

UNITED STATES DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COUNCIL COORDINATION COMMITTEE MEETING

Silver Spring, Maryland  
Thursday, September 24, 2020

1 PARTICIPANTS:

2 Overview:

3 ARCHIE SOLIAI

4 CHRIS OLIVER

5 Presenters:

6 DREW LAWLER

7 PAUL DORMEUS

8 DANIELLE BLACKLOCK

9 ADAM ISSENBERG

10 KELLY DENIT

11 CHUCK TRACEY

12 SYLVIA SPALDING

13

14

15

\* \* \* \* \*

16

17

18

19

20

21

22

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

2 MR. SOLIAI: Good morning everyone and  
3 welcome to our second day of our September CCC  
4 Meeting. I hope everybody had a good rest last  
5 night. I know we've got a strong agenda today and  
6 our next speaker up on agenda item number 7, Drew  
7 Lawler has a very short time with us today, so we  
8 want to spend as much time with him. So, I give  
9 the opportunity to Chris for Drew's introduction.

10 MR. OLIVER: Yes, thank you. Some of  
11 you know Drew, some of you don't about that Drew  
12 -- Drew Lawler is a Deputy Assistant Secretary for  
13 Fisheries for NOAA. He's been on the team since  
14 September of 2018 and he's the Lead Commissioner  
15 for several of our RFMOs and engages on other  
16 issues, international fisheries negotiations, our  
17 country-to-country bilaterals and multilaterals.  
18 He leads many of those delegations. And when they  
19 set up the Seafood Trade Task Force as part of the  
20 executive order on promoting American seafood  
21 competitiveness, Drew was selected on behalf of  
22 the Secretary of Commerce to be co-chair of that

1 task -- task force along with the USTR. And so,  
2 he -- he was very instrumental representing the  
3 Secretary and the task force efforts to address  
4 the issue of fair market access through trade  
5 policy and negotiations. So in the interest of  
6 time, I'll leave it at that and turn it back over  
7 to Drew. Thank you, Drew, for joining us.

8 MR. LAWLER: My pleasure. Thanks Chris,  
9 for that introduction and good morning, good  
10 afternoon everybody. I appreciate the opportunity  
11 to chat with you a little bit about this process  
12 and to share with you how it came about and what  
13 transpired and what is still to come on it. So I  
14 thought what I'd do is just take maybe 5 minutes  
15 and give you a little bit of history about it and  
16 then save another 5 minutes where we talk about  
17 and answer any questions you might have.

18 So, this was a -- initiated by the White  
19 House. It was the task force with many different  
20 agencies within the government. It was  
21 export-oriented. So the goal was to reduce  
22 passport barriers and to see where opportunities

1       existed to improve access to foreign markets for  
2       exports and look for ways where we could if for  
3       example there were non-trade or non-tariff  
4       barriers where we might be able to address those  
5       and make recommendations to -- to the -- to the  
6       President for what -- what could be done. I  
7       understand that all of these recommendations --  
8       and by the way, there are a lot of great  
9       recommendations that came in, not just from  
10      different agencies within the government who had  
11      left frustrated with some of the things that  
12      they've had to do to -- to deregulate or to  
13      improve exports. We also had a number of great  
14      suggestions and recommendations that came in from  
15      the commercial fishing sector. So a lot of the  
16      recommendations that came in had to do with  
17      imports, too, and they had to do with parity in  
18      trade terms.

19                So as interesting as they were and as  
20      valuable as they were, again, we have to keep in  
21      mind that the task of this particular task force  
22      was export-oriented. And I get it, that there's a

1 symbiotic relationship between imports and exports  
2 and I totally and fully understand that. I'll  
3 address that part of it in a minute. But -- so  
4 getting back to the task at hand, we sort of  
5 sifted it through all of the recommendations that  
6 were export-oriented and say, a lot of back and  
7 forth between the different agencies. They  
8 included the U.S. Trade Rep Office, Department of  
9 Agriculture -- there was representation from the  
10 White House, NOAA of course, Department of  
11 Interior. I mean, just everybody that coastguard  
12 -- everybody that you could possibly think of,  
13 everyone quite frankly was involved in this  
14 process with the exception of maybe the Department  
15 of Education or Transportation. That's about it.  
16 Everybody else was in on -- was in on this. And  
17 so as often happens, and I'll just be -- I'll be  
18 completely transparent with you on this. My  
19 suggestion was that all suggestions be included in  
20 the recommendations and that if different agencies  
21 had -- if different agencies had objections to it,  
22 they could still note those objections as

1       footnotes. And I thought that there was -- that  
2       there was benefit in letting all of the  
3       recommendations, you know within reason, be formed  
4       to be part of the report. That's not what  
5       happened. What happened was that the different  
6       agencies decided that they wanted really to weigh  
7       in on topics and therefore, every recommendation  
8       went through a consensus process.

9                   And so when you take recommendations and  
10       you run them through a consensus process, as we  
11       all know what happens, is that the recommendations  
12       can get watered down. And -- and that's certainly  
13       what happened here. I'm not saying that they got  
14       watered down just to be ineffective. I'm not  
15       saying that at all. I'm just saying that they --  
16       many times you have a mutual consensus process,  
17       that is generally what happens is that -- is that  
18       they can become watered down. So some of the  
19       recommendations were not, that were adopted were  
20       not as forceful as the original language of the  
21       recommendations through that consensus process.  
22       But nonetheless, all of the recommendations are on

1 a website. They are unaltered and you can see all  
2 of the recommendations in their original format on  
3 the public website. So if you're interested, I  
4 encourage you to do that. It's a fair amount of  
5 reading.

6 As far as the ultimate recommendations  
7 that were adopted, those are deliberative and  
8 still in close hold with the U.S. government, so I  
9 cannot share with you unfortunately what the exact  
10 recommendations were adopted, as they have now  
11 gone to the U.S. Trade Rep, who is actually the  
12 lead agency in this, and the U.S. Trade Rep now  
13 has the ability to make these recommendations and  
14 as I understand it, kind of have the final scrub  
15 on them, if you will. And that might be too  
16 strong of a turn, but they have the ability to I  
17 think -- they have the final say for what's going  
18 to get forwarded. These recommendations as I  
19 understand it, they get forwarded to Kudlow's  
20 office, which is the National Economic Council and  
21 over at Kudlow's office we now have Stu Levenbach,  
22 who was the former NOAA Chief of Staff in a fairly



1 high position there. Stu is obviously very well  
2 versed on fishery issues given his experience at  
3 NOAA. So I guess if I had to connect the dots, I  
4 would probably say that Stu is the guy who is  
5 going to then take these recommendations from the  
6 U.S. Trade Rep. And that's by the way -- that's  
7 the career team at the U.S. Trade Rep, okay, and  
8 they will -- Stu will then disseminate the  
9 recommendations back to the different agencies for  
10 implementation. So, the question is then what  
11 becomes of the recommendations that were -- that  
12 were oriented toward parity and trade tariffs? In  
13 other words, import-oriented, or (inaudible)  
14 import-oriented. As I said, this -- this task  
15 force was tasked with -- with the -- (inaudible).  
16 I will be working with Peter Navarro's office, who  
17 is the -- generally the person in the  
18 administration who tackles these things like  
19 parity in trade tariffs so that the  
20 recommendations that came in that were  
21 specifically addressing those issues won't fall on  
22 deaf ears and we will be working with him separate

1 -- on a separate track outside of the Seafood  
2 Trade Task Force recommendations just to make sure  
3 that -- that they get ample consideration. So  
4 that's about as transparent as I can be and I hope  
5 that was helpful and I'm happy to answer any  
6 questions you might have in the process.

7 MR. SOLIAI: All right, thank you, Drew.  
8 We greatly appreciate the presentation and the  
9 information. Yes, we can certainly appreciate the  
10 confidentiality on some of it. So I'll open it  
11 for questions to our councils.

12 MR. NIES: This is Tom Nies (phonetic).  
13 I don't have any questions. I'm not sure about  
14 chair or vice-chair.

15 MR. CHAIRMAN: No questions from the  
16 chair.

17 MR. VICE-CHAIRMAN: Actually, the  
18 vice-chair has a question. It's a comment if you  
19 don't mind, Mr. Chairman.

20 MR. CHAIRMAN: Yes, go ahead.

21 MR. VICE-CHAIRMAN: Okay, thank you.

22 For those of us that are used to shipping

1 international shipments by ocean container, not  
2 necessarily by (inaudible), there's a lot of fees  
3 associated just to get a can on a ship and that in  
4 my mind is a barrier to trade that can be pretty  
5 substantial. And if we do multiple containers in  
6 a year, they add up pretty quick. So if you could  
7 have that fee schedule examined, that would be of  
8 a help, too. Thank you.

9 MR. LAWLER: Hey, that would be great.  
10 Would you mind sending me an email about that and  
11 -- and just amplify that a little bit more than a  
12 couple of paragraphs. And then if you could even  
13 cite a specific example, even if the example is  
14 not real, it's hypothetical, a hypothetical  
15 example would be very helpful just to help others  
16 get their mind around exactly what we want to  
17 drill down on. So my email is andrew.lawler,  
18 which is L-A-W-L-E-R, andrew.lawler@go.gov.

19 MR. VICE-CHAIRMAN: Well thank you. I  
20 appreciate that. I'm going to pass the buck a  
21 little bit to my counterparts to the south. If  
22 anyone in council received a correspondence from

1 Jeff Waggle from Lund's Fisheries (phonetic), that  
2 details that fee schedule pretty substantially and  
3 if Chris or his staff doesn't mind doing that,  
4 that would be a much more comprehensive response I  
5 could give you.

6 MR. LAWLER: That sounds good. And by  
7 the way, let me just add one thing. Although the  
8 deadline for making the recommendations was August  
9 3rd and the report was due August 5th, there is  
10 nothing in the executive order that would prohibit  
11 us from setting agendas, additional items if you  
12 will, over to the U.S. Trade Rep office. So to  
13 your point about making sure that this got -- this  
14 got attention, I don't mind doing that at all and  
15 we can certainly bird dog it with them to make  
16 sure that they -- that they don't -- that it  
17 doesn't get lost.

18 MR. SOLIAI: Well, thank you very much  
19 for that, and Dr. Moore, thank you in advance for  
20 helping me out. All right, thank you. We'll move  
21 on to the mid-Atlantic.

22 QUESTIONER: Good seeing you, Dr.

1 Moore. Yes Eric, I'd be glad to -- to help you  
2 out. Thank you Drew and thank you Mr. Chairman.  
3 I don't have anything in addition to that. We'll  
4 work with Eric getting that email to you some time  
5 early next week at the latest.

6 MR. SOLIAI: Thanks. Okay,  
7 south-Atlantic? All right, call for council.

8 QUESTIONER: Thank you for the  
9 presentation. No questions.

10 MR. SOLIAI: All right, thank you.

11 QUESTIONER: No comments at this -- at  
12 this time. Thank you very much.

13 MR. SOLIAI: Pacific council?

14 QUESTIONER: No questions at this time.

15 MR. SOLIAI: North pacific?

16 QUESTIONER: I have nothing from north  
17 pacific. Thank you.

18 QUESTIONER: We're Westbank (phonetic).  
19 Just a few -- make a few comments. Drew, I thank  
20 you again for the presentation. It's rare that we  
21 get to see you at our -- well any of our meetings  
22 so we're thankful that Drew -- we're able to

1 connect with you. But I just have a few notes  
2 from the -- from the Western Pacific Council. We  
3 thank you for endorsing our letter that you had  
4 signed in regard to this Seafood Task Force. But  
5 we also want to ask you to please take a look, and  
6 we do see the burdens of -- of a (inaudible) by  
7 removing special closures that were enacted by the  
8 Antiquities Act. This is a special management  
9 through the MSA and we also think that it's  
10 important that the goal for us to renegotiate it  
11 to the stipulations are cooperating with mutual  
12 U.S. (inaudible) interests and the international  
13 commissions, and you know, reducing IU and track  
14 shipped products in the U.S., knowing that the  
15 U.S. is not responsible for any of those track  
16 shipped or (inaudible). We all can agree that  
17 it's all coming from the foreign fleets. And then  
18 finally, we need to look at ways to reduce the  
19 tailpipe tuna that's coming into the U.S. And  
20 taking the place of -- of U.S. products. So you  
21 could, you know, take a look at those -- those  
22 issues and perhaps make that a -- one of the

1 priorities of the task force, that would be  
2 greatly appreciated from our side of our -- the  
3 nation. So --

4 QUESTIONER: I have a comment.

5 MR. CHAIRMAN: Yes, go ahead.

6 SPEAKER: Well, I just have a one liner  
7 Drew, which is we can't export if we can't fish,  
8 so --

9 MR. CHAIRMAN: Right, right. We know we  
10 can't fish, so -- and we're thankful, Drew, that  
11 you're still -- we're fortunate that you're still  
12 the negotiator for the coming WCPFC meetings, so  
13 -- that's all we have from us. Thank you.

14 MR. LAWLER: Hey Archie, can you just  
15 send me the comments to the -- what you call the  
16 tailpipe -- tailpipe tuna coming in at U.S. Would  
17 you mind just sending me an email with just a  
18 couple of paragraphs on that too?

19 MR. ARCHIE: Sure, no problem.

20 MR. LAWLER: We can bounce around that.

21 QUESTIONER: I can add to that too,  
22 Drew, is that two countries, well don't allow

1 tailpipe tuna, and that's Japan and the EU. They  
2 do not allow tailpipe tuna into their countries.  
3 We drew a (inaudible) with FDA when Senator Inouye  
4 was alive, but we -- we never were able to get  
5 there. I think they are waiting for somebody to  
6 die from something, then they would consider it.  
7 Thanks.

8 QUESTIONER: What is tailpipe tuna?

9 MR. LAWLER: Tailpipe tuna is the next  
10 question. It came from somebody in New England.  
11 It's tuna that's treated with what they refer to  
12 as smokeless tasteless gas, carbon monoxide.

13 QUESTIONER: Carbon monoxide, right?

14 QUESTIONER: It keeps the color while  
15 the fish is aging.

16 MR. CHAIRMAN: Yes. All right, do we  
17 have any input from or comments from our internet  
18 transporters? Chris, anything to add?

19 MR. CHRIS: No, Mr. Chairman. Nothing  
20 to add.

21 MR. CHAIRMAN: Okay. Well thank --  
22 thanks again, Drew. We know you have to get off



1       pretty soon, but hopefully you can join us later  
2       on. If not, have a good day then. Have a good  
3       one.

4                   MR. LAWLER: Thanks very much guys.  
5       Appreciate being able to parachute into this  
6       meeting and as always, I look forward to working  
7       on the complexities of these issues and very much  
8       are looking forward to the upcoming aspiring  
9       tropical tuna measure in the WCUSE. So, stay  
10      tuned and thanks again for all of your support and  
11      I look forward to working with you any way I can.

12                   MR. CHAIRMAN: Thanks again and  
13      congratulations on your new appointment.

14                   MR. LAWLER: Thanks very much. See you  
15      guys.

16                   MR. CHAIRMAN: All right, take care.  
17      All right, so we'll move on to -- that was agenda  
18      item A. We'll move on to our next agenda item,  
19      which is item B, B, other EO issues, aquaculture  
20      opportunity areas, Paul and Danielle.

