



**Mid-Atlantic Fishery Management Council**

800 North State Street, Suite 201, Dover, DE 19901

Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org

Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** December 2, 2022  
**To:** Council  
**From:** Chris Moore, Executive Director  
**Subject:** Executive Director's Report

The following materials are enclosed for review during the Executive Director's Report at the December 2022 Council Meeting:

1. 2023 Council Meeting Schedule
2. NMFS Letter to MAFMC: Annual Report Approval
3. NOAA Anti-Harassment Training
4. Staff Memo: 2023 Golden Tilefish Survey Update
5. Agenda: Council Member Ongoing Development (CMOD) Meeting - Ecosystem-Based Fisheries Management and Ecosystem Approaches to Fisheries Management
6. October 2022 CCC Meeting Report
7. CCC Letter to NMFS: Proposed Changes to the ESA Policy Directive 01-117 to integrate ESA Section 7 with MSA
8. 2022 Fall NRCC Meeting Agenda
9. GARFO Response to NRCC Request: Permit/VTR data request for the Did Not Fish Reports
10. Surfclam/Ocean Quahog Transition to Fish Online eVTR Application
11. Seafreeze Letter to NEFMC: EBFM Committee/Public Information Workshop/ Georges Bank Ecosystem FMP
12. Seafreeze Letter to NMFS: Northeast Canyons and Seamounts Marine National Monument – Amendments to Council FMPs



## 2023 Council Meeting Schedule

*(As of September 20, 2022)*

<b>February 7 – 9, 2023</b>	Hotel Washington 515 15 <sup>th</sup> Street NW Washington, DC 20004
<b>April 4 – 6, 2023</b>	Hyatt Place Durham Southpoint 7840 NC-751 Hwy Durham, NC 27713
<b>June 6 – 8, 2023</b>	Hilton Virginia Beach Oceanfront 3001 Atlantic Avenue Virginia Beach, VA 23451
<b>August 8 – 11, 2023</b>	Westin Annapolis 100 Westgate Circle Annapolis, MD 21401
<b>October 3 – 5, 2023</b>	Yotel NYC 570 Tenth Avenue New York, NY 10036
<b>December 11 – 14, 2023</b>	The Notary Hotel 21 North Juniper Street Philadelphia, PA 19107



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930

November 30, 2022

Mr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State Street, Suite 201  
Dover, DE 19901

Dear Chris,

We have reviewed and approved the progress report for the period ending September 30, 2022, for NOAA Award NA20NMF4410002, "Administrative Cooperative Agreement for 2020-2024." The Council continues to make impressive progress on all priorities, and I especially appreciate the clear details and timeline of activities as presented.

Sincerely,

*Nicole*

Nicole MacDonald  
Federal Program Officer  
Operations Management Division

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cc: Kathy Collins



## Spedden, Shelley

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**From:** Moore, Christopher  
**Sent:** Wednesday, November 16, 2022 1:32 PM  
**To:** COUNCIL - Voting; CouncilNonVoting; Staff-MAF  
**Subject:** FW: Preventing Harassment and Discrimination training launch for Regional Fishery Management Councils -- training due February 28, 2023

Everyone – see Morgan’s email below. We will discuss the training and policies at our next Council meeting. Thanks! C

Christopher M. Moore, Ph.D.  
Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State St, Suite 201  
Dover, DE 19901

302-526-5255  
mafmc.org

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**From:** Morgan Corey - NOAA Federal <morgan.corey@noaa.gov>  
**Date:** Wednesday, November 16, 2022 at 11:54 AM  
**To:**  
**Subject:** Preventing Harassment and Discrimination training launch for Regional Fishery Management Councils -- training due February 28, 2023

Good morning,  
The Council Coordination Committee recently finalized model policies on Addressing Allegations of Harassment in the Regional Fishery Management Council context. In conjunction with these new policies, NOAA Fisheries has secured Preventing Harassment and Discrimination training from a company called EVERFI FOUNDRY. You will all be assigned this training, which will launch this week (no later than Friday). We wanted to provide a few details here so you can easily access the training.

The email invite will come from an external sender and could be sent to spam. To find the email, search for: <[automated-message@everfi-foundry.net](mailto:automated-message@everfi-foundry.net)>. We recommend adding this email to your trusted contacts list. Once you locate the training invite email, you may login to the system using your email. The system will first ask you to reset your password. You will use the same login info to return to and complete the course on your own time.

The deadline for completing the course is **February 28, 2023**. You will receive reminders prompting you to complete the course on time and NMFS will check in on the status of trainings completed to follow up with any overdue assignments.

Thank you for your commitment to making the Council environment an atmosphere of respect, collaboration, and safety, free from harassment.

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**Morgan Corey** (she/her/hers)  
*Fishery Management Specialist, Office of Sustainable Fisheries*  
NOAA Fisheries | U.S. Department of Commerce  
Office: (301) 427-8535



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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

# MEMORANDUM

**Date:** December 1, 2022  
**To:** Chris Moore, Executive Director  
**From:** José Montañez, Staff  
**Subject:** 2023 Golden Tilefish Survey Update

## Background

The latest golden tilefish management track assessment indicated that in 2021 the stock was not overfished and overfishing was not occurring. Currently, there are no fishery independent surveys available for this stock, so indications of population abundance changes are identified through commercial catch per unit effort. Tilefish habitat preference offshore within burrows makes the stock difficult to sample through the current fishery independent trawl surveys. According to dealer reported data, more than 97% of golden tilefish are landed using bottom longline gear, and thus, an associated fishery independent survey should utilize the same gear. In 2020, the Mid-Atlantic Fishery Management Council (Council) funded the first golden tilefish fishery independent survey. The Council is planning to support a second golden tilefish fishery independent survey in 2023.

## Survey Development/Facilitation

The 2023 golden tilefish fishery independent bottom longline survey design was developed using the results from the pilot golden and blueline tilefish survey conducted in the summer of 2017 and the golden tilefish survey conducted in the summer of 2020.<sup>1</sup> The goal of the proposed 2023 fishery independent bottom longline survey is to extend the timeseries used to derive an index of abundance for the golden tilefish stock.

The survey will be conducted by Dr. Jill Olin, assistant professor at Michigan Technical University. PI Olin will be responsible for project design with NOAA-NEFSC personnel and all work proposed. For continuity purposes, the same commercial vessel and crew that assisted in prior surveys will be used to conduct the 2023 survey.

The 14-day survey will be conducted in Mid-July. It is anticipated that the Council will receive a final survey report and presentation in December, 2023.

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<sup>1</sup> The final reports of the 2017 and 2020 tilefish surveys can be found here: <https://www.mafmc.org/tilefish>.

# **Council Member Ongoing Development (CMOD) Meeting Ecosystem-Based Fisheries Management and Ecosystem Approaches to Fisheries Management**

November 15-16<sup>th</sup>, 2022  
Renaissance Denver Downtown City Center Hotel  
918 17<sup>th</sup> Street, Denver, Colorado 80202

## **Final Agenda**

This meeting is funded through support from the Regional Fishery Management Councils in partnership with NOAA Fisheries.

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### **Workshop objectives**

The first CMOD workshop will focus on New Approaches to Ecosystem-Based Fisheries Management (EBFM) and Ecosystem Approaches to Fisheries Management (EAFM) with a skills focus on effective development of successful motions. Through interactive presentations and discussions, workshop participants will:

- Explore the regional EBFM/EAFM approaches being developed and implemented across Council regions;
  - Consider the range of scientific inputs that support EBFM/EAFM and “on-ramps” for integrating this information into Council processes;
  - Explore tools being developed to help Councils understand ecosystem dynamics, assess risk, and explore tradeoffs;
  - Discuss challenges and opportunities for building long-term capacity to support EBFM/EAFM within Council processes; and
  - Consider the characteristics of a successful motion and share individual experiences relating to the process and “art” of scoping, crafting, and proposing effective motions.
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### **Pre-Meeting Reception - Monday, November 14<sup>th</sup>**

**6:00 – 9:00 pm**

**Welcome reception (light dinner)**

*Location: The Wright Room at Appaloosa Grill (535 16<sup>th</sup> Street, Suite 110)*

## Day 1: Tuesday, November 15<sup>th</sup>

All workshop sessions will be held at the Renaissance Denver Downtown City Center Hotel  
Main meeting room Endurance/Beauty

**7:30 – 8:30 am**

### **Breakfast**

*Fisher Room (adjacent to meeting room)*

**8:30 – 9:00 am**

### **Opening remarks and participant introductions**

- *Katie Latanich and Kim Gordon, Meeting Facilitators*
- *Bill Tweit, Council Vice Chair, North Pacific Fishery Management Council*

**9:00 – 10:30 am**

### **Regional approaches to EBFM/EAFM**

*Objective: Explore each Council region's approach to EBFM/EAFM and establish a shared frame of reference for CMOD meeting discussions.*

Representatives from each Council region will provide a brief **5–7-minute** overview.

North Pacific Fishery Management Council – *Diana Evans, Deputy Director*

Pacific Fishery Management Council – *Kit Dahl, Staff Officer*

Western Pacific Regional Fishery Management Council – *Matt Seeley, Ecosystem Fishery Specialist*

Gulf of Mexico Fishery Management Council – *Lisa Hollensead, Fishery Biologist*

Caribbean Fishery Management Council – *Graciela García-Moliner, FMP and Habitat Specialist*

South Atlantic Fishery Management Council – *Myra Brouwer, Deputy Director for Management*

Mid-Atlantic Fishery Management Council – *Brandon Muffley, Fishery Management Specialist*

New England Fishery Management Council – *Andy Applegate, Senior Fishery Analyst and John Pappalardo, Council Member*

Discussion questions:

- What is distinctive about your Council's approach to EBFM/EAFM? What are the key issues and drivers for your EBFM/EAFM work?
- What is the value proposition of EBFM/EAFM in your region? How has integrating ecosystem information benefitted your Council's decision-making process and outcomes?
- What challenges have you faced in implementing EBFM/EAFM?

**10:30 – 10:45 am**

### **Break**

**10:45 – 12:00 pm**

### **Integrating ecosystem information through single-species management**

*Objective: Explore how ecosystem considerations can be layered onto information inputs and decision points within the FMP/single-species management and ACL framework.*

- Introduction to ecosystem information inputs and "on-ramps" – *Sarah Gaichas, Research Fishery Biologist, NMFS Northeast Fisheries Science Center*
- Ecosystem information inputs and single-species management in the North Pacific Fishery Management Council process – *Ebett Siddon, Research Fishery Biologist, NMFS Alaska Fisheries Science Center*
- Group discussion, regional examples and approaches

Discussion questions:

- How does your Council use and interact with Ecosystem Status Reports?
- What do you see as the opportunities and limitations to integrating ecosystem information through single-species management?

**12:00 – 1:00 pm**

**Lunch**

*Interest Balcony (overlooking hotel lobby)*

**1:00 – 3:00 pm**

**Implementing EBFM/EAFM: The bigger picture**

*Objective: Explore approaches Councils are taking or considering to integrate ecosystem information and EBFM/EAFM principles through fishery ecosystem plans, including through fixed-duration projects, long-term planning, and/or FMP restructuring.*

Part 1: Looking across Fishery Management Plans

- The evolution of EBFM and Pacific Fishery Management Council's Fishery Ecosystem Plan and Initiatives – *Yvonne deReynier, Senior Resource Management Specialist, NMFS West Coast Regional Office*
- The Mid-Atlantic Fishery Management Council's Risk Assessment Approach – *Sarah Gaichas, Research Fishery Biologist, NMFS Northeast Fisheries Science Center*

Part 2: Restructuring Fishery Management Plans

- The New England Fishery Management Council's Draft Example Fishery Ecosystem Plan for Georges Bank and 2022 public information workshops - *Andy Applegate, Senior Fishery Analyst, New England Fishery Management Council*

Discussion questions:

- What are the issues and drivers prompting your Council to look beyond single-species management for opportunities to integrate ecosystem information?
- What are the reasons for taking a project-based approach to EBFM/EAFM (e.g., through modules or initiatives)? How do you identify and develop projects?
- What are the reasons for taking a longer-term or more comprehensive approach (e.g., long-term planning or FMP restructuring)?

