first start building the priorities and it was built with

Science Center input and all and so it was a bit of -- It started with the research plans, but also there were other components of the prioritization, but thanks for the comments.

Again, the next slide is just the remaining schedule here. Again, a couple of weeks ago, Eileen actually signed the selection package and that doesn't make it quite complete. We've got legal review and financial review and a final review by our Grants Office and we start the negotiations with the recommended applicants as soon as we inform them.

Like we said, we expect the funding to be out the door in the August/September timeframe and we have more than eighty applicants that will receive some \$24 million plus in these awards and, like I said, I think you will see -- I can't quite share the details yet and hopefully by the end of the week you will see an announcement or early next year of really what the breakout is and so you will get the breakout by region and by theme and the different breakouts by the different panels, which some of you or your staff or at least folks you recommended were participants.

Again, I think we definitely saw it was an improved process this year and we thought it was, minus some of the glitches where we did not give enough lead time and that type of thing, which we fully understand were problems we need to work on, but we definitely felt we had much more engagement and we feel we've addressed a lot of the concerns about this is a closed process and hard to understand what goes on with it. I think we did a decent job, with your help, of changing that view somewhat and thanks to Dan and his team for doing that.

Eileen Sobeck:

Normally with grants until the absolute details of every single individual grant is worked out we can't make announcements and so in the past we would have announced each of these in dribs and drabs over months and Paul worked really hard to get permission to do what we're doing this year, which is these will be our recommended grants and you will -- If you look really carefully at the language when we release them, there will be a few little reserve language of just in case the final discussions back and forth aren't approved, but we really wanted to announce them as a package so that we could talk about sort of the number of grants in each region and the types of issues that they'll be addressing and we could get some of the impact of the overall themes and really the fact that it is a program and it is a \$24-million package and that it's not just individual grants.

That actually, again, is one of those things and a lot of credit to these guys for doing this all at once and for our Grants Office for letting us do that, because I do think it has more impact in talking about it as a program and being able to touch on these themes.

Kitty, I know it's not done solely on a regional basis, but it really does have a lot of impact in each of the regions when you cluster these things together and we'll be able to talk about that more than if we were just seeing individual grants rolling out over several months.

Kitty Simonds: Just one last comment. I am happy to see that the theme for the next year, one is the territory science, but I just can't imagine somebody from New England ranking a project for that very high on their list. That's my point. Thanks.

Brian Pawlak: I think that was my last slide and I will be glad to entertain any questions if we have time from the Chair and then, of course, afterwards if anyone wants to pour through some of the tables to get some of the discussion if it's not totally clear from what we had earlier, we can do that as well.

Kevin Anson: It doesn't appear there is any questions. Thank you, Brian.

Brian Pawlak: Thank you.

Kevin Anson: That takes us next on the agenda to National Observer Funding Allocation and we have two people, Chris Oliver and Sam Rauch. I don't know which one -- Chris, do you want to begin?

Chris Oliver: I can just begin by reminding folks why this is on the agenda, because our council, at our February meeting, when we saw the general budget overview of the \$40 million annually, at least in 2015 and projected for 2016 or \$48 million or whatever it is in the overall budget, we were curious about a finer breakdown of how that gets spent and which parts go to the operation of the program in each region and which parts go to the direct costs of observer coverage in each region.

As an example, in the North Pacific there is between \$5 and \$6 million allocated to run the program, but the remainder of the costs, \$15 to \$20 million, are borne directly by the fishing industry and I was particularly curious in a further breakdown of how that money gets distributed and I guess, beyond that, the process by which those decisions get made in terms of the funding distribution.

Then coming up in the FY2016 budget, I recall there was \$7 million that was in the slide earlier with regard to EMs specifically and how the agency intended to distribute or make the decisions -- How the decisions get made on how to distribute that funding and so that was the genesis of this agenda item.

Kevin Anson:

Sam.

Samuel Rauch:

I think we've got a presentation that answers some of those questions and I am going to ask Jane DiCosimo, the National Observer Program Coordinator -- She is prepared to go through and give you some more detail about how all that is done. Jane.

Jane DiCosimo:



Thank you. While I am new to NOAA Fisheries and I started as the National Observer Program Coordinator last August, I have worked with many of you over thirty years. I started with the State of Virginia and went to the South Atlantic Council for six-and-a-half years and just recently completed twenty years with the North Pacific Fishery Management Council and I am happy to be able to continue to work with councils and the agency.

I appreciate the invitation to explain a little bit more about the National Observer Program budget process. I have only a few slides and if you've taken a look at the posted materials, I have, like I said, just a few slides on FY2015, to talk about how the budgets have been apportioned among the different observer programs and now that my slides are up, I will proceed to the first slide, please.

This is a list of the different budget lines, or PPAs. PPA is Program, Projects, and Activities. You will see that there are specific Congressional budget lines that appropriate funds for the different observer programs and so you will see these are in thousands and so for the top line, Atlantic Coast Observers, it's a specific budget line that appropriated over \$3 million to programs on the Atlantic Coast and my next slide will break that down into the different programs.

Moving down the line, you see East Coast Observers got \$333,000 and the Hawaii Longline Observer Program received over \$3.7 million and the North Pacific Observer Program was allocated a little over five-and-a-half million dollars and the Northeast Fisheries Observers over \$8 million and then there's this National Observer Program line of \$12 million and in the next slide, you will see how half of that money goes -- Each of the different

budget lines for each of the different regional programs and I have just stopped for a moment on the National Observer Program line of over \$12 million.

Half of that money goes immediately out the door once it comes to NOAA Fisheries out to the programs and I will show that to you in more detail on the next slide. Then there's also a separate budget line called Reducing Bycatch and I am only going to speak to the \$651,000 that comes to the NLP office. Other parts of that budget lines goes to various other programs. You see that for Fiscal Year 2015 that total observer funding was nearly \$41 million.

This is the FY2015 observer budget appropriations by region and the different PPA lines are in the first column and the next column shows the total funds available in 2015 and then these are broken out by the different regions, Northeast, Southeast, West Coast, Northwest, Alaska, Pacific Islands, and the Science and Technology Office in which the National Observer Program is housed.

You will see that for the Atlantic Coast budget line of over \$3.3 million that \$1,473,000 went to the Northeast Program and \$1,812,000 went to the Southeast Observer Program. I won't -- After we get through the Atlantic Coast, each of these subsequent budget lines primarily are appropriating funds to specific observer programs around the country.

The National Observer Program budget line, again, as I mentioned, we received \$12 million in appropriations and then you see how the funds have been distributed across the different regions. \$5 million went to the Northeast and over \$1 million went to the Southeast and over \$1 million went to the West Coast and nearly a million went to the Northwest. Alaska received over \$1.5 million and the Pacific Islands received over \$2 million and Science and Technology received \$592,000 and that runs the National Observer Program Office. We've got three staff and this includes our salaries, our travel, and some additional projects.

Unidentified:

Jane, can I interrupt? You have some different categories that I'm confused about. You have a Northeast Fisheries Observers and Atlantic Coast Observers and East Coast Observers and what does that mean?

Jane DiCosimo:

Those are earmarks from Congress and so Congress has specific budget lines each year that appropriates the dollars that I show in these columns to that particular budget line and each of those

budget lines are dedicating those funds to go to the observer programs associated with that budget line.

For Atlantic Coast Observer budget line, the monies go to the Northeast and the Southeast and for the East Coast Observer budget line, from Congress, \$333,000 are appropriated specifically for the Southeast Observer Program and on down the list. The Hawaii Longline Observer Program, Congress appropriates \$3,775,000 in FY2015 and that money goes directly out the door to the Pacific Islands Observer Program.

It's the National Observer Program line where half of that funds is dedicated to go out the door to the different observer programs and the other half goes to -- A small amount goes to internal costs to run the program and much of the rest of that goes out the door to the regional programs, except for special projects. I was just about to go into one example of those, which is electronic monitoring, but I see there is additional questions.

Kevin Anson:

Chris Oliver.

Chris Oliver:

Thanks, Jane. You have answered a number of my questions, but I have a few more. I guess one is when you say this funding that goes out the door on the National Observer Program, I am curious as to the process by which that goes out the door and I don't mean to be complaining, because I see there is \$1.556 going to Alaska there and maybe you can tell me what that is, but the other question I have is using Alaska as the example.

The \$5.566 for the North Pacific Observer Program goes directly to the Alaska Fisheries Science Center to run the program and so what I'm using -- I don't want to pick on anybody, but let's say using the Northeast as an example, you've got an earmark, for lack of a better word, of \$1.4 for the Atlantic Coast and \$8.226 for New England and then \$5 million from the National Observer Program.

I guess what I'm trying to figure out is of that total of \$14.8, how much of that and where of that is running the program versus the agency paying for the direct costs of placing observers?

For example, again using Alaska, the \$5.56 is administering the program and all of the costs of directly placing observers is borne by the industry, either through our fee program or direct pay as you go. I am trying to figure out how much goes to each region for the costs of running the program versus the costs of placing observers and that doesn't shake out in this table.

Jane DiCosimo:

No, it doesn't shake out in the table and most of the NOP funds go to the administration of the program. There is about \$2 million -- I don't have this broken out for each of the programs to show you the entire breakout, but about \$2 million of that half of the twelve, and so \$2 million of the \$6 million left to be distributed not through say an earmark, \$2 million is equally divided among the six programs and so about \$345,000 each goes right across the board.

Then there is about \$3 million in FY2015 that has been allocated above and beyond the earmarks to maintain level historical funding over the years so that a program isn't caught short by not getting those funds. For instance, the Hawaii Longline Observer Program in FY2015 received an additional \$920,000 and the Northeast Center for the Northeast Fisheries Observer Program received one-and-a-half million. The West Coast Region received \$100,000 and the Alaska Center received \$400,000 and the Southeast Center received \$225,000.

Just to answer Chris Oliver's question and just to use Alaska as an example, the \$400,000 amount of funds that went to the Alaska Center for FY2015 was in partial response to the North Pacific Council's request for additional infrastructure funds and so that's where those type of monies come from. They come from the half of the National Observer Program budget line that is not specifically earmarked out to the programs.

Then there are additional funds. In FY2015, as you see on that table, \$900,000 went for electronic monitoring and electronic reporting proposals, but the table is somewhat misleading, because this isn't all the funds that went out the door for EM and ER. These are just what came out of the National Observer Program budget line.

There is another office -- Well, maybe I will just go to the next slide. I am just going to keep breaking it down, but if you've got a question, go ahead.

Chris Oliver:

Go ahead. You might answer it.

Jane DiCosimo:

Okay. On the next slide, you will see that in FY2014 we had a request for proposals that was operated out of the National Program Observer Office that awarded \$800,000 and you see the breakout across the different centers and regions in which the observer programs are housed and an additional \$600,000 was

awarded through a separate Headquarters Science and Technology Office, the Fisheries Information System RFP process, and you see also the funds that were awarded.

In FY2015, we merged those two RFPs and we pulled our funding and so what you saw on the previous slide is just showing you, again, the NOP funding and not the Fisheries Information funding and so what really went out the door in FY2015 was \$1,800,000 from Science and Technology, but even that doesn't include an additional \$500,000 of funds that went from the Office of Sustainable Fisheries to the Northeast Fisheries Observer Program for an EM pre-implementation project for that year.

Basically what I am trying to get at is there are additional pots of money, so to speak, that is going towards electronic monitoring and electronic reporting. Brian spoke previously about the NFWF project and we had SK grants that included an EM project and then there was also the Fisheries Information Fund that is part of NFWF that also funded EM and ER projects.

Tom Nies: Hi, Jane. Just looking at the fishing year, the FY2015, am I reading that correctly that none of those funds for EM went to the Northeast Fisheries Science Center?

Jane DiCosimo: No, I had just indicated that additional \$500,000 of catch share money from the Sustainable Fisheries went to the Northeast Observer Program. Again, that's the problem with just asking for a report from NOP funds, because it's not giving you the full picture for EM/ER and I knew these questions would come up and so I tried to be more comprehensive.

Kevin Anson: Dorothy.

Dorothy Lowman: Thanks and thanks, Jane. I think you answered it and so on the top of the previous table, the West Coast is to the region and the Northwest is to the Science Center?

Jane DiCosimo: That's right.

Dorothy Lowman: Then when you look down at the next slide and when you have the Fisheries Information System plus the National Observer, there is Southwest Center and so I guess I would assume that was money from the Fisheries Information System, because it's not a --

Jane DiCosimo: That's right and it was truly no -- It was just the way the dollars rolled out whether the observer program funded something or

whether the Fisheries Information System funded things. Certainly the Observer Program money only went to observer programs. Some of the FIS money could go to states or to regions in which the observer program isn't housed and so there are some physical or geographic regional differences as to where our money can go, based on where the Observer Program is housed. Again, some are at the Center and some are at the Region. In the Northwest, for instance, it's in both.

Chris Oliver:

Thanks, Jane. This is very helpful and I have a couple more questions to understand this table. For example, if I look at the Northeast column and I'm -- The National Observer Program, \$12.3 million is sort of where you have some discretion, if you will, on how funds get distributed.

If you look at the Northeast and you have \$8.2 for Northeast Observers and then right below that you have \$5 million from the NOP, which one of those pots of money covers the operation and administration of the program versus the actual cost of observer placement?

I have a follow-up, because I have a -- That's what I was trying to figure out, how much goes to direct costs of observers versus running the program, because if I look at the Alaska column, for example, I know that the \$5.5 is what it takes to run the program and then there was \$1.55 from NOP of which I understand four-hundred-and-something-thousand went to the Science Center, consistent with that request that we made. So is the other \$1.1 million perhaps the other part of the request we made for some supplemental funding to bridge a shortfall that we anticipated in 2015? That's two different questions.

Jane DiCosimo:

Yes and maybe I will concentrate on the second one and maybe you will need to take me back to the first one again. There has not, the way I understand the monies go out for funding to the programs, we are not identifying the purpose of the funds.

The somewhat discretionary money that comes out of the half of the NOP has been apportioned to programs based on the historical level of funding that they have received over the past several years. Those are the funds that the programs identify that they need to maintain level funding. I am just repeating a different way of doing it.

When we sent the \$400,000 to the Alaska Center, that's about the amount that we had sent previously. In fact, in FY2014, we sent

them \$340,000, but rounding it up, based on our inability to fund the full request, they received \$400,000, but we didn't tell them how they would spend that. They self-identified that that would cover for infrastructure costs.

In FY2015, the same thing. We sent \$920,000 to the Hawaii Longline Observer Program to bring them up to level funding and we sent \$1.5 million to the Northeast Center, which was the same amount that we had sent previously. I am hoping that that is getting to your question.

Chris Oliver: It is, Jane. I think so and so the \$1.55 for the North Pacific is obviously in addition to the \$5.5 and it's kind of up to the North Pacific Program how that gets spent and I think you helped me a little bit with the process by which you make those decisions as to how to distribute that approximately \$6 million or \$7 million. It's really kind of based on history, but that's not written in stone, necessarily.

Jane DiCosimo: That's correct.

Chris Oliver: Then just one final question, I think, is back to the Northeast example, where you have \$8 million, which is sort of the earmark, and then an additional \$5 million. Which part of that runs the program versus is used for direct placement of observers? It's really a curiosity question.

Jane DiCosimo: I'm afraid I don't know the answer to that question. I can get back to you. That's all I have.

Kevin Anson: Thank you, Jane. That takes us to the next item on the agenda, the Joint Enforcement Agreements, and Logan Gregory.

Logan Gregory: Good morning, everyone. Can everybody hear me okay? I know we're having trouble in the back. My name is Logan Gregory and I'm with the Office of Law Enforcement. I am currently the Acting Deputy Director at Headquarters. Most of the time I spend my time in the Northeast Division as the Assistant Director for the Office of Law Enforcement.

Back

I will just go ahead and go right to the first slide. The Office of Law Enforcement, basically our mission is to ensure that all the regulations are enforced and compliance remains high and a great part of that mission is our partnership with the Joint Enforcement Agreements and all of our state partners. We currently have twenty-seven of those.

We also have federal partnerships with the United States Coast Guard and some other federal partners, Customs and Border Protection and particularly with IUU enforcement and the new measures there.

This is a brief history of the Joint Enforcement Program. In 2001 is when we started the cooperative enforcement program and it was established through Congressionally-appropriated funding and in 2002, we put the first joint enforcement agreements in place. Prior to that, we always had a good working relationship with the states at the field level, but there was really no funding appropriated to that, but since 2001 and 2002, we have that in place.

In 2003, we created and published a Cooperative Enforcement Program Manual and Review Guide and are both currently available on our website for review for anyone who would like to look at that. Those programs give some specific guidance for OLE and for the states on how to run the program and manage it.

We pretty much used those guidelines for the last decade and then in 2013, we established a funding matrix which helped better distribute those funds across the states. Each of our state partners have representation in that matrix and how it was built and how we've created it.

We used basically the language that's in the Magnuson Act on what the requirements are for that matrix and basically what are the states' capacities to do enforcement and how many officers they have, miles of coastline, fisheries that are landed. Those types of things are all put into the matrix in order to come up with the appropriate funding and distribute the funds that are appropriated.

The second change to the program came in 2014, where we basically changed the program from providing all the money upfront to the states to providing the money based on invoices for work performed and as equipment is purchased and so a large part of the funds that the states receive for JEA go to purchase equipment and enforcement tools for them to perform federal law enforcement and state enforcement.

These invoices basically come to us monthly as they perform work and as they conduct patrols and those hours, boat hours, dockside hours, come off the program and we basically continue to subtract from the funding and reimburse them for their costs for the program.

Also, I will get to it, but in 2013 and 2014, you will see that we had some additional funding as well and the main goals of the cooperative enforcement program, you can see them here, but basically what it boils down to is the states are a force multiplier for us. Without the states, we wouldn't be able to conduct a large portion of our mission for OLE.

Many of you know that we have a uniformed enforcement program now and that program is intended to work directly with our state partners and the Coast Guard in order to enhance the effectiveness of those programs and so we'll have that expertise on the dock, on the boats, as we conduct patrols and inspections and compliance assistance efforts with our partners.

The whole thing with the Enforcement Officer Program adds effectiveness to the already existing programs that we have here and having our uniformed officers working with the state uniformed officers directly provides some additional tools for them and help for them to accomplish our mission and our priorities that we set at the beginning of the year.

This is the process that we go through to conduct the JEA cycles. Of course, the first set of arrows is basically the process we go through to set up the JEAs and then the second line of arrows there is the actual execution of the program.

We are in the middle of 2014 now or we're actually nearing the end of it and we are currently going through the setting up JEA process for 2015 right now. It's a year behind because of the JEA years go from July to June to be more congruent with the state funding and their budget process and so when we get funds, hopefully by March to appropriate, July is when we actually start the new fiscal year program and so July of 2015 is when 2015 JEAs start and it runs through June of 2016.

Another note on all of this funding is all of this funding has to go through the Office of General Counsel as well and so sometimes there are some lapses in getting the money out. We try to do that as quickly as possible, but sometimes it goes a little bit beyond July before we can actually get that money out.

This is basically a historic graph and I will try to explain some of the eye-chart stuff here. On the left side is the cooperative enforcement agreement funds in thousands and on the right side of the graph is NOAA's enforcement budget.

The line graph is NOAA's enforcement budget and the bar graphs are basically what is attributed to the JEAs and so, as you can see, it's a very substantial program for us and it roughly runs about 30 percent of our budget goes to the states for cooperative enforcement and so we put a high stake on this program and we're continuing to look for ways to improve it and make it more effective and we think that our Enforcement Officer Program is going to help with that quite a bit. Any questions so far?

You see in 2010 that we had a Magnuson-Stevens Reauthorization Act increase and we got an increase in enforcement and in the JEA and in 2011. In 2013, sequestration hit and that did not affect the JEAs. OLE took that completely out of our budget and we didn't take anything for the JEAs for that year and everything has kind of smoothed out since then.

This is the program in a little finer detail. You can see through 2010 through the 2015 plan that we have that we're currently working through that the large portion of the graph is the money distributed to the enforcement partners and the smaller top portion of the graph is the money that OLE uses to run the program and you see in 2013 and 2014 there is a couple of additional funding sources that came in for protected resources and IUU in 2013 and 2014 and those were roughly right in the range of \$2 million each that went to the states.

You also see that there was some additional funding costs on our end and that came from the changes in the program and as we're working through management of that, those changes, and in 2015, we have figured out how to reduce those costs on our end to ensure that the program is effectively managed.

The last slide is basically a breakout of how much funding goes to each by council and so you can see New England roughly gets \$3.1 million and the Mid-Atlantic gets roughly \$3 million and the South Atlantic is \$2.08 and the Caribbean is \$298,000 and the Gulf of Mexico is \$4.1 and the Western Pacific is \$1.08 and the Pacific is \$2.9 and the North Pacific is \$1.1 and so that's the basic breakout of funding.

The Northeast Division basically manages New England and the Mid-Atlantic and so we have ten partner states there and the Southeast would manage the South Atlantic, Caribbean, and Gulf of Mexico and then our Pacific Islands Division would do the Western Pacific and our West Coast Division would do Pacific and

some North Pacific and Alaska would do North Pacific and so I think that's my last slide. Yes, that's it.

Kevin Anson: Logan, we have a question over here from Tom Nies, followed by John.

Tom Nies: Logan, you've probably heard this question from us before, being from New England. You know we've written you a number of letters, but I guess the broad question is how do you evaluate that we're getting our money's worth out of the \$16 to \$18 million we're spending?

I know when we have asked in the past for data on how many boardings or how many violations were issued by the states in New England, the answer we typically get is nobody really keeps track of that and I noticed your earlier slide on the program has two steps, but it doesn't seem to have a third step, which is evaluation of the program. I guess my question is what metrics are we looking at to see that we're actually getting our money's worth out of all this money that we're giving to the states?

Logan Gregory: That's an excellent question and that's exactly the point of -- I mentioned it briefly that we're looking for ways to improve and that's one of those ways. Currently, right now, the Office of Law Enforcement is undergoing a process to create a new case management system and we're going to be building on that system also to hopefully collect better data from the states.

Part of that program, and we're going to be discussing this at a meeting with the working group that we have scheduled hopefully this August, to come up with some better metrics, performance metrics, to manage that. Right now, it's basically patrol hours and it's hours of service that they provide and so I agree that we're going to have some better metrics to produce, not only for them, but for us as well. That is in process, actually.

Kevin Anson: I have John Gourley, followed by Bob Mahood.

John Gourley: Hi, Logan. In your pictorial of the Western Pacific, I could make out Hawaii, Marinas, and do you have JEAs down in the Carolina Islands or have you got them -- Where do you have them set up in the Western Pacific?

Logan Gregory: So Hawaii, Guam, CNMI are the three and the Solomon Islands.

John Gourley: What is those scattered dots?

Logan Gregory: Samoa, sorry.

John Gourley: All those little islands look the same, right? Of course, you mean American Samoa.

Logan Gregory: Yes, sir.

John Gourley: Okay and so all those little dots, nobody sneezed on your figure and that's American Samoa?

Logan Gregory: Yes.

John Gourley: Thank you.

Bob Mahood: Logan, I've got a couple of questions. We have some real concerns about the JEAs in the Southeast and the possibility they might be phased out, but I think it probably started in 2013 and 2014 when you required more paperwork and we did get a lot of -- I got a lot of input from some of the folks we deal with that it's taking a lot more time to provide this, but from your perspective, I can see why you would want that and I think they've adjusted to that now. There's not as much problem.

I guess one of the questions I had was about the uniform force and are more of them out in the West and the Northwest? I don't believe we have any uniformed NMFS officers in the Southeast yet.

Logan Gregory: You have a couple. There is not many. It's a process to get these people onboard. There's a significant amount of training they have to go through and so from the time of selection to the time they're actually out and working could be upwards of a year in some respects.

Bob Mahood: The point I'm trying to make is we depend pretty much strictly on the states for our enforcement and there is some concern from our state agencies that there is a feeling within NOAA in the Southeast that they would like to see NOAA do all the on-the-water enforcement and believe me, they just don't -- You're never going to have the staff to do that down there and I've had some discussions with folks down there that kind of prompted me to ask that this be put on the agenda to try to get some idea of what's going on in the future. I guess my real question is, is there a real commitment to the JEAs and continuing those?

Logan Gregory: Yes, definitely.

Eileen Sobeck: You know Logan is really stepping up. He is essentially a double acting. We don't have a Chief of Law Enforcement or a Deputy right now and so I really want to thank Logan for really going above and beyond and I really want to speak for NOAA Fisheries to say we are totally committed.

I think you can tell from our budget. You know we are totally committed to JEAs and to our state partners. This is more than a third of our enforcement dollars that have and will continue to go to JEAs. It's not an option for us to do it ourselves or do it alone and so we don't have the federal -- We wouldn't have the option or ability to take all of this money and turn it into federal enforcement agents or officers. Like that just isn't an option.

I think you can just say with full confidence that we are totally committed, now and into the future, to having JEAs be a major enforcement tool. That being said, we have a responsibility of accountability for you as federal tax dollars being spent on these and so I think that in fairness what you're hearing from us is we have to account for all of our tax dollars, our appropriated dollars, even when they go out the door in grants to states, to make sure that they are being spent wisely and in a way that is in harmony with our federal responsibilities. I think that that's what you're seeing.

Our NOAA Fisheries Law Enforcement has been in a state of flux and I think that we are moving towards a better, more stable position and we'll get a new Chief of Law Enforcement very soon. We are trying to fill positions and we have filled a lot of regional leadership positions and we're going to be trying to fill out the officer corps and we're going to be looking for the right mix between agents and officers and we're going to be looking for the right complement of state and federal programs and we're going to be looking for the right metrics.

It's not easy to find metrics for this program, because we're talking about having an enforcement presence and we're talking about encouraging compliance and we're talking about deterrents, which is hard to measure, and we're talking about actual cases where we all know that one big case doesn't equate to a lot of smaller cases.

We are looking for domestic enforcement with an increased focus on IUU and so, again, this is a relatively small program with a huge portfolio that's hard to measure and with a continuing

commitment to working with the states.

Bob Mahood:

I am glad I can retire contented in that area then, but it's really more than the importance of that, because what's happening in the Southeast, and I don't know if it's nationwide or not, is that the states take on more of the smaller cases and that NOAA General Counsel was just inundated with too many cases and the backlog was really kind of killing them down in the Southeast.

We got a pretty tough lady down there that handles those, but she was being overwhelmed and so that's been one of the other positive parts of this, is the states actually prosecute the smaller cases. It's taken quite a load, I think, off the NOAA General Counsel in the Southeast and so I'm glad to hear that it will continue.

Kevin Anson:

There are several folks that have asked to speak. Don McIsaac, followed by Bill and Dan.

Don McIsaac:

Thank you, Mr. Chairman, and thanks, Logan, for the presentation. The JEA business on the West Coast is very important to enforcing the Pacific Council's actions and I was wondering if you could turn to Slide Number 6, where you have the process of coming up with the JEA grants.

You had mentioned the matrix that's used that gets into a variety of things and you also mentioned something about pulse operations and so my question is when is the next time that the components of the matrix might come into play for regional recommendations and what about allocations relative to pulse operations? How do those get decided?

Logan Gregory:

So we're in 2015 right now and we're actually signing those agreements currently and so 2016 would be the next opportunity to apply the matrix, but pulse operations can come at any time, depending on what's upcoming and so if you're aware of something specific.

Don McIsaac:

So then essentially you're open at any time to a recommendation on the matrix or a particular pulse need?

Logan Gregory:

Yes and once we've done this, we talk to the states and we continue that relationship throughout the year. There is no we're not going to discuss anything further this year and this is where it's done.

At times throughout the year there are amendments to these agreements that some states may not be able to fulfill a certain thing or another may need additional funds to fulfill something else or they may need to move money from dockside enforcement to at-sea enforcement for those pulse operations you're talking about and so it is somewhat flexible in the way that these are done and so once it's distributed, there is some flexibility. We try not to have too many amendments, but they do happen.

Bill Tweit:

A follow-up to Don McIsaac's question. So for the agreements that are being finalized right now, being signed for 2015, are those apportioned essentially similarly to the apportionment that you showed for FY2014?

Logan Gregory:

I don't have all those numbers in front of me, but I don't imagine that they would vary much from what we saw in 2014, because the funding -- The amounts are about the same, the total amount available, is about the same.

Dan Hull:

Thanks for your presentation, Logan. The JEAs are definitely critical to the State of Alaska and working in the North Pacific, given our vast coastline and number of vessels operating there. Perhaps I missed it earlier in your presentation, but are the funds available to each region a reflection in part of the number of different states that you work with or are there other factors involved as well?

Logan Gregory:

Yes, it's each state individually and so that graph at the end, the map at the end, was basically each individual state added up for that and so New England was basically Connecticut north to Maine and so all of those coastal states added together came up to that amount.

Eugenio Piñeiro:

Thank you, Logan, for your presentation and I wanted to point out that even though the Caribbean Council has made an enormous effort and has been very successful with the little amount of money we have for outreach and education that next year we won't have a federal agent in the U.S. Caribbean.

The one we have now is retiring and most of the problems, most of the issues, we are having are precisely with endangered species and that's the hawksbill turtle and the manatees and perhaps when you make the plan to protect those species and put the money with the local DNR and special attention and special training should be taken into consideration to make sure that they really attack this issue with the money that you're going to be giving to them,

because most of the officers are not equipped well to deal with that situation, which is very harmful to the regional -- In the region, we have to offer the nation corals and beautiful oceans and pristine seas and sustainable oceans, just like here in Key West, but we would really like to see a little bit more attention put into protecting those federal threatened and endangered species.

That can be done through direct training with the DNR partners, which would really mean a lot to the region and to the national image of NMFS. Thank you.

Kevin Anson: Any other questions for Logan? Seeing none, Logan, if you're done, we appreciate it.

Logan Gregory: I am done.

Kevin Anson: It got quiet over there and I didn't know if you had anything else to say to follow up to Genio or --

Logan Gregory: I would just add that we are continuing to evaluate this program and take on additional partners as they come available as well and we just looked at the Great Lakes, for example, and we're looking and I think we're going to add an additional partner in the Western Pacific and so it's always -- It's an evolutionary process with us and we're always looking for improvement and so any suggestions you have -- I am going to be here the rest of the week and so I would like to talk to you offline also. Thank you.

Kevin Anson: Thank you. That wraps up the morning portion of our agenda and so we will go ahead and take lunch a little early, but be back here by 1:30. We will begin promptly at that time. Thank you.

3. MSA REAUTHORIZATION

Kevin Anson: All right, everyone. Welcome back. We're going to continue on with the agenda and next we have the MSA Reauthorization Updates and Status. Alan, are you ready with that?

Alan Risenhoover: I don't know if I'm ready, but I will start. I guess since we didn't have any Congressional staff to give us a status that I will run through three things, some highlights from the House bill, some highlights from the Senate bill, and a little bit on some appropriation language and then I think we can open it up and see if people have specific questions.

I am not going to be very specific in the details here and rather just give some highlights and then see where we go from there and so starting with the House, you know that there is a House bill, H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act. It was introduced most recently by Representative Young based on a bill that was introduced by Representative Hastings in the past Congress and probably the majority of which was written by somebody in the room that was not me and so the expert opinion may lie elsewhere with folks.

Real quick on the status. It was reported or voted out of the committee in May, May 15, and then did pass the House on June 1 and so the House bill is further along than the Senate bills that I will talk about next.

Just real quick on some of the major or key provisions in the House bill, I think it's up to about sixty pages long and so I'm not going to sit here and read it to you, but instead just point out some of the highlights and I have tried to group these by major topics.

Just while I'm thinking of it, one other resource other than the congress.gov website is the Sustainable Fisheries Office in NOAA, we've tried to stand up a website and post materials to that website, just as a, if nothing else, a one-stop shop for me to go to, but as well as you and I have circulated that link before and we can do that again, where we've tried to post all the relevant materials up there and all the testimony you've all given in the past is up there as well as the administration's and so I think that's a good, but still budding, website that we're trying to put in place and so if you do want details, perhaps that's a place to start to give a little bit more than I will cover today.

Back to the key provisions or the major provisions of the House bill, looking at things like rebuilding and annual catch limits. This is the flexibility part of the strengthening of H.R. 1335. It removes the current ten-year requirement in the Act for rebuilding for those stocks that can, absent fishing, and it replaces it with what we use beyond ten years currently in the National Standard 1 Guidelines the minimum time to rebuild plus one mean generation time and so it removes that ten-year requirement and replaces it with the T_{min} plus one mean generation.

It also includes a provision that would allow the phasing in of rebuilding plans over three years and it then includes some additional exceptions on rebuilding plans to the ones that are in the Act now, such as biology, if the fishery is outside the jurisdiction of the council, if it's mixed stocks, and then finally there is one that says rebuilding plans can be extended for unusual events.

It includes language on alternative management and rebuilding strategies aimed at recreational fisheries primarily and it says that you can end the requirement for rebuilding if you have subsequently found that that stock was not subject to overfishing within two years.

It replaces the term "overfished" with the term "depleted", but it does not change any of the requirements for what you need to do with overfished stocks. It just renames them as depleted to recognize that some of those stocks that are overfished may not be entirely overfished due to fishing.

Finally, it indicates when you're setting your annual catch limits that you can consider things more fully things like ecosystem changes and so that's an overview of the rebuilding and the ACL provisions. The bill includes a section relative to other laws and it includes that environmental review and impact analysis such as those currently included in NEPA would be included in the Magnuson-Stevens Act and that those provisions, and I quote here, are deemed to fulfill the requirements of NEPA. I will come back to that in a minute.

It also says that the MSA is the controlling legislation when there's a conflict between it and other statutes, in particular the Sanctuaries Act and the Antiquities Act. It includes provisions on implementing ESA actions through the Magnuson-Stevens Act. It includes limitations on catch share programs and it would include, in some cases, the need for referendums that would be passed by a

majority vote.

There are a number of provisions in there on data confidentiality and it includes provisions on cooperative research and management and then, in particular, there are a number of provisions on the Gulf of Mexico and red snapper management. It calls for real-time reporting in the Gulf of Mexico red snapper fishery and it sets the seaward boundary of the EEZ in the Gulf of Mexico at nine miles and it indicates that the Gulf States Marine Fisheries Commission would conduct the stock assessments for Gulf of Mexico reef fish. It also has a provision that the National Academy of Sciences would do a study on Gulf of Mexico and South Atlantic allocations.

Finally, it has some research and data and data and information collection provisions that you probably should take a look at if you haven't. It includes ones indicating that asset forfeiture funds, some of the enforcement money from fines and penalties, would be used for research.

It would require the Secretary to issue guidelines on electronic monitoring and it includes a provision that councils and the Secretary would develop lists of data-poor stocks and then, finally, there is a study on the implications of recreational data management, MRIP sort of things.

That is a very high-level, and I apologize to Dave in particular if I left out a key provision, but that was my quick over lunch write down of what can I remember about H.R. 1335. When the bill came out of markup and before it went to the full House, the administration did issue a statement of policy (SAP) on it and we've circulated that to all of you.

If you look at that, there is really three key components on that SAP. Concern is raised in the SAP on the series of provisions that would improperly extend rebuilding programs or could improperly extend rebuilding programs. In particular, extending rebuilding for unusual events and it's unclear what an unusual event would be as well as some of those others and so that was a concern.

It also noted that H.R. 1335 would exempt fishery management actions from the requirements of environmental analysis under NEPA. The third major area was that we were concerned that it severely undermined the authority of the Gulf of Mexico Council to manage fisheries there, in particular by extending the state jurisdiction for the recreational red snapper fishery out to nine

miles in the Gulf of Mexico.

The sum of that, and in particular those last two provisions that I mentioned, did lead the administration to indicate that it would consider recommending vetoing the bill. So shall I stop for a moment now and we can talk about the House bill or should I just run through everything? Why don't we go through it all and then we'll just have an open Q&A.

There are also a number of other House bills out there that have been introduced by a variety of folks. The ranking minority member on the Subcommittee of Natural Resources, Representative Sablan and Representative Huffman from California introduced a bill as well and there are a number of other bills addressing specific more regional issues, whereas 1335 is no doubt the comprehensive bill and includes a wide variety of things.

In the Senate, there have also been a number of bills introduced, a smaller number, and it seems that the leading one is introduced by Senator Rubio and that's S. 1403. Again, it's posted up on our website. It's entitled the "Florida Fisheries Improvement Act". I will describe what's in it, but the administration has not fully reviewed that bill or issued any kind of position or opinion on it. We have heard, just in the last day or two, that the Senate Commerce Committee may mark that bill up this Thursday and so folks are ramping up to do that.

Real quickly, that bill includes requirements for council nominees in the Gulf of Mexico and South Atlantic and it adds the South Atlantic basically, as I read it, back to that old provision that you have to nominate people from four sectors in the Gulf of Mexico, charter, private, commercial, and other. That was something that was in the Gulf and it would be added to the South Atlantic.

It includes, again, provisions on rebuilding plans and ACLs and it includes an exception for species with an eighteen-month life cycle and it also includes provisions on alternatives for management approaches in recreational fisheries.

On the ten years, it seems to include that you could choose or that the councils could choose between those stocks that can be rebuilt in ten years in rebuilding them in ten years, as it is now, or using the $T_{min} + 1$ mean generation time and so it doesn't seem to replace ten years, but it gives an alternative to the ten years.

It includes a number of capital construction fund amendments that

I am not familiar with what those actually do. We've got folks looking at those today. It has provisions that would require a review of the Gulf and South Atlantic allocations every five years and those allocation reviews could be extended for an additional three years, but, again, direction that the Gulf and South Atlantic need to review their allocations.

It includes a National Academy of Sciences study on mixed-used fisheries and it has a number of provisions on stock assessment and data collection, including ones that we need to develop stock assessment planning documents that would require conducting stock assessments generally every five years, with some exceptions. There are some provisions in there to improve data collection and analysis in a variety of ways and then, finally, there is a provision in there on the potential transfer of promote and development generally the SK funds and on how those would be offset in the NOAA budget.

That's a quick thumbnail overview of S. 1403. The final topic we'll just mention briefly is we also have appropriation bills that are moving through and both of those, in both the House and the Senate, have been voted out of the Appropriation Committees.

In the House, Representative Scott from Georgia included some language I will mention. Typical for NOAA funding bills, there is a lot of language and I will mention two in particular that have a Magnuson Act context.

The first is the House one by Representative Scott that no funds can be used to enforce Amendment 40 in the Gulf and that red snapper measures resulting in commercial fisheries seasons shall be no longer than five times the recreational season. In the Senate, Senator Shelby included language saying that NOAA cannot use any funding for managing fisheries in the Gulf unless they are subject to a seaward boundary of nine nautical miles.

We are also looking at those two provisions, but have not taken a position on them. Again, we can get you the exact language and I tried to summarize it here. With that, I will stop and see if Sam thinks of anything I left out or if you all think I left something out or if there's something you would like to talk about.

Kevin Anson:

Anyone have any comments or questions? We have one from Genio.

Eugenio Piñeiro:

I have a question regarding Senator Rubio's. Does that apply to

the Caribbean or is it just the South Atlantic and Gulf of Mexico? Is it a matter of interpretation? Because if it's interpretation, it could be the whole thing.

Alan Risenhoover: Some of the provisions would apply nationally and so while it's entitled "Florida Fisheries Act", things like the rebuilding provisions I mentioned would apply nationally, whereas some others are focused mainly at the Gulf and South Atlantic.

Richard Robins: Alan or Sam, I just wanted to ask if you all see a pathway forward for these bills to somehow come together. I mean it seems like one is much more comprehensive than the other between the House and Senate bills and so do you think there's any likely path forward for those bills to somehow come together in this Congress or what are your thoughts on that?

Samuel Rauch: The House bill has passed the House and so it's out there. The Senate bill, Senator Rubio's bill, has got to go through markup and it hasn't passed committee and it hasn't passed the Senate. Before they come together, one of those two -- You would have to have a Senate bill or else the Senate would have to agree to take up the House bill in some manner.

That could always happen. It didn't like they were going to move any bills until very recently we got word that Senator Rubio's bill is getting marked up and so it's a little bit unclear now exactly how and on what path this is going to take and that's the wildcard, but if the Senate actually -- It would take sustained Senate action in order for them to come together.

Alan Risenhoover: Just to add, I don't believe the House bill has been introduced into the Senate or taken any action on the House bill in the Senate.

Kevin Anson: All right. Thank you, Alan and Sam. Next will be CCC Discussion and Chris Oliver.

Chris Oliver: Mr. Chairman, I guess what I was going to do, and we talked a little bit this morning about how to proceed on this, but I am not going to go repeat what Alan said and go through the provisions of both of those bills, because I think by now they're pretty self-evident, but what I could do is walk through the major provisions and at least give you our council's perspective on the various provisions of both bills and try to do that without taking too long and I am not sure where we're going to end up here.

Our council is planning on submitting additional comments, at

least on H.R. 1335. We recently reviewed that bill through our Legislative Committee, as well as the council, and we have some initial recommendations from our Legislative Committee, but withholding submittal of our council's formal comments, primarily dependent on the discussions at this meeting, particularly with regard to the NEPA issue.

What I could do is walk through the major provisions and give -- I will be working from the bill itself on H.R. 1335 and a comment letter that we submitted on April 21, which was prior to the markup that passed through the House, and then, thirdly, some comments from our Legislative Committee that address the changes that did occur in the markup that came out of the House. To the extent that might be useful as a starting point for CCC discussions, I will try to do that rather quickly.

With regard to the flexibility in rebuilding, and I am looking at my computer screen, at the Act itself, and I'm looking at a hard copy of our letter, but our council essentially supports that proposed flexibility.

Similarly, if you look at modifications to the ACL requirements, and I am being very broad here and fairly quick in going over this, but our council was also supportive of the proposed flexibility. We did not that, contrary to an earlier version of this bill, they did not allow the SSCs to set the fishing limit at the overfishing level, but rather at the ABC level. That's in a nutshell.

On the distinguishing between overfished and depleted, we certainly agree with the need to differentiate those two terms. We note, however, that while the distinction makes a lot of sense, the legislation doesn't explicitly exempt a situation from development of a rebuilding plan and so I'm not sure what the full effect of the differentiation is.

We noted in our comments the ongoing revisions to National Standard 1 and some difficulty in the cart-and-horse situation that's attendant with that. With regard to transparency and public process, when we commented on April 21 on the earlier version of this, it had included the recommended approach that was developed by our CCC workgroup, which in essence included an expanded Section 303 fishery impact statement that it would include essentially NEPA-type environmental analyses and thereby exempt, if you will, to use the "E" word, or constitute compliance with NEPA.

We commented on this version that the all-important Paragraph 7 that would say it constituted NEPA compliance was absent and so our comment letter of April 21 noted that without that Paragraph 7 that the preceding section was essentially moot and so the bill, as passed, does include, in fact, that Paragraph 7, which says if you do all of this that actions taken in accordance are deemed to fulfill the requirements of NEPA.

I want to set this aside, because I know we have a separate NEPA presentation and a separate discussion we need to have on that, but only note at this time that I feel in a bit of an awkward position, because I have been, for I don't know, fifteen years, this issue of reconciling NEPA and Magnuson has been one of my Holy Grails and I was part of the group that developed this approach and just, to be quite frank about it, I am having second thoughts.

My reasons for that have been variously mischaracterized in some recent press releases, but I firmly believe there needs to be some type of reconciliation of those two acts. I don't believe the revised policy directive does that and as we've said before, it memorializes the status quo, but we've gotten pretty good at the status quo and I am actually concerned that the way this is laid out, our CCC workgroup solution that is now within H.R. 1335, I am concerned that it's going to create at least a convoluted process as we currently enjoy without any particular gain and so I am really interested in the presentation that we're going to hear from the agency and further CCC discussion on that and I will leave that at that for the moment.

Limitations on future catch share programs was specific to East Coast councils and so we had no comment or position on that. On Section 10, Data Collection and Confidentiality, we noted that with the collective ongoing efforts relative to EM that it was not that clear that additional statutory provisions were even necessary. However, the language in H.R. 1335 appears to be a reasonable approach to facilitating EM development and it retains the flexibility and discretionary authority for each council to develop EM implementation plans. With that note, we didn't have any opposition to those provisions.

With regard to data confidentiality, I don't have a lot more to say on that. There were a couple of minor nuances that we suggested be addressed or for clarification, but we didn't have any major concerns one way or another on that.

With regard to cooperative research and management, we're

generally supportive of the new section which requires the Secretary, in consultation with the councils, to publish a plan for implementing Section 318 within one year of implementation, including the prioritization of the expanded use of EM.

I don't know how this -- It's kind of like the NS 1 thing. I know the agency is working on a cooperative research and management revisions that we're going to be talking about later in the meeting and so I'm not sure how those comport with one another.

We did not comment or have any comment on either Section 12 or 13, because they apply to other councils not in our region. Section 13 obviously is dealing with red snapper management and Section 14 was a North Pacific Fishery Management Council clarification relative to a date in the Act that would essentially -- It relates to allowing state jurisdiction to manage fishing activity in portions of the EEZ in absence of a federal FMP and so we strongly support that change.

Section 15, which is the one that refers to the Magnuson Act being the guiding act, or I don't know what the exact term was, with regard to its interaction with the ESA, the National Marine Sanctuaries Act, and the Antiquities Act, we don't fully understand the intent and effect of that section and we may have additional comment at such time that we get further clarity on the intent and effect of that section and so if anyone can clarify what the intent and effect of that section is, we would be keenly interested.

Section 16 has specifically to do with the North Pacific directed pollock fishery and our council has not taken a position on that particular section. Recreational fishing data, this section appears to grant funding to help support recreational fisheries monitoring programs undertaken by the state and I know in our case that it would apply to, for example, the Alaska Department of Fish and Game's charter logbook and recreational harvest survey program upon which we rely to monitor harvest of halibut and so we were supportive of that section in the sense that it would facilitate management of our recreational halibut fisheries.

I think the remainder of the Act had to do with -- We didn't have any comments on the remaining sections of the Act. There were some additional sections that I am just checking to make sure, but I don't think we had any further comments on this version. Now, since it was marked up and now I am going to refer to the minutes from our Legislative Committee meeting.

Kevin Anson: Chris, one second. Don, did you have a question to one of the points that he raised? Okay. I'm sorry. Go ahead. I thought Don had a question, but he does not.

Chris Oliver: Okay. I spoke to the NEPA issue and there was an amendment added that would allow an expanded use of the Asset Forfeiture Funds and our committee supported that provision. There were three amendments that Mr. Young himself submitted and one was an amendment that would require the councils to develop a formal schedule for actions to be taken within two years following the formal five and seven-year reviews of the limited access privilege programs.

We were kind of puzzled by that provision. We're not sure where it came from or whether and how it might relate to the agency's ongoing initiatives to get the councils to review allocation programs and I know part of that was to develop an explicit schedule, but presumably when we do the formal LAP program reviews if we decide action needs to be taken that this would simply compel us to lay out a schedule for the public, presumably, upon which we would take that action.

That's something we would do anyway and so I'm not sure quite what the point of that amendment was and so we didn't have any particular position on it.

There was an amendment to require the Secretary to develop a plan and schedule for stock assessments for all FMP-managed fisheries and we certainly support that provision. There was some concern expressed by our councils that in doing so you get back to the stock assessment prioritization issue and whether or not while some regions might obviously benefit that are lacking in stock assessments, we are concerned that it potentially could, in balancing the scales, detract from some of our long-standing, ongoing annual and semiannual stock assessments, but generally we didn't oppose that and we generally supported that provision.

The next was an amendment to require the use of information from non-governmental sources as the best information available and I am oversimplifying that. It laid out a process for somehow the SSCs to become involved in developing criteria for what constitutes best scientific information and if information from any source met those criteria, it would automatically be considered the best information available and we would be compelled to use it as such.

We are very concerned with that language for what I hope are obvious reasons. We are extremely concerned with that and recommended deletion of that language or altering it to first require that a report be developed prior to establishment of any binding regulations or guidelines and, in fact, Senator Rubio's bill contains language that does the latter. It actually requires a report and I will speak to the Rubio bill separately.

There was an amendment to require the Secretary to report to Congress on the cost effectiveness of various monitoring tools and I think primarily aimed at assessing human observer costs versus EM costs and our committee supports that language.

Then there was an amendment by Mr. Whitman to allow the use of alternative harvest controls for recreational fisheries. We don't oppose the language, but we're not sure, again, of the intent and effect and how it would comport with proposed changes to the NS1 Guidelines and so we're not sure exactly what is meant by "alternative harvest controls" or where they would be used and how.

If you see our minutes, it says Rubio bill and no comment at this time, but I will walk through that after we have this discussion and provide you at least my initial thoughts on the major provisions of that bill. With that, I will stop. Again, that's sort of my very quick overview of our perspective on H.R. 1335 and I think maybe we should stop there and see if there are questions or discussions and then I can move on to the Rubio bill and then following that, I had the council recusal issue that I wanted to raise.

Kevin Anson:

Sam, do you want to make those comments now?

Samuel Rauch:

Yes, before we get much more into this discussion, I thought it would be best to remind ourselves of what the scope of the councils' role here is. Much like the federal employees, the councils, as an entity, when it's spending taxpayer money, has to be careful that it is not lobbying Congress inappropriately.

There is very clearly an appropriate role and I want to make sure that everybody realizes that last year at this very meeting in Virginia Beach that congressional staff did ask the councils for their opinions and that was the context in which the North Pacific and others were providing their opinions, but it would be good to review exactly what those limitations -- We've got a little bit of new guidance from the DOC legal folks on what we can and can't do and I thought it would be appropriate to ask Adam to go over

that briefly.

Adam Issenberg:

Thanks, Sam. I would be happy to do that. I know that I have heard from our regional attorneys that many of the councils have asked for guidance as they've been developing their thoughts on the subject of Magnuson reauthorization. The North Pacific Council I know posed some very specific questions to the General Counsel Alaska Section and we did forward those on to the Department of Commerce Financial Assistance Law Division, which is responsible for providing the legal guidance on this particular issue.

We did get some additional guidance from them, which I think it's important for all of you to keep in mind as you are considering addressing comments to Congress, both at an individual council basis as well as collectively as the Council Coordinating Committee.

Let me just run through the guidance and I am happy to answer questions after I've done that. The first and most important point is one that Sam has already made, which is that, much like the federal government and federal employees, the councils as grant recipients may not lobby Congress. "Lobbying" means any attempt to influence the introduction, enactment, or modification of legislation, including by urging others to do so. There is two pieces to that. There is direct and indirect.

The prohibition applies to direct attempts to influence and so that's communicating to Congress directly with the intent to influence the introduction, enactment, or modification of legislation and then there's indirect activities and that applies to urging others to communicating with constituents or the public and asking them to go to Congress and attempt to influence the introduction, enactment, or modification of legislation.

What is permissible is providing a technical or factual presentation directly related to performance of the grant in response to a documented request. There are two pieces to that. One is that there needs to be a documented request from Congress and, again, DOC GC has clarified that that doesn't necessarily need to be formal and that doesn't have to be a written letter or a written request from either members or staff and it can be an oral request, as you have received at some of the prior CCC meetings and perhaps at your individual council meetings.

That said, I would suggest that it makes sense to reference those

specifically when you provide written comments and to refer to the request that you received at such and such council meeting and so to ensure that it is documented.

The other element is the technical or factual presentation directly related to performance of the grant. What is a technical or factual presentation? The guidance that we got from DOC GC really emphasizes the need to be specific and focus on how the legislation affects the councils carrying out its responsibilities under the Magnuson Act and to avoid higher level policy discussions.

One way to do that I think is to avoid using phrases that suggest advocacy. Avoid using statements like “we support” or “we recommend” or “we oppose”. Those types of things suggest an attempt to influence the outcome. Instead, consider using phrases like “this proposal would impact the council in the following way” or “this would impact our development of fishery management plans in the following way”.

Just one example is in the context of there’s been a lot of discussion about the ten-year rebuilding rule and that’s obviously one issue that’s addressed in a number of these bills and so there, if a letter were to address that at a very high level, to say we think this is bad fisheries policy or we think this doesn’t make sense in fisheries management at a very general level, that suggests advocacy, whereas describing how that makes it difficult to develop rational distinctions among fisheries in the context of specific fishery management plans, that is more likely to be construed as a technical or factual presentation.

That’s sort of the end of the guidance as it’s been presented to us. I think one thing to keep in mind is that this guidance is coming from the same people who are responsible for reviewing council activities to ensure that they’re in compliance with the terms of the grant and what you might want to think about is those folks deal with a lot of different grant programs across the entire suite of programs that the Department of Commerce manages.