21                   MR. DOREMUS: Thank you, Mr. Chair. I  
22      appreciate the opportunity and we're glad to be

1       able to benefit from having Drew available for a  
2       bit to talk about a piece of executive order. And  
3       what I'm going to do is kind of step back and put  
4       the trade and things that we're going to talk  
5       about in just a minute in context with a quick  
6       review of aquaculture, and not just the  
7       aquaculture components, but the whole game plan  
8       with the executive order, and we're going to get  
9       into good portions of it here today, not all of  
10      it. And we have a great opportunity here to talk  
11      about some of the more extensive components in  
12      there in sections 6 and 10 of the executive order  
13      that centered on building greater aquaculture  
14      capability in the United States, and Danielle's  
15      going to step through that in a formal  
16      presentation. But I wanted to note that those  
17      pieces, 6 through 10, are part of really the four  
18      part plan focusing on the industry as a whole.  
19      This is a broad long-term plan to improve the  
20      competitiveness of the U.S. seafood sector as a  
21      whole.

22                    The first provision, the substantive

1 provision in there after overarching policy  
2 statements, etc., is section 4, that focuses on  
3 regulatory reform to maximize commercial fishing.  
4 And that is the piece that we'll be talking about  
5 in section D of our agenda item here today. Sam  
6 Rauch is overseeing the implementation of that  
7 component of the executive order. Section 5 is an  
8 interesting short and very focused component on  
9 illegal unreported and unregulated fishing. That  
10 was crafted in a way to align very nicely with  
11 direction that the federal government as a whole  
12 has gotten, not just NOAA, but other parts of the  
13 federal government, frankly close to 22 agencies  
14 under the Maritime SAFE Act from Congress to stand  
15 up and sort of reenergize an inter-agency IUU  
16 fishing effort. We're not talking about that  
17 today. If there's council interest in it in the  
18 future, we can address that, but the Maritime SAFE  
19 Act inter-agency working group on IUU fishing met  
20 for the first time over the summer in June. It  
21 has by law, a provision for a rotating Chair of  
22 that working group across NOAA, the Coastguard,

1 and the Department of State, and we are starting  
2 off, for the first three years in leading that  
3 area in the working groups. We've got a work plan  
4 online. It's available to the public and we're  
5 very optimistic about the ability to kind of  
6 reenergize the inter-agency community and work  
7 more extensively with our external stakeholders on  
8 this really big challenge to form an international  
9 point of view to sustainable fishing.

10 So that's section 5. Section 6 through  
11 10 are more about the part on aquaculture and the  
12 piece that Drew was talking about is section 11,  
13 which is the direction to stand up, in the area of  
14 seafood trade, a strategy for the United States  
15 that Drew was overseeing and that you just got --  
16 got the briefing with where that stands. But I  
17 think it's good to keep in mind that this is, at  
18 this point in time a kind of drawing together of  
19 some areas of focus for some time. There's been  
20 interest in approaching various aspects of  
21 competitive opportunity in this U.S. Seafood  
22 sector. These are brought together under the

1 executive order, developed over a period of time,  
2 and it was issued in May when we were already  
3 fairly abundantly aware of the impacts of COVID on  
4 the overall structure of demand in the industry  
5 and consequently, the -- the ricochet effect that  
6 it's had throughout the seafood sector.

7           So the urgency of pursuing this strategy  
8 of the federal government in an inter-agency way,  
9 in pursuing a holistic strategy, looking at the  
10 future, and the growth opportunities for the  
11 sector as a whole became all the more urgent in  
12 that context. So we're approaching this with a  
13 great deal of focus, energy, and enthusiasm, not  
14 about -- not just recovering, but really  
15 strengthening the U.S. Seafood sector as a whole  
16 over time as we progress through these various  
17 provisions and improve overall, or while our  
18 fisheries try to build a stronger and sustainable  
19 aquaculture sector and deal with these  
20 international challenges with EU and -- and trade  
21 strategy.

22           So, Mr. Chair, I just wanted to offer

1       those remarks as sort of context for the whole  
2       section here today of sections A, B, C and D.  
3       Section C is really context on the authorities  
4       that stand up and itemize or cover given the  
5       somewhat difficult to understand legal regulatory  
6       environment that exists around aquaculture  
7       authorities right now, so we'll try to get clear  
8       on that in section C. Yes, but we really have  
9       great pleasure today of having Danielle Blacklock  
10       step through the aquaculture components of the EO  
11       and I will turn it over to her and she has a  
12       presentation available for that purpose.

13               MS. BLACKLOCK: Thank you so much, Paul.

14               MR. CHAIRMAN: Thank you, I'm just  
15       kidding. Thank you, thank you Paul. Danielle,  
16       can you just give me a second. I -- I have to  
17       jump off real quick, but in my absence, Mr.  
18       Jonchar (phonetic), the Vice Chair will take over,  
19       but I will come back. I have an engagement I need  
20       to go into. But thank you, Paul. I'll catch up  
21       with you guys later.

22               MR. DOREMUS: Very good.

1 MS. BLACKLOCK: All right, thank you  
2 very much. And Morgan, are you able to share the  
3 presentation or should I share it?

4 MS. MORGAN: Right now, I can be the  
5 presenter. Just a moment. You're all set.

6 MS. BLACKLOCK: Great. And again, thank  
7 you to Chair and the Vice Chair and to Paul for  
8 the introduction, and thank you, Morgan, for  
9 advancing the slides for us. We can go on to the  
10 next. I'm happy to be with you all here today to  
11 talk about aquaculture sections of the executive  
12 order. And as we've already discussed, the  
13 executive order has several different components,  
14 all of which you'll be discussing in your meeting  
15 and I'll be focusing on my third bullet, which is  
16 this.

17 One thing to keep in mind about the  
18 aquaculture section of the executive order is that  
19 while having this focus is new, a lot of the work  
20 that underpins the activities that are to be  
21 implemented with the ideals of the executive order  
22 have been ongoing for a long time. It's really

1 built on work that has been happening and planning  
2 for a number of years. Also although NOAA is one  
3 of the main agencies forced to the executive order  
4 abroad, ultra-sessions are actually spread across  
5 the various aquaculture agencies and we are  
6 working closely with (inaudible) as well as USDA  
7 and the EPA, and that's the act -- today -- in the  
8 executive order.

9           So we're going to step through the  
10 different sections. The first section on  
11 aquaculture is section 6, which is all about  
12 moving barriers to aquaculture (inaudible). It's  
13 just two main things. The first is it asks the  
14 Army Corps of Engineers to evaluate whether or not  
15 nationwide pertinent programs would be appropriate  
16 for finfish, seaweed, and Walled Lake species  
17 aquaculture. Those would all be with their  
18 existing nationwide permit program for shellfish.

19           About two weeks ago I believe their  
20 draft rulemaking was published and called a  
21 (inaudible). In that draft rulemaking package for  
22 nationwide permits, they have a new nationwide



1 proposal for finfish and seaweed with multispecies  
2 woven into those two new programs, rather than a  
3 third set of permits. In addition, section 6 asks  
4 NOAA to be the lead agency for (inaudible) when a  
5 project meets three main criteria. First, it must  
6 -- the project must require environmental review  
7 or authorization by two or more agencies. It also  
8 must be deemed to require an environmental impact  
9 statement, so no one does not become the lead for  
10 EAs. And, the project must be located in federal  
11 waters. So it's -- it's void if the project is in  
12 state waters. Once we take on that leadership  
13 role, if we were to take on that leadership role  
14 for a particular project, it would have to have  
15 the EIS completed within two years and all the  
16 permanent agencies would need to properly issue  
17 (inaudible). We're going to skip over section 7  
18 at the moment because that's the aquaculture  
19 opportunity areas and I'm going to dive a little  
20 deeper into that one towards the end. So skipping  
21 over to section 8, section 8 is really all about  
22 the government open transparent communication. We

1 are asked to describe the federal regulatory  
2 requirements, to gain an aquaculture permit, as  
3 well as all of the relevant federal and state  
4 agencies that are a part of that process, put that  
5 on our website along with all of the federal grant  
6 programs that are the goal to aquaculture, and  
7 we're asked to keep that up to date at least once  
8 every 8 tables.

9 On to section 9, so section 9 asks the  
10 federal agencies to evaluate whether or not to  
11 redraft the National Aquaculture Development Plan.  
12 Many of you may not realize that we have a  
13 National Aquaculture Development Plan because it's  
14 from 1983. It follows the 1980 Aquaculture Act,  
15 and I think that many of you are aware,  
16 aquaculture has changed quite a bit since 1983.  
17 So the federal government is going to update the  
18 National Aquaculture Development Plan. I'm going  
19 to take a little divergence to tell you about how  
20 we're going to do that.

21 So many of you might recall that a  
22 couple of years ago, what used to be the

1 inter-agencies working through aquaculture was  
2 elevated to become a sub-committee under the  
3 National Science and Technology Council. Paul is  
4 a Co-Chair along with a representative from OSTP  
5 and USDA. That new elevated committee over the  
6 last couple of years has put together a couple of  
7 work products. They have put together a  
8 regulatory efficiency plan looking across the  
9 federal agencies, how to make regulation more  
10 efficient while continuing to meet all the  
11 observation mandates and thresholds, looking at  
12 doing things in sequence, doing things together in  
13 a more collaborative way. So that is one more  
14 product and it resulted in this plan. In  
15 addition, we also looked across all of the  
16 research assets for aquaculture across the federal  
17 government and created a Science and Research  
18 Coordination Plan. Those two plans are going to  
19 be coming out for public comment soon in draft and  
20 they again look across all of the federal agencies  
21 involved in aquaculture to look at both the  
22 research component and the regulatory components

1 to support aquaculture development. One of the  
2 new things that the committee has started working  
3 on is quite exciting, and that is an economic  
4 development plan for aquaculture. That is  
5 bringing in the agencies that specialize in  
6 economic development rather than seafood, to the  
7 aquaculture conversation, looking across economic  
8 development programs, finding what might be  
9 applicable for aquaculture, and incorporating that  
10 into this strategy.

11 So we think that with those three plans  
12 combined, a regulatory efficiency plan, a science  
13 and research coordination plan, and an economic  
14 development plan. That makes a really good  
15 foundation for what a national aquaculture  
16 development plan would be and that's sort of our  
17 -- our plan ahead.

18 Last, section 10 is about promoting  
19 aquatic animal health. This asks USDA to evaluate  
20 whether or not they should update the 2008  
21 National Aquatic Animal Health Plan. They are  
22 doing so, and we anticipate seeing a draft very

1 soon, and NOAA is participating in that with teams  
2 from our veterinary talent that we have on board.

3 Now on to aquaculture opportunity areas.  
4 This is section 7 of the executive order. It's  
5 arguably the most revolutionary, most innovative  
6 piece of the executive order related to  
7 aquaculture, but it's not a new concept globally.  
8 It's just new to us. There are many other  
9 countries that have taken this approach and we're  
10 lucky that we have the opportunity and order from  
11 them. So the executive order asks that within one  
12 year of the signing of the executive order, which  
13 was May 7th, NOAA is asked to find at least two  
14 geographic areas containing locations suitable for  
15 aquaculture. Following that first year, we have  
16 two years to complete a programmatic EIS for each  
17 of those spaces. So it takes three years to  
18 create an aquaculture opportunity area. However,  
19 we're asked to repeat this process every year. So  
20 you can start to see how these are going to  
21 overlap and it's three years from now we'll have  
22 six of these in different levels of completion.

1                   So how are we going to identify  
2   aquaculture opportunity areas? The foundation  
3   will best link everything with their sphere of  
4   science. So we are partnered with the National  
5   Ocean Service and their siting analysis team where  
6   they use millions of data sets and they're  
7   constantly looking for more, to do spatial  
8   analysis that will create key maps of  
9   appropriateness. That, geared with stakeholder  
10  input -- stakeholder input of course is crucial.  
11  We will be starting -- we are starting that  
12  process already, communicating about what  
13  aquaculture opportunity areas are, but a more  
14  formalized process is coming which we'll get into.  
15  And of course, inter-agency coordination is  
16  crucial across the board.

17                   So a little bit more about what an  
18  aquaculture opportunity area is. So we are  
19  looking for space that is appropriate for  
20  aquaculture in three different ways. We want  
21  space that is appropriate environmentally, so one,  
22  some place where there is the appropriate amount

1 of current flow, the right depths, the right  
2 biological parameters and making sure that we are  
3 minimizing any potential impact that potential  
4 species or special places. We're also looking for  
5 areas that are appropriate socially, meaning that  
6 we are not taking over shipping leads. We're lot  
7 looking into the shell fishing grounds or places  
8 that are used by the military. And finally, we're  
9 looking for places that are appropriate  
10 economically, meaning they can't be too far from  
11 (inaudible) or too far from shore to make sure  
12 that any venture would viable. They wouldn't just  
13 be burning too much fuel. In addition, if there's  
14 a dock or a processing facility nearby, that's all  
15 the better.

16           Once you add up those three layers of  
17 appropriateness, we end up finding small spaces.  
18 We hypothesize that we are going to find spaces  
19 that could hold somewhere between 3 and 5 farms.  
20 So these are not large polygons in the ocean that  
21 some other planning exercises have created. This  
22 is more of polka dots and possibility, working in

1       between existing users. One thing that I should  
2       say is that we're also not looking for finfish  
3       specifically or shellfish or algae. We're looking  
4       for areas that could possibly accommodate all  
5       three different types of aquaculture and we could  
6       see the possibly of an aquaculture opportunity  
7       area building sites, a suite of sites where one  
8       site might be appropriate for our finfish and two  
9       of them maybe for shellfish and a couple maybe for  
10      algae or some -- some mix of them.

11               So one thing that is critical to  
12      understand is that this is not a partnering  
13      process. This is not a regulatory process in any  
14      way. It's a science-based smart growth planning  
15      exercise. Aquaculture ventures looking to enter  
16      into an aquaculture opportunity area would have to  
17      go through the exact same probing process as one  
18      looking outside as well. They will have to go  
19      through all of the same consultations, potential  
20      species, same order act, all of the same  
21      parameters will be applied. The difference is  
22      that we will have three years of investigation



1 under our belt into that water. So we'll know so  
2 much more and so many more analyses will be  
3 needed, that can feed into the process that we  
4 think it's going to make the process more  
5 efficient.

6 And I think as everyone has likely seen,  
7 we announced the first two areas we are going to  
8 begin our investigations to find aquaculture  
9 opportunity areas. There's a little bit of a  
10 miscommunication in the media. We're looking at  
11 southern California and the Gulf of Mexico. Those  
12 areas themselves are not aquaculture opportunity  
13 areas. Those are just where we're focusing our  
14 investigation. And those selections were based on  
15 a couple of different things. One is making sure  
16 that there's industry interest. We don't want to  
17 go through this process and have NOAA wanting to  
18 put a farm and a water there. In addition, how  
19 much work we've already done in these places?  
20 Because of existing industry interests, we have a  
21 lot of spatial analysis that has already been  
22 completed in southern California and the Gulf of

1 Mexico as well as good working relationships  
2 across the federal government and the councils as  
3 we do everywhere, but with the councils,  
4 commissions, etc., there's a lot of understanding  
5 about aquaculture in those spaces.