**3:00 – 3:15 pm**

**Break**

**3:15 – 5:00 pm**

**Skills focus: Developing effective motions**

*Objective: Explore the characteristics of effective motions and share lessons learned on how to effectively scope, develop, introduce, and speak to motions.*

- Breakout sessions
- Group discussion

Discussion questions:

- From your perspective, what are the qualities of an effective motion?
- What experiences have helped you develop and refine your proficiency with Robert's Rules and making effective motions?

**6:00 – 9:00 pm**

**Dinner**

*Location: Earls Glenarm (1600 Glenarm Place, Unit 140)*



## Day 2: Wednesday, November 16<sup>th</sup>

7:30 – 8:30 am

### Breakfast

*Fisher Room (adjacent to meeting room)*

8:30 – 9:15 am

### Day 1 recap and discussion: Regional drivers for EBFM/EAFM

Discussion:

- What are the regional issues and drivers prompting your council to look beyond single species management and consider ecosystem drivers and information?

9:15 – 10:30 am

### Navigating ecosystem change

*Objective: Explore approaches councils are taking to monitor, respond, and plan for ecosystem change.*

Part 1: Disruption and short-term impacts

- Red tide impacts to Gulf of Mexico fisheries, and community ecosystem workshops – *Mandy Karnauskas, Ecosystem Science Lead, NMFS Southeast Fisheries Science Center*
- Ecosystem drivers and the West Coast Dungeness Crab fishery – *Jessica Watson, Fishery Management Section Lead, Oregon Department of Fish and Wildlife; Pacific Fishery Management Council Member*
- Environmental drivers and impacts to Pacific Cod in the Gulf of Alaska – *Bill Tweit, Special Assistant to the Director, Washington Department of Fish and Wildlife; North Pacific Fishery Management Council Vice Chair*

Discussion questions:

- What are examples of changes and disruptions that impact your Council's managed species and marine ecosystems?
- How are you able to anticipate and respond through existing pathways (single-species management, EBFM/EAFM initiatives, and long-term planning?) What are the opportunities and the limitations of applying these tools?
- What additional approaches are Councils using to navigate ecosystem uncertainty and complexity?

10:30 – 10:45 am

### Break

10:45 – 12:30 pm

### Navigating ecosystem change (continued)

Part 2: Planning for the unknown

- The Pacific Fishery Management Council's Climate and Communities Initiative and climate change scenario planning process – *Corey Ridings, Pacific Fishery Management Council Member*
- East Coast Climate Change Scenario Planning Initiative – *Brandon Muffley, Fishery Management Specialist, Mid-Atlantic Fishery Management Council*
- *Ecosystem science in a changing environment* – *Andy Leising, Research Oceanographer, NMFS Southwest Fisheries Science Center*

- 12:30 – 1:30 pm**      **Lunch**  
*Interest Balcony (overlooking hotel lobby)*
- 1:30 – 3:15 pm**      **New sources of information and knowledge**  
*Objective: Explore how Councils are incorporating new and diverse sources of information to inform future decision making.*
- Stakeholder participation and developing conceptual ecosystem models for the Caribbean Fishery Management Council’s Fishery Ecosystem Plan – *Graciela García-Moliner, FMP and Habitat Specialist, Caribbean Fishery Management Council; Michelle Duval, Mid-Atlantic Fishery Management Council Member*
  - South Atlantic Dolphin-Wahoo Participatory Workshops - *Mandy Karnauskas, Ecosystem Science Lead, NMFS Southeast Fisheries Science Center*
  - Additional regional experiences (e.g., Local Ecological Knowledge, Traditional Ecological Knowledge, citizen science, cooperative research, stakeholder engagement)
- Discussion questions:
- What types of information and knowledge help create a more robust picture of your Council’s ecosystem(s)?
  - How does or how could this information inform your Council’s work? How could it help communicate priorities and perspectives to other agencies and user groups?
- 3:15 – 3:30 pm**      **Break**
- 3:30 – 4:30 pm**      **Evaluating performance and building long term capacity**  
*Objective: Discuss how Councils can build long-term capacity to engage Council members and advance their ecosystem work.*
- 4:30 – 5:00 pm**      **Wrap-up Discussion and Next Steps**  
*Objective: Reflect on takeaways from the first CMOD meeting and provide feedback on the CMOD concept to share with the Council Coordination Committee.*

Agenda and meeting materials, including presentations, can be found at: <http://www.fisherycouncils.org/cmод-workshops/2022>

# MEETING REPORT

## COUNCIL COORDINATION COMMITTEE

October 18-20, 2022  
Washington, D.C.

The Council Coordination Committee (CCC) met October 18-20, 2022, in Washington, D.C. The meeting was chaired by the Mid-Atlantic Fishery Management Council and hosted by the National Marine Fisheries Service (NMFS). The following is a summary of presentations, discussions, and outcomes from the meeting. Briefing materials and presentations are available at <http://www.fisherycouncils.org/ccc-meetings/october-2022>.

### DAY 1 – TUESDAY, OCTOBER 18, 2022

#### **NMFS Updates and FY 2022/2023 priorities**

Ms. Janet Coit, Assistant Administrator for NMFS, provided introductory remarks highlighting critical issues being addressed by NMFS such as offshore wind development and permitting along the east coast. She also noted challenges associated with the North Atlantic right whale conservation including regulations to reduce entanglements, vessel strikes, and impacts from offshore wind energy facilities. Ms. Coit noted that similar challenges occur in other regions and are also high priorities for NMFS. Ms. Coit reviewed several other agency objectives, including an historic opportunity for habitat restoration work to improve Pacific salmon. Finally, she identified some recent accomplishments in each of the Council regions in effort to address regional priorities and improve management of fisheries and ecosystems.

Ms. Kelly Denit (NMFS) provided a summary of several NMFS policy updates. She noted the completion of the GAO report on allocation that examined allocation policies and procedures used in fisheries. She stated that the report recommendations are now being operationalized in the Gulf of Mexico and South Atlantic regions as they consider reallocation for several managed stocks in their respective regions. Ms. Denit further noted that the NMFS allocation policy was completed approximately five years ago and is due for a periodic review. She asked if this should be considered further at the next CCC meeting. Dr. Chris Moore stated that he would be in support of discussing this allocation review policy at the May 2023 CCC meeting.

Ms. Denit indicated the NOAA plans to issue a proposed rule in 2023 regarding data confidentiality. This will include topics such as: data submission, mandatory or discretionary data, data access, and appropriate handling of data. The draft policy will be available for public comment. After rulemaking is complete, NMFS will develop additional policy guidance. Ms. Denit then updated the CCC on the OSF strategic plan. She indicated that the agency is currently in Phase I of plan development with expected completion in spring 2023.

Finally, Mr. Michael Rubino (NMFS) gave a brief update on the National Strategy for Seafood Sector Resilience and Competitiveness which is being developed to address numerous and unprecedented challenges facing this industry. The draft Strategy will be made available for public comment and revised accordingly based on the feedback received prior to finalization.

#### **Outcomes/Action Items:**

1. The CCC expressed interest in discussing the allocation review policy at the May 2023 CCC meeting.

## **FY 2023 Budget Breakdown**

Mr. Brian Pawlak (NMFS) provided an update on the budget (including the FY 2023 status and budget supplementals) and the American Fisheries Advisory Committee. The federal government is operating under a continuing resolution through December 16, 2022. A 2023 budget is unlikely to be approved until after the November election. The President's proposed FY 2023 budget, the House of Representatives mark, and the Senate mark all have a \$50M to \$64M increase over the FY 2022 enacted budget for NMFS. For the Regional Councils/Commissions PPA, all three reflect an increase that ranges from \$1.5M to \$3.5M.

An overview of the NMFS and Council/Commission budgets from FY 2006 through FY 2022 showed modest increases when adjusted for inflation. However, in recent years (since FY 2012) the deflated budget amounts have been relatively constant, with the Council/Commission line declining in real terms since FY 2019.

An update was provided on several budget supplementals. Up to \$77M is available for fish passage projects under two programs – restoring Fish Passage through Barrier Removals (up to \$65M) and Restoring Priority Tribal Fish passage through barrier Removal (up to \$12M). Habitat restoration funding opportunities of up to \$95M are also available. The Inflation Reduction Act included \$3.3B across NOAA for FY 2022- 2026. Decisions are still being made on the distribution, but it may include funds for consultations and permitting (\$20M), \$150M for new facilities and marine operations, and \$2.6 for coastal climate preparedness and marine and fishery stock assessments.

NMFS is in the process of establishing the American Fisheries Advisory Committee. This group will provide recommendations to the agency on which Saltonstall-Kennedy proposals should be funded. Appointments to the committee should be announced in November, with the first meeting planned for December 12, 2022. The agency is also working on a charter for the Committee.

### **Outcomes/Action Items:**

1. The CCC reiterated its request that Inflation Reduction Act (IRA) funds be allocated to address shortfalls in data collection for marine fishery stock assessments.

## **NMFS Science Updates**

Ms. Kristen Koch (NMFS) presented the science update, with a focus on surveys and climate change responses. National survey effort (tabulated as total days on the water) has steadily declined since at least 2010. This is a concern to NMFS, as these surveys are a critical part of the scientific foundation required for conventional management and climate readiness. Budget limitations, pay rates, and job demands hamper efforts to increase survey days. The agency hopes to address declining conventional survey capacity through increased budget requests, improved planning, modernizing platforms, expanding the suite of survey tools, and a “next generation” data acquisition plan.

Regional climate action plans were highlighted as an important part of advancing climate ready fisheries. Progress on the plans was reviewed, including public comment efforts and outcomes. Final plans are scheduled to be published in December 2022 for implementation beginning in January 2023. Finally, the Climate, Ecosystems, and Fisheries Initiative (CEFI) was reviewed. This is an effort to provide climate information and advice across NOAA. Several regional pilot projects are underway, but significant additional resources are needed to fully implement the initiative.

Several other topics were raised by CCC members:

- The DISMAP tool for addressing species distribution shifts separates datasets into Northeast and Southeast regions, thereby limiting its use to highlight distribution changes across regions. NMFS is aware of the issue and working to resolve the differing survey approaches by 2024.
- Fisheries Science centers conducted a multi-year programmatic review several years ago. Considerable effort was required to conduct these reviews, and NMFS is now rethinking the approach. The next iteration may include higher level review and greater consideration of the science-management interface.
- Concerns have been repeatedly expressed by the CCC about ongoing difficulties in meeting basic science needs, such as the survey issues addressed previously. Questions were also raised about the agency's plans to ensure adequate biological port sampling to meet assessment needs in the Northeast. NMFS responded that port sampling is a priority, but the CCC remains concerned with the ability of NMFS to meet assessment data demands in light of other competing demands.