They don’t necessarily understand how in the context of the Magnuson Act certain things may impact the councils and so a lot of this is about not only complying with the constraints on lobbying, but it’s also providing those people the context they need to understand how you’ve complied with the constraints on lobbying so that they can understand how a specific provision relates to carrying out the terms of the grant, so that when they’re

reviewing it that lightbulb will go off in their head and say, yes, we get that. We get why this is related to performance of the grant. With that, I am happy to answer any questions and so I hope that was helpful.

Samuel Rauch: Just one other thing, in case it wasn't clear. This only applies to activities as a council using your grant funds. It does not apply to any personal reviews you might want to have or express on your own account to the Hill. That is your business and you can do that, but if you are using the federal taxpayer funds that you get through the grant, that's when this applies.

Kevin Anson: Don, I want to come back to you, because you had something, and then Chris Oliver.

Don McIsaac: Thank you, Mr. Chairman. Maybe what I have really is a question for you as to how to proceed. You mentioned aggregating the NEPA Working Group Report and the National Marine Fisheries Service Presentation that was originally scheduled for tomorrow to today because it's so interrelated and Chris Oliver has already mentioned the NEPA matter.

They are very interrelated and it's going to be difficult to start to talk about that without drifting back and forth and so the question for you is whether or not we should maybe, after Chris finishes with his review of the Senate bill, to hear Steve Leathery's presentation and hear the rest of what was scheduled for tomorrow.

Prior to the meeting, prior to seeing what's in the briefing book, we weren't sure what was going to come forward under that agenda item for Revised MSA NEPA Procedure and whether it was responsive to the CCC white paper or a counteroffer, so to speak, to that to proceed or a suggested legislation. It now appears maybe that's not the case, but that material just hit the briefing book and so, again, the question for you is whether you want to get it all out on the table to start with before going around the horn to the councils and the National Marine Fisheries Service as to a debate of the issues.

Kevin Anson: Yes, I think it probably would be appropriate to go ahead and have everything out on the table, so to speak, that we could use in our discussions going forward. I did have Chris and did you have something else that you wanted to address or did you want to wait until after Steve and his presentation?

Chris Oliver: I had a question or a comment and a question, Adam. This

business is still puzzling me about tying any council comments -- When we're requested to comment on legislation, tying it to our grant performance and I guess we'll kind of have to figure out exactly what that means, but any legislation changing or amending the Magnuson Act is virtually, by definition, going to affect how we do business and so it's almost like so self-evident that I am not sure how we restate it, but that's a comment.

My question is if we're pointedly asked by a Senator or a Congressman or at a committee hearing do you support or oppose this provision, we can't say we support or oppose that particular provision or are we supposed to say we can't answer that question or do we simply instead say, well, that would be really good or that would be really bad? I mean I'm really struggling with how we can respond to Congressional requests, which we often get, if we can't say that.

Adam Issenberg:

Let me address the comment first, which is just to say that I think that goes back to my point about context, about providing context on how it relates to the performance of the grant and what the specific impacts would be and focusing on the details of what it would do visa-vi specific programs in your particular region.

As to how to respond to Congress, again I would go back to the prior point that, as we all know, you're often asked one question and you answer another and you know I think if you were asked do you support the ten-year rebuilding provision, I think an appropriate response would be the ten-year rebuilding provision provides -- It makes complications for our implementation of the Magnuson Act in the following ways. When we do this plan, it has this problem and that's the way I would answer that question.

I think you would be fairly safe in answering in that way and so to that point, I think at the end of the day this probably doesn't place significant constraints on getting your points across. I think it's just important in terms of how you communicate it.

Kevin Anson:

To that point, Don?

Don McIsaac:

Yes and thank you, Mr. Chairman. Maybe a two-point question. Adam, you seemed to be reading from something when you cited technical or factual presentation and so one question would be was that from our grant language or was that from something else?

Then the other question is when you get a very broad request from Congress -- For example, in the last Magnuson Act, I think we

were all in the room with Representative Gilchrest and he said I want to respect all the knowledge and expertise of all you folks working for the regional councils and I'm asking you to review this draft and I am asking you to look at it very closely and add anything you think that would make marine fishery management stronger in the United States and very, very broad request and I think Senator Inouye did the same thing.

When they're really asking for something very, very broad like that, you mentioned context and does that change technical or factual presentation?

Adam Issenberg:

Again, I think you can be responsive to a request and so if the request is very broad, you know we are undertaking -- We are beginning a Magnuson reauthorization process and we're interested in your views on areas where you might support -- To use Chris's example, if they ask you areas where you might support change, I think an appropriate response to that would be we have identified the following areas where current provisions have created difficulties for us in the following ways.

You know if it's really that broad at that point, perhaps that bleeds over into advocacy. That's a question I would probably follow up with the DOC GC people on, but generally I think you're best off being as specific as possible.

To your question about the language, I don't know if that language is in the specific grants, but it is in the OMB cost principles, which is the overarching guidance that applies to all grants, and I had the cite handy and I think I minimized that screen among all my other things here and so I'm not sure that I can find it at the moment, but I can get that for you.

You may recall that at a prior CCC meeting, and I think this was probably four or five years ago, I had given a presentation on the question of lobbying and I had given out some talking points or I had used some talking points at that meeting that were provided to me by the FALD people and I can circulate those.

The cite is actually wrong, only because they've been consolidated and the citation has been changed, but I can circulate those talking points and get you along with it the new citation for the current location of the cost principles.

Kevin Anson:

Genio.

Eugenio Piñeiro: Mine is a follow-up of what puzzled John and Dr. McIsaac's point and so we will be talking basically that it involves a council grant that it's about more or less semantics in the way that you present it and that you want to have the solutions instead of going in an advocacy and advocating something else and like a sentence when a judge tells you to write the sentence or how would you go for that?

Adam Issenberg: I think it's more than semantics. I mean I think it is focusing specifically on how it carries into the programs in the specific region. I don't think it's going to be sufficient simply to have a sentence at the beginning saying that this has an impact on our programs. I think it's also going to require the follow-through of describing what that impact is and focusing on the technical and factual elements of how it impacts carrying out the grant for the particular fisheries in that region related to whatever the particular issue you're commenting on.

So if it's the rebuilding, the ten-year rebuilding provision, what that does for the Caribbean Council. If it's the NEPA provision, what that means for the Caribbean Council and being specific.

Kevin Anson: Eileen.

Eileen Sobeck: You know I think we should all take this guidance really seriously. We are bound by rules and they do get taken seriously and we don't want anybody to lose funding or be subject to any kind of investigation. You guys are the leaders of the councils and we're subject to this also within the agency and so it's really important for us to understand the rules and words matter and context really matters.

I think we do need to really internalize this and think about it every time you're especially putting something in writing, but I think the good news is that you can get your views -- Your views are solicited on a regular basis very broadly by the Hill because you are the experts and your views do matter.

You are going to be able to get your point of view to Congress in a meaningful way and we just want to make sure that everybody knows what the rules are and plays by it, because it's not going to prevent you from getting your message across.

Kevin Anson: Tom Nies.

Tom Nies: Not to drag this out too long, but did I understand correctly that

these limitations are coming because we receive a grant and it's the restrictions on grantees?

Adam Issenberg: That is the source of the restrictions, are the cost principles that apply to federal grants.

Tom Nies: I look to some of the EDs who have been around longer than I have. I mean my understanding was that we became grantees solely because that was deemed to be an easy way to get us our funding and was there any discussion at the time that this would then limit our ability to then participate in the process? Kitty, I am sort of quoting you, I think.

Kitty Simonds: I was there working in the Congress at the time and that really was the premise and no one -- Well, it was to get our money, right. It was not to have controls over us or anything and over the years, there have been attempts to change this, but it never got traction. Like should we be like the Marine Mammal Commission, but how would we get our recommendations to the Secretary of Commerce?

In those first few years -- In the 1980s, there was a lot of discussion about changing this, just because of those cost principles, but, as Eileen said, we've been able to overcome some of these things. When we were doing tuna inclusion, and remember that, Mahood, the tuna lawyers wrote a letter to NMFS to not fund us because we were lobbying the Congress and so I can't remember who the NOAA lawyer is, but that person responded and said that because we are creatures of the Congress that we ought to be able to tell the Congress when something isn't working.

Then in the 2006 Reauthorization, Senator Inouye and Senator Stevens met with all of us and just told us that they don't know all of our problems and they told us to write legislation for them and so it's all about that sort of thing and then trying to follow the rules and they came to our offices to draft things and all of that and so somehow we get our work done within, but that has never been fixed.

Tom Nies: Do these same restrictions apply to the commissions, like the Atlantic States Marine Fisheries Commission?

Adam Issenberg: To be honest, I don't know. I am not that familiar with how they're funded or the rules applicable to them, but one point I would make is, as Eileen mentioned, these are fairly similar to the

rules that apply to the federal government, or at least to us as an agency, and there are other sources of anti-lobbying rules. At the end of the day, and that's not my area of expertise and I'm not familiar with all the nuances of those things, but frankly, at the end of the day, I'm not sure that if the councils were not to receive their funding through grants that they would be relieved of these constraints.

There are enough sources of these constraints that it might be that if it weren't that the cost principles prohibited this, it could well be that there would be another source of the same or very similar restrictions. I don't know that I would place too much focus on the fact that this particular set of rules is in the cost principles.

Kitty Simonds: But the commissions lobby, because they receive other funds. Their funds are not totally from the federal government.

Kevin Anson: I have Dan Hull and then Bob Mahood.

Dan Hull: Just a comment that, as Adam pointed out in the beginning of his presentation, we did ask for some pretty specific and detailed questions about the context in which the council could comment based on requests of different kinds and under what circumstances.

I think Eileen is correct that we do have still the opportunity to provide the kind of comment we would like to, provided that it's technical in nature. That part I think is -- That clarity I think is really important to have. However, I am still left with some uncertainty or vagueness about the issue generally.

I don't think that, as I understand it, we're not precluded at all from having discussions as councils and drafting ideas about different issues, provided that it's not in a specific letter to Congress about a particular issue and so the things that we discuss as a council and we put out as our minutes is perfectly valid for us to do and I guess that's maybe an important part for everybody here to understand, so that it's not perceived that deliberation or discussion is squashed at the council level on these items. Is that correct?

Adam Issenberg: I think certainly it's appropriate to have conversations within the council about how to apply the Act and what the impacts of that are. You know I'm not exactly sure what your -- I know you have a Legislative Committee and I'm not exactly sure what they do.

I would think that if I were the FALD lawyer and you sort of put

out -- If you drafted an alternative provision for the ten-year rebuilding requirement, just to continue with that example, and you sort of put it out there in the ether and said, you know, we've been talking about this, sort of implicitly that could be read to suggest that you're asking others to go to Congress and advocate for that.

I don't know how the Financial Assistance Law Division people and the Grants Office people would look at that and so I think my guidance in that regard would be to talk to GC in terms of specific activities and where they might fall in terms of this line.

Dan Hull: Just to be clear, our Legislative Committee only discusses those pieces of legislation that have come before Congress and we as a council will only respond in writing when we've been requested.

Adam Issenberg: I think that's appropriate and, again, I would go back to my first point, which is when you respond, I would suggest that it would be well advised to say as specifically as possible that we are responding to this request and refer to the request at the council meeting or the CCC meeting and who made it.

Bob Mahood: I really like Adam and so this is no disrespect to attorneys, but what has happened over the years -- Kitty is right that at the very beginning they looked at a way to get the money to the councils. In those days, there was actually more money appropriated to the councils than the councils could use and so everything was very easy. The money flowed pretty easily.

Then, over time, it just became engrained as part of the system and then what's changing now, and it has to do with legal opinion, is how we can respond to Congress. As late as the late 1990s or early 2000s, we were writing legislation to help the staffers with language and that was deemed okay.

As many of you will recall, we met as a group and voted and gave recommendations to the head of NMFS routinely until a new NOAA attorney showed up and said you guys can't do this and that had some good ramifications, because then you had legislation to develop the CCC.

Things are going to change in the system and I don't think what Adam is asking for is very hard to do. I mean we can always -- If we support something or don't support it, it's always because of how it affects us doing our job and I think that's pretty easy to put into writing, but you get new attorneys and you get new opinions.

Douglas Gregory: I had a question. As the staff who drafts letters like we did last year for the testimony before Congress in different hearings, and we're going to do this at our next council meeting with 1335, we're going to go to the council and we're going to lay out the different sections and we're going to ask for motions of do you support this or do you not support that and so that's going to be in our council discussion and it's going to be in the verbatim minutes of our meeting.

That's a public record and would then it be incorrect for us to make a copy of those minutes to go along with our more general letter or excerpts of those minutes, because those motions have to be up or down for staff to have guidance as to what to do in drafting a letter.

Adam Issenberg: I am not entirely clear on what exactly the individuals would be voting on. I think if the vote is on whether the members support certain comments and the comments adhere to the principles I have described, then I don't think there's a problem with the supporting or the comments. The comments are appropriate and I think that's something that then the council would be -- The support is simply for the comments and not necessarily for a particular piece of legislation.

I think to the extent the members have individual views about the merits of a legislative proposal, as Sam indicated, nothing here constrains the members from communicating their views directly to Congress as individuals on the merits of the legislation.

Douglas Gregory: If I may, real briefly. For this upcoming meeting, we weren't going to prepare a draft letter for the council to review, but go through the sections and say for ten-year rebuilding period, do you support this effort or not? That would be the request to the council, to have a discussion and somebody would make a motion that yes, we support the ten-year rebuilding period or we don't.

So you're saying that we shouldn't do that and we should recraft a motion in advance for the council, which kind of makes some council members nervous about staff drafting their motions, so it's more factual and more impacts. This impacts us and this is how it does or doesn't impact us.

Adam Issenberg: I would suggest that you avoid voting on a motion where council members by a majority decide whether as a whole they support or oppose a particular action. It may be appropriate for council members to express their individual views, but when you vote on it

and then that becomes a council view in support of or opposed to, then that suggests advocacy for or against a particular provision.

Kevin Anson: I've got a couple of people. Bill, followed by Miguel.

Bill Tweit: A conclusion that I could draw from the comment that you just made is that it's preferable to have our Congressional delegations hearing from the full range of individual council members instead of getting the collective judgment of the council and that just doesn't make sense to me.

Adam Issenberg: The only response I can give to that is the councils as a body are constrained in this manner.

Bill Tweit: I am not sure that's what Congress is interested in though and they're the ones who ultimately set our rules.

Kevin Anson: To that point, Eileen?

Eileen Sobeck: Again, this isn't unlike what we as federal agencies go through. How many times has Sam testified on a bill where the administration has not yet taken a formal position? If he is asked outright what is your view on this bill and what is the NMFS position on this bill, his answer is we do not have one yet, but he can testify generally about what we've done in the past and how we think provisions might affect fisheries management.

I think that our testimony, which will have been cleared and so will express some view of the agency without taking a position on specific provisions of a specific bill prior to the formal administration clearance process, we thread that needle all the time and it is -- It can be frustrating, but it can be done.

I mean I feel your pain, but I think that, as Bob says, the rules have kind of evolved and that's where we are, but we do that on a fairly regular basis. We find a way of not taking a position, a premature position, on a specific bill, but still testifying in an informed way that often would allow a reasonable person to infer what our potential position might be.

Miguel Rolon: You know after all of this discussion, I have become very paranoid and it doesn't mean that somebody is not following me, because if I take money from the council and I develop a committee that will go over any bill, I am using grant money.

Then the council members usually speak their minds about

anything and I cannot stop them from writing whatever they want to write and even if I don't send a letter to Congress and I publish it on the webpage, I am influencing anybody who is going to read that and any picky lawyer can tell me that I am lobbying, because I am not lobbying directly, but I am putting information to other people that could be construed as influencing them to lobby for a particular reason.

To me, it's going to be very difficult for us. Right now, when you were talking, I believe that the North Pacific Council letter is in violation of what you said, because they are not factual and they are not technical and they are kind of a mix of the two.

Again, it's a matter of sometimes the old guys who have been around here for some time -- Every time that we have a change in administration or different lawyers, we have different interpretations and at this time, lobbying is a very tenuous thing, because anybody outside the system can try to stop you from talking or saying whatever you have to say and pulling your money out of it and damaging the capacity that we have to operate by using just what you just said about the grants.

To me, I personally will not send anything to anybody unless I send it to the General Counsel Office or Shep and the other guys tell me to go ahead or don't do it.

Still, even if they tell me to go ahead and I publish it on the webpage, any Joe Blow can come and sue me because I am influencing Congress. To me, the difficulty is because it's a very, very fine line between what is and what is not construed as lobbying the way we operate and enough said.

Kevin Anson:

Dorothy.

Dorothy Lowman:

Thanks. We have a Legislative Committee and we get a report from staff about what bills have been introduced and we do go through and say this would be concerning for us because it would affect our ability to do this.

We may not have gotten a request for comment yet and so we're clear we're not going to be sending something unless we do, but it is -- In my opinion, it's important to be able to have that council discussion, because we only meet five times a year and we could get that request in between and I think our council would be very uncomfortable with staff just writing something without having that ability for the council to have talked about the pros and cons in

terms of the ability to fulfill our duties and how it would impact our fisheries and so I'm assuming that that is certainly still okay to do.

Adam Issenberg: I think that's very similar to the question that Dan asked and I think that certainly talking internally about the potential impacts of legislation, particularly if the focus is on here's what it means in the context of our FMPs. I think that's appropriate and then communicating that is appropriate if you have a specific request and if it's articulated in a way that is consistent with what I have talked about.

Kevin Anson: Chris Oliver.

Chris Oliver: Mr. Chairman, it occurs to me that if the Magnuson Act were amended to explicitly exempt the councils from these lobbying restrictions that it would positively affect our grant performance in many ways, but I am not suggesting that.

On a serious note, I just want to circle back to something that Dan Hull said earlier and that is with regard to our Legislative Committee. We made the conscious decision to limit that committee's activities to specific legislation that had been introduced rather than allowing it to become sort of an open-ended clearinghouse for any and every new idea, but, having said that, we have, on numerous occasions, including here at our CCC meetings as well as recent visits from Senator Sullivan to our council, have received very open-ended requests to provide input, factual and technical input, to them on any and all issues that we believe could be addressed through Magnuson, whether or not they're currently in a specific piece of legislation or not.

That's a very open-ended invitation, I guess, and we brought up, and I will get to it later after we get through this and the NEPA discussion, this recusal issue, because it's an issue that could be potentially addressed through Magnuson reauthorization and it could also be addressed through regulatory change, but it's an issue that would significantly affect our council's operations and the results thereof.

We are sort of raising this in the spirit of that open-ended invitation to raise any issue that could be a Magnuson-Stevens reauthorization issue that would obviously and significantly affect the way we do business and so I just wanted to throw that out there and I do, at some point appropriate later in the day, want to circle back to that recusal issue.

Kevin Anson: Go ahead, Doug.

Douglas Gregory: Again, this might be a little tongue-in-cheek, but it seems to me from this conversation that another way out of this conundrum would be, and this was just recently, in the last five or ten years, the councils were prohibited from obtaining outside sources of funding.

It seems if we could have some level of outside sources of funding that we wouldn't be tied directly to this anti-lobbying thing, much like I heard somebody say the commissions or Sea Grant or other organizations.

Kevin Anson: I think we'll move on and go to the NEPA Working Group Report and go ahead and incorporate those two items, as we talked about earlier, Don. Don, as you go through the CCC white paper, there was a late update and if you wouldn't mind sharing and making sure everyone understands what was added or changed to that most recent copy as you go through it, that would be helpful. Thank you.

4. NEPA WORKING GROUP REPORT

Don McIsaac: Yes and thank you, Mr. Chairman, and let me just start with that. What was posted on the website earlier was an older version of the white paper and it had some red font and it had some green highlights and it was a preliminary draft. I don't know that it will be fruitful for me to go through all of the white paper that is there.

Let me just say that what is posted now is a complete draft and it's very similar to what was discussed at Virginia Beach a year ago and then a little more thorough draft looked at this past February at the interim meeting and the white paper has a narrative part to it and a couple of figures and now it has the attachments that includes some case history examples and the essence of it all is that it notes some problems with the current implementation of NEPA, in terms of delay, duplication, overly expensive workload, use of staff resources, and, in the view of this paper, lack of compliance with the current Magnuson Act to make things more streamlined and timely than they have been in the past because of these problems.

The proposal is to incorporate the exact NEPA language, or nearly exact NEPA language, into the Magnuson Act 303 Section, to consolidate public comment periods, to make things shorter. This gets to some of the duplication parts of it and essentially have the same kind of exemption as currently exists in FACA.

Mr. Chairman, I think the main point is the current draft is on the website now and I think people have had a good look at it since a year ago and I would be glad to answer any questions about what's in there, but I think that's more expeditious than going through each of the details.

Kevin Anson: Does anyone have any questions for Don about the white paper? Tom.

Tom Nies: I don't have a question, but I would point out that our council discussed the draft white paper a week ago and by a vote of fourteen to zero, they agree that the approach suggested in the white paper would improve our ability to do our job.

Kevin Anson: Thank you, Tom. Anyone else? Yes, Terry.

Terry Stockwell: Thank you, Mr. Chairman. I would just add to Tom's comment that our council agrees on almost nothing and so this was an unprecedented vote.

Douglas Gregory: That goes for the Gulf Council as well, both statements. We reviewed NEPA at our meeting two weeks ago and got pretty -- I don't remember the vote, but it was support for the -- It was what?

Roy Crabtree: Eight to eight.

Douglas Gregory: On the NEPA thing? No. No. Excuse our Regional Administrator.

Kevin Anson: All right and so maybe we'll go ahead then and continue with the NEPA Presentation and Steve Leathery. Steve, take it away.

Steve Leathery: Thank you, Mr. Chairman, and thank you for the invitation to speak today. I had talked six months ago about as we put together information in response to the Congressional activity about a year ago, after the Virginia Beach meeting, and as the councils talked about their concerns about NEPA and we started putting together information, some things became apparent to us and I wanted to share the data that we've kind of mined and collected and so that was kind of the genesis of today and it fits very well with this discussion.

I am going to go through the slides and the presentation and before I do that, I wanted to also give you the background on the revised and updated NEPA procedures we put out for public comment last June and so in the 2013 meeting of this group -- We released the policy directive of February of 2013 and there was concern about that and so this group gave some feedback in the May 2013 meeting and asked us to work with the CCC subcommittee on NEPA, which was Chris, Chris, and Bob, a great group to work with, I might add.

We took the policy directive and worked with that group over the course of the summer and then came to a place where there was general consensus on the changes to the policy directive and so that policy document has generally been preserved through -- That's the document that was put out for public comment last June and so the comment period closed after ninety days and we received six comments, in stark contrast to the rulemaking under the Bush Administration on 304(i) where we got 150,000 public comments and a lot of serious advocacy in the press and other places.

Right now, the comment period closed and we got very few comments and the environmental NGO comments were very

positive and said this is good and satisfies your 304(i) requirement and then they had some concerns they expressed. Two councils commented that they didn't think it satisfied 304(i).

The agency position has been and continues to be that issuance of the policy directive in February of 2013 did satisfy 304(i) and that by putting out the revised and updated NEPA procedures for public comment, in concert with CEQ, further implements the 304(i) requirement and so at this point we have not finalized it.

We hope to finalize it soon and so that's just an update on where that process is and so in your briefing book there is a copy of that revised and updated Magnuson NEPA procedures and those would actually amend the NOAA administrative order on NEPA and then when that order moves out for public review and comment, we would incorporate these revised and updated procedures that we've already vetted through the public and CEQ.

I just wanted to give everyone a brief update on the revised and updated NEPA procedures and where we are. We are nearing completion and we need to work that out with CEQ and work the final stages. Let me just stop there and ask if there's any questions on the policy directive that has now changed into the revised and updated NEPA procedures that went out for public comment last June. Okay. Thank you.

Now I would like to move into this presentation. There is two sets of slides. The first set is my staff and I mined the data for the most recent three fiscal years and there is reporting requirements for NEPA and we used those and we have never collected data on page numbers and length of time to completion for EAs and EISs and so it was very labor intensive and I had a staffer spend many hours finding documents and looking back in the record to kind of recreate this and so that's the first series of slides where I'm going to talk about EAs and EISs for Magnuson actions over three fiscal years.

The second set of slides Mary McPherson worked with staff in SF and General Counsel, Adam's staff, to look back eight years at our litigation history on Magnuson and NEPA and so the second set of slides is a longer time series looking at our legal defensibility of Magnuson NEPA actions and in all cases, the councils and Highly Migratory Species developed integrated NEPA Magnuson documents for FMPs and FMP amendments and so that's really what we're talking about and so that's kind of the background and now I'm going to move into the presentation.

We are starting with environmental assessments over this three-year period. There were a total of 135 environmental assessments and those, no surprise to people who work on NEPA and Magnuson, EAs are shorter documents that are faster to complete and so typically -- These are mean numbers across all of these actions. There is 135 EAs that the data are collected and aggregated for.

The average page length is 150 pages and the time to completion is 229 days and the number completed each year in those fiscal years was forty-five, fifty-one, and thirty-one. The other thing about time to completion is that in some cases -- The time to completion, there may or may not have been a timeline driver and so as we look at council actions across councils, sometimes there is an urgency and sometimes there may not be and so you are seeing raw data.

Environmental impact statements are longer documents and longer to completion and there were relatively few and so in this time period we had 135 EAs for Magnuson actions and there were eleven EISs and so in some of the discussion the Council Coordination Committee has put out in the past, they said we're using more EISs and fewer EAs. The data show in the past three years there is many more EAs than EISs and part of that is because these EISs are lasting for many years and we are successfully tiering under NEPA from EIS documents and so, again, I am giving data and there is underlying things in the data we could talk about.

Unidentified:

Are those working days or calendar days?

Steve Leathery:

Those are calendar days and so that's from notice of intent to prepare an EIS until the ROD. That includes draft EIS, final EIS, ROD. The next few slides -- We just showed all those EISs in case somebody wanted to burrow into the data and I am not going to go into this very much, but, again, in some cases EISs were done relatively faster than others, but there may or may not have been timeline drivers, depending on the nature of the issue and some of you may recognize some of your actions here.

Again, some outlying long documents. Days from NOI to ROD was a long time for some and shorter for others and less than a year or around a year for others. Then a couple of longer documents and longer timeframes and so the message here is we're using EAs effectively. They are shorter and faster to produce than EISs.

Here is just the aggregated data. It's a whole lot of EAs and a few EISs and I want you to think of these data as we go into the next series of slides where we talk about the litigation history over eight years and so it's this plus four more years.

Here is the litigation statistics. There were thirty new cases over this eight-year period and 37 percent of the new litigation -- This is roughly 37 percent of all the litigation against Magnuson included NEPA claims and so 63 percent of the litigation did not include a NEPA challenge.

Of the eight addressing EISs, we won seven and the court was silent on the other and so we did not lose any under EISs for eight years under Magnuson. That's a very strong record of litigation, legally-defensible NEPA and Magnuson. Seventeen over this time period were related to EAs and one action did not have a settlement and three are pending.

Of the legal challenges, there were no cases that resulted in EIS and only a few successful challenges to EAs and we did not add up how many EAs were over this time period, but my three-year EA running -- My data showed 135 EAs in three years and we're talking about something approaching 250 or 300 environmental assessments with only three that really had successful legal challenges.

The take-home message here is the councils are effectively integrating NEPA and Magnuson in a very legally-defensible manner and they are appropriately using EAs and EISs to streamline and facilitate Magnuson and NEPA in a legally-defensible manner and so that's my message and I don't need to say a whole lot else, I don't think. I am glad to talk about this.

These data were not easy to collect. This was a labor-intensive exercise, because we have not collected these kinds of data and aggregated them in this way before and so I can't just -- What about the three years prior to the three I reported on? I just can't get that easily. This represents a lot of work. I will stop now.

Kevin Anson:

Thank you, Steve. Any questions? Don.

Don McIsaac:

Thank you, Mr. Chairman. With regard to your take-home message that this shows that we're effectively integrating NEPA or we're effectively executing NEPA or we're effectively doing good fishery management or we're learning -- Like Chris said, we've

learned how to do this right. Compared to what I think is the question.

Your slide there that shows the last two EISs took over 900 days and the average is over two years to complete, one of our concerns was that this just takes too long. The science can be obsolete and it just takes too long. There is a long delay.

In terms of this question of yes, you can do it properly, you can do it better than has been done a couple of decades ago and the lawsuit performance wasn't quite as good, is accurate, but in terms of is this the best way to do marine fishery management or is there a better way, that's kind of the question and so it gets to the original concerns of are there delays? Are there duplications? Should this be able to be done quicker? Is this really necessary or is there a better way?

You know when you look at the 900 days for the last two, it's difficult to say that's pretty good. That's almost three years and that's pretty good.

Samuel Rauch:

I would think on the last two we could go delve into that, but a lot of that is because that's a council amendment process and the length of time -- The EIS was being developed while the council was going through that and many council amendments can take two years or three years to get through the process when they are really big plan amendments.

It's hard to tease out whether NEPA is driving that or not and I think for many of those things -- You know we just collected this data and you could go into all these things, but for many of these things, it's the council process itself and the fact that alternatives keep getting added or taken out and not because of NEPA, but because the council is changing that. That's when you make that kind of statement and you have to kind of tease that out.

One of the things that we're concerned about the white paper, as it's written, is it has things that aren't true or relevant anymore. It refers to the 2004 EIS in Alaska again, more than a decade ago, and thousands of pages. There has not been a thousand-page EIS since then and we don't think there will be.

Steve Leathery:

He meant to say 7,000.

Samuel Rauch:

7,000-page EIS, right. That's what we continue to hear and that's

old and so if you're going to make representations about the system, it needs to be based on not an idealized concept of can it be better shorter. Does it work? Yes, it works. The whole point here is that we have all kinds of obligations we have to deal with and NEPA being one of them and we have demonstrated that we can make it work, just like we make everything else work, and you can still achieve your national fishing objectives because of that.

Kevin Anson: Steve.

Steve Leathery: One point I forgot to make is the issue of Endangered Species Act. If the Endangered Species Act is in play and that is influencing the fishery management process, then that's not Magnuson NEPA.

That's ESA Magnuson and so the 7,000-page document that people point to was in response to litigation for stellar sea lion and the potential for fishery removals affecting stellar and one of the three EA losses is the same issue replayed a decade later, where it was ESA that was the driver of litigation and NEPA was more along as part of the Magnuson process. It got tangled up in ESA challenge more than it was a NEPA claim and so I want to make sure we recognize that if ESA is in play that Magnuson NEPA is secondary.

Kevin Anson: Chris.

Chris Oliver: In fairness, I just have to point out that in that analysis it was NEPA that compelled us to analyze a no fishing alternative in the North Pacific and not the ESA.

Samuel Rauch: So? So you had to analyze an alternative and what difference did that make?

Chris Oliver: Well, for example, spending I don't know how many hundred or thousand pages and how much effort and time it took to analyze an unreasonable alternative. I guess maybe that's all I need to say.

Kevin Anson: Eileen.

Eileen Sobeck: I want to thank Steve and his staff for doing this, because you know we can agree or disagree, but I think that just having some facts and understanding that not all actions are the same and not every EA or EIS, but I think it is useful to have a little bit of actual data here and I do think that we can always do better.

Don, I agree, but on the other hand, I think what this shows is it's a

very small percentage of MSA-related actions that we do EISs on and so when we do an EIS, we can try to streamline it and focus on it. I think if we understand ahead of time that we might be vulnerable or be getting arguments that we have to have a no action alternative and if we build those in at the get-go, it's going to end up having less money that we have to put in at the backend or time added at the backend. If you like it or not, it's sort of one of those stare reality in the face and maybe that's a way to shave some days.

I also think that, again, there's a lot of big, important actions that are litigated and litigation does slow things down, but, again, it is a relatively small percentage of your actions and our actions that get litigated, which is interesting, because I don't think that's the way it feels. At the end of the day, we do win and we really can't control who files actions against us. We might want to be a little bit more vociferous about pointing out that there's not a lot of percentage in suing us now that we actually do a good job with what we do.

Again, can we continue to shave off time and try to be more efficient? I think that we're open to doing that, but I think that we want to just acknowledge the fact that not everything -- We are not needlessly doing more than we need to and every action doesn't take years and years and years and I think that that's the point that Steve is trying to make and I think it is a useful point of discussion.

Then I think you alluded to this, Chris, whether this is the best process. That's always a fair question, but these are the processes we use and part of why we don't have as much litigation now as we used to is the courts have established some of the rules of the road and if the rules of the road change, there will be a period of settling-in litigation, I guarantee you, and so over the long haul -- Over the long haul, changes might speed things up or change how we do business, but in the short to midterm, my guess is there will be more confusion and more litigation.

Kevin Anson:

Kitty.

Kitty Simonds:

Chris, I can see why you're getting a bit worried about what the future might hold. I mean it's taken the Service nine years to get to this point after the 2006 authorization and I mean we have no idea how long it would take the Service to deal with something new and so I can see why you're getting worried about it, and yet we support what we started out to do, which was years ago. I mean I guess thank you very much for this, but this should have

been done nine years ago, because what we were talking about was based on the years before 2006 and so this doesn't help me any. I wanted to say that to you, that I can understand that, why you're concerned.

Kevin Anson:

Tom.

Tom Nies:

Well, I kind of don't take much as a take-home message from this list of EAs and EISs. I guess what bothers me the most is that I look at NEPA as supposed to be helping us make decisions and it's obvious that NEPA doesn't help us make decisions now, the way it's been implemented.

NEPA is being viewed as a way of how do we win a lawsuit and if you look at the documents, I imagine that -- In our region, I suspect that we have some of the longer EAs that have been submitted and I know, because I have written some of them and I have read most of the others. We never get an EA past our Regional Office or rarely get an EA past our Regional Office that's a hundred or 200 pages long. They're turning into 500 or 600-page documents and the public can't read those. The council members have a difficult time reading those. They are not really helping us make decisions.

This presentation doesn't talk about a number of the inconsistencies between NEPA and the MSA that Don raised and that we raise in our white paper. When alternatives are added to documents after the council has seen them, we're basically telling the public under NEPA that the agency can choose any alternative that's in the NEPA document and the reality is that under Magnuson they cannot and they can only approve, partially approve, or disapprove the alternatives that the council has submitted.

You have this inconsistency that we haven't addressed at all and while we won't be able to refer to a 7,000-page EIS that's been recent, give us about six months and we'll be referring to a 3,500-page EIS that is recent, once you get our Habitat EIS.

Samuel Rauch:

How long has the council been working on that habitat amendment? Ten years? I don't think NEPA is driving that.

Tom Nies:

No and I would agree with you. I actually don't believe that it's an appropriate time measure to measure the time from the NOI to the Record of Decision because of that, because a lot of that time is taken up with the council process. I think a far better metric would

be to measure the time from the council final vote to the Record of Decision.

Kevin Anson: Don McIsaac.

Don McIsaac: Thank you, Mr. Chairman. A question about the last paragraph in the OMB administration paper, where it says that this proposal would weaken the protection provided by other important environmental statutes, presumably NEPA.

The concept was to incorporate exactly what's in NEPA and add it to what's in Magnuson and the intent there was not to weaken any of the protections provided by either NEPA or Magnuson and so I wondered if you could, in the spirit of if the CCC would like to change the proposal at all, clarify where you see this weakens the protection.

Samuel Rauch: Just to be clear, the statement of administrative policy was not on the white paper, but on the language that was in H.R. 1335.

Don McIsaac: Okay. Well, do you all think that the CCC proposal weakens the protection provided by the current application of NEPA and Magnuson?

Samuel Rauch: I think the CCC proposal is unnecessary. We just talked about the fact that NEPA works. It does work. We've been able to make it work. It hasn't always worked historically, but it does work now and we are winning litigation. We are meeting the purposes of NEPA.

I am very concerned that one of the things that you're doing in the white paper is creating a whole new suite of litigation alternatives. I do not know -- If this were to be in place today and you asked me what obligations four years from now would be like, I am very much concerned that you would be increasing the obligations judicially imposed because of this whole new section or whenever we get around to doing the implementing.

I am concerned that the reason that you're doing it is because you don't want to look at the no action alternative. I am concerned that the reason that we're doing it is because we are trying to cut the corners on some of that environmental analysis. If we weren't trying to do that, frankly, why would we do that? What is the point here in that you want to do it quicker?

I get that there's an argument that we need to synchronize the two

together and I think we've actually done that fairly well. You keep talking about duplicative comment periods. At one point you talked about eight comment periods. Well, there are not eight comment periods on any rule or things that we've done. We join them together and we run them simultaneously and we make efficient use by doing things in as streamlined a manner as possible and so I do not think there is a valid reason for why we need to do this.

I don't think there's any advantages, legitimate advantages, to say that this will give us better environmental information, because it won't. It seems to me that this is more likely to go the other way. If this were imposed today, we would be basing decisions on a more constrained set of information than we have with NEPA and that's why I think it would give us less protection, but I am not commenting that as a position on a bill. This is not part of a bill. You just asked me what I think of this and I do think that the councils' proposal will end up with less environmental protection without a good cause as to why we need to do this.

Kevin Anson:

We are close to the break and why don't we take our fifteen-minute break at this time and then we'll reconvene at 3:35. Thank you.

(Recess)

Kevin Anson:

I talked to a couple of members during the break and kind of came to a little decision as to how to proceed. We are going to try to wrap up NEPA first and then we'll go and finish up with anything pertaining to H.R. 1335 or Rubio's bill or anything, if we want to talk about that.

For NEPA, what we had discussed was unless there is any specific motion that someone would like to take forward, seeing the agency's comments and where they stand and kind of there is not too much consensus among the councils and perhaps we might just want to leave NEPA where it is and possibly review it again after the MSA comes a little bit further along and maybe pick that up again and see what the language is and how that might change or impact NEPA and its relationship in the Act and so if anybody has any comments to that or wants to go in a different direction from that, go ahead and speak up at this time.

Kitty Simonds:

You still have the time slot for tomorrow, even though we moved NEPA up, or did you put something else in there?

Kevin Anson: Yes, we moved the National Standard 1 Discussion to tomorrow. Chris.

Chris Oliver: If we don't come to any resolution of that particular issue at this meeting, I guess I am wondering out loud if that's perhaps an issue that would be fodder for a CCA legislative workgroup that we talked about potentially forming at this meeting and does that enter into your thoughts, Mr. Chairman, at all?

Kevin Anson: That could. I don't think we're -- Was the membership for that committee decided or anything? So we would have to kind of go through that exercise and we're always looking for willing volunteers, but that is something possibly to kind of keep it moving, if you will, or respond maybe to some of the changes that might be coming up as it goes through markup in the House and the Senate. Anyone interested in populating that committee? Thank you, Dan. So we've got one. Rick. Okay. Great. Dorothy. Thank you, Dorothy. We probably need a couple more folks in case the schedules preclude the full group from getting together. Anyone else? No Executive Directors? Tom Nies. Thank you. One more person maybe?

Don McIsaac: Mr. Chairman, maybe you could consider that we'll be working closely together at the Pacific Council.

Kevin Anson: Okay. Michelle, did you want to -- Do you have a question or did you want to volunteer?

Michelle Duval: I feel like we need a little bit of representation from the Southeast and I'm not seeing anybody else jumping forward and so I'm not really saying that I'm willing, but I am saying I see a void to be filled.

Kevin Anson: Thank you for filling the void. Go ahead, Doug.

Douglas Gregory: I felt like I would be a de facto member, since we're the host this year, at least until January. Michelle, you can participate if you want, but I was going to be a member of it and so you're free to make a different decision if you want.

Michelle Duval: Then I would be more than happy to let you participate on my behalf, Doug.

Kevin Anson: That's six people. It's Dan Hull, Rick Robins, Dorothy Lowman, Tom Nies, Don McIsaac, and Doug Gregory. Anyone else? Kitty. Thank you, Kitty.

Do we need a charge for that or just kind of get together as soon as schedules allow and kind of develop a charge or just talk about the issue and kind of keep tabs of any markups and changes in the reauthorization and is that how you see that going forward, Chris?

Dan Hull:

I will take a stab at it. I think definitely keeping track of what progress is being made in Congress and so it would be both on the Senate -- It would be on the Senate side and how potentially the bill from the House side would merge with it or not. Then I think, in particular, the NEPA element of the bills, but I will look to some other CCC members with some more experience, if there are further things that the committee should be looking into.

Kevin Anson:

Does that kind of sum it up for everyone? Rick, do you have any thoughts on that?

Richard Robins:

Yes, Kevin. I just wanted to suggest that that would be the implementation of what we agreed to do last year and that was to create that working group and obviously the facts have changed some since then, but given the fact that we've had this additional legal advice today, I think if we develop any comments that we can try to conform them to that advice that we received also. Thanks.

Kevin Anson:

Great. That sounds good and thank you. All right and so we've kind of taken care of NEPA then for now and moving back to the Legislative Updates, we want to circle back to that and there was some question as to whether or not perhaps if there was interest among the members to go through maybe the individual bills, the Rubio bill or the H.R. 1335, and if there are any specific motions, in light of the conversation we had earlier about how to comment on the language, if we wanted to go circle back through those and address any specific item as a comment by the CCC. Is there any desire to do that? Chris, I believe, has offered to go through the Rubio bill and maybe do that.

Chris Oliver:

Mr. Chairman, I kind of went through H.R. 1335 and I was willing to sort of walk through the major provisions of the Rubio bill as well. That bill might be going to markup on Thursday and if we don't envision coming to any particular CCC position on either of the major H.R. 1335 provisions or the Rubio bill provisions, then it may not have a tremendous amount of utility to go through that bill if we're not actually to develop any comments on it, particular since it may be marked up later this week and there will be a future opportunity, perhaps, for our Legislative Committee to look at what comes out of that markup. I guess I'm suggesting maybe it's

not necessary at this time to walk through every provision of that bill at this time.

Kevin Anson: Anyone else have thoughts on that? I guess that's probably -- We'll go ahead with that then and let it go through the Legislative Committee and let them kind of deal with it. Doug.

Douglas Gregory: I will get the ball rolling in the next couple of weeks, by the middle of July at the latest, by emailing everybody and seeing where we want to go collectively, the seven of us, and do some conference calls.

Kevin Anson: That takes care of the items -- No, we have the Council Member Recusal Interpretations with Chris Oliver.

5. COUNCIL MEMBER RECUSAL INTERPRETATIONS

Chris Oliver:

Thank you, Mr. Chairman. I mentioned earlier that I did want to bring this up. This is an issue of extreme interest to our council. We've had a recent NOAA General Counsel determination relative to two of our council members who essentially had to recuse themselves on an extremely important council action regarding our halibut bycatch caps in the Bering Sea groundfish fisheries and a lot of discussion ensued from that, including a desire to learn other councils' experience with recusal determinations, particularly in the last couple of years since the recommendations from the IG report came out and whether the recusal regulations are being interpreted and applied consistently across regions and whether there may exist the opportunity for changes, either through the Magnuson reauthorization or through some type of change to the implementing regulations or the interpretation thereof, which would create a more logical and appropriate grounds for council member recusal.

The second paragraph of my one-page memo gives the example of how NOAA calculates a member's financial interest in determining whether the 10 percent thresholds are exceeded and basically if Joe Council Member works for Fishing Company A, which owns 50 percent of Fishing Company B, which in turns own 3 percent of Fishing Company C, they use all of the harvesting and processing activities by all three of those companies in calculating whether that particular council member exceeds the 10 percent threshold.

We obviously believe that's an unfair and illogical interpretation of the regulations and results in unintended recusals of council members. We believe that they should only use the amount of harvesting and processing activity that's equivalent to the council member's percentage of ownership and, for example, in the example that I used, they would proportion the level of ownership of Fishing Companies A and B in the same percentage and would have arrived at a different determination in this particular case.

We are interested in other councils' experience and we're interested in pursuing how the regulations are being interpreted and applied across regions and, of course, finally whether there is potential opportunity to arrive at a more logical and appropriate interpretation of the regulations or a change in the regulations, perhaps, or a change directly under the Magnuson-Stevens Act.

That is an overview of the issue we wanted to bring to the CCC and Dan may have additional thoughts in this regard, but we were certainly interested in whether other councils had issues in this regard or whether there was interest among the other councils in further pursuing whether there were alternative applications or ways to amend the regulations or the Act to come to a more reasonable and logical recusal determinations.

Dan Hull:

I would add too that what you see in the memo here and our discussions in our Legislative Committee were also in response to a request from Senator Sullivan on this issue in particular, along with generally changes in the Magnuson-Stevens Act from the Senator.

I think one thing perhaps we can confirm from the agency is whether there is -- It seems there is an increased scrutiny of the conflict of interest issue and if I remember correctly, this may be stemming from the Office of Inspector General Report from a few years back and we now have new financial disclosure reporting forms and so it seems, from my perspective on the council, that there is a heightened interest and we are wondering whether there is consistent application across the regions.

We did have some pretty lengthy discussions both in April and in June about this at our council meeting and good public input on it as well and so, lastly, I would just say that it becomes a bit troubling if, as I look down in the future, whether the way that recusals are determined is unpredictable and we can't structure an analysis to get around it, because we don't know how it might be interpreted, and we also maybe are uncertain about whether qualified candidates to the council in the future would be subject to recusals on particular issues and so the unpredictability of this I think undermines our ability to operate as a council and to get the full input from all of our stakeholders.

Kevin Anson:

Sam.

Samuel Rauch:

Thank you, Mr. Chairman. It is certainly true that recusals were a significant issue at the most recent North Pacific Council meeting and one of the things that as we have talked internally is that it may well -- The situation may well be amenable to a change in our regulations.

That doesn't necessarily mean we will change the approach, but, at a minimum, it would be clearer. We are going to explore that and, to that end, any issues that the council might have seen that have

led to a belief that something is unclear that we could explain in the regulations, I think we will look at.

I have asked Alan and the Sustainable Fisheries staff to start looking at that, but this is -- I asked them that yesterday and so just bear in mind we don't have a lot of deep thoughts on that, but I do think that to the extent that some of these issues could be a bit clearer in the regulations that we're willing to explore doing that.

I also would like, on the question of how General Counsel goes about dealing with the recusal issue and whether or not this is consistent, I would like Adam to say a few words on that, if he would.

Adam Issenberg: In terms of consistency, as with all issues, we work very hard within General Counsel to communicate what's going on across regions and to ensure consistency. This is an issue that folks within General Counsel take very seriously.

We didn't necessarily ask for the designated official role, but it's ours and it's a time-consuming one and it's a difficult one and people take it very seriously and we have had conversations in the past about approaches and certainly as this issue has become prominent in the last six months or so those conversations have continued.

We have mechanisms in place for those communications and we continue to do that. I know that we recently had a very lengthy conversation about what individual GC sections are doing in terms of how they look at recusal. Of course, fisheries vary and so the issues vary from region to region, from council to council, and so there are responses based on the needs of individual councils, but I believe that we have acted consistently across councils and the point was made about the IG report that raised questions about the conflict of interest regulations.

That was really focused on financial disclosure and it wasn't focused necessarily on recusal, but we're aware of that, but I would say that that definitely has not changed our approach to recusals. We have always taken it seriously and that has not changed as a result of the IG's interest in this issue.

Kevin Anson: Terry Stockwell.

Terry Stockwell: Thank you, Mr. Chairman. A follow-up to Chris's question. New England has a council member who works for a company that has

more than 10 percent interest in two of our primary FMPs and this also prevented this council member from voting on last week's final measures on our habitat omnibus.

It's a fairly hot-button issue with us. We've received pretty clear guidance from GC, but it's also got the full attention of the NGO community, who are there to help ensure that the recusal votes occur.

Chris Oliver: I had a question for Sam, but now I have a question for Terry. Terry, was that particular member's recusal determination centered around this particular mathematical application, where they attribute all harvest by a partially-owned company or was it some other reason? In other words, I'm getting at the way the math is applied seems to be a pretty fundamental, and in my mind illogical, application and I'm just curious if that was the situation in your case.

Terry Stockwell: Tom has got his hand up and I think we'll probably both give you the same answer, but here is Tom.

Tom Nies: We have never actually seen a written explanation of how they reached the 10 percent. The company involved has overlapping ownership with another company, but unlike the memo that you received, which delineates how they calculated the 10 percent, we've never actually received that.

Terry Stockwell: For one of the FMPs. The other FMP, the company has definitively greater than 10 percent of the landings and value of the fishery.

Chris Oliver: If I may, Mr. Chairman, this is a question for Sam. To the extent that the agency is willing or committed to sort of take another look at the regulations, I don't believe that the math application that I'm referring to is actually spelled out in regulation, but rather it's an interpretation and is there a -- As you review that, is the agency going to be open to not just clarifying the current application, but looking at perhaps a different application or spelling out in a revised regulation a potentially different application of that math, i.e., the proportional application?

Samuel Rauch: As I said, we've been thinking about this for less than twenty-four hours and so I won't give you my definitive response, but I think that, at a minimum, if we were to do such a thing, we could clarify some of these recent situations so that it's clearer.

I am open to looking at, within the statutory bounds that we're working under, different interpretations. We may not adopt any of those, but, like anything else, what I'm thinking is we would, within the statute, look and either reaffirm or change what we could. I don't know what the timeframe is and so I don't right now know what our parameters would be and how constrained we are to a particular formula or not. My sense is there's some discretion there, but I don't -- Also, just because there's discretion, it doesn't mean we would change our interpretations to your view, but Adam wants to say something about that.

Adam Issenberg: I would just say I have thought about it a little longer than twenty-four hours, but probably not a lot. I think potentially there is opportunity for change through regulatory action. I think at this point, at least on that particular point, there probably is not an opportunity for change without regulatory action, but, again, as Sam points out, the mechanisms available for change are one point and then whether a particular change is appropriate is something we would still have to give consideration to.

Chris Oliver: I guess a final note is when you look at the statutory language, at least in the Magnuson Act, it is fairly generic and basically defers how the significant and predictable effect on financial interest would be interpreted or put into regulation and so I think there's some pretty broad discretion there. I think even within the regulations I think, again, the way in which the math is applied I am pretty sure is not actually spelled out in those regulations.

Adam Issenberg: Just to that point, these regulations, both the financial disclosure regulations and the recusal regulations, are all by way of implementing an exception to the general conflict of interest statute, which is a part of the criminal provisions of the U.S. Code that are applicable to federal and government employees, including council members in their capacity as special government employees.

There is an extensive body of interpretation in terms of how to apply that and that's something that has to be considered when looking at interpreting these provisions as well and so it's not just a question of looking at the Magnuson language and it is a question of looking more broadly at the generally applicable conflict of interest standards. That's not to say that they drive a particular result on any of these questions either, but that is an important consideration.

Kevin Anson: *Rick.*

Richard Robins: Thank you, Mr. Chairman. We've had a number of recusal determinations recently on amendments that we were considering and one of the things I found odd about those determinations was that there was language included in the advice from General Counsel that the members were still free to make motions and so, on the one hand, you're telling the person that -- I mean there's a finding that in fact they have a conflict of interest and they have a direct and predictable potential outcome or significant interest that would be predictably affected by the outcome and yet, by leaving room for the person to make motions, it seems like it leaves room to influence the outcome of the process.

That's statutory and the bit about saying that they can tell the group how they would vote is statutory language, but I was just a bit puzzled, I guess, by that finding and advice that they were still free to make motions, because it seems to me that that's a recusal, but it's not a real clean recusal and so I just wanted to point that out. I mean that's been in the last several recusal determinations that we've seen.

Adam Issenberg: I can't recall whether it's the statute or the regulations, but one of them does specify that the -- The statute, at the very least, specifies they may indicate how they vote. One of them, at the very least, indicates they may participate in deliberations and I think that's a function of the participation in deliberations and that's a long-standing interpretation. I think there is a line drawing there and that's the way the line has been drawn.

Kevin Anson: Tom.

Tom Nies: I realize we just revised the financial disclosure forms recently, but when we've been doing our reviews before the council meeting with NOAA GC, we have found that -- It seems like in many instances the information on the financial disclosure forms isn't really complete enough to make these determinations on interest and it seems like they either need to be more detailed or additional information needs to be provided, because we find ourselves looking at them and not really being able to tell whether somebody has an interest or not.