6 So I'm going to share with you two maps,  
7 one of them of (inaudible) and one of southern  
8 California, and this shows the study areas. So I  
9 talked about that science product that's going to  
10 create maps. This is the beginning of their study  
11 areas. So when you look for waters that are the  
12 appropriate depth, you end up with this band  
13 around the Gulf of Mexico where you have to have  
14 water and it's deep enough to be safe from storms,  
15 to make sure that any affluent is duly taken care  
16 of, and you can't be too far from shore, as I  
17 mentioned, no farm will go in the middle of the  
18 Gulf of Mexico because it will two expenses with  
19 activity to shore. So you end up with this band  
20 and in the Gulf of Mexico you end up with four  
21 study areas. And in southern California we end up  
22 with four study areas as well. So here you can

1 see that they're separated in (inaudible) and  
2 these again are not the aquaculture opportunity  
3 areas, but the areas within which we are beginning  
4 our investigation.

5 And now a little bit about the process  
6 and where we are. So we have convened our  
7 implementation teams, that's at the national level  
8 as well as at the regional level, so they both,  
9 the west coast regional office and the southeast  
10 regional office. There are teams working across  
11 the different program units as well as  
12 inter-agency teams that have been developed to --  
13 to help with this process. COS has also started  
14 their siting analysis, building, as I mentioned  
15 before, on what they've done previously. They've  
16 already had over 80 meetings with stakeholders  
17 about data. They're constantly looking for more  
18 and better data, and that's an ongoing  
19 conversation, before they actually build the  
20 models for those study areas.

21 We've already been doing a lot of  
22 probing public stakeholder outreach, introducing

1 the concept, what is an aquaculture opportunity  
2 area, what's this investigation and process going  
3 to look like. And coming very soon, there's going  
4 to be the beginning of the four wall public echo  
5 process, and that is coming through a federal  
6 register notice that will be a request for  
7 information. That request for information is  
8 asking two main bits of questions. The first is  
9 where in the nation should we go next? As I  
10 mentioned, we have to find two areas every year  
11 through the next seven years until we have 10 of  
12 these. So we would like to have that conversation  
13 with society and see where there's industry  
14 interests, where there's good will, and where  
15 aquaculture may be appropriate. So that is one  
16 bin of questions, is where in the nation should we  
17 be look next.

18 The other bin of questions is more  
19 specific to southern California on the Gulf of  
20 Mexico, making sure that we have all of the  
21 information. Are there particular things that we  
22 should take into account as we go through this

1 process? Are we missing any data sets? Those  
2 kinds of questions. During that public comment  
3 period, we're also going to have four webinars as  
4 a more informal way for people to get their  
5 (inaudible) if they're not comfortable writing a  
6 letter into the federal registrar. As well as  
7 lots of local organization meetings for input and  
8 of course for coming to the fishery management  
9 councils. Then on the agenda for both the Pacific  
10 and the Gulf Fishery Management Council, I know  
11 that the (inaudible) will be taking place next  
12 week through the Gulf, which (inaudible) in the  
13 meeting a little bit, but that's just a start of  
14 those conversations with those councils. We need  
15 to stay coming back any time that we're invited to  
16 talk about how the process is going, talk about  
17 where we are, what we're hearing, and we're  
18 welcoming other councils to have that conversation  
19 as well. While we have started in the Gulf --  
20 with the Gulf council and the Pacific council  
21 because that's where we're looking first, we're  
22 having to come to any council meeting and discuss

1       this process, what it's going to look like, as we  
2       do anticipate these to go somewhat around the  
3       nation, maybe not everywhere, but they're not all  
4       going to be in southern California and the Gulf.

5               So all of that leads into this winter.  
6       We have with us a sub-draft science product coming  
7       out which is going to take the form of an  
8       aquaculture opportunity atlas. It's going to be a  
9       series of sheet maps of appropriateness. This is  
10      a great fiasco, sort of black and white kind of  
11      conversation. It's really a -- it will show up  
12      more as a temperature map where we'll find areas  
13      that are hopefully most appropriate. That, paired  
14      with the public input that we'll get this fall  
15      will help us have that conversation to find areas  
16      that are most appropriate. We anticipate by next  
17      May having a school of different areas in each  
18      region that would have a level of appropriateness  
19      for aquaculture. Those couple of different areas  
20      for each region will then feed into programmatic  
21      EIS process as various alternatives. We're  
22      building that programmatic EIS process now, so

1 more to come on that piece, but I wanted to make  
2 sure to get everyone up to speed at least on this  
3 as well as the finding of appropriate space phase  
4 before any more time goes by. So again, I really  
5 appreciate you having us on the agenda and I'm  
6 happy to take any questions, Mr. Chair, if that's  
7 appropriate.

8 MR. CHAIRMAN: Thank you, Danielle.  
9 Thank you, Paul. Very good. We'll go ahead and  
10 check and see if there's any comments or  
11 questions.

12 QUESTIONER: Thank you, Mr. Chair. I  
13 have three questions for you, Danielle, and thank  
14 you very much for the presentation. I think you  
15 were informative. The first two are really sort  
16 of process questions related to (inaudible). The  
17 first two questions are process questions related  
18 to slide 15, and the first one I guess is that you  
19 mentioned that you'll convene implementation  
20 teams. Will councils, should they want to  
21 participate, be allowed to participate in the  
22 implementation teams, or is there going to be a

1 FACA concern?

2 MS. BLACKLOCK: That's a very good  
3 question, and I don't know that I have a clear  
4 answer. We -- I will have to get back to you.  
5 Currently, the implementation teams are the  
6 federal government possible participation with  
7 state governments. We're having that same  
8 conversation right now, and internal program  
9 staff, but I'll look into that and get back to the  
10 committee.

11 QUESTIONER: Okay, thank you. A second  
12 question also relates to that slide. Just for  
13 planning purposes, do you know when the public  
14 notice on the request for information will go out  
15 roughly? Just trying to figure out where it might  
16 fit in with our council meeting schedules.

17 MS. BLACKLOCK: So, it should be going  
18 out in the next couple of weeks.

19 QUESTIONER: Okay, and how long --

20 MS. BLACKLOCK: 60 days.

21 QUESTIONER: 60 days, thanks. My -- my  
22 third question is a little bit broader. How are



1       AOAs enforced? You know, as you point out, there  
2       are a lot of factors that play into it, and it's  
3       conceivable, at least to me, that just as far as I  
4       know, the only two permanent authorities really  
5       are Corps of Engineers and EPA right now. So it's  
6       conceivable that there could be a site that meets  
7       their property requirements, but falls short on  
8       other things, and what if the facility says I want  
9       to go in this other place? How do we enforce  
10      people using the sites that are identified through  
11      the AOA process?

12                MS. BLACKLOCK: People are welcome to go  
13      outside of aquaculture opportunity areas. I think  
14      that the incentive to use them is the amount of  
15      analysis that will have gone in on the front end  
16      that the federal government is doing instead of an  
17      individual company needing to do. So it's --  
18      again, it's a planning process. There is no --  
19      there is no enforcement, but we're doing this  
20      planning process with the EPA on one side and the  
21      Army Corps on the other side, so they're a part of  
22      this. So it's woven into what will be their

1 (inaudible), but it's not -- it's not an exclusive  
2 zone and it doesn't mean aquaculture can't go  
3 outside of that.

4 QUESTIONER: Okay, thank you very much.

5 MR. CHAIRMAN: Tom, did you get all of  
6 the questions from New England?

7 VICE CHAIRMAN: I'll have to check with  
8 my Chair at (inaudible) but I think so.

9 MR. CHAIRMAN: Mid-Atlantic council?

10 QUESTIONER: Thank you, Mr. Chair.

11 Thank you, Danielle for the presentation. I have  
12 a quick question. I got lost a little bit in the  
13 terminology. EO talks about geographic areas. Is  
14 a geographic area the same as an AOA or is that  
15 different?

16 MS. BLACKLOCK: It's understandable. We  
17 talk a lot about different spaces, areas. So  
18 geographic areas are what we're going to deal with  
19 at the end of this year. So we're looking within  
20 southern California or within the Gulf of Mexico  
21 to find geographic areas. I wouldn't deem it an  
22 aquaculture opportunity area until after that

1        programmatic EIS has happened. So while in time  
2        they would be one in the same, it's understanding  
3        that it's confusing. So I wouldn't call it an  
4        actual area of opportunity until (inaudible).

5                QUESTIONER: Got you. So when you talk  
6        about finding two AOAs per year for the next five  
7        years or 20 years, you're talking about these very  
8        specific locations that may be within the  
9        geographic area. So if you talk about say the  
10       mid-Atlantic, you may have three AOAs within the  
11       Mid-Atlantic or off the Atlantic. Is that the way  
12       you're --

13               MS. BLACKLOCK: That's correct. Yes.

14               QUESTIONER: All right. Thank you.

15               MR. CHAIR: Any other questions from  
16       South-Atlantic?

17               QUESTIONER: (inaudible) the  
18       presentation.

19               MR. CHAIR: Gulf Council?

20               QUESTIONER: Thank you, Mr. Chair.  
21       Thank you, Danielle, for the presentation. I  
22       think we'll have another chance to ask questions

1 next week or at least (inaudible). Just during  
2 your presentation, I did have one thought that  
3 came to mind and that was while you're identifying  
4 these areas, these aquaculture areas, do you  
5 foresee in the programmatic EIS that you're  
6 developing, a review process that would be  
7 included in there to assess the current AOAs  
8 before you start identifying other AOAs. Do you  
9 see that process occurring at all?

10 MS. BLACKLOCK: We are currently  
11 developing what that programmatic EIS process will  
12 work like. We're trying to make these as  
13 consistent and transparent as possible from region  
14 to region, which means there's a lot of work from  
15 a front end to make sure that we're -- you know,  
16 four years from now it will look very similar to  
17 what the first year looked like. So I don't have  
18 an answer yet, but it's something that we're  
19 considering.

20 QUESTIONER: Thank you.

21 MR. CHAIRMAN: Any questions from the  
22 Caribbean Council?

1                   QUESTIONER: Yes, thank you. We have a  
2 meeting in December (inaudible). We'd like to  
3 invite the presenter to talk about this  
4 aquaculture venture. I have also a question about  
5 (inaudible). You know, the Caribbean is  
6 (inaudible), the Caribbean as many times with a  
7 Bolivarian. But can aquaculture through the scale  
8 and in the Caribbean might be considered in the  
9 next 7 years as -- for one of those areas that  
10 you're talking about?

11                   MS. BLACKLOCK: Thank you for the  
12 invitation. I would happily take you up on that  
13 and come to the next council meeting and present  
14 on aquaculture opportunity areas. And absolutely,  
15 the Caribbean could host an aquaculture  
16 opportunity area. As I mentioned, one of the  
17 questions or one bin of questions that we'll be  
18 asking in this request for information is where  
19 should we go next. So if we get input from the  
20 Caribbean to please come here, then of course  
21 we'll look at that closely.

22                   MR. CHAIRMAN: Thank you, Caribbean.

1 Next question is from the Pacific Council.

2 QUESTIONER: Thanks, Danielle. I got a  
3 couple of questions. First is the -- on the --  
4 includes the data, where all the databases are  
5 housed, one of our concerns was not just what  
6 databases they are using, but how they're using  
7 them, particularly in terms of the time series  
8 that they're using because we have some issues  
9 with reopening areas and some haven't been used.  
10 This is really a blank question of California, but  
11 in any event, we would be interested in having  
12 some opportunity to engage with who's solving that  
13 and so, I guess to the extent that you could  
14 involve the council in that, that process, we  
15 would appreciate it. We -- we did just have our  
16 council meeting last week and we had basically the  
17 same presentation from the (inaudible) so I would  
18 appreciate that. With that, I do want to echo  
19 Chris Moore's comments about the terminology and  
20 how it was difficult for me to get through what an  
21 AOA really was, but I think you did a good job  
22 explaining it in your presentation. I just think

1       it would help the presentation if that was -- if  
2       you know, an AOA is in southern California, then  
3       an AOA is into red, blue, green, and yellow areas  
4       is all about, is something else. So I think we  
5       have -- it would help if it was stated more  
6       clearly as you go forward.

7                       Finally, I guess still not sure the  
8       degree of which and how councils will be engaged  
9       in the review, in the process with helping the EIS  
10      and those sorts of things. So -- so I -- I guess  
11      -- I guess I'm not -- if you can address that a  
12      little bit here, that would be good, but you know,  
13      we could -- we asked the question at our council  
14      meeting and didn't get a real good answer for when  
15      we should have, schedule something on our agenda,  
16      so we haven't done that yet. I know your -- your  
17      glance to the extent that we can get an idea when  
18      and exactly what the council is going to be asked  
19      to do, we would appreciate that. So those were  
20      more comments I guess more than questions, but if  
21      you can give some responses that would be great.  
22      I don't know if my chair or vice chair might have

1       some follow ups as well.

2                   MS. BLACKLOCK:   Sure, I'd be happy to  
3       discuss those three points.   On the data, we are  
4       absolutely an open door for the actively finding  
5       data and I'm happy to connect you with some folks  
6       over at NPOS.   While they have millions, over 30  
7       million data sets, they know they don't have  
8       everything, and they know that it's not all  
9       perfect.   So we're constantly trying to improve  
10      that.

11                   With regard to terminology, we're  
12      learning as we go to be better communicators about  
13      what these are and aren't, especially trying to  
14      alleviate any -- and deep seated fears that  
15      aquaculture is going to maintain over hundreds of  
16      square miles off of the coast.   That's not what  
17      this is.   This is a finding exercise, finding  
18      small areas where it's most appropriate and  
19      interferes the least with anything else.   So we're  
20      -- we're learning terminology, but I agree with  
21      you, it's tricky and adds a great fear, especially  
22      through the media and communications.



1                   And with regard to the role of the  
2           councils, so the councils are inter-built in, so  
3           is everything it does. We're having to talk in  
4           every council meeting you have between now and  
5           today with announcement is made of the  
6           alternatives that will begin the programmatic EIS  
7           process. We can bring everyone up to speed on how  
8           the planning is going, how the mapping is going,  
9           what information we're still looking for. We can  
10          -- we can have a trusted conversation about what's  
11          going on and we're having to do so. So I think  
12          the best role of the council is that we really  
13          also see you as the leaders in the (inaudible) and  
14          the better our -- closer our relationship can be,  
15          the better the product at the end of this will be.

16                   QUESTIONER: Thanks. Maybe just a  
17          follow up comment on that last -- the last issue.  
18          You know, updates -- updates are great in knowing  
19          where you're at. But what we really need to know  
20          is you know, when and how -- when, where, and how  
21          do we engage in the process. Thank you.

22                   MS. BLACKLOCK: Sure. At the moment,

1 the -- the formal engagement in phase I is -- is  
2 where stationed this fall. Then it will be more  
3 informal engagements until May and then another  
4 formal process will begin. But until we finish  
5 designing it, I can't unfortunately tell you all  
6 of the (inaudible) yet.

7 MR. CHAIRMAN: Any other questions from  
8 the Pacific Council, Chuck?

9 MR. GORELNIK: I'll go ahead. This is  
10 Marc Gorelnik, Pacific Council Chair. I'd just  
11 like to follow up a little bit on Chuck's  
12 questions. I guess I'm not -- it's still not  
13 clear to me what the role of the councils will be  
14 in the process short-term and/or long-term. Are  
15 we merely stakeholders in the process to provide  
16 our input, which would balance against the input  
17 of others? Are we merely a convenient venue to be  
18 an input for stakeholders or do we have a more  
19 substantial role in the process?

20 MS. BLACKLOCK: I don't know that I  
21 would call either of those roles a merely role. I  
22 think that you are one of our largest constituency

1 and your input is incredibly important and as for  
2 us having sort of constant conversations with you  
3 all, I anticipate that you would help shape what's  
4 outside of the process.