**Outcomes/Action Items:** None

## **Legislative Outlook**

Opening remarks were provided virtually by Representative Jared Huffman (D-CA), Chair of the House Natural Resources Committee's Water, Oceans, and Wildlife Subcommittee. Mr. Huffman thanked CCC members for their work and for successful fishery management efforts. He recognized the work of the late Congressman Don Young and noted that they were working to reach a compromise on MSA reauthorization legislation at the time of his passing. Mr. Huffman also praised Mr. Young's successor, Representative Mary Peltola (D-AK) who has signed on to co-lead the H.R. 4690 bill with Representatives Huffman and Case (D-HI). Ms. Peltola testified at a subcommittee hearing in November 2021 and supported many of the provisions of the bill, including support for Alaska Tribal members on the NPFMC. The House markup of the bill made several technical changes. Representative Huffman also noted that the bill increased MSA authorization levels to help advance the good work of the regional councils. He further noted that the bill is a work in progress, and he anticipates further improvements as it moves forward. Issues that came up for discussion during Committee markup included the Essential Fish Habitat (EFH) provision, and he noted that it was his intent to make EFH consultation more meaningful but not to allow it to result in endless litigation. He looks forward to working with the Councils on MSA in the future.

Dr. Fern Gibbons, Policy Director for the Senate Commerce, Science, and Transportation Committee, provided an outlook of fishery related legislation from her perspective. She noted that some issues for the Commerce Committee include parochial fishery issues, such as considering legislative solutions for state and federal data and management of red snapper. The Commerce Committee is hoping to finish fish disaster legislation before end of this Congress. These requirements would address how the disaster declarations get processed, and ways to speed up the process with new statutory timelines. The Commerce Committee has made less progress with MSA reauthorization, so it is unlikely that the Senate will advance anything on MSA in this Congress. There is interest in how to best address Illegal, Unreported, Unregulated (IUU) fishing in a strategic and productive way that cuts down on incoming IUU product entering the U.S. without creating administrative burdens or other unintended consequences. It is possible that both fishery disaster and IUU legislation could be addressed this year through amendments to the Coast Guard authorization bill, but any other changes are likely to happen in the next congress.

In response to a question about proposed improvements to federal disaster response, Dr. Gibbons noted that in addition to statutory timelines, the legislation would combine two existing statutes and provide a list of things that the disaster money can be spent on in the spend plan.

Mr. Dave Whaley, a contractor to the Councils, provided an update on other legislative matters. He noted that 35 Senate seats and all 435 seats in the House of Representatives are up for election in the upcoming midterm election. The margins are currently close. Polling suggests that the House is likely to flip to a Republican majority, whereas control of the Senate is up in the air. If either the House or Senate flip, this means that there will be new committee chairs, new staff, new priorities, new legislation, and new control of hearings. If the Senate flips, it is likely that Senator Cruz (R-TX) would chair the Senate Commerce Committee, and Senator Cantwell (D-WA) would be ranking member. In the House Natural Resources Committee, Representative Westerman (R-AR) would be Chair if the House flips and Representative Grijalva (D-AZ) would be the ranking member. Mr. Whaley reminded the CCC that at the end of this congress, all legislation goes away and would need to be reintroduced in the new Congress. The 118<sup>th</sup> Congress begins on January 3, so there will be a lame duck session to complete the 117<sup>th</sup> Congress after the election. Typically, a lot of packages and unrelated bills get tacked onto “must pass” legislation during a lame duck session, and a lot can happen very quickly. He noted that must-do items for Congress include the continuing resolution, disaster assistance for hurricanes, and national defense authorization act (which already includes marine mammal provision, and a provision requiring AIS on all vessels >35’). In addition, an amendment has been filed to that legislation which includes provisions dealing with IUU fishing provisions, driftnet modernization, shark finning, coral reef conservation, blue carbon, working waterfronts, etc.). Other bills, particularly those that have already passed the House or Senate, may be passed individually, such as the driftnet ban, shark finning limits, and marine mammal legislation which includes measures that would require the Secretary to reduce ship collisions with all large whales in all U.S. waters.

**Outcomes/Action Items:** None

## **Climate Governance and Scenario Planning Updates**

The CCC received several presentations regarding ongoing work on climate change.

Ms. Toni Kerns (ASMFC) gave a presentation on the East Coast Scenario Planning exercise. This effort was initially modeled after the PFMC scenario planning work, but with additional emphasis on deepening the understanding and implications of different possible outcomes resulting from climate change. Ms. Kerns described the scenarios and the process used to develop them to this point. Moving forward, this effort will focus on application, beginning with an evaluation of whether existing processes and management tools are adequate to address a range of climate change futures.

Mr. Bill Tweit (NPMPC Vice-Chair) described the North Pacific Climate Task Force, and the development of approaches to respond to climate change and its effects. These approaches were described as: 1) short term tactical responses, 2) short term strategic responses, and 3) long term strategy and advice. These approaches are developed in three objectives that begin with an evaluation of how climate information makes its way into the fishery management process and where gaps exist, identifies pathways for including additional information and scenarios into the fishery management process, and identifies tools and actions that can enhance climate resilience and adaptation.

Ms. Kelly Denit (NMFS) presented on the development of guidance for using MSA Section 304(f) and the extension of a fishery beyond the jurisdiction of one Council—a likelihood as stocks shift due to climate change. The presentation highlighted 5 key components to the developing policy, including: 1) determining the geographic location of a fishery, 2) the initial designation of Council(s) to develop an



FMP, 3) criteria to trigger review of initial designation, 4) process to determine whether to revise a designation, and 5) consideration for transitioning to a revised designation.

CCC members raised questions regarding the types of management outcomes or tools that may arise from the East Coast and North Pacific efforts. Ms. Kerns emphasized the intention of the East Coast Scenario Planning effort to result in outcomes that assist with management. Mr. Tweit also indicated that a goal of the North Pacific effort is to assist with management in the face of climate change. With respect to the NMFS guidance on MSA Section 304(f), several CCC members expressed some concern with the process. In particular, several members asked whether there are examples of the East Coast Councils insufficiently addressing the matter of shifting stocks, and why new guidance was necessary. Other CCC members expressed considerations that would make the movement of an FMP from one Council to another difficult or problematic. For example, expertise regarding the management of a fishery resides with the current Council and transfer of an FMP to a different Council without the same expertise could be problematic for management of that fishery.

**Outcomes/Action Items:** None

## DAY 2 – WEDNESDAY, OCTOBER 19, 2022

### **Best Practices for the Future of Hybrid Operations**

Ms. Stephanie Hunt (NMFS) presented an overview of current Council meeting practices, with a focus on best practices for hybrid meetings. Prior to the meeting, the Councils were asked to complete a survey about current practices for Council, committee, and advisory body meetings. The survey found that most Council meetings are currently being held in person with virtual participation options. While all Councils currently allow members to vote virtually, voting procedures vary greatly across Councils. Some require voice votes for members participating remotely while at least one Council requires all members to vote through the webinar regardless of whether they are participating remotely or in-person. The survey also found that there is wide variation in the format of advisory body meetings. While some Councils regularly hold advisory body meetings remotely, others discourage remote participation and cited challenges with hybrid formats. Ms. Hunt described several strategies that Councils have employed to create successful hybrid or virtual meetings.

All Councils currently allow virtual public participation, but there is variation in approaches across Councils. Most Councils reported that they have not seen a change in public participation, though allowing virtual comments may make it easier for individuals to comment on a single agenda item.

Ms. Hunt described some of the advantages and disadvantages of hybrid or remote meetings, as reported by the Councils. Top advantages included cost savings, allowing for participation even if sick, increased productivity (less time spent on travel), ease of stakeholder participation, reduced overall time and costs. Top disadvantages included technical challenges, increased staff workload, difficulty of virtual participation, lack of relationship building, time zone differences, and potential alienation of those without access to the technology needed to participate. Councils also reported that hybrid meetings can be more expensive to run because of the additional IT and administrative costs.

Following the presentation, the CCC discussed whether there is a need to document any hybrid meeting “best practices” at this time. The group generally agreed that it is too early to adopt uniform processes for holding hybrid meetings. While the majority prefer to hold more in-person meetings than virtual, in some cases it is cost effective to hold short and to the point virtual meetings. CCC members emphasized that Councils need to maintain flexibility to hold meetings in the most effective way possible.

The CCC also discussed challenges with getting full engagement and participation from virtual participants in hybrid meetings. Some members noted that it can be hard to tell if virtual participants are actually present and paying attention. One CCC member expressed frustration that NMFS staff have been participating in most meetings by webinar even when the meetings are held in convenient locations requiring minimal travel. This has caused problems and delays, particularly during the stock assessment process. Another CCC member noted that NMFS staff often seem to have difficulties with audio quality, webinar connections, screen sharing, etc. when participating or presenting remotely. The CCC encouraged NMFS to consider developing internal best practices for remote participation to address these issues and facilitate more effective participation in hybrid meetings. The CCC also recommended that NMFS work with the Councils to ensure that key participants are able to attend meetings in person.

#### **Outcomes/Action Items:**

1. No immediate action items were identified. Councils and NMFS may revisit this topic at a future meeting.
2. The CCC encouraged NMFS to (1) consider developing internal best practices for remote participation in meetings and (2) develop policies to ensure that key participants are able to attend meetings in person.

## **Preventing Harassment in Councils**

### Model Policies

Mr. Adam Issenberg (NOAA Office of General Counsel) presented two model policies for preventing harassment in Councils. These were developed in response to a CCC request in 2019. The Council staff model policy addresses situations where the employee is the alleged victim. The Council process participant model policy provides guidance on addressing allegations of harassment experienced by participants in the Council process other than staff (e.g., Council members, AP members, SSC members, consultants, etc.). Mr. Issenberg told the CCC that there is probably room for adaptation for each Council to adapt these policies and determine the vehicle for implementation. They can be standalone policies or integrated into the Administrative Handbook or Council Statement of Organization Practices and Procedures (SOPP). Mr. Issenberg stated they plan to continue to work with the regional Council Executive Directors to operationalize and implement these with various checklists or potential forms that will involve implementing procedures.

### Harassment Training Plan

Ms. Stephanie Hunt (NMFS) provided a summary of the interactive training course that will be made available to Councils for supervisors, employees, and process participants. The training will be launched in early November 2022 with a hard deadline for completion of training by March 29, 2023. She requested that each Council send the agency a participant contact list. Ms. Hunt noted that the training package that was purchased also has diversity and inclusion training options and managing biases. She encouraged the regional Council Executive Directors to look at other trainings that you may want to consider for staff.

A member of the CCC asked what groups they envisioned taking the training. Ms. Hunt stated they envisioned Council staff, Council members, and potentially the chairs and vice-chairs of advisory panels. Once they receive the draft list of training participants, they could provide updates to the regional Councils regarding who had completed the training. Another member of the CCC stated some professional fisheries organizations had come up with a professional behavior outline or code of conduct best practices. These best practices include items such as who to go to if there is a problem.

Next a member of the CCC asked what happens after March 29<sup>th</sup>, 2023. Ms. Hunt responded they envisioned that a shared responsibility would be necessary to train folks about harassment when new



members are onboarded. A committee member responded that perhaps new Council members could receive this training during their orientation.

**Outcomes/Action Items:**

1. Councils should work with Mr. Adam Issenberg and Ms. Sandi Soderstrom to incorporate harassment policies into Council policies.
2. Councils should provide Ms. Stephanie Hunt lists of participants (with contact info) for harassment training.

**International Issues**

Ms. Alexa Cole (NMFS) briefed the CCC on a wide range of international issues, including Indo-Pacific Strategy, Indo-Pacific Economic Framework, Marine Biodiversity of Areas Beyond National Jurisdictions (BBNJ), Marine Mammal Protection Act (MMPA) Import Provisions, Moratorium Protection Act, Maritime SAFE Act, WECAFC, and WTO Fisheries Subsidies Agreement.