Adam Issenberg: As I said, these determinations are a lot of work for the NOAA attorneys who serve as the designated officials and that has been one of the challenges for us, has been identifying the information necessary to make those determinations and I would just say that, from our point of view, in terms of whether there is regulatory

change or whether there's change in guidance or whether there is ultimately legislative change, if we are asked for our views on that, I think one of the factors that NOAA GC will be interested in is our ability to make those determinations, the demands on us, and the information we need to make those determinations and how to be able to make them in the most informed and rational manner. That is something that we struggle with.

Kevin Anson: Any other discussion? All right. That concludes all of the items within the MSA Reauthorization. However, Don, you had one other thing you wanted to bring up?

Don McIsaac: Thank you, Mr. Chairman. As you are ready to leave this aggregate of Magnuson Act and other legislative things, we just wanted to add to something that was said this morning on a positive note about Dave Whaley's involvement in all the legislative matters. We didn't get a chance to say anything this morning, but throughout all the legislative process, Dave Whaley has just been excellent to work with. He has always been the consummate professional, asking for and entertaining honest debate and knowing all the ins and outs of what is current.

He has often been diligent and given respect to the regional councils on what I think Warren Magnuson would have hoped for back in 1976 and, on the other side, he has always been diligent in telling us what he thinks the burdens are on agency with regard to implementation practically and policy implementations and so I will be hoping to find Dave later tonight at the social event and buy him a drink and I wanted to acknowledge him here in front of everybody and everybody who is listening on the live streaming.

Kevin Anson: Thank you, Don. Next on the agenda is Bycatch Strategy and Sam, if we can get the presentation up on the board. Thank you.

6. BYCATCH STRATEGY

Samuel Rauch:

I think we're ready. I am going to talk about the bycatch strategy. Emily Menashes is coming up and she will help me with this presentation if we have detailed questions. For those of you who attended the monthly CCC call that we had in May, I mentioned that we had recently started an effort to look at our overall bycatch strategies and our priorities across all fisheries in terms of looking at not just the mandates under the Magnuson Act, but also our protected resources mandates and bycatch science.

We are doing a lot of things about bycatch and at the time, I mentioned that we would be coming out with a request for input as we started working on revising our very old national bycatch strategy, which is actually older than that 7,000-page EIS we were talking about.

As part of that, we are also going to be launching a new website, which was the first step to improving our communications at the last CCC meeting in Virginia Beach. We talked a lot about bycatch communications and so this website is part of that and so we wanted to, since we've sort of done both of those things now, as we said we would last month, we wanted an opportunity for this full group to talk about that in some detail at the very early stages of that process and that's what I'm going to talk about here.

As you know, minimizing bycatch is under the Magnuson Act. It is one of the National Standards and it is also an important component of a number of other acts, the Marine Mammal Protection Act, the High Seas Driftnet Fishing Moratorium Protection Act, the Shark Conservation Act, and, in many respects, it is an important management tool required by the Endangered Species Act.

In 2003, we did a bycatch strategy which outlined our priorities across all these mandates and we made a lot of progress. Sometimes it has been difficult for us to communicate that progress and we think we're getting better, but it is time to update that strategy from 2003 and while we're committed to that effort at the Fisheries Service side, we understand that managing bycatch is not something that we do alone and we do that with you, this group here, and we wanted to make sure that we reached out and included you as we are trying to figure out what our priorities and strategies are going to be for the next decade.

When we talk about bycatch strategy, we look at all kinds of

different approaches. We have to consider how we are monitoring and how we are quantifying and so this is all about standardized bycatch reporting and what kinds of observer coverage you have for protected resources and other kinds of bycatch issues and that leads to what kind of research you might need, where you have data gaps, how you can improve that, how you can make sure you are observing the bycatch in the most efficient, cost-effective manner. A lot of our electronic monitoring strategies are exactly designed, either the human observers or electronic monitoring, to look at this bycatch.

We use all that to then try to implement the actual programs to manage or reduce bycatch and that is our statutory mandate. We need to make sure that in general what we catch is getting the highest economic use and we're fully utilizing as much as we can.

So we've got that and then we have to enforce all the regulations that we put in place and it is difficult to enforce bycatch management, because you can't do that at the dock. A lot of those have to be done at sea and that creates special enforcement problems.

Then we've got to go back and once all that is done, look at that and continuously evaluate and try to figure out how we are doing and how we can do it better and how we can do it at a lower cost and surrounding all that, which is one of the things that we are putting a particular focus on now, is how we communicate all those efforts.

Collectively, we have made enormous progress at decreasing bycatch in the United States fisheries. We have solved many of the problems that were out there and many of the horror stories that people like to trot out, those don't exist anymore because of the collective efforts of the people in this room and we need to talk about that. We need to be able to explain how much progress we've made in reducing bycatch in this country.

We do need to continue that progress and while we've made a lot, that doesn't mean that we're done. We do need an updated strategy and so I'm talking about the strategy and just so we're clear, in 1998, we had a report of "Managing our Nation's Bycatch", which led to the 2003 strategy. Those two documents together currently form what passes for our existing bycatch strategy.

While it's good to have one, those are both very, very old and we

need to rethink how we're doing this for the next decade and so we're reaching out and not just to this group, but to others about what should be our focus and how should we go about looking at a new strategy, updating the existing one for the future, bearing in mind all of our statutory mandates.

After receiving this input, which is what we're doing now, we're going to develop a draft strategy which will target the fall or the winter for a draft and we'll make sure that we come back to this group or the councils themselves, the individual councils, to get particular input once they see a document and so this is the time for sort of pre-drafting input, to think about what we should or shouldn't include in that. That draft will go out for public review and, as I said, there will be time for council input, either as this group or individual councils.

What we're looking at is some of our initial objectives are we want to better work on improving coordination and the effectiveness of addressing bycatch. How are we doing? How well do those systems integrate and what really are our priorities there at the regional, national, and international level? Where are the big problems and what do we need to focus on, not just from a regulatory prospect, but a science prospect and communications issues? Where are the big issues and what do we need to do?

What we have done is we have sent out a request for information that will help us formulate what the strategy will look like. We want to know what we're doing well and what can we do better and how can we be more effective and where should we be more effective? What should our priorities be in the way we spend not only the dollars that we have for bycatch, but also our collective time and what we need to focus on, either as a regulatory agency or a science agency or a communications agency? What sort of approaches towards bycatch should we utilize? Should we sort of adopt what Europe has done, zero bycatch? Should we go for a more full utilization or maximum utilization or are we just right? Is our approach to bycatch just exactly where it needs to be?

How can we use incentives? How can we use carrots as opposed to sticks to help minimize bycatch or do we need better sticks? If we need better sticks, really what are those, because it is hard to enforce bycatch. You can do it, but it gets really costly and invasive to do that and how can we better use partners to try to get at what we want?

We've got a request for comment out on these kind of big-picture

topics out to July 10. I've already got one request from environmental groups to extend that and we'll have to see what we think about that. That was just handed to me like five minutes ago and so I don't have an answer there.

All these questions are on our website and right now the comment period is through July 10 to those kind of issues. I am going to finish the presentation and then we can return and talk about all of these things if we want to.

The other part, in addition to starting that bycatch strategy effort, or a new bycatch strategy effort, is better explaining what we are doing. Part of that was the launch of a new website, which tries to explain what the issues are with bycatch, because a lot of people don't even understand what bycatch is or isn't. In our view, if you land the fish and sell it, that's not bycatch. If you throw it overboard and don't use it, then it's bycatch.

It explains how we track it and how we encourage innovation and what we've done to reduce bycatch and it has some success stories and so this is trying to get at what we discussed at the last meeting in Virginia Beach where we had -- There is a lot of misconceptions about how the U.S. is dealing with it and whether the U.S. has made progress and the U.S. has made an enormous amount of progress and we are trying to communicate that better and this website is an effort to do that. You can see the link that if you want to go visit that.

Another part about that though is we do want to talk with you about how we can better communicate what has really been the result of our collective efforts and so how should we talk with you or how do you want to talk with us? Do you have ideas and are we sharing the right success stories? Did we miss something?

Because this has been a collaborative, collective effort, how do we get that story out better and so there is a website there that you can talk to us or just talk to us, either in this group or individually, about how we can do that better. The last slide is just the questions and so let me first -- Did I get everything, Emily?

Emily Menashes: Yes.

Samuel Rauch: With that, we are just launching that effort and we're happy to discuss that and hopefully we will have good working relationships as we develop that new revised strategy for the next decade. Any questions? We are happy to take them.

Kevin Anson: Kitty.

Kitty Simonds: How much money do you have for this?

Samuel Rauch: We address bycatch in lots of different pots. There is a whole Bycatch Reduction Engineering Program and a lot of the fisheries resources management funds that are used for council support use that and so there's no new money for this, but we are talking about using the existing money, which we haven't broken out how much money we spend on bycatch reduction, but we do a lot of -- A lot of the work that we do is on that and we're talking about using that money in a better way, maybe, or maybe the way we're doing it is just perfectly fine right now, but either way, we should look at it.

Our approach is old and part of the effort, which I think we've talked about with this group, is the science and is identifying data gaps and needs and how better to fill those gaps that will help direct our science activities and we can look at the management structure and are there real gaps that we need to address from the management side and those kinds of questions.

Kitty Simonds: You know our bycatch is mainly protected species and that's been our story since 2002, how we've reduced the turtles and the birds and the sharks and all of those things. Our biggest issue really is the bycatch of false killer whales and what we need for that are surveys. That's what we need and so we've been trying to ask you every which way for funds through that program, the Bycatch Engineering Reduction Program. I don't think we've got anything approved yet, but in our part of the world, that's what we need to somehow get a success story out of the false killer whales.

Kevin Anson: Genio.

Eugenio Peñeiro: Thank you. Is there an ongoing coordination between all the RFMOs and IOTC and ICCAT and other groups that oversee the capture of species that involve bycatch, specifically sharks?

Samuel Rauch: I am not aware of any coordination amongst the RFMOs on issues like that. Clearly this reduction strategy will help dictate the U.S. efforts in domestic waters and our position that we're trying to advocate for, because we do tend to argue for bycatch reduction in those international forums, but I am not aware that any of those groups are working closely together and I am wondering whether John is here. I saw him earlier. Do you have any answers to that one? He will get a chance to talk tomorrow, but --

Kevin Anson: If he wants to come to the podium.

Samuel Rauch: He just said that he thought I was correct. That's all I heard. If he said anything else, it was irrelevant.

Kevin Anson: Russ, do you have a comment?

Russ Dunn: Just a comment and a question regarding the fact that the presentation, at least to me, was focused or seemed to focus more on avoiding interactions as opposed to also being inclusive of reducing mortality or improving survivability and I would just ask if you can speak to the survivability aspect of the strategy as well.

Samuel Rauch: Yes and actually our Magnuson mandate is to minimize bycatch to the extent practicable and if it can't be avoided, to minimize the mortality associated with that bycatch and so minimizing the -- For the unavoidable bycatch, minimizing mortality, things like on the recreational fishery and the devices that will keep the fish from having the bends or other kinds of things is part of this entire effort. To the extent that we can't avoid bycatch, we want to make it of little consequence to the populations as possible and that's part of our Bycatch Reduction Engineering Program.

Kevin Anson: Chris Oliver.

Chris Oliver: Sam and Eileen, the six questions you laid out are good questions really, but really broad, high-level questions and I don't have really good answers to them immediately. You are asking for feedback by July 10 and so I'm not quite sure how to tackle these questions.

One thing I wanted to reiterate that I brought up on a conference call a few weeks ago is in the collective bycatch strategy and that's somehow perhaps being very cognizant and perhaps doing a better job of dispelling the notion that seems to exist across a lot of the public that any and all bycatch is necessarily a bad thing, because I don't believe that to be the case, but I think there is a perception that the "B" word, bycatch, is automatically bad and some amount of bycatch depends on definitional issues and a target versus a mixed-use fishery and some amount of bycatch is necessary to support very lucrative fisheries.

It's not always bad and so that was just a general, generic comment that I wanted to reiterate and I wanted to ask a question, back to Kitty's point, about, for example, marine mammal bycatch, which I guess maybe I need to ask what the agency's perspective is on the

definition of bycatch and how that comports with the National Bycatch Strategy.

In other words, the Magnuson Act definition of bycatch versus incidental catch of marine mammals, for example, and whether and how those could or should be differentiated, because I mean I know there's a lot of interest in incidental catch of marine mammals, but it technically, under Magnuson, is not bycatch and so how do you -- What are your thoughts on that, for an open-ended question?

Samuel Rauch:

I think we should address that in the bycatch strategy and so those are the kinds of questions which we have to deal with and I completely agree with you that the public's understanding of what bycatch really is and -- The concept of waste and whether it's bad or not and sustainability get all mixed up.

In most of our fisheries, we account for the bycatch against the quota regardless and so when we are managing for sustainability, we assume those fish -- Most of the bycatch is dead and that's not true for every fishery, but, in general, that happens and so it's got to count against the quota and so the quota is sustainably managed, regardless of whether the fishermen choose to land the fish and sell it for profit or throw it overboard and get nothing for it.

It's not really, for most fisheries in the United States, it's not about a sustainability of that stock and where it becomes that issue, we and the councils are really -- That's where we act best at trying to make sure that the stocks, whichever stocks, are sustainable.

The statute does though, without regard to sustainability, require us to try to minimize bycatch to the extent practicable. Regardless of whether it was sustainable or not, that still is our mandate and that is Congress is -- This waste argument, there is a preference for cleaner directed fisheries and a preference against bycatch fisheries, but that doesn't mean you eliminate it. The standard is to the extent practicable and that involves a lot of socioeconomic considerations, as you guys just went through up there with halibut bycatch.

These are the kinds of balancing that we have to do on a normal fishery issue. Now, the MMPA is different. The MMPA dictates a different suite of activities, because you cannot -- The way that fishing interacts with marine mammals is different and the standard there is levels approaching zero mortality.

That is slightly different than that kind of balancing act that you have under the Magnuson Act and with ESA species, it can be different still. Some ESA species you are allowed to take a certain number of them in fishing and others you can't and that level varies depending on the health of the population and the populations generally have poor health.

All of this can get somewhat confusing as to what that is and that's why we think we need to do a better job communicating that to try to help get the definitions aligned right and the national discourse on this in the right, where you're comparing apples-to-apples and really having that discussion about what the proper standards are, but clearly there is a different standard when you're talking about bycatch of fish under the Magnuson Act versus bycatch of an endangered species or a marine mammal.

Chris Oliver:

Just to follow up on a little bit different track, one of the things that I think all of us, the councils as well as the agency, can do probably a better job of is reducing regulatory discards. We developed programs that essentially, for a whole different variety of reasons, result in a significant amount of regulatory discards that maybe aren't necessary, I guess.

I mean they become necessary because of the way we structure our management programs, but I think that, and this isn't directed at the agency only, but to all the councils as well, that there are probably gains we can make in the regulatory discard front.

Samuel Rauch:

Yes and I do want to -- Along those lines, we have to think about the enforcement part of the whole issue. Much of the current cost - - We had a discussion about observer costs today and the electronic monitoring and much of that is in order to monitor the discards. If you're not monitoring the discards, it becomes a lot cheaper to manage the fishery. You can do a lot more dockside and you don't need as many of those kinds of observational requirements and so that's part of the equation, particularly as the demands for more and more monitoring come. A lot of them are driven because we allow discards. Now, that's a balancing act that we do all the time, but it makes enforcement a lot easier if we didn't have to do that.

Kevin Anson:

Eileen.

Eileen Sobeck:

This is going to be hard and I think everybody in every council has been grappling with some part of this for a long time and you know every time this comes up I am sort of going back and forth

and saying this isn't really one thing that can be looked at under one standard policy, but the reality is that there is some commonality and I think that as we move away from just sort of simple overfishing that this is really our next -- We know this is our next big issue with many different facets and so I don't think we're kidding ourselves that this is going to be easy or there's going to be one-size-fits-all or that everything can come under these six big headings.

This is kind of the kickoff and the kind of Kumbaya moment that we need to sort of start out together and get as much on the table as we can, including from the public, but you guys are sort of the principle players with us here and so I'm kind of excited that we're going to set aside some time and effort to really think this through instead of only having it come up as it comes up in individual councils.

These are the kinds of discussions and policies that will then shape our priorities within our research and management and regulatory agendas and not that we always prevail all the way through the process, but if we can really come to some consensus about what the questions are and how we're going to prioritize them and where we're going to move forward first, I think that we're more likely to resolve some of these over time.

I mean maybe there is some low-hanging fruit and some easy fixes, but this is clearly -- None of us are going to get away from these questions and it's a good opportunity to approach them together in a thoughtful way.

Kevin Anson:

Rick.

Richard Robins:

I just wanted to point out that I think ultimately that effectively managing bycatch is really going to require significant investment in monitoring strategies and in the Mid-Atlantic and in the Northeast generally, we have been really challenged to implement some of those monitoring strategies, for example with trying to have adequate levels of observer coverage on small-mesh fisheries.

We discuss that sort of as an ongoing challenge, but recently, more recently, I guess, alternative concepts have come out about trying to pair electronic monitoring with more of a full-retention type of strategy and then have dockside monitoring programs in place to better understand the composition of catch, but it's just not clear to me that we can keep pace with those changes in terms of some of the limitations we have on how funds are spent and directed.

I mean we saw today that program about the observer coverage and how a lot of those are line item budget issues and how they're directed by Congress to go into a certain line item and so it's not clear as we transition how we have adequate funding to fully implement those strategies and I think that's something that we're going to have to continue to discuss, because if we're going to implement new technologies or methods to do that that represent a significant departure from what we've done in the past, we're going to have to be able to fund those transitional changes.

Kevin Anson:

Michelle.

Michelle Duval:

Thank you, Mr. Chairman. I was just curious and as part of this sort of overarching look at how the agency addresses bycatch, I assume that they will probably be looking at the resources that have been devoted to that in the different regions and so if you see I guess gaps in resources devoted to looking at bycatch in different areas, is that also part of the conversation?

We just talked about the National Observer Program this morning and I think as other tools become available to the councils for consideration in looking at bycatch in their own regions -- I was just curious if that was part of the issue, because I certainly identify with what Chris Oliver said with regard to sometimes the way we have structured our management leads to regulatory discards and that's certainly what we hear about in the South Atlantic and unfortunately sometimes when we take an action to try to address that in a mixed-species fishery, the effective date of that management action, by the time it's in place, there is another thing that has popped up that we have to try to address as well.

So I guess I'm thinking about resources that have been devoted to date and an assessment of that as part of the overall communication or improved communication about the things that you're trying to do as part of that overall communications piece and the resources that have been devoted I think in different regions.

Samuel Rauch:

We could articulate the kind of resources that we have and that we have done. You know this is part of how we got to where we are. We spent the time and money that we have and that's led to these successes.

I can envision within a region looking at ways to do that better. I doubt that we will get to the point where we are trying to look at

regional equity and say this region has got a lot more resources and so we should take the resources away from that region and give them to some other region. That tends to not work very well, in part because of what Rick said. A lot of this stuff gets earmarked and is spoken for.

We can look at ways to do things better within what regional funds that we have. It will clearly guide us in the way, as discretionary funds become available in the future, where we might go for gaps and the gaps can be science gaps or they can be regulatory gaps or they can be other kinds of gaps. We will use the efforts that we have, both internal and -- Some of it is just time.

Some of it is monitoring efforts and everything else, but some of it is just our own attention and the councils' attention on the agenda space and our attention and the attention from our scientists and those kind of things. Some of it we need monitoring resources and we talked a lot about that this morning.

To the extent that this process identifies major gaps in a region, I don't think that we're going to be saying should we take money from one to go to another, but I think as we get new discretionary funds that become available, that's where we would look to allocate them.

Michelle Duval:

Just a quick follow-up. So I guess I'm thinking -- When I asked that question, I was thinking about it in the context of external communications and in trying to illustrate what the agency has done so far, because I think if you are someone who is maybe not familiar with how far maybe this little pot of money has gone in a particular area, it's easy to point to a particular region and say nothing has been done because there is very few monetary resources that have been devoted to this when there may be other types of incentives that have been put forward.

I know one of the things that we've heard recently in the South Atlantic is something that's come from the West Coast, which is the use of descending devices to prevent barotrauma, as you said the bends, and incentivizing fishermen to use those in order to get better discard mortality rates in our stock assessment and so that ends up with more fish for people to actually catch on the bring-home side of the equation rather than the accounting-for-discards equation. That's what I was thinking of when I asked that question.

Samuel Rauch:

Right and so I do think, as the communication whole aspect of that,

to not -- Those success stories are not tied to investments, but they are tied to actual decreases in mortality and we've got a lot of those and we have not historically done as good of a job as we could accumulating those and talking about the efforts, not just in a particular region, but the U.S. as a whole. I think we've got great stories everywhere to tell and we could get more if we get more resources, but we've done a great job with the resources we have and getting that communication right is part of this whole strategy.

Kevin Anson:

I have a couple of people. Dan Hull.

Dan Hull:

Thank you, Mr. Chairman. I think, as you pointed out at the beginning, the communications piece is particularly important, the terminology and definitions of what is bycatch. Secondly, why does it occur? Is it because of management programs and is it because of gear in particular and under what circumstances or conditions is it really a conservation problem or just a consequence of a management program? Those things are important

I guess, following up on Rick's comments, I agree that monitoring is particularly important and assessing the impacts, the science, is the next step and in the North Pacific, I think two contrasting examples, chinook bycatch management versus halibut bycatch management, I think there's some characteristics of those two in terms of monitoring and assessing impacts and partnership with Alaska Fisheries Science Center and the work that they've done in genetic stock identification and also for the fleets and having goals and objectives that the council defines in a general way and maybe with hard caps on the limits for prohibited species catch, but then letting them determine how best to achieve them I think has been a real success and so those are some of the things that I can think of as examples where things are going well that could be applied in other areas.

Kevin Anson:

Ben.

Ben Hartig:

Michelle mentioned the descender device and I wasn't going to say anything, but I think I will. I mean this was one where the agency itself I think could have got right on top of the success that the Pacific had with the descender devices.

I mean in the South Atlantic and the Gulf, we've got rid of gears that caused tremendous bycatch over time and we're down to hook and line fisheries, which is probably the most inefficient way to catch fish, but that's how we manage and we still have significant bycatch problems, but I mean some way the agency has to take a

program like this and for very little money you could have developed a tagging program or even maybe distributed devices to people, both recreational and commercial.

It's five years ago and yes, some of these are going through the process of MARFIN and Saltonstall-Kennedy and we're getting some information, but it took two years to get one study funded and so now it will be three or almost four years before we get the results back from something that would have had almost immediate results and probably could have been used in the red snapper stock assessment within four years of being implemented.

To me, I see the science side seeing value in something like this and not having to wait to go through the RFP process or the process it takes to get a grant, but to go this is really a valuable tool that we saw worked in the Pacific and if we use it for red snapper, warsaw grouper, speckled hind, we could get some substantial information in a quick time and it's a missed opportunity that I think somehow if something like this happens again that the agency could pick up on it that we could get the information in a much faster way.

Kevin Anson:

All right. There doesn't appear to be any other comments and, Sam, thank you for that and hopefully you will receive some more comments before the deadline, at least from the Executive Directors. I would encourage anyone else to supply their comments as well. Seeing that we have about twenty-five minutes left in the agenda and that we're all professionals when it comes to sitting at meetings, we're going to go ahead and knock out the Presidential Task Force on IUU. Eileen, if you would like to introduce that topic.

7. PRESIDENTIAL TASK FORCE ON IUU

Eileen Sobeck:

John will come join us up here and John is going to give you the bulk of the presentation. I know we've gone over this before, but I do just want to make sure that you guys are all up to speed, because there are some upcoming pretty short deadlines where input from you all would be appreciated and we want you guys to help us get the word out on this.

John will go into this in a little bit more detail, but the short recap is a year ago last spring at the Ocean Conference there was a Presidential Memorandum that directed a task force to come up with recommendations and the task force came up with -- It was co-chaired by Commerce, which really meant NOAA, and there were fifteen recommendations that came out in December and then we took public comment on how the recommendations should be implemented and an implementation plan came out in mid-March.

As I said in my opening remarks today, basically all of the implementation milestones have dates this year and next year and so we are on a really short timeframe. Some of the recommendations rest largely with the State Department, getting certain treaties hopefully negotiated or implemented, like the port state measures agreements, but there are very few that don't involve NOAA Fisheries in some way, shape, or form.

This is really an administration legacy item. We are getting asked on a very frequent basis at the NOAA level, the Commerce level and higher levels in the administration about how we're doing on these and so making our deadlines really isn't an option for us, but it is an opportunity and I will say that I think that the -- I think I've said this before, but I think that the task force, which now doesn't exist as a separate task force, but as a standing committee within the National Ocean Council, it really has been getting a lot of attention from the other agencies.

Our partners at Homeland Security and the Coast Guard and the Food and Drug Administration have really stepped up to help us with matters of how to better get a handle on enforcement at the border and how to deal with seafood fraud and labeling and inspection issues and so I think it really has upped the ante on interagency cooperation, which is a good thing, but especially with regard to Recommendations 14 and 15, having to do with traceability.

There are a lot of internal deadlines coming up and so John is

really our NOAA Fisheries lead on implementation and we have really put the A-team on this. The way all of this gets implemented I think could affect fisheries for a long time to come.

There will be some regulatory changes and some policy changes and we just want to make sure that it gets done in the most thoughtful way with the greatest amount of input from partners and the public and so we've really thrown a lot of resources at that and that means making sure that everybody is aware of the opportunities to take part in this.

The head of the A-team at the moment is John and so he's going to let you know kind of what's on tap and what you can do to participate and help us in this and, again, I will say this is our NOAA co-chair of the committee is Dr. Sullivan and she takes this quite seriously and she asks us for regular updates and we have quarterly meetings that she chairs, interagency meetings. We are having one coming up and it's not an option not to have these plans and not to implement them. It is one of the major fisheries issues that Dr. Sullivan has gotten into in a big way and a detailed way and so it's important to her and it's important to us and so John is going to fill you in with where we are at the moment.

John Henderschedt: Thank you, Eileen, and thank you all. It's good to be here and so I'm going to walk through some of the background, where we are now, and try to highlight those areas that I think are particularly relevant for councils and their engagement going forward.

With respect to background, just a couple of overarching points that I would like to make. One is that why this focus on IUU and why the administration task force and priority for combating IUU and seafood fraud and the fact is that with the development of global seafood markets with very complex supply chains and a very high demand for protein, IUU fishing is a profitable crime and so the estimates for the economic cost of IUU are in the billions of dollars.

There is peer-reviewed literature that make estimates from \$10 to \$20 billion annually in terms of the cost of IUU fishing and so it is a significant challenge globally, but the other point that I want to make is sort of balancing that with the fact that the agency is very sensitive to not overshadowing the success story for sustainable fishery management in the U.S. with the story of the high concern for IUU fishing globally.

This has come up in public comment already and we are going to

be very mindful about the way this work is messaged. We are mindful of the fact that the way we articulate our efforts in combating IUU have potential impacts in terms of consumer perceptions, et cetera, and so we intend to maintain a balanced message going forward, because we don't want the success of U.S. fisheries management to get lost in the shuffle.

Eileen went through many of these mileposts relative to the formation of the task force and implementation of its recommendations and just quickly, when the CCC last met in February, we were just about a month away from release of the action plan, which, as Eileen said, took place in mid-March.

That action plan is now being implemented by working groups that have essentially been formed around each one of these recommendations and so each working group is an interagency group headed up by usually co-leads from agencies that are particularly competent relative to that particular recommendation and NOAA has a co-lead on roughly half of the working groups and recommendations.

If you have had a chance to look at the action plan and if you have not, I would highly recommend taking a look at it. I find it's a very transparent and straightforward description of how all these recommendations are to be implemented. Those recommendations can be categorized four ways.

First of all, it's international governance and those things include things like port state measures; best practices at the RFMO level relative to combating IUU; maritime domain awareness; addressing IUU through free trade agreements; addressing fisheries subsidies; capacity building, which is a very important aspect of this, ensuring that nations that are currently challenged in combating IUU develop the capacity and the infrastructure to do so.

The second category is enforcement, things like opening channels of information among and across different enforcement agencies and jurisdictions; customs mutual assistance agreements; achieving uniformity in species and name codes; coordination with state and local authorities; et cetera.

Third, we have partnerships and this is really just pointing to the fact that in many of these recommendations it requires interagency cooperation and it requires cooperation with the private sector, with the NGO community, really across the board.

Finally, as Eileen mentioned, is traceability, which is likely over the next year going to receive the most public attention and focus, because it really sort of reaches into the supply chain, to a certain extent, and it is the most directly engaged with Commerce on an ongoing basis.

Relative to traceability, I am going to read one thing, because the choice of words is extremely important. The traceability program is to track seafood from point of harvest to entry into U.S. commerce and it's being implemented on a risk basis. These are two very important concepts relative to the strategy going forward for implementing a traceability program.

First of all, this question of risk-based traceability and so in my personal opinion, the greatest likelihood for failure would be to try to do so much that we did essentially nothing and so this risk-based approach puts the interagency working groups in a position to identify first of all principles for describing species at risk of IUU and then, finally, coming up with a list of species that are considered to be the most at risk of IUU and essentially implementing a traceability program at that level to start.

The action plan does describe an intent to expand this traceability to all species and to all points in the supply chain, but it also calls for a report at the end of 2016 that really takes a cold, hard look at lessons learned thus far and limitations and opportunities relative to expansion of the traceability program.

Secondly then, in terms of the scope of the traceability from point of harvest to entry into U.S. commerce, what that means is that once imports are past the border it is sort of past the scope of this traceability program. I think it's very important to think about what that means relative to domestic fisheries and so, very simply put, a species that is harvested in a domestic fishery and landed at a dock has entered into U.S. commerce and so I think we're looking at a relatively small supply chain or short supply chain relative to domestic product, simply because the catch is so close to entry into U.S. commerce.

One of the things that the public has been focused on is what is the mechanism for gathering data that will allow for traceability and I think we as an agency have not been as public as we can or will be about the use of what's called the International Trade Data System.

This is a system that was initiated through an Executive Order to

improve the efficiency of both imports and exports of the U.S. It is essentially a data portal that is owned by Customs and Border Protection but that is developed to synthesize the collection and the use of trade data across forty-some agencies that collect import and export data.

This will be the tool or sort of the data portal that the U.S. Government uses to collect data that inform the traceability of species at risk of IUU fishing and it's important to point out that we actually have already a number of species that have some catch certification or some aspect of traceability already and I am referring to some species of tuna, to swordfish, to Patagonian toothfish.

We recently published a Federal Register notice announcing a pilot program for use of this International Trade Data System for the collection of the information that's required for those existing catch certification programs.

One of the recommendations is to establish a public forum and we have mentioned a number of times how many agencies are involved in the implementation of this action plan. From my perspective, and I think shared by many, the public shouldn't have to really understand all of those interagency relationships and efforts. At the end of the day, it's the U.S. Government that is -- It's the administration that has prioritized this and so we're making efforts, through a web portal and through annual forums, to make the process as seamless as possible. People shouldn't have to really be able to track what agency is doing what relative to our effectiveness in combating IUU.

By August or September, we will have a web portal established, which will be basically the place on the web where people can go and get information regarding the status of implementation of all these recommendations and the action plan as well calls for annual forums to essentially brief the public on progress and the status of implementation.

I did want to identify a few points in this process where public input is critical. We have passed one of them and that is collecting comments on principles for identifying species at risk of IUU and that was kind of a challenging ask of the public. People really wanted to name species as opposed to describe principles, but we have received some outstanding input and that working group is currently synthesizing those comments and is developing a draft list, on the basis of those principles, a draft list of species at risk of

IUU fishing.

Within a couple of weeks, we will be publishing a request for comments on data and standards and so this is really where the rubber meets the road. What data are necessary to establish an effective traceability program from the point of harvest, whether that's a wild-capture fishery or an aquaculture operation, to entry into U.S. commerce.

We will have a thirty-day public comment period on that and those comments will really inform the development of rulemaking for data requirements for the traceability of species at risk of IUU fishing and seafood fraud. Within the first week of July, the Federal Register notice on the data and standard comments will be published and by the end of July, we will publish a list of draft principles and species at risk. I don't have a date, but by October, we will be publishing the proposed rule on traceability implementation. That is essentially the data requirements.

Then, finally, in February of 2016, we will be publishing a Federal Register notice seeking comments on a Trusted Trader Program, which is intended to be a process that will reduce the burden on importers and processors who have a good record and don't necessarily need to provide the same information over and over again relative to their imports.

Eileen Sobeck:

I just want to reiterate on this page that there are some really important opportunities for public comment here and we know that it's coming at a sort of inconvenient time and that we're going to have thirty-day comment periods that are running during the summer, which is always inconvenient.

Everybody has other commitments, but these are sequential steps that are needed to implement these traceability regulations and to have them in place and then to be evaluated and then to come -- I mean they are backed out of our obligations under this IUU task force implementation plan and so we are really pressed for time to meet our deadlines and so we're going to apologize to everybody ahead of time, but the likelihood of extending these periods is pretty close to none and so that's why we really want to give everybody a heads-up.

Again, these data standards and comments, those are going to come out in a week and there will be a thirty-day comment period and then the draft principles and at-risk species list come out towards the end of July and there will be a comment period and

then we're going to synthesize all of that and come out with a proposed rule on traceability in September and so there are a lot of interrelated steps and it's going to be tight.

John Henderschedt: Moving on to the next slide, very briefly, for those councils that engage at the RFMO level, for obvious reasons that engagement is important, both in terms of addressing public interest in IUU fishing and seafood fraud of fisheries managed by those RFMOs and in terms of adoption of best practices, as I mentioned, and then as they develop further some of their catch documentation programs.

This is an important point here. What are the roles or potential roles of the regional fishery management councils relative to this implementation? First of all, your direct input and your ability to provide comments as councils relative to all the topics that I identified earlier where we are seeking public input.

Secondly, publicity of this initiative, of the work that is ongoing, will doubtlessly raise interest in IUU fishing and seafood fraud and that interest is likely to find its way to the councils and so I think that councils would be well advised to be prepared to respond to inquiries from the public about IUU fishing and seafood fraud and I would invite you to engage us if you have questions or need information about that.

As Eileen was describing, to the extent that you can assist as conduits to your constituents, seeking response to our requests for comments, it's greatly appreciated. Your engagement at RFMOs and finally, it's not on the slide, but also important is your work with us to the extent that we will be needing to design data collection systems for species at risk that happen to be domestically harvested.

I will say that, to a large extent, I believe that the information that we need to trace that very short supply chain that I described is already being collected by somebody, but we're going to have to verify that, number one, and ensure that we have a pipeline for those data to the folks that need to be able to verify that in order to have an effective traceability program and so be prepared, please, to work with us on those challenges.

Finally, steps forward, the agency will continue to, as I said, continue to ensure that our messaging is pointing out the success of fisheries management in the U.S. along with our work on IUU fishing and seafood fraud and continue our collaborations with

other agencies and continue its leadership role in the implementation of this action plan.

Finally, I want to point out that while the task force's work is a year or so old, the agency's efforts to battle IUU fishing is older than that. It has had the mandate under a number of statutes to identify nations whose vessels are engaged in IUU fishing, through biannual reports to Congress. There are other statutes that attempt to level the playing field relative to enforcement and conservation that we will continue to utilize and so I believe that that is everything that I had hoped to cover and, Eileen, I will look to you to see if you have any final comments.

Eileen Sobeck:

I was just going to say that we've been using a focus on IUU and the traceability portion is focused largely on potential entry of IUU product, but I don't want to give short shrift to the seafood fraud part of this and I think that we have an opportunity that actually kind of speaks to it will benefit a lot of domestic fisheries, where even if you have foreign-caught product that's being imported into the United States, it can come in legally and then what happens with respect to potential mislabeling through the chain of commerce, I think that's something that all U.S. fishermen should be concerned about and I think this task force in its work is going to have the opportunity, in some of these other recommendations that we haven't focused on, to focus on those seafood fraud elements and really kind of make some forward progress there.

Then on traceability, again, it's a term that has a pretty specific meaning in the context of the task force recommendations and implementation plan and it's not necessarily how it's used in other contexts and we have to be pretty careful about that, so that when we're talking about the information requirements and what we'll be requiring and gathering that we're not talking about information that's going to be publicly available or available to the consumer.

We're talking about information that would need to be available to the government and I am not sure that that's what everybody understands and I think it's just important for this group to make sure that you all understand the limitations of this initial aspect of implementation of the task force recommendations. Is that accurate, John?

John Henderschedt:

That is accurate and there are existing traceability programs. Certification programs protect their brand through chain of custody programs and there are corporate traceability programs and it's virtually impossible for us to seamlessly tap into all of those

programs, but to the extent that we can ensure that we are not creating redundant reporting processes or data collections, to the extent that we can find ways to allow them to feed data from existing programs into ITDS, we're doing that and I think that traceability has many meanings to different folks, as Eileen pointed out. This is a very limited scope that we're describing now.

Kevin Anson: Anyone have any questions? Rick.

Richard Robins: Thank you, Mr. Chairman. John, thanks for the presentation. I had a question in terms of trying to understand what your starting point was going to be on traceability, because you just made mention of the fact that there are third-party certifications out there and yes, the U.S. food service industry is driving a lot of processors into those type of -- It's beginning to require more and more certifications and those typically revolve around food safety standards, but they may very well include traceability components, like British Retail Consortium, BRC, is probably one of the gold standards and then MSC has a chain of custody program and a vendor certification program.

A lot of large processors are involved in some sort of third-party certification and so as you get into that, are you going to build off of those principles that are already at work in those different programs or are you sort of starting from scratch? I am just curious to know what sort of starting point you might have for the traceability requirement.

John Henderschedt: Rick, I certainly hope we're not starting from scratch, because, as you pointed out, there are existing programs and there are international standards for traceability. In looking at the necessary data, I think there are probably four categories of data that we're focused on.

Essentially who catches the fish, who harvests the fish, and where do they harvest the fish and when and what do they harvest and then what is this chain of custody to the point where it enters U.S. commerce. That's the foundation for building up the data requirements to establish that traceability.

In looking at those various steps, we will be seeking comment on what data sources are best used for determining those four things: who, what, when, and where. Then, to the extent that it has transshipment, reprocessing, all those things, how to track that chain of custody. Does that answer your question, Rick?

Richard Robins: Yes, it does. I guess one of the other complications that comes up is one of labeling and that gets into a whole different arena, but if you're going to have chain of custody and some transparency in that, I would suspect that that issue may come up some, because there are some potential contradictions in labeling requirements and that's an area where there may not be much transparency.

John Henderschedt: That's the case and, as Eileen pointed out, it's not that we are ignoring fraud and many of the principles associated with fraud start with the question of how is the product labeled in the first place and so you're correct that is very much an issue.

Kevin Anson: Kitty.

Kitty Simonds: I asked this question on the telephone conversation that we all had, but it has to do with -- I think it's connected, but not exactly, but foreign fish enters the Continental U.S. and then comes to Hawaii as U.S. fish, because many times it's not identified. The country of origin is not identified and it's a big problem in Hawaii and it's just lack of data on that. It's not really U.S. fish, but because it was coming from the Continental U.S., it's U.S. fish and so that is an odd problem, I assume, but I am thinking that you would have to discuss it somehow if once you identify the species and if those are the species that are coming in that way and just to note that there's a lack of information on interstate commerce for us.

John Henderschedt: Kitty, almost by definition, many of these interstate commerce issues fall out of at least this initial traceability program, because of the entry into U.S. commerce endpoint of that chain of custody and so, as I mentioned, for species harvested domestically, that would, in most cases, be when it's landed. It's now in U.S. commerce.

For imported species, that is likely when it first crosses the border and when it passes Customs and Border Protection. Theoretically, a species that is harvested in the U.S., sent overseas, and reimported after some sort of reprocessing, if it's a species at risk, it could actually be traced twice, theoretically, first on the harvest side and secondly on the reprocessing side. Interstate traceability is really not encompassed within this point of harvest to entry into U.S. commerce at the moment.

Kevin Anson: All right. It's getting kind of late and we do need to meet the shuttle at six and so if there's any other questions, John, you're going to be here tomorrow?

John Henderschedt: I will be here through Thursday.

Kevin Anson: Through Thursday and so if there are any questions, maybe we can start in the morning first thing, if people want to think about it and have some more questions. We can pick that up in the morning.

8. RECREATIONAL FISHERY ISSUES

Kevin Anson: Good morning, everyone. I trust everyone had a good evening last night and hopefully you all had a chance to go to the evening social. It was a good event, in my opinion, and there was some good conversation going on. We're going to begin today with Recreational Fishery Issues and Sam.

Samuel Rauch: Thank you. I am going to go ahead and just turn this part of the program over to Russ, our National Senior Policy Advisor on Recreational Fishing.

Russ Dunn: For those of you who have I not met, which I don't think is anyone here, I am Russ Dunn and I'm the Policy Advisor on Recreational Fisheries and I am excited to be here today to talk to you about some progress we have made this year at NOAA Fisheries on recreational fisheries issues.

We had a big year by releasing our national policy and national implementation plan that goes along with the policy and we also have made substantial progress in improving MRIP and Richard will speak to that in a few minutes. Hard copies of the policies are there on the table outside, but also are available as part of your meeting materials online and just to sort of put it in context, this effort was undertaken really as part of our work to develop an internal culture that is supportive of recreational fisheries and that recognizes and values recreational fishermen and all of you I first have to thank, because all of your councils assisted in this effort by working with us to both it on the agendas of the councils as well as host meetings directly after the council meetings and so thank you for your help in the scoping phase and for the input that you all provided.

Just very briefly, we're going to talk about the policy and how we got to where we are and the goals and the guiding principles within the guiding policy and touch on the implementation plan and then very briefly identify our next steps.

How did we get here? Well, if you recall in February of 2014, the recreational fishing community banded together and developed what we call the Morris-Deal Commission Report, in shorthand, and it was a set of recommendations from a large portion of the community, where they put forward six primary recommendations, one of which was to develop a national policy for recreational fisheries.

We shortly followed that, in April of 2014, with the National Saltwater Angling Summit in Alexandria, Virginia. It was the second of those that we have held, the first one being in April of 2010, and during that, there was a substantial amount of support for the idea of developing a recreational policy. At the conclusion of that, Eileen saw fit to commit us to develop one in short order and so we began a rapid process to reach out and very transparently develop a policy.

We spent June through October drafting up the policy and scoping or actually scoping first. We did about thirty-four or thirty-eight, and I can't remember now, public meetings. Most were face-to-face, but also a number of national webinars open to the public as well as with specific advisory bodies.

We then drafted up and in October, we put a draft out for public comment in November and December and finalized that policy in February of 2015 and released it at the Miami Boat Show with a successful event, I feel, and then we followed that up quickly with an implementation plan in April of 2015.

What does it say? Well, the entire document constitutes the policy and I think the essence of it can be boiled down to this statement in it, which is to foster support and enhance a diverse array of sustainable saltwater recreational fisheries for the benefit and enjoyment of the nation. I think that really is the essence of what the policy was trying to convey, both internally and externally.

What we did was we drew on what we had heard from numerous events over a fairly significant period of time. We drew on what we had heard from the summit, during the scoping meetings, and just during interactions over the past four years to try and identify goals that would more or less support that statement which you just saw and that came down to support and maintain sustainable recreational fisheries resources, including healthy habitats. These are paraphrased for sake of space and time.

To promote saltwater recreational fishing for the benefit of the nation and to enable enduring participation in recreational fisheries through, of course, science-based conservation and management. Those were the really overarching goals that we felt were appropriate to draw out, given our agency mission and the inputs that we had heard.

We had to support the goals with some sort of framework and so we developed the concept of six guiding principles and I have not

listed sort of the examples of actions under these and I will touch on some of those in a minute when we get into the implementation plan, but we felt that it needed a framework of these and, of course, it starts with supporting ecosystem conservation and management. I mean that is the basis of sustainable and satisfying fisheries, commercial or recreational. You have to have a healthy ecosystem in order to have a robust fishery.

Promoting public access to quality recreational fishing opportunities, that is really the essence of recreational fisheries. You have got to have access and you've got to have a quality recreational fishing opportunity. It is really availability of fish and the quality of the experience which drives a lot of effort.

Coordinate with state and federal management entities, we heard over and over as we went around in those thirty-some-odd public sessions to work better with the states and the other federal entities, including the councils, and be more responsive to our requests, as the states are. We looked around and we saw a lot of opportunities to improve in those areas.

Advanced innovative solutions to evolving science and management and environmental challenges, this is an area where we see, as a federal agency, as a science agency, that NMFS has a responsibility to both develop innovative solutions to evolving challenges, first to identify them, to develop solutions, and to serve as a catalyst for those solutions.

We as an agency are not going to be solve every problem on our own and so advancing innovative solutions, whether it be ones that we develop or we support and serve as a catalyst to move forward is an appropriate guiding principle for us.

Number five is providing scientifically-sound information. As I said, as a science-based organization, science is the lifeblood of our decision making and it is essential that the stakeholders, our partners, and the general public have trust in the science on which we base our decisions.

Finally, communicate and engage with the fishing public. That is again, as with the state and federal agency bullet, something that we hear about constantly. We want to see more boots on the ground. We hear that everywhere we go.

As we rolled out the policy, our friends in the recreational community immediately asked, this is nice and what are you going

to do? How are you going to put this into motion and how are you going to affect change? So we went all in and committed to a sixty-day turnaround on an implementation plan.

We achieved that on exactly day sixty and you have a copy of that in front of you. It sets forth a four-year timeframe within which we will operate and the document is structured around the six guiding principles which we have just reviewed. There are fifty-some-odd actions in it and I feel very confident that we will be able to achieve those, given our track record on our previous roadmap, the action agenda, where there were sixty-some-odd actions and we achieved over 90 percent of those.

We are setting forth on our efforts to execute our commitments and so I'm just going to briefly touch on some of them. These are just a handful I've identified to give you an idea of the flavor of the kinds of actions that are in here and there are many varied actions, from very detailed to more broad and nebulous, because we can't necessarily see what opportunities are going to be out there four years ahead.

Under ecosystem conservation and enhancement, it's things like advance adoption of release survival techniques and best practices. We are underway on a number of these, including this. I am talking with the Atlantic States right now about some work where we can try and get some additional release devices in the hands of anglers.

Enhancing public education and partnerships to address invasive species, we have already begun working with Sea Grant on how best to address some invasive species issues that are important to recreational anglers.

Promoting opportunities to recreational fishing, you know allocation remains a key issue. This is something that you all have, many of you here, have worked very hard on and we'll hear more about either today or tomorrow. We will continue to work in support of that effort, to make sure that allocations are reviewed on a regular basis.

Collaborating with sanctuaries to identify and highlight recreational fishing opportunities, often there is a perception that sanctuaries may not afford the recreational opportunities that all would like and Sanctuaries has just put out a report on Friday, I think, either Friday or Monday, looking at the economic impact and benefit of recreational fishing in sanctuaries on the West

Coast. If anyone is interested in that, I can forward the report to you.

Coordinating with federal and state management entities, we are trying to figure out programs to improve the understanding of regulations to improve conservation and compliance with the regulations. With Fish and Wildlife, we have already started to enhance these partnerships and in fact, we will be going to ICAST in July and I have invited them and they have accepted to share a booth with us at ICAST and so we'll be there together, sort of starting this enhanced staff-to-staff dialogue and then up the chain.

Innovative science, there are a number of new techniques and models that are under development. We have funded this year development on the West Coast of a BLAST Model. I don't pretend to understand what it is, but it helps us in determining the effects of regulations on anglers, both in terms of their effort as well as the socioeconomic impacts.

We're also continuing forward with new technologies with acoustic tagging, telemetry studies, advanced video, to better assess species important to recreational fisheries and to get a better idea of populations in un-trawlable areas.

Providing scientifically-sound and trusted information, as many of you know, as we rolled out the implementation plan, we also announced concurrently the commitment to initiate an NRC review of MRIP and we also have announced an intent to develop a national strategic plan to guide our socioeconomic research. That's important, because we realized last year during a meeting that many of our Centers around the country are working on socioeconomic issues, but they were unaware of what each other were doing and so now we've determined that the best way to do that is to develop a really coherent national plan to guide this research so that we can maximize efficiency across the agency and application of taxpayer dollars.

Finally, communicating and engaging with the public, this is a never-ending effort and we have committed to hosting another round of regional discussions, as we did in 2013. We don't have a timeframe for that yet. It's a little too soon to do that, given that we just finished the summit and so in the next year or two we will host another round of those.

We are encouraging our Regional Coordinators to expand their communication with regional stakeholders and to maintain our sort

of policy with the recreational community of no surprises. This has been important for us in helping to diffuse what in the past would become political issues pretty quickly, but often they can be resolved with a handful of conversations better understanding the intent of an action and defraying misinformation.

Where are we going? Well, it's a pretty short list. We have begun to implement this national plan, which was drawn primarily from our National Headquarters Offices. That's because in 2016 our Regional Offices will partner with their Science Center, their Regional Science Centers, to develop recreational implementation plans. Those will come out in 2016 and then we will issue a status update on the national plan in 2017, where we can take the opportunity to step back and see if there is a course correction that is needed or how are we doing and where do we need to double down and move forward. With that, I think I will wrap it up and open it up to questions or comments.

Kevin Anson: Thank you, Russ. Does anyone have any questions? Chris.

Chris Moore: Thanks, Russ. I am curious. You came to our council after the draft policy was out and I am curious what happened between the draft and the final. What actually changed between those two documents?

Russ Dunn: Do you recall sort of roughly what the date was? There was such a flurry of --

Chris Moore: I'm talking about when you went out with your draft policy and so you reached out to all the stakeholders and what happened as a result of that engagement?

Russ Dunn: When we did our sort of whirlwind tour initially, we had what we called our scoping document and we then turned that into a draft and the draft that went out was minimalist, I guess I would say. It was very short. It was about a page-and-a-half.

What we realized was that we needed to add some more meat to the bones, if you will, to I think satisfy interest from all around. There was just not enough to it to hang your hat on and so what we essentially did was expand and identify more of the kinds of activities that we would then move forward with and we then took those concepts and more and translated those ultimately into the implementation plan.

Kevin Anson: Rick.

Richard Robins:

Thank you, Mr. Chairman, and, Russ, good morning. I appreciate the presentation and one of the words that came up sort of as a core principle I think in your presentation was one of access and that's a word that I think we hear probably most frequently in our engagement with recreational fishermen and one of the most significant impediments to reasonable access in our region is often associated with data-poor stocks.

In situations where we have data-moderate or data-rich species, ACL management has worked relatively well, summer flounder being one of those examples, I think, but in the case of like black sea bass, where we continue to be model challenged and the assessments haven't passed muster and yet the performance of the stock has been very good, the fishery has been very heavily constrained.

We have talked about adaptive management approaches and we have tried to rethink the assessment process from a lot of different angles and we have had a hard time getting out of the starting blocks to improve access in that fishery and so if you're considering the issue of access, I am not sure how you deal with that challenge, because that is one of the underlying tensions that we have to live with and I think it's ultimately a question, perhaps, relative to reauthorization, but, short of that, I think that's a very immediate challenge for all of us to think about on the data-poor side. Again, data-moderate and data-rich, I think a lot of these other principles can fit in very well, but when we're data challenged, access can be a real problem.

Russ Dunn:

I totally concur and I wish I had a magic bullet to solve that, but, as you said, there are a lot of entities trying to resolve this, the councils and also I think we're looking at National Standard 1 and there are potentially some tweaks which could be helpful, but you raise an excellent point.

Kevin Anson:

Roy Williams.

Roy Williams:

Thank you, Russ. Under your second guiding principle to promote public access to quality recreational fishing opportunities, I am curious as to what you do mean by "promote". Are you trying to stimulate more fishing? I am going to put that in context for you, because in the Gulf of Mexico, our reef fish fisheries, red snapper, groupers, triggerfish, amberjack, generally have about all the effort they can stand and I don't know if it's your goal and the goal of the people you're working with here to try to get more effort out there.

If you're selling boats and selling rods and selling electronic equipment, I suppose that sounds good, but, on the other hand, if you are a fisherman on the water in Panama City or Pensacola or Orange Beach, Alabama, you might prefer to not see any more boats out there and so I'm not sure what you're trying to do with promote here and so I'm curious.

Russ Dunn:

I think the answer to that varies fishery to fishery. In some fisheries, as you indicate, we are really reaching sort of the maximum capacity of the stock biologically to sustain levels of effort. In other cases, there are situations where it can sustain additional effort and "promote" can take on a very broad horizon.

It could be things such as improving release survival of fish that could ultimately, as the new science is worked through the system, could, in some instances, provide additional fishing opportunities in terms of additional days or things like that. It could be working internationally to provide U.S. fishermen additional fishing opportunities in internationally-managed fisheries, where those stocks are able to withstand it.