5 MR. GORELNIK: All right, thanks very  
6 much. We'll see how the process develops and I  
7 look forward to working with you.

8 MR. CHAIRMAN: Thank you, Pacific  
9 Council. Moving on to the North Pacific Council,  
10 any questions, comments?

11 MR. KINNEEN: This -- this is Simon. I  
12 don't have any. I don't know if -- if our Vice  
13 Chair, Bill, has anything.

14 MR. TWEIT: Bill here. I don't have any  
15 questions. Thank you.

16 MR. CHAIRMAN: Thank you, North Pacific.  
17 We're going to the Western Pacific Council now.  
18 The Western Pacific has been working on a  
19 programmatic EIS for several years now. How is  
20 the work that we have done to date going to mesh  
21 with the work that you're doing now? Are you --  
22 are you familiar with what we have done?

1 MS. BLACKLOCK: Yes, and it remains to  
2 be seen as we move through the process, how the  
3 two will align, and more of that due to timing.  
4 So as the programmatic EIS that you all are  
5 working on now advances, if we have input that  
6 says please come to (inaudible) three years from  
7 now and that's already completed, that's a  
8 different picture than if we're asking you to send  
9 plans this year while everything's still  
10 processed. So we haven't evaluated all of those  
11 scenarios yet. In part, we'll wait to see what  
12 comes back from that public comment period as to  
13 whether we need to sort all of that out now or  
14 later, but I am aware of the work that you're  
15 doing. I'm excited about it. And we'll make sure  
16 that we do locate (inaudible).

17 MR. CHAIRMAN: So would you recommend us  
18 continuing on with development of the programmatic  
19 EIS, or should we defer to you or work with you,  
20 bring you aboard?

21 MS. BLACKLOCK: I recommend you continue  
22 on.

1                   MR. CHAIRMAN:   Okay.   Thank you very  
2   much.   Any other questions from the Western  
3   Pacific, vice chairs?   I'm hearing none.   Thank  
4   you very much, Danielle and Paul, appreciate it.

5                   Let's go to the next section C,  
6   aquaculture regulatory/statutory issues.   Sam,  
7   Adam, you all are up.

8                   MR. RAUCH:   Thank you, Mr. Chair, and I  
9   hope Adam is on the line.   I'm going to give a  
10   little overview and then turn it to Adam to talk  
11   about implications of the recent 5th Circuit  
12   opinion, which we've talked briefly with some  
13   elements to CCC about before.   But just as a  
14   reminder of our general view of regulatory  
15   authority for aquaculture.   As a baseline, there  
16   is no permit required unless some statute makes it  
17   required.   So you can do a lot of things in the  
18   ocean without needing to go get a permit.   And  
19   when I talk about the ocean, I recognize that  
20   aquaculture happens on land and in state waters or  
21   territorial waters, but I'm going to be focusing  
22   on federal waters because that's what the

1 council's jurisdiction is. That's where we're  
2 mostly concerned about.

3 So in federal waters, as somebody  
4 mentioned, the corps and the EPA do have some  
5 regulatory authority. You're putting permanent  
6 structure in front of waters there, you need a  
7 rivers and harbors permit for that. To the extent  
8 that you are putting out affluent or other things,  
9 you may need an EPA permit. There may be other  
10 peripheral federal entities that are involved.  
11 Our view is that the Magnuson Act gives us through  
12 the council system, the authority to regulate  
13 aquaculture in federal waters. Our view has been,  
14 or our historic view at least has been that  
15 aquaculture is fishing, a form of fishing since it  
16 involves the capture and removal at some point,  
17 you're removing those fish from the ocean so that  
18 it is fishing, therefore, it is subject to  
19 regulation. It doesn't mean it's prohibited, but  
20 it means that the council could regulate it, could  
21 choose to prohibit it, could choose to allow it,  
22 but the council needs to do that with some

1 intention. If thus the council is somehow active,  
2 it could happen. So that was our preexisting  
3 view.

4 We know that we've got a number of  
5 aquaculture provisions that have been vetted  
6 through the councils in various jurisdictions,  
7 that the broadest most significant one is the Gulf  
8 aquaculture plan, which the Gulf spent many years  
9 working on. It was developed and is a large scale  
10 comprehensive program. It was immediately  
11 challenged and we lost in the District Court and  
12 we've now lost in the 5th Circuit, and I would  
13 like to turn it over to Adam to give us a summary  
14 of that court case and then in particular, given  
15 that we have -- we have lost the case in the 5th  
16 Circuit, but the litigation is not over. What  
17 potentials are there for further review realizing  
18 that I don't think the United States is taking a  
19 new view yet, but those are still decisions the  
20 United States needs to make. After, he will give  
21 us the update.

22 MR. ISSENBERG: Thanks, Sam. Yes, so

1 earlier this year the 5th Circuit, which is the  
2 court that has jurisdiction over much of the  
3 states bordering the Gulf of Mexico, issued an  
4 opinion in which it found that NOAA does not have  
5 the statutory authority to issue regulations  
6 governing aquaculture under the Magnuson Stevens  
7 Act. The question in that is the notion that the  
8 -- you know, the councils don't have the authority  
9 to implement it or to adopt fishery management  
10 plans to address the aquaculture. This was a  
11 three judge panel and two of the three judges  
12 concluded that the Magnuson Act unambiguously  
13 precludes the agency from creating an aquaculture  
14 regime because the MSA does not expressly  
15 authorize the agency to administer management of  
16 aquaculture.

17 The judges rejected the longstanding  
18 position that, as Sam mentioned, we have since  
19 then wasted the early 90s taking the position that  
20 aquaculture is fishing and falls within the  
21 definition of fishing. And the judges disagreed.  
22 They concluded that the term and that position



1       relied heavily on the use of the term "harvesting"  
2       in the definition of fishing. Fishing was  
3       catching, taking, or harvesting, and our  
4       interpretation is that harvesting could include  
5       aquaculture activities. And the judges concluded  
6       that the term "harvesting" should be read  
7       synonymously with terms "catching" and "taking",  
8       which described traditional fishing activities in  
9       terms of capture.

10               One judge did descend. That judge  
11       thought and Congress had given the agency a very  
12       expansive granted authority to conserve and manage  
13       offshore fishery resources that Congress hadn't  
14       distinguished between habits of fishing or types  
15       of fish, and that was ample authority for the  
16       longstanding position that NOAA had taken. So the  
17       next steps are for the federal government to  
18       determine whether to seek further review. Unlike  
19       a lower court decision where appeal is always  
20       available, further review of an appellate court  
21       decision is discretionary with the court and must  
22       be requested from either the 5th Circuit in the

1 form of a hearing or from the Circuit Court. The  
2 decision of whether to seek further review  
3 ultimately lies with DOJ. They will make that  
4 decision after receiving recommendations from NOAA  
5 and from any other agencies that might be  
6 entrusted. And that process is ongoing. No  
7 decision has been made yet and that's as much as I  
8 can say about that.

9           After that process is concluded and  
10 depending on what the appeal decision is, we will  
11 need to decide how to respond to the decision and  
12 what that means for NMFS and for the councils. I  
13 want to reiterate as Sam said, that you know, this  
14 doesn't mean that aquaculture is prohibited in the  
15 Gulf of Mexico or anywhere else. Aquaculture may  
16 proceed sometimes at other applicable (inaudible)  
17 like the Water Act (inaudible). And then as I  
18 think Danielle alluded to, you know, the Magnuson  
19 Act is not NOAA's only authority regarding  
20 aquaculture. We have a number of other  
21 authorities including the National Aquaculture Act  
22 of 1980, which Danielle mentioned, the Fishery

1 Lobby and Coordination Act, and other authorities.

2 Really, the most significant one is the  
3 National Aquaculture Act, which gives NOAA a very  
4 important role in the development and the  
5 promotion of aquaculture, and does not contain any  
6 regulatory authority to do anything akin to you  
7 know, permitting aquaculture ala the Gulf plan,  
8 but does provide ample authority for the  
9 activities assigned to the Secretary of Commerce  
10 under the executive order. So that is my summary  
11 and I'm happy to take any questions or you could  
12 -- for me or for Sam.

13 MR. RAUCH: Yes, let me, before we yield  
14 ground for questions, let me just expand just a  
15 little bit. Recognizing that the federal  
16 government has not decided what to do, may seek  
17 further review in one of those venues that Adam  
18 mentioned, may seek to overturn this opinion. But  
19 in the meantime, what it means at least is that  
20 the Gulf aquaculture plan is set aside, and we are  
21 not regulating aquaculture in the Gulf of Mexico.  
22 It does not on its face necessarily apply outside

1 the 5th Circuit, but that is something we would  
2 have to consider if this became final, either  
3 because we continue to litigate, and we ultimately  
4 do not prevail, or we accept the decision. So  
5 those decisions are still to be made. As Adam  
6 indicated though, we still have authority,  
7 nonregulatory, to do things under the Aquaculture  
8 Act of 1980, which largely supports many of the  
9 things that Danielle was talking about regardless  
10 of whether the Magnuson Act is available or not.

11 This does also implicate some of the  
12 questions that come up as to what is their role in  
13 aquaculture going forward? Under the 5th Circuit  
14 opinion in the Gulf, the council no longer has a  
15 regulatory role. Still would have an advisory  
16 role under many of these processes. It still has  
17 relevant information and it is an important  
18 opinion in that but does not have the same sort of  
19 regulatory role as it had before. So with that, I  
20 -- I understand that it is not final and so there  
21 is some things we cannot answer beyond mere  
22 speculation, but I'm happy to take questions or as

1 Adam indicated, he is happy as well.

2 MR. CHAIRMAN: Thank you, Sam. Adam,  
3 did you have any other comments? Were you ready  
4 to go to questions?

5 MR. ISSENBERG: No, no other comments.  
6 I'm happy to answer any questions.

7 MR. CHAIRMAN: Thank you, guys. That  
8 was great. New England Council, any questions?

9 QUESTIONER: John Quivey (phonetic) with  
10 a question, quick question. My two-part question,  
11 is there a -- a deadline by which the ODJ is going  
12 to decide on the appeal and does the standard of  
13 review change when you appeal the Appellate  
14 Court's decision?

15 MR. ISSENBERG: The OJ, I'm uncertain if  
16 this is whether there's a 90-day deadline for a  
17 petition for Supreme Court review, and I'm fairly  
18 confident, although can't promise, that the OJ  
19 will you know, have the final decision before  
20 then. You know, their internal process supposedly  
21 takes a total of six weeks, although I can't  
22 recall it ever actually happening within that six

1 weeks. In terms of standard review, it would  
2 basically be the same standard of review. You  
3 know, this was a -- it's basically a statutory  
4 construction issue. The -- the 5th Circuit and  
5 the lower court in Louisiana worked on it under  
6 the Chevron framework and I expect that that's the  
7 same way that any further review would reanalyze  
8 the case.

9 QUESTIONER: Thanks.

10 MR. CHAIRMAN: Any other comments from  
11 New England? Tom? Going on to Mid-Atlantic  
12 Council, any questions?

13 QUESTIONER: Thank you, Mr. Chair. No  
14 -- no additional questions at this point.

15 MR. CHAIRMAN: South Atlantic Council?

16 QUESTIONER: Thank you, no questions.

17 MR. CHAIRMAN: Gulf Council?

18 QUESTIONER: Thank you for the  
19 information. No questions.

20 MR. CHAIRMAN: Caribbean Council?

21 QUESTIONER: No specific questions.

22 MR. CHAIRMAN: North Pacific Council?

1                   QUESTIONER: No questions from the North  
2 Pacific.

3                   MR. CHAIRMAN: And we circle around to  
4 the Western Pacific Council. I don't have any  
5 questions at this point. Does any other members  
6 -- Kitty, your add?

7                   QUESTIONER: I have no questions, thanks  
8 John.

9                   QUESTIONER: The Pacific has no  
10 questions.

11                  MR. CHAIRMAN: Okay, thank you. Okay,  
12 very good. Thank you, guys. We're going to head  
13 to D, EO section 4, prioritized list of  
14 recommended actions. Kelly Denit, you're up.

15                  MS. DENIT: Great. Thanks, John. Good  
16 afternoon and good morning everyone. So in this  
17 session, the councils had asked to have more of an  
18 information exchange around section 4 of the EO,  
19 so I'm just going to give some brief overview  
20 comments to get us started and then we'll jump  
21 right in.

22                  So, first we'll recall that section 4 is

1 the request to all of you to submit within 180  
2 days a prioritized list of recommended actions to  
3 reduce burdens on domestic fishing and to increase  
4 production within state-owned fisheries. We sent  
5 around a template, I believe it was in July, for  
6 you all to complete, to provide the information  
7 requested in the EO and you've been asked to  
8 provide that by early November. I know that some  
9 councils have at least had some preliminary  
10 conversations and others haven't on their upcoming  
11 schedules. So with that, just very brief context  
12 setting. I would be happy acting, Mr. Chair, to  
13 just call on different councils as we go around or  
14 John, if you would prefer to call the different  
15 councils, that's fine as well. The focus here was  
16 for each of you to be able to talk about what --  
17 how you have been approaching this request within  
18 your respective councils and share any  
19 information. Of course we're here to answer any  
20 questions if you do have any. So, Chair, I'm  
21 happy to kind of facilitate this part or if you  
22 would prefer to, that's totally up to you.



1                   MR. CHAIRMAN: Why don't you go ahead  
2                   and run with it.

3                   MS. DENIT: Great. Well, I want to get  
4                   wild and crazy and not start in the northeast. So  
5                   now I know everybody is slightly panicked like who  
6                   is she going to call on first? So I want to start  
7                   out on the West Coast and let's start with Chuck,  
8                   Pacific Council.

9                   MR. TRACY: All right. I got to go to  
10                  the -- I'm on the spot.

11                  MS. DENIT: I figured you could handle  
12                  it, Chuck.

13                  MR. TRACY: Yes, so we did -- we met  
14                  last week and had a discussion about this and  
15                  prepared a response. What -- what we did is we  
16                  looked at the things that were under our sort of  
17                  normal authority, the regulatory FMP amendment  
18                  type business things we normally do, and then saw  
19                  that as you know, what was most applicable to the  
20                  central or request. So we identified some items  
21                  for that, that we would be able to initiate prior  
22                  to May 1. I have to order the items there, and

1       then we'll put those on our -- on our planning  
2       calendar as evidence of that. Of course, we will  
3       -- we will be sending a formal response as well  
4       including the spreadsheet of those provided.

5               So we also had some other issues that  
6       were identified. I think Chris sort of suggested  
7       it was possible for us, so we asked all our  
8       advisory buddies about a number of things. So for  
9       those, we identified a few things that we also  
10      wanted to bring to the attention of other  
11      agencies. So we kind of ended up with three  
12      buckets if you will, I guess. The things I've  
13      already mentioned as one bucket as sort of  
14      basically essentials or requirements. And there's  
15      some other items that are within NMFS purview but  
16      are not regulatory in nature. That's just things  
17      like funding for surveys and those sorts of  
18      things. And then we also had another bucket that  
19      was other statutes or other agencies, and we  
20      identified one thing for that which was the  
21      regulation that U.S. Fish and Wildlife Service  
22      passed. Basically, it omits from the definition

1 about fishing, fish products, squid and the sea  
2 urchins because they apparently don't have a  
3 shell. So they are required to be certified by  
4 USFWS, but other fish products for export are --  
5 have a waiver on reviewing of exporting wildlife  
6 products and these don't, so there's sort of a  
7 redundant need to where, first of all have service  
8 to evaluate those products for export for our  
9 recommendations to the Gulf and to the wildlife  
10 service. So probably the Seafood Task Force as  
11 well, add to that, regulations be reviewed and  
12 revised.