With respect to BBNJ, the CCC emphasized the importance of Council participation in negotiations, data gathering, and related activities with international bodies that regulate fisheries shared by other countries. Ms. Cole noted that NMFS is doing their best to consult with councils whenever appropriate to ensure the best outcome possible from negotiations and activities with international fishery management bodies. The CCC expressed continued interest in being able to have effective participation on these matters.

**Outcomes/Action Items:** None

**Equity and Environmental Justice**

CCC EEJ Workgroup

Mr. Jose Montanez (MAFMC Staff) presented recommendations from the CCC's Equity and Environmental Justice (EEJ) Working Group (WG). The group met four times to outline actions to address components of the May 2022 CCC motion. The report includes draft terms of reference; examples of potential steps each Council and CCC could take to explore and address EEJ; alternative strategies for convening an EEJ workshop; development of a peer-reviewed journal article; and major points for consideration from Councils' comments on the Draft NMFS EEJ Strategy. The WG requested approval of the draft terms of reference (TOR), CCC's guidance on objectives for a workshop, and postponement of the peer review journal article. The CCC endorsed formation of a permanent EEJ WG and approved the draft terms of reference as presented. The CCC also agreed with the WG's recommendation to postpone plans to publish a peer reviewed journal article. EEJ WG activities moving forward could continue to define workshop scope, narrow objectives and develop a budget and timeline as identified in the report.

**Outcomes/Action Items:**

1. The CCC agreed to formally establish the Equity and Environmental Justice Working Group. The CCC approved the proposed terms of reference for the WG and recommended that they meet at least once a year (virtually or in person).
2. The CCC will convene virtually to further discuss and address other aspects of the working group's report and recommendations.

NMFS EEJ Strategy Updates

Mr. Sam Rauch presented an update on the NMFS EEJ Strategy. NMFS extended the public comment period on the National EEJ Strategy from August 30 to September 30 and anticipates producing a final

draft strategy by early 2023. The NMFS EEJ Working Group continues to address comments received and will begin drafting the regional implementation plans once the national strategy is finalized. Rauch acknowledged the need to identify who the underserved communities are.

NMFS, like the Councils, is faced with funding challenges for EEJ. Funding for EEJ is again being included in the FY2023 budget request. However, Rauch noted that there are activities that can be undertaken and objectives achieved without an increase in funding. Currently, the NMFS Science Centers are working with their counterparts to pursue better data to identify social indicators to help characterize and define underserved communities.

NMFS was asked if the agency reviewed unjustified regulations that are not reasonable and/or practical that unfairly impact fishing communities. For example, unjustified equity and community impacts resulting from ESA-related measures implemented in the swordfish fishery. Mr. Rauch noted the agency continues to review their regulatory regime and that the Councils and NMFS should consider National Standard 8 and underserved communities in the rule making process minimizing or avoiding unnecessary impacts to fishing communities and underserved communities.

**Outcomes/Action Items:** None

## **America the Beautiful (ATB) Initiative**

### CCC Area-Based Management (ABM) Subcommittee Update on Final Report and GIS Work

Mr. Eric Reid, Chair of the CCC Area-Based Management (ABM) Subcommittee, provided an update of the work of the subcommittee. He reviewed the membership, Terms of Reference, and meetings since May (including one with CEQ). The CEQ meeting with agencies was productive, and there was a lot of interest in the subcommittee's work. The subcommittee continues to revise and refine the report on conservation areas in the U.S. EEZ while awaiting additional GIS data. On behalf of all of the Councils, the NEFMC executed a contract with the Pacific States Marine Fisheries Commission to assemble the spatial data, identify gaps, calculate total area coverage for the tables, and prepare the maps and figures of the conservation areas. Mr. Reid asked the CCC when they might want to receive the final report, either when completed in the next few months (~January 2023) or hold off until the May CCC meeting. He also asked where the CCC would like to house the report, and whether or not the information should be periodically reviewed (e.g., every 5 years). Work continues on finalizing the report and preparation of a journal article. The subcommittee is looking to have a press release on the final document when it is completed and made publicly available.

CCC members agreed that sooner is better to get out the information and be the lead in releasing accurate information on how much area is protected. The CCC understood urgency of this mission when it formed the subcommittee. CCC members also felt that the final report should be posted on the fisherycouncils.org website. Concern was raised about posting a grey literature report prior to submitting a journal article, but it was clarified that this is not a factor for most journals. It was also noted that the GIS data may need to be publicly available for some journals. The CCC decided that in addition to posting the report on the all-council website as soon as it is available, there should be a single press release at the time the final report is posted. While there was discussion about hosting the GIS data, the CCC decided to ask the subcommittee to figure out the best way to house the database, taking into account cost-effectiveness and accessibility for use and ability to update in the future. Regarding posting the fisherycouncils.org website, the CCC endorsed plans for the Council Communications Group to develop a new page for posting workgroup reports and work products.

### Outcomes/Action Items:

1. A joint press release will be developed once the final report is completed and made publicly available.
2. The ABM Subcommittee report will be posted on the all-council website ([www.fisherycouncils.org](http://www.fisherycouncils.org)) once it is finalized. The Council Communications Group will work on developing a new page(s) for housing CCC committee/workgroup reports and work products.
3. The ABM subcommittee will discuss the best way to house the database, taking into account cost-effectiveness and accessibility for use and ability to update in the future.

### NMFS Update on Interagency Effort

Mr. Sam Rauch (NMFS) provided an update on interagency efforts to address the America the Beautiful (ATB) initiative. ATB has six areas of focus early in the process: 1) support safe outdoor opportunities in nature-deprived communities, 2) support Tribally led conservation priorities, 3) expand collaborative conservation efforts, 4) increase access to outdoor recreation, 5) incentivize and reward voluntary efforts, and 6) create jobs by investing in restoration and resilience. The agencies are still working on developing a definition of “conservation,” but Mr. Rauch anticipates that the final product will be more of a framework which identifies hallmarks of conservation, rather than a strict definition of conservation. Mr. Rauch said he appreciates the efforts of the CCC and Councils, which have been helpful to note complexities and benefits of fishery conservation efforts.

The ATB framework of conservation is not complete, and a timeline has not been specified. The conservation Atlas is in development with a beta version of the Atlas planned for December 2022. The beta version will likely only examine some of the council areas as examples to see what might fit in the framework of conservation. The Atlas could also serve as a platform for conservation stories. There is a new advisory committee being developed as part of the ATB effort – the Marine and Coastal Area-based Management Federal Advisory Committee (FAC). Mr. Rauch encouraged CCC members to apply and noted that the call for nominations will occur in the fall. The FAC will be co-led by NOS (John Armor) and NMFS (Kelly Denit). A Federal Interagency Committee for outdoor recreation was re-established in July. Additional efforts were mentioned: conservation.gov, NOAA actions based on FR comments, and partnership with Aquarium Conservation Partnership.

### Outcomes/Action Items:

1. CCC members are encouraged to apply for the Marine and Coastal Area-based Management Federal Advisory Committee.

## **Northeast Regional Marine Fisheries Habitat Assessment**

Ms. Jessica Coakley (MAFMC staff) provided a presentation on the Northeast Regional Habitat Assessment – a collaborative, multi-disciplinary project to develop decision support products for marine fish habitat management. Overall, the CCC was impressed by the assessment and the broad utility of this project. Some Councils expressed interest in this work and asked about the potential for transferability of these types of approaches to other regions.

Outcomes/Action Items: None

## **CCC Committee Updates**

### CCC Habitat Workgroup

Ms. Jessica Coakley (MAFMC Staff), chair of the CCC Habitat Workgroup, provided an update on workgroup activities since the last presentation in May 2022. The workgroup met this past July and is scheduled to meet again in November via webinar, and its subgroups have been very active, including

the Wind, Fishery Science Center Engagement, and 2023 Meeting Planning Subgroups. Lastly, the workgroup reported that the “deep dives” on specific topics or Council initiatives have been well received, so those will continue into 2023.

**Outcomes/Action Items:** None

#### 7th Scientific Coordination Subcommittee Meeting

Ms. Diana Evans (NPFMC Staff) provided a summary of key findings of the SCS7 meeting. The meeting, which was held in August in Sitka, Alaska, focused on adapting fisheries management to a changing ecosystem. The key findings were as follows:

1. Councils need to start preparing now for increasingly complex management decisions due to climate change. This has profound implications for the next 20 years. We need pathways to sustain fisheries in a future non-stationary marine environment.
2. Investment is needed in the development of new data collection and analytical tools that are responsive to changing conditions. We need to find adaptations options tailored to regional differences and development of a suite of models of differing levels of complexity. Collaboration across regions may provide efficiencies.
3. SSCs and councils need to be prepared to transition towards a more sophisticated toolbox. Need to start scenario planning to avoid reactive responses. We also need to create more opportunities for strategic and creative approaches
4. Stakeholder engagement will be critical for adaptive management to be successful. This will require engagement from all stakeholders. More complex models will need to be clearly communicated.

The SCS7 provided additional recommendations for future SCS workshops, including in person meetings, breakout sessions, council member participation, biennial timing, and additional ways to communicate among the SSC in the off-year. The topic for the next meeting was discussed, possibly following up on the examples of the use of model outcomes for use in fishery management advice. The next SCS host Council has not yet been determined, but hopefully this will be determined by next May. Materials from the SCS7 are available online. A full report of the meeting, and proceedings of the meeting, will be provided at the May 2023 CCC meeting. A member suggested that the CCC take a deeper dive into the information and climate resilience in May.

**Outcomes/Action Items:**

1. The CCC recommended including a more in-depth discussion of the SCS meeting outcomes on the May 2023 CCC Meeting agenda.

#### CCC Communications Group

Ms. Mary Sabo (MAFMC Staff) provided an update on the CCC Communications Group. This group was formally established in 2012 and is composed of the communication or public affairs leads from each Council.

Ms. Sabo presented a [joint meeting calendar](#) which was developed by the Communications Group in response to a CCC request at the October 2021 meeting. The new calendar displays Council and SSC meetings as well as joint Council events such as CCC, CMOD, and SCS meetings. Ms. Sabo walked through several features of the calendar, including options to filter events, customize views, and sync meetings to Outlook or Gmail calendars. Each group member will be responsible for adding their own Council’s meetings. The calendar will be monitored by the CCC host Council, who will send out

periodic reminders to group members to update their calendar of events. The CCC approved the calendar as presented.

Ms. Sabo also presented a proposal for an in-person meeting of the Communications Group. The group last met in-person in May 2018. Meetings provide valuable forum to learn from each other and develop public affairs strategies on issues of importance to the CCC. The proposal included a list of potential meeting topics for CCC consideration and feedback. The CCC noted that the list of topics is ambitious for a 2-3 day meeting and that some prioritization may be needed. After some discussion, the CCC requested that the group prioritize the following topics when developing a meeting agenda (numbering maintained from original proposal):

1. Communication tools, technologies, and approaches.
2. Engaging the public on complex management actions
3. Advisory panel issues including recruitment and how to keep members engaged
6. Communicating Council success and challenges

The other, non-prioritized topics may still be included on the agenda as time permits. One CCC member recommended that the group address public hearing format and approaches as part of Topic #2. The group has not yet determined dates or a location for the meeting. Although there was some discussion of meeting in conjunction with the May 2023 CCC meeting, this is likely not feasible due to staffing and logistical constraints. As the CCC host for 2023, the Gulf Council will lead the planning for the meeting. The CCC endorsed moving forward with planning for an in-person meeting. A detailed agenda will be circulated for review and approval by the Executive Directors.

Finally, Ms. Sabo noted that the Communications group had recently revised the [regional fishery management council flyer](#) with updated “Quick Facts” from the latest NMFS reports.