It could be things such as the review of harvest allocations. Now, that does not mean when a harvest allocation is reviewed that it is necessarily a mandate to shift it one way or the other, but in those cases where it is reviewed and the council determines it's appropriate to shift an allocation, there could be additional opportunity there. It's really fostering openness to consider a whole broad range of tools which may or may not afford additional fishing opportunity.

Kevin Anson:

Eileen.

Eileen Sobeck:

This policy will be fully successful when we don't need Russ and his team and when the views of the recreational community are fully integrated into the agency and, actually, I think that that is the case more than it was more apparent to the recreational fishing community at large.

I think that we, as in many other areas, we don't communicate what we do and what our processes are as well as we might and there are clearly some difficult issues, whether it's recreational access, whether it's allocation, whether it has to do with the science.

I mean there are definitely going to be some areas where there are

legitimate issues between the recreational community and other elements of the fishing community and I think that the progress we've made in the last year has been really important, because it has dispelled the non-issues. You know I think that we are really trying internally and in terms of our communications to make sure that the recreational community is fully involved from soup to nuts in our process.

I have gone out of my way to say I am always available to listen, but I am not guaranteeing any results. This is not a don't worry and we're now going to -- If I need to put my thumb on the scale, it's always going to go on the recreational side and there have been plenty of decisions where I'm sure that decisions that the agency has made would not be perceived as being beneficial to the recreational community and the opposite, but I want those to be the real issues and that there's not this constant sense of you're not listening and you don't know what our issues are and we're not in the mix and that's, I think, all we've been trying to do and I hope we've been somewhat successful in that.

Over the last year I do ask not just the day before we issue a press release on a new set of regulations, but at the beginning, when we're talking through what are our agendas and what is coming up, whether it's in Protected Resources or review of the briefings that Sam and I get before every single council meeting, but just sort of just the way I say what does this commercial sector think and what does that commercial sector think and who is really going to be affected and I always try to bring into the mix is there a recreational interest at the table here or not.

It's just part of the information and so I feel like we've made a lot of progress. I think a lot of what is reflected in the policy itself actually reflected a lot of what we already do and already think and it's helped us just articulate that a little bit more formally and, again, with the implementation plan.

Again, we didn't have a lot of -- This was not an initiative based on a lot of new dollars. This was just getting people to think through and articulate what they were actually doing and how it would or wouldn't affect the recreational community, but getting it down and having a list that we can be held to or have to explain why we aren't able to deliver is a useful exercise and so thanks.

Kevin Anson:

Thank you. Genio, do you have a comment?

Eugenio Piñeiro:

Yes and, Russ, good morning. As part of the implementation plan,

do you have in mind or do you envision a system of recreational groups or communities or schools or established clubs to apply for grants to study not only the state of fisheries, but also climate changes and all the effects in recreational fisheries?

Russ Dunn:

Sure and so part of the effort that we have made in the last few years is to really expand the recreational community's awareness of the different grant programs which are out there and so I think one of the most important advances that we made in the last five years was to open up the SK grant program to recreational-affiliated research and that has made available a substantial pot of money.

Now, there is no predetermined division of a certain proportion will go one way or the other. It's based on the quality of the proposals that come in and their validity, but we have worked to make sure that the recreational community is part of the program description or recreational issues are part of the program description and priorities for the SK program and the Bycatch Reduction Engineering Program and cooperative research.

I do have one small commitment in here to work with underprivileged kids and programs to try and get them aware of the ocean and get them out fishing and so there is no new dollars associated with this, but it will be a continuing effort to bring the recreational community into existing grant programs.

Kevin Anson:

Chris.

Chris Moore:

I am curious about the implementation plan. I have a number of questions about timing. There's a lot of good stuff in that list and I am wondering when those things are going to get done and who is going to do them and I am really interested in how the councils are going to be involved in the regional implementation plans.

Russ Dunn:

Taking those one at a time, as I mentioned, there is a four-year timeframe for this document. We didn't want to hem ourselves into a specific time limit. Some will occur very rapidly and, like I said, there's a number that we're working on right now and others take time to line up the ducks internally to get done.

Who will execute them? The commitments in this document were all drawn from existing Headquarters Offices and so I went to each and every one of them multiple times and sat down and said, what can you realistically commit to regarding the implementation plan over the next four-year period?

For the first year or two, they're fairly confident in their budgets and we're able to identify hard targets. A little further out, it gets a little softer and so you will see in some cases there is some soft language, but the execution will occur through Headquarters Offices and some through me and my team of one and in other cases, the individual offices.

Regional plans, the Regional Offices and their associated affiliated Science Centers will be reaching out to the councils. That last time around, that was less successful with some councils than others and we actually are holding a discussion at the beginning of August. I am bringing together all the Regional Coordinators and the focus of the entire meeting is development of the regional implementation plans and so we'll go over that and highlight that as a key must do and so you will be brought in the loop.

Kevin Anson:

Don McIsaac.

Don McIsaac:

Thank you, Mr. Chairman. During the comment period, one of the comments coming from the Pacific Council was coordination with international fisheries under the "promote" guideline, particularly with regard to our southern border with Mexico and the tuna fisheries.

I don't recall seeing international fisheries in the new or the final version, but in response to Ray's question, you were saying some things about international fisheries and so I wonder if you could point out where international fishery --

Russ Dunn:

If you go to page 6, the fourth to the last bullet, promote the legitimacy and recognition of the economic importance of recreational fisheries within international fisheries management bodies and seek to maintain and, where feasible and appropriate, expand U.S. recreational fishing opportunities on internally-managed fish stocks and so that was in there and I do recall getting that from you all and so we worked with a number of your constituents, in particular, and with our Office of International Affairs to craft the language that would satisfy that.

Kevin Anson:

Ben.

Ben Hartig:

I guess it's ancillary somewhat to this, but it does talk about how you can improve recreational catch and effort data and I think several years ago probably, as we've watched some of these iAngler and iSnapper and probably a number of recreational self-

reported projects throughout the United States go on, I think initially there was some real pushback from the science about whether or not we're going to be able to use this and what's the agency's position on possibly using this information in the future?

Russ Dunn: I will ask Richard to speak to that.

Richard Merrick: We are funding a project right now with Texas A&M to explore how we would do this. It's an issue of reporting bias and so we need to figure out a way that we can get around that, but if we can do that, that will really help. It may be a supplement to the general MRIP process, but it will be helpful.

Kevin Anson: Kitty.

Kitty Simonds: My concern is about this one little item that says "collaborate with the Office of National Marine Sanctuaries to ID and highlight recreational fishing opportunities". When you're talking about recreational fishing opportunities in our part of the world, we're talking about catching and eating and not catching and releasing or concerned about whether they are going to live or die and so how are you going to collaborate with them about this?

Russ Dunn: We have been, for two years or so, trying to work with Sanctuaries to expand their receptivity to fishing activity and I think we are making progress. Now, it doesn't mean that in every instance they're going to be open to retaining fish in every instance, but there are sanctuaries across the country where there are, in some cases, ongoing questions now about whether new rules will further restrict or open up fishing opportunities and so I can't speak to a specific instance out there right now, because we haven't gotten that far down the track, but we are trying to work with them and really improve the relationship both between fisheries and sanctuaries and sanctuaries and the angling community and so I know that's probably not a very satisfying answer, but I just don't have the specifics yet.

Kitty Simonds: I just want you to be careful when you start collaborating with them about anything in our region. You will need to talk to us before you do that. You know what our situations are.

Russ Dunn: This should be viewed, from your perspective, as a good thing, because we are trying to move them, I believe, probably in the same direction that you are interested in seeing them go. We've got to start somewhere.

Kitty Simonds: No more sanctuaries.

Kevin Anson: We appreciate it, Russell. Thank you very much. Next we have and Update on the Status of the Marine Recreational Information Program and Dr. Merrick.

Richard Merrick: Thank you. I am going to do a couple of introductory slides, but then I'm going to focus mostly on the not for-hire private recreational fishing estimation process that's coming out of MRIP for the Gulf and for the Atlantic. I will touch on a couple of other areas as well.

This is a similar briefing to what we actually gave to the House and Senate appropriations staff about two or three weeks ago and I was intrigued there about their lack of understanding about recreational fisheries. We explained to them that recreational fisheries in some areas of the country are equivalent of commercial fisheries. They didn't believe that and their general knowledge of what goes into recreational fisheries was very limited and so were spending a lot of time with them, because there is language that goes into our appropriations that focuses specifically on fisheries issues and so the more informed they are, the better off we are.

After the last briefing, it was clear that we're making progress, but there is still a lot of education that is needed there and one of the things we tried to explain to them is that when we're dealing with recreational catch, it's not the census process like it would be for commercial fisheries. We don't have dealer data and we don't have vessel trip reports from every trip.

What we're trying to do through recreational fisheries catch estimation is actually a three-part process. The first part is estimating what the effort is and how many trips are there and the second part is in a typical trip what do you catch and then, finally, how do you put those together to estimate catch? This is more of a sampling issue and it makes it much more complex and much more difficult to explain to folks.

Around the country, we have a lot of different programs and they tend to be regionally focused and so we're trying to use what's the best available science in each individual region and much of what I'm going to talk about here right now is focused on the East Coast and the Gulf. There are lessons to be learned here for other areas of the country as well and we'll go into those very briefly, but most of what I'm going to talk about here is going to be about the recreational not for-hire.

There are separate processes going on with headboats or the for-hire fleet and so you may know that there is a NFWF grant that went out through the Gulf to look at using electronic reporting in the Gulf headboat fleet and that would be a big step forward for us.

To accomplish this, because this is a national effort, the MRIP Program has set up a series of teams. The key one for us right now is this last one, this Transition Team, because this is going to shepherd how we move forward with implementation of the new MRIP protocols on the Gulf and on the East Coast, but one of the other key teams is the Communications Team and we have found that particularly in the Gulf we're having a very difficult time communicating not only with our stakeholders, but with a lot of our partners.

One of the things we've decided to do is really to ramp that up and have a stronger national and regional effort on communications and so there is a tighter team and Russ is part of it and there is MRIP staff as well as staff that's really going to focus on trying to develop better communication strategies to stakeholders.

The process has been very deliberative and I know at times there is criticism because the changes have taken so long, but this is a big shift and we need to be sure before we make these changes that we made the right changes and then, finally, this regional implementation, and we'll talk a little bit about this, that we're working with the states within the regions to implement a lot of this and so when I talk about the survey of anglers to find out what they're catching, those are actually being performed by the states. We contract with them to interview anglers as they come in to the docks and offload their fish.

Now, from this point on, we're really drilling down to talk about basically the East Coast and Gulf's new process for estimating recreational catches.

We had an NRC review in 2006 that we commissioned to basically look at the older process for estimating recreational catches, which was MRFSS. They gave us a series of recommendations and that led, after the revised Magnuson Act, to the establishment of MRIP. They made a series of recommendations in the NRC review and basically focusing on those three areas, the effort survey, the catch survey, and then the total catch estimation. We have been implementing those serially.

The first thing that has been implemented was a new saltwater angler registry and that's basically the way we get at effort. Secondly, then came, in 2011 and 2012, the process for re-estimating catch. After that, we began the new protocols for estimating what individual anglers are catching and that's called the intercept survey and now we're into this last phase of estimating what the effort is, which is actually the biggest challenge.

We have addressed all of those recommendations from the NRC and we're in the process now of this last part to be implemented and from what we can tell from the pilot surveys -- Each one of these involve a pilot survey, one or more, before we actually move towards implementation. This is probably going to be the biggest change that we've seen in shifting from the older methodology to the new methodology.

The Transition Team, which includes representatives from all the coastal states, has told us to go slow and so we need to sync up the data stream and making sure that we can calibrate from the older survey to the new survey, because we want to keep a continuity with the data stream that goes back into the 1980s so that we update the assessments and have everything in sync before we move into actually implementing the new estimates. The Transition Team gave us a process that would take about three years to do this.

This has been a long evolution to get to this point. Lots of changes have occurred and this is where a lot of the confusion has occurred with folks, because they know we're doing things and we haven't done a very good job of explaining why it's taken eight years of testing to get to a final product. A lot of this has been because of pilot projects.

Another part is because of this transition phase, where we want to make sure that we can calibrate between the old survey and the new survey and the other is making sure that we can align with the stock assessments and the actual management of the catch.

What we found is that the new survey, and we are switching from a telephone survey to a mail survey, which in some way sounds like it's going back in time to older methods, but what we've found, and what a lot of people have found, including the Census Bureau and others who do these sort of surveys, is that by switching from the telephone that we get a much higher response rate.

As you know, you probably don't answer your phone if you see a number pop up that you don't know and so we lose a lot of folks there and then there's a lot of folks who have transitioned over to cell phones only and there is no good cell phone registry and so moving away from the telephone survey to a mail survey, in our pilots anyway, the three or four pilots we've done so far, has really shown that we get a much higher response rate. Interestingly, we get as fast a turnaround on getting the information back. People actually do return those mail surveys quickly.

Then, finally, with the telephone survey, you get whoever answers the phone and that may not actually be the person who is doing the fishing. By using a mail survey, you have a better chance of actually getting the individual who is doing the fishing and so they provide a better answer and that's what we're looking for.

As we move into the transition, this is the process and so, Gulf and Atlantic, pay attention. We are in the benchmarking phase right now and so we're running both the mail survey and the phone survey together for three years and at the end of 2017, we will switch over to just the mail survey.

Those years where we're running both gives us the information that we can develop a calibration between the two surveys and so the historical survey was a telephone survey and it went back to the 1990s and this will allow us to calibrate between the two. That time series is crucial to the stock assessments.

The third step then gives us stability and we will then re-estimate the historical catch, using the calibration model, and we'll take those data and then incorporate it into a series of new stock assessments during 2017 to 2018 and at the end of that process, we will transition those new assessments into the management process so that around 2018 we can switch over to using the mail survey-based recreational catch estimates to actually manage the fisheries and we'll have a stock assessment that aligns with it and that's crucial. Without having the two in alignment, we will wind up with numbers that don't match.

We are also doing some other things right now. One of the key issues is how we deal with a short duration fishery like red snapper. We are funding the Alabama survey that the State of Alabama does and we're also working with the State of Louisiana on a survey that they're conducting and we're doing a comparison between the two of them and we're working with other Gulf states to see if there's better ways to estimate the catch in these very

short seasons.

As I mentioned earlier, we are working with the headboat fleet to develop new processes for the for-hire fleet and so basically if we can come up with something like a vessel trip report coming back from the for-hire fleet, it will simplify the process.

Then we're giving the regional implementation teams the ability to make decisions on implementation. We're giving them guidelines of how we want to move forward with this, but we would look to the regional implementation teams, since they understand the regional fisheries, as being key to implementing MRIP. Are there questions?

Eugenio Piñeiro: Good morning. When you talk about the mail, do you mean emailing folks and using email or just regular mail?

Richard Merrick: No, right now it's snail mail and it's using the U.S. Postal Service and the utility there is the saltwater angler registry gives us addresses, but we don't have email addresses. That's probably a future improvement.

Eugenio Piñeiro: Yes, that would be good in the future and then this is also about the future improvements. Now we are using the IOOS, Integrated Ocean Observing System, and it's worked very well, because it gives you the currents and the salinity and perhaps in the future we can hook this one on the estimation, because now even the recreational sector, and especially the for-hire captain in a region, use IOOS before even going out, because they know the possibility of capturing is much better once they do their homework and do you plan to integrate this into the system?

Richard Merrick: I think what I've just presented is the mail survey and the intercept surveys that are current and that's a baseline and so I expect us to evolve beyond that over the years, but we need to have some consistency in the way of estimating along the East Coast and the Gulf and so this a way to do it, but the iAngler and iSnapper, for example, they are tools that I think we will migrate towards over time and all the electronic media, but this is a stable sort of platform for now and so the answer is yes, but it's going to be some time.

Bob Mahood: Rick, for species where there is no season, such as red snapper, how is that captured in the mail survey?

Richard Merrick: Basically we're asking them what they're catching and when they -

- We really need to know the number of trips. That's the goal of it. There are ancillary questions that go with it, but we're using basically a seasonal estimation of trips and then expanding what we're seeing from the catches and so the issue is MRIP normally operates in waves and so we can make the wave shorter, but we can't make them ten days long and so there is always going to be that issue, ultimately, of how do you get that short season and that's why we're exploring this with the states, to see if there are alternative sampling ways to provide better estimates.

Bob Mahood: I remember last year when we did have a red snapper season -- Roy won't let us have one this year, but when we did have it, I know there was some effort to try to upgrade the amount of sampling through MRIP and I'm not sure how that worked. Was that successful?

Richard Merrick: It still doesn't work well enough to be -- That approach doesn't work well enough to be robust.

Russ Dunn: Bob, if I may, I think what you're talking about are the dockside intercepts that were ramped up and what Richard is talking about is the broader effort survey and so they are two separate components, but both independently necessarily, because you essentially multiply one by the other, but you are talking about dockside intercept and he's talking effort survey.

Richard Merrick: After the fact, we can go back and re-estimate, but the problem is if you're trying to do it with in-season management, you can't really do it for a ten-day season.

Kevin Anson: I have Don, followed by Michelle and then Roy.

Don McIsaac: Thank you, Mr. Chairman. With regard to the mail survey and the modern phenomenon of survey fatigue, particularly with regard to the casual angler, where the enthusiastic angler probably does return the mail, but the unenthusiastic angler probably does not and we've seen that in some other surveys, do you have a correction bias for the most enthusiastic anglers being the ones who return the cards?

I ask it in the context of Slide 9, where this information gets incorporated into stock assessments and things like that and so in terms of the concern that you have inflated catch estimates because of this, do you have a correction bias?

Richard Merrick: I don't know, but I can provide you an answer.

Kevin Anson: Michelle.

Michelle Duval: Thank you, Mr. Chairman. So my question was really with the rollout of the mail survey, and this kind of builds on what Genio asked, is there going to be an option in the piece of paper that an angler receives to actually go to a website and log in and basically fill out that survey electronically?

I know that we've done what with surveys in North Carolina. We will randomly select a subset of our licensed anglers and send them a survey and then they are provided -- Written on the piece of paper there is a website that they can go to to fill it out and I was just curious if you all had done that.

Richard Merrick: At this point there isn't, but I think that's a great suggestion. It's sort of like filling out proxies for stocks and the same thing.

Kevin Anson: Roy Williams.

Roy Williams: Thank you, Dr. Merrick, and two questions really pertaining to the Gulf. Louisiana is doing something like this already and are you simply going to duplicate what they are doing or are you somehow phasing into what they are doing?

Richard Merrick: We were funding the State of Louisiana to do the intercept survey and they have decided they would like to use a different survey protocol, which is fine with us. We just want to make sure it calibrates with whatever process we're using, so we know how to interpret the information.

This year we are funding them to continue to do the MRIP intercept survey within Louisiana while the state is funding their own companion survey. The goal would be that that way we will know how to calibrate between the two and we'll be able to compare the two and also we're working with the State of Louisiana to have a peer review of the process and so the goal would be, if they come up with a better way to survey, let's use it.

Roy Williams: Okay. Thank you. My second part of my question is back in the late 1980s I had been on the Gulf Council back then representing the State of Florida and the Gulf Council, at the request of Texas, asked National Marine Fisheries Service to pull out of the MRFSS survey in Texas and so Texas has not been part of the MRFSS survey since somewhere in the late 1980s and is there any plan to -
- I will just tell you we often hear at Gulf Council meetings that --

We use the Texas surveys in our stock assessments say for red snapper and other snappers and we often hear at the council meetings, especially in the back of the room, that the Texas estimates are likely to be underestimates and so I am wondering how is this new program -- Are you simply going to continue a hands-off with Texas or are you going to incorporate your mail survey into the State of Texas as well?

Richard Merrick: We are discussing with Texas how to bring them back into the fold. It's the same issue as with Louisiana. They may have the greatest survey in the world, but we're not sure how to compare it to all the other results and that's important when you go into the stock assessment.

It's also important with respect to allocation and so I think the State of Texas is starting to realize that as we continue to talk about allocation that if they survey is underestimating their actual catch that they're likely to lose out in any allocation discussions and so we're actively talking with them about how to cross-calibrate between a survey we would run there versus theirs.

Roy Williams: Is your mail survey going to --

Richard Merrick: The mail survey will continue. It's mostly the intercept survey that's the issue there.

Kevin Anson: Rick.

Richard Robins: Thank you, Mr. Chairman. Richard, I had a question about the implementation planning with respect to the assessment side of this, because clearly there are going to be needs for new stock assessments that would incorporate this information.

In our region, we have four or five highly significant recreational fisheries and it seems unrealistic for us to think that we would have five new benchmarks in one year in order to move forward with new stock assessments and so I am just curious in terms of what sort of planning is ongoing with the Regional Science Centers in terms of developing a plan for finding a way to phase in these new estimates into the stock assessment process.

Richard Merrick: First of all, we don't expect these to be benchmark assessments. We're just changing a data stream and so we will do an independent peer review of the calibration process to deal with effectively the benchmark aspect and then this becomes another data stream and so those five stocks, or five or more, those would

be status updates and so it would be similar to what's going on this coming year within the Center itself, where they are doing fifteen or twenty different stocks as updates. This would be the same sort of process.

If there are ones where it's fundamentally changing the catch patterns, then we would need to go to a benchmark, but the goal would be to do that in 2018. It's clear that we cannot use an assessment to manage a fishery based on the new data unless the assessment is aligned to it. For many stocks, it won't make much difference, but there are some that it will.

Richard Robins: If I may follow, Richard, do you think that there will be an opportunity prior to 2018, as the data are developed, to distinguish between those stocks that might require a benchmark versus those that could simply be updated? I mean I would think if a new catch estimate is vastly different than what we've worked with in the past that it might rise to the level of requiring a benchmark.

Richard Merrick: In 2016, we will make the first run at the calibration and then the second year, 2017, is a revisiting of that, just to make sure there isn't some interannual issue there, but when we see the results in 2016, we can then run sort of quick sensitivity tests on those key stocks and see which ones are really going to be affected and I suspect that the NRCC would be involved in the final decision of which ones will get status updates versus which ones will get benchmarks, if any.

Kevin Anson: Chris.

Chris Moore: Richard, you started out your presentation talking about the communication challenges that you're having with the folks on the Hill and so we're going to have significant communication challenges when we start talking about new assessments and, for example, we have a bluefish assessment that was done this year and the implications of changes in MRIP estimates for those assessments and what it means for us in terms of management measures.

What are you guys doing in terms of being able to help the councils with some of the outreach related to these MRIP changes, potential changes in MRIP?

Richard Merrick: I missed a lot of that, but I think you're saying what are we doing to help the councils?

Chris Moore: Yes, what are you doing in terms of the communication challenges that the councils are going to face as we start getting into discussions relative to recreational estimates and changes in MRIP?

Richard Merrick: That's going to be part of the strategy of how we're going to do this. We need to work with the councils themselves, the East and Gulf Coast councils, to come up with appropriate ways to get the message to folks to explain what's going to happen. My real concern is that we don't want to be three years down the road and drop this on people. We need to be clear to folks now, where we're starting to see these changes, about what's going to happen.

Kevin Anson: Any more questions? Ben.

Ben Hartig: The effort estimation is bothering me a little bit as you recalibrate back in time, because you're going to have apples and oranges in some years. 2008 to this year particularly, you had, in our area, reduced recreational effort and now, this year, we're seeing the effort back to normally finally in our area. We're seeing the effort back to normal and so is there some way to look at that as far as we have some effort estimations and we know that our effort was done 50 percent and can you go back in time and look at those types of things as well?

Richard Merrick: I would hope that we do, to compare that, because the effort calibration is largely focused on trying to deal with this bias of at some point in the past people stopped answering their phones and so that changed the reporting rate. We need to make sure that the reporting rate that we would have gotten if we had done a mail survey back then and this is calibrated, but we need some independent checks and so as we talk with the councils and the SSCs about implementing that, knowing what those independent checks are would be helpful. If you see periods when you expect effort to really drop or increase, that would be important in evaluating the quality of the calibration. Hopefully that's in the original MRFSS data anyway, but it would help.

Kevin Anson: Thank you, Dr. Merrick. Next, we will have a presentation from Tom Bigford on the American Fisheries Society and Marine Fisheries. Welcome, Tom.

9. AMERICAN FISHERIES SOCIETY PRESENTATION

Tom Bigford:

Thank you very much for the opportunity. It's nice to reengage with the councils. This takes me back a long time. When I was much younger, I was hired by the South Atlantic and the Gulf Councils to be one of the authors for the Coral Plan. It was a joint plan at that time and that was my last time to Key West and so it's nice to be back.

I want to present some general information about the American Fisheries Society, but then focus specifically on what AFS can do for the councils and for NOAA and for fish and fisheries. Briefly, I want to go through these five topics: what AFS does; what AFS has done in the past, but looking forward to and so what are AFS capabilities; what are the priorities that are emerging not only from AFS itself, but from its work with partners; and what are some of those possible partnerships? There is new partnerships all the time and I think there's plenty of flexibility for us to get creative in looking forward.

Starting from the top there on what AFS does, I will go through this rather quickly, but AFS has been involved in a lot of issues related to fish. Certainly some of that is freshwater, but a lot of it is marine and part of my mandate when I retired from NOAA last year in going to AFS was to increase the marine commitment and so we've got a great opportunity to do more in the way of promoting research, connecting the research to management, and then extending that into policy and education.

This extends to freshwater and marine, to commercial and recreational, to forage, ecosystems, habitat. It cuts across the board to all sorts of issues related to fish. AFS has no narrow mandate. They don't have a legislative mandate. They have a mandate to work on fish for its 7,000 members and so it extends geographically and topically across the board.

It also extends into the public and private sectors. Certainly a lot of AFS members work with agencies and at universities, but there is also quite a few who are from the private sector. There is also strong academic connections, which is real important to note. AFS is a good connection to universities, not only with students, but also with the more grizzled folks who have been around for a while.

A long history of publications and I think that's a good point to make about AFS. AFS has been around since 1870 and some of

the journals have been around since the 1800s. The most recent journal, *Coastal and Marine Fisheries*, is the best connection to your interests and it hasn't been around since the 1800s, but still it's got a nice history in its short time.

There is also books and symposia that come from our meetings and so it's a great opportunity to have a specific discussion and then document it in a book. A good example of that is the book on essential fish habitat that was done about fifteen years ago and more recent books on stock assessment and specific species and so a lot of opportunity to document what happens and there is also a monthly magazine, which is a much more rapid exchange of information.

Continuing with a little bit more about what AFS does and how it can connect to your interests, organizing annual meetings and organizing meetings at various levels is something AFS does routinely. This year, the annual meeting will be in August in Portland with a close connection to marine issues, but that is true regardless of where the annual meeting is. The annual meeting moves around the country with the four AFS divisions taking turns hosting and so next year it will be in Kansas City, but it will have just as much marine interest as this year in Portland. It's just spreading the work around.

There is also regional meetings where AFS works with other partners. A good example is in mid-2014 AFS joined a group, a new group, called the Consortium of Aquatic Science Societies. It's wetland science and freshwater science and a lot of interest related to aquatic sciences and AFS joined that group to bring a stronger fish focus and now AFS is partnering with those groups.

The most recent effort was during National Wetlands Week, when AFS joined with the consortium and the Environmental Law Institute to host a science seminar on wetlands and it was meant to inform and educate people about the upcoming EPA and Corps of Engineers wetland regulation. It's now out and we had great attendance for a meeting on that topic. It's a good example of what can happen at the regional level.

There's also a lot of chapter units. AFS has got units on just about every campus and in every state in the United States and so that's a great opportunity to do something at the more local level, but what really intrigues me the most about AFS, the greatest opportunity for connecting with all of you, I think, is the sections, which are topical, a marine fish section, an estuary section, fish habitat, early

life history, international, socioeconomics, water quality. There is like forty different sections and each of them with hundreds and hundreds of members that's an automatic network on a topic of whatever you want to engage and an awful lot of NOAA employees and an awful lot of people from state fish agencies, freshwater and marine and estuarine interests and habitat interests and species interests. They are very active in those groups and so that's a great connection from the work to AFS where the society can help.

Like a lot of professional societies, AFS is deeply invested in the next generation of fisheries professionals and always trying to encourage people to pursue the field academically, but then stay in the field professionally. When they get out of school, there is discounts for membership, but also mentoring that helps to keep people aiming in that direction.

AFS is trying to do its part on a smaller level of encouraging people to stay in the field. We're hosting two undergraduate interns this year and also paying for a postgraduate fellow. This is sort of a continuation of a program that Steve Leathery went through like twenty-five or thirty years -- No.

Steve Leathery:

Seventeen years.

Tom Bigford:

Seventeen years ago. Sorry. I know you're not as old as me, but AFS used to do that regularly and it was a very good program that led to specific actions and specific connections between NOAA and AFS and now we've resurrected that and we started a new tradition and it's amazing what undergraduate students can do nowadays. We have two rising seniors this summer who are doing fantastic work and we also have one person with PhD and a JD who is doing work on endangered species, endangered fish, and so good stuff to be done by that program and I am going to be expanding that in the next year.

A little bit on history. I have mentioned this a couple of times and so I will just go through it quickly, but AFS has been around since the 1870s. I don't know what the tax code was at the time, but we evolved along the way to be a 501(c)(3) and so now it's a nonprofit organization with connections to a lot of groups.

We have a lot of publications and I mentioned those before. They are all available online and all of the issues, going back to the first issue, are all available online and so it's a great source of information, regardless of what your issue is or whether you're

looking for historic information or the most recent.

Our website is being updated right now and so the offerings are much easier to navigate through, but also, again, a great archive of information and social media is something that AFS is getting more and more involved in every day.

A lot of this connects to our partnerships with NOAA. We have a cooperative agreement with NOAA to work on issues related specifically to marine fisheries, but also opportunities along the way for NOAA employees to get involved by publishing and by being an officer at a section level or a member at a section level and just an awful lot of ways to help whatever the National Marine Fisheries Service seeks to do.

This is true domestically and internationally. AFS has got a very active program around the world and the Executive Director of AFS, Doug Austen, whom some of you might know, used to work in Pennsylvania and then with the LCC Program at Interior. He is the Executive Director of AFS and he is the President of the International Fisheries Society that coordinates the World Fisheries Congress that will be in South Korea next June and so AFS is serving that role right now. That cycles around the world for the fisheries societies, but it's a great network for the various members and societies around the country working on fish issues, around the nation.

Capabilities, I have mentioned most of these before. With the 7,000 members and a national office of about twenty-five people and then all the members and all the units around the country, AFS really does have a powerful connection into all fish issues around the country and it goes the other way, too. If somebody who is working on an issue around the table here, for instance, if they want information, a good first source is AFS. AFS can very often help.

Among the specialties, the priorities, that AFS is developing on its staff, in addition to being able to publish a journal and run a national meeting and tend to the needs of 7,000 members, we have hired somebody who is an expert in continuing education and so trying to provide and meet the educational needs of individuals and so there is a huge schedule for continuing education at the annual meeting this year in Portland that helps people maintain the professional certification, if they have that, but it also just helps them maintain their capabilities post-school.

I mentioned the 100 units and that speaks for itself, the opportunity to connect in so many different ways, and it's across all disciplines and so this is natural sciences and social sciences and it's geographic and it's all the topics that you would expect to see in like a college curriculum. Again, much of that history is available and it's scanned and so even information like how did the estuaries section get created at AFS, that history has been scanned and is available and so if anyone is trying to figure out how something evolved over time, it's all there on the website.

So, getting into priorities a little bit, on research, the American Fisheries Society has its own priorities, but it also spends a lot of time meeting the priorities that are discovered in the cooperative agreements it has with agencies, especially the National Marine Fisheries Service, but also the Forest Service, BLM, and hopefully soon the Fish and Wildlife Service and USGS.

Again, it's all science and it's also management. It's science and management leading to policy and education along the way. An awful lot of the information is meant to help and to assist fisheries management agencies and so a lot of connections with the public along the way. There is a couple of examples up there of past publications and AFS's role in meetings.

AFS hosts, every fall, a Fish Leaders Meeting to get people together who have got shared interest in fish and Eileen came to the last one and Sam came to the one before that. This, we think, is going to be a tradition that is appreciated by partners, but a great opportunity in the Washington, D.C. area to talk about fish and talk about shared interests and that's something I am realizing a lot more in my short time away from the narrow marine fish habitat world that I was in for thirty-five years with the National Marine Fisheries Service.

Other agencies might be talking about fire or talking about water, but those programs take money away. When there is a catastrophic fire out west, it takes money away from the fish programs and when there is water rights issues or water allocation issues, of course that's directly connected to fish, but there is a lot of issues, sage grouse and how do they avoid listing and what can they do proactively, that connect directly to the kinds of issues that we face with fish.

A little bit more on priorities. Policy is the specific world that I was hired at AFS to do in February of 2014. As I mentioned with Steve Leathery, it's not anything that AFS hadn't done before, but

it had sort of just been at a low level for a long time and so now there's a much bigger commitment to trying to take science and management and influence policy.

Some of those activities are at the general level, like agency budgets, or just topical, like the briefings for Congress that AFS just organized this spring, in close cooperation with the National Marine Fisheries Service and also the Hill staff. It was basically what information do you need to know so you can do your job?

Many people on the Hill are new in their jobs and they work with a member or they work with a committee, but it's in a new role and so they were asking for information on all sorts of fish issues and so we had three briefings on marine fisheries issues attended by about 125 people, many of them Hill staff. I think it was about 25 percent Hill staff and a lot of other people who wanted to know what was going on and so that was a great opportunity to sort of get into the policy issues based on science and management and help to educate new staff.

Also, at the specific project level, AFS has gotten involved in like Pebble Mine and the KSM Mine in British Columbia. State fish budgets, sometimes the state agencies are proposing draconian cuts and AFS members let the AFS office know what's going on and sometimes we write a letter to a state and that's something that can support the kinds of work that the council does.

We also got very involved in the Fish and Wildlife Service on fish hatcheries and their plan for what to do there and that was a good example of where AFS convened a group of experts, about twenty people from around the country, to get specifically involved in one issue at the invitation of the Fish and Wildlife Service.

On the education front, I mentioned briefly that we have a new director for continuing education. She comes from the private sector with a deep commitment to that and so she knows a lot about what to do and how to do it, to make sure that it's both offered in person, but also available online to meet the needs of individuals.

Putting all of that together in what can AFS do for you, for the councils, for the National Marine Fisheries Service, for you as members and the organizations that you represent, there is an awful lot that can be done. Sharing information in so many different ways and the website and publications and the books that come out of the symposia that are at our annual meetings and the

journals. There is just endless opportunities there to publish results and to capture proceedings and to share.

One big effort that's underway now and has been underway for a long time, but really ratcheted up this year is the Hutton Scholar Program. AFS has been working with the National Marine Fisheries Service and BLM and the Forest Service and a couple other agencies to entice high school kids into a career in fisheries. This year, we are hosting thirty students around the country, each of them connected with a mentor, for a paid summer internship to get them out in the field and work on fish issues.

A lot of these kids are from underrepresented sectors. They are either from the inner city or they're from an underrepresented ethnic group or just girls, who don't tend to get into the sciences at the young age, but a concerted effort to draw them into this field and, as I mentioned, thirty this year and that's the most that we've ever hosted and it has great promise.

Some of those Hutton Scholars who are like fourteen or fifteen years old have grown up to be Hollings Scholars at NOAA and to be Sea Grant fellows and to be PhD fisheries people and so not many there, but with the thirty this year, we're hoping to have a bigger impact looking forward and so that's a new, big effort. Then I mentioned the internship and fellowship programs that AFS is hosting itself.

There is always the opportunity to convene meetings, to participate in annual meetings. At the AFS meeting in Portland, there are dozens and dozens of symposia embedded in the annual meeting and it's a good option, I think, to having a contract. If the National Marine Fisheries Service wants to do something on fish assessment, for instance, stock assessment, instead of hiring somebody, there is a way of arranging a symposia that's embedded in the annual meeting and all the logistics are handled and if you want to document it in a publication, AFS can help with that and that's exactly what is happening this August.

The Monsters of Stock Assessment, they are on the left where the octopus is attacking Portland, and that's a good example of something where the National Marine Fisheries Service partnered with AFS to host a special event, a special training session/symposium in the meeting. There's lots of opportunities there and at the section level, I have mentioned the ways that individual staff and that agencies and that offices can get involved with AFS on specific issues.

I have also mentioned the journals and mentioned the opportunity for professional development and partnerships like the CASS, the Consortium on Aquatic Science Societies. That's a great effort that's underway right now. I think that's going to lead to continued work on wetlands and other issues, but it's also important to note the partnerships with agencies and academia.

The American Fisheries Society is now planning a joint meeting with the Wildlife Society. Many of you probably went to school at someplace where the fish and wildlife programs were combined. What has happened is that when you get into the professional field, a lot of them are separated and that means that a lot of issues that are shared, like water, fire, fish, they are divided and we're trying to organize a meeting that brings the two societies together on shared issues.

I think that's probably a good place to stop. We've got time for questions, a few minutes, but if you want to contact me or the Executive Director, Doug Austen, there is our contact information. Thank you very much.

Kevin Anson: Thank you, Tom. Does anyone have any questions? Ben.

Ben Hartig: Thank you, Tom. I was wondering if AFS has done some work with citizen science. It seems to me that would be a natural thing that you would have done through some of the research of your members over time and do you have some kind of a -- I am failing at the word here, but some kind of a system of citizen science or some kind of program that you're looking at for the future for possible increased citizen science in the role of AFS?

Tom Bigford: Not that I'm aware of. I have heard of individual efforts around the country, but not pulling it together into some sort of a planned effort and so that's a good idea, but no, I don't have anything specific to answer, but I will find out.

Kevin Anson: Okay. Thanks again, Tom.

Tom Bigford: Thanks for the opportunity.

Kevin Anson: That brings us to our break. We are just a few minutes ahead of schedule, but we will reconvene at 10:15.

10. NATIONAL STANDARD 1

Kevin Anson: We are going to continue in the agenda. Yesterday, as you may recall, we completed the Presidential Task Force on IUU Fishing. We did that yesterday and so that will take us to our next item, which is the NS1 Discussion, which was moved from yesterday to today's agenda. Alan Risenhoover, can you lead us off with that?

Alan Risenhoover: Thank you, Mr. Chairman, and what I want to do today is just kind of kick things off and remind folks of the key provisions of the proposal and talk a little bit about some of the comments we've gotten so far and give you a little bit of an idea of what we see and then turn it over to you all to discuss.

Recall that we issued the proposal back in January and the comment period closes on June 30 and so this is a well-timed meeting and, in fact, we keyed the time period for the comment period to make sure that we did have the CCC meeting covered.

Also recall that the goal of the proposal was not to establish any new mandates or requirements and instead it was to look at where there is flexibility within the current guidelines and the current statute, to make sure that we are using the amount of flexibility that we have. Also, we wanted to make sure we retained everything on the requirements for annual catch limits to prevent overfishing and so, again, it is all within the current statutory language.

There were seven key elements or main elements in the proposal, increasing flexibility and resetting timelines and flexibility in managing data-limited stocks. We tried to put some proposals in to clarify how you determine stocks in need of conservation and management and provision on enhancing your current efforts with ecosystem-based fisheries management and trying to look at how do we have more stable fisheries, through things like multiyear overfishing determinations, phasing in the results of stock assessments, and addressing carryover issues.

We had a few proposals on looking at how and when you should review your FMP objectives and encouraging Councils to look at things under that review, such as allocation, and, finally, we proposed a definition for depleted fisheries that could be used in a regulatory context instead of a statutory one. Those are the seven broad elements and, again, we have a website set up on this that has all the background information and links to the proposal as well as some summary and presentation materials.

During the six-month comment process, we have tried very hard to reach out to the councils and others to explain what is in our proposal and we've had over eighteen in-person briefings with the councils and their committees and their SSCs alone. We have had conference calls with other groups and we have briefed MAFAC and our Atlantic Highly Migratory Species AP. We've had a public hearing and we've had briefings on the Hill and so we've really tried to reach out to folks to explain what this proposal does.

To date, we have gotten forty-eight comment letters and those are being posted on the regs.gov site if you want to look at them. There are only thirty-one up there right now, but people are posting the others that we've received in hard copy. We have received letters from six of the councils to date and, again, with the comment period closing on June 30, I expect the next week will be very active for our folks in receiving comments.

While I don't want to prejudice or lead the follow-up conversation we're going to have here, my staff has gone through the comments of the councils and gave me a couple things that they saw of places where there seems to be kind of general support from the councils and other areas where the councils felt like maybe there needed to be some changes to the proposal and so let's start with the feedback on the few issues.

The three issues that the councils seem to have raised and, again, I haven't been through this in detail, but it looks like there is some concern about clarifying the requirements for defining stocks and moving from the ecosystem component stocks to the new way of looking at stocks in need of conservation and management. There's some concern about new ABC control rules for things like carryover and phasing-in approaches to overfishing and then also some concern with the complexity of how we defined depleted stocks. Again, those are very broad and just what we noticed in going through those six letters quickly.

The feedback from the councils has been generally positive, especially with the increases in flexibility and, in particular, it seems like the councils liked the flexibility with new ways to calculate T_{max} and so that's the T_{min} plus one mean generation time, two times T_{min} , and 75 percent of MFMT. There seemed to be some support for that.

There seemed to be some support for discontinuing rebuilding plans if a subsequent assessment suggested that the stock was not

overfished and then, finally, some preference towards the multiyear fishing definitions, overfishing definitions, and so that, just very broadly, may be some places for you all to start your discussions.

We haven't received many comments yet from the environmental NGOs, but, again, with the comment period ending in a week or so, we think we will see a number of those comments coming in, but we haven't gotten any to date. We have gotten some comments from individuals and there is a variety of comments and concerns laid out in those as well as some support. Mr. Chairman, that's a broad and quick overview and hopefully that kicks off the discussion.

Kevin Anson: Thank you, Alan. I think, Doug Gregory, you have some comments?

Douglas Gregory: Okay. What we want to do is I guess go around and have each council kind of highlight some major things that they want to discuss and we'll see how this goes. I will lead off for the Gulf Council. We're one of the what I call tropical or subtropical councils that has lots of species with very little information.

We appreciate all the flexibility that is in these proposed guidelines, particularly with phasing in correcting overfishing, because fishing mortality is very variable and if you did do an assessment every year, your estimates of F would vary greatly year to year and so that sort of flexibility is needed, but the science is just not there to really definitively specify everything on an annual basis and so any flexibility in changing or phasing in overfishing or phasing in an ABC rule is greatly appreciated.

We're a little concerned about having to review fishery management objectives on a regular basis. Depending on how regular that is, that could be quite time consuming.

The main problem we're having with the ACL approach is on these data-limited species and so in the beginning we're asking that these rare species that are not targeted, and they are retained for catch, if they could be considered ecosystem species and NOAA General Counsel said no, because they are retained. The list of criteria in the stocks that require conservation and management don't really give us the flexibility we need. These species are species we would like to have management on, with size limits or bag limits, based on any information we have on size at maturity, or just to be precautionary. We've got size limits on some of our

groupers that we don't have any life history on.

These same species are impossible to calculate scientifically-based ACLs. I know a lot of methods have been developed since 2007 to do this with data-limited species, but they really don't work, from the ones we've seen, with our species, and it's really causing an issue among our SSC members of trying to do this as scientifically-based as possible and so if we could have some flexibility to have an exemption of some sort from ACLs with data-limited and I know Magnuson drives that cart, but if we could classify some of them as ecosystem species, that would help us.

That is really our main concern and we've got some comments on the definition of MSST and depleted that I think are worth considering and with that, I will pass it on to -- I guess we will go to our left and the next council is the South Atlantic.

Bob Mahood:

Thank you, Doug. We have not submitted our comments yet. We had hoped to take this up at our last council meeting and, as a matter of a fact, we had the gentleman from the West Coast scheduled to come and make the presentation and because of our workload, we weren't able to get to it and we had to cancel a number of things.

We met jointly with the Gulf and not that I'm giving excuses. We do have comments that we're putting together. The Chairman and Vice Chairman just received those a day ago and we will be submitting those.

Generally, I think our staff, as they read through this, is pretty happy with the way it looks like right now and some of the things that are being proposed. I think initially when we all talked about this that we wanted to try to find some fixes that didn't require legislation and I think in several cases this has been handled in here, but I am going to refrain from giving any comments, and I will turn it over to the Vice Chair or Chair if they wish to, until we finalize our comments.

Some of the stuff I've had the staff put together I don't agree with. I just got it the other day too and so we've got to sit down and sort some of this stuff out and then we will make our comments.

Miguel Rolon:

In our case, the only -- It's a repetition of what Doug said. The only comment that we have is for the flexibility issue, because most of the species we have -- We have about 4,000 species and we can only manage about 300. Right now, we are in the process

of selecting those species that should be managed under the federal realm, but the flexibility for ABCs and ACLs and all that is paramount for us and also the datasets that we have are not good for any stock assessment, except for a few species, and so the SSC and some of the members have discussed this issue.

Although we, in general terms, agree with the proposed National Standard 1 guidance, we emphasize the issue of the flexibility in terms of what we can do to comply with the Act and at the same time be mindful of the lack of data for most of the species that we have.

Don McIsaac:

We have got a letter in your briefing book materials that gets to our recommendations coming out of April council meeting and before I just run through them quickly, let me say that the council also considered the question of whether or not these National Standard 1 and 7 solutions mean that you shouldn't pursue statutory solutions through Magnuson and the council ended up concluding that while we'll put some comments forward on this National Standard 1 business, they do feel like pursuing statutory solutions for many of them is still appropriate.

With regard to the comments of the council, we have something on the order of twenty-two items that we think are candidates for Magnuson Act solutions and some of those are involved in the National Standard 1 Guidelines.

Starting with the calculating Tmax, the Pacific Council supports including these new options for Tmax in the National Standard 1 Guidelines. With regard to surplus carryover, the Pacific Council also supports the additional guidance for authorizing surplus carryover in the National Standard 1 Guidelines.

For rebuilding progress proposals, again, the Pacific Council supports what's provided in there for monitoring the rebuilding progress. For overfishing determination, the Pacific Council does support using multiyear determinations for overfishing guidelines as an option.

With regard to discontinuing rebuilding plans, and we've had some experience in our council where we put together a rebuilding plan and then the fresh science came in and said, oops, it never was really overfished in the past and so we do support the proposed addition of criteria that does allow for the discontinuance of a rebuilding plan when the best available science says it was not warranted in the first place.

Phase-in of ABC control rules through time, there is a proposal for a three-year time period and the council does support the proposed addition of this approach as a possibility. With regard to using “depleted” instead of “overfished”, this is one of those things that the council supports. They also believe a statutory solution is a good one on this.

The National Standard 1 Guidelines don’t say -- The proposed National Standard 1 Guidelines don’t say to just replace the term. There is some more provisions in there about two generation times and so the Pacific Council does approve of this change in terminology, but it recommends replacing the criteria of no overfishing in two generation times with a requirement to assess the effects of past overfishing on the status of the stock.

When overfishing is the reason for depletion, highlighting that we think is appropriate. We have had some cases, most notably in the press for Sacramento River fall chinook salmon, where it was an environmental problem, but the stock got listed as overfished and so we think it shouldn’t take two generations or whatever the criteria are, but just a review of what was the role in overfishing and when it’s clear it’s not, then say so or use the word “depleted” as the fallback, but when overfishing is implicated and does have a role, then say so.

For the FMP review and updates, the Pacific Council recommends not defining the term “regularly”, but leaving it up to the councils for a judgment on when there is a need and when there are resources available to do the periodic reviews.

With regard to National Standard 7, the council supports, where appropriate, some legislative solutions with regard to that and then, again, at the end, we are supportive of these positive changes under National Standard 1, but we don’t want anybody surprised if we’re also proposing that there be statutory solutions as well.

Dorothy Lowman:

Thanks and I will just add a little bit. First of all, I wanted to just really say how much we appreciated having Dr. Patrick come and he listened I thought very carefully to our advisory bodies and the SSC, but as well as our other advisory bodies too, as well as the council.

I just wanted to expand a little bit on what Don said about we want to still maybe pursue some things legislative that are similar to what seem to be fixes in the National Standard 1 Guidelines and I

think it's a matter of timing and an understanding that these are draft guidelines and you are going to get a lot of comments and so not knowing exactly what they will look like when they're final and so kind of wanting not to not pursue legislative until we sort of see what's final.

Don McIsaac:

Then lastly, Mr. Chairman, let me note that Chuck Tracy, our Pacific Council Deputy Director, sitting over here along with the other deputies, was our lead on this and I don't know if I would give the opportunity for Chuck to add in anything we may have left out here.

Kevin Anson:

Thank you, Don. Chris.

Chris Oliver:

Mr. Chairman, our comments, the bulk of our comments, are quite detailed and they're primarily a product of a council and NMFS regional staff and our SSC member workgroup that put these together and so I won't even attempt to try to speak to the level of complex detail, but I will just note a couple of highlights.

Some of the things that our council was pleased to note with the revisions were the confirmation of the validity of alternative approaches for characterizing and evaluating uncertainty when determining the ABC. We thought that was very important.

The acknowledgement, as Don said, that stocks can be depleted outside the effects of overfishing and the availability of additional options associated with rebuilding, particularly with regards to data-poor stocks.

Some of the detailed comments from our workgroup and SSC speak to some of the vague or open-ended aspects of the guidelines and noting that there is a difficult balance to strike without being overly prescriptive, but without being overly broad or open-ended.

The particular comments that we wanted to highlight I guess are with regard to Topic 4, the revisions referenced under Topic 4. They contain criteria for including stocks in the FMPs that are quite broad and some of our SSC felt that that could limit actually discretion in determining which stocks should be place in the FMP while deemphasizing consideration of the costs of adding those stocks to the FMP.

Our SSC comments provide an alternative approach. It may not be practical to embrace a fully new alternative approach in this process at this point, but theoretically they offered that up for

consideration.

The second thing was under Topic 10. The revisions referenced under Topic 10 leave a little bit unclear the adequacy or extent of analysis that's going to be required for documenting how OY will produce the greatest benefits to the nation and also, finally, under Topic 14, the revisions provide important guidance concerning flexibility in rebuilding, but deemphasize monitoring the progress of the stock relative to BMSY, to an extent that some councils may feel that the stock's biomass trajectory can be ignored, if you will, to some point, if not entirely.

I guess the last comment we had is kind of a general comment and back to some of your comments, Alan, that the intent of the guidelines is not to require the councils to go through extensive amendment processes to their FMPs. However, many of the provisions, for example expanding the number and type of stocks in the FMP and revisiting FMP objectives and, again, back to the OY issue of changing how OY is assessed and documented, could be interpreted as not being consistent with existing FMPs and would likely require amendments.

We were suggesting that before a final rule is published that some type of analysis be conducted or that the guidelines be revised so that it's quite explicit that modifications to the FMP would not be required, recognizing there may be some cases where you couldn't avoid that, but that really is the gist of our comments.

We did note also the differences between the advanced notice of proposed rulemaking from I believe two years ago and this proposed rule and reflected that the interaction you had at that time with the councils informed some of these revisions and so we appreciate that and hope that you will consider these comments as well and Dan may want to add to that.

Dan Hull:

I guess I would just emphasize our comments on Section 10, revising optimum yield guidance. On pages 7 and 8 of our written comments, that's where you will find a lot of detail in the assessment by our SSC and council review and I will just read this one part: The proposed rule is sufficient vague in the use of the phrase "documents how the OY will produce the greatest benefits to the nation and prevent overfishing" and that there are a number of possible problematic implication of this new requirement and could require changes to the FMPs that could be both significant and operationally infeasible. Then there's greater elaboration on that. I think that, for me, was particularly important.

Kevin Anson:

Thank you. Any comments from the Western Pacific?

Charles Daxboeck:

Thank you, Mr. Chair. I am Chuck Daxboeck and I'm the Chair of our SSC and the council did send a letter, a few pages, dated June 19, to Dr. Patrick with our recommendations and suggestions. Overall, we are quite pleased with the way things are progressing in this proposed guidelines and changes to the National Standards.

Particularly, we like the phase-in of the ABC control rule over the three-year period. We are actually applying that now in our new ABC/ACL specifications for the next three years of our bottomfish fishery, based on a recently updated stock assessment which forces us to decrease our ABC specification over a three-year period, and the phase-in is a nice way of softening the blow, if you will, to the fishery over those three years while still assuring that the risk of overfishing is below what has been assessed and analyzed by our P* and SEAM working groups, so that the risk of overfishing is within the range of what the council has specified.