13 And then we also had another comment on  
14 the aquaculture-based opportunities as well in  
15 terms of that, just making sure that the EFH  
16 consultation is conducted prior to the decision on  
17 locations. So that -- that's kind of how we  
18 handle it. So if there's any questions, I'd be  
19 happy to answer those.

20 MR. CHAIRMAN: Kelly, would you mind if  
21 we go ahead and take control back? We're going to  
22 go ahead and jump down a predetermined list that

1 we have for the various councils.

2 MS. DENIT: Totally fine, Sir.

3 MR. CHAIRMAN: Okay, thank you. Thank  
4 you very much Pacific Council, Chuck. Appreciate  
5 it. We're going to see if we can reserve  
6 questions for later. If we can go ahead to the  
7 comments. We'll get to the councils first then  
8 we'll take the questions at one time. Let's go to  
9 New England Council, Tom?

10 QUESTIONER: Thank you, Mr. Chair.  
11 Thank you, Kelly, for giving me a little break.  
12 I'll be very quick. We go through a process every  
13 year where we determine what we're going to do the  
14 following year. We refer to this as setting our  
15 priorities. And so we rolled in our response to  
16 the executive order in that process. We've worked  
17 with our advisory panels and committees to bring  
18 up suggestions and don't ask me what they are  
19 because we're going to talk about them next week  
20 and we'll make our final determination at a  
21 special council meeting towards the end of  
22 October.

1                   MR. CHAIRMAN: Very good. Thank you,  
2 Tom. Mid-Atlantic Council?

3                   QUESTIONER: Thank you, Mr. Chairman.  
4 This is Mike Rouici (phonetic). Chair of the  
5 NOAA, I want to provide the report today. So we  
6 started out with a preliminary discussion with our  
7 full council back in the spring, and then staff  
8 worked with our advisors and the public comment to  
9 kind of boil down a list of possible actions that  
10 will come from this -- this order. And we decided  
11 to work those possible actions through our  
12 executive committee. The executive committee met  
13 earlier this week and refined that list, adding to  
14 it what was -- the original list was really --  
15 there was a lot of focus on commercial activity,  
16 but based on some discussions that had been had in  
17 the South Atlantic, our executive committee  
18 decided to add some potential recreational issues  
19 to the list as well. And so our plan at this  
20 point will be to have that report -- we have a  
21 council meeting in two weeks and the full council  
22 will have an opportunity at that time to review

1 the list coming from the executive committee to  
2 provide final guidance to staff on what they'd  
3 like to see move forward out of council process.  
4 So that's where we are. Chris and I can -- can  
5 handle any questions after we get through to hear  
6 what the council thinks.

7 MR. CHAIRMAN: Thank you, Mike. How  
8 about the South Atlantic Council?

9 QUESTIONER: Thank you. South Atlantic  
10 Council has talked about it through two council  
11 meetings and an executive committee meeting. We  
12 met last week and prioritized our list, refined  
13 our list. We are now working on the final  
14 language to port over into the spreadsheets, so  
15 primarily working out the details of what we have  
16 in there dealing with things like the  
17 justification. So kind of like Chuck mentioned,  
18 we had a couple of buckets we started in. One of  
19 ours and sort of high priority for us is a broad  
20 request for increasing the scientific resources  
21 within our region, particularly the -- the  
22 Southeast Center to encourage more independent

1 surveys and to be able to provide safe reports to  
2 increase the information available to the council.

3 We also had a -- a high priority issue  
4 to evaluate the shark depuration situation. We  
5 heard about that yesterday and -- and that was  
6 just a small, small taste of what the council's  
7 been hearing about over probably the last year,  
8 had many public comment opportunities. We  
9 included recreational (inaudible) so we requested  
10 improved (inaudible) dealing with some of the  
11 ongoing issues there, one in particular being the  
12 -- the working route that's underway to deal with  
13 rare event species because with only 5 percent of  
14 the trips to the southeast going in the EZ, most  
15 of our stuff is rare.

16 We also hit on requesting support for  
17 the regional climate change effort, the area  
18 planning that's underway at the Northeast Region  
19 Permitting Council. Addressing delays in the  
20 disaster relief, I think is a hot topic with many  
21 people as we look at CARES. And then we got into  
22 the issues that were more council-related looking

1 at a review of our ITQ program, some changes in  
2 closed area we have, commercial electronic  
3 logbooks, getting those in place. We have a two  
4 for one permit provision in our staff work fishery  
5 to look at and then some fishery-specific things  
6 that were already on our workplan, to look at King  
7 Spanish and office fisheries with a few issues  
8 coming up over the next year. So, thank you.

9 MR. CHAIRMAN: Thank you, John. Gulf  
10 Council?

11 QUESTIONER: Thank you, Mr. Chair. We  
12 have just a couple of slides. I don't know if  
13 those can be shown on the screen. If not, you can  
14 look at them on the website, I guess.

15 MR. CHAIRMAN: Can we get the slides put  
16 up on the screen?

17 QUESTIONER: There's a few (inaudible) I  
18 can share them.

19 QUESTIONER: So, thank you. I'm just  
20 going to talk high level about our approach. We  
21 haven't had a lot of opportunity to discuss this  
22 yet. The next slide, please? We did start the



1 discussion during our June 2020 council meeting,  
2 and we've received some initial feedback from a  
3 council member. Next slide, please? And we came  
4 up with a path forward for how we are going to  
5 handle this task, which was to get some guided  
6 public comment and we traded a google form to  
7 collect this public comment and we used our  
8 Southeast Fishery tool to do that. We asked two  
9 main questions. We also asked the individual to  
10 identify their association with the fishery. We  
11 asked the question, are there any current  
12 regulations that may be outdated or unnecessarily  
13 (inaudible)? And we asked them to explain why.  
14 Are there any other changes to council guidance,  
15 documents, or procedures that could alleviate  
16 barriers to domestic fishing? And explain the  
17 issue and suggest any remedy to the problem. The  
18 next slide, please?

19 So we received 93 comments and because  
20 respondents were not limited to a single  
21 association, you'll see that the dimple size is  
22 different there for that and you can see the

1 categories of respondents that we received. This  
2 may not seem like a lot of comments received, but  
3 it's actually five pages of comments that the  
4 council is going to have to go through next week  
5 and give us feedback on. Show the next slide,  
6 please.

7 So our September council meeting is next  
8 week. Staff will present the summarized public  
9 input and the council should -- is planning to  
10 give us initial suggestions of live feedback,  
11 although while continue to receive public  
12 comments, and in October, we'll discuss and try to  
13 finalize these and ask the council to prioritize  
14 them. We will use the Excel spreadsheet that you  
15 provided, and we'll submit the letter. And we  
16 have very little time because our October council  
17 meeting is the last week in October, so we'll be  
18 turning that around quickly to meet the November  
19 2nd deadline. So, that concludes my report.

20 Thank you.

21 MR. CHAIRMAN: Thank you, Karen. Nice  
22 pictures. Coming up next, we have the Caribbean

1 Council.

2 QUESTIONER: Hello, this is Marcos  
3 Sherma (phonetic) from the Caribbean. And the EO  
4 section 4, we are collecting the -- all the inputs  
5 from the advisory board that are connected to our  
6 council. Tomorrow, we have a council meeting  
7 which will advance those issues and follow up  
8 after that, we'll create the (inaudible) to send  
9 to Chris as soon as it's ready. We are at the end  
10 of our process. Thank you.

11 MR. CHAIRMAN: Thank you, Marcos.  
12 Pacific, we have the Pacific Council already done.  
13 North Pacific Council.

14 QUESTIONER: This is Dave Witheral  
15 (phonetic). Our council will make a decision on  
16 that prioritized list at its October meeting. I  
17 hope we can get a chance to come back with  
18 questions because I have a number of them.

19 MR. CHAIRMAN: Okay, very good. Last,  
20 but certainly not least, Western Pacific Council?

21 QUESTIONER: Thank you, Mr. Chair. I'm  
22 Kelly. So, we've gone through meetings with all

1 of our advisors in the public and we've been  
2 working on this for several months. And the  
3 council did vote last week on recommendations to  
4 send. I am just presenting a few of them here,  
5 just examples, but I will mostly be speaking to  
6 closures, consultations, and international  
7 negotiations, all of which are huge burdens to us  
8 out here. So, (inaudible) says the Assistant  
9 Administrator for Fisheries, and as you will see  
10 from our examples we have. So, these presidential  
11 EOs need not have any traction if the president is  
12 not reelected. But it has given us in this region  
13 the opportunity to publicly discuss what works and  
14 doesn't work in our region.

15 This region has four fisheries to  
16 manage, Hawaii law line, mainly for reaching  
17 quotas, OC, WC, PFC, and the IATTCE. (inaudible)  
18 which delivered to help (inaudible). The U.S.  
19 Perceived fishery, which delivers (inaudible), and  
20 the bond fish fisheries in Hawaii and the  
21 territories. Our tuna fisheries are healthy. A  
22 lot of fish is in their current condition because

1 of chronic issues with data collection that should  
2 have been resolved years ago by NMFS. The council  
3 has spent millions of dollars working with and  
4 around NMFS programs. We need to go fishing. We  
5 can't go fishing in our region because of  
6 regulations imposed on us from the White House  
7 down to the NMFS region.

8 More than 50 percent of the entire U.S.  
9 EEC is closed to fishing in our region. Long line  
10 fishing is prohibited in 70 percent of the EEC.  
11 For three years in a row, our boats were tied up  
12 for as long as 65 days because of administrative  
13 processing. Delayed consultations have resulted  
14 in losing U.S. markets. Our swordfish fishery  
15 provides 50 percent of U.S. domestic swordfish  
16 concealed in the continental U.S. Our markets on  
17 the East Coast have had to source foreign markets  
18 like Brazil where swordfish is over-fished,  
19 Ecuador where they are experiencing over-fishing.  
20 Seasons have been closed. This year, our pelagic  
21 FEP event at TAM, which would have helped ease  
22 restrictions on the swordfish fishery, took effect

1 as if approved in April because the final rule  
2 wasn't ready for publication.

3 The final rule was published on  
4 September 17th, five months later. RPMs are not  
5 reasonable or prudent in this fishery with the  
6 no-jeopardy determination. In the 16 years that  
7 this swordfish fishery has been in effect with 100  
8 percent observer coverage, only two mortalities  
9 have been observed in these 16 years. In recent  
10 years, three reap seasons have been missed because  
11 of delayed consultations and administrative  
12 processing.

13 U.S. negotiations in the Western and  
14 Central Pacific Commission have failed to increase  
15 our bigeye quota, currently 3554 metric tons.  
16 Japan's quota is 17,765 metric tons, but they are  
17 all have used 11,607 metric tons, of which they  
18 transferred 500 metric tons to China. China lost  
19 a facility for charter agreements with small  
20 island development states like our territories who  
21 do not have cap status and use the fisheries to  
22 further spread Chinese influence. In negotiations

1 with the Compact of Free Associations and other  
2 countries who are members of this commission, the  
3 United States needs to negotiate measures so that  
4 these members support the U.S. in this RMFO. CFA  
5 provides up to 150 million dollars annually to the  
6 former trust territories. Billions of dollars are  
7 also given as aid to countries who are members of  
8 this commission and the total aid is 1.6 billion  
9 dollars from the United States. So, hey, I mean,  
10 how difficult is it to negotiate 3000 more metric  
11 tons of bigeye quota for this fishery?

12 So, what we plan to do in our letter  
13 with comments is to ask headquarters to meet with  
14 us and the region to lift these burdens from our  
15 regions. So, thank you very much from the Western  
16 Pacific.

17 MR. CHAIRMAN: Thank you, Jenny. Very  
18 thorough. We're going to go back down through the  
19 list of the various councils. If you have any  
20 questions, you'll get an opportunity to ask them.  
21 So for this co-ed period, question period, we're  
22 going to start off with New England Council. Did

1       you have any questions about anybody's  
2       presentation on this issue?

3                QUESTIONER:  I don't have any questions  
4       from the Western Pacific's presentation, but I --  
5       but I do have a couple of questions.  The main  
6       question really for Kelly or for the agency.  The  
7       regulatory issues that we submit will potentially  
8       go on the unified regulatory agenda.  What happens  
9       and how are the others that we submit going to be  
10      tracked?  The -- you know, the broadband issues,  
11      some of which may not apply to the agency at all?

12              MS. DENIT:  Yes, that's a great  
13      question, Tom, that we are still sorting through.  
14      Obviously, the EEO and the language in there is  
15      pretty specific to Secretary of Commerce and all  
16      of the actions under our purview.  So allow me to  
17      think through how -- how what we do with  
18      suggestions that go beyond either regulatory  
19      actions within the agency, or well into other  
20      agencies per the comments (inaudible).

21              QUESTIONER:  Thank you, Kelly.  I don't  
22      have any questions, Mr. Chair, but my Chair and



1 Vice Chair might.

2 QUESTIONER: I have no questions.

3 QUESTIONER: Neither do I.

4 MR. CHAIRMAN: Thank you, New England  
5 Council. Just to clarify, this comment period and  
6 question period is for all presentations and also  
7 to Kelly, so it's for the entire section here.  
8 Coming up is Mid-Atlantic Council. Any  
9 questions/comments?

10 QUESTIONER: Yes, thank you, Mr. Chair.  
11 We do have a couple of questions and I'll turn to  
12 Mike first. Mike?

13 QUESTIONER: Yes, thanks Chris. Thanks,  
14 John. Yes, I have a question for Kelly. It came  
15 up at our executive committee that I referenced  
16 earlier this week. We had a discussion regarding  
17 the list that we're generating in this exercise  
18 and the setting of that list and the priority  
19 setting. You know, let's say we have 15 items on  
20 the list and we -- are we -- can you give me some  
21 thoughts Kelly, about how the service is going to  
22 view that list, whether or not it would be ideal

1 to prioritize the list or not? It would probably  
2 take some time to really work through the details  
3 in engaging those as a priority from 1 to 10 or  
4 12, whatever the number might be, and we were  
5 looking for some thoughts about how you all might  
6 take that with you know, whether they're  
7 prioritized or not.

8 MS. DENIT: Sure, thanks Mike. So, I  
9 would recommend that you do send us some level or  
10 prioritization. The reason for that being that of  
11 course all of this is still going to have to get  
12 fed into workload, which you guys I'm sure as part  
13 of your conversations at your respective councils,  
14 as well as for the agency. So even if you don't  
15 end up with a 1 through 15, if you've got a high,  
16 medium-low kind of bucket approach or something  
17 like that would be helpful for us as we're then  
18 sorting through all of the input that we're going  
19 to get from everyone.

20 QUESTIONER: Double thanks, appreciate  
21 it.

22 MR. CHAIRMAN: Anything else from the

1 Mid-Atlantic?

2 QUESTIONER: I have one additional  
3 question, John. Thank you. Thanks, Mr. Chair.  
4 Kelly, how is the agency handling (inaudible)? I  
5 know that you referenced to councils, but I would  
6 think that you know, there's things associated  
7 with agencies that you might want to think about  
8 as well, right?

9 MS. DENIT: Yes. Yes, absolutely Chris.  
10 So we solicited input from our HMS advisory panel  
11 at our meeting that we just had two weeks ago and  
12 we will continue to seek their input here up until  
13 the deadline and any priority actions that are  
14 identified based on that input in our review of it  
15 will be included in the list.