#### **Outcomes/Action Items:**

1. The CCC approved the new joint meeting calendar
2. The CCC supported moving forward with planning an in-person meeting of the Communications Group in 2023 and provided input on the proposed list of meeting topics, recommending that the communications group focus on topics 1, 2, 3, and 6.

#### **FAO Committee on Fisheries Summary Report**

Mr. Greg Stunz, (Gulf Council Vice-Chair) provided a report on the 35<sup>th</sup> meeting of the Committee on Fisheries (COFI). The meeting was held (primarily virtually) on September 5-9 in Rome, Italy. A subsidiary body of the United Nations (UN) Food and Agriculture Organization (FAO) Council, COFI serves as a global intergovernmental forum for examining major international fisheries and aquaculture issues. Mr. Stunz highlighted several relevant areas of focus from the meeting, including

- Preventing and deterring IUU fishing,
- Addressing climate change and providing support to vulnerable countries
- Developing a Global Biodiversity Framework to address area-based management tools in fisheries and aquaculture for biodiversity conservation.

Additionally, the Committee endorsed a proposal to form a new subcommittee of fisheries management to allow in depth dialogue on essential matters relative to fisheries management.

Mr. Stunz noted that there is a new council representative every 2 years, so it takes effort to get up to speed. He suggested that the CCC should discuss how best to prepare the representative prior to the next



meeting. For example, discuss with prior representatives, and dialogue with the U.S. delegation on issues to bring forward to the meeting.

**Outcomes/Action Items:** None

## DAY 3 – THURSDAY, OCTOBER 20, 2022

### **Update on National Standard 1 Technical Guidance Workgroups**

Dr. Richard Methot (NMFS) provided an update on National Standard 1 technical guidance efforts. Final reports from Subgroups 2 and 3 were published in July 2020 and September 2022, respectively. This update focused primarily on the status of Subgroup 1, which is addressing maximum sustainable yield (MSY) reference points and status determination criteria (SDC). Subgroup 1 has completed an initial draft that is out for review by the Science Centers. The document will include a review of underlying concepts, provide several tiers for addressing MSY and SDCs, and address various approaches for estimating SDC values. Addressing stock-recruit relationships, particularly the range of situations nationwide, has proven challenging. Guidance will be provided for revising SDCs in response to prevailing conditions and dealing with data limited situations.

The CCC requested clarification on the importance of age and growth information and spatial complexity for stocks such as scallops. Age and growth are important, and information for similar species can be helpful for data limited stocks. Additional work is needed to determine how sessile stocks like scallops can be best addressed. One CCC member expressed concern that using trailing averages could keep the perspective on the past and limit ability to respond to the future. Dr. Methot responded that the intent would be to forecast reference points based on anticipated future conditions. Another concern raised was that stocks experiencing productivity shifts could be viewed as declining stocks. Added precaution in the short term may be appropriate if a stock is experiencing productivity shifts, as it may be difficult to understand the long-term implications. In some regions, data poor stocks dominate and are the source of ongoing management frustration. Precaution based on uncertainty appears to be added at multiple levels for data poor stocks, often despite anecdotal information that stocks are in acceptable shape. Additional flexibility in required management parameters could help address chronic data limited stocks.

**Outcomes/Action Items:** None

### **FishWatch Update**

Ms. Rebecca Ferro (NMFS) provided an update on FishWatch and the migration of the site to the NMFS website. This new site will retain existing functionality and content and will be housed under the “Sustainable Seafood” section of the NMFS site. Additional functionality may be added that focuses on the human dimension of sustainable seafood. Additionally, the NMFS site contains profiles of species caught in U.S. waters. Information from FishWatch will be included in these profiles. The schedule for migrating FishWatch to the new site will be January of 2023.

CCC members asked about the frequency of updates for information contained within FishWatch, such as the abundance of harvested species. Ms. Ferro indicated that this information would be updated annually. Other questions raised by CCC members asked who the target audience for FishWatch is and whether it would continue to be seafood consumers. Ms. Ferro indicated that consumers continue to be a target audience of FishWatch.

**Outcomes/Action Items:** None

## **Endangered Species Act (ESA) - Magnuson-Stevens Act (MSA) Integration**

Ms. Kitty Simonds (Executive Director, WPFMC) provided the report of the working group formed at the May 2022 CCC meeting to consider changes to the ESA Policy Directive 01-117 to integrate ESA Section 7 with MSA. The working group was co-chaired by MAFMC and WPFMC and consisted of one staff member from each Council. The working group met twice and developed a redline version of the ESA Policy Directive addressing main issues that the CCC identified over the past year. Working group representatives also met with NMFS headquarters liaisons, Marian Macpherson (NMFS Office of Sustainable Fisheries [OSF]) and Marla Hamilton of (NMFS Office of Protected Resources [OPR]), to receive feedback on the potential changes.

The working group's redline changes focused on the following:

- Adding an overarching policy statement that NMFS will work in close coordination with the Councils through the MSA Council process to address fishery impacts on ESA-listed species, rather than relying exclusively on Reasonable and Prudent Measures (RPMs) and Reasonable and Prudent Alternatives (RPAs) resulting from consultations;
- Strengthening language for NMFS to involve Councils early in the consultation process and agreeing to a coordinated schedule for Council involvement, as well as removing some of the discretion from provisions that have allowed NMFS to limit Council involvement;
- Adding language for involving Councils in development of RPMs in addition to RPAs; and
- Adding language for resolving disputes during the coordination process in the event that disagreements arise on the Council's role and involvement.

The working group also included a placeholder in the redline version for NOAA General Counsel facilitating sharing of early draft Biological Opinions (BiOps) with Council staff as a mechanism for early NMFS-Council coordination. This was an issue that the CCC flagged on the January 2022 call, but NMFS has not yet provided a response on feasibility.

NMFS liaisons indicated that the redline version helps to provide a better understanding of the Council issues, and they plan to feed that information into the region-specific discussions. Recognizing NMFS' planned process, the working group recommended that the CCC recommend to NMFS that it adopt the redline version of the ESA Policy Directive and implement the changes as soon as possible prior to the regional coordination effort. The redline version developed by the working group addresses overarching policy issues that are applicable across all regions and various consultation situations. The CCC has been discussing these issues since last May, and implementing these changes would be an important first step to set the stage for the regional coordination effort.

Mr. Sam Rauch provided NMFS' feedback to the working group's redline version and their plans for next steps. Mr. Rauch noted that the redline version does not appear to consider changes to the ESA Policy Directive for situations in which consultations are triggered external to the Council process and there is limited time for Council involvement due to the ESA's 135 day timeframe for Section 7 consultations. Rauch indicated that NMFS does not want to reopen the Policy Directive to make changes until they complete region-specific discussions among OSF, OPR and Council staff. NMFS sent a questionnaire to the working group with a deadline to respond by November 4, 2022, and intends to convene regional discussions that are anticipated to be completed by early 2023. If the process is not completed by that timeframe, NMFS intends to report back to the CCC at its May 2023 meeting.

Regarding the redline changes developed by the working group, Rauch agreed that the explicit inclusion of RPMs would be beneficial as these may create a similar workload for the Councils as RPAs. He noted concerns with the elevation clause due to the potential one-way nature of elevating issues as there would be no higher entity to which issues could be elevated on the Council's side, and because decisions for ESA consultations are delegated to the Regional Administrators. In some consultation situations, there may not be time to involve Councils early due to the statutory timelines, but in other situations involvement may be accommodated.

Mr. Rauch also indicated that NMFS would like to avoid creating a process in which a preliminary draft BiOp is shared in secret with the Council as it is contrary to the public, transparent process of the Councils. However, NMFS could engage Council staff in confidential discussions on a case-by-case basis. One CCC member noted that the Councils were trying to find a way to be involved early while addressing NMFS' concern that draft BiOps could not be shared with the Councils without making it a public document due to FOIA issues. He clarified that the Councils are not trying to keep the early drafts secret. Mr. Rauch indicated that NMFS would be reluctant to release a preliminary draft to the Council because it would extend the consultation timeline and raise litigation concerns, but NMFS could consider discussing certain sections with the Council without sharing preliminary drafts that are not public. Ms. Simonds clarified that the redline version includes language that adds a process for NMFS to meet with Council and/or Council staff as early as possible to discuss potential changes and impacts to fishery management actions if NMFS is unable to share the draft BiOp.

In response to a question regarding differences between MSA and ESA with respect to confidential data access, Mr. Rauch clarified that the ESA does not have a blanket confidential data clause that exists under MSA and that protected species data may not be confidential. The CCC also received clarification from Mr. Adam Isenberg that facilitating the sharing of confidential documents (such as preliminary draft BiOps) is not the purpose of attorney-client privilege. Mr. Marcos Hanke commented that the ESA process is important but there is room to improve, noting that the Councils should be given the first opportunity to develop management measures. The CCC adopted the working group recommendation and discussed that NMFS should meet with the working group once they review the redline changes.

#### **Outcomes/Action Items:**

1. The CCC adopted the Working Group report and recommended that NMFS review the redline version of the ESA Policy Directive and implement the changes drafted by the working group as soon as possible. The proposed changes are intended to improve the overarching policy that is applicable across all regions and various consultation situations and is an important first step that should be taken prior to the regional coordination effort that will be led by NMFS.

#### **Wrap Up and Other Business**

Dr. Chris Moore (MAFMC Executive Director) presented a summary of outcomes and action items from the meeting. Several corrections and additions were made by CCC members.

Mr. Dale Diaz (GMFMC Chair) updated the CCC on the meeting schedule for 2023. The next meeting will be held May 23-25, 2023. It will be hosted by the Gulf Council at the Key West Marriott Beachside Hotel in Key West, Florida. The fall meeting is tentatively scheduled for October 11-13, 2023 and will be hosted by NMFS in Washington, D.C. Updates will be posted at <http://www.fisherycouncils.org/ccc-meetings> as they become available.



# Council Coordination Committee Meeting

## October 18 - 20, 2022

Holiday Inn Capitol Hill  
550 C St SW, Washington, DC 20024

### Agenda

<b>Tuesday, October 18, 2022   1:00 - 5:30 pm EST</b>	
1:00 - 1:20 pm	Opening of Meeting <ul style="list-style-type: none"> <li>• Welcome and Introduction (Mike Luisi)</li> <li>• Approval of Agenda</li> </ul>
1:20 - 1:50 pm	NMFS Updates & Priorities <ul style="list-style-type: none"> <li>• Opening Remarks (Janet Coit)</li> <li>• Other policy updates (Kelly Denit)               <ul style="list-style-type: none"> <li>○ Allocation Policy Update</li> <li>○ Confidentiality Rule Update</li> </ul> </li> <li>• Seafood Strategy update (Michael Rubino)</li> </ul>
1:50 - 2:30 pm	FY23 Budget Breakdown (Jim Landon, Brian Pawlak)
2:30 - 3:00 pm	NMFS Science Update (Kristen Koch)
3:00 - 3:15 pm	<i>BREAK</i>
3:15 - 4:00 pm	Legislative Outlook (David Whaley) Report from Congressional Staff and Members Staff
4:00 - 5:15 pm	Climate Governance & Scenario Planning Updates <ul style="list-style-type: none"> <li>• East Coast Scenario Planning (Toni Kerns)</li> <li>• North Pacific Climate Task Force (Bill Tweit)</li> <li>• NMFS Climate Governance Policy (Kelly Denit)</li> </ul>
5:15 - 5:30 pm	Public Comment
5:30 pm	<i>ADJOURN DAY 1</i>
<b>Wednesday, October 19, 2022   9:00 am - 5:00 pm EST</b>	
9:00 - 9:45 am	Best Practices for the Future of Hybrid Operations <ul style="list-style-type: none"> <li>• Discussion of Hybrid Council Operations (Kelly Denit)</li> </ul>
9:45 - 10:45 am	Preventing Harassment in Councils <ul style="list-style-type: none"> <li>• Discuss and finalize Harassment Policies for Council Staff &amp; Council Process Participants (Adam Issenberg, Sandi Soderstrom)</li> </ul>
10:45 - 11:00 am	<i>BREAK</i>
11:00 - 11:30 am	International Issues <ul style="list-style-type: none"> <li>• Marine Biodiversity of Areas Beyond National Jurisdictions (BBNJ), Indo-Pacific Strategy, NMFS Response to WPFMC concerns (Alexa Cole)</li> </ul>
11:30 - 12:30 pm	Equity and Environmental Justice (EEJ) <ul style="list-style-type: none"> <li>• CCC EEJ Workgroup (Jose Montanez)</li> <li>• NMFS EEJ Strategy Updates (Sam Rauch)</li> </ul>