We also liked the carryover of the ABC rule, where there is provisions of some carryover of unused ACL into the subsequent year, which is obviously of benefit to the fisheries and the people that are fishing it and still without having an increase in the risk of overfishing that the council has specified.

The council and the SSC feel that the concept of optimum yield is a bit redundant when you're doing an ACL specification, but the NMFS -- They continue to use it within the concept of the Magnuson Act and so I guess we have to live with that, but managing by catch limits is a bit different from using optimum yield, because the definition of optimum yield, as has already been pointed out, has the greatest benefit to the nation and does not appear to consider subsistence uses, which are prevalent in our area and probably in other areas as well, but it is very prevalent in our area and so the concept of optimum yield does not take that into consideration.

We also really appreciate the idea of a multiyear definition of overfishing so that if in one year the maximum fishing threshold is exceeded that it doesn't necessarily mean the fishery has gone into an overfishing state, but it just means that maybe there was good environmental conditions that had a good recruitment and they just happened to be able to fish better and so it's not necessarily because the specification has been exceeded that you are in fact overfishing and that's a very important concept in terms of the

MSY and also in terms of penalties that may be incurred from overfishing.

Indicator stocks, I think that the Caribbean Council has also used that. When you have a lot of fish species in a stock complex with very little good biological data to set your stock definition and also your ACL based on a stock assessment, it's actually a stock complex assessment and it may be based on the information from one of those indicator species within the stock.

The down side of that may be that if you use an indicator stock which you know a lot more about within your stock complex and your ACL specification is for the stock complex, you may end up showing that you're actually overfishing the indicator stock within that stock complex, because you are taking all the fish species within that complex for your ACL specification.

We also like the "depleted" definition, but depleted still means you still have to go through a rebuilding phase and while the fishermen may seem somewhat relieved that they're not the cause of the depletion, in some cases, it still requires work to be done to recover the depleted stock.

Based on the target time for rebuilding, we also have a little bit of trouble with the ten-year as opposed to two times T_{max} for calculating that. That's a better approach. We have a bit of a problem with the life cycle exception for a stock for which the average length of time it takes for an individual to produce reproductively active offspring is approximately one year. We think that's even still a bit too restrictive and we would think that a two or three-year time period for an average age of spawners in a stock would be a more appropriate designation.

In conclusion, our council feels that the proposed rules gives the SSCs and our council much more flexibility and many more tools for managing our fisheries and that is our recommendations. Thank you.

Kevin Anson:

Thank you. Rick, do you want to --

Richard Robins:

Sure and thank you, Mr. Chairman. Our comments just went in yesterday on the proposed revisions to the National Standard Guidelines and I will just highlight a few of the concerns we had. We pointed out that with respect to the ecosystem component species that we do support having additional flexibility in that space. The one concern we had was that after removing the list of

criteria for the designation that it seemed like we were left with very little guidance at the end of the day and so we would suggest that if that concept or designation remains in the guidelines that the agency clarify the meaning and intent of those classifications.

Like Doug Gregory said, there are some species that we have very little information for that may benefit from a low level or relatively simple management measures and we would like to have some flexibility to do those types of things, where appropriate.

With respect to FMP review, we recognize the importance of that and we've done that through our strategic plan. That is, we recognize that is a very important need, because we do have a number of FMPs with goals and objectives that are substantially out of date and we recognize the need to have contemporary goals and objectives.

We also recognize it's a lot of work to do that. We are doing that right now in our Summer Flounder FMP. We are updating those goals and objectives and working jointly with the ASMFC to do that and we anticipate that's going to take substantial resources and so with respect to the periodicity of review, we suggest that that be left to the discretion of the councils on an as-needed and as-appropriate basis.

There are a number of measures in here that we think will potentially contribute to enhancing the stability of fisheries, specifically multiyear overfishing determinations, the phasing-in of ABC control rules, and potential carryover of ABC. We generally support those concepts. However, we think it may be necessary to have additional guidance. Our support for those were caveated somewhat. We think additional guidance might be in order, just to ensure that if those measures are put in place that they will continue to support the sustainability of those resources. With those caveats, we expressed support for those and I think that summarizes our most significant concerns.

I will point out that, just in light of the scope of comments that have come in on this issue, we wonder how the agency might synthesize all of those prior to finalizing the guidelines, but we also wonder if there's not an opportunity to have perhaps another iteration, just given the scope and scale of the comments that have come in. Thank you.

Kevin Anson:

All right and we will finish up with New England.

Tom Nies:

Thank you, Mr. Chair. The New England Executive Committee and the council as a whole has had some significant discussion on the proposed changes to the guidelines and, in general, New England concurred that the proposed changes are an excellent step in revising these critical guidelines and I'm going to highlight four key points from last week's council meeting and note that a letter was submitted late last week.

These were from our council meeting last week. The first issue is that the next step should be a more inclusive approach to address the issues raised by public comment and not the typical administrative process for proposed to final rules that has the agency do it all in house.

The second is that we need a better system design approach that takes into account the uncertainty of the data and the third is New England concurred that the guidelines better address EBFM and the final is that New England suggests a better design of the approach for mixed-stock fisheries and a detailed letter is available for everyone's review.

Kevin Anson:

Thank you, everyone. A lot of the comments were similar to what, Alan, you had started off the segment or topic off with and as we heard also that, outside of legislative changes that could more permanently fix some of these issues, the guidelines help drive the councils in management and Rick had suggested, and I agree, that, if the agency so agrees, that we would certainly like another opportunity once all the comments are synthesized for another run, potentially another comment period. I am just wondering if the agency has any comments regarding that request.

Samuel Rauch:

It's a little bit unclear to me what you're suggesting. I mean the comment period is still open and you suggesting that it just be extended or what are you suggesting?

Kevin Anson:

Requesting, I think, that once you synthesize all of the comments and come up with another draft or another proposed changes to the guidelines and then offer an additional comment period for a second time around.

Samuel Rauch:

So you're asking us to re-propose after we take in whatever other comments that we're going to? We're going to have to look at the comments that we get and some of the comments we just got in and some of the comments we're still hoping to get in and so I can't make a determination now as to whether we're likely to do that.

I would encourage everybody to -- I appreciate the comments that we've got so far and they're really good, credible, thoughtful comments and we'll have to look at that and see what direction that we're likely to go in and whether that would -- At a minimum, that would extend it by a number of months, the final decision, because if we did that, I would imagine the final rule wouldn't come out until sometime next year. That may not happen anyway, but we would have to look at whether or not is sufficient advantage to that lengthy delay to do that and I can't say yet. We will have to look at the comments, which we haven't had time to digest either.

Kevin Anson:

I wasn't looking for an answer, per se, but just making sure that it was understood that, based at the comments here at the table and based on the comments that have been submitted, and, as you stated, the thoughtfulness and the detail that's been provided and these are important issues that the councils are interested in and we would like just another opportunity, if possible, to go ahead and take a look at what you all come out with after this round of comments and what you would propose to change or what you're thinking is all and so thank you for the consideration, Sam. Are there any other comments related to this topic? Yes, Don.

Don McIsaac:

Thank you, Mr. Chairman. With regard to concluding this agenda item, if that's where you were going to, the agenda says "Update and Approval of a Draft Letter" that presumably would be the CCC's collective thoughts on all of this and just as in the legislative matters, it's a little bit awkward and would take some time to go over what's been heard here around the table and what might be put forward as either a blend of all the councils' thoughts on this, where there is some things that are a little bit different, or if there are some that all the councils are together on to make that a more forceful CCC singular recommendation.

When we've got some of this material dated June 19 and some stuff not even on the website yet -- We all have June council meetings and so the timing is very awkward here to have that discussion now and it would take some time and so in terms of the idea though of having a collective CCC perspective, again I go back to the matter of the NEPA question or some of the Senate situations that are immediate.

It almost leads to some sort of follow-up that might be appropriate to try to make those points, rather than try to do it here under this agenda item and so maybe it's something we can think about and when we get around to Other Business at the end of the meeting,

maybe we can have an idea.

I know in 2013 at the CCC meeting right after the national conference that there was a similar dilemma. It's too much to think about right now and we just heard it and how do we consolidate all of opinions and we had a webinar several months later that still fell into a timely category and so that might be some sort of an opportunity. I know that there's some negatives to going with perpetual open comment iterative purposes, but, on the other hand, it is interesting to know how much weight is being given to some of the other comments that are coming in from the NGOs and from the fishing industry and such.

So in terms of how to wrap this up, maybe we can think a little bit more about how to not miss an opportunity for a more powerful CCC perspective to be advanced, but bring it up toward the end of the meeting.

Kevin Anson:

We can certainly bring it up if time allows. The agency just said that the comment period will close at the end of the month and so, again, the issue of timing and whether or not the comment period can be extended and we can certainly discuss that if time allows at the end of the meeting.

We are a little ahead of schedule and seeing that we do have a little bit of time, we have talked to Jennifer Lukens, who is going to be speaking to the Cooperative Research and Management Topic that's scheduled at four o'clock. She is available to do it now and so, Jennifer, if you can come up here. Thank you.

11. COOPERATIVE RESEARCH AND MANAGEMENT

Jennifer Lukens:

Good morning and thank you, Mr. Chair. I am Jennifer Lukens and I'm the new Director of the Office of Policy at NOAA Fisheries and I thank you for the opportunity to take some time today to talk with you about the development of a white paper that we've been working on at NOAA Fisheries looking at our use of cooperative research and cooperative management and with the effort of trying to find ways to strengthen our use of those important tools.

I am going to highlight just today a little bit of what our working group did and what we would ultimately like to get as a result of me speaking today and that's your comments and thoughts on the recommendations that the working group proposed in this draft white paper.

One of the drivers for pulling together this white paper was a letter that was sent to Dr. Sullivan back in late 2013 from a diverse group of constituents and stakeholders from environmental NGOs to fishing industry representatives to members of academia. It was sent to Dr. Sullivan indicating that NOAA should look at bolstering our cooperative research and management and that there could be areas to gain in bringing new resources to fisheries management, increasing and enhancing NOAA's capabilities, and overall improving stakeholder relationships could be benefit from that.

The NOAA Fisheries Leadership Council asked the Office of Policy and Heather Sagar, who works for me, many of you may know her. She led an internal team looking at this issue and it was composed of folks not only from Headquarters, but from NOAA Fisheries staff throughout the regions across the country and really they were charged with looking at what we were currently doing, looking at our successes and our challenges, and identifying any types of lessons learned.

They were also encouraged to take a broad look at everything from Habitat to Protected Resources, Science and Technology, and Sustainable Fisheries when they were looking at this issue.

The group was charged with some specific outcomes for this white paper and one was to summarize the critical factors to success in cooperative research and management and identify what those are. They also were asked to document or do an inventory of our examples of where we've done this before and highlight the ones

that were successful and the ones that haven't been so successful and be able to talk about what the best management practices were and any challenges to overcoming those, overcoming challenges, and ultimately make some recommendations to the NOAA Leadership Council for moving forward on this.

How this was done, as I said, we had a working group of nineteen different employees from around the country and their charge was to gather information and hear folks' input, both internally and externally, on cooperative research and management and what was working and what isn't working.

That group did fifty internal interviews from throughout NOAA Fisheries around the country and we also reached out and held nine external interviews with folks from tribes and councils and NGOs and the research community. We also held a specific roundtable for all the members who signed on to that original letter to Dr. Sullivan in late 2013.

Our staff also attended the West Coast Fisheries Forum on this subject matter and engaged in that and really listened to the dialogue that was going on and all of that went into this white paper, in addition to a review of the peer-reviewed literature on the matter.

One of the big issues that the group grappled with was the use of terminology. Different things mean different things to different people and for purposes of this white paper, the group reserved the use of the term "co-management" specifically for the management of marine resources with states and federally-recognized Indian tribes, recognizing our government-to-government responsibilities and our federal trust responsibilities.

Cooperative management is more of an umbrella term that the remainder of everything falls underneath, but co-management is just specifically for states and federally-recognized tribes.

The findings within about the forty-page report here are just summarized at a high level here and they are pretty straightforward, which is looking at you need to have clarity. You need to know what your legal framework is and you need to know what your roles are that different people that are engaged in the process and you need to clearly identify what your goals are when working together. You need to have that clarity.

Even more importantly, you need the buy-in of partners and

stakeholders to get something done and really establish that trust between the folks working together at NOAA and the stakeholders and then we need to be transparent and everybody needs to understand the decision making process and we need to have strong and effective regular communication on these issues in order for it to be successful.

We need to focus on matching the scale of the issues to what we're trying to manage, but then also making sure that we're undertaking things where the results of the research and management can actually feed into the fishery management decision making process and then always my favorite one, the last bullet there, which is funding, which always makes everything a lot easier to succeed with.

Just to summarize a little bit of what's in that white paper from these interviews that we had, some bullets here that we heard from internally and externally, you will note the ones at the bottom, the three bottom ones in bold, those are where we had a lot of overlap and recognizing that both internally and externally we need to work on communication. Flexibility in rules is really helpful at advancing cooperative management and funding can be a certain challenge that we need to address.

With respect to cooperative research, again here is some summary bullets of what we heard internally and externally and, again, the ones in bold at the bottom are where we had definite overlap and agreement from folks internally and externally that we need to foster collaboration and that means being more inclusive upfront with early engagement. We need to really define what our research goals are and communicate what those are and increase the leadership and, again, funding, increase or better utilize the funding.

I didn't highlight all of the twenty recommendations that are highlighted in the white paper which was sent to you at the beginning of April for review. What we are looking for today is comments on the twenty recommendations themselves.

The content of the forty or so pages in the white paper is folks' opinions and information that we gathered from them and so it's a summary of what we heard from folks and what we're looking for from you all is your input as to the recommendations for the next steps that we take with respect to cooperative research and management.

They are binned by five different areas and one is highlighting communication and not only overall internally and externally, what we can do to move forward, and specifically binned for cooperative management, policy, one bin on cooperative research, a bin specifically on metrics, on how we can measure any progress that we can make in what we're trying to do moving forward, and then the fifth set is a process for sharing this white paper and the recommendations, which I'm concluding that step today, which is reaching out to MAFAC, the Marine Mammal Commission, and the CCC here for your input and thoughts on those recommendations before finalizing those.

We have asked that you all provide comments back to us by June 26 on those recommendations and I think this is a good starting point for moving forward and I look forward to any questions, if I can answer any questions for you on this process.

Kevin Anson:

We have a couple of questions, Jennifer. John.

John Quinn:

Just a question on the methodology in your opening slide. I think you said you did fifty internal interviews and nine external and could you explain the rationale for that, because at least in New England, I would think that should be flipped and there is more comment coming from external people than internal and maybe you could, as a baseline, explain that.

Jennifer Lukens:

There is something called the Paperwork Reduction Act, which if you're going to solicit things externally you have to go through a long review process through the Office of Management and Budget and so we reached out and did those nine external interviews and tried to target people with the greatest representation.

That's also why we had the roundtable writer of the letter review and then also engaged in the Fisheries Forum, to get a wider input into this and so it does look -- That was the first question I had, the fifty versus nine, but that was really kind of the methodology there, is to get as much information as possible without holding back the process to review bureaucracy.

Kevin Anson:

Any other questions for Jennifer or comments? Ben.

Ben Hartig:

Jennifer, thank you. I think the first thing is a natural extension of this that I think our council would like to see is an extension into citizen science. I mean you're talking about cooperative management and it all fits into the same kind of umbrella and I

would like to the agency in the future look at citizen science as a way for some of the other council jurisdictions who haven't had enough data for robust stock assessments to actually accomplish that using citizen science.

The cooperative research, my experience has been it's still pretty much a top-down approach and it's very hard for a fisherman to come and find a NOAA partner or an agency partner to be able to do cooperative research projects and so that's my experience, but the really excellent part of the process is that the cooperative research -- The fishermen that have been involved in our area take ownership of that data and they very much are able to tell other fishermen about the process.

The only problem with that is once you get these fishermen to do it, they want to do more and so we don't get more fishermen involved like we should who would take ownership of the data and that would be another way to help the process along and having people really take a vested interest in the inputs into the assessments and so I guess we can make those comments to you with that, but I mean it's been a very valuable process and then to broaden it into another realm would be even more helpful.

Jennifer Lukens: Thank you.

Kevin Anson: Terry, did you have any comments?

Terry Stockwell: Yes and thank you, Mr. Chair, and thank you for the ability to comment. New England discussed the paper as well as NEPA and allocation last week and we have a few comments and I'm going to follow through on John's question about the composition of the participants and New England concluded basically the paper is weakened by the lack of external participants.

We also found the terminology of "cooperative" versus "co-management" somewhat offensive and that the councils should be considered co-management and not cooperative management. We want to note that there is no mention of a very successful RSA program such as the New England scup RSA that generates over \$10 million a year in research each year. I mean that's a pretty big deal for us.

Finally, the New England Council feels that the cooperative research needs to get away from the competitive grants model for funding and selection of projects and so that's our four-cents and thank you.

Jennifer Lukens: Thank you.

Kevin Anson: All right. Any other comments? Thank you very much, Jennifer. We are zooming along here. We are about forty minutes ahead of schedule and so a question to the group. We can break for lunch now and we can come back and reconvene at one o'clock and would that be appropriate? Does everybody agree to that? We will go ahead and break and we will come back at one and we will pick up at one o'clock with the Allocation Working Group Report. Thank you.

12. OPERATIONAL GUIDELINES

Kevin Anson: Sam had a previously scheduled conference call that was going to take him until the end of the lunch break that we had previously scheduled and since we finished up early and took an earlier lunch and ended earlier and started back earlier, he is still in that conference call and he would like to participate in the Allocation Working Group Report discussion. In order to accommodate Sam, we are going to move the Operational Guidelines topic that Marian McPherson will be giving us to this next slot and so, Marian, take it away.

Marian McPherson: I am Marian McPherson from the Office of Sustainable Fisheries and I'm here to talk with you about the operational guidelines project. You're pretty familiar with it and I've been working with this group for a couple of years now, but just to review, the operational guidelines are our basic document that explains how we and you can work together to comply with all of the laws that affect us when we're developing fishery management actions.

The current operational guidelines were drafted in 1997 and we've evolved. We've come a long way since then. In 2013, the Inspector General submitted a report on our fishery management process and suggested that we should finalized a revised draft of operational guidelines that we circulated in 2005 and so thinking about that, we submitted an action plan back to the Inspector General indicating that instead of finalizing that 2005 draft that we would move forward with something more modern that really reflects the practices and processes that we have in place today.

Here is the schedule that we've been on that we submitted to the Inspector General. We have hit these milestones and we talked with you last February, in 2014, about different approaches we could take on operational guidelines. The 1997 version that's in place now, as many of you probably know, is sort of a series of event schedules and specific task assignments. It's about eighty pages long and then the approach we considered in 2005 was sort of the opposite of that and nothing really specified, but just some principles and philosophies and then outcomes, like what is adequate and checkpoints for ensuring that we got to an adequate point, however we were doing it in the different region and council pairs.

We talked with you guys in February of 2014 about the different options and ended up pursuing this approach now that we fleshed out further with the Fisheries Forum workshop in Seattle last

summer. Basically, it provides a general overview of what we all have in common and the general philosophies and principles that we can all benefit from and then it allows each region and council pair to operate according to its own specific need and relationships and your approaches are documented so they are fully transparent in your individual regional operating agreements and so these guidelines basically provide an umbrella explanation, a big-picture, 30,000-foot view, of our process, the overview of our process, and then it provides information on how to link into the details that each of you have and so we've been pursuing that approach and filling out the details.

At the last meeting this February, we presented a rough draft for you to look at and we have gathered some feedback from you guys and more feedback internally and we've now got this pretty well fleshed out, nearly final, version, hoping that we've got no show-stoppers at this point, because our goal that we set for ourselves and that we committed to the Inspector General was to have final operational guidelines in place by September of this year and we're on track for that, hopefully.

We circulated this draft to you guys a couple of weeks ago, just to give you a little bit of a heads-up and to solicit any initial feedback that you wanted to give us, but I am here now hoping to get your last input on this or at least to solicit your last input within the next couple of weeks, so that we really can sign off on this and call it a final document.

I think I want to talk just a little bit about what this looks like and then what's different from the last version that you saw and so it's in two documents now. We've got about a small three or four-page operational guidelines and those are your guidelines and then there's an attachment of appendices. There are four appendices in a separate document which provide some of the detailed description of the process and rulemaking information and descriptions of the other applicable laws.

In the guidelines themselves, in the small document, we just set forth our guiding principles and so we basically just commit to working together as partners and set forth these guiding principles for achieving our objectives. These are our goals and objectives, which were to have high quality decisions and documentation, and so there's a focus on good documents and good products, and then also to have a timely, effective, and transparent process. The goals of these principles are to help us have good quality documents in a transparent process that people can participate in effectively.

To get us there, our principles are that NMFS and the councils are partners. The second bullet is new. We added a guiding principle about roles and responsibilities, because we had input from you all that that should be a guiding principle and so we agree and rather than explain uniform roles and responsibilities in the operational guidelines themselves, we made the principle that your regional operating agreements should embrace this principle and that's where these roles and responsibilities should be set forth.

Front loading, that's our concept of getting relevant reviewers and drafters all participating early on, to avoid surprises at the end. Decisions need to be supported by the facts in the record and that's sort of just a basic fundamental of rulemaking, is that everything we do has to be supported by the facts and we need to document that fact.

We need to have coordination between NMFS Regions and NMFS Headquarters and getting national policy information into the mix early on and clear and concise information and analytical products and we want to promote meaningful public participation and there was an emphasis on "meaningful". Not just get people involved, but give them the opportunity to understand where they are in the process and how they can be most effective in providing input to help affect the decision making.

Those are the principles and then there is a description, a general overview, of your regional operating agreements that describes what their basic contents are. They have some common themes and common elements, even though they are each a different individual document.

We described those and a new addition in this version of the draft that you have not seen, and you've seen it the past couple of weeks, but it wasn't here in February, is the requirement that your regional operating agreements be reviewed within one year of finalizing this document to make sure that they are consistent with what we finalized here and then we recommend that they should be reviewed every three years after that, to make sure they are staying current.

Then the appendices, there is an appendix on terminology and there's one that describes the process, which that's where the description of the regional operating agreements is. There is a description of the phases that you go through in your fishery management process. That's sort of adopted from the 1997

version of phases that people are familiar with and then your information on other applicable laws and the rulemaking process.

There is the appendix on documentation, which is where you can find the guidance about records, examples of how you put your documents together. Some councils have consolidated FMPs and just examples of the different ways that you guys are doing things to share the information. Then the fourth appendix is just links out to other additional resources, including your regional operating agreements and just other relevant materials.

The idea is that this would be a living document and that we wouldn't have to keep revising the operational guidelines, but we could just keep the appendices up to date with links.

Just a quick and dirty list of the key modifications since the February version, we have added that new principle about being clear in your regional operating agreements about the roles and responsibilities and we've added the review within one year, your ROA, to make sure that they're consistent with what we finalized in September.

Just a few of the different highlights, there was a lot of discussion about the word "scoping" and how that's used and its connotations under NEPA, where there are regulatory requirements attached to the scoping process, versus our Magnuson Act scoping that we do just sort of as an initial step in gathering information and outreach. In our terminology, we tried to be clear about that.

We just added a footnote about deeming. There were some questions about deeming and the footnote basically explains where that requirement came from and that you all have your own processes, although they are different. We have linked out to your SOPPs on that.

Other applicable laws, we have added a second table. Some people were asking what about this law and what about that law and so we have a table of other laws that are less frequently applicable or maybe have limited geographic applicability and so there's that second table that is like here is your main table of your applicable laws, but, by the way, these are also out there and you might want to keep them in mind.

We added a little bit of information on petitions for rulemaking and where that concept comes from in the APA and then where to get guidance if you receive one and then we've fleshed out some

additional information on the administrative record and expanded the section on efficiencies and I want to thank the North Pacific and the Mid-Atlantic for getting your responses back into me ahead of time. It seems, from the initial gist, that from what we're hearing so far it seems like you guys are comfortable with the approach.

There may be some language that we need to finesse, because, from what I'm seeing, we just need to clarify that our intent is what you think our intent is and not leave room for confusion, where people may think we intended to -- Some of the concerns that were raised I think we can fix with language changes.

Then just other minor issues that we can discuss as we move forward, maybe another meeting with the CCC subcommittee. That's what I have on my plate and I don't know if you want to provide more information now. I also want to say that this slide should say that the comments are due by July 10 if you want to follow up and provide me comments after today, but, all that said, I will just open it up for questions or comments.

Kevin Anson: Thank you, Marian. Any questions or comments? Chris Moore.

Chris Moore: Thanks, Marian. Thanks for including our previous comments in this draft and I'm glad we had the opportunity to provide some additional comments. I am wondering about next steps. I wasn't clear and so you're going to take the comments that you receive from the councils today, plus the written comments, and then provide another draft for review by the committee or how is that going to work?

Marian McPherson: I am hoping that we're done at this point. I mean we'll follow up from today and I think that there probably will be at least another meeting of the subcommittee. I think, unless something unexpected happens in the next few minutes, I think we're really close to a final version and we're just trying to finesse the language now and get it into clearance over the summer, but speak now if there's a problem, or at least by July 10.

Chris Moore: Just as a follow-up, you are going to look at the comments that you received from us in the letters, right?

Marian McPherson: Yes and work through those comments and then finalize, hopefully.

Kevin Anson: Bob Mahood.

Bob Mahood: I want to thank Marian for the work she's done on this. It's kind of dragged out, but she has incorporated, I think, everything that we have given to her in the past and so we appreciate that.

Kevin Anson: Kitty.

Kitty Simonds: Like we said in February, we like the approach and we thought it was fresh and it really didn't contain the bureaucratic verbiage that a lot of these documents do and so we're very happy with it and we might have a few minor things to get to you by the 10th.

Kevin Anson: Tom.

Tom Nies: I think generally we like the approach too, but I would like to offer one comment and that is that I think the very brief discussion of what happens under petition for rulemaking is not detailed enough and needs to be expanded. We had a recent petition for rulemaking and we get a lot of questions about what happens next and I have no idea what happens next, because it doesn't seem to be spelled out anywhere.

Another point is I would be interested, perhaps, in hearing about the North Pacific's comment about -- Maybe Dave could explain a little bit their concerns about the language the decisions are supposed to be based on facts and analysis. I would like to hear a little more discussion about that, because I think that may be a key point that really needs to be thought about in these guidelines.

David Witherell: Thanks and that is probably our major concern, is the issue of the decisions must be documented by the analysis and the facts. The concern is that could be interpreted to mean that the council would need to pick the most environmentally preferred alternative or the one that provides the most net benefits to the nation and there are going to be plenty of times and certainly you can imagine an allocation issue that may not provide the greatest net benefit to the nation, but it provides the best tradeoffs to meet the various requirements of the Act and the objectives of the council for management.

I think there is going to be situations where NMFS and the councils may have a different preferred policy and then there could be some impasse at the staff level over what is in the analysis and what are considered the actual facts.

That is a concern I raised because I can envision that that could

occur, but, in concept, we totally understand that to be able to defend the councils' actions that you would want to put the rationale in writing, but I think that the rationale is a little bit different than the analysis and the facts.

Marian McPherson: We will follow up with you and try to craft some language that makes sure we're complying with the law, but not going beyond that in how we say that.

Kevin Anson: Tom.

Tom Nies: If I could, to follow up on that for a minute, I guess when you say the decision based on analysis and facts, is that referring to the council decision or is that referring to the agency's decision? It seems like perhaps not a different point, but I think the big difference is that our analysis and facts are spelled out in the document for anybody to review and are typically the product of a long, lengthy process that gets to that point, including, in our case at least, multidisciplinary teams that include representatives from the agency.

It's not always clear to us after we submit a document what other analysis and facts that the agency may consider when they're making their decision or are you saying that the agency can only consider the analysis and facts that we put in our document?

Marian McPherson: I think the point that we're trying to make is -- This links back out to where we describe that we've added the description of roles and responsibilities and it's similar to the description of roles and responsibilities under the NEPA process, where we've really broken out what does the statute say the councils do and what does the statute say NMFS has to do.

At the end of the day, most of those other applicable law requirements apply to the NMFS action, but we are better able to find the action complies if the council also has a very solid record in front of it and so the point here is that we both really need to take ownership of that record and work together to have a solid record for an approvable action. Does that answer your question?

Tom Nies: Maybe, but Dave's hand went up fast and so I want to hear what he says first.

David Witherell: It might just be it's supported by the administrative record and that might be a better solution than analysis and facts, because the administrative record, of course, would bring in all the testimony

and the deliberations of the council and the justification that they would have in making final action.

Marian McPherson: I think we'll be able to clarify that.

Kevin Anson: Don.

Don McIsaac: Thank you, Mr. Chairman. On Slide 8, you talk about reviews and must be reviewed within one year of finalization and I think your schedule shows a target finalization of September of 2015 and then review every three years thereafter. I was wondering if you could speak a little more about what constitutes a review and is there SOPP-like approval stages after that or if you have a review and you want to change three sentences, does that happen at the council table or what?

Marian McPherson: I guess we can talk through that. I think it's just a simple review to make sure that they're -- The guidelines were written basically with what your current ROAs look like now in mind and so hopefully it wouldn't be too involved of a process, but I don't have specific information on what it would entail.

Alan Risenhoover: Don, how did you review your ROAs with the Regional Offices in the first place? That would probably be the determination on does it need to be a very significant review, but what we mean here is just make sure the two are progressing the same and that you don't have one thing in one place and another in another.

Kevin Anson: Bob.

Bob Mahood: I don't know if everybody picked up on it, but Kitty Simonds said she liked them. Now, that should tell you something. I want to thank Marian again. I am sitting here and I was telling Michelle that you can tell who the new EDs are, because we went through a period of time when the operational guidelines were put into regulation and I mean it put the thumb down on the councils and thanks to Kitty and some of her friends in Commerce, that got changed, but I think Marian has bent over backwards to try to incorporate and put together a good document and I really appreciate that.

Kevin Anson: Kitty.

Kitty Simonds: The only comment I have really is about the other applicable law under the National Marine Sanctuaries Act. It says the NMSA also requires federal agencies to consult under Section whatever if a

proposed actions, of ours, I am assuming, is likely to injure existing sanctuary resources.

In our sanctuaries, the resources belong to the state and us and I don't even consider them sanctuary resources. They are overlapping in our jurisdiction and the state's jurisdiction and so it's just kind of strange and maybe other sanctuaries have specific things that they manage. Is that the case, because I don't think that we need to write a paragraph in our document about the sanctuaries in our part of the world, because that would be giving them some credence.

Marian McPherson: I will review that with GC and see if -- That might be another word nuance that we can look at and make sure that we're not being overly broad.

Kevin Anson: Tom.

Tom Nies: Another section of the guidelines that gives me pause is the language on the Section 305(d), authority of the Secretary, I think it is. It seems to imply, and maybe this is not an implication and maybe this is explicit, but the Secretary can basically adopt any regulation that the Secretary wants to do if the Secretary determines that is necessary to implement a management plan.

To me, I don't know if that interpretation is correct. It seems, to me, an overly broad interpretation of what that section of the Act was intended for, or at least how I would interpret it. Let me put it that way.

Marian McPherson: Yes and that's one of the authorities that is listed in the Magnuson Act and I don't think we elaborated too much on the meaning here. I don't know if there is more to say, but that's another thing I can review with GC. I know that I do see this as the authority being cited in some of the actions coming down from GARFO.

Tom Nies: If I might follow up, Mr. Chairman. That is what gives us pause, because -- I am not going to go into any specifics, but there have been times when GARFO has used Section 305(d) authority in ways that, to us, are not consistent with our FMP and so we don't quite understand how they can use that authority in such a way and we've made comments on that on a proposed rule or two.

Marian McPherson: I don't know that situation.

Kevin Anson: Any other questions for Marian or comments? All right and so

July 10 is the final day for further comments and if you feel the need, go ahead and please send them in by that time. Next we will move on to the Allocation Working Group Report and we will be reviewing the CCC guidelines document and Michelle Duval will be leading that discussion.

13. ALLOCATION WORKING GROUP REPORT

Michelle Duval:

Thank you, Mr. Chairman. I wanted to thank all the members of the Allocation Work Group, Terry Stockwell, Rick Robins, Lee Anderson, Genio Piñeiro, Dorothy Lowman, and Kevin, as well as John Henderschedt, who was our fearless leader prior to passing this off to me at the February meeting. I like to call John the Silver-Tongued Devil, because he said such wonderful things about me that he induced me to go ahead and take over completion of this particular work group task.

This is a very short presentation, as any of you who have already looked through it can see, and really all I'm going to do is to just walk through the pieces of the document and I am going to just review some of the major comments that I received and then also how the work group elected to address those within the draft guidance document.

The document itself has several major components. First we talk about adaptive management and define what that is and what the principles of good adaptive management are and then we have a section in the document on definitions, so that people know exactly what it is we're talking about when we say a particular word or when we talk about what is an allocation review.

Then we go through and we define three different types of approaches that councils could consider for establishing triggers for allocation review: public interest-based, time-based, and indicator-based. Under the public interest-based, you will see the examples of different public interest-based approaches that councils may consider, one of which is crossed out and that is because we elected to remove it and I will get into that in a little bit.

I guess I just want to remind the group that the CCC Allocation Work Group focused specifically on triggers for an allocation review. We did not focus on an allocation review itself and I think the Fisheries Service's document provides additional clarification on what types of factors councils should consider when you get to the point of actually reviewing an allocation action.

The comments that we received mostly were a lot of clarifying types of things and so making sure that we indicated very clearly that this guidance would apply to any allocation decision that a council may have to undertake and not simply allocations between say commercial and recreational fishing sectors, which have

tended to be some of the more public types of allocation discussions lately.

There were quite a few comments regarding the use of petitions versus referenda and referencing sort of a non-discretionary response. We have a table in the document and so we took a look at that. Prescriptive or inconsistent use of language and there was some concern about whether or not this addressed internationally-managed species and then a few comments about potential overlap between the CCC and the NMFS documents, specifically with regard to indicator-based criteria.

In terms of the modifications, in the introductory language, I think in the very first paragraph on the very first page, we tried to make it extremely clear that this applies to any type of allocation decision that a council would undertake.

We elected to remove the use of the term “referenda” and any discussion of that whatsoever, because we decided that really referenda have only been used, at this point, in consideration of individual fishing quota types of decisions and it seemed that there was -- It just created unnecessary confusion between the use of a petition versus the use of a referendum. A referendum has always been a council thing, something that is actually undertaken by the council, whereas we were looking to, with some of these public interest-based criteria -- Use of petitions is something that actually came from the public to the council instead of the reverse.

We modified a little bit of the prescriptive language and changed “shall” to “recommend” and modified “fresh” to be “contemporary”. Thank you, Tom.

We also tried to specifically address international allocations. Several councils receive allocations from an international management body that they then manage themselves for their constituents and so we wanted to make sure that we were very specific that this guidance would apply to those types of allocations as well and then we tried to clarify the difference between the indicator-based triggers that we were discussing with the allocation factors in the Fisheries Service’s document and really just trying to distinguish between the use of these two, of the triggers versus the factors.

We made a few modifications to the table and then also tried to clarify that, particularly with the use of indicator-based criteria, there are certainly different levels of information that are available

in different regions to develop say quantitative triggers for review of allocations and just indicating that should a council elect to use indicator-based criteria, but not have that level of information, certainly they could use qualitative means of establishing that.

So what's next? I think probably the \$64,000-question is filling in the XX that is actually contained on I think page 5 or 6 of the document, which really asks the question of what's a reasonable timeframe to recommend for development of triggers?

There is a sentence in there that says that it's recommended that within XX years that councils develop a transparent process for development of triggers that would be used to initiate an allocation review and so I think that's something that we'll have some more discussion about here and then, of course, final approval by this body. Mr. Chairman, that concludes my presentation and I don't know if you would like Dr. Scott to go ahead and review the Fisheries Service document first and then we can have some discussion.

Kevin Anson:

I think that would be appropriate and so, Tara, if you're ready. Thank you.

Tara Scott:

Thank you, Mr. Chairman, and thank you, Michelle, for giving that. It's probably sort of the same presentation that we're going to give and it's a very simple overview of our document. You hopefully have had plenty of time to read the document. There are not a lot of substantial changes.

In general, the background, the overview of the document, we have the background, recommended practices and, again, these were practices that will help improve the review of allocation decisions and helping with transparency and minimizing conflict.

Again, the document is sort of broken out into a background section explaining the purpose of the document, recommended practices, which included things of evaluating and updating your objectives, identifying user needs, minimizing speculative behavior, and planning for future conditions.

Again, this was just to help improve our ideas and recommended practices that will help improve not just the review process, but hopefully continuing discussion throughout the entire process, FMP process.

Then factors to consider and, again, this list is not all-inclusive, but

these are ideas that are part of the optimum definition in the MSA and so ecological, economic, social, and, to be complementary to the CCC document, indicators of performance. We made that minor change and then existing national policy and we expanded that to make sure that we were inclusive of all policies.

We received comments from several councils, the CCC Working Group, which thank you, Michelle and the rest of the team, for actually meeting with us last month to sort of make sure that we were all on the same page and any other final comments that were needed. The Regions all had a chance to provide us comments and General Counsel and the Office of Science and Technology.

Based on the comments that we received, we made a few changes to the version that you saw in February. One of those was obviously the reorganization of the different sections. We wanted to have greater readability and so we moved the existing national policies to the appendix, because we felt that that was more appropriate. A lot of the comments we received are about clarifying language and intent and making it plain language and making sure we were spelling out all of the terms.

We don't have a definitions section. We tried to spell out everything in plain language as much as possible and, again, we tried to make sure that our document was complementary to the CCC Working Group's document and making sure that, again, we were matching the same terms and if there was something that we thought was a little bit different, we made sure to note that.

Then one of the major things that we did was to try to make sure that we had clear linkages to the mandates and so you will see in the document we try to make sure that we're listing where each of these items are actually listed in the MSA or any other federal mandates and then everyone had sort of asked if we could provide more examples and so we tried to do that in each of the factors. We tried to give you as many as possible that would be relevant to as many councils as possible. Obviously we couldn't be very specific on a lot of them, because we wanted to make sure that they would be as applicable to as many councils as possible and to meet their needs.

On our two-page document with the diagram, we wanted to make sure that we updated this as well to match the language that was in the CCC document. Again, we had originally had the referendum in there and then removed that and we have also reduced any redundancies in the language and so there's only minor editorial

language to the actual boxes, but everything else is pretty much the same as it was from February.

I guess we will move on to what are the next steps and so, similar to what Michelle was saying, we're sort of asking for final approval by this body. Chris Moore had asked last year or in February about what was the next step and how was this going to be formalized and so for the NMFS document, what we were looking to do was to take the two-pager with the diagram and making that more into a larger, broader policy, using that type of language, and then having our recommended practices and factors to consider when making and reviewing allocation decisions and making that more of a procedural document and possibly attaching your CCC Working Group document as an attachment to that. So it would be in our policy directive system and so that's how we're planning to formalize our portion.

Then one other piece that I wanted to touch on is that we still have ongoing work for the best practices technical guidance document. We had a workshop in September and we're hoping to have a final report on that to be available in the fall.

Basically restating what Michelle had said, sort of what are the next steps in terms of what we can discuss, we would like to discuss in your triggers document, what is that feasible timeframe? Then what the formal and final product should be for your document and maybe how you guys plan to operationalize your document, if you choose to do so. I guess if, Mr. Chairman, we want to go back to Michelle's question.

Kevin Anson:

Yes, we can use that as a starting point and so as Michelle had pointed out, the document was cleaned up a little bit more from the February version and the committee, we think, brought forward pretty much a final document, except for the one issue relative to timelines. That's what we felt that it would be better for the CCC as a whole to discuss that, obviously, since we need to sign off on it. We didn't want to prejudice the conversation with any particular timeframe and so if we can maybe tackle that one first and then we'll get to these other issues that Tara had brought up relative to the documents going forward and so does anyone have any comments or want to start off the conversation on the timeline issue? Tom.

Tom Nies:

I will jump in. While I understand why you're establishing some sort of indicator-based thing and that you need to have a timeline in mind, is it actually necessary that this document suggest what

that timeline should be? I mean it seems like there may be a lot of differences between the different councils, based on when their allocations were decided and what sort of data they may have.

While I understand why -- I mean one of our comments from our Executive Committee and our Full Council was that these things should be identified upfront and, understandably, in many cases they have not been to date, but it seems like that should be something that the council should work through, what is the appropriate timeline for a particular FMP.

Kevin Anson: Sam.

Samuel Rauch: The trigger here, the timeframe here, is the timeline for the council to develop exactly what you're talking about and it is not the timeline that the -- The CCC, as I understand it, is not setting a timeline for every council to do an allocation review by a particular time.

What this says is that each council will go through their process and identify exactly what you talked about, the upfront criteria upon which you would then subsequently do an allocation review and so this is -- These are the triggers and when the triggers are met, then it is transparent and open for everybody else, but it is not the allocation review itself. We're not asking every council to do an allocation review in three, five, or ten years. It is just to set the trigger.

Tom Nies: I guess I must have misunderstood. I thought we were talking about the two XX's on page 13, but maybe I am looking at the wrong page.

Michelle Duval: In the CCC document, it's page 7 of the CCC document, the last full paragraph on that page, where it says "within XX years of the issuance of this guidance it is recommended that councils establish transparent criteria for triggering allocation review for all fisheries that have allocations".

Tom Nies: My apologies. I was looking at the wrong two XX's.

Kevin Anson: Anyone eager to talk about that? Dan.

Dan Hull: I'm sorry, but I still need a little clarification on this and maybe it's because of a lunch in a warm outdoor setting and full plate of fish tacos. The timeframe for establishing the triggers is a timeframe for the council to decide whether it wants to use a public interest-

based process, for example, and is that correct? Is that what we're talking about with triggers?

Michelle Duval:

Yes, that was the work group intent and discussion, is that that would be -- The XX's we're trying to fill in are the timeframe within which you all would have the conversation about what maybe of these three different types of approaches is most suitable for whatever kinds of allocation discussions you may be facing in the future for your FMPs and for your species.

I think the document indicates in there that allocation -- Councils may choose to establish criteria at the species level, the fishery level, the FMP level. I think the intent with this document was not, again, not to be prescriptive, but to try to illustrate a range of approaches that councils could take with regard to establishing trigger criteria.

Tom Nies:

Okay and just to follow up, that's helpful, because when I think of triggers, I think of specific thresholds or criteria, but we're really talking about identifying a process that the councils would use and so thank you.

Michelle Duval:

If I might just speak to that point, being a member of one of the councils that is sort of in the bullseye of some of the Magnuson-Stevens reauthorization legislation, I would -- Again, my own viewpoints and not representing the viewpoints of the South Atlantic Council, but I would rather be in control of my own destiny when it comes to I think allocation decisions or allocation review and so I would, speaking as a council member, I would rather be setting up this process or setting up what triggers might prompt review of allocations myself rather than having Congress tell me when or how I'm going to do this.

I mean I will say in the South Atlantic that for our snapper grouper fishery, as part of our ongoing visioning project, which should be wrapping up at the end of this year, we do have an amendment earmarked, so to speak, to consider allocations, but we wanted to wait until that visioning process was complete and we actually already have sector allocations, commercial and recreational sector allocations, established for all of our snapper grouper species, of which there are quite a few.

Sometimes when you see legislation like that it's a little bit disappointing, because, to me, it just indicates that people are not aware of what is already underway in the Region with regard to discussion of allocations, but, again, I guess I see this document as

trying to assist councils in being masters of your own destiny with regard to allocation discussions.

Kevin Anson:

I would just like to add that during the phone calls that we had trying to finalize this document that the actual process that the councils would take for review, it can take a form of its own too.

I mean there is some language in there to kind of guide the councils as to what constitutes a review and a review might just simply be that at a meeting you have a time-based trigger and you have it on the agenda and it goes out and the council discusses it and everything is fine and there is no issues in the management plan or anything and so you kind of check the box, if you will, in that regard and it's just kind of a placeholder to make sure that councils are reviewing the allocations on a regular interval. Don.

Don McIsaac:

Thank you, Mr. Chairman. Thanks to Michelle and Tara for their presentations. I wondered if you could go to Slide Number 4 on Tara's presentation. In terms of triggers then, just to be clear that we understand the discussion here, you see it looks like four different kinds of triggers up there and the one on the right-hand side is a time trigger and the one on the left, indicator triggers, might be social, economic, or ecological triggers or something. You see in the box below public input, either by via petition or otherwise, this social, economic criteria.

In terms of putting it back to the councils, when would the council like to formalize their allocation reviews and what kind of triggers do they want to line up that could potentially be pulled? If that's a question for the CCC to discuss, we obviously would probably want to have some time to think about all of this and not have any kind of a timeframe that says do it at your September council meeting.

Just so I'm clear on that far left side, indicator triggers, that does not include a time trigger, because it's already covered on the far right, and the public input petition or public input, pounding their shoe on the table at a council meeting, it doesn't count that and it's supposed to be some other kind of trigger and is that accurate?

Michelle Duval:

I will take a stab at that. I think the short answer is yes. I mean there's lots of shoe pounding at probably almost everyone's council meetings and so I see that as a rather informal or unsolicited ongoing public input.

Don, it may be that there is enough of that type of ongoing or

unsolicited public input that it might cause the council to take a step back and say, well, maybe based on this, this, and this type of unsolicited, ongoing public comment we believe we need to enter into a discussion of looking at this particular allocation, if that's what those comments are about.

Don McIsaac:

Maybe just one follow-up then from our council's perspective. This is a very serious question and I think Mark Cedergreen had an elegant speech a couple of CCCs ago about how scarring it can be to go through an allocation decision process.

Sam, I think this is one of the ones he said we'll start in pencil and let's take this carefully and so I appreciate that and thanks to that. We are interested in hearing from everyone else here, but I think we would just make the point for our council that we've got a lot of allocations out there and it includes some international kickers to them and that this is so serious we would be looking for a little bit of time to fit this into our agenda.

We plan things out a year in advance and if there is any expectations, since we've taken this long, that there be immediate attention to this, that might be a difficult conversation, if it's immediate.

Kevin Anson:

Any comments? Dorothy.

Dorothy Lowman:

I think it's still kind of hard to get clarity on what we're saying and I think that's exactly it, trying to think what's a reasonable amount of time and not to do an allocation review for every FMP, but to decide what types of process and if you're going to use some types of indicator criteria, are they going to be some economic ones or social and if you possibly have some ability to sort of quantify if it changed by X amount that you're not meeting your -- I think one of these is if you have some economic efficiency goals and you're not meeting them in a certain amount of time that you would relook at it.

It wouldn't be saying -- If you say no, we want to do it every five years, then you would make a decision within a certain timeframe that that's what you were going to use. Every council would be different and you might choose a mix and match of a couple of things for an FMP, but the idea in terms of filling in this "XX" was not to say you would be doing the review, but just that you would be putting the public on notice about what you would be looking for that would trigger a review. I don't know if that helps.

Kevin Anson:

Sam.

Samuel Rauch:

Thank you, Mr. Chairman. Dorothy, that's exactly right. We are not suggesting that you have to do the reviews, which really do take quite a lot of effort, within whatever the XX is. It is important, for a lot of reasons, to let the public know what that process is and that process should be dictated by the councils, but there should be a process.

There needs to be a pathway by which either one of the -- One of these various pathways in which the public can say here is how that's going to happen and that needs to be decided relatively quickly, because, as Michelle said, if you don't decide it on your own, others are going to decide it for you and that others doesn't necessarily include me at the moment. It is in the Senate bill, only for certain councils, but I don't expect it to last for just that and so it's important to do that.

As an indicator of how quickly councils can do all of these things, you put in ACLs for every single fishery within four years. You put in the ACLs for all the overfished species within three years. I get that your current planning schedule is often more than a year in advance and so it's unlikely -- Much like you've got to tell the public how to do this, I think we need to tell the public what the process is going to be. If we leave this meeting without the XX, we've not done any good.

I am thinking something reasonable would be within that one to three-year cycle in which you did you all the ACLs. I think this is far less work than that, but that seems a reasonable range to look at for me, just to identify the triggers by which you would then subsequently do that.

Kevin Anson:

Rick.

Richard Robins:

Sam just said a lot of what I was going to say, but I think the point is that this is simply a recommendation. I mean it's not a hard deadline, but rather it's a recommendation for a reasonable timeframe for the development of these criteria from the CCC to the councils. That's how I understand what we're proposing and so I think that's the operational question, what's a reasonable timeframe?

It's probably something in the range of I would think a couple of years would be adequate to consider that question, but I think within this white paper there is a fair amount to work with. If a

council were to take that process up and say we want to go ahead and develop essentially a pathway for these reviews and identify what the criteria would be, but I think it is important for the public to know what that is and that way, members of the public can see what would be the pathway to a review of some of these important questions, but, just at first impression, I would think a couple of years would be a reasonable period of time to consider that question.

Kevin Anson: Michelle.

Michelle Duval: Thank you, Mr. Chairman. I think in conversations with some other folks around the table -- You know I understand the trepidation that this may bring, kind of filling in what that recommended timeframe may be, and I think also laying out a process for what those triggers might be to review an allocation and I think it probably is that most councils have some, maybe not formalized, but informal or some process that they've undertaken to get to any kinds of allocations that they have today.

It may be for some councils that you feel like you are considering your existing allocations all the time as you're having conversations around the table during any council meeting and so it may be a matter of simply explicitly identifying that process that you use in a standard operating procedure and putting a title on that. I say that to maybe, I don't know, but bring a little comfort to folks who are pretty hesitant about this.

Kevin Anson: Tom.

Tom Nies: I can see a lot of advantages to having what sort of criteria you're going to use spelled out, but I am just curious about whether either the panel or other councils have thought about how they would do this. I mean are you figuring that it would be an amendment to a management plan that kind of locks in how you're going to do the allocation review or are you thinking that it would be just some sort of internal council policy or statement in your operations handbook, for example?

The reason I ask is because that may bear a little bit on what's a reasonable timeframe. The amendment process can get quite lengthy, as we've demonstrated with our habitat amendment, and so I'm just curious what the thought process was there.

Kevin Anson: Michelle.

Michelle Duval:

I mean my thought process was that it would really be more of a policy document, more of a standard operating procedure, that would be included and not -- I certainly wasn't thinking of an amendment document. I think an amendment is what you would use if, a, an allocation review was triggered; b, you went through the review; and c, you came to the conclusion that some reallocation action was warranted.

Then you would go through an amendment, but really just the process itself, I saw that as being part of an SOP and you may have a different SOP for each one of your FMPs, each one of your fisheries. We haven't talked about how we would do this in the South Atlantic, because we've got this big visioning process that we're trying to wrap up, but it is a significant conversation to have to think about which of these pathways makes the most sense and, as Dorothy indicated, potentially mixing and matching among them for the different fisheries under your jurisdiction, but I certainly see it as more of an SOP and not an amendment.

Kevin Anson:

Don.

Don McIsaac:

Thank you, Mr. Chairman. One other thing to think about in completing this whole exercise is the workload displacement that might occur and so for us -- A hypothetical example here is if the Pacific Council trio here said that two years, a couple of years, is a reasonable time to do this and we went back to our council and said we want to put on the agenda for a multiple meeting process identifying triggers for each of our FMPs and other allocations, we've got five FMPs and we've got a couple of international allocations and we would like to put on the agenda a discussion of identifying the triggers and that might be a two or three meeting process over the course of the next couple of years.

Our Budget Committee would probably say something like this is going to displace a lot of other workload and what did you agree to displace or did you mean adding another day to each of our council meetings for those three meetings or what?

I just bring up that as something to discuss and maybe the workload thing is not as cramping for all councils as it is for others, but that's one of the questions that we would probably get when we come back from a meeting like this if we do identify a timeframe to go do a substantial process, even if it's an SOPP revision, which is certainly less burdensome and I kind of agree with Michelle on whether or not you should go that way or go to five FMP amendments before you even review the allocations,

which in themselves will require an FMP amendment.

Kevin Anson: Sam, if I heard you correctly, you thought it would be wise to have the XX's changed to something else before this meeting ends and so do you have any other comments relative to that?

Samuel Rauch: As I said, there are a lot of internal and external drivers. I think for the same reasons that the councils need to identify for their own constituents what the process is, I think the CCC should identify its own expectations for the councils, so that we can go externally and say here is the process. Collectively, as a nation, we are moving forward in this process.