16 QUESTIONER: Just a follow up, Mr.  
17 Chairman, sorry. Is it a possibility we could see  
18 that list before you guys compile everything? The  
19 reason I'm asking is because we have -- we have  
20 some HMS concerns in the NOAA, right? So you'll  
21 see some HMS issues that appear on our list. But  
22 I'm just curious as to whether this would be

1 overlapped as one of the things that you guys are  
2 proposing or yes, just if we could see something.

3 MS. DENIT: Yes, sure Chris. We can  
4 definitely make sure that we stay in touch as  
5 we're getting the input from the mid and what we  
6 get from HMS. We could certainly, if there is  
7 overlap, we're going to want to talk about do we  
8 combine that or how that looks or all that.  
9 Perfect.

10 QUESTIONER: Perfect. Thank you.

11 MR. CHAIRMAN: Thank you, Mid-Atlantic.  
12 South- Atlantic Council, you're on.

13 QUESTIONER: Yes, thank you. I also  
14 have some questions along the lines of the others  
15 just about what are the next steps with this. So  
16 we've prioritized ours and then we'll go over, I  
17 presume nationwide putting these into a  
18 spreadsheet. Is that spreadsheet in its entirety  
19 going to be something that we can see, we'll see  
20 once everybody's are in there? I think as Chris  
21 and I will try to have the other priorities  
22 ranked, as Mike mentioned, you know, you're going

1 to have to deal with barriers across all the  
2 councils as well as each individual council.  
3 Those are -- you're going to think everybody's  
4 number one to have you know, eight number ones,  
5 and then there's a plan to you know, the -- for  
6 what it was, we -- we had six months to get you a  
7 list and then six months to get things initiated,  
8 so I assume they'll be reporting back out about  
9 what is initiated and what is -- what is not being  
10 initiated. And if there are things the agency  
11 decided it's not going to pursue or it's not  
12 appropriate, will we be told about that? You  
13 know, the main questions coming from our council  
14 is really just -- okay, we did our part, now what?

15 MS. DENIT: All great questions, John,  
16 which I don't have the answer to all of them. I  
17 will tell you that I think our first step right  
18 now will be of course getting everyone's input and  
19 getting it compiled and then seeing what -- what  
20 we've got. As we've already heard from the  
21 presentations today, it sounds like it's going to  
22 be pretty wide ranging. Some of it sounds like it

1 will definitely be in sort of the regulatory  
2 bucket, which would then fall in the paragraphs of  
3 the EO in terms of the unified agenda and those  
4 processes which will involve the councils. Others  
5 are likely to fall into kind of other buckets and  
6 potentially other processes. So right now I think  
7 all I can tell you is that we will compile the  
8 information. I have no doubt that it will involve  
9 additional consultations with each of the councils  
10 into your regional administrators as we're working  
11 through again, that workload question and what --  
12 what it really looks like and what is going to be  
13 feasible in our -- our current world to process  
14 and get through in the timelines that are  
15 established in the EO. That's the best I can do  
16 right now, but certainly we'll keep you guys up to  
17 date and as we flush things out more, I'll make  
18 sure that we're communicating that to you all.

19 QUESTIONER: That sounds great. Thanks.  
20 Those are the only questions.

21 MR. CHAIRMAN: Thank you, South  
22 Atlantic. Moving on to the Gulf Council.

1 QUESTIONER: Go ahead Carrie.

2 QUESTIONER: Okay, this is Tom Frazier.

3 So actually I have a question for Mike Leeseey  
4 (phonetic). I mean with regard to reducing  
5 regulatory burden, you made reference to some  
6 recreational examples, I guess, and I just  
7 wondered if you would be so kind as perhaps to --  
8 to share some of those with us.

9 MR. LEESEY: I'm happy to, Tom. And so  
10 one of the things that we've been working on here  
11 in the mid, we're calling it our recreational  
12 reform initiative. Excuse me. This initiative is  
13 -- is a creative way of -- of working through  
14 (inaudible) to try to find some stability, add  
15 some flexibility, and work to allow access to the  
16 resource in ways that we have not been able to do  
17 before, given the constraints of our recreational  
18 harvest limits and how we manage through those  
19 harvest limits based on projections from the  
20 previous years, information to (inaudible). And  
21 so for the last couple of years, the United States  
22 Fisheries Commission along with our council have

1 actively been working on this initiative and its  
2 priorities were us in the mid as well as it's been  
3 very heavily supported by the Atlantic States  
4 Division over the development. Now, it hasn't  
5 been formally -- management actually hasn't  
6 formally been initiated to this point; however, it  
7 will come up at our -- our council meeting for a  
8 meeting jointly with the commission in two weeks,  
9 the first week of October.

10 So it's an idea. That's basically what  
11 it is. But there are -- there are issues with the  
12 idea and how it fits, syncs up with the Magnuson  
13 Act and the rules that we have to follow there.  
14 So, we wanted to put it as a -- as a high priority  
15 or something to consider because the recreational  
16 community has been begging for something like  
17 this. So that's one example. I'm looking here to  
18 see if there's another example on my list about  
19 it. I believe there was the other example  
20 regarding my regional districts, how they do with  
21 the Modernizing Recreational Fisheries Act and  
22 their request would be to evaluate National



1 Standard I guidelines relative to the object about  
2 clarification or the flexibility the councils have  
3 implementing alternative recreational management.  
4 You know, the two things that came up at the  
5 executive committee in this case kind of --  
6 they're paired together. One is some information  
7 about how we can be more creative and more  
8 flexible based on the -- the Modernizing  
9 Recreational Fisheries Act and then this  
10 recreational reform initiative will be kind of the  
11 follow up measure and follow up action to that.  
12 So those are the two things that -- that were  
13 highlighted by our executive committee and we'll  
14 see where the council decides to go. Hopefully,  
15 that helped to answer your question.

16 QUESTIONER: That's super helpful. So  
17 that means that you have in two weeks from now,  
18 will there be some type of reading materials or  
19 preliminary types of materials that you might be  
20 able to share, and I can access from your site to  
21 look at?

22 MR. LEESEY: Absolutely. Yes, reading

1 materials. Chris knows better than I do. They  
2 usually get them out very soon if they're not  
3 already available. You can access them through  
4 our website. You can go to our agenda for that  
5 meeting and I believe it's on the October 7, is  
6 when our meeting is going to be held. Materials  
7 will be available for review and you can certainly  
8 -- It's a webinar-based thing so you're welcome to  
9 join us in this conversation.

10 QUESTIONER: Great. I'd appreciate  
11 that. Thanks.

12 MR. CHAIRMAN: Thank you, Tom, Mike.  
13 Tom, is there anything else from the Gulf Council?

14 QUESTIONER: I'll defer to Carrie or  
15 Dale. Not for me.

16 MR. CHAIRMAN: Hearing that, we'll head  
17 to the Caribbean Council.

18 QUESTIONER: Hello, and we don't have  
19 any questions. Thank you.

20 MR. CHAIRMAN: Thank you. Pacific  
21 Council?

22 QUESTIONER: No further questions,

1 thanks.

2 MR. CHAIRMAN: North Pacific Council?

3 QUESTIONER: Thank you. Bear with me.

4 I have a few questions for Ms. Denit. First, on  
5 the scope of the recommendations, you've heard  
6 from a few councils that they're sending you  
7 recommendations relative to recreational  
8 fisheries. I guess the way I read the rules, it  
9 is looking more towards increasing production from  
10 commercial fisheries. So I just wanted to a yes  
11 or no relative to that question. Are recreational  
12 fisheries' actions included in the prioritized  
13 list?

14 MS. DENIT: Yes.

15 QUESTIONER: Okay. Again, on the scope  
16 of the recommendations, would this include the  
17 act, any actions to increase the value of  
18 fisheries? Or to increase the U.S.  
19 Competitiveness and seafood production?

20 MS. DENIT: Yes, Dave. I think that,  
21 that would be fair game as well. Some of that  
22 might overlap a little bit with some of the

1 actions in the other aspects of the executive  
2 order, but certainly I would encourage you to err  
3 on the side of including it and then we can work  
4 through where it might best need to end up going  
5 if it's not you know, staying in the bucket of the  
6 section 4 aspects.

7 QUESTIONER: Okay. And I'm just kind of  
8 curious, if there's a change in administration,  
9 what happens to the unified regulatory agenda?  
10 Does it go away and start all over with a new  
11 administration, or is it carried over?

12 MS. DENIT: So it carries forward, Dave.  
13 It's updated two times a year regardless of  
14 administration. So that process would continue.  
15 If there are actions that are identified here,  
16 those all regulatory agenda timeframe, those would  
17 carry forward and we would review now again in the  
18 spring just like we currently do now.

19 QUESTIONER: Okay. Looking ahead, I  
20 think you mentioned that you know by May 6, the  
21 council is supposed to provide a proposal to  
22 initiate each action. And given the really broad

1 scope of actions that are being discussed, a lot  
2 of these do not count as authority to make any  
3 changes due. How do we write that up? How do we  
4 write this proposal to initiate an action for  
5 example to increase funding for electronic  
6 laundering?

7 MS. DENIT: So I think that in that  
8 case, you know, your description is obviously not  
9 going to be related to a regulatory action at the  
10 council. So I think we would be looking for you  
11 to describe what you see as the needed actions and  
12 how you would suggest the agency address your  
13 specific issues that you're finding. So to  
14 continue with the EM example, it's some concern  
15 that there needs to be more funding invested in  
16 the electronic monitoring, then what it is that  
17 you suggest the agency do? Is it we're reducing  
18 funding in some other areas? Is it that we should  
19 be talking with Congress to work through the  
20 administration to see the funding increase in the  
21 area? What is it that you would suggest that the  
22 agency do to address that specific issue that

1       you're flagging? Did I help clarify that?

2                   QUESTIONER: Yes. Thank you. I don't  
3       have any additional questions. I do like the idea  
4       of being able to share these across the council,  
5       so we see -- but we've all put in the mix. Thank  
6       you.

7                   MR. CHAIRMAN: Thank you, North Pacific.  
8       Finally, come to Western Pacific. Are there any  
9       questions, Kitty?

10                  QUESTIONER: No, I have no further  
11       questions nor remarks, and we will certainly put  
12       our recommendations up on the CCC website.

13                  MR. CHAIRMAN: Okay.

14                  QUESTIONER: Hey John, this is Ed.

15                  MR. CHAIRMAN: Yes.

16                  QUESTIONER: Vice Chair, Hawaii. First  
17       of all I want to reiterate support for our  
18       executive director, Kitty Simon's remarks. I hope  
19       you were all able to feel her passion and her  
20       frustration. My comment is looking to the future  
21       a little bit, and we heard yesterday about a draft  
22       legislation. Let me see if I can get the wording

1 right, to prohibit any distractive or destructive  
2 human activity and minimize impact of human  
3 activity on 30 percent of the ocean of the United  
4 States jurisdiction by 2030. So you know, I mean,  
5 we're already, we have 60 percent of our EEC taken  
6 away. I mean, we're unable to fish, so you know,  
7 is this talking about 30 percent more? I mean,  
8 come on. This stuff that's getting heaped upon us  
9 is just getting to be ridiculous, so that's my  
10 comment. Thank you.

11 MR. CHAIRMAN: Thank you, Ed. Okay,  
12 we've heard basically an overview of each of the  
13 councils in addressing this issue. I'd like to  
14 specifically ask Chris and Sam to weigh in. If  
15 y'all have any questions, comments, that you would  
16 like to make on what you've just heard over the  
17 last 30 minutes, would Chris or Sam, could you --  
18 would you mind adding to the discussion here?

19 QUESTIONER: Chris here. I'm not sure,  
20 John, I have anything to add to the discussion.  
21 It was a good discussion. I appreciated  
22 everything I heard. The only comment I guess was

1 Dave's question, and maybe it was just the very  
2 specific example that he used and that when we  
3 talk about a regulatory agenda, the kind of  
4 example he used didn't really fit well within the  
5 -- it's not a regular action if you will. It's  
6 certainly along the lines of a request councils  
7 often make. So I didn't -- his answer was as good  
8 as I could have given, but I'll (inaudible).

9 QUESTIONER: I don't have anything  
10 specifically to add. I do look forward to seeing  
11 the results that come up within both Chris and  
12 Kelly and I think the councils recognize. There  
13 will be two blocks of these. There will be a  
14 number of actions squarely within the executive  
15 order to what the executive order asks for. We'll  
16 put them on the unified agenda if we think that  
17 they meet that criteria. We'll follow objectives  
18 accordingly. And all those in council have some  
19 responsibility as well for taking their portions  
20 of the action and getting that stuff initiated.  
21 What's in there is the other half of it or you  
22 know, half or more than half that leaves the wide



1 neck request that Chris initially put out there  
2 for things that we could look at that might not  
3 fall within that regulatory category. We will  
4 figure out how to look into them, address them.  
5 I'm not saying that we will agree with them. And  
6 it's helpful for us to know so we can engage in a  
7 special view about those things. They're just  
8 going to be on a different list. They will go  
9 through the unified agenda because they're not  
10 that kind of regulatory thing, but there are  
11 things to ask for. We did want to hear from you  
12 about this. It's good to know what you think the  
13 opportunities are, what the challenges are, and so  
14 we will let those go. None of this is dropped by  
15 the wayside, but they'll be in a different link.  
16 That's all.

17 MR. CHARIMAN: Thank you, Sam. Thank  
18 you, Chris, appreciate it. We've got a break  
19 heading up and but before we go on a break, I  
20 wanted to announce we have a public comment period  
21 between -- 15-minute public comment period between  
22 4:30 and 4:45 p.m. eastern standard time. With

1 that, why don't we go ahead and break for 15  
2 minutes. It's 5:30 in the morning at the  
3 Marianas. Whatever time it is where you are, why  
4 don't you come back in 15 minutes and we'll see  
5 you then. Okay?

6 (Recess)

7 MR. CHAIRMAN: Okay, we got everybody  
8 present now. We're going to go to -- we're at  
9 agenda item dealing with CCC committees. A, we  
10 have electronic monitoring. Chuck, it's yours.

11 MR. TRACY: Thanks, Mr. Chairman. Not  
12 really a lot of substance here. We established or  
13 reestablished the electronic monitoring committee  
14 in May of 2019. The initial thoughts in  
15 reestablishing the committee was that there were  
16 some things that were the sort of national level,  
17 one of them being the procedural directive on data  
18 retention, which NMFS did finalize, and the other  
19 was the possible interest in establishing a  
20 program like the North Pacific Observer Funds that  
21 utilizes industry contributions to pay for the  
22 Observer or electronic monitoring in the North

1 Pacific, which is specific to that region, so  
2 there was some interest in possibly establishing  
3 something like that for all of the regional  
4 councils if they desired. So that was kind of the  
5 reason we started the committee a year and a half  
6 ago. We did draft a report on the procedural  
7 directive, data retention, in November of last  
8 year.