12:30 - 2:00 pm	<i>LUNCH BREAK</i>
2:00 - 3:00 pm	America the Beautiful (AtB) Initiative <ul style="list-style-type: none"> <li>• CCC Area-Based Management (ABM) Subcommittee Update on Final Report and GIS Work (Eric Reid)</li> <li>• NMFS Update on Interagency Effort (Sam Rauch)</li> </ul>
3:00 - 3:30 pm	Northeast Regional Marine Fisheries Habitat Assessment (NRHA) Presentation (Jessica Coakley)
3:30 - 3:45 pm	<i>BREAK</i>
3:45 - 4:45 pm	CCC Committee Updates <ul style="list-style-type: none"> <li>• CCC Habitat Workgroup (Jessica Coakley)</li> <li>• 7<sup>th</sup> Scientific Coordination Subcommittee Meeting (Diana Evans)</li> <li>• CCC Communications Workgroup – Presentation on Cross-Council Meeting Calendar, and In-Person Meeting Proposal (Mary Sabo)</li> <li>• Committee on Fisheries (COFI) Summary Report (Greg Stunz)</li> </ul>
4:45 - 5:00 pm	Public Comment
5:00 pm	<i>ADJOURN DAY 2</i>
<b>Thursday, October 20, 2022   9:00 am - 12:30 pm EST</b>	
9:00 - 10:00 am	Update on National Standard 1 Technical Guidance Workgroups <ul style="list-style-type: none"> <li>• Final Subgroup 3 Tech Memo on Data-Limited ACLs and Draft Subgroup 1 Tech Memo on Reference Points (Kelly Denit, Richard Methot)</li> </ul>
10:00 - 10:30 am	FishWatch Update (Rebecca Ferro) <ul style="list-style-type: none"> <li>• Live demo of FishWatch.gov</li> </ul>
10:30 - 11:15 am	Endangered Species Act - Magnuson-Stevens Act (ESA - MSA) Integration <ul style="list-style-type: none"> <li>• Update and Recommendations from CCC Working Group addressing NMFS Policy Directive 01-117 (Kitty Simonds)</li> <li>• NMFS Update (Sam Rauch)</li> </ul>
11:15 - 11:30 am	<i>BREAK</i>
11:30 - 11:45 am	Public Comment
11:45 - 12:30 pm	Wrap Up and Other Business <ul style="list-style-type: none"> <li>• CCC Outcomes and Recommendations</li> <li>• 2023 CCC Meetings</li> </ul>
12:30 pm	<i>ADJOURN DAY 3</i>



November 29, 2022

Samuel D. Rauch III  
Deputy Assistant Administrator for Regulatory Programs  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Rauch:

At the October 2022 meeting, the CCC reviewed the report of the working group formed at the May 2022 CCC meeting to consider changes to the ESA Policy Directive 01-117 to integrate ESA Section 7 with MSA. The working group created a redline version of the Policy Directive with changes to help resolve the high priority issues identified by the Councils. The CCC recommended that NMFS review the redline version of the ESA Policy Directive and implement the changes drafted by the working group as soon as possible.

In providing preliminary feedback on the redline changes at the CCC meeting, you indicated that NMFS does not want to reopen the Policy Directive to make changes until they complete region-specific discussions among NMFS Sustainable Fisheries, Protected Resources and Council staff. However, the proposed changes are intended to improve the overarching policy that is applicable across all regions and various consultation situations, including consultations that are triggered external to the Council process. The CCC believes these redline changes are an important first step that should be taken prior to the regional coordination effort that will be led by NMFS.

You also indicated that more specific feedback on the redline changes would require more time to review. Given this, the Executive Directors would like to schedule a call with you in January 2023 to discuss the redline changes once a more detailed review has been completed.

Please reach out to Kitty Simonds to schedule the call in January 2023.

---

**Caribbean**

Executive Director: Miguel Rolon  
Chair: Marcos Hanke

**Gulf of Mexico**

Executive Director: Dr. Carrie Simmons  
Chair: Dale Diaz

**South Atlantic**

Executive Director: John Carmichael  
Chair: Dr. Carolyn Belcher

**Mid Atlantic**

Executive Director: Dr. Christopher Moore  
Chair: Mike Luisi

**New England**

Executive Director: Thomas Nies  
Chair: Eric Reid

**North Pacific**

Executive Director: David Witherell  
Chair: Simon Kinneen

**Pacific**

Executive Director: Merrick Burden  
Chair: Marc Gorelnik

**Western Pacific**

Executive Director: Kitty Simonds  
Chair: Archie Taotas Soliai

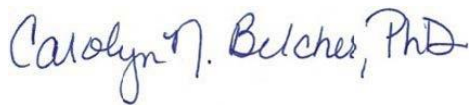
Sincerely,



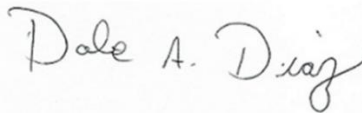
Mike Luisi, Chair  
Mid-Atlantic Fishery Management Council



Eric Reid, Chair  
New England Fishery Management Council



Dr. Carolyn Belcher, Chair  
South Atlantic Fishery Management Council




Dale Diaz, Chair  
Gulf of Mexico Fishery Management Council



Marcos Hanke, Chair  
Caribbean Fishery Management Council



Simon Kinneen, Chair  
North Pacific Fishery Management Council



Marc Gorelnik, Chair  
Pacific Fishery Management Council



Archie Taotasi Soliai, Chair  
Western Pacific Fishery Management Council

**2022 FALL NRCC MEETING AGENDA**  
Hilton Garden Inn – 100 Boardman Street, Boston MA  
*All times are approximate*

**Monday, October 24**

9:00 a.m. – 9:15 a.m.

1. Welcome, Introductions, Announcements  
(Reid, Sullivan)

9:15 a.m. – 10:15 a.m.

2. Catch Accounting and Data Management

Discussion leader: Gouveia

- Update on Fishery Dependent Data Initiative (FDDI) and Catch Accounting and Monitoring System (CAMS)
- Data concerns and questions (data quality, discard estimation, etc.)

10:15 a.m. – 10:45 a.m.

3. Observer Program Performance

Discussion leader: McArdle

- Report on realized observer coverage and program challenges

10:45 a.m. – 11:00 a.m. *Break*

11:00 a.m. – 11:30 a.m.

4. Standardized Bycatch Reporting Methodology 3-Year Report

Discussion leader: McArdle

11:30 a.m. – 11:45 a.m.

5. Did Not Fish Reports

Discussion leader: Moore

11:45 a.m. – 1:00 p.m. *Lunch – Offsite or delivery*

1:00 p.m. – 3:00 p.m.

6. Stock Assessments

Discussion leader: Simpkins

- NRCC Assessment Working Group update
- Stock assessment schedule

3:00 p.m. – 5:00 p.m.

7. East Coast Scenario Planning – October 2022 Update and Discussion of Applications Phase

Discussion leader: Core Team

- Update on September manager sessions
- November/December Council and Commission Meetings
- Summit Meeting in early 2023: Logistics, overall purpose, and expected outcomes
- Addressing the recommendations: What happens after the Summit?

5:00 p.m. *Adjourn Day 1*

7:00 p.m. – *Dinner at Antique Table, 19 Crest Ave, Winthrop, MA*

## **Tuesday, October 25**

9:00 a.m. – 11:00 a.m. *(break as needed)*

### 8. Stock Assessments (continued)

Discussion leader: Simpkins

- Continuation of Day 1 discussion

11:00 a.m. – 11:30 a.m.

### 9. Atlantic Sturgeon Action Plan

Discussion leader: Nies

- Coordination of action to implement gillnet measures in the Sturgeon Action Plan.

11:30 a.m. – 12:00 p.m.

### 10. Port Sampling

Discussion leader: Brown

- Update on efforts to assess impacts of reduced sampling and/or approaches for sampling prioritization.

12:00 p.m. – 12:30 p.m.

### 11. Offshore wind

Discussion leader: Burns/Lipsky

- Update on offshore wind activities.

12:30 p.m. – 1:00 p.m.

### 12. Meeting Wrap-Up and Other Business

- Complete any unfinished discussions or unresolved new business
- Review action items and assignments
- Identify Spring 2023 meeting date (GARFO chair)
- Adjourn meeting