I think we should fill that in and I think anywhere between one and three years would be a reasonable kind of expectation, given the workloads of the various councils. It is not nearly as significant as some other major actions that you've all undertaken, but it is not insignificant and so I think something like that would be reasonable.

Kevin Anson: Chris, did you have your hand up?

Chris Oliver: I had a couple of general questions. The Magnuson Act lays out requirements for review of LAPP programs at five to seven years and would those be outside of this process and that this would pertain just to non-LAPP programs that aren't otherwise already have mandated reviews by the Magnuson Act?

Samuel Rauch: In my view, the LAPP review, since not every fishery manages an LAPP, that they can be -- You could structure your trigger, if you wanted to do that review, to do an allocation review at that five-year stage, which you don't necessarily have to do, but you can make that coincide. This would clearly apply to all allocations and not just the LAPP ones, but there is no inherent reason why there has to be a conflict or you couldn't time the LAPP allocation reviews to be the same.

Chris Oliver: The second question is if -- You sort of phrased it in the context of reviewing FMPs, but we have a single multispecies FMP for the Bering Sea that's got over a hundred amendments to it and some of those amendments are allocations of a particular species within that multispecies complex.

For example, we amended our Gulf of Alaska Fishery Management Plan to include sector allocations of cod and so that would be, I think, an example of the sector allocation of cod that

would be a candidate for this fishery allocation review, but what if specific goals and objectives were never explicitly articulated in that original allocation? What do you do in that case? Do you sort of decide today what your goals and objectives are and then decide whether the allocation is meeting them? It's a chicken-and-egg thing.

Samuel Rauch:

It would seem to me hard to contemplate, and I'm not sure that we would want to overtly state that we did a fishery management plan amendment without goals and objectives. I would imagine that we could construct those if we had to, in that there are some. Bear in mind our National Standard 1 revisions indicate that we should renew the goals and objectives, under the assumption that there are some for every action that we've taken.

Your FMP should have goals and objectives and the council should have that and so I wouldn't use the allocation discussion as a fix for that process if you lack goals and objectives for your actions, but it does seem to me that you could do those together.

This is the kind of individualized question that is difficult for us to answer nationally and it's improper -- You're going to deal with setting goals and objectives and this allocation issue in the way that best meets the North Pacific Council, just like everybody else is going to do it that way, and we don't want to be terribly prescriptive and to say it has to be this or it has to be that. Our view is that you can meld it to match your particular needs, but still be transparent with the public about how these things are going to be revisited.

Chris Oliver:

As an example, we have a programmatic overarching EIS we developed that identifies high-level goals and objectives, but those high-level goals and objectives may not be the appropriate benchmark for looking at a very specific one species sector allocation within that much bigger FMP.

Kevin Anson:

Terry.

Terry Stockwell:

Thank you, Mr. Chair. The more I think about this, the heavier I think the lift is going to be, particularly for councils such as New England who year after year have never been able to take a number of our FMP requests from industry and the public above the bar and so in terms of managing expectations from the public and considering the council's workload and that of staff, one to three years -- One year is absolutely unworkable and three years probably is close to it and I would -- We're looking at a minimum

of three years.

John and Tom and take this back to our council and say we've got to reprioritize our current workload in order to come up with an allocation design for some of the FMPs that we haven't even been able to implement the FMPs on and we'll get zero traction and I think we need to be realistic about that and I feel very comfortable about giving them a heads-up at our next council meeting, but come fall, when we go to set our 2016 priorities, I don't think this will be anywhere near the top.

Kevin Anson: Rick.

Richard Robins: I was just going to suggest that we consider putting some practicability language in there to reflect some of the concerns that we've heard about workloads and staff and so perhaps as soon as practicable within a period of three years or something to that effect, so that councils that are able to do it faster it's fine and if it's going to take longer to get it done, it at least reflects that recognition of limitation of resources and staff time, et cetera. I just thought I would throw that out there and see if there was a reaction to that.

Kevin Anson: Genio.

Eugenio Piñeiro: Thank you and I agree totally with Rick and I believe we could also think about having some flexibility in the criteria of revisiting of allocations.

Kevin Anson: Dorothy.

Dorothy Lowman: In an earlier draft, before it came here, it actually had three years in there and actually I think I suggested that that really should be a CCC decision and not a committee decision and so that's how it came to an XX. I am going to now say how about three years or three or four, but probably no more than four, but then put "as soon as practicable" in it. I will throw that out.

Kevin Anson: Michelle.

Michelle Duval: I am good with that. I appreciate all the comments around the table about workload and three years makes me feel much more comfortable than one year, just knowing our own council's workload. I think as long as we can take this back to our councils and start discussing this guidance and council members can start wrapping their heads around the different approaches that could be

taken or the mixing and matching -- I mean that helps to move this forward and certainly there are always issues that come up that we have to triage that mess with everyone's workload planning and I don't anticipate that that would change.

I think simply being able to justify the schedule that you're considering for discussion of this issue is good and so I mean I have made notes to myself on this draft to incorporate the language that Rick suggested, three years or as soon as practicable.

Kevin Anson:

Dan.

Dan Hull:

I have a question related to practicability and I wonder if, as I envision how our council might do this -- I think in many ways we have an ongoing process reviewing the performance of the different fisheries and through our public process, in a variety of ways, we could document how we use the public input process, but that's a pretty broad description and I think that in terms of meeting the intent that perhaps we could do that within a three-year timeframe or a timeframe of not shorter than three years.

We have lots of fisheries in our five FMPs and I do not want to minimize at all the amount of time that would be required, but it seems that perhaps we -- I wonder if we could consider this in more than one step in terms of identifying, on a broad level, how we could meet the intent and then for particular fisheries, perhaps there are more specific approaches that we would consider, but those would take a longer period of time than three years and would take a lot more discussion and analysis to determine, for example, what are the indicators we're going to use, given all our other workloads and all the fisheries that we have. I wonder if that would be possible, considering it as taking more than a -- As a several step phase-in of achieving this.

Kevin Anson:

Sam.

Samuel Rauch:

I think in that scenario that I might suggest that if you have an ongoing public input process of some type that you lay out and part of that process is if it is significant enough the council will consider changing it to a different indicator species, but you lay out how that happens, how people can request that, that might be good enough.

You have identified then here is the pathway to get the council to consider something more significant and so I don't necessarily think this document needs to have that two-step process, but I think

the councils themselves could do that and say here is the baseline way in which we generally deal with this, but under these conditions we might think of something elaborate, which would take more time, but the public understands then what it takes to get there.

Kevin Anson:

Lee.

Lee Anderson:

I think we may be missing something. There is an allocation review and an allocation action. I mean we've gone over it and that's in this document. The allocation review says that we look at the thing and we say, what are the objectives and are we meeting the objectives? If yes, do nothing. If no, then go to an allocation action.

An allocation review, if you've done your homework, can be quite simple. We are not saying you have to take an allocation action and you've got to set up a thing to redo the plan. I think let's pull this back. I am kind of wandering here, but I think XX years, I think two years to come up with some recommendation that councils establish transparent criteria for triggering an allocation review and not an allocation action.

I think two years would be fine if you make the distinction between an allocation review and an allocation action. I would hope, unless we have been asleep at the switch or things change a lot, we do an awful lot of allocation reviews and we don't do very many allocation actions, but I don't know.

Kevin Anson:

That's a subtle point, Lee, again, for this particular discussion or part of the discussion, is just to deal with the time that it would take, reasonable amount of time that the councils need, to establish those criteria for review and then, after that is established, then these other things as far as the triggering mechanisms would come into play for each of the FMPs or species within each of the FMPs and then they would have their kind of own time table, if you will, relative to the triggers that are selected.

Again, the workload issue is still applicable, but it's workload related to identifying the criteria that would go into the triggering for allocation and so I just wanted to make sure everyone understands that as we're talking through this. Don, do you have a comment?

Don McIsaac:

Thank you, Mr. Chairman. I wonder if you could go to Tara's sixth slide, I think the last one, and so I think what you've heard is

some answer to the first bullet. The second bullet, following on Michelle's discussion, seems to be a question of whether the CCC adopts as its own policy directive this document, with the XX's filled in, and the third is a question of how individual councils will agree to execute that policy direction and is that how you see that?

Tara Scott: Yes, I think you're correct in that statement. We want to get sort of an idea of how you feel your individual councils will operationalize both the triggers and the factors to consider.

Don McIsaac: Mr. Chairman, right now, when we look at the CCC SOPPs as it stands, we've got some subcommittees and we've got rules of order and this and that and we don't have anything about a CCC policy directive that we would have the freedom to adopt a document like this without modifying our terms of reference, I would presume.

Kevin Anson: I believe that to be the case, to put it on the record. Chris.

Chris Oliver: So this ultimately won't take the form of a NOAA policy directive

Tara Scott: As I stated in my presentation, we are planning for our document to -- Basically it's a one-page document with a schematic included in it, but to make that more of a broad level policy in our policy directive system and then have our recommended practices and factors to consider when reviewing and making allocation decisions -- That document will then be part of more of like a procedural document and then we were hoping to attach the CCC Working Group document into our system.

That would be how we are going to formalize our policy or formalize our documents, but we were not going to take liberty and we were just going to have your document as an attachment.

Chris Oliver: So what would be the formal legal status of all this then as far as its mandation?

Samuel Rauch: I don't think -- Even if you looked at the XX and whether it has practicability in there or not, it still says it's recommended that councils establish timeframes. I don't think that this policy directive of the CCC would have legal bearing other than it's the stated policy of the CCC and it would be what we're collectively trying to work with.

I don't think it has a driver in that if you failed to meet the deadline there would be consequences other than that it was not the

expectation of the CCC. That's the only legal bearing this document would have, even if it were a NOAA policy directive. Even if it had said something stronger, I'm not sure it would have any consequences if you missed the deadline. Let me make sure I'm right about that.

Adam Issenberg: I think regardless of whether it's a CCC policy or an NAO, it's not a regulatory action and it doesn't have a mandate, to use Chris's word.

Kevin Anson: Genio.

Eugenio Piñero: Sam or Adam, where would it fit in the scheme of management, this exercise?

Samuel Rauch: We would work with you to try to meet the deadlines that are set forth here. We would look to you to try to meet the commitment made here, but it's caveated at least by the recommendation and it might be caveated by practicability. It sounds like it probably will.

This is what we're telling the public that we're jointly trying to do and so we would, together, tell the public we are trying to tackle this council-by-council and here's the pathway and it's a process and we're going to get there and that's how we would do it, but if we failed to meet it, we will just continue to try to work and meet it as expeditiously as we can.

Kevin Anson: A couple of people have gotten up from the table and it might be a good time. We had programmed in here after an hour-and-a-half in the previous agenda to take a break and so let's go ahead and -- It's been an hour-and-a-half since we got back from lunch and let's go ahead and take a fifteen-minute break and we'll come back at about ten of.

(Recess)

Kevin Anson: Prior to the break we had some discussion about the length of recommended time that councils should use or have to look at the criteria for establishing triggers. Rick, do you have anything you want to say?

Richard Robins: Mr. Chairman, if you're prepared to entertain a motion to approve the document, which I think is probably where we are, I would be glad to offer one.

Kevin Anson: I am prepared.

Richard Robins: Okay. **I would move to approve the Criteria for Initiating Fisheries Reviews document, amended to include a recommended timeframe of three years, or as soon as practicable, to establish criteria for triggering allocation reviews.**

Kevin Anson: We have a motion on the board and do we a second? Dorothy seconds. Do we have any discussion on the motion?

Michelle Duval: Thank you, Mr. Chairman. I guess just a quick note to folks. You know we've had discussion about councils' schedules and workload and being sensitive to those and I just wanted to make sure folks saw that the paragraph following the XX paragraph on page 7.

There is some language there that discusses councils developing just a process by which reviews will be conducted, including consideration of current council priorities, other actions under deliberation, and available resources and so I just wanted to draw that to folks' attention, to let people know that yes, there is a recognition that there may be resource constraints associated with undertaking this.

Kevin Anson: Thank you for that point. Any other comments or discussion on the motion? Kitty.

Kitty Simonds: Further to Michelle's comment, I was going to actually say that we should ask the NMFS to provide us with funds for accomplishing this task.

Kevin Anson: All right. Anyone else want to comment on the motion? Just as a reminder, each council has one vote and so one hand per council, please. **It looks like we're ready to take the vote and so all in favor of the motion to approve the Criteria for Initiating Fisheries Reviews document, amended to include a recommended timeframe of three years, or as soon as practicable, to establish criteria for triggering allocation reviews, all those in favor of the motion please indicate by raising your hand; all those opposed to the motion please indicate by raising your hand. The motion passes seven to zero. We do have an abstention.** Dorothy.

Dorothy Lowman: Before we leave this topic, I just wanted to say that I think it's -- I want to thank Sam too and Tara and everyone about making this a collaborative process. I think you introduced this concept a couple

of years ago and I think that we've taken that time and I think we thought it was pretty important two years ago and so thanks for that.

Kevin Anson:

Thank you, Dorothy, for the comments. I will just add that Tara had said that this would be part of kind of the policy directives that the agency is going to possibly further refine, but at least I think we saw pretty much the final version and it will go on their website and this motion that we just approved, the document we just approved, will be an appendix or some additional information to that.

Then it's kind of up to the individual councils to use that going forward, if they so choose, to possibly amend any allocation policies or allocation verbiage they may with FMPs to reflect some of the language that's in the policy document as well as this Criteria for Initiating Fisheries Reviews or to establish specific SOPs for allocation. Thank you. That will take us to our presentations. The first presentation is the Marine Resource Education Program and that will be given by Alexa Dayton. Alexa, welcome.

14. PRESENTATIONS

Alexa Dayton:

Thank you very much for your time on today's agenda. We are delighted to give you a short overview of the Marine Resource Education Program. My name is Alexa Dayton and I am with the Gulf of Maine Research Institute. We are a non-profit research organization based out of Portland, Maine.

We were invited to become the administrative base for this program over a decade ago and so we provide that administrative support and we provide funding support and we provide a central home for the program, but really, it felt very important that we not just present to you from my perspective, but that we bring in the different regional perspectives and some of the program's history, because really four years ago we had the opportunity to share a vision with you at this council, down in Charleston, South Carolina, where a program that had really organic grassroots through the industry -- It seemed like it really had some additional potential. We outlined a vision for you that this program could be realized in additional regions and I am happy to provide an overview of that today.

Just very briefly, I want to mention that the Marine Resource Education Program is not just an outreach program. It's also education and it's communications at its very core and so we would like to share some stories with you and the best way to do that, I think, is to hear from our industry partners who have made these stories possible. We hope this will be a light presentation for you today and that we welcome questions and comments from those individuals around the table.

As I look around the table, I see an enormous number of familiar faces and an enormous number of individuals who have been involved, either as participants, presenters, or funders, and so really this today is an opportunity to celebrate all of our involvement in what has really become quite an important program for the industry and the councils.

Without further ado, I would like to introduce John Williamson first. John was a council member from 1996 to 2005 in New England and he is going to give you an overview of the program's history and then we will hear from Bob Gill, who will take us through some of the extensions that have occurred in the program in the last four years. Without further ado, I would like to introduce John Williamson.

John Williamson: Thank you, Alexa. MREP with an “E” and not an “T”. We had the acronym first. I am a member of the five-person MREP Northeast Implementation Team. They are the ones that have the responsibility for making the program go, but MREP is a partnership.

As it has evolved, there are dozens of people from the fishing community and the Mid-Atlantic that participate in our region’s program. GARFO plays a major role and GARFO staff play a major role and both fishery management council’s staff play major roles and the Northeast Fisheries Science Center does and we have individuals from academia.

MREP was launched in 2002. It arose from conversations among fishery leaders in New England who had been working in the fishery management council process and we were asking ourselves, how do we get more people involved? How do we get more fishermen in the room? What’s the basic information they need to be effective at the fishery management council process?

At the time, fishermen in New England really deeply distrusted both the science and the management process. There was a lot of pushback against the council and against NMFS and fishermen and scientists and managers were talking past each other and so the program’s structure is designed to try to address the misconceptions that the three communities have of one another and to try to build trust amongst these groups.

The program is designed to create a culture of information sharing and it’s fishermen led. We recruit fishermen to act as meeting moderators and leaders and we encourage two-way dialogue, mostly by elevating fishermen’s information and knowledge within the process.

This is a quote from John Herr, who is one of the NMFS scientists from the Narragansett Lab who has been participating a lot in the recent years. He turned to me recently and he said, you know, I learn from the fishermen at every one of these workshops. This is a world-class scientist.

Do you realize how many people in the fishing community, including many council members, confuse BMSY with a stock at carrying capacity? This is not an easy curriculum and to fully embrace FMSY, people need to know the concepts behind population biology and to understand stock modeling. They need elements of sampling and they need to learn a little bit about

statistical analysis.

Our core curriculum is that Fisheries Science 100 and it's three days and we want people to come out of that with an understanding of stock assessments and biological reference points. Fishery Management 100 is three days and we want people to come out of that with an understanding of how to constructively affect outcomes in management and how to participate in the process.

MREP 200, we bring groups of people to Woods Hole for two days and we visit all the data shops in Woods Hole and we spend the better part of an afternoon on the Research Vessel Bigelow and at the end of the two days, we finish up with a two-hour presentation where the roadmap for all the locations that we've just visited becomes the wiring diagram for a stock assessment model. People have a visual clue to associate with what would normally be a very abstract process.

This is a picture and it's a little blurry, but it's Vito Giglioni, one of the most well informed and smartest fishermen that we have in the Northeast and if anybody knows Vito, I think we all have some great interactions with him and he attended the MREP 200 and he came up to me after the end of the program and he said, I didn't realize the holes I had in my understanding of things.

Here is council member and my colleague on the Implementation Team, Mary Beth Tooley, up in the upper left, preparing to lead a Super Fish Case Study. It's part of the management module. This is something that she developed as a council member, from a council member's background. It's an exercise that brings together all the lessons that people learn in both the modules and it's a simulated annual specification setting for a hypothetical species called super fish.

Everyone is given a role a day ahead of time. They receive written instructions and they have overnight to study their instructions of what they're negotiating for. It's apportionment of the available ACL for super fish and it should be simple, except the plan is not working like it should.

Some sectors have had overages this last year and so we have to figure out how to apportion the accountability and who is going to take the burden of the accountability and what's the strategy to deal with management uncertainty? It's a three-hour negotiation and it's intense.

MREP expanded into the Mid-Atlantic Region four years ago on invitation from Chris Moore and Rick Robins in bridging the two council jurisdictions. It has forced us to rethink our mode of delivery. We vary the locations for the delivery in communities between New England and the Mid-Atlantic. Sometimes we have Mid-Atlantic Council staff and sometimes we have New England Council staff participating and sometimes we have both.

We have developed a new focus on community networking and word of mouth in recruiting and let me just give an example from this slide. One of the fellows on this slide is Skip Feller, a partyboat fleet owner out of Virginia Beach. He took the course in 2012 and served as the meeting moderator for our science module the next time we had the science module and he was great. He really know how to lead the room.

Then fast forward to the Mid-Atlantic Council meeting last November and the action that was going on involved black sea bass. We had a room full of partyboat owners in attendance and at lunch, Skip convened a table full of people, a dozen partyboat owners and operators, and he invited me to make a presentation on the MREP program and then he and another MREP alumni, Monty Hawkins, they started recruiting people to participate and buttonholing people and saying you've got to take this program.

The result is that we had the modules this last winter and we had nine signups from people from the for-hire sector, major partyboat owners, coming from communities from Rhode Island to Virginia and so where does it go from here?

Some of the facts are we've had 600 participants and workshops are held from Maryland to Maine and we're anticipating workshops this winter in Virginia. We have had a number, twelve, of sitting council members and actually that might be thirteen. Ben Hartig took the program several years ago.

Many several past members are alumni and sixty-one council advisory panel members from two councils. We've been really focusing on trying to get the advisors in the room and we're increasing the number of people taking the program and we're increasing the rate of exposure of people to some of the information from the program and all for level funding. We're going where the demand is greatest these days and so we're moving the program around the Northeast Region and we're working on strategies to build our leadership team. Alexa and Bob, over to you.

Alexa Dayton:

Thank you, John. That hopefully gives you a sense for the New England program. This map was the map that shows where the participants came from four years ago and you can see it was tightly clustered in the New England area, primarily Massachusetts, New Hampshire, and Maine. We started seeing a great deal of interest from additional participants and not just from different regions, but we started getting applicants from Texas and we started getting Tennessee and quota holders from various parts, but we also started seeing an interest from processors and dealers and even council members who said I didn't realize that I didn't know the science behind this as well as I could.

Media and spokespersons who influence the general public became interested and so four years ago we came to you and we said we've got a vision for this program extending its tentacles and, again, Chris Moore and Rick Robins were the first to help us do that and branch into the Mid-Atlantic, but we then got another unique invitation from the Southeast Regional Office to work with them more closely to build what we call a sister program.

We wanted to be sensitive to cultural differences between New England and the Southeast, and those are great, and we wanted a chance to tailor and adapt the program to meet those regional needs. We didn't want to make any assumptions that the curriculum would be the same or that the name would be the same.

We formed a steering committee of thought leaders in the Southeast Region, and there is a number of you sitting here in this room today, and I would like Bob Gill now to come forward and share the experience of that Southeast Regional expansion.

Robert Gill:

Thank you. I am not going to talk so much about mechanics and structure of the program, but more about the thought that went behind it or some of the thoughts that went behind it and the impact on the fishing community.

The theme of what I want to talk about today is it takes a community and, to start with, since we're the new kids on the block, it takes a community to make a successful program and part of that says that very important folks, many of you around the table, were instrumental in making the MREP Southeast take off and I would like to acknowledge special kudos to Roy Crabtree and his staff, because they put in an enormous amount of time. Roy has participated in probably every workshop, I believe, extensively and, needless to say, the funding that they have

provided has been instrumental.

Likewise for the council EDs and their staffs. They have been integral partners and participants, spending a large amount of time developing this program. It does in fact take a community and one of the precepts of the Southeast is that we home grow our own leadership folks.

This is one of the examples that shows the current steering committee, or at least the vast bulk of them, and of all the individuals there, almost half of them attended and have attended the science and management workshops and have then been eager to participate as part of the steering committee and, in some cases, the planning team.

Another example is that we have one here, Dave Webb, in the red shirt, if he would stand up. Dave was a member of the first scientific science and management workshop and, in fact, he was the only private recreational angler there and today he is the moderator of both the science and management workshop and a member of the steering committee and a member of the planning team and the steering committee is more like a board of directors and the planning team does the grunt work on actually doing the mechanics and so Dave is now part of the leadership team of MREP Southeast.

Every region is different, some significantly more different than others, and this points out some of those, but, for example, just take the first one, the recreational sector. In the Gulf of Mexico, there are over three-million private anglers that are coastal residents and if you add in the non-coastal residents that fish in the Gulf, private anglers, it's double. It's six-million. Then you add the South Atlantic and the Caribbean and you're talking a huge populous that we're trying to reach and so that's different than, for example, the Northeast was.

Another issue that's not on here, of course, is funding and that's a continuous thing that the steering committee addresses every year. There is no easy answers and Roy has been a big help in that regard and just from a small aspect on the planning team basis is from all the applications we get, and typically we have a lot more than we can handle, how do we provide within the thirty folks, or roughly thirty folks, that attend the workshop that diversity amongst all the fishing communities that you have? There are plenty of challenges and regionally the challenges in another region will be different.

You have noticed that the comments are from the participants and the presenters and part of the challenge is just taking these slides out of the many, many comments and they are virtually all positive, interestingly enough, and the message is resonating both with the participants and with the presenters.

Since our whole concept is to develop leaders within the community and within the process, and we're talking there community in the broadest sense and we're talking not only geographical, but we're talking fishing groups and organizations and that's what we're trying to reach.

One of the indicators that we got right off the bat was in the first workshop we had participants, and more applicants than this, that nobody that was involved in the council fishing process in the Gulf, South Atlantic, and Caribbean had ever heard of. They were not names that anybody recognized or knew anything about and so roughly one-third of the workshop were these folks that are newbies to the process and to the whole management concept.

Clearly, as John had mentioned, this is win/win/win. The participants not only learn from the presenters, but they learn from each other and until they get there that first day, most of them have never heard of one another and don't know anything about the other and have totally different work participation, but they are off and running with a very dynamic energy from the get-go.

The presenters, both the scientists and the managers, learn from the participants and we strongly encourage, to the extent their schedules will allow, to stay during the workshop and participate in the socials and stay for the dinners and interact with the participants and, of course, as a result of this, the process wins. We have elevated the entire level of knowledge and education of those participants in the process and that's where we're trying to get to.

John touched on this, but we strongly believe in hands-on education. It's the best way to get the message across and we do that in both the science workshops and the management workshops. In the science workshop, they cut otoliths and they age otoliths and they build growth curves and they do a mini assessment, but the hit, much as John mentioned, is the role playing they do at council.

We have them sit and talk in your moccasins and it's jaw dropping.

They have no idea when they do that and it's Roberts Rules, for starters. They are dealing with that, but they get a whole lot better appreciation of what goes on at council than they ever had before and so I mentioned that it takes a community. It takes a community to have a successful fishery management team and MREP is helping build that community and so thank you and back to Alexa, unless you have some questions.

Alexa Dayton:

Thank you, Bob. I just want to touch on one final extension of the program, which many of you may not be fully aware of. We faced our first challenge with a whole new culture and language with Miguel's help and Carlos's help and Helena Antoun down in the Caribbean, where we tailored a program specific to the Island of Puerto Rico, with the help of a steering committee, which featured the Southeast Regional Office, the Department of Natural Resources, Sea Grant, and TNC.

They were all part of the development of that program, complemented, of course, with the commercial and recreational fishing industries. With great pleasure, I am here to say that we actually translated everything into Spanish and held a three-day workshop in Spanish. Carlos is laughing and I actually facilitated a meeting that was all in Spanish and that was a little bit of a challenge, but we are learning as we go.

None of this is scripted and it's really truly adapted to the region and so we're planning for a U.S. Virgin Islands workshop we hope in 2016. Miguel has told us it's happening and so we're committed to seeing this program extend, again, to where the need takes us.

In just three years of being in the Southeast, the program has been able to graduate 166 alumni. We have had workshop locations from Florida to Puerto Rico and that includes attendees from Texas, Alabama, Louisiana, Mississippi and all the way around. We have generated six new advisory panel members for the South Atlantic and Gulf of Mexico Councils and we've had two council nominations and I am glad to report that number just went up to three with one of our attendees being appointed to the Caribbean Council, and we also have an ICCAT Commission applicant.

We think these are some pretty good statistics for a program that's just been launched just three years ago. Again, it's not about the numbers of people. It's about the quality of individuals and it's leaders within the communities from which they come.

Here is a map that shows the trajectory of the program participants and, again, that map was added to in the last four years and we're now at 750 alumni. The program is being offered in five of the council regions and really the quote that stands with me most is Captain Kirby, who came through this program. He said, I feel empowered and believe my input can make a difference.

When you hear something like that, it's an optimism about fisheries management. It's an optimism that we individually can make a difference in this process and so how do we know the program works? You have heard testimony and you have heard case studies.

As an organization, GMRI has launched a more formal evaluation this summer to see if we can't get at some metrics to really support the claims that we've made and, equally, those of you who have provided funding would no doubt like to see some of those metrics so that we can really truly assess the impact of this program.

I just want to conclude by saying we have seen the tremendous need for an informed stakeholder base, whether it's cooperative research or cooperative management. You heard Jennifer Luken's presentation earlier and we believe MREP delivers that informed, engaged constituent base in a way that no other programs have been able to do so.

We don't do it alone. This is a highly collaborative program that involves all of you at the table as well as Sea Grant and other NGO partners, DNRs, and that we think this program has real merit within the NOAA Fisheries agency as a community-based, community-built program that really supports the council process.

To conclude, we propose a vision of a program that maybe is more than just one region at a time that could perhaps have more of a national standing and, again, we recognize the need to tailor the program within every region and we recognize the need to partner in all of those regions to make this a success, but for efficiency's sake and for cross-fertilization and transfer of best practices, we would invite those council regions who have not yet talked with us to explore the idea with us of extending the program to all eight council regions and, most importantly, we would like to receive the endorsement of the councils who have implemented the program and not in a funding way, but really in a this program works kind of way, so that we can go forward and seek funding in many, many diverse places, but from a base that's really grounded in the councils' support.

With that, we welcome questions and your comments and stories and a strong thank-you to everyone who has made this program possible over the last fifteen years. Thank you.

Kevin Anson: Thank you, Alexa, and Mr. Williamson and Mr. Gill. It's nice to see you again and thank you for sharing your experiences and some information about the program. Is there anyone with any questions for them? Mr. Bullard.

John Bullard: Thank you and I just want to say that, as was mentioned, GARFO has several members of our staff and Mike's area that participate in this and we do so very enthusiastically. Everyone knows how important it is to increase communication in meaningful ways between we who regulate and those who are regulated and especially in New England, that communication sometimes can get strained.

Sometimes voices get raised, but that points out even more so the importance of that communication and I say this in this group because the councils really are the nexus of this communication, because of what Senator Magnuson did when he set up the council form of management.

MREP provides substance to these as well as an arena for the communication and it adds light. Sometimes there will be heat, but mostly there is light and so anyone who has participated in it I think knows the benefit and doesn't need further encouragement, but it's good to see that MREP's plan is to take over the world and so for those who are receiving this invitation to be taken over, I would just say welcome it.

It's very worthwhile and a very important way to increase communication that, in my opinion, you really can't have enough of, but this is a very constructive type of a communication, because it really does put the emphasis on substance and light and you can have all kinds of communication and this is a really good kind of communication.

Kevin Anson: Ben.

Ben Hartig: Thank you, Alexa and John and Bob, for your tag-team approach. I really appreciate it. John, it's good to see you again. It's been a long time since we've been involved and almost twenty probably years ago in Rhode Island when I took the course. It seems like that long ago.

From my perspective of having someone who came up in the council process as a fisherman who didn't know a whole lot, I did have some scientific background, which helped, but I've always been involved in the process and then becoming on an AP and then becoming on the council and then becoming council chair.

This program, when I took it, has just really allowed me to participate at the SSC level and the stock assessment level at a high level. It's really, really helped to be able to do that and I think one thing that Bob said about the homegrown leadership is something that we're fostering.

You did show the number of AP members you have now and our council makes a conscious effort to take the people who have been through the program and try to get them on APs and develop leaders in the fishing community and possibly future council members as well.

I mean this process works best when it's someone like me who has gone through that tiered approach and been able to actually culminate at being a council chairman and so thank you for what you guys are doing. I mean I hope you can expand it to other areas and I hope other people see value and I will be there to help as well along the way. I continue to see the value of the process and thanks again.

John Williamson: I think it's important to understand that leadership in our communities happen at many different levels and in different scales. It's important to build leadership qualities all at every tier in the community and it's also important to build followership. I mean you're talking about shaping a narrative around fishery management and, in that case, people need to be able to refer back to the people on the pier, people they talk to over the radio on the water every day. There needs to be a commonality to that narrative and so that's part of what we're striving for.

Kevin Anson: I have Rick, followed by Terry and Bob Mahood.

Richard Robins: Thank you, Mr. Chairman. I remember some years ago sitting through a New England Fishery Management Council meeting and under new business at the end of the day a fisherman came up to the microphone and very effectively and very efficiently addressed the council with respect to an issue and the council agreed on the spot to initiate a review of that issue and followed through on that.

As he spoke, one of the New England members seated next to me leaned over and said he graduated from the MREP program and he said I think all the advisors ought to have to go through the MREP program. The point was that it made for very effective participants in the process and I've seen it.

As they pointed out, they brought it into the Mid-Atlantic and in response to that, we have seen people participate and become much more active in the council process and very effective and so I think it has yielded some real benefits, certainly on the East Coast, from the experience I've had. I had the benefit of going through it myself and so I can't say enough about how much it's done to really promote effective engagement with the councils and interest in the council process.

I am interested to know sort of what the funding outlook is or what the status of funding streams is for the program, but I certainly think it has a very important role to play in support of the council process.

Kevin Anson:

Terry.

Terry Stockwell:

Thank you, Mr. Chairman. I was quite pleased to see the MREP presentation on our CCC agenda and I am speaking purely from a personal note, because I participated in one of the original MREPs in Maine right as I was transitioning from commercial fishing into the other side of the table.

I can't say enough good things about particularly the science module, which helped me better understand the tools that we're working with today. I mean it was invaluable for me and I watch it through our public participation and our AP members. You can tell the difference in the quality of the comments that come from those folks that have been through the MREP program.

As we all struggle with our funding, there is precious little at least the State of Maine could do to help you out, other than general support, and I hope the other regions will take advantage of what these folks have to offer. It's a great program.

Kevin Anson:

Bob.

Bob Mahood:

They have said pretty much what I was going to say. I would recommend if you've got a fisherman who is an intelligent guy and he's giving you hell all the time to send him to this program. It's really turned a lot of our fishermen into much better participants in

the process and we actually have people now that -- After we've taken a beating, they will get up there and they will say things like you really don't understand what the council has got to go through to do this and then they start explaining some of the things that we have to go through.

I think I've been to two of them and one of the most interesting things was the mock council meeting, where the fishermen actually had to play council members. I remember one of our fishermen got to play Roy Crabtree and he said at the regular meeting Roy gets to say a lot, but at this meeting they kept -- I think it was Miguel that kept telling him to shut your mouth and you can't talk. He said the Regional Administrator always gets to talk.

Kevin Anson: Miguel.

Miguel Rolon: It was my time to get even, Bob. I fully support this program. I learned about it by a conversation with Tony Iarocci, one of the fishermen that is from this -- He told me about MREP and I said, is it another acronym that I have to learn and he said, no it's more than that. It's fishermen talking to fishermen and inviting people who know about fisheries and exchanging ideas.

We supported that and the first meeting that we had in Puerto Rico, actually I had to remove myself from the meeting, because in the 1970s I felt like I was the small town western guy who was the sheriff, the doctor, and the janitor of fisheries and now I have a lot of people involved and from this meeting in Puerto Rico, we have a new council member who was just appointed and he starts on August 11 and he said, Miguel, I learned a lot and I know Roberts Rules and I know how to engage the system.

I personally believe that we have -- The old folks around the table, we have been involved in fisheries for a long time in the council system, but somebody who comes from outside into a council meeting like this, it scares the hell out of them, because they don't know how to -- We have distanced ourselves from our constituents and so this is one way that we can engage those people and ourselves to learn more from each other and make it more effective and so I thank you, Alexa, for all your work and we will keep working with you in the future.

Kevin Anson: Kitty.

Kitty Simonds: I would like to know about the funding. Who are your funders?

Alexa Dayton:

Thank you for that question. What I would like to comment on is the program runs on a very lean ship. We have one fulltime employee, and that's me, and one administrative assistant who helps with the administrative responsibilities and the rest of our budget is designed for travel and a little bit of support, obviously, to encourage them to continue their good work, but really we keep the costs as low as we possibly can.

What we have found is that the Cooperative Research Program of New England has been very willing and generous in their support over the past decade and so we have been funded as a cooperative research project in the Northeast.

When we brought the program to the Southeast, the Regional Office saw real value in this and has supported the program. By and large, we have been supported by NOAA Fisheries. We do that for a number of reasons.

One, it is a neutral funding source and it does not come with any motive or agenda. Having said that, we know there are limits to what NOAA Fisheries can provide and so we have looked to diversify the portfolio to include smaller gifts from the councils. The Caribbean Council has contributed and the Gulf Council has contributed and we have accepted a small amount of Foundation support, primarily for staff time, and really the idea is we don't want to give up the neutrality of the program by accepting funding from perhaps sources that suggest that we have an agenda or a motive.

We do think that there may be room within NOAA Fisheries at the more national level within the communications framework and as NOAA has looked at that as an important aspect going forward, we think there's a conversation we might be able to have again with NOAA at the Headquarters and so I hope that answers your question and I would welcome others.

John Williamson:

Can I step in a little bit? It is important, in answering that question, to point out that the funding that we're getting is still somewhat year by year. There is a certain patchwork quality to it. For this program to really take off and go viral -- It's on the edge of going viral right now and for it to really take off, what we need is steady, stable funding across the council regions so that we can have a predictable budget and look forward two or three or four years.

Kevin Anson:

Dan.

Dan Hull: Thank you for your presentation. I think there would be strong interest up in the Alaska region for this kind of a program. I am curious to know if you have worked with Sea Grant at all and, if so, how? Sea Grant in Alaska has a young fishermen's summit. They hold it every couple of years and I think what you do -- There are probably some similarities and I am not sure that -- They would be complementary, certainly, but I would definitely be interested in forwarding the information to them if you haven't talked to them already.

Alexa Dayton: In response to the question about Sea Grant, just to say Sea Grant is an important partner, collaborator, and we equally have had the opportunity to educate a number of the Sea Grant extension agents through the program.

We also complement the Young Alaska Fishermen's Program in particular. As you point out, there are some strong similarities. What I have heard is that program, designed towards young fishermen, excludes those older existing captains and skippers and crew who are also clamoring for that information.

Yes, we have actually received community-based interest from Alaska through the Marine Conservation Council up there. They visited us and they have a strong interest, as does the Alaska Fisheries Science Center. Their communications capacity has expressed an interest and so thank you for that invitation and I will certainly follow up more in detail with them.

Kevin Anson: Dorothy.

Dorothy Lowman: Thank you and thank you for your presentation. As I was listening to your presentation, I also thought a little bit about Sea Grant, but also I was thinking about how we tend to sometime have an aging of our advisory panels and the same people on it kind of for a number of years.

They are pretty familiar and sophisticated, although I am sure that some of especially the stock assessment information and the science part could fill in some gaps at times, but I do think that sometimes something like this -- I think it's intriguing for me about engaging new players into the system and so it has some interest in my mind for that.

John Williamson: For the Northeast program, we put a priority on getting young fishermen in the room and it's the same for the Southeast.

Kevin Anson: Thank you again for providing your information. Next on the agenda is a Social Scientists in RFM Report and Dr. Lasseter.

Ava Lasseter: Thank you, Mr. Chairman, and good afternoon, everybody. I am Ava Lasseter and I have met most of you. I am the Social Scientist at the Gulf Council and I am going to present today our recently finalized report from the Social Scientists in Regional Fisheries Management Meeting in December of 2014. Our acronym, because of course we love acronyms, is SSRFM, if you see that written down.

As you know, many of the councils now have a dedicated social scientist on staff. Some of you still don't and are contracting either others on your staff to do this work on contracting out to have the social analyses done. Our own Executive Director, who is not here, is fond of telling us that he used to write the social sections himself back when he was on the council as a biologist and so luckily he is not tasked with that anymore.

The group formed about three years ago and we have been meeting three to four times a year by webinar or phone calls to address various topics pertinent to all of our councils in developing social impact assessments and addressing the social components of the regulatory documents.

After about three years, we have decided that meeting in person would be very beneficial and we did have a meeting for the first time in December of this past year. I was thinking I was going to be right at the very end of the day, of a long day, and so I was going to make this very short.

A summary of the report is it's basically in two broad sections. The first half is a summary history of social science in each region and the major challenges in that region for interims of completing the social sections of the regulatory documents. The latter half is a summary of our discussions on each of the major components or federal requirements that we work under and this includes several of the National Standards. We put a lot of attention on National Standard 8, which is the fishing communities, and social impact assessments and, of course, NEPA as well.

We found that the regions varied greatly in how social scientists are involved in the amendment development process in each region and how we address the requirements for social analyses and even how and where in the document social impact assessments are

located or found, but there were some common kind of take-home points that we have in general from our meeting and, of course, the number one is one that we're all familiar with. We need data.

Looking at the Amendment 1 from the Reef Fish Management Plan in the Gulf of Mexico, it has a list of data needs and the social items in that we are still in need of and so we haven't gotten very far on that, but we do think that with this momentum of bringing social scientists into the regional fishery management process that we'll be matched also with more attention and resources dedicated to working on that data and providing it.

We do understand that with limited resources very often it's the social data needs that are left at the bottom of the list, but hopefully we'll be able to kind of move this trend.

Some of the other major points were concerning National Standard 8 and that was that each of the councils, the social scientists, are trying to develop a process for identifying communities in each region in terms of defining this substantially engaged and/or dependent on fishery resources, as mandated by the National Standard.

We also talked about monitoring social indicators of social change that could be used in impact analyses, but we still first need to develop these and NMFS has a couple of the regions working on this. We have some from the Gulf region and Mike Jepson at the Regional Office down here is working with Lisa Colburn in New England and developing this and I think they're out with the project right now ground-truthing some of these indicator results. We're looking forward to getting that.

Another major discussion concerned environmental justice and the Executive Order on environmental justice and how this is addressed differently in each region. Some of the regions do not even include a section in their documents and others do. We get different feedback on these sections from the EPA and that's not always quite so consistent either and so we're just not really clear on determining whether an action requires this comprehensive assessment of environmental justice.

I will add to that that in May of this year, 2015, the EPA just released a document on the guidance on considering environmental justice during the development of regulatory actions and it helped answer a lot of my questions and this will be one of the next things that we take up in one of our meetings.

Those were some of the main points that came out. The report, the full report, is short. It's twenty-four pages of text and I encourage you all to please take a look at it, but I really want to thank all of the Executive Directors for sending your respective social scientists or some representative to the meeting and just really supporting and fostering our collaboration. We really appreciate it and it's very beneficial for us.

I really want to acknowledge and thank Rachel Feeney of the New England Council and Chris Hawkins of the Western Pacific Council. They organized the meeting and prepared the report and they have just been very helpful and, of course, Kitty and the Western Pacific Council for hosting us as well. Are there any questions that I can take?

Kevin Anson:

Tom.

Tom Nies:

Thank you, Dr. Lasseter. I don't have so much a question perhaps or I do have one question, but a comment. I think this is an example of how the councils can really learn from each other. In the past, our council was relatively lax I think -- "Lax" isn't the right word, but we were inhibited from doing any kind of real serious social impact analysis, because we didn't have anyone on staff who was dedicated to it.

Once we hired Rachel, I think she started to make strides, but she was kind of on her own. The Center, of course, helped out a little bit, but I think once she started making the connections with the other Regions that it really helped her development and it helped us and will continue to help us. I think this is a good example of how the councils can learn from each other and I am glad to see it extending to habitat perhaps as well and I think we really need to try and support these types of activities.

Sort of the follow-on to that kind of a question, perhaps for Dr. Lasseter and perhaps for the group as a whole. I looked at some of the comments in your paper and the key conclusions and consensus statements and I am trying to figure out how we can advance some of those forward as a group.

Some of them are related to staff only and so those are things we can do internally, but there are a number of them here that refer to NMFS and council interactions and the first one, for example, improve available data to conduct comprehensive analyses.

I don't think we should let that die on the vine. I think we should somehow push that forward jointly with the agency and I am not quite sure how we can do that and I don't know if the group had any suggestions or perhaps if NMFS has any suggestions on how we can move that forward to try and improve that situation, but I would be curious whether the group that met had any ideas or whether other people at the table have ideas on that.

Ava Lasseter:

I can best speak for my region and I feel, of all the groups that talked, I think in the Southeast we actually have this coordination moving along. Even since this meeting, the Southeast Fisheries Science Center's Social Science Branch and the Southeast Regional Office social scientists all met together with the Gulf Council social scientists.

We had a group meeting and we discussed the research projects that the Science Center is conducting. I had no idea. I had never even seen such a list and so I think we are making progress internally on this in our region.

I can't speak for the other regions as much as what might be happening, but everybody just recognized this need. I think it would have to be developed and applied in each region as appropriate and our major hindrance still, of course, is resources to devote to prioritizing these data collection and research needs, the development of the social indicators. All of this takes resources and time and people's work as well as the funding to do so and so we need that support behind us as well.

Kevin Anson:

Sam.

Samuel Rauch:

Maybe I can ask a question about that. Every council does research priorities and the idea behind that, whether we achieve that or not, is that we take those research priorities and it helps guide what the Science Centers do. When you were doing this review, did you find that social science needs were prioritized and that was being unmet or had we just not identified them as a priority in those council documents?

Ava Lasseter:

I have been with the council five years and I see that research priority every year and the same things that I want on there are on there every year and Doug is back. Amendment 1 for Reef Fish had some of those same ones there and so they are identified and I know one in particular that we've been really, really wanting is a crew survey. The Science Center is beginning it and I'm not sure where they're at now, but it is on there and so we're very excited

about that and so we are having some progress, but, again, those items are on the priority list and they just never -- They seem to stay on there year after year.

Kevin Anson: Kitty.

Kitty Simonds: The same thing in our part of the world. However, we have a new Science Director and so we wrote him an official letter following the workshop that was held with everybody and said that we need to meet -- We are meeting every month, but that our staffs needed to get together, because for so many years they did have a bunch of projects, but they would never tell us about it and so we would say what's going on and that sort of thing. We have kind of formalized this so that the staffs work together.

Ava Lasseter: I think that the new Social Science Branch Chief at the Science Center in Miami, Matt McPherson, and I will give a shout-out to him as well, has been instrumental in organizing us to all work together and I think that's going to be productive going forward.

Kevin Anson: Okay. Thank you, Ava. That wraps up the agenda items that were listed for today and it looks like we'll have enough time to finish all of the items as scheduled. There were a couple other requests to bring up some topics in Other Business that we will address tomorrow, but we think we still have plenty of time to finish all of the agenda items tomorrow as scheduled and so, with that, unless someone else has something specific from today's topics they want to discuss, we will recess until tomorrow at 8:30. Thank you.

15. FUNDING DISCUSSION

Kevin Anson: Good morning, everyone. I look forward to wrapping up the meeting today and continuing our discussions. There are a couple of items that we're going to briefly discuss before we get to the Habitat Working Group Report. Sam, you have one of those items?

Samuel Rauch: Yes, thank you, Mr. Chairman. Two days ago we talked a little bit about the Saltonstall-Kennedy Program and we told you that our preliminary decisions were imminent. They are more than imminent. Today we are rolling them out and they will go public this afternoon. We want to take the advantage of this group being here to pass those out.

A couple of points about that as you're getting your copy. We are announcing that over \$25 million in SK Funds for eighty-eight projects under the 2014-2015 combined grant program. There is funding in every region and in the territories. They are the result of the discussions we had with you and with others and the evaluation process that we talked about a couple of days ago.

It is an important disclaimer that this is still somewhat preliminary. The obligations of funds are not final and we still have to work through the authorizations and so, as we discussed the other day, this is the initial decisions. We will through that before the actual funds go out.

That's that and you can look at that and I've got it in here to talk about that and I wanted to talk about one other aspect of the SK Funding in addition to that, which the authority in which we spend this allows us to do more than just the external grant program. We can do certain other national priorities. It's not unlimited, but we do have some ability.

One of the things that we heard and some of you were there when we met with the states and the commissions earlier this year, or maybe it was late last year, that they are very concerned about the erosion of state funding and eroding their ability to be good partners.

All the data that we collect, it's rarely data that we collect by federal resources alone. Often we do that in conjunction with the states or the states take the labor in much of that and their funding has been eroding and they asked us if we could help them temporarily with some funding and we agreed that this kind of

effort would be a viable use of SK Funding.

SK Funding can go from zero in any given year to millions of dollars in other years and so it's not stable, long-term funding, but we identified \$4 million in SK Funds which we are going to be working through the commissions to get to the states and the territories as well.

We still don't know exactly what that's going to be spent on and we're working that through, but that's part of the SK process as well. If there is any questions, I will be happy to answer them, but you should be either now or very soon getting your copy of the SK Funds and, Mr. Chairman, that's what I had to say about that.

Kevin Anson: Thank you, Sam. Does anyone have any questions for Sam? Don.

Don McIsaac: Thank you, Mr. Chairman. Just a quick thank-you, Sam, for the process this past year and the council involvement and sharing the results when they're fresh like this.

Kevin Anson: Thank you again, Sam. Kitty.

Kitty Simonds: I think we brought this up before when the program started and our question out in the Pacific Islands is that I don't think that we should be funding the former trust territories and I know that that's in the Act, because that was a long time ago. Our request was to give them a little priority, because they're nations unto themselves now. They are nations and I just don't think that we should be funding them and so what's the recourse, a Congressional fix, or is it in your -- Can you make that call?

Samuel Rauch: I don't know the answer to that. We'll get back to you on that.

Kevin Anson: Okay. The next item, before we move on to the Habitat Working Group Report, is that Jennifer Lukens asked me to pass on to you all that she has extended the comment period for the white paper comments on the cooperative research and management to July 10, an additional two weeks. I am getting the nod of the head that that's correct and so just to let you all know you've got an additional two weeks to provide comments to the white paper. The first item on the agenda that we're going to deal with today is the Habitat Working Group Report. Dr. Kilgour, are you ready? Good morning.

16. HABITAT WORKING GROUP REPORT

Morgan Kilgour: Good morning. I am Morgan Kilgour with the Gulf Council staff and the Gulf Council has taken over the chairmanship of the Habitat Work Group for the CCC for this year from the Mid-Atlantic and I was just wanting to remind everybody that Jessica Coakley from the Mid-Atlantic gave you an update in February about the EFH summit and we have refined the plan since then and we're looking for CCC feedback.

I am going to hand this over to Terra Lederhouse. She's been working diligently on the logistics for the summit and the terms of reference and so I am handing it over to you.

Terra Lederhouse: Thanks, Morgan. I am Terra Lederhouse and I'm with the NMFS Office of Habitat Conservation and my normal job is to coordinate the Essential Fish Habitat Program nationally for the Fisheries Service, but, as Morgan mentioned, I have also been the coordinator for the CCC Habitat Work Group over the last year and so today I am presenting our plans for the EFH summit on behalf of the work group.

Since Jessica Coakley from the Mid-Atlantic Council last presented to you guys in February, we have met twice as a working group to refine our plans for the EFH summit and so I wanted to share with you today some of the major decisions and the direction that we're headed with the planning, but today we're really just looking for some feedback from all of you on the direction that we're headed to help guide us as we move forward with the planning.

The first major decision that we've made is to stay focused on EFH and so given the limited amount of time that we might have for a workshop, only a few days, and the wide range of habitat topics that could be addressed within that time, we really wanted to stay focused on EFH science, management, and its integration into ecosystem-based fisheries management.

We do realize that there may be some related discussions on other habitat authorities that might come up at the summit, which is fine, but we still would just like to keep the summit focused on EFH and this works really well to coincide with the twentieth anniversary of the EFH authorities within Magnuson next year, in 2016, and so it will be a good opportunity to evaluate our progress over the last twenty years and to reassess some of the approaches that we've taken to implement EFH.

For participants, we would like to include participants from across NMFS and so Headquarters, Regional Offices, and Science Centers, but it will be really important to have strong council engagement as well at the workshop and so we're hoping to get participants from council staff and leadership and from habitat committees and SSC members.

Overall, we would like to keep the number of participants to less than a hundred so that we can have some productive discussions still and have breakout groups.

We have identified five terms of reference or major outcomes that we would like to achieve from the workshop and they are listed here on the slide, the first being to assess the current state of habitat science and identify major data gaps. The second is to identify successful approaches to EFH identification and review and so this is considering things like "what is essential?" and "are we any closer to Level 4 EFH identifications?" and "does it matter?"

Third is to evaluate the effectiveness of the actions taken to minimize the adverse effects of fishing on EFH and so this would include discussions on things like determining the objectives of management actions and developing management actions with limited data and considering practicability analyses.

The fourth is to identify opportunities to integrate habitat information into the fishery management process and into EBFM and so considering things like "how do we get habitat information into stock assessments and into management strategy evaluations?" and then, lastly, to identify opportunities to ensure communication and coordination between NMFS and councils on non-fishing impacts to EFH and so this is thinking of things like how to engage council habitat committees and advisory panels in non-fishing impacts and thinking about the types of characteristics of EFH descriptions that are useful to NMFS when they are engaging in EFH consultations.

You have more details on each of these terms of reference in your briefing materials and that includes more discussion questions and trigger questions that we envision happening within each of these different themes at the summit.

Again, we see the summit as a good opportunity to evaluate our progress over the last twenty years. We expect that by sharing information across councils and regions and between scientists and

managers that the councils will come away with strategies to inform their EFH reviews and their other management actions and also by focusing on best practices we see the workshop helping the councils and NMFS move forward to overcome some of their challenges with habitat conservation and fisheries management in a non-binding way.