9           The interest in the funding issue is  
10 sort of -- has certainly waned in our region and  
11 so I'm not sensing urgency on that issue, and so  
12 the committee has not met since then. There seems  
13 to be no national level issues that sort of rose  
14 to the level of having that need to make  
15 recommendations to either the CCC. So that's kind  
16 of where we're at right now so I guess the first  
17 question is you know, do we foresee any need for  
18 national level issues to be brought before the CCC  
19 moving forward. So do you see a need for the  
20 committee to meet over the course of the next --  
21 prior to the next CCC meeting in May? I don't  
22 know if there's any interest in hearing about

1       what's going on in each particular region  
2       regarding electronic monitoring. I'd be happy to  
3       give a quick overview of a specific region if  
4       there's some interest in that, but maybe I'll just  
5       leave those two questions out there. Is there any  
6       need for the committee to meet in the interim  
7       between now and the next CCC meeting and do we  
8       want to have a round about what's going on in the  
9       region or is that really not necessary for our  
10      meeting here today?

11               MR. CHAIRMAN: Perhaps we can go down  
12      the list and get comments on your questions you  
13      posed to get some opinions and at the end of the  
14      discussion we could probably hopefully have your  
15      questions answered. We'll start off with -- New  
16      England Council, do you have any suggestions,  
17      comments, questions?

18               QUESTIONER: Just very quickly, I'm not  
19      sure I see a need for any workgroup meeting before  
20      the next CCC meeting. In New England, we have a  
21      couple of EMEFPs going on, several different  
22      fisheries, they're still in development. We are

1 not using it actively in any fishery routinely  
2 right now.

3 MR. CHAIRMAN: Thank you. Mid-Atlantic?

4 QUESTIONER: Thank you, Mr. Chair. I  
5 will say the same thing that Tom just said. EM  
6 isn't something that we're directly involved with,  
7 certainly not as much as the folks on West Coast  
8 and I don't see a need for a meeting before our  
9 next CCC meeting.

10 MR. CHAIRMAN: South Atlantic?

11 QUESTIONER: The same situation here. I  
12 agree with Chris and Tom.

13 MR. CHAIRMAN: Gulf Council?

14 QUESTIONER: We concur.

15 MR. CHAIRMAN: Caribbean?

16 QUESTIONER: Same.

17 MR. CHAIRMAN: Pacific Council?

18 QUESTIONER: I agree. I don't see any  
19 national level issues at this time.

20 MR. CHAIRMAN: North Pacific Council?

21 QUESTIONER: (inaudible) may have a  
22 comment.

1                   QUESTIONER:  Thanks Dan.  Thanks John.  
2           This is Bill Twight (phonetic).  Maybe there's  
3           just a need then for a western, the three western  
4           councils to chat because we're still increasing  
5           and aggressively increasing our use of the -- and  
6           what we just heard from them is that actually  
7           they're really supportive at this point for a new  
8           reason and that is they're hearing that we may  
9           have difficulty getting inland servers given the  
10          length of some of the deployments we saw last year  
11          due to COVID and they're quite worried about human  
12          retention and I don't know that given the several  
13          of the observer companies as well as the EM  
14          providers, there may be sort of an observer  
15          availability EM issue that's really growing on the  
16          West Coast, so we may want to talk about just  
17          those three councils.  It sounds like there aren't  
18          any national level issues so I think I might just  
19          suggest that the three councils get together and  
20          see if a conversation between the three of us is  
21          productive.

22                   MR. CHAIRMAN:  Thank you for that.

1 We'll go to Western Pacific, Kitty, did you want  
2 to weigh in? We do have the Western Pacific  
3 Council is concern about perhaps procedural  
4 directive on data storage given that the cost is  
5 \$250,000. I'm sorry?

6 QUESTIONER: Finish what you were going  
7 to say because I was talking at the same time.  
8 Sorry.

9 MR. CHAIRMAN: Okay. Data storage is  
10 going to run about \$250,000 a year for the fishery  
11 on the just the data storage alone. The amount of  
12 EM footage relative to the volume attached is  
13 disproportionate. In terms of the high volume  
14 fisheries, I wanted -- I think we'll let Kitty  
15 weigh in after that, just a brief statement.

16 QUESTIONER: Right. I just wanted to  
17 say that we agree with Bill that we're happy to  
18 get together with the other two councils some time  
19 over the next several months. And FS is going to  
20 be installing a new system, EM system in some of  
21 our boats this fall, and you know, in conversation  
22 with the Fishery, it's still weighed. And as you

1 pointed out, the cost is pretty high. So they're  
2 -- they've been weighing out the guess of cost of  
3 the (inaudible), which is (inaudible) in actual  
4 fishery service. Thanks.

5 MR. CHAIRMAN: Got you, Katie. Any comments  
6 from our (inaudible ) partners? (inaudible) Okay,  
7 hearing none, I guess we'll be meeting a little bit  
8 informally about these issues. Let's go to agenda  
9 item B, communications, Sylvia Spaulding.

10 MS. SPAULDING: Yes, good morning. I'm  
11 going to be giving a report on the communications,  
12 the Counsel of Communications Group since the May  
13 meeting. Next slide. So, (inaudible), travel  
14 bands, work at home orders, and other requirements  
15 related to COVID-19 has had a substantial impact  
16 on the communication activities of the  
17 (inaudible). With the abolishment of most  
18 fact-to-face meetings, closure of most counsel  
19 offices has severe redemption at many fisheries.  
20 The counsels have had to find innovative ways to  
21 hold meetings, conduct elections, fill advisory  
22 positions, and communicate with stakeholders.



1       These solutions included increased emphasis on  
2       virtual meetings, social media, and other  
3       electronic communications. The development of new  
4       training material, updating a website, and  
5       escalated (inaudible) of counsel members,  
6       advisors, and stakeholders.

7               So I'd like to go over what each counsel  
8       has done, just touch on some of the bios they have  
9       done. Next slide. So for the Caribbean counsel,  
10       they converted their newsletter to a digital  
11       format and their incoming phone calls transfer to  
12       staff cellphones. And they are updating their  
13       websites on how to participate in virtual meetings  
14       and using simultaneous interpretation services.

15               With the Gulf of Mexico, they're using  
16       professional videos, extended outreach meetings to  
17       inform their stakeholders about for-hire state new  
18       reporting requirements, and they also solicited  
19       other comments about the impacts of COVID-19 on  
20       their fisheries and they are considering  
21       management measures to alleviate those impacts.  
22       Next slide. Josh, thanks.

1                   For the Mid Atlantic Counsel, they've  
2           increased their webinars, including holding public  
3           hearings and an extra one day counsel meeting for  
4           their mackerel, squid, and other fish in 50  
5           amendment. They developed a webinar participation  
6           guide, designated staff to travel shoot during  
7           meetings, and developed pre-meeting training  
8           sessions. And to hold their officer elections,  
9           they investigated different ways to do that and  
10          settled on survey (inaudible).

11                   For the New England Counsel, they held  
12          public hearings on important ground fish and  
13          scallop and (inaudible) by webinar and they also  
14          held one in-person meeting at the recommendation  
15          of their counsel members and stakeholders. It was  
16          held under a large tent and it took a lot of  
17          effort, time, and expense to do so. And you can  
18          see a photo of that there on the slide. They also  
19          engaged in stakeholder training joining and  
20          talking on webinars. They developed a remote  
21          participation guide and a help desk, and they  
22          issued additional press releases, counsel

1 round-ups, and targeted emails to keep their  
2 stakeholders and counsel advisors and members in  
3 the loop.

4 For the North Pacific Counsel, they held  
5 multiple practice sessions for counsel members and  
6 presenters before each meeting. They developed  
7 participation guides, connection instructions,  
8 they enhanced their e-agenda and their thinking in  
9 the future of broadcasting their meetings via  
10 YouTube. They're also considering switching their  
11 virtual meeting program to Zoom or Ring Central as  
12 limited bandwidth with platforms that are not  
13 video optimized can result in frozen screens,  
14 significant lag times, and overall poor  
15 performance.

16 For the Pacific Counsel, they developed  
17 a worker balance so that (inaudible) prohibited  
18 from using Zoom or Ring Central could participate  
19 in their virtual meetings. They are now  
20 broadcasting their counsel meetings via YouTube  
21 for easier public and general access. They held  
22 multiple practice sessions for counsel members,

1 advisory body members, and presenters before each  
2 meeting, and they have YouTube videos on how to  
3 participate in virtual meetings.

4 For the South Atlantic Counsel, they  
5 developed an instructional PowerPoint on how to  
6 use Go To Webinar. They had counsel member and  
7 staff pre-meeting practice sessions. They  
8 developed an in house caucus agenda which outlines  
9 the specific staff responsibilities during the  
10 webinar. They developed a COVID-19 webpage -- go  
11 back -- developed a COVID-19 webpage with  
12 information and resources. They dedicated their  
13 spring issue of their newsletter to COVID-19  
14 impacts on data collection, counsel operations,  
15 and individual advisory panel members, and they  
16 have delayed their advisory panel open seat  
17 appointments (inaudible) to the hardships of their  
18 fishery community, as you can see on that photo  
19 page. Just hold it for a second, Josh. That's  
20 the (inaudible) pier there for charter boats, and  
21 normally it would be filtering this number and  
22 it's because that auto-in would only allow the

1 residents to come to it. Okay, next slide.

2 Okay, for the Western Pacific Counsel,  
3 we didn't only switch for making protocols for the  
4 counsel chair members and staff. We put -- we  
5 developed a single link in our federal registrar,  
6 newspaper ads, counsel website, meeting agendas,  
7 our social media so that advisory panel members  
8 and others, members of the public can just click  
9 one link and get right signed onto the meeting.  
10 We did a virtual fishers forum. We hold these  
11 with our counsel meetings. We held it virtually  
12 this time and it included a public (inaudible).  
13 We also held a virtual international workshop on  
14 area based management for blue water fisheries  
15 with people participating throughout the world.  
16 We developed a COVID-19 webpage with information  
17 and resources, which we update. And then our  
18 spring and summer newsletters pertaining to  
19 COVID-19 impacts to our fisheries.

20 So just to go here, this last slide here  
21 is just the various platforms that the counsels  
22 are using to hold their virtual meetings. There's

1 nine different platforms and these platforms are  
2 not sometimes where you just use one platform.  
3 For some of these platforms, you also have to have  
4 multiple things going on. You know, like you  
5 might have to go to YouTube to see their virtual  
6 and you might need to call in on a chat thing if  
7 you want to talk because you can't raise your  
8 hand. You know, so there's a lot of intricacies  
9 on some of these platforms.

10 Now, not on the PowerPoint slide but in  
11 the briefing material, I also have an attachment  
12 that outlines all the materials that the  
13 e-counsels have developed by topic area such as  
14 what we have done for virtual meetings as far as  
15 workshops, you know, and then what we have done as  
16 far as outdoor in-person public hearings, the  
17 protocols that we developed, webpages and things  
18 like that. So I pull your attention to that  
19 because there are a lot of things that our members  
20 of our communications group could talk about,  
21 about the pros and cons of each of these platforms  
22 in case any of the counsels might want to change

1        what they're doing or find better ways of doing  
2        things.  And also since the last time we met was  
3        in 2018 in May, assessments, there's other topics  
4        to that, that our group has discussed.  The  
5        administration may or may not change but I heard  
6        that the Congress will change, so we might want to  
7        do outreach on that level.  And also our group  
8        always wanted to do more outreach discussion on  
9        our community outreach to be able to discuss how  
10       each one of us handle that and also how we handle  
11       our outreach on data collection and on (inaudible)  
12       support to both counsels.  Thank you very much.

13                MR. CHAIRMAN:  Thank you, Sylvia.  I  
14       appreciate that review.  We'll go down the list  
15       and see if there's any comments or questions.  New  
16       England Counsel?

17                QUESTIONER:  I have no comments or  
18       questions.

19                MR. CHAIRMAN:  Mid-Atlantic?

20                QUESTIONER:  Thank you, Mr. Chair.  No  
21       comments or questions at this point.

22                MR. CHAIRMAN:  South Atlantic?

1 QUESTIONER: Presently no questions.

2 MR. CHAIRMAN: Gulf Coast Council?

3 QUESTIONER: No questions, but thank you  
4 for putting that presentation together. It was  
5 very good. Thank you.

6 MR. CHAIRMAN: Caribbean Council?

7 QUESTIONER: No comments, thank you.

8 MR. CHAIRMAN: Pacific Council?

9 QUESTIONER: No comments.

10 MR. CHAIRMAN: North Pacific Council?

11 QUESTIONER: No comments or questions.  
12 Thank you.

13 MR. CHAIRMAN: And Western Pacific  
14 Council?

15 QUESTIONER: Thank you, Sylvia.

16 SPEAKER: Thank you, Sylvia.

17 MR. CHAIRMAN: Our next partners, any  
18 comments or questions? Hearing none. Thank you,  
19 Sylvia. Appreciate it. We have a public comment  
20 period coming up next and we're trying to find out  
21 whether we can do the public comment period early  
22 or we're going to have to wait until 4:30.



1 Perhaps it might be appropriate if we could maybe  
2 take a break and at the same time, the EDs can  
3 review the recommendations basically public  
4 comment and then the CCC convene for  
5 recommendations. Let's take a break for 15  
6 minutes and we'll come back and do public comment  
7 and hopefully the EDs and finalize the  
8 recommendations.

9 QUESTIONER: So, Mr. Chair, is there any  
10 advice for fishery service about this? Should we  
11 wait until a time that it's listed in the federal  
12 registry or should we go ahead?

13 MR. CHAIRMAN: What do you recommend?

14 QUESTIONER: Hi, this is Stephanie Hunt.  
15 I noted in the chat window that the FR noted that  
16 we may switch the order up sessions, so I think we  
17 should be able to switch the public comment  
18 period.

19 MR. CHAIRMAN: Okay, so we can go ahead  
20 and move forward with the public comment period  
21 now. Okay, let's go ahead and do that. It looks  
22 like we do have somebody. I'm going to ask

1 Nicholas Pieper to -- the person wanted to make a  
2 public comment and if I could please -- the  
3 person, the people making public comments, if you  
4 could please state your name and the organization  
5 that you represent and try to keep your comment to  
6 about three minutes and Nicholas, can you connect  
7 them, unmute them?

8 MR. PIEPER: Yes. The first person we  
9 have is John Cooper, unmuting now.

10 MR. COOPER: My name is Captain John  
11 Cooper and I wanted to emphasize and bring  
12 awareness to the major shark imbalance in my  
13 region which is South Florida. From the  
14 spearfishing perspective, the last 10 years have  
15 been unequivocally unsafe and even the most  
16 experienced diver in this region will tell you  
17 that you just can't let your guard down for a  
18 minute. This liability has made spearfishing  
19 charters significantly less viable. As far as rod  
20 and reel fishing is concerned, the recent fishery  
21 adjustments such as flu seasons, increased size  
22 limits and lower bag limits, appear to be working

1 well and are very commendable. But all of this  
2 positive mitigation seems to be severely impacted  
3 when the odds of actually landing a whole snapper  
4 or grouper is only approximately 30 percent, not  
5 to mention how many fish -- how many released fish  
6 that didn't make the size limit fall prey to  
7 sharks through their fatigue.

8 Back to the spearfishing if I may, the  
9 number of shark bites have significantly increased  
10 in recent years and most incidences never reach  
11 the media or even public ears in general. I was  
12 personally bit by a shark 11 years ago in 2009 and  
13 spent 10 days in a trauma hospital. What I  
14 thought then was simply bad luck turned out to be  
15 the early stages of an unfortunate trend in our  
16 region that appears to be spiraling out of  
17 control. In closing, the sport of free diving and  
18 spearfishing is growing daily and the younger  
19 generations and the local dive shops clearly can't  
20 keep enough gear on the shelves. Just last week  
21 there were three separate shark attacks in the  
22 Keys. Therefore, the time to act in my opinion,

1 is now with emergency actions before it's one of  
2 our own children on the news with a life-altering  
3 injury or worse. Thank you for your time and  
4 opportunity to chime in on this subject.