1:00 p.m. *Meeting adjourns*

**From:** David Gouveia - NOAA Federal <[david.gouveia@noaa.gov](mailto:david.gouveia@noaa.gov)>

**Sent:** Wednesday, November 30, 2022 12:38 PM

**To:** Liz Sullivan - NOAA Federal <[liz.sullivan@noaa.gov](mailto:liz.sullivan@noaa.gov)>

**Cc:** Tara Trinko - NOAA Federal <[tara.trinko@noaa.gov](mailto:tara.trinko@noaa.gov)>; Muffley, Brandon <[bmuffley@mafmc.org](mailto:bmuffley@mafmc.org)>; Bland, Sarah <[Sarah.Bland@noaa.gov](mailto:Sarah.Bland@noaa.gov)>; Spud Woodward <[swoodward1957@gmail.com](mailto:swoodward1957@gmail.com)>; Cimino, Joseph <[Joseph.Cimino@dep.nj.gov](mailto:Joseph.Cimino@dep.nj.gov)>; Moore, Christopher <[cmoore@mafmc.org](mailto:cmoore@mafmc.org)>; Townsend, Wes <[pakafish1@yahoo.com](mailto:pakafish1@yahoo.com)>; Kerns, Toni <[tkerns@asmfc.org](mailto:tkerns@asmfc.org)>; Luisi, Michael <[michael.luisi@maryland.gov](mailto:michael.luisi@maryland.gov)>; Brown, Russ <[russell.brown@noaa.gov](mailto:russell.brown@noaa.gov)>; Bellavance, Rick <[rickbellavance@gmail.com](mailto:rickbellavance@gmail.com)>; Pentony, Mike <[Michael.Pentony@noaa.gov](mailto:Michael.Pentony@noaa.gov)>; Simpkins, Michael <[michael.simpkins@noaa.gov](mailto:michael.simpkins@noaa.gov)>; Laura Hansen - NOAA Federal <[laura.hansen@noaa.gov](mailto:laura.hansen@noaa.gov)>; Sean Hayes - NOAA Federal <[sean.hayes@noaa.gov](mailto:sean.hayes@noaa.gov)>; Beal, Robert <[rbeal@asmfc.org](mailto:rbeal@asmfc.org)>; Nies, Thomas <[tnies@nefmc.org](mailto:tnies@nefmc.org)>; Cabana, Nicole <[nicole.cabana@noaa.gov](mailto:nicole.cabana@noaa.gov)>; Kellogg, Chris <[ckellogg@nefmc.org](mailto:ckellogg@nefmc.org)>; Reid, Eric <[ericreidri@gmail.com](mailto:ericreidri@gmail.com)>; Lisa Kerr <[lkerr@gmri.org](mailto:lkerr@gmri.org)>; Rago, Paul <[paulrago22@gmail.com](mailto:paulrago22@gmail.com)>; Hare, Jon <[jon.hare@noaa.gov](mailto:jon.hare@noaa.gov)>; Campfield, Patrick <[pcampfield@asmfc.org](mailto:pcampfield@asmfc.org)>; Debbie Welch - NOAA Federal <[debbie.welch@noaa.gov](mailto:debbie.welch@noaa.gov)>; Collins, Kathy <[kcollins1@mafmc.org](mailto:kcollins1@mafmc.org)>; O'Leary, Joan <[joleary@nefmc.org](mailto:joleary@nefmc.org)>; Katherine StCyr <[katherine.stcyr@noaa.gov](mailto:katherine.stcyr@noaa.gov)>; Kelly, Moira <[moira.kelly@noaa.gov](mailto:moira.kelly@noaa.gov)>; Burns, Peter <[Peter.Burns@noaa.gov](mailto:Peter.Burns@noaa.gov)>; Katherine McArdle - NOAA Federal <[katherine.mcardle@noaa.gov](mailto:katherine.mcardle@noaa.gov)>; Brant McAfee - NOAA Federal <[brant.mcafee@noaa.gov](mailto:brant.mcafee@noaa.gov)>; Ryan Shama - NOAA Federal <[ryan.shama@noaa.gov](mailto:ryan.shama@noaa.gov)>; Spencer Talmage - NOAA Federal <[spencer.talmage@noaa.gov](mailto:spencer.talmage@noaa.gov)>; Ferrio, Cynthia <[cynthia.ferrio@noaa.gov](mailto:cynthia.ferrio@noaa.gov)>; Larry Alade - NOAA Federal <[larry.alade@noaa.gov](mailto:larry.alade@noaa.gov)>; Carmichael, John <[john.carmichael@safmc.net](mailto:john.carmichael@safmc.net)>; Kiley Dancy <[kdancy@mafmc.org](mailto:kdancy@mafmc.org)>; Andrew Lipsky - NOAA Federal <[andrew.lipsky@noaa.gov](mailto:andrew.lipsky@noaa.gov)>; Christel, Douglas <[douglas.christel@noaa.gov](mailto:douglas.christel@noaa.gov)>; Brian Linton - NOAA Federal <[brian.linton@noaa.gov](mailto:brian.linton@noaa.gov)>

**Subject:** Re: NRCC: Fall 2022 Action Items - Final

Two action items assigned to GARFO following the October NRCC meeting have been completed. The names of the tasks and the corresponding file names for the responses are:

1. Permit/VTR data request for the Did Not Fish Reports task (NRCC For-Hire Request Nov 2022.pdf); and
2. Contracting questions regarding the Port Sampling Contract task (NRCC Fall 2022 Meeting Action Item\_Port Sampling Contract.pdf).

If you have any questions, just give me a shout.

- Dave

Number of vessels that were issued for-hire and recreational permits in 2020 and the number that submitted at least one VTR in that year.

<b>Permit Type – Recreational or For-Hire (F-H)</b>	<b>No. of permitted vessels</b>	<b>No. of vessels that reported a F-H or rec trip for that species</b>	<b>% of vessels that reported</b>
Tilefish Private Rec	447	9	2
Tilefish F-H	628	34	5
Summer Flounder F-H	885	250	28
Black Sea Bass F-H	879	283	32
Scup F-H	785	191	24
Mack, Squid, Butt F-H	781	82	10
Bluefish F-H	885	248	28
NE Multispecies F-H	750	201	27
All For-Hire combined	998	416	42

Number of vessels that were issued for-hire and recreational permits in 2021 and the number that submitted at least one VTR in that year.

<b>Permit Type – Recreational or For-Hire (F-H)</b>	<b>No. of permitted vessels</b>	<b>No. of vessels that reported a F-H or rec trip for that species</b>	<b>% of vessels that reported</b>
Tilefish Private Rec	779	25	3
Tilefish F-H	701	48	7
Summer Flounder F-H	953	263	28
Black Sea Bass F-H	947	308	33
Scup F-H	820	183	22
Mack, Squid, Butt F-H	828	96	12
Bluefish F-H	947	244	26
NE Multispecies F-H	812	190	23
All For-Hire combined	1,075	454	42

Number of vessels that were issued for-hire and recreational permits in 2022 and the number that submitted at least one VTR in that year.

<b>Permit Type – Recreational or For-Hire (F-H)</b>	<b>No. of permitted vessels</b>	<b>No. of vessels that reported a F-H or rec trip for that species</b>	<b>% of vessels that reported</b>
Tilefish Private Rec	810	35	4
Tilefish F-H	665	45	7
Summer Flounder F-H	870	283	33
Black Sea Bass F-H	874	318	36
Scup F-H	753	199	26
Mack, Squid, Butt F-H	750	68	9
Bluefish F-H	864	242	28
NE Multispecies F-H	745	184	25
All For-Hire combined	971	458	47



## **Reporting for Recreational Tilefish Anglers**

Recreational vessel operators will be required to submit electronic vessel trip reports (eVTRs) through a NMFS-approved electronic reporting system within 24 hours of returning to port from any recreational trip targeting or retaining tilefish. These requirements apply to private recreational vessels and for-hire vessels taking private recreational fishing trips.

Reporting is required on any recreational trips when you target or retain tilefish. If the trip was targeting tilefish but you catch no tilefish, you still must complete an eVTR and report 0 for the number of fish caught, released, and retained.

## **Reporting for For-Hire / Charter trips**

You are required to complete an eVTR for every fishing trip, whether the vessel is fishing in state or federal waters, or in another region of the country, such as Gulf of Mexico. This is true for all trips, no matter what species is being fished for or caught. Having an observer or at-sea monitor on board during a trip does not relieve you from this requirement.

An eVTR is required for any trip on a federally permitted vessel when you catch fish, or when your operations include activities that would support fishing, such as preparing to catch or harvest fish, or attempting to catch or harvest fish. All such fishing activities must be reported, even if no landings are made. The trip is the period of time during which these activities are conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

### **You are required to report fishing trips even if no fish are caught or onboard if the following events occur:**

If you begin a fishing trip, but must return to port before setting or retrieving gear because of issues like bad weather or mechanical problems, then you must still complete an eVTR. In this case, you must complete the information and enter "No Effort".

If you make an unsuccessful trip, and don't catch any fish, you must still complete an eVTR. In this case, you must complete all of the trip information and enter "No Catch" or "NC" in the species code field.

**From:** David Gouveia - NOAA Federal <[david.gouveia@noaa.gov](mailto:david.gouveia@noaa.gov)>

**Date:** Thursday, December 1, 2022 at 9:00 AM

**To:** Moore, Christopher <[cmoore@mafmc.org](mailto:cmoore@mafmc.org)>, Coakley, Jessica <[jcoakley@mafmc.org](mailto:jcoakley@mafmc.org)>, Montanez, Jose <[jmontanez@mafmc.org](mailto:jmontanez@mafmc.org)>, Cisneros, Karson <[KCisneros@mafmc.org](mailto:KCisneros@mafmc.org)>

**Cc:** Mary Sabo <[msabo@mafmc.org](mailto:msabo@mafmc.org)>

**Subject:** Surfclam/Ocean Quahog Transition to Fish Online eVTR Application

Chris et al -

I just wanted to provide you with a heads-up that later this morning we will be announcing the requirement for Atlantic surfclam and ocean quahog vessel operators to begin using the Fish Online eVTR application beginning with any trip started before or after February 1, 2023. Submission of paper logbooks as well as submissions using the Northeast Fishery Science Center's FLDRS clam application will no longer be accepted after February 1, 2023.

### **Background**

As you know, on November 12, 2021, NOAA Fisheries implemented a recommendation from both the Mid-Atlantic and New England Fishery Management Councils to require federally permitted commercial fishing vessels to submit vessel trip reports electronically within 48 hours of the end of a trip. Clam vessels were excluded from the November 2021 mandatory eVTR implementation due to an inability of the NEFSC's Cooperative Research Branch to support installation of the FLDRS clam app to the entire clam fleet. Surfclam and ocean quahog ITQ permit holders presently complete a clam specific VTR logbook using either a paper logbook or the FLDRS clam eVTR application. GARFO has recently completed programming changes to its Fish Online eVTR application such that surfclam and ocean quahog vessels may now use it to fulfill their logbook reporting requirements. Vessel owners will have a period of 60 days to transition from paper and FLDRS to the new Fish Online clam eVTR. This 60 day period should begin once the clam eVTR has been finalized and fully tested to address any errors/bugs.

Fish Online is an electronic vessel trip report (eVTR) application that functions on all Windows, iOS, and Android devices including desktop computers, laptop computers, tablets and smartphones. In order to use Fish Online, users must first create a Fish Online user account, if one does not already exist.

### **Industry Support**

If you receive any inquiries on how to create a Fish Online user account, you can either direct them to visit our website via the [How to Create a Fish Online Account](#) link or instruct them to call (978) 281-9188 or email the [GARFO Vessel Reporting Helpdesk](#)

Thank you and if you have any questions, just give me a shout.

- Dave

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**David Gouveia**

*Assistant Regional Administrator  
for Analysis and Program Support  
National Marine Fisheries Service  
Greater Atlantic Regional Fisheries Office  
55 Great Republic Drive  
Gloucester, Massachusetts 01930  
Phone: (978) 281-9280  
E-mail: [david.gouveia@noaa.gov](mailto:david.gouveia@noaa.gov)*

**November 15, 2022**

**100 Davisville Pier  
North Kingstown, R.I. 02852 U.S.A.  
Tel: (401)295-2585**

Tom Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

**Re: EBFM Committee/Public Information Workshop/ Georges Bank Ecosystem FMP**

Dear Tom,

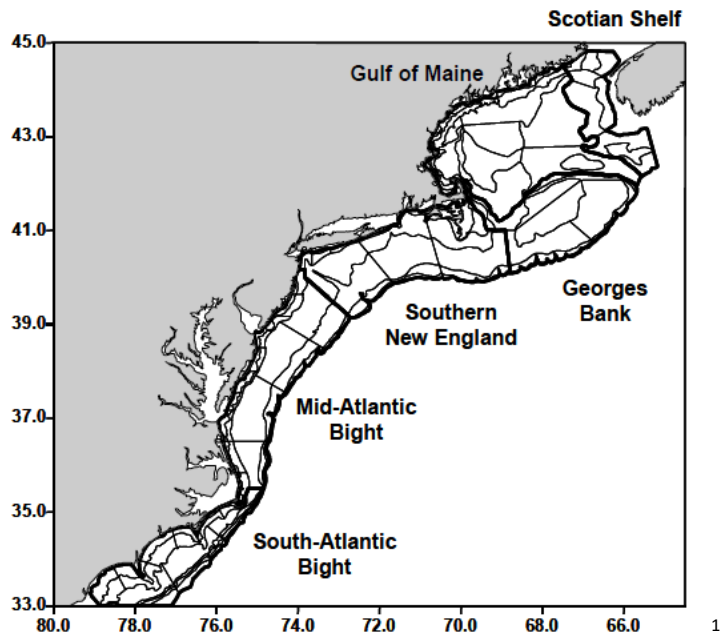
I am writing to express my concerns regarding the NEFMC initiative for a Georges Bank Ecosystem FMP that is currently being developed by the EBFM Committee MSE workshop process.