We are also planning to publish the outcomes of the summit in a special issue of a journal and we have a couple of working group members already looking into different options.

Finally, we have made some progress on the logistics of the workshop. We have had the Fisheries Leadership and Sustainability Forum that has agreed to facilitate the planning of the workshop with a steering committee made up of Habitat Working Group members. They will also provide their facilitation services at the workshop itself and we are really happy to have them onboard, since they've done such fantastic work in the past with other NMFS and council workshops.

I know back in February that some of you had questions about funding for the summit and NMFS does have funds to cover the facilitation costs and the venue costs and we are already doing the paperwork now to transfer those funds out of the agency this year so that we can have them ready for next year.

We are also planning to have the summit happen in early May of 2016, over the course of about three days. Of course, we'll plan around the spring CCC meeting, but this seemed to be the best time, when there were no other council meetings already scheduled.

All of the final logistical details will be worked out this summer with the Fisheries Forum, now that we have them onboard, and we'll be sure to keep you all updated as we choose a date and location. That's really all we had for you on where we are with EFH summit planning.

I did have a couple of questions for you all to help guide us as we move forward with the planning and the first being that, noting the time that we have available, just a few days, do the proposed terms of reference address the habitat issues that you think are important to address or are we missing the mark on the topics we've identified? Are there other priority issues you would like to see addressed?

Second, are there other things we should consider as we move forward, any logistical issues or things like that? I am happy to take any questions or feedback or input to help guide us, but thanks.

Kevin Anson: Thank you, Terra. Any discussion or agreement? Chris.

Chris Moore: Thanks, Terra. I probably should know this, because I've talked to Jessica about the summit, but, first, I think the summit is a good idea. Secondly, in terms of your first question, I didn't see HAPCs addressed in your terms of reference and so I am wondering how or where that might come up in the summit.

Terra Lederhouse: Thanks, Chris. I think that HAPCs will certainly be addressed throughout and so when we're talking about EFH identification and review, HAPCs would be part of that and so what goes into the five criteria for HAPCs and are those effective enough in identifying priority areas. It would certainly be part of the discussion on both fishing impacts and non-fishing impacts and so how do we actually use those areas to prioritize the conservation work that we're doing. It will definitely be a big component of it and I think I was just using EFH as shorthand to cover both of those.

Kevin Anson: Tom.

Tom Nies: I guess I've got a couple of questions. One is I thought when we discussed this in February that we were, and maybe my memory is wrong, but I thought we wanted to see the outline before we actually decided whether to have the summit or not and so I'm not real sure whether it's clear that the CCC has actually agreed that a summit is to be held, but I mean I would argue that what you presented today suggests that we should hold one, but I don't know that we've actually said that formally.

I am a little bit concerned, because it seems like the summit has become much larger and has a lot of people that are not really necessarily working on the nuts and bolts of habitat work. My impression, from the February presentation, was that this would be more of a technical workshop that would get the staffs involved in learning how to address these issues.

From looking at the attendance list, which has now ballooned to something like a hundred people, it seems like we may have gotten away from that a little bit.

Terra Lederhouse: Thanks, Tom. We do have this working group that's made up of staff from across NMFS and the councils that work on habitat issues every day and we have been meeting regularly and will continue to do that through conference calls and webinars.

When it comes to the summit, we did envision this as being something bigger that involves more than just the people who do the work every day, but also those that make decisions and so that's why we're envisioning including council leadership and habitat committee members or SSC members and so other people that are informing the process and making decisions about management actions and then the staff themselves who are doing the work to help develop the management actions and the analyses that go into them.

For NMFS, we would really like to see this include more than just the staff that work on it every day, but others that can help push the issue forward and come up with some more visionary new ideas and share best practices on what has worked well in some councils and what has not worked well in other councils, to help everybody move forward.

I will say that I listed up there less than a hundred. I mean when we were counting out if we have a few people from each council and a few people from the Regional Offices and the Science Centers, it looked like it was getting up closer to seventy to eighty people. We put the upper bound at a hundred, but hoping that it would be less than that, so that we could ensure discussion in breakout groups.

Kevin Anson: Bill.

William Tweak: Thanks. As I was sort of thinking about what might be included, the terms of reference overall looked pretty good, but Term of Reference Number 1 looks really, really broad and as I think about things like is our current approach to EFH sufficiently robust to capture changes in things like habitat features, oceanographic habitat features, as they change in relation to climate change, I mean I'm assuming that all gets wrapped up into one, but I could see Number 1 taking up most of a workshop like this and so is there some thought about putting a finer focus on Number 1?

The others seem a little bit better focused and a little more targeted, but there's a huge amount in Number 1 and I was wondering what your thoughts are on that.

Terra Lederhouse: I agree. I mean we have both EFH identification in there and then also EFH review and so those are actually sort of two separate topics combined into one and it is much broader than the other four that we've identified.

I will note that these are the ideas and the discussion themes that our working group came up with that we saw important to address at the summit and thankfully we now have some professionals with the Fisheries Forum coming in to help us with the remainder of the planning and so this was sort of the first step at identifying the topics that we would like to address and that we're going to work through with the Fisheries Forum over the next year, to actually refine these and come up with good examples that we're going to present at the summit and the final plans for the workshop will certainly be much more refined than what we have here, but thanks. Those are good points for us to consider.

Kevin Anson: Yes, sir, John.

John Gourley: Was there any benefits in having a summit encompassing all the councils instead of having say mini summits based on a regional perspective? I am imagining one room with everybody having different EFH issues and trying to sort through these terms of reference when each region -- Especially I consider ours being entirely different from Alaska and do you have any comments on that?

Terry Lederhouse: I think one value that we've seen coming from having this Habitat Working Group is that each council can share what has worked well for them with other councils and so some councils have addressed certain issues more so than others and so being able to learn from each other on what has worked well has been really useful.

Having one summit where we can identify those best practices and share them with everybody, I think that's really useful. We did talk about having sort of, when we have breakout sessions within the summit, having some be regional-based and I think that's something that we can consider as we move forward with the planning with our facilitators, but I think the regional discussions would be really important as well, but that's certainly not something that we could afford to support.

Samuel Rauch: If I could elaborate a little bit, I see that there is great value in getting together and learning from one another. Your region may be different than Alaska, but it is not all that different from the

Caribbean and many of the island ecosystems in the way that runoff runs off of the steep islands down to the reefs and the sort of subsistence nature of the culture there.

That subsistence nature is not all that different from many aspects in Alaska either, with some of the native communities up there and what they're trying to get out of the habitat. I'm sure it's a lot colder up there, but the way you designate -- A lot of this is how are we thinking about habitat and what are designating as EFH and those kinds of broad-scale issues are very similar between the councils.

One of the things that we're trying to get out of this is looking at taking the best of what each council is doing and to see if we can't apply that and so while each geography is somewhat different, I think that there are many ways that they overlap that would be useful to talk about as a group and much like this group, I find great value in having the councils talk to each other and learning what they do, because that does seem to be a way that we improve the overall product that we're collectively doing. I think that's what we would try to get out of this as well.

Kevin Anson:

Bob.

Bob Mahood:

Tom did allude to a list of participants and is there an actual list of participants available?

Terra Lederhouse:

No and so I should say we're envisioning this happening about a year from now and so we've just had initial discussions to come up with topics and the types of people we would like to attend, but we will work through invitations or more of the details now that we actually have the Fisheries Forum onboard as facilitators. We are early on, but --

Bob Mahood:

I just wondered who the five were from our council. They haven't told me about it. I think probably five per council is kind of high. I think with the expertise and maybe the Chairman of the Habitat Committee on the council and so I think you're looking more at two or three or at least from our council.

Terry Lederhouse:

I imagine that some councils might want to send more than others and so we were estimating up to about five per council, just for a broad estimate of the number of people that might attend this workshop.

Kevin Anson:

Tom, followed by Doug.

Tom Nies: I guess I'm a little concerned about the terms of reference and the scope for the conference. I am afraid that it's too broad and I think that the concept of looking at EFH science management and it's integration into EBFM is going to be very difficult to wrap our heads around in a three-day period. It seems to me that perhaps the focus should be narrowed a little bit.

I am also a little concerned that if we're going to broaden the attendance that I'm not sure we have the right people. We talk about five people from the councils and we talk about council members and staff and SSC members and we get a tremendous amount of work done on our habitat from people who participate on our Habitat Plan Development Team and there are also some people who are not necessarily on the Habitat Team, but contribute to the process in other ways, academics primarily.

This kind of runs counter to what -- I am talking out of both sides of my mouth, but it seems to me that if we're going to have a large group that we need to include those people. I still am not convinced we really want a large group.

Terra Lederhouse: Okay. Thanks, Tom.

Kevin Anson: Doug.

Douglas Gregory: Just looking at the slide, I was curious about the last term of reference about non-fishing impacts, but then when I went to the terms of reference that are listed on our webpage agenda, it has more detail. The council periodically does comment on other activities and non-fishing impacts, but I think NMFS does that on a regular basis.

I would say as far as the size of the meeting goes, if it's limited to NMFS and council people and maybe one or two really key people that are needed, whatever the size is will be. There are eight councils and five times eight is forty right there and so at three people per council, I think we could probably get it down to fifty or sixty people and actually have a working group instead of like a symposium. I think that's the thing the scares us. If you get a big group, then you essentially have a symposium rather than a working group.

Kevin Anson: Chris.

Chris Oliver: Just following up on Doug and Tom's comments both, I was still a

little bit vague on the scope of participation. I agree with what Doug just said too about size and focus, but when you say participants of less than a hundred, there could be hundreds of people from the public and industry that would be keenly interested in this and you're talking about a big symposium, basically.

Is it viewed as that or is it viewed as a workshop, because I think that's kind of a -- I don't know if I'm making sense, but it's an important distinction. In other words, the public would be allowed to attend but not participate directly in the discussions or is it something more like a national habitat workshop along the lines of our Managing our Nations Fisheries, for example? I mean you could get hundreds of people wanting to attend this, but I'm not sure what the role of participation is.

Terra Lederhouse: We did discuss this as a working group and the group did want to keep the workshop limited to NMFS and council staff as participants or not NMFS and council staff, but representatives of NMFS and the councils to participate in the discussions and so that could include whoever the council would like to send as their representatives, if it's plan development team members or habitat committee members.

Of course we would allow for opportunities for public comment and public attendance, but we do envision it as a workshop and so an actual working meeting where NMFS and councils work together to identify things that are working well and things that aren't working well and that sort of thing and so not a symposium and not a conference where there's a lot of talks and you sit and listen to talks all day, but actually having discussions and breakout groups and working through it together to come out with actual best practices that we can write up for a final report or some kind of publication coming out of the workshop.

Kevin Anson: Rick.

Richard Robins: Thank you, Mr. Chairman. I have a question about Term of Reference Number 4, which says to identify opportunities to integrate habitat information into the fishery management process and EBFM.

I just wanted to understand, I guess, the scope of that term of reference and if that's limited to trying to think through the best ways to protect and conserve EFH and habitat within the management process and EBFM generally or are you looking more

broadly at that and thinking about how habitat considerations would be integrated more fully throughout the assessment process, because that's -- You know that's sort of an operational part of this too and trying to figure out how habitat and other environmental conditions get incorporated in the stock assessment process and how that can feed into EBFM.

That, to me, is a broader question than just how can we effectively conserve these things in the management process. That would, I would think, affect who you might invite, because then you're talking about population dynamics or people that have sort of an interdisciplinary approach to some of these questions.

Terry Lederhouse: Yes and thanks, Rick. We were envisioning the latter and so something that's more focused on, as each of the councils start thinking about how they're going to implement EBFM, where does habitat fit into that and exactly some of the things that you mentioned, including changing habitat conditions and stock assessment process and other management decisions.

It certainly would affect who would attend and so it might be -- That's why we mentioned having more than just the habitat staff from each council participate, because we might need experts on more ecosystem science and management as well to help inform those discussions.

Kevin Anson: Tom.

Tom Nies: I mean this is one of the points that makes me a little nervous. I don't know how other regions are set up or how other councils may be set up, but while we're integrating habitat and ecosystem functions in our council, those are done, to some extent, by different groups of people.

When you say you want to integrate habitat and EBFM, then we're talking about bringing a much larger group of people into the meeting, because we would want to get all of them involved in that discussion from both sides and not just the habitat side, which now I can't do it with three people from the council and I would have to send more and that's the real issue in here, in the terms of reference, that I'm a little concerned about whether we can really address that issue with this type of workshop.

Kevin Anson: Don.

Don McIsaac: Thank you, Mr. Chairman. The Pacific Council has been kind of

on the outside of this and looking in, in an evaluating kind of mode relative to the origins of the group. In February, there was some discussion about the best practices report from the first year of investment in this group and I wondered if you could speak to the status of that.

Then, secondly, looking at the terms of reference and the call for various things from each region in a follow-up report, have you made any estimate of an FTE portion that would be a reasonable investment in this next year's worth of business from each council at the staff officer level or the administrative level?

Terra Lederhouse: For your last point, we had talked about forming a smaller steering committee from the working group members so that it would be easier for the Fisheries Forum to have a small group of people to work with and bounce ideas off of and get input as they move forward with more of the logistics and planning and development of the agenda.

I would hope to have a couple, maybe two, council representatives and a couple from NMFS as well and so a small working group. I don't envision it being a lot of work, since we have the Fisheries Forum who is going to be doing most of the planning with input from our working group and so I don't have necessarily an estimate of the amount of FTE time that would go into it, but we don't envision it being a large component of someone's time. I am sorry, but I forgot what your first comment was.

Don McIsaac: In terms of evaluating the first year's worth of investment in this group and the status of the best practices report.

Terra Lederhouse: Yes and so we had maybe three or four meetings before the February CCC meeting and during those times, we talked about different specific topics. We have had one product come out that the Mid-Atlantic was working with the Fisheries Forum to develop a report on habitat areas of particular concern and how each council has identified them and how they've been used by NMFS to prioritize conservation actions.

A draft of that report has been delivered to us. We haven't finalized it to release it, but that's one product that will be coming out already and since the February CCC meeting, we have focused more on refining our plans for the summit and so we haven't worked on any of the other products of developing best practices reports or anything like that, but now that we have the Fisheries Forum onboard, I am envisioning that we can get back to more

regular meetings where we're discussing specific EFH topics and moving that forward.

Samuel Rauch:

I would like to comment a little bit about that. I think that your council is actually on the cutting edge of many of these habitat-related issues and some of the stuff that you're doing in trying to evaluate how much habitat you need is where I think we would all like to go, because once we can identify with some more degree of specificity, I've got great people who can go out and get that kind of habitat.

That is something that I think it would be great to share with the other councils. I am somewhat concerned that the Pacific is the only one that actually is not participating in the working group and I think that that is -- There is a lot that you could share. There is a lot that we could collectively learn from what you're doing and so I would hope that in the future that we would figure out a better way, so that you're not on the outside looking in, but you're actually on the inside helping participate and craft this effort.

Kevin Anson:

Bill, did you have your hand up?

Bill Tweit:

Thanks and I would like to make a pitch for maybe focusing Number 4 a little bit more, but definitely keeping it in. To me, it doesn't seem that it's worth the effort to pull folks together from across the nation for a workshop or a summit or whatever without beginning to talk about how EFH can be integrated into our sort of movement towards ecosystem-based fishery management.

As our council moves along, I think I see somewhat clearly the path for a lot of how we're going to begin to integrate our fishery management plans and, in fact, the SSC and our groundfish plan teams are already beginning to bring those materials to us as a council and we're beginning to think about it that way.

I don't see a similar path at all for EFH. We are in the middle of a major five-year review right now and we'll complete that maybe in a year or so and I don't have a sense of how that newly done EFH document is going to fit into an ecosystem-based approach that we're evolving and so, to me, your Number 4 was one of the most intriguing of the terms of reference.

Over time, I think it's going to be very difficult for councils and NMFS to have an EFH process that isn't integrated, to some extent, into an ecosystem-based approach. I don't think this will solve it at all and I'm quite sure that an initial discussion won't

solve it, but I think beginning to lay out that roadmap to me is probably one of the most important functions of this kind of an attempt.

Kevin Anson: Doug.

Douglas Gregory: I haven't been involved in the habitat discussions, but looking at the terms of reference and the descriptions of them, clearly 1 and 2 need to be discussed and compared across regions and I am thinking 3 and particularly 4 probably the best thing that someone could do would be to focus on identifying the needs of addressing Terms of Reference 3 and 4 by maybe a future workshop with specific expertise for Number 4, ecosystem modelers and how they included habitat.

I think it was Tom that said that would involve a lot more people and so maybe if this summit was simply the branching-off point to doing something more in-depth at another time, but I don't think the summit can accomplish that and maybe even with the effects of fishing on EFH. That might involve population dynamics people.

Clearly 1, 2, and 5 is something easily within the grasp of providing some productive feedback to the councils and the other two just may be stepping stones and if you think about it along those lines, maybe it's all a little more conceptually easier to grasp. Thank you.

Terra Lederhouse: Thanks, Doug. I think that we recognize that we're obviously not in one three-day workshop going to revolutionize EFH implementation and solve all of our problems and so definitely some of these themes are going to be starting points where we start to have discussions about how each council and NMFS Region can move forward with starting to think about how to integrate habitat into EBFM as they are developing plans for implementing EBFM and things like that.

Hopefully in the future we will be able to have more NMFS and council workshops that address different aspects of habitat and that get into more depth on each of these terms of reference, but, for now, this is sort of our first one and these were the different themes that the working group saw as important to start addressing some of the EFH issues that have come up over the last twenty years.

Kevin Anson: Rick.

Richard Robins: Thank you, Mr. Chairman. With respect to this question of

integration of EFH into management, I would suggest that that term of reference not be dropped, but if it can be made perhaps more introductory or a summary of conceptual approaches, maybe that would be appropriate, but I wouldn't suggest dropping it, because if we drop it, then this product is going to lag where we currently are.

In some of our assessments, we're already trying to incorporate thermal habitats and that was done in the butterflyfish stock assessment and so we are already trying to work in that direction.

We just had a workshop last month, or earlier this month, on the same subject and that was one of the components of it and so I would suggest trying to retain it and if it needs to be made a little bit more introductory or whatever, I think that's fine, but I would not suggest dropping it altogether.

Terra Lederhouse: Thanks, Rick.

Kevin Anson: Okay. I don't see any other hands up and so, Terra, it sounds like you got some of the information you needed and feedback and so we look forward to this as it proceeds then.

Terra Lederhouse: Thank you and so I will bring your feedback back to our working group and we're going to start working with the Fisheries Forum this summer and we will certainly take all of that into consideration as we refine our plans and we will keep you posted on where we're going, but thank you all.

Kevin Anson: We have one more comment from Tom.

Tom Nies: This question is really for you, Mr. Chairman. I guess I am a little confused. Are we going to get another chance to approve the final TORs at some point or are we approving them as they stand now or are we just assuming that they will be modified?

We won't, I don't think, really have a chance to get a report back until February, which, if we're talking about a summit in 2016, is pretty late to be finalizing or changing the TORs at the last minute. That's not really fair to the organizers.

Kevin Anson: Sam, do you have a comment to that? I will give my sense first, but my sense is that, based on the discussion, that Terra and the other folks are going to go ahead and try to modify some of the language here so that it incorporates the discussion points that were held, but, as you just pointed out, there is a time schedule that

they're on and I don't think, based on just our meeting schedule, that we could accommodate that, unless it's just sent out to the group, but I don't know if that's normal practice or not for approval. I mean if you all have major heartburn and need to see it, then that's one thing. Terra.

Terra Lederhouse: As we move forward with the planning, I mean you certainly all have staff that are on the Habitat Working Group that will be working with the steering committee and the Fisheries Forum and so any input that you have, you can certainly provide it through your staff to the working group.

Then we also envision looping in another what we've been calling an advisory group of more senior-level NMFS and council representatives, to make sure that we're not missing the mark and that we're hitting all of the main points that are important to address and so we haven't formed either the steering committee or the advisory group yet, but those are both opportunities for councils and NMFS to weigh in before showing up in May of next year.

Samuel Rauch: In terms of process, this group certainly could take an action to approve or disapprove something like this. It's not normal that this group would. As Terra said, each one of you, with the exception of the Pacific, have staff on this working group, and we would welcome the Pacific, that can help craft the agenda in the way that addresses many of these concerns.

We do have monthly CCC update calls and, if need be, if there is a dispute amongst the councils that we need to convene, we could figure out some formal way to do it in that and so it is not as if you have to wait until February to provide any feedback or to determine if there is concerns with what the working group is doing.

I would just commit that on our part, as we work with your staffs on the working group and this higher level group, we will update you on a monthly basis and if you feel the need to more formally convene the CCC for some decision point, then we would be happy to do that.

Kevin Anson: Tom.

Tom Nies: I mean my understanding is this is a workgroup formed under the CCC and I was just trying to look through our SOP or whatever we call it to see if we do approve terms of reference for work groups.

I mean I don't know and I haven't been on monthly CCC calls for a while and so if we're having them monthly, I haven't been on them, but --

Samuel Rauch: There was one last month.

Tom Nies: Yes, one last month. That's not monthly, but I would suggest that we actually try and circulate the TORs sometime after Terra gets a chance to modify them, so that we can all sign off on them.

Kevin Anson: It looks like Terra has got the message and she will keep us informed. Chris.

Chris Oliver: Tom's question may raise the question in my mind of can somebody remind me who is on the CCC Habitat Working Group? I know David Witherell was our representative when we went around and said who wants to be on the Habitat Working Group and we raised our hands and I pointed to David, but I don't know who else is technically on this work group or how big it is or is this a CCC work group conference or a NMFS conference or some of both? I guess I lost the bubble on it all.

Terra Lederhouse: This is a joint NMFS/council/CCC summit. It's not a NMFS summit and that's why we're going to have a steering committee that's made up of both NMFS and council representatives from our Habitat Working Group to help advise the Fisheries Forum, who are going to be working with us as we plan it.

I am happy to provide a list of names of people who are on the working group. Some councils have a couple of representatives from their staff and some of the NMFS offices also have a couple, but I think right now we're probably around twelve to fifteen people.

Kevin Anson: Terra, I don't know if it would be as efficient to send it with the updated TORs, but if it's easy, if you can go ahead and send it out in advance of that, if there's going to be a delay, just so that we would have the information.

Terra Lederhouse: Sure. I can send the list today.

Kevin Anson: Okay. Great. Thank you. Next we will have the Assessment Prioritization Update and Dr. Methot.

17. ASSESSMENT PRIORITIZATION UPDATE

Rick Methot:

Thank you for this opportunity. I spoke with you a year ago about the proposed process at that time and in that meeting a year ago, I was able to recap some of the discussions and the comments that we had from the public comment period that had just preceded that and so here today I would like to give you an overview of what we have now developed in response to those comments and the additional deliberations that we've had inside the agency.

I will recap this recent history and lay out the goal of prioritization and go over briefly the changes that we've made since that version that was presented a year ago, that draft version, and give you a brief overview of what this process will look like as we work on implementing it beginning this year, including a very significant role for you as our regional partners.

This brief history, again, just going back to a year ago, where we summarized those public comments for the CCC, we received a lot of support at that time and a lot of interest in we're going to have to work on this collaboratively and we're going to have to see how it goes as we proceed and we recognized that very fully and we built that into the process.

We have been doing, this past year, some test scoring with scientists from a couple of our Centers and trying to get a better understanding of just what will it take in order to pull together the information to fit into this framework.

We have developed a revised approach, which I will present to you today in brief, and we're here today to present to you. I presented it a month or so ago to the NRCC and I'm very open to meeting with each of you this coming year so we can lay out the initial steps in order to get this thing rolling.

We expect to be able to release the document describing the process, this starting place for the process, soon, probably about a month from now, and we hope to be able to begin the regional workshops shortly thereafter.

The assessments are designed to support management and how good an assessment needs to be and how complete it needs to be really needs to be tailored to what kind of management advice do we need to provide?

Another significant aspect of it is that we aren't living in a static

world. Things are constantly changing and we need to be able to update these assessments with some sufficient frequency so that they aren't stale and that we are providing relevant and timely information for management of the annual catch limits and status determinations.

Thinking about the broad categories or factors that really influence how and when we do assessments, I mean certainly the stocks that are highly important to the fisheries get a high level of targeted fishing activity. Their importance is high and not just for their value, direct value, that they provide to recreational and commercial fisheries, but as well as those that may are not providing so much value, but they are limiting access to valuable stocks or stocks that have some particular non-catch value or subsistence value.

We recognize there's a lot of different ways in which the importance of fisheries can play out. We recognize that stocks have some degree of importance to our regional ecosystems and this is coming about very strongly today as we consider the forage stocks, but there is other ways in which stocks are important to ecosystems and it needs to be recognized that the impacts of fishing on those stocks needs to have good assessments so we can understand how they can maintain their role in a regional ecosystem.

Some stocks are pushing the limits. Their fishing mortality rates are right up towards the limits or the biomass has been descending towards an overfished limit and these need close attention as we proceed and another general category is where things are changing, where we've done a forecast that -- In this little cartoon example here, the forecast was that the stock was going to be continuing a downward trajectory, yet some recent indicators are showing that it's going back up. That's a reason for us to get that assessment higher on the priority schedule and get it redone and get this new information on the table so that we can make appropriate adjustments and provide access to this increasing stock.

One aspect of it is just looking at the range of importance in terms of value that we see in stocks. This is a logarithmic scale. We have some stocks that are on the FSSI, that Fish Stock Sustainability Index, and some of those are showing no real significant or hardly any recorded catch in the commercial fisheries and we see sort of a dome-shaped relationship here for the distribution of stocks.

Many stocks are in the \$100,000 to a million-dollar range in their total value and the upper end is pushing towards a billion dollars for the biggest fisheries in the country, but we have a wide range and we recognize that this range is something that has some importance to our national economy and to how many jobs come from the fisheries and we need to recognize that, but we can't overdo it. We can't put all of our energy at the top end of the scale. We need to have some level of information across the spectrum.

We recognize that we are doing a lot better today at moving stocks away from the brink of overfishing and overfished. Nevertheless, they still are scattered across this scale and the vertical axis is showing where they are relative to overfishing limits and on the horizontal axis is where they're at relative to the target levels.

We have the strongest cluster of points basically right where we want it to be, below the overfishing level and a little bit above the target biomass levels, but where stocks are on this diagram really has some bearing on how closely we need to look at that.

Another aspect is how fast do stocks change? Some have very long life histories and they don't have high levels of recruitment variability or other sources of variability and they are pretty stable over time. These pictures here are showing in hindsight half a dozen stocks from around the country and some are showing really slow changes over time and some are much more dramatic changes over just a few years' time period. This has a very strong bearing on how frequently we really need to look at them so that we can get access to increasing stocks and we prevent exacerbating declines of declining stocks. We need to recognize this as we design the target frequency for assessments.

So why prioritize? Some stocks need very good and timely assessments, but none of them will ever be perfect and it will never be perfectly timely. They are always, to some degree, forecasting ahead with imperfect information.

All stocks need some level of information, but the costs are going to exceed the benefits if we really are trying to get a high-quality assessment for every stock everywhere all the time. We need to be realistic about what is the right portfolio of assessment approaches across the range of stocks that we encounter in the country today.

We believe that by facilitating and standardizing the regional prioritization processes that we'll be able to get closer to providing

this kind of an ideal portfolio of assessments across the country. Through doing that nationally, we'll be able to recognize where we have gaps in our capability and we'll be able to consider that as we make future investments in building our national assessment enterprise.

The major changes that are in the prioritization process that we're about to release is in how we select the stocks to be included in the process. We talked about doing it incrementally last time around and now we're realizing that, from the comments that we got last year, that we really need to be appropriately inclusive of the stocks. I mean wherever we have engagement of our assessment activities, we need to be prepared to include them and so that's basically now the first step of the regional process, is to define what are our sets of stocks within which we would work on this prioritization.

Another aspect is that the weighting of different factors in the process is something that is now much more explicit. A year ago, it was basically a predefined set of weights, because there was just a point system for different factors. Now the amount of weight to each of those factors becomes part of the process, so that we can make appropriate adjustments and get regional input in designing those weights.

We realize that the value of recreational fisheries is harder to quantify than what we can do with the ex-vessel value from the commercial fishery and so this will now be a part of the process, that we will need to get experts together within each region so that we can establish some appropriate scaling of the recreational fishery importance, where that is of significant overall importance to our fisheries.

The other major change is that a year ago we had sort of a two-track process that had first-time assessments coming in on one track and repeat assessments on another and we realize that we can now merge these and it just takes a couple of placeholders in the fact of scoring in order to develop an approach that is inclusive of all of our stocks and that we can do this altogether.

What the process looks like or what this slide tells us is that basically we have a set of factors, and there is a little bit more on this on the next slide, and that from these various factors we will be able to work through a process to set a target frequency for how frequent we believe we can and should assess each stock within a system.

We can also talk about how complete each assessment really needs to be and where do we need to have age data and where do we need to have targeted fishery-independent surveys and where can we suffice with less intensive data collection efforts?

Together these ideas of having a target level and target frequency and if we set goals and from those goals we then can work through the prioritization process, using the factor scores and the factor weights in order to come up with a priority list that can now be a starting place for the final determination of what are the assessment priorities within each region each year as we update the process.

The idea is to take the factors into account to design a listing system for the priorities of assessments as a starting place for the deliberations that are going on today.

These twelve factors across the fisheries, some are related directly to the stocks, you know how close are we to overfishing, how close to overfished, ecosystem importance, factors are in there for various aspects of the assessment and are we seeing changes and do we have some new information coming to the table that we now can build into the process and, very particularly, how long overdue is an assessment relative to the target assessment frequency that we had set?

We see, working through these number of factors, that some of them we'll be able to populate with data from existing databases, some of which we want to work together with the plan teams and the SSCs and other relevant groups in the council process so that we have good information to bring to the table to populate these factors with scores for each of the stocks.

It basically will work by having these regional expert groups and the Centers are prepared to move forward with facilitating this effort and pulling together most of the information, but providing an opportunity for a high level of input from, again, the plan teams and SSCs and other groups in the councils that are very engaged today in the assessment process.

The experts will provide scores for the various factors and then to have the regional management groups, groups like the NRCC and SEDAR, and other interactions between the Centers and the Regions and the councils and those steering committees to come together and deliberate on what is the right level of weighting of

these various factors. Again, we could facilitate this process.

We will end up with a set of scores for the factors for each stock and weights for the factors coming from the regional managers and together that produces a set of priority scores that could then give us some idea of which stocks are really in need of assessment sooner and which ones we could wait on and we can work our way down through this list.

The stocks that are at the top of the list today will remain at the top of the list and I'm sure that that's the way it will play out and those that are far down, they will remain far down, but we will have a process that helps us cycle through these so that we can occasionally move some of the lower ones up into the middle tier and be able to get some of them brought to the table to get assessment information brought forward.

There is various roles. We will work on collating this information and we will work with the councils and commissions and other partners to provide the scores for these factors and we will work with the steering committees to put it together, the factor scores and factor weights, and create this proposed priority list and it becomes something for these regional groups to then use as a starting place for developing your final set of weights, taking into account existing factors such as the management cycle that you're on and whether or not we have data available and how much staff we have available to get further down that list. There is a lot of other factors that aren't directly part of the process and we recognize that, but we can now provide an objective approach to get a starting place for these assessment priorities.

The steps that we'll go through with each of the regions, we will define the stocks to develop the various scores and this will take a few workshops, I would expect, over the next couple of years in each region. We have talked with the Pacific Council already to begin. They're sort of at the right time of their upcoming cycle for setting assessment priorities and we've already had a little bit of a start with some of the Science Center staff in that region and so we see that as an area where we're going to try to make a first cut at some of the implementation.

This process could evolve over time. We recognize that setting out a set of scoring system like this -- We will gain experience as we apply it. We recognize and we are prepared to tweak it over time and let it evolve and where we need to add more factors or not, we will do that as we need to.

We encourage within each Region to develop a management strategy evaluation to provide even more objective information about just what is the value of better assessments or more frequent assessments. Can we quantify that in its direct impact on the performance of our whole catch limit system?

We will be able to identify some of the major gaps that we have nationally between our current and our target levels. We don't see this as any way to start talking about reallocation of resources, but we certainly see this as a way to help us make good decisions as we move forward with allocation of any potential increases that may become available.

This looks complex, but it's really still a pretty simple process. It can continue to evolve and we've been talking with several economists and they have some really excellent ideas on how you can take a very fully developed objective process to take into account the marginal benefits of getting more assessments done and that's something that there are protocols for looking at it from that perspective. We don't have the information today to do something like that, but we certainly see that as a direction that we can evolve to in the future.

That's where we're at today. We're working towards rolling this out this summer and I look forward to any questions and I certainly look forward to opportunities to meet with you as we can over the next months to a year to talk about how we can get started with the implementation in each of the regions. Thank you.

Kevin Anson:

Thank you. Doug, you have a question?

Douglas Gregory:

Yes and a comment. There is a couple of things that concern me, but one aspect is the category of importance to the ecosystem. Our ignorance there is so great that I would caution against any dogmatic approaches or presuppositions that biologists have.

Throughout the Caribbean, who would have suspected that diadema was an important factor to the ecosystem? I don't think any of us would have and when it died off, the coral reefs in the Caribbean and the Keys really deteriorated.

Overfishing is claimed to be the cause for coral reef decline, but there was fishing throughout the Caribbean with fish traps, taking parrotfish and stuff, all before diadema died off and the reefs were really healthy, the Staghorn and the Elkhorn. It wasn't until that

disease swept through the Caribbean and killed off this one sea urchin that things went to pieces.

The other important thing, since you mentioned forage fish, is if we're fishing populations at MSY, they are at half the biomass of the virgin stock and so forage fish and habitat really should not be limiting factors in those populations and so any relatively minor decline in habitat or forage fish really wouldn't affect the populations or the ecosystems, because we're already impacting the major components of the ecosystem.

One thing I want to say about the Florida Keys that's really interesting is that our coral reef has deteriorated, probably more so than other coral reefs in the Caribbean. We're a continental coral reef and so we have nutrient input from the Everglades and very clearly in the Keys, where we have like the Seven-Mile Bridge, we've got more nutrients coming out of Florida Bay and there's less coral reef and so that has an impact, but we had beautiful coral reefs in the 1970s, prior to the diadema die-off.

The interesting thing here is our major fisheries that we harvest and that we manage, yellowtail snapper and mutton snapper and gray snapper and spiny lobster and stone crab and black grouper, are healthy and it's interesting how coral reef has deteriorated, but our major fisheries, with one or two exceptions -- Hogfish has recently been discovered to be overfished, but they are healthy.

I am beginning to think that these are major components of the ecosystem, these huge populations that we're harvesting, and that the seagrasses and the mangroves are really the main components of the ecosystem that seem to be holding this together.

Now, if you look at parrotfish and if you look at moray eels and if you look at butterflyfish that are very, very coral reef dependent, they have probably gone down dramatically, but the major components of the Florida Keys ecosystem, if you call the Florida Keys an ecosystem, are doing well, as well as seagrass and mangroves. To me, that just points out that we've just got to be careful where we presume linkages to be and that's all.

Rick Methot:

I would just quickly respond that we have tried to differentiate between things that are important to understand so we can have better assessments and I think many of the factors that you bring up relate back to the preceding discussion on the EFH and how can we bring more of that information into the knowledge base as we conduct assessments and those are better assessments and that's a

little different beast than how frequently do we need to do assessments.

We have really tried to keep it focused on the frequency aspect. We've thought about the issues of common vulnerability and the rate of change and even there long-term changes are the kind of things that we need to do with better assessments, but the factors that affect how frequently we need to do them or what do we need to do to keep things tuned up in the short term, they're a little different set of factors at play there. We have tried to keep that clear as we've worked our way through it, but those are really good comments about the long-term aspects.

Kevin Anson:

Bob.

Bob Mahood:

Rick, I'm sure you're very familiar with the SEDAR process and we have a process where we do the prioritization of our stock assessments. Our problem is not having input relative to priorities, but our problem is we have so many priorities that we don't have enough stock assessments and I don't see how this is going to affect that. Maybe you can explain it to me. I mean it's pretty clear what needs to be assessed and what the priorities are.

Rick Methot:

Fair enough, Bob, and I would respond that one aspect of this that we strongly recognize is that getting more assessments done is -- Partly it's about doing them at the right level and it's moving more things into an update process and doing more of them and using standardized methods and relatively quickly applying those methods to the data that we have.

By putting a lot of effort into each of the assessments, it really cuts back on the number of assessments we can do and so you will see that throughout this document, even though it's not about the review process, there's a lot of overtones for the review process and standardization of the assessment methods that really plays into being able to do more of them.

You're right that this doesn't automatically get us any more assessment capacity. It does try to use what we have as effectively as we think we can, but getting more done, part of that is going to be in sort of the right sizing of the balance between transparency, thoroughness, timeliness and the number of assessments we can get done.

That was also a topic that came up very strongly a couple of years ago as we were doing our agency program reviews of each

laboratory's efforts on stock assessments and through that, in several of the places around the country, it came up that this balance between these factors on the review process were something that needed attention. You know it's time to have a bit of a retrospective on just what is the right mix of thoroughness of review versus standardization of methods, so that we can get more assessments done more frequently.

Kevin Anson: Yes, sir.

Lee Anderson: I liked your point on right-sizing, but when I go through the chart, I don't see how your numbers can really contribute to the question of right-sizing. What you have is two numbers times another and you get a priority of which stock assessment to do, but that's a different problem of right-sizing them and I think that's a more important problem for us.

Rick Methot: You're right and we have a parallel process underway right now and we're working on updating the Stock Assessment Improvement Plan. I am one of the surviving members of the original development of that plan back in 2000. We are working on redoing that plan and in doing that, we are, I think, going to do a little bit more work on the types of assessments that we need to do.

Where I see it fitting into this process actually reflects back to where do we need to do extensive benchmarks? It's when we are bringing something new in. Benchmarks, we have tended to use them a bit too much to relook at the same information over again rather than being more surgical about how we apply them, so that when we have something particularly new to raise the level of an assessment or to answer a -- Now we have new information that has high promise to answer an old question, that's when we say, okay, let's do the benchmark in order to bring it in.

Otherwise, we're not going to learn that much more by just relooking at the same stuff again and let's just do it as an update until we can get something new to raise the level of it and so that's where the level aspect of it plays into this. It's more in deciding where to do updates versus where to do a fuller benchmark that relooks at more factors and has a more extensive review process, but outside of those needs, we see a lot of merit in sticking with what we've done.

Doing an assessment update, it's incrementally building upon the knowledge that we have and it's not that a benchmark by relooking

at everything is better. You could make the counterargument really that an update is better, because you established a base and that's where we're at today and incrementally you're building on that with more information and a longer time series and potentially tweaking some aspects, some minor aspects, to a small degree, but you're making incremental improvements on the previous base and then the new benchmark is going to allow you to go to a new base, but that's something that we should do more deliberately and rely more upon the updates to move us forward. The level aspect, yes, you're right that it's not a core aspect of this timeliness of prioritization, but it is there.

Richard Merrick: What I hear Lee asking really is where is the guidance on the right sizing?

Rick Methot: That's something that we would work on as we work through implementing the stock assessment improvement plan and so that will come essentially in parallel with developing this process, more about the timeliness of assessments and the level of information and a way of thinking about assessments. Through the Stock Assessment Improvement Plan, it will allow us to, again, have these same sort of regional experts work our way through thinking about what stocks need to have a higher level of assessment across various areas and where not.

We have not started into that implement phase yet and so before the implementation of prioritization, per se -- We basically will be where we are at today with regard to levels and we won't be establishing, through this process, a target level that is higher or not than the current level of an assessment. We will let that play out over time through the SAIP.

Kevin Anson: Sorry, I don't know your name, but --

Charles Daxboeck: Chuck Daxboeck from the Western Pacific Council. I just have one simple question on the twelve factors and I think it's on your Slide 12. Is there any possibility that -- I see you've added the important to subsistence, but is there still some way that -- I don't know if this is finalized or moving ahead, but is there still some way of perhaps getting the idea of rating with culturally important species to be considered in this factor? That's one question and I have another one.

Rick Methot: It could be included in this factor. It could also be included in the non-catch value factor. You know we've provided some things in addition to the quantitative value of fisheries and so there is at least

two places where those kinds of things could be identified.

Charles Daxboeck: Thank you and the second is is there another document available, because I think we have the 2014 February and in that, I was going to ask something on the Table 3 on page 31, if that's been redone recently.

Rick Methot: That is what we are redoing and we expect to be able to release the document, which we will put out as a -- It will be a final document, but it will be a starting place for the process and that will be coming out, I hope, within about a month.

Kevin Anson: Doug.

Douglas Gregory: Dr. Methot, you mentioned in a number of places about workshops and regional scientist and plan teams. My main concern is how much of a workload this is going to end up being on our SSC. You know the ACL control rule thing basically consumed over two years of the SSC's time and I don't want to get involved in anything even close to that again that's not going to have a worthwhile benefit at the end of the effort.

I really want to minimize the amount of time it's going to involve on our SSCs and I am wondering how much do you anticipate involving the SSCs in all of this? The last time we spoke with the Southeast Science Center, we were told that the NMFS people would be doing most of this prioritization and most of the work and the SSC would simply review aspects of it.

Rick Methot: We will be doing as much of the heavy lifting as we can, but we can't really do this very well without having that input from the SSCs and the other groups and so we certainly want to provide the opportunity.

We know that they already are engaged in some aspects of thinking about these prioritization efforts and so we're going to try to dovetail into what they're doing today and bring this process to the table as they are doing it.

Kevin Anson: Don.

Don McIsaac: Thank you, Mr. Chairman. If you could turn to Slide Number 14 and, Rick, several times you have said this is an evolving process and it's moving forward and so it's an idea and it's a good idea on how to get things a little bit more organized and so as it evolves, let me say thanks for all the good, organized thinking on this.

In our area of the Pacific, when you look at this, Bullets 2, 3, and 4, something like that has occurred at the council meeting in the past. We don't have a regional assessment steering committee, a SEDAR-type of thing, but at a council meeting the Groundfish Advisory Subpanel and the Groundfish Management Team and the SSC and the public and even the council members over a couple of meeting process consider these things.

They haven't gone to this quantitative step yet, but that kind of thing has happened at the Pacific Council in the past and so advancing this to some sort of quantitative assessment might be the next reasonable step. My question is the last bullet.

Since we don't have a regional steering committee in our area, in the end, the council, with NMFS at the table, ends up setting the list of priorities that will be done in the next go-round. This literally says the regional steering committee uses the quantitative list to set the assessments to determine exactly what's done, as opposed to a little bit more free-wheeling and consider all of this as you go forward.

Again, at the beginning and you've said all along this is an idea that's germinating out there and I wondered if you could speak to any ultimate rigidity that would change the general flow of things that at least we see in the Pacific Council.

Rick Methot:

We certainly recognize that the nature of the relationship between the councils and the Centers and the commissioners and other parties differs in every place. In some places we have a long history of an executive steering committee, like the NRCC and like SEDAR, but even there they play out a little differently in the relationships and so there's not really an easy one-size-fits-all and we recognize that, but we do see the merit in coming together between the agency's interests in seeing assessments done for status determinations and the councils' interest in seeing assessments done for all of the management needs that you come forward with recommendations on.

We have joint interests in getting assessments done across the range of stocks in the management plans and so it seems that having certainly the council input into the process is important, but then bringing you back together between the people who are heads of the units and heads of the organizational components that would be having a play in the assessment work and having them get together and use the results and use the input from the councils in

those final determinations. We see that as something that can help us get input from all sources, but then make the final decisions.

Richard Merrick: Let me reemphasize that, that I, and I think Sam agrees, strongly encourage that each one of the regions have a body like that, a regional steering committee composed of the Center, Region, and the councils to make this final decision as to what the scheduling would be like and the balancing of the competing interests between the management cycle, the data availability and capacity, but actually a senior-level group to make those final decisions.

Don McIsaac: Let me make sure I understand that. That would be a change for the Pacific Council and that's going to take some significant discussion to make any adjustment like that.

Richard Merrick: We understand that and it might be useful for you to spend some time talking to folks that are dealing with a similar sort of group within the NRCC, to see the utility of it and the disadvantages of it.

Kevin Anson: Chris Oliver.

Chris Oliver: I guess I have a question. This discussion was going on and we were sitting here thinking and having a sidebar that in our region at least we have a fairly good process already in place for that within-region sort of prioritization and so I'm not quite sure what the implications are relative to our region, but I am trying to think, toward the end, what's going to come out on the end of this process and so you see this as strictly a within-region prioritization and I am thinking about the across-region implications of this prioritization and, to be quite blunt and sound a little selfish, in the end, given limited resources and funds and ship time, is this going to result in a potential loss of stock assessments in one region to help fill the gaps for stock assessments in other regions?

I think that's obviously been in the back of our mind from the Alaska region and a concern that we've had about this process and so, in the end, do you see this as a within-region prioritization or also across-region prioritization?

Rick Methot: We have designed this very explicitly as a within-region prioritization system, but we also recognize that it will identify where we have gaps. We will have a more quantitative measure of where we have the bigger gaps.

You're correct that in the North Pacific you're going to be able to get farther down your priority list. You have a well-oiled machine

in producing assessments there, but going through this process is going to give you an opportunity to reflect on just what is the needed level of assessment frequency.

You know there are many stocks in your region that do not change very rapidly and yes, it's good to keep them as updated as possible, but we can do more than is needed and there are a lot of other needs, a lot of research needs and a lot of trying to get at the big picture of what's going on in the systems. Some of that same analytical horsepower can be turned to issues like that if they are not updating assessments, in some cases a bit more frequently than really is needed to support good fishery management and so it's an opportunity to reflect on that schedule.

Richard Merrick: Chris, you may remember that GAO reviewed this process and so we had about a two-year review from them. They went into this with the expectation that at the end we would this fungible assessment capability that would be shifted back and forth across the country.

I think we convinced them at the end that no, this was not the point of this and that, in particular, since most of the cost of assessments actually came out of the data collection phase, which we could not really afford to discontinue anywhere, because we need the data streams, the long-term, continuing data streams from the surveys. They realized in the end that what this really would do would make the prioritization process more transparent, but it would still be regional.

Kevin Anson: A follow-up, Chris?

Chris Oliver: I actually had a completely different question and I will go ahead and ask it. This just occurred to me this morning as we were earlier in the week looking at Magnuson-Stevens Act reauthorizations and one of the provisions in the Florida Fisheries Improvement Act, that I think is still scheduled for markup today, is a requirement for the Secretary to develop a stock assessment plan. I don't know if you've had an opportunity to look at that language, Rick, but it occurred to me that this particular exercise you're going through might -- It's kind of like the NS1 issue. A lot of the provisions in the bill are maybe accomplishing the same thing on a parallel track that the NS1 revisions are doing and I'm wondering if this is a similar situation, where that particular set of requirements that could come about would actually be satisfied by this process and it's really just a question of curiosity, I think.

Rick Methot: We certainly are aware of that language. It is eerily similar to what we've been working on and I would hope that we would be able to make whatever minor tweaks we needed to to this process so it would satisfy that, if that indeed were to come into place, but, again, that remains to be seen.

Richard Merrick: Chris, we have been briefing the Hill on this and so they're aware that this is going on. We actually had another briefing last Friday to explain where we were.

Kevin Anson: I have Bill, followed by Tom and Miguel.

Bill Tweit: Thanks, Mr. Chair. This is sort of a follow-up I guess on both of those questions. If a council meets and reviews the proposed approach and basically just cuts to the quick and determines that -- Without going through a lot of these steps, if the council determines that it's already at the goal of having a prioritized portfolio of right-sized assessments for each stock and, given the amount of resources necessary to go through the full quantitative steps to do this, determines that those Science Center, plan team, and SSC resources are better spent on addressing things like developing the necessary structure for a fishery ecosystem plan and developing the structure necessary for putting ecosystem-based triggers into our current stock assessments and some of those other things that we've already outlined as high priorities, at least as one council, and that it's sort of a marginal call whether we've got the capability to do those right now, can a council, at this point, just start with the goal and assess whether or not our current portfolio of stock assessments is reasonably achieving that goal and, if it is, basically attest to that and not go through the rest of the steps?

Rick Methot: Bill, your current assessment efforts are also using the same resources that are there to develop that fishery ecosystem plan and all the other things that you've listed and we believe pretty strongly that we need to go through this assessment prioritization step so that we can be certain that we are utilizing the resources we have available across that full spectrum, including getting the right size of assessments done as well as doing those broader investigations as well.

It's all part of the same zero-sum game and we really feel as though we need to go strongly forward with this process in order to look at our allocation of resources across that spectrum.

Bill Tweit: If I could respond, I think we've had, maybe not formally and

maybe not well documented, but we've had that conversation with the Science Center in particular and they've done -- Over the last couple of years, they have done a good job of realigning resources to meet the newly emerging council priorities and taking a look at their existing resources and reprioritizing them already and I mean it hasn't been quantitative and it hasn't been formal, but it seems to me we've been through a lot of that.

Maybe a process like yours could identify it a bit more, but a process like this also takes a lot of resources to get there and we're not seeing evidence of what you're talking about. What we're seeing is the Science Center that has taken a look at their existing resources and has redeployed a lot of their existing resources to meet some of the council and the agency's emerging priorities.

Again, it seems like the first step in the process should be the council meeting and reviewing this proposal and making a judgment as to whether we're already achieving the goal and if you're already achieving the goal, there ought to be a way to then not have to go through the full process and just simply document that the council has met and reviewed this and determined that we already have, at present, a prioritized portfolio of right-sized assessments.

Rick Methot:

Given the well-oiled machine that you have to produce the assessments, they also, I expect, will very easily be able to go through the steps of populating this process with the needed information.

Because of those assessments, a lot of the information is going to be readily at hand and it is working into, in your case, a system that does not have many of the varied factors that we see at play in some of the other regions and so I do not see that it will be a particularly heavy lift to put this in place in that region in particular and in all the regions. We will be able to do this. It is something that we need to do in order for us to get on with having the right allocation of resources for the future.

Kevin Anson:

Tom.

Tom Nies:

Thank you and I had a question. I think a couple of times you've mentioned and I think we all expect that this is going to be somewhat adaptive as we move forward, as we try it out and use it, and I think in response to Chris Oliver's question the answer was that it was intended to really be focused on a regional approach.

Given that, will the regional steering groups or, in the case of the Pacific, perhaps the Pacific Council, will they have the ability to modify or change the factors for prioritization as best meets their needs? I mean I could see, for example, under fishery that in some place like the Greater Atlantic Region that we might want to include a factor like somehow evaluate what stocks need an ABC or an ACL, which doesn't really seem to be included in the prioritization scheme.

Somebody may have some other factor that they deem is important under ecosystem roles or something and would a regional body be able to modify the prioritization scheme to incorporate those factors if they think if it's necessary?

Rick Methot:

I won't say no to that, but we have gone through, especially through the public comments last year, and we have made changes in this list as a response to those comments and I think that, again, I would say this is a starting place and we need to get on with trying it. I think we should try it as is.

I think that some of the things you bring up we should be able to find ways of taking them into account, taking those kinds of ideas into account as we actually develop scores for some of those factors and the exact way in which we use basically the choke stock score or the non-catch value score. That's going to be potentially a little bit different and we'll work with you so that we try to get as much consistency as we can in how we use them, but we recognize that the fisheries and the systems are different everywhere and we're trying to get the right balance between having the same system everywhere, but implementing it regionally.

Yes, over time, I can see some evolution of the scores. I can see coming in and, as we say on our last slide, things like a management strategy evaluation could well come in and take this really rather simple approach to coming up with target assessment frequencies and replace it with something that is way more well founded on some very quantitative analysis. That can happen down the line, but we just aren't ready to do that kind of thing right out of the gate at the onset.

Yes, I can see evolution of the factors, but I would prefer it if we could try to work within this set of factors and if we need to elaborate on just how are we using this factor, that should be part of the process as we work in this first round of implementation.

Kevin Anson: Miguel.

Miguel Rolon: I have one question. From my understanding, the way I see this, those two first lines provide sort of a tool that can be used by groups that the ones that we established by SEDAR and make it stronger, but it will not impose those criteria necessarily to the Region if they have a scientific-based rationale for modifying it somehow and is that the way that you see this?

What I'm trying to see is if we are working from the bottom up rather than from the top down in this case and that's what worries some people.

Rick Methot: We will try to work it both directions. I mean yes, this is, to some degree, top-down, but we're trying to implement it as well as we can from the bottom up and engaging the people who are currently engaged in thinking about these issues today.