5 MR. CHAIRMAN: Thank you Captain Cooper  
6 for those comments. Nicholas, do you have any  
7 other public comments?

8 MR. PIEPER: Yes, let me unmute it a  
9 second again.

10 QUESTIONER: Hello, can you hear me?

11 MR. PIEPER: Yes, we can.

12 QUESTIONER: Yes, thank you for this  
13 opportunity. My name is Clay Tai (phonetic), I'm  
14 a research coordinator. Also, I am the Chair of  
15 the West Pacific Fishery Council Advisory Panel.  
16 The issues raised with the priorities in response  
17 to EO 13921 American Seafood, we have hurdles to  
18 overcome and our fisheries have lack of data.  
19 Example, Americans have prioritized fisheries and  
20 lack closure monuments. Many hurdles for us out  
21 here are specific to deal with that we're only  
22 surviving out here and when you look at the

1 overall quota for the U.S., they're only taking 6  
2 percent of the contribution and I think it's very  
3 small to the global landings here in the Pacific.  
4 It is quite a surmountable task that we have to  
5 deal with. There are currently some contracted to  
6 do the whole antibody fish survey. We've been  
7 involved in this since its conception in 2010.  
8 The fisheries have brought fisherman together just  
9 sharing knowledge and understanding and one of our  
10 most important cultural and traditional rich  
11 resources in the islands. We're wanting to see  
12 the true stakeholders of this fishery become  
13 agreeing to the management of this resource and I  
14 say that not only that the fisherman have  
15 highlighted fisherman that have participated in a  
16 survey, but also they have participated in  
17 analysis, review, workshops and data review. Much  
18 of that time these fisherman have participated on  
19 their own time and dime, and you may ask why?  
20 Well, because it's killing fish and it's deeply  
21 rooted in our tradition and culture in the  
22 islands,, and respect to this represents a

1       sustenance of our islands and who we are as  
2       people, which is priceless. But there's one small  
3       downfall with our project and that is for us  
4       fishermen, it's finding compensation for  
5       participating in the survey. These fishermen go  
6       out, catch fish, get paid same day if not next day  
7       for their catch, but this project unfortunately  
8       make -- we don't get compensated. It takes quite  
9       a while just to -- a simple management of funds  
10      from the government. They may wait one month to  
11      six weeks to get paid. It's kind of unfortunate.  
12      And that seems to be kind of, in the 10 years of  
13      working on the project, it seems to be the way the  
14      attitude has been, so there are (inaudible)  
15      particularly, and that's pretty touch, you know.  
16      Particularly now with COVID and (inaudible) to the  
17      nation, we know that there's not very many profits  
18      going on, you know, and some of the surveying we  
19      are one of the few, but we still get the same  
20      similar answer and it's quite unfortunately.  
21      Hopefully, that will change. You know, money  
22      getting to the fishermen, getting on the water is

1 very important. Like I said, we're very small out  
2 here in the pacific and in the territories.

3 And finally, you know, (inaudible) as a  
4 nonprofit, small business, minority business, and  
5 now that the government now has changed its  
6 policies and it's not awarding contracts, which  
7 only goes to a select few entities nationwide.  
8 All of it's fair. This is an added layer for  
9 overhead that increases our costs and diminishes  
10 the actual funds that go to research. So just  
11 with that said, I think that I'm fortunate to be  
12 here to have your time and allowing for us this  
13 comment. Thank you.

14 MR. CHAIRMAN: Thank you, Mr. Tam  
15 (phonetic). Nicholas, any other public  
16 commenters?

17 MR. PIEPER: No, that's everyone.

18 MR. CHAIRMAN: Okay, with that we're  
19 going to end the public comment period and we're  
20 going to move on to the CCC Convenes for  
21 Recommendations. It's a closed session. We're  
22 going to take a break and come back at 5 p.m.

1 eastern standard time. So that should give the  
2 EDs enough time to finalize the language and we  
3 should be able to move through the wrap up and  
4 other business fairly smoothly. So we will see  
5 y'all back at 5 p.m. eastern standard time. Yes?

6 QUESTIONER: John, do we -- are we  
7 supposed to exit the webinar here or stay on? How  
8 does that --

9 MR. CHAIRMAN: Let me -- stay on. So  
10 you can stay connected.

11 QUESTIONER: Okay, thank you.

12 MR. CHAIRMAN: Okay, so we'll see y'all  
13 back at 5 p.m. Thank you.

14 (Recess)

15 MR. CHAIRMAN: Ask Josh if he would  
16 please read the recommendation.

17 QUESTIONER: Thank you, sir. The first  
18 one regarding the potential National Seafood  
19 Council, the motion is the Council Coordination  
20 Committee requests that National Fishery Service  
21 evaluate NOAA fish watch criteria for the purpose  
22 of serving as an equivalent and third party



1 certification deeming U.S. fishery products as  
2 sustainable. The CCC further requests NMFS report  
3 back on the utility of fish watch for this purpose  
4 and any possible alternatives by the May 2021 CCC  
5 meeting.

6 MR. CHAIRMAN: Okay. We'll go to the  
7 motion and second. Would you please state your  
8 name and the council that you represent? Do I  
9 hear a motion?

10 MOTION: It's so moved. Chris Moore,  
11 Atlantic Council.

12 MR. CHAIRMAN: Moved by Chris Moore,  
13 seconded, do I hear a second?

14 SECOND: Second, Michael Hurt, the  
15 Caribbean.

16 MR. CHAIRMAN: Seconded by the  
17 Caribbean. Any discussion, comments, questions?  
18 Hearing none, call for the question. All in favor  
19 say I. All opposed, nay. Any abstentions?  
20 Motion passes. Can we hear the next motion,  
21 please, Josh?

22 MOTION: The next one is regarding

1       aquaculture executive order due to the recent  
2       court ruling on the Gulf Aquaculture FMP. Motion  
3       1, The CCC recommends that the legislative  
4       committee revise the consensus statement on  
5       aquaculture and provide a draft for review at the  
6       May 2021 meeting. Motion 2, To allow ample time  
7       for review, the CCC recommendations we meet as  
8       appropriate where regional management councils to  
9       release the aquaculture programmatic environmental  
10      impact statement that assesses the impacts of  
11      setting aquaculture facilities for public comment  
12      while considering council meeting schedules.

13               MR. CHAIRMAN: Thank you, Josh. We'll  
14      go ahead and since he went on and read these two,  
15      we can take these two together unless anybody has  
16      any objections. So we've got two motions on the  
17      screen. Do I hear a motion -- do I hear a motion?

18               MOTION: This is Tom Frazier from the  
19      Gulf Council, I make a Motion 1 and 2.

20               MR. CHAIRMAN: Do we have a second for  
21      Motion 1 and 2?

22               SECOND: Second, Dewey Blanchard.

1                   MR. CHAIRMAN: Okay, thank you. Thank  
2 you. Okay, do we have a second? Oh, we've got --  
3 I'm sorry, we got a second. Do we have any  
4 discussion, questions, comments? Hearing none,  
5 call for the question. All in favor, say I.  
6 Those opposed, nay. Any abstentions? Motion  
7 passes. Let's go ahead Josh. Let's go ahead and  
8 do aquaculture number 3 and 4.

9                   MOTION: Sorry, Sir. Motion 3, the CCC  
10 recommendations that prior to identification of  
11 aquaculture opportunity areas, NMFS provide the  
12 spatial reference including coordinates of  
13 symmetry, habitat type, oil and gas locations,  
14 renewable energy and other applicable data sources  
15 that were used to identify the AOA. The  
16 information provided should encompass the same  
17 variables, resolution, and geographic scope used  
18 to identify the applicable AOA. And Motion 4, the  
19 CCC recommendations that NOAA include reviewing  
20 all fishery management consult budgets for  
21 placement on the AOA implementation teams.

22                   MOVED: Moved, Chuck Tracy, to the

1 Council. Both Motions 3 and 4.

2 MR. CHAIRMAN: Moved by Chuck Tracy,  
3 Pacific. Do I hear a second?

4 SECOND: Duey Blanchard.

5 MR. CHAIRMAN: From the Caribbean?

6 MR. BLANCHARD: Yes.

7 MR. CHAIRMAN: Okay, thank you. We've  
8 got a Motion and a Second. Is there any  
9 discussion, questions, comments? Hearing none,  
10 call for the question. All in favor, say I. All  
11 opposed, nay. Any abstentions? Motions 3 and 4  
12 are passed. Josh, can we go to the last  
13 recommendation, please?

14 MOTION: Regarding a ticket of Order  
15 13921, the Motion is that CCC request NMFS  
16 continue to brief the CCC and Regional Fishery  
17 Management Councils on the review and  
18 implementation planning of recommendations  
19 provided by the councils regarding all aspect of  
20 executive order 13921, for example, changes to  
21 regulations over guidance documents or other  
22 similar agency actions.

1                   MR. CHAIRMAN: Thank you, Josh. I would  
2 like to move that this be accepted. I'd like to  
3 make this a motion. Do I hear a second?

4                   SECOND: Second, Simon Kinney, North  
5 Pacific.

6                   MR. CHAIRMAN: Okay, thank you, Simon.  
7 Any questions, comments, discussion? Hearing  
8 none, we'll call for the question. All in favor  
9 say I. All opposed, nay. Any abstentions?  
10 Motion passes.

11                   Well that wraps up our recommendations  
12 and motions. I appreciate everybody's efforts on  
13 that. That went pretty smooth. I would like at  
14 this time, we're going to move to agenda item 11B,  
15 discussion of next chair and meeting date for 2021  
16 frequency of schedule of future CCC calls. And I  
17 would like to turn the meeting over to Marc  
18 Gorenik (phonetic) of the Pacific Council. Marc,  
19 the meeting is yours.

20                   MR. GORELNIK: All right, thank you very  
21 much, John. I think that with regard to the next  
22 meeting dates, I'm going to actually pass to my

1 Executive Director, Chuck Tracy, to review the  
2 dates for 2021. I think they were discussed  
3 yesterday. Chuck?

4 MR. TRACY: Thank you, Mr. Chairman. So  
5 the dates that are on the calendar right now are  
6 both assuming in-person meetings, so the main  
7 dates were May 18 to 20, we're changing things up  
8 in that, asking now for NMFS to host that meeting.  
9 With sort of the anticipation that there are still  
10 a reasonably good change that will be a  
11 webinar-based meeting, and so perhaps those dates  
12 may need to be altered, but that is the timeframe  
13 we're looking at. And then the October, the fall  
14 meeting, would be October 19 to 21, on the West  
15 Coast, and we are very much hoping that would be  
16 in person and we'd be able to host that. So the  
17 travel dates will be Monday the 18th and Friday  
18 the 22nd. So that's what's on our calendars and I  
19 believe we can have place holders for those.

20 MR. GORELNIK: All right, thanks very  
21 much, Chuck. And as far as the schedule of  
22 monthly calls, it seems to me that provided we're

1 still in these circumstances, which we probably  
2 will weigh well into next year, hopefully not for  
3 the entire year, I would expect that we would  
4 continue those monthly calls and I think they have  
5 been scheduled -- I'm not sure who's been doing  
6 the scheduling of those, whether it's been the CCC  
7 Chair or it has been NMFS. So I'll ask for some  
8 help there.

9 QUESTIONER: I believe that we've been  
10 doing that.

11 MR. GORELNIK: So, if -- I think it's  
12 the -- let me first ask if it's the will of the  
13 CCC to continue these monthly calls to see if  
14 there's any objection to that. And not seeing  
15 any, I guess Chris, is there any issue with  
16 continuing these monthly calls?

17 MR. TRACY: No, I think it's a good idea  
18 for us to touch base once a month and, you know,  
19 if something comes up in between we'll -- we'll  
20 get together as necessary, but yes, I think we  
21 should. This is Chuck. Just a question on  
22 schedule. I think we've been doing the last

1 Tuesday in the month as our usual get together  
2 time. If we want to continue that, I don't know  
3 if we want to make any considerations for the  
4 December timeframe on that.

5 MR. GORELNIK: Well, do we look for a  
6 calendar to come out?

7 QUESTIONER: Chris, is that okay to  
8 continue the same way as we have in the past?

9 MR. GORELNIK: Yes, I mean we'll have to  
10 alter some of it due to holidays and such, but we  
11 -- we can work on the -- we can work out a  
12 schedule.

13 QUESTIONER: Right, just send it to us.

14 MR. GORELNIK: Yes. All right, I guess  
15 that takes care of the discussion of the next  
16 meeting dates for 2021 and as well as the schedule  
17 of future CCC calls, we will get something from  
18 NMFS on the times, we'll put those dates on a  
19 calendar, but I think that the regularity of the  
20 meetings I guess we'll in terms of the time of the  
21 month, we'll continue. Let me see if there's any  
22 other discussion under this agenda item 11B. I'm



1 not hearing any voices. We don't have a hand  
2 raise feature like we have in our Pacific Council  
3 meetings. So let me see if there's any other  
4 business for this meeting.

5 QUESTIONER: Mr. Chairman, this is New  
6 England. I'd like to make a comment before we  
7 end, but it's not necessarily new business.

8 MR. GORELNIK: Okay, fair enough. Let  
9 me -- let me see if there's anything else and if  
10 now, well, I'll ask Tom to go forward. Tom, the  
11 floor is yours.

12 QUESTIONER: Thank you. Anyway, thank  
13 you, Mr. Chair. So I just would like to say that  
14 on behalf of the New England Council, I'd like to  
15 thank Director Kitty, Chairman Soliai, Vice  
16 Chairman Gourley, and their competent staff and  
17 all of their very early risers on your council for  
18 hosting a seamless and efficient virtual meeting.  
19 There's no small feat in these trying times and  
20 time zones, so thank you.

21 QUESTIONER: Hey, thank you. That was  
22 wonderful, very good pronunciation.

1 QUESTIONER: Thanks very much.

2 MR. CHAIRMAN: Thank you very much.

3 Appreciate it. I guess we can -- was there any  
4 other comments from New England? Was that it?

5 QUESTIONER: That was it.

6 MR. CHAIRMAN: You could do some more if  
7 you want. We got a little bit of time. Never  
8 mind. With that said, the meeting is adjourned.  
9 The CCC members will move into social hour and New  
10 England is buying beer for everybody.

11 (Whereupon, the PROCEEDINGS were  
12 adjourned.)

13 \* \* \* \* \*

14

15

16

17

18

19

20

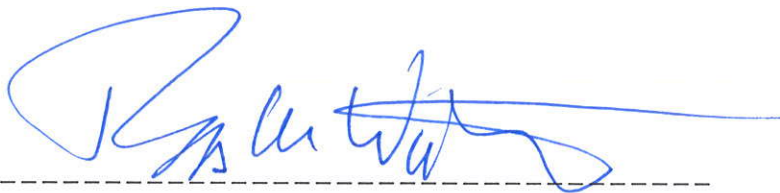
21

22

CERTIFICATE OF NOTARY PUBLIC

DISTRICT OF COLUMBIA

I, Thomas Watson, notary public in and for the District of Columbia, do hereby certify that the forgoing PROCEEDING was duly recorded and thereafter reduced to print under my direction; that the witnesses were sworn to tell the truth under penalty of perjury; that said transcript is a true record of the testimony given by witnesses; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was called; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public for the District of Columbia

My Commission Expires: May 31, 2024