Again, the same as my response to Tom, we've done a lot of thinking about this and we've had some dialogue with you over time on how this might work out and so we want to work with you to try this implementation.

As we identify areas where a particular study could identify an approach that could take some of these factors and make them better, we invite that. I mean if there's interest in any of the regions in developing more quantitative tools, that's great, but we do see this as a system that can give us a way to think about getting the assessments that we need for our status determinations and for the annual catch limit setting. We have a lot of needs for these assessments and this process could help us get there.

Kevin Anson: We need to wrap this up. I have Don and then, Ben you will be the last one.

Don McIsaac: Thank you, Mr. Chairman. Again, from the Pacific Council perspective, these three middle bullets are areas where that kind of happens at our council meeting and we think it's pretty successful. When you talk about this thing giving us a way to think about things in general and, again, adding a quantitative assessment here I think could be valuable.

If the quantitative assessment becomes the thing that sets the determinants and you've got a stock at twenty-five and another one at twenty-four and, oops, I'm sorry, but it can't go, that's going to be some sort of a problem.

Let me also say that if we're really going to try to get a steering committee in the Pacific Region that replaces the council -- I think last time it was actually a three-meeting exercise and so it was a very thorough, public, transparent exercise and I don't know if NRCC is an open public meeting, but we certainly wouldn't want to get -- In our area, we would not want to get away from making this decision in public, in front of the people that have a chance to put their say-so on this.

I know when you talk about this being more transparent and maybe in our area I would be afraid this would be less transparent and in your briefing to the Hill, could you please be sure and say things are working quite well on the West Coast now?

Rick Methot:

I would respond that there is merit in having some degree of separation between the development of the public input on what are the needs and the decision of the allocation of resources to try to meet those needs, to the extent we can.

This creation of a steering committee would give you that degree of separation and yes, of course, through the council process and we want to get as broad a range of input as to what are the needs. You have a research and data needs process also that creates a list of things that would help us move forward.

Whether or not we can move forward and how quickly we can depends upon what resources all the involved agencies have to bring to the table and the same is true here. Having a set of assessment needs that come from the perspective of the council process is important, but it can't be the final say in just exactly which assessments we can move forward with.

By going through this process, we will be able to bring to the table a relook at all the stocks in a region and be certain that we are giving ourselves an opportunity to pay attention to their needs across the board.

Kevin Anson:

Ben.

Ben Hartig:

Thank you, Rick. Your question of how good does a stock assessment need to be, I mean how much data is necessary to complete a robust stock assessment? It does right in line with that.

Your Stock Assessment Improvement Plan, which I don't know that I am that aware of that and I mean I would like to know the

information that's involved in that and how that is going to be accomplished. For us, that's the critical thing to do first, before we get to the prioritization plan.

In the Southeast, we have been hammering on you for years about the data deficiencies in the Southeast and it's really the uncertainties are so great from the data that we really lose a lot of catch based on those uncertainties and so this prioritization plan, and Bob touched on it, about we have a pretty good SEDAR process about doing the prioritization and take a number of things that you've done into consideration when we do those things, but I think for us the cart before the horse is a little bit -- We need to really improve our data and have a prioritization of our species and what the information we have that are driving the assessments for those particular species, fishery-independent and fishery-dependent.

Which data streams do we have? We haven't even done that for the species that we have and so, for us, it's going to take a little bit longer to get to where we need to be in this process.

Rick Methot:

Certainly taking stock of where we're at today with regard to the available data for assessing stocks is part of what we really want to try to work on strongly as we implement the Stock Assessment Improvement Plan. That, again, is lagging this a bit, but we are working on that actively as well.

The prioritization is more about -- It's not going to create any new data, for sure. It is about how can we design the right level of assessments so we don't end up expecting a Cadillac assessment when the data clearly can't support that.

It's about creating realistic expectations for what kinds of assessments to put forward and certainly the factors we've built in here, we recognize that these are the same kinds of factors you have in mind as you're going through each of the regional processes in the South Atlantic and elsewhere and we're trying to, again, work on standardizing that, recognizing that it is about the same everywhere, but we're trying to write it down and standardize it and then work on facilitating our way through this process.

If you already have a process, I can't imagine that this is going to come up with a result that is a lot different than what you're coming up with today, but it will give us an opportunity to take a good, transparent look across that range of stocks.

Kevin Anson:

Thank you, Rick. We are fifteen minutes or so behind schedule, but we're going to go ahead and take the break that we had in the agenda at this point and it will be a fifteen-minute break and we will pick it back up at that point.

18. INTL. AFFAIRS/SEAFOOD INSPECTIONS

John Henderschedt: In April, we assembled a list of contacts that I thought were important to reach out to and get some input in terms of priorities and engagement by this newly-merged office and once I looked at the length of that list and the amount of time it would take to make all of those contacts and have all of those discussions, I realized that it might be more efficient for me to be able to address the councils and the regions in this setting to initiate that discussion and so I really appreciate the opportunity to do that.

Just some context for you. The merging of the office is a great opportunity to take stock in what we're doing and what the priorities are and where and how we engage going forward and so I have put together some trigger questions that I am going to offer now and give you some background information and then circle back to these questions and certainly welcome your comments and your recommendations here, but also I would welcome follow-up discussions once you've had a chance to think this through further or might have ideas at some point in the future.

First of all, how can the office improve support of the agency's and the councils' RFMO and other international engagement? Many of you are involved in one or more RFMOs and how can we improve our support and our engagement? How can the office better achieve a level conservation and market playing field for U.S. fishers and seafood producers?

What I mean by a level conservation playing field is to what extent can we ensure that the sacrifice that U.S. fishers are willing to accept or have to accept in order to have sustainable fisheries and sound management in the U.S. -- How well can we prevent that from being a disadvantage in the global marketplace as opposed to an advantage?

What are the critical U.S. Government trade support needs of your seafood industry constituents and what additional information about our engagement in international fisheries forums would be useful to your council and its constituents? Again, taking an opportunity to evaluate priorities and evaluate allocation of resources and I welcome your feedback on all of these issues.

The combined Office of International Affairs and Seafood Inspection has, as indicated by its title, a rather broad portfolio and so we're engaged in RFMOs and other multilateral conservation agreements as well as bilateral dialogues.

We have engagement in international seafood and trade, both in the form of inspection and certification as well as support in the European Union, in Asia, and elsewhere. We work to build a global capacity for sustainable fisheries management and, as I said, work to level the global management and market playing field for U.S. fishermen in the U.S. seafood industry.

This is not an organizational chart, but rather a diagram of the forms of work and engagement that this office has within its portfolio. It includes international fisheries and conservation and under that umbrella, as I mentioned, is RFMO work as well as other multilateral agreements and also there are a number of regulations through the High Seas Driftnet Fishing Moratorium Protection Act, as well as the Magnuson Act, that address IUU fishing, bycatch of protected living marine resources, as well as shark conservation that this office has a role in enforcing and so this office puts together the biannual report to Congress that addresses IUU fishing and bycatch.

We work with identified nations in getting them to a positive certification, meaning that they have adequately addressed the issues for which they were identified.

The office also has a capacity building role. We have a team of individuals that engage in Asia Pacific, primarily, in West Africa, as well as in the Caribbean. We also administer other grants for capacity building projects and work closely with other offices within the agency in supporting U.S. AID projects as well.

On the other side of the office, we have commerce and certification and that includes obviously the Seafood Inspection Program, which includes lot inspection, which includes HACCP Program certification and auditing, as well as third-party support for quality management plans, both domestically and abroad, and added to this portfolio, in the process of merging these offices, is support for seafood trade.

What means is bringing into the office a number of efforts that have been in existence for a while and so we have someone in Brussels who focuses on trade issues for us with the EU. We have a vacancy right now in Tokyo, but we will be filling that vacancy later this year and that office will be responsible for trade support in Japan and Asia Pacific, other than in China and I will address that briefly in a bit.

There are a lot of good reasons for merging the office. It allows us to leverage a broader knowledge base. We now have folks that are engaged in policy as well as trade issues working together and providing information across those silos about what's going on in various multilateral and bilateral engagements. We have improved efficiency and we are enhancing the agency's ability to support seafood trade and I should note that trade is a priority of NOAA.

Also, as I described the other day, implementation of the action plan for IUU and seafood fraud is really an issue that brings this office together. It has a number of international policy elements as well as the sort of mechanics in the process of traceability and much of that expertise resides within this office and, finally, providing a more coordinated and comprehensive approach to future challenges.

As an example, I see a need for our office to be much better prepared to deal with the growth of China as a fishing and seafood power within the global marketplace and with this combined office, we will be able to address those issues both at a policy and a management and a trade level in an integrated fashion.

I am not going to go through this list, but obviously, given the activities that I have described, we have a broad suite of stakeholders and I have attempted to reach out to many to get feedback on how to move forward and where are our priorities and what are the emerging challenges that we should be prepared to deal with both on management and on policy and trade issues.

Looking forward, we will continue to support NOAA priorities, international agreements, and legislative mandates, as I mentioned, such as the IUU and bycatch of protected living marine resources. We are going to coordinate that engagement across this broad mission portfolio and ensure that our government-to-government work on trade and seafood inspection, for instance, can inform those who are engaged at the RFMO level or other conservation agreements, ensuring that we're going to the table for whatever discussion we are engaged in with as much background information and understanding as possible.

We are sort of consolidating and building a trade office. We will be hiring at Headquarters to ensure that we have adequate staff to provide the sort of trade support that the U.S. seafood industry requires. I mentioned China and I personally think that it will be one of our very important areas of focus going forward and my plan is to develop a China strategy on the management policy and

trade spectrum, first at Headquarters and at some point may look to putting someone in Beijing with the same sort of trade role that we've got now in Tokyo and in Brussels.

Finally, we will certainly remain focused on implementing the Presidential Task Force recommendations. I do not see this as a role that is going to go away at the end of this administration. We obviously have an action plan that is designed to take place within the current administration, but I think that the mandates for combating IUU fishing and seafood fraud will remain and I see this office as being directly engaged in that on a long-term basis.

As I have highlighted, we have a number of strategic considerations. What do we do and how do we engage going forward? What are the operations and the activities that make up the work of this office? What are the strategic underpinnings of that engagement and what is the organizational structure that best supports and enhances our ability to execute? Those are really the questions that I am working to address right now in designing or rethinking this newly-merged office.

I spoke about the outreach and I've spoken with other office directors and NOAA leadership and had many one-on-one discussions with staff and discussions with U.S. Government partner agencies and with fishing and seafood trade associations and with NGOs and with members of the funding community and I want to engage you as well in that discussion, both at the council and at the Regional Office level.

These are the questions, again, those sort of trigger questions. How can we improve our support for the agencies and the councils RFMOs and international engagements? How can we achieve a level conservation and market playing field for your constituents? What are the critical trade support needs of your seafood industry constituents? I will point out that this has been a very difficult or challenging discussion.

I have found that folks tend to focus on the problem that they're dealing with today as opposed to the one that they might have to deal with over the next three to five years and so I am still trying to get a sense of what the emerging needs and challenges are relative to trade support.

Finally, what additional information about or engagement in international fisheries forums would be useful to your council and to its constituents? I welcome your feedback now, but I also hope

that this is the start of an ongoing discussion with the councils and with the Regions in terms of how this office supports your work and how we prioritize our efforts towards that objective. Thank you, Mr. Chairman.

Kevin Anson: Thank you, John. You may have brought it up and I apologize if you did, but how much is your group involved with aquaculture seafood and seafood products and such? Are you involved with that all in your office?

John Henderschedt: That's a great question and we actually at present have very limited or are doing a limited amount of work with aquaculture. Just this past week, I sat down with the leadership of that office at NOAA Fisheries and we're starting to explore -- They have an international person in that office, but really looking at where the support needs to be, both in terms, again, on a management side and on the trade support side.

I see aquaculture as sort of a growing issue and one that we need to be paying attention to and certainly one that will be considered as we develop this trade support capacity.

Kevin Anson: Anyone else have any questions? Kitty.

Kitty Simonds: You have an awful lot of work cut out for you, but I guess the one thing that we would be looking for is for your office to improve the support of the United States at the negotiations table, especially for us at the Western and Central Pacific Commission. The U.S. has exhibited very bad judgment in terms of our fisheries. The U.S. has two big fisheries in the Pacific and one is ours, the Hawaii longline fishery, and the other is the U.S. tuna fleet. There are forty of those and, for us, there are a -- We have 164 permits, but about 120 boats fish for bigeye in the Pacific.

Several years ago, at one of the negotiation meetings, the U.S. agreed to reduce our quota, but then to increase the quota, bigeye quota, of another country and then the rest of the countries that catch bigeye to maintain their quota. They had no explanation on why they agreed to reduce our quota and this is bad judgment, because it just doesn't make any sense to us for the U.S. to agree to increase somebody else's bigeye quota and then lecture us about overfishing of bigeye.

That's a really important element of managing the U.S. fisheries in the Pacific Ocean and so I look forward to your office having to improve the -- It could be the education or it could be not

understanding the complex nature of Pacific fisheries, but it's been downhill ever since and soon our quota -- We are being reduced this year and we're being reduced in two years and it doesn't make any sense at all.

Fortunately, at the meeting last year, the international meeting, Mike Tosatto did bring up the fact that the longliners have met the conservation measure and the problem is with the purse seiners in terms of bigeye and so one of the things that the council voted on last week was for the U.S. to look at perhaps a total catch limit for U.S. fisheries and work from there.

The U.S. needs to do something about their U.S. purse seiners, because the U.S. purse seiners and the Spanish purse seiners are the biggest polluters of the bigeye catch at fish aggregating devices and that is a problem that the U.S. should be working on, because while you're not working on that, the longliners are taking the disproportionate burden of that fishery and so I am glad, because I wondered what happened to this international office.

In the 1980s and 1990s, you had staff in Japan and it made it so much easier for us to deal with issues that we had with Japan and then it sort of faded out and what happened to this international office and so I am hopeful. I hope my hopes are going to be realized, but we will be in touch with you all the time and, in fact, I am going to send you maybe ten letters that I've sent to the National Marine Fisheries Service and to NOAA about our situation. Some of them have never been answered and so I expect to get at least some kind of a response and so thank you very much.

John Henderschedt: Thank you, Kitty.

Kevin Anson: Miguel.

Miguel Rolon: John, I don't envy your shoes, because you have a lot of enormous tasks ahead of you, especially when you combine the seafood with international issues that we have, but the specific question I have in the Caribbean -- I don't know if you already have formulated your vision of how your office will work with the international arena in the Caribbean.

Since the get-go, the Caribbean Council has been involved with the United National OSPESCA and sharing information and helping with workshops and we have three areas that we work with them: science, management, and, to a certain extent, enforcement. The

way we have done it with enforcement is we coordinated with National Marine Fisheries Service many years ago on issues that are common to the Caribbean and the U.S.

We will continue doing so, but we would like to coordinate more with you, rather than working alone. In the past, we have invited Sam to attend some of the meetings of the WECAFC group and they are very effective to have a face at the high level at these meetings, because some of those countries, when they come to this meeting, they have the people at the high level and they expect to have the same thing from the U.S.

Also, I just wanted to mention one person and Nancy Daves has been almost individually very hard to do capacity building and having workshops and helping with us and on one particular species, I call her the Queen Conch of Queen Conch, because she really has been working and she has been instrumental in having a fishery management plan for the entire region.

The other issue is the lobster and the Southeast Fisheries Science Center Director, Bonnie Ponwith, is interested in moving forward with efforts towards having a Pan Caribbean approach that includes Brazil all the way to Bermuda and a science effort for managing the lobster and now that we are kind of a little bit more friendly with Cuba, there is interest by nations to have an approach that will incorporate them into the decision making. Cuba has a very long history of good science behind fishery management that we want to share with them.

John Henderschedt: Thank you.

Kevin Anson: Dan.

Dan Hull: Thank you, Mr. Chairman. Thanks for your presentation, John. I've got a couple of thoughts on I guess the first and the last bullets. As you know, the North Pacific Council is engaged in a number of international organizations and then now there seems to be a growing number of them and a growing number of initiatives, the North Pacific Fisheries Commission and the Arctic Council activities, as well as other Arctic initiatives that are going on, the Halibut Commission.

I am thinking about how best our council can engage with these organizations and initiatives, given our limited resources. How can we do this and how is it most appropriate?

I guess a good example is with the Arctic Council. We were recently invited to participate in an interagency process to support the U.S. delegation to the Arctic Council's Task Force on Arctic Marine Cooperation. There is a lot of action in the Arctic Council and I don't fully understand all of it, but in terms of engaging in Arctic issues in the international type arena and trying to understand where can we best engage.

In this particular example, we're not sure if it's the one and only place and so being able to identify where and how is an important thing to us and then, secondly, how to maintain some consistency in the development and application of our domestic U.S. fish policy in these international arenas and so those are the two kind of questions or issues that I think about with our engagement.

John Henderschedt: Thank you, Dan. I would like to respond briefly to your first point, which I think is an important one. Clearly most of these multilateral and bilateral engagements involve more than this office and actually involve more than one agency and so it can get rather complicated in terms of who is doing what and who has the lead and where are decisions being made and I think this is another one of those situations where you shouldn't have to spend all of your time figuring out those connections as opposed to actually engaging on substantive issues.

To the extent that this office can assist in navigating that and perhaps just ensuring that folks know who are the critical points of contact on various issues, that's certainly something that we would be willing to support you in, because it is a collection of efforts and agencies involved and Arctic is a perfect example.

Kevin Anson: Rick.

Richard Robins: Thank you, Mr. Chairman, and, John, thanks for the presentation. I really appreciate the thought you've had about developing a China strategy. I would just strongly suggest following up on that ultimately with an investment in a China office.

The Chinese in the trade arena take very seriously government agency type of support of producers and so that presence there on the trade side I think could be quite beneficial for the U.S. seafood processing community.

I would also look forward to following up with you on some of the level playing field issues on trade. You know we may have made mention the other day of some of the transparency in labeling and

country of origin labeling type of issues, but there are a number of things I think we can follow up on with that front and so I appreciate the range of issues you put before us.

John Henderschedt: Thank you, Rick, and you know there has been a lot of thought put into the question of a China office and I feel strongly that we need to have a strategy and an infrastructure to support that person before there is true value in having them there and so that's the approach that we're taking.

Relative to trade support, you know twenty or thirty years ago that was largely helping U.S. seafood producers who were new in the business finding markets and learning how to navigate global markets. I think that we're at a stage now where it's more technical and it's more nuanced in some of these areas that you've described and that's really where we're focusing our capacity and our efforts.

Kevin Anson: Anyone else? Ed?

Edwin Ebisui: Thank you, Mr. Chair. I just wanted to make a comment about IUU fishing and I wanted to say hello to John and it's nice to see you, but with respect to IUU fishing, I think there is some domestic issues and considerations that ought to be thought about and specifically I am referring to national monuments.

I think in the Western Pacific Region we bear a disproportionate burden in shouldering the national marine monuments. We have the Northwestern Hawaiian Island Monument and we have the Pacific Remote Area Monument and we have national marine monuments in American Samoa and also the Northern Marianas.

The effect of these monuments is to take out sustainable, responsible domestic fishing. The product that has been removed from the market from domestic producers is replaced by imports. For example, in Hawaii, our deepwater snappers are now imported from Indonesia and a large portion of the Indonesian imports are from IUU fishing and I think that's pretty much a given.

I think we ought to be cognizant that in pursuing certain domestic policies that has direct effects on IUU, which affects John's responsibilities, and I think sometimes the connection and unintended consequences are lost in our own decision making and so I just wanted to point that out, that it may seem tangential, but it's not. There is a relationship between curtailing our own responsible, sustainable fishers and importing. Thank you.

John Henderschedt: Thank you, Ed.

Kevin Anson: John, thank you very much for the information and good luck to you in establishing your office and getting the program going.

John Henderschedt: Thank you, Mr. Chairman, and I would just like to reiterate that I hope that this is the start of a discussion with you and I welcome ongoing input and comments on the topics that we addressed. Thank you, Mr. Chairman.

Kevin Anson: Next we have Dr. Chuck Daxboeck and SSC Issues.

19. SSC ISSUES

Charles Daxboeck: Thank you. I don't have any issues with it, but I'm just going to present from the national SSC roundup. Again, thank you and I'm just going to give you a -- I won't be too long, since this is going to be the last presentation on the agenda. Anyway, we were charged by the CCC last year in May to host a National Scientific and Statistical Committee meeting and it's Number 5, a workshop, and we held in Honolulu on February 23 to 25.

What I am going to do is I will give you a brief overview of what we did and then the summary of the regional issues and then a summary of the plenary discussions. Because we're still in the process of finalizing the comments from the steering committee and the steering committee is a minimum of eight SSC chairs from each of the regions, plus others, it will take a while to finalize the recommendations and that final report will come to you.

The overall theme, as you have in your briefing book, is the providing scientific advice in the face of uncertainty and it's from the data to climate and ecosystems and it was a challenge. That's the one and there were five subthemes that we came up with based on meetings on a monthly basis between June and January and so the five subthemes were ABC specifications for data-limited and model-resistant stocks and the implementation of National Standard 2 in the face of uncertainty. There is the cast of characters that we had at the meeting.

The third subtheme was evaluating existing ABC control rules and we discussed issues and challenges and the solutions, possible solutions, and the fourth subtheme was incorporating ecological, environmental, and climate variability in the stock assessment and the EBFM. The last was building habitat condition in the stock assessment process and fishery management strategies.

We had keynote speakers for each of these subthemes and some of these people you might recognize and they are rather prominent people in their field and they set the theme and set the tone for subsequent discussions.

We then broke out into, as we normally do, plenary breakout sessions and each regional SSC got into a group to flesh out the ideas based on terms of reference that were formed by the steering committee over this six-month period and then a facilitator was charged with getting together the ideas within a fifteen or twenty-minute period of each of the representatives from each of the SSC

regions to discuss whatever the theme was that was at hand.

It was very charged and very informative, but what we found was we had even bitten off too much for the time allotted to us. There was a lot of brainpower in that room and it was quite interesting.

Anyway, under the theme of the ABC specifications for data-limited and model resistant stocks, each region could be classified as being either data-poor, data-moderate, or data-rich and that theme has come up throughout this last couple of days. For the data-poor to data-moderate regions, the main challenge is the lack appropriate data, data collections, and also the analytical resources, both in terms of the model, in terms of the people, in terms of the money to do the ABC specifications.

There are obviously numerous management tools available, but many cannot be considered under the ACL specification because they do not conform to the requirements needed to set ABCs and ACLs. We have talked and seasonal closures and area closures and size restrictions and those sorts of things, but now the model-resistant was a concept that came up during our meeting.

Actually, it's the challenge for many of the regions that have plenty of data, but the data do just not fit to the models that are being used and so the concept of data or model-resistant is probably false, because we just haven't come up with the right model to accommodate the data that we've collected or the model is just false and it's not being used correctly.

Some of the highlights of the plenary discussion under this theme were that the tier system for control rules exist in each region. However, improving the data situation does not necessarily mean that the risks and uncertainties in the stock and the stock dynamics affecting the ABC specification are in fact reduced. The National SSC thought that each SSC should clearly communicate the risks and the impacts of those risks to the council and to the public.

The origin of model resistance is currently unknown and this can be exacerbated or even masked by the effects, or potential effects, of climate change and so the SSC's role is to identify the risks and impacts of these and they should be involved in managing risks communicated to the councils.

One of the gaps in understanding the costs associated with risk is the lack of, or at least limited, socioeconomic information that goes into these ABC specifications. National Standard 1 is focused on

ending overfishing, but economic yield and fishery profitability are often not being considered and this is what was discussed during our session.

Obviously the SSC role is in the review process and what we do is critical to the ABC specification and then communicating the risk to the managers for their subsequent ACL specifications. For example, in the New England and Mid-Atlantic, the SARC panel allows the SSC to be part of the CIE review, which is a process by which management decision options are discussed. In the Western Pacific, the CIE panel review is comprised solely of the reviewers and the SSC is only to comment on what comes up, but is not part of the actual review process.

In the North Pacific, the SSC is itself the review panel and so other regions can learn from regional experiences so that the review process moves smoothly. An outside review panel will always have a different opinion from an SSC. The panel review will come from a technical perspective, while the SSC obviously will take into consideration local knowledge about the fisheries, aside from simply the technical aspects of the assessment.

If there are differences in opinion, one must separate these local knowledge ideas from the technical flaws in the model and the data and the assumptions described in the model which are being reviewed and that's very important if there is any kind of problems between the opinions expressed on the assessment.

There are also timing discrepancies and we discussed this at some length, where the management timeline to make a decision is often shorter than the timeline to which assessments are generated and then reviewed. This results in the SSCs sometimes being forced to make a decision based on incompletely-reviewed science, which could nonetheless lead to what constitutes best science available in an accelerated timeline and this is something that we need to deal with a little bit more.

There is a misconception, of course, also, and I think Rick Methot brought this up, that having frequent benchmark assessments is somehow better than just updated assessments, but the problem with benchmark assessments is that the throughput is usually rather slow and making less total assessments available for fishery managers and so the National SSC encourages more standard assessments and updates rather than benchmarks, since the generation of new scientific information and new data streams are far less frequent and I think that's one of the useful aspects of

having this national prioritization for which stocks need assessments more often and that's why it would be a good thing to finally have something that's standardized across all the regions, so that we can work on this together.

Ultimately, the SSC must make an ABC determination and, hence, the SSC should have final say in which advice to use for setting such an ABC.

Now, most of the reviews are focused on the models and not much on the data and the data sources. This may contribute to this concept of model-resistant situations if the data being used in the assessment are not really that informative and so with the SSC's involvement in the review process, it would be critical, because it enhances the buy-in of the entire SSC and also the fisheries stakeholders that look to the SSC for scientific guidance.

It also reduces the learning curve of the reviewers on the local situation that led to certain assumptions and results in the assessments if the SSC is not directly involved and you only have a CIE review for the assessment.

Now, regarding the ABC control rule evaluation itself, there is a general lack of guidance on how to evaluate the performance of the ABC. Some SSCs are exploring methods, like in the New England situation, where they compare F to MSY and catch to ABC. Standards should be developed to evaluate ABCs across the different regions. There is a need to find a common denominator and determine its applicability to the fisheries in each of the regions and this comes up with the idea of the management strategy evaluation.

That was identified as a very important rule and we saw, among other people, Andre Punt, as a presenter and many of the SSCs that do not use the management strategy evaluation kind of got really excited about the possibility of using that, but we don't have the expertise available in all of the regions to use that, but it was nice to see that Ned Cyr from NOAA announced to us that each region would have a person conversant in management strategy evaluation soon, so that they can help the councils and the SSCs with the management strategy evaluations of how we go about doing and how we are doing with our environmental fishery management plans.

The regions that are data poor still have growing concerns about ecologically-important species, which are, to some extent,

keystone species and these are being managed by other management tools, but this does not count in the ABC and ACL management and there is an increasing push for giving more consideration to these keystone species in specifying ABCs within a species complex type of situation, which we have and which happens in the Caribbean as well for reef species.

The group also discussed the possibility of creating a working group from the SSCs to review each region's control rules and management performance to develop evaluation criteria and standards and it's nice to see that we will have somebody in each region to be helping us out on this MSE eventually and currently, each region is doing it on an hoc basis, if they're doing it at all. Obviously there was lots of strong interest for the MSE approach and this process could even formalize, in a certain way, our expert opinion type of analysis that we use sometimes in coming about our ABC specification.

It also brings into consideration factors aside from biological information, such as the socioeconomics and even governance and management factors that are otherwise not typically captured in standard assessment frameworks and so there is more and more pressure put onto, it seems, our SSCs to be more increasingly conservative in our ABC specifications to account for the ecological importance of some species being managed and also the implication of climate change on top of all of this.

We also have the interesting dilemma of how do you use an assessment on a species complex and the possibility of using, and I mentioned this before, the possibility of using an indicator species might not be as appropriate for the complex and may have to be taken out of that complex once you get a single species assessment and so you have a fishery on one species as opposed to a complex.

We do have a lack of technical expertise to generate these ecosystem models and a large part of our agenda actually dealt with incorporating ecological, environmental, and climate variability into the stock assessments and the ecosystem-based management.

Obviously climate change will increase the uncertainties in stock dynamics and that's sort of a given, but how can you put that into a stock assessment model correctly? That's a challenge and so ecosystem-type assessment models are used to incorporate these factors and this is done in the North Pacific and we had an example of that from Anne Hollowed that explained it very nicely, but there

is a general lack of expertise among the rest of the regions for conducting such ecosystem-type modeling and if it did exist, the modeling focus is not really on fisheries assessments. The SSCs need these kinds of information in order to make forecasting and predicting productivity to be better informed for an ABC specification.

We thought that there should be significant investment made in developing these ecosystem models and it would certainly facilitate doing predictive fishery management decisions. Most of the assessments, however, are done simply on surplus production models and there is a need to incorporate more of these environmental variables and the variable environment associated with climate change to get a better understanding of fisheries impacts on how the councils go about doing their management.

We need to communicate all of these things much more effectively among the regions and among the SSCs and between the regions and associated overlapping areas of common fisheries shared between two regions.

Now, our last session dealt with habitat information and we need more of this and it was nice to see that we're going to have an EFH summit, if you will, so that perhaps we will get further along in using the information from EFH into our management plans and into the stock assessments themselves.

Although it's a requirement from MSA, for most regions the EFH designations don't really feed directly into the fishery management decisions in most places. They are used separately and updated regularly, but basically for consultative purposes and coral reefs are obviously an interesting and very important EFH, but they are not considered directly in modeling or the ultimate management decisions.

Now, data-rich areas, and we go back to the well-greased machine of the North Pacific, they do use habitat information to improve their estimates of stock abundance and so there is a need for all of us, I think, to try to follow how they are doing the work and to do some more fishery-independent surveys. Most of the habitat considerations are geared towards designing and designating MPAs rather than developing fishery management plans for habitats like corals or the sargassum in the South Atlantic or the deepwater corals in the Mid-Atlantic.

One commonality across all regions is that EFH and habitats of

particular concern are used separately and do not really directly feed into the management plans and so, overall, in summary, three days of brainstorming and discussion.

After the meeting, I think the general consensus was too much and not enough time. Some people walked away dazed and confused, like myself, because having never been to one of these and then having the honor and the onerous duty of hosting it at the same time, it was rather overwhelming, especially with the brainpower that was available.

What we will be doing is having one or two more conference calls with the steering committee to finalize the recommendations that we will put into a report and the proceedings with pretty pictures and the final conclusions will be put out by the Western Pacific staff before the end of the year, we are hoping, and so, with that, everybody took a picture and went home. That is my report. Thank you.

Kevin Anson: Thank you. We had a question from -- Tom, did you have a question or a comment? Not right now? Okay. Anyone have any questions for Chuck? Thank you, sir.

Charles Daxboeck: Thank you.

Douglas Gregory: In February, at the February CCC meeting, it was decided that our June or our annual meeting we would decide when the next location and year would be for the meeting, the next workshop, and then at the February meeting, which would be February of 2016, we would decide on the topics to be discussed and so I've got on the agenda for us to pick a location and year.

I don't know what councils have not hosted. I know the Gulf Council has not hosted one year and I don't think New England has and maybe the Pacific Council.

Kevin Anson: Don.

Don McIsaac: Thank you, Mr. Chairman. I think last year there were discussions about either the Pacific or the Western Pacific Council doing it and we stepped aside. We asked to get a waiver on it and the Western Pacific was generous enough to take on last year. We are willing to take a turn in 2016 on the West Coast and, as per the discussion, if there is any ideas now about topics or if we want to wait until next year to identify the topics -- We are probably not looking at one to occur prior to February.

We had selected the week of May 27 as the next National SSC Meeting, but we decided not to do that and we're looking at some time later in the year. May seems to be pretty crowded now with a lot of different things and, Miguel, we really did not look at May 27 for this National SSC Meeting.

Douglas Gregory: I don't think we've ever had two national workshops back to back and so I don't think we have to have it in 2016, but if you want to, that's fine, I'm sure. I just wanted to point that out.

Kevin Anson: Tom.

Tom Nies: I am glad you mentioned that, because I actually am not sure we should have them back to back. For starters, if we really don't pick topics until February and then we're planning to hold a national workshop in that year, that doesn't necessarily give a lot of time to prepare.

Plus, with the habitat summit, some of our SSCs will probably be involved in that and I think we should try and space it out a little bit and I think we should be careful to remember that we really don't have a National SSC. We have a group that schedules these workshops for us and we should avoid referring to it as a National SSC, because that's not consistent with our terms of reference for the CCC.

I think we should, with respect to topics, I am not sure I have any topics that I would offer now. I would prefer to talk to the SSC and find out what they have in mind and the council and see what they think needs to be addressed. I think for these workshops to be productive that we need to make sure that they are addressing questions that are important to us and I think sometimes these groups that have questions that are important to them, which may not really match up what we want them to look at.

Kevin Anson: Rick.

Richard Robins: Thank you, Mr. Chairman. Just to follow on some of Tom's thoughts, I think essentially a biennial cycle is one that's probably more ideal, because it would allow us to have perhaps more ample time to plan out or develop as a group the questions that we want to ask and the priorities we want to have explored and then the host council and the steering committee should have more time to really put together an effective national program for that type of a meeting.

If we try to do it back to back, I think that is a really tight timeline and I don't sense the urgency today of having one every year. I think we've made a lot of progress with the SSCs and right up front, there were a lot of issues that had to be dealt with as we came into compliance with the new ACL and AM requirements following the reauthorization, but now the topics are potentially more refined and I think we have more time and a longer frequency, like two years, is probably a good default periodicity for planning and would allow for more development of the questions by the CCC.

Kevin Anson:

Dr. Methot.

Rick Methot:

Thank you and thanks, Tom, for that clarification on the terminology. It's easy to slip back to the language of "National SSC" when really it's a subcommittee of the CCC, a scientific subcommittee of the CCC.

The issues of development of topics, I would think that one of the things that the CCC may want to do is to potentially task the existing steering committee with coming up with some potential topics that would then be agreed to by the CCC or to just wait until there is some bottom-up from each of the councils and their SSCs about what potential topics are as a starting place.

I think it's really just the starting place for the development of potential topics and to have it happen within the existing steering committee or to have it happen from within the councils and then through the CCC. Certainly the final agreement needs to be here.

Kevin Anson:

Miguel.

Miguel Rolon:

A minor point also about the timing is that these SSC meetings provide a lot of information and many suggestions that if we keep piling them up in the reports, we won't go anywhere and I believe especially this one in Hawaii, from the presentation, we have a lot of good recommendations that probably we will have to think about how we can implement those, NMFS and the councils, into the system.

Kevin Anson:

Don.

Don McIsaac:

Thank you, Mr. Chairman. One thing I did not mention that is relevant here is our offer to host the next time around, whenever it is, would be contingent upon the same kind of funding that has

been provided in all the previous ones and so that might mesh nicely with a more in-depth discussion next February. That's usually when the funding comes around and maybe that's when we could hear a listing of ideas and whether that be held in the second half of 2016 or 2017 could also be decided then.

I think it has been actually more annual than it has been biennial, but it should be driven by a pressing need for scientific advice from a group of experts.

When they have met in the past, they have done a very nice job of addressing whatever the topic is and it has been useful to the Pacific Council to hear the results of the previous workshops and so I think they have been valuable, but in terms of when, I don't think we're prepared right now to start a serious discussion about topics.

Kevin Anson: Dr. Methot, going back to your suggestion of having the scientific committee kind of come up with some topics that could be reviewed at the February meeting is -- I am unsure and I'm kind of speaking out loud here, but would that require a formal charge, I guess, from our meeting to the group or is it just something that can be taken up by the group? I don't know the meeting schedule or anything like that as to whether or not you all would meet and be able to provide us something in February and I don't know if you have any comments to that.

Rick Methot: Just briefly to follow up, I mean I put that idea out there, but it doesn't need to be an either/or. I think we could both have ideas bubbling up within each council as well as from the steering committee.

Kevin Anson: Chris.

Chris Moore: I think, for all the reasons that Tom articulated very well, I would support waiting until 2017 for our next annual SSC get-together.

Kevin Anson: It appears that there is quite a few folks at the table that have the same sentiment and a longer period between at least this last one and the next one would probably be better and so do we just want to bring it up again in February and see what kind of topics and then maybe that might drive the timeline at that point?

Chris Moore: Again, I think a lot of us would agree today that it's better, again, for all the reasons that Tom listed, to do it in early 2017 and so I think we could make that decision today, personally, and I think

the idea of talking about it again in February would focus on the topics.

Kevin Anson: Okay. Does anyone have any problems with setting it sometime in 2017 then and we'll deal with the topics at the February meeting? Rick.

Richard Robins: Kevin, I would just suggest that you could initiate a dialogue or have the EDs initiate a dialogue with the steering committee ahead of that February meeting so that we could have some draft ideas together for the topics.

Kevin Anson: That sounds good. Don.

Don McIsaac: Just one last thing on planning in the long term. In terms of a potential meeting date in 2017, the early parts of 2017 would be of some difficulty for the Pacific Council. We've got a big March and April essentially back-to-back council meeting thing designed for salmon that encompasses February presentation time that's pretty hectic for us and so the second half of whatever year we're looking at is the time that meshes best for us.

Kevin Anson: Okay. Any other comments on that? Tom.

Tom Nies: I apologize for this, but I did have one question about the status. I think one of the things that came out last year from the assessment review meetings was that there was going to be an attempt to put MSE experts at each Center and I was just curious what the progress is on that and I was prompted by the discussion coming out of the SSC meeting.

Rick Methot: Thanks, Tom, and I can respond to that. We have initiated two efforts along these lines. One is through the Science Board we've established an MSE National Working Group to help us keep coordinated on this topic and so the people are being named to that working group within the agency right now. I have a representative from each Center.

Those people won't necessarily be what the second part of the effort is and that is to recruit to each Science Center someone who would come with MSE expertise, so that collectively within that Center we will have an FTE of more capacity and how we exactly allocate them within the Center I am sure will vary some.

We see this MSE effort as more than just the stock assessment, per se. We see a value in using it as an opportunity to have broad scale

investigations and incorporate some of the IEA work using ecosystems as well and also to bring in the economic considerations and so we have overseeing this MSE effort within the agency myself, Jason Link, and Doug Lipton as the three STEs and so we've overseeing this startup of the working group and each Science Center is initiating efforts to recruit an MSE expert within their ranks.

Kevin Anson:

Thank you. Miguel, do you want to talk about the 2016 CCC Meetings?

20. 2016 CCC MEETINGS

Miguel Rolon: Yes and we have sort of a consensus and the meeting will be May 23 to 27 and I have a negotiation meeting tomorrow with Marriott Hotel in St. Thomas and so in all probability, the meeting will be May 23 to 27 in St. Thomas at the Frenchmen's Reef.

We also have a comment about February 22. I discussed it very briefly with Alan and Sam and others and we would like to see if this February meeting could be more effective by shortening it and focusing on budget and issues that cannot wait until May and issues that could that you need to have sort of a consulting with your own councils with different offices of NMFS and then we can bring to the May meeting the consensus or the opinion of what you have and that way, we do not have to repeat ourselves every year, because that has some people a little bit off. If we can do that, I will be coordinating with Alan's office and everybody to make sure that the agenda is there, because in the past we asked everybody and his brother what they would like to see in the agenda and we end up with a lot of things that do not necessarily have to do with what we want to do.

Also, in May, we would like to focus on issues that are more relevant to council-to-council and NMFS-to-NMFS discussions and so issues that we can bring to the table and move forward. With that, I will populate the agendas with the councils first and I will send it to NMFS for reactions.

We will send a communication to everybody about the development of the meeting until next year, for next year, and if we have any changes in the venue, I will let you know. The Plan B is that if we have problem with the St. Thomas hotel, we may have it in Puerto Rico somewhere. That's all we have.

The last thing is that we are going to get the baton from Doug and so I will be talking to him after this meeting about my responsibilities through 2016.

Kevin Anson: Thank you, Miguel. Anyone have any questions about that? Tom.

Tom Nies: I might have missed it, but do we have a date for the February meeting?

Miguel Rolon: I am sorry for that. We believe that the week of the 22nd is free for almost everybody and if that is acceptable, the week of the 22nd will be our February meeting.

Kevin Anson: Kitty.

Kitty Simonds: So that's good. We got together and at least for all of the council schedules, that works fine for us and so, Sam you all are going to have to tell us as soon as you can whether that week works out for you folks. The one thing though is that we would appreciate it if you folks are going to work on the hotel that you do that as soon as possible, because you know how we're always scrambling for the hotel and the hotel that you guys have used for the last two years is fine, but that's kind of a busy month in Washington, D.C. and so if you folks could make those arrangements early, that would be good. Thank you.

Kevin Anson: Chris Oliver.

Chris Oliver: Could you read those dates again, Miguel, for the May meeting? I am sorry, but I missed the exact dates.

Miguel Rolon: No problem. May 23 to 27 is the week that we selected for the meeting and then February 22, that week for the interim meeting in Washington, D.C.

Kevin Anson: All right. That wraps up that item and takes us to Other Business and I have several items that have been added under Other Business and the first one will be Don and National Standard 1 CCC Letter.

21. OTHER BUSINESS AND WRAP-UP

Don McIsaac:

Thank you, Mr. Chairman. I did bring this up as something that maybe we could come back to under Other Business and so thank you for that. The concept here was whether or not a CCC letter would come forward that would contain the most powerful parts of anything that is in common amongst all the eight councils.

We noted at the time there was this difficulty of some councils just having met in June and not everybody having time to digest all of it. We did take a look at when the comment period ends and it is suddenly next Tuesday and so absent some sort of draft letter here now, I guess I am left with the opinion that maybe it is better for the individual councils to comment and I have not gone through any synthesis myself to make a suggestion of what we might point out as points of particular emphasis.

Kevin Anson:

I would agree that seeing that we're coming in the final hour, so to speak, for the comment period and the councils have had some time to get feedback with their membership and write letters or are about to submit letters that it would probably just be best that we have the individual councils tend to that and not worry about trying to duplicate any efforts in going through the process of identifying those commonly agreed upon items or things that they hold a lot of value in. Kitty.

Kitty Simonds:

So the NMFS is going to be doing this anyway, right? You're going to be looking at all of our comments and so we would actually be doing their work for them and we don't have time. Thank you.

Kevin Anson:

Kitty, you're next up with the Other Business item of co-management and cooperative research. You wanted to bring up a couple of points related to that?

Kitty Simonds:

Yes and that's another one that happened so fast that some of us were not paying attention, and excuse me, but John, our Vice Chair, just wanted to make a comment about co-management that we're involved in in the Western Pacific and then I think the Pacific Council was going to add something about that too. You were sleeping too.

John Gourley:

Thank you. We just wanted to kind of bring up a couple of examples that appear to be working in our region and the co-management example is with the main Hawaiian Islands deep seven species. We had a management scheme where we used the

data that was generated by the Fisheries Science Center and the state -- We used the state data and the fed data and the council and NMFS put together a management plan, regime, and that was followed by the state in the state waters and so basically we worked together and actually put together a coordinated management plan.

An example for cooperative research that actually led to somewhat of a management result was the biosampling program that I manage in Saipan and we have a cooperative data-sharing agreement with the local vendors, where we collect biosampling data and also landing data from the vendors in a cooperative fashion.

This data was used to vet out some legislation, fishing legislation, that was developed by a local ENGO that they had pushed onto one of the legislators who thought it was a good idea and so we used the vendor data and presented a presentation at a fisheries meeting in Saipan and also to write up a fifteen-page letter in response to this legislation and basically sank the legislation due to the vendors' participation in providing us with the data.

The vendors actually were very surprised this worked and it was amazing revelation on their part that the data that they were giving us in the biosampling program actually worked to keep their businesses afloat and so that was just two issues where I thought we had some success.

Samuel Rauch: Thank you very much, John, for that. The folks who were working on that I think have left. Because my note-taking skills are probably not the best, can you please write that up and send that to us, so that we make sure we capture that?

John Gourley: No problem.

Kevin Anson: Just as a reminder, Kitty, I made an announcement earlier about the extension on the white paper comments at least on the cooperative management to July 10 and so I just wanted to make sure. Dan, you had something you wanted to talk about with the committee meeting schedule? Okay, Chris.

Chris Oliver: One thing I was hoping we would get a little clarity on before we leave today is the status of our various CCC work groups. We I guess created a legislative work group at this meeting and we have an ongoing habitat work group, but we have the allocation review work group that Michelle was heading up, which I think their work

is done, but I am not certain of that. Then we had the NEPA work group, who I also think that work is probably done with regard to that group, although there could be remnants of the issue that go to the legislative committee, because we have got the white paper that was developed by the work group, which is essentially now contained within H.R. 1335.

I just was wanting to make sure how many work groups we have that are still active and maybe some discussion of the timing, particularly of the legislative work group.

Kevin Anson:

Doug.

Douglas Gregory:

Within two weeks I will be emailing the people that volunteered to be on the legislative work group and see where we want to go and just help get that started and then if the group wants to elect a chair to take the bone and run with it, that's fine.

I will get with Michelle and find out if they think her task is done. That's my impression as well, that that's finished. The habitat work group has basically been setting their own schedule and I will also find out who is on this SSC steering committee and start working with them and picking their brain.

The important thing I think there is, as far as topics, is to read what's in the report coming out of this last meeting and see what the other meetings have generated and look for gaps and I think the NEPA thing is probably done and, like Don has been saying, anything more with that probably should be handled by the legislative work group and that's the one that we need to get going.

I went through my notes and somebody asked for that in February and I haven't done anything with it and so I will jump on the ball now that this meeting is over with. Obviously we spent all our energy into preparing for this meeting and so that's the one that we really need to get moving on and I have some ideas on how we can facilitate or increase our efficiency in keeping up with all the legislation and amendments.

I just passed around to the EDs that the Rubio bill has been passed by the Senate Committee and it doesn't reauthorize the Act, but it just amends the Act and so I will talk to you all about some ideas on how we can stay up to date with that process. Anything else on the committees?

Richard Robins:

My suggestion was simply that I think it would be helpful for all

the members of the CCC to know when the different committees might be meeting, just to refresh our memories about what's going on and I don't know if that's just a simple email from whoever the chairman is to you or how that communication might work, but I just think it would be helpful over the course of the next months to know that they're active and I certainly am not going to be able to try to listen in on all of them, but just knowing that they're at work.

Douglas Gregory: Right and up until now, I have only been emailing the Executive Directors and so I will compile the email list for the Chairs and Vice Chairs and Executive Directors and seek guidance from my colleagues as to when it's appropriate to email everybody or just the Executive Directors. I have been leaving it up to the Directors to pass information on and that may not be the most efficient way to do it.

Kevin Anson: You're up on deck I thought, Kitty, but Rick raised his hand. Do you have a question, Rick?

Richard Robins: I just wanted to say with respect to the allocation working group I think that, as you pointed out, that committee's work is done and I don't think we had envisioned that as a standing committee and you can follow up with Michelle on that and I have one more thing to say, but I will let Kitty go first.

Kevin Anson: Okay. Kitty.

Kitty Simonds: There are four of us councils who have coral reef fishery management plans, FEPs or whatever, and in the very early years of the Coral Reef Task Force we made a request to have observer status on the Coral Reef Task Force and we pointed out that President Clinton's Executive Order does ask that the regional councils be a part of whatever we all put together and it was a Coral Reef Task Force.

Our request was that when meetings are held on the Atlantic side that a representative of one of the three councils would represent the councils and then when the meetings are held in the Pacific, I think we're the only council there and so we would be representing the councils and so what I am asking for is to resurrect this request and for us to write a letter to the task force co-chairs, and I think Eileen is one of them and Interior is the other, to look into granting us an observer status on the Coral Reef Task Force. I take it that we have consensus? Thank you very much.

Kevin Anson: Doug will get with Sam and make sure he gets the right

information and go from there.

Samuel Rauch: It's up to the CCC to decide whether you want to write a letter to us. I don't know anything about this issue, but if you would like some information, that would be fine, but it's up to you to decide whether you want to write a letter. We're not going to take a position on that.

Kevin Anson: Does anyone object to having Doug write a letter about this issue? Seeing none, Doug will work on getting the information and writing a letter and he will get with you or you will -- All right. Kitty will write it for you.

Douglas Gregory: Okay. Thank you.

Kevin Anson: Rick, you had something?

Richard Robins: If you're at that point, Mr. Chairman, I just wanted to congratulate you on a successful CCC meeting and I want to thank you and Doug and all of the Gulf Council staff for your outstanding hospitality this week and for putting together a successful meeting. Thank you very much.

(Applause)

Kevin Anson: I will add to that that I appreciate all of the work that was put into this and thank you to the administrative staff for getting it all done and handled very smoothly and I didn't hear of any issues and so thank you for all your work. That now takes us to you again, Kitty, and that will be followed by Don.

Kitty Simonds: Bob Mahood, from the Western Pacific Council, we actually have several gifts for you, but guess what? The Postal Service is so bad that the second gift hasn't arrived yet, but we have one part of it for you and so I will explain.

I will tell you what it is. The paddle didn't make it paddling over here and so Doug Gregory is going to look out for it and he will send it to you when it arrives and hopefully it arrives -- Well, it was in California yesterday. It left Hawaii on Monday.

I wanted to thank you very much. Bob is my oldest friend and there is one little thing about Bob. Well, not little, but he has always been sort of the nicest person. In the early years, he was always defending NMFS. Every time I had an issue or a problem, he would say, Kitty, let's be nice about this and they will come

around.

Well, they will come around and dealing with our budget and that was the biggest thing. Remember they wanted us to do workload analysis and it was so stupid and horrible and so finally we just all said -- Bob said, oh, well, give Kitty that much money and then we all ended up with what we end up with today and so thank-you to Bob and so my percentage is a little above Bob's and that was thanks to Bob and so your council might not like it, but too bad.

Anyway, thanks, Bob, for being a great pal and I hope you enjoy this. It's something for you to wear with a whole bunch of Hawaiian hooks on it. I don't know if you all know this, but when we were going through lawsuits with our longline fishery catching turtles and birds and things like that, the NMFS and the council, working with the industry, developed a different hook instead of the Japanese j-hook which was used by everybody.

So it turns out that that hook really turned out -- It looks just like the ancient Hawaiian hook and so this shirt is just full of Hawaiian hooks and that's the hook we use today in our fishery and so, Bob, thank you very much. Then the paddle that we have for you is not big enough for you to paddle to see us, but it will remind you of us and this part of it is so that you can hang it up on the wall, but it is ancient.

(Applause)

Bob Mahood: Thank you, Kitty.

Kevin Anson: Don.

Don McIsaac: Thank you, Mr. Chairman. Just a couple more words about Bob. You know we were pretty shocked and dismayed right before the meeting to find out that Bob had announced his retirement. Some other people knew, but a lot of us around the table here didn't and for those of you who don't know when Bob started with all of this, I think it was 1985 when he first became Executive Director for the South Atlantic Council, but he was in the state director seat and on the SSC before that and so that's got to get back to somewhere close to 1976 and so Bob has been around the block.

You know he's seen it all and he's been there from the get-go and that's the kind of experience that just can't be replaced. As Kitty said, some of my early memories were of this southern gentleman from the South Atlantic who never got riled. Well, there might

have been one time, Bob, but anyway, it's kind of an end of an era for certain in the South Atlantic Council, but it's a great loss for everybody around the table here too and so, Bob, we're going to miss you.

Kevin Anson: With that, the CCC meeting is --

Bob Mahood: I don't get to say anything?

Kevin Anson: It looks like you were just all caught up in the moment, Bob, and I didn't know if you could come out with something. Go ahead.

Bob Mahood: Kevin, I was going to go back to when I was born and follow through my career. No, I won't do that, but I just want to say that this is an interesting process we all work in and sometimes it's very frustrating, but I will tell you over the years it has really matured and we've become a lot better at what we do as councils and the National Marine Fisheries Service.

The best part of my career with the council is the people I've met. I've had an opportunity to meet people from all over the country and all over the world actually and fisheries people are some of the best people you could ever meet. We are different in many ways and we don't always agree on how to do things, but everybody that I have pretty much met in my career, except maybe one or two, have been wonderful folks and I have really enjoyed it and I will not miss the process as much as I will miss the people and I thank you all and, Kevin, thank you for the good meeting.

Kevin Anson: Thank you, Bob, and good luck to you.

(Applause)

Bob Mahood: I was going to ask John about that job in Tokyo he mentioned.

Kevin Anson: With that, the CCC meeting is adjourned. Thank you.