My first concern is related to the geographic range of what is being considered “Georges Bank”. The “Georges Bank Ecological Production Unit” under consideration is far in excess of what is truly George’s Bank and encompasses the entirety of Nantucket Shoals, south of Nantucket, all the way past Muskeget Channel to the eastern end of Martha’s Vineyard, essentially a large portion of Southern New England and encompassing various important Southern New England Fisheries. The Great South Channel, which separates Nantucket Shoals from Georges Bank, is a natural delineation point which separates not only two very different geographic areas but also two very different ecosystems. According to the EBFM Public Information Workshop material and discussions, these two areas have “similar” ecosystem characteristics. However, it was also noted that the model being employed in the exercise has the parameters set by number of Ecosystem Production Units (EPU) desired in the outcome- the more EPUs selected as an output, the more defined each EPU will become.

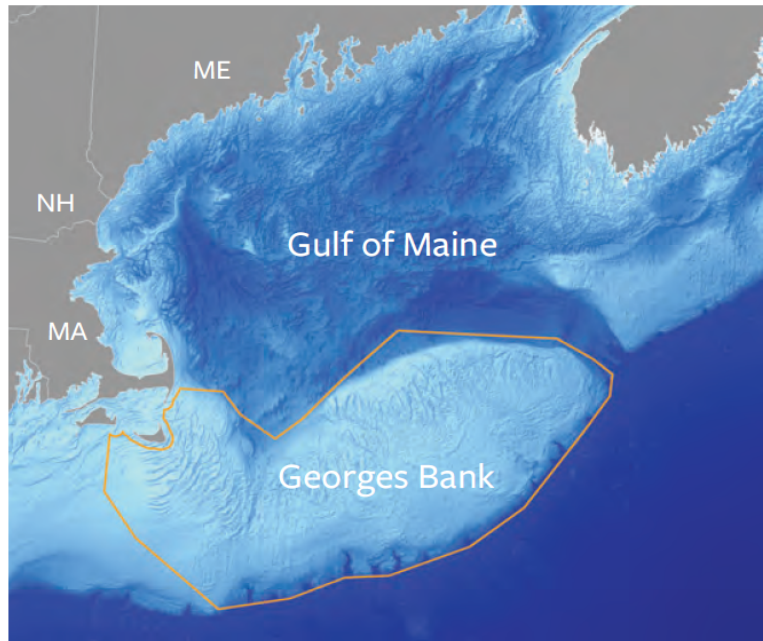
Therefore, we request that an additional EPU output be added, so as to separate out what is truly Georges Bank from Southern New England. Georges Bank is an entirely different area than Southern New England, in both fishing practice, governing regulations, and ecosystem production. No captain has ever said he was headed to Georges and went fishing on the backside of Nantucket. There is also a reason that the regulated mesh areas do not allow for small mesh bottom trawls to operate east of Nantucket and on Georges Bank, other than in the small mesh exemption area- the ecosystem is different, with different species’ mix, which the regulated mesh area is designed to acknowledge and protect. See <https://www.fisheries.noaa.gov/new-england-mid-atlantic/commercial-fishing/southern-new-england-exemption-area>. Due to the minimal interaction with groundfish in the small mesh exemption area, small mesh is legal and allows for small mesh fishing for, example, the summer loligo squid fishery off of Nantucket. This is not Georges Bank.

Additionally, previous ecosystem research has held Southern New England as a separate Ecosystem Production Unit than Georges Bank. See for example, the chart below from Link et. al.:

Figure 2.1. Map of the northwest Atlantic, including the major subregions.



This stands in contrast to the EBFM Georges Bank EPU materials below:



The Georges Bank EPU is indicated by the orange outline on the map. <sup>2</sup>

From an ecosystem perspective, the Great South Channel, below, is the natural barrier that separates Georges Bank from Southern New England and the Mid Atlantic Cold Pool. This creates a

<sup>1</sup> Link et al., "Status of the Northeast U.S. Continental Shelf Ecosystem: A Report of the Northeast Fisheries Science Center's Ecosystem Status Working Group", NEFSC Reference Document 02-11, August 2002.

<sup>2</sup> See [https://s3.us-east-1.amazonaws.com/nefmc.org/Georges-Bank-Ecosystem-Production-Unit\\_01.19.21.pdf](https://s3.us-east-1.amazonaws.com/nefmc.org/Georges-Bank-Ecosystem-Production-Unit_01.19.21.pdf).

distinct ecosystem delineation that has remained consistent over time. The below chart is from the Northeast Fishery Science Center’s 2021 State of the Ecosystem Mid Atlantic report:

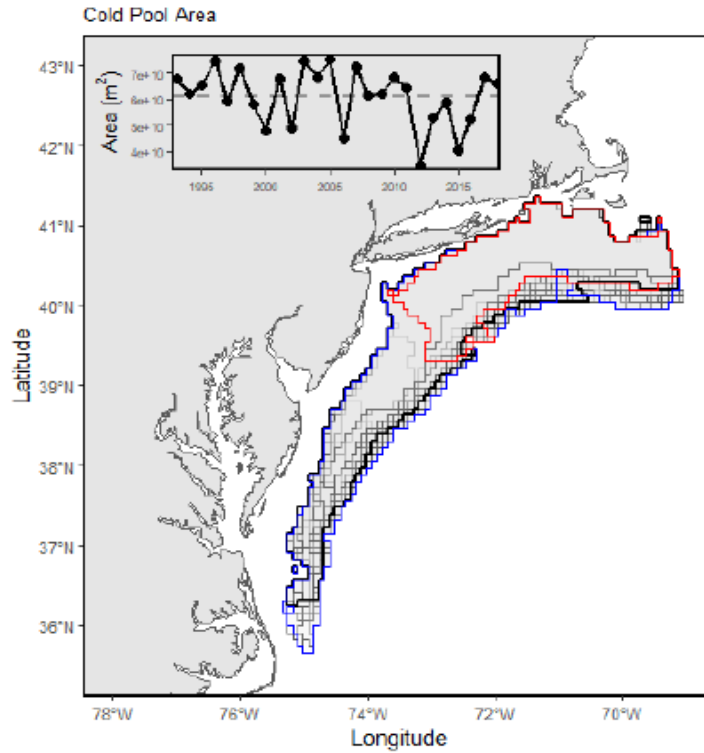
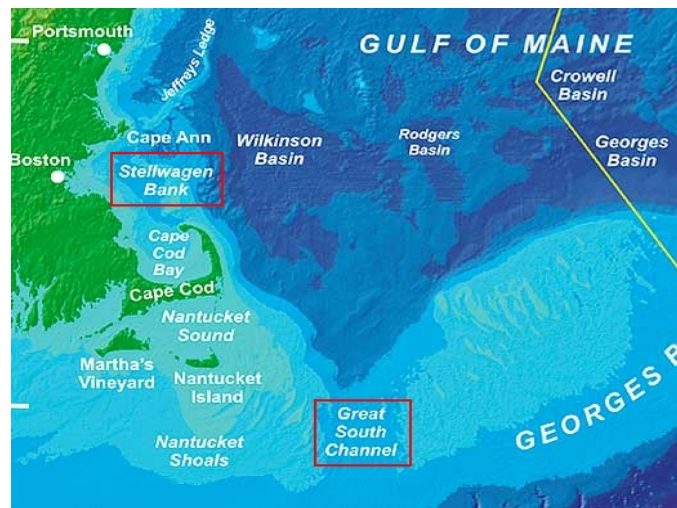


Figure 34: Map of cold pool area. Time series of cold pool spatial extent from 1993-2018. Black = 2018 (Last year in time series), Red = 2012 Minimum area, Blue = 2005 Maximum area.

3

See below for a chart of the Great South Channel which forms this natural barrier:



4

<sup>3</sup> See [State of the Ecosystem 2021: Mid-Atlantic Revised \(noaa.gov\)](https://www.noaa.gov/state-of-the-ecosystem-2021-mid-atlantic-revised).

<sup>4</sup> See <https://www.google.com/url?sa=i&url=https%3A%2F%2Fearthsky.org%2Fearth%2Fthe-foraging-acrobatics-of-humpback-whales%2F&psig=AOvVaw0SKrQx6tvrSnMYBlor2-M-&ust=1668614397636000&source=images&cd=vfe&ved=0CA8QjRqFwoTCNjOp5fHsPsCFQAAAAAdAAAAABAD>.

Based on the discussions about management implications in particular, we have concerns that including vital areas to Southern New England fisheries, including those south of Nantucket, in a Georges Bank Ecosystem FMP potentially in the future would have significant negative impacts on Southern New England vessels and existing fisheries. Therefore, we request that the natural barrier of the Great South Channel as a point of delineation between Southern New England and George's Bank be implemented into the discussion at this stage.

Additionally, we have serious concerns about the potential future management implications of this approach. This approach initially began development many years ago as a potential way to avoid choke stocks for New England groundfish vessels while allowing for opportunity to target higher biomass groundfish stocks. If the exercise and potential future management associated with it were to apply solely to the groundfish complex, we would have no concerns.

However, it has been made very clear at recent EBFM Public Information Workshops that the intent would be to include stocks managed and permitted by entities other than the New England Fishery Management Council within a Georges Bank Ecosystem FMP, including those managed by the Mid Atlantic Fishery Management Council. Southern New England vessels, including Seafreeze vessels and vessels that unload at our facilities, primarily harvest species managed by the Mid Atlantic Fishery Management Council, particularly since the implementation of the New England groundfish sector system.

Species such as longfin squid, illex squid, butterfish, mackerel, fluke, scup, and black sea bass are all species for which our vessels and vessels that unload at our facilities have invested in permits, business models, gear and equipment. These investments are not insignificant. According to presentations and explanations of how EBFM would work, given at the EBFM Public Information Workshops, the New England Fishery Management Council would assume management authority for the percentage of Mid Atlantic managed species occurring in its Georges Bank Ecological Production Unit under an Ecosystem FMP. This would purportedly occur after consultation with the Mid Atlantic Fishery Management Council to ensure alignment with the Mid Atlantic Council's management goals for those stocks. Fisheries access to the Georges Bank Ecosystem FMP complex would then be granted via a form of Georges Bank Ecosystem permit.

We do not support this approach. While the science of an ecosystem model is a scientifically interesting concept, the management implications are tremendous, with our vessels and other Southern New England vessels destined to be the collateral damage. Should a percentage of a particular species that we harvest and rely on be determined to exist in a Georges Bank Ecosystem FMP, and that percentage taken off the top of either a federal coastwide quota currently able to be accessed only by species-specific federal permit holders, or off of a state allocated quota currently able to be accessed only by species- and state- specific permit holders, in order to now be allocated to the Georges Bank Ecosystem FMP holders, we will immediately lose quota and access to an entirely new group of entities which have not invested in these permits or fisheries.

Entire fisheries federally managed by the Mid Atlantic Council, or state fisheries managed by the Mid Atlantic Council/Atlantic States Marine Fisheries Commission/individual states will experience direct loss of quota which would be absorbed into a Georges Bank Ecosystem FMP. Those eligible for a Georges Bank Ecosystem FMP permit who do not currently have access to these fisheries are most likely to consist of vessels engaged in the groundfish fishery who have not invested in the related permits. As

fisheries such as the squid fisheries are lucrative fisheries, effort in these fisheries would most likely increase, leading to earlier closures and other management implications. Including Nantucket Shoals and Southern New England, which encompasses the longfin squid and other fisheries occurring in that area, would only serve to exacerbate the impact.

We understand that the New England Fishery Management Council is initiating this as a scientific exercise. However, the scientific exercise cannot be disassociated from management, as science is the driver of management and the Council has been clear in its desire to develop management recommendations from this exercise. Discussing the management implications up front is necessary for a transparent process.

As the Council is soliciting feedback through the EBFM Public Information Workshops and other means, it is important that the Council understand these concerns. We request that jurisdictional and management issues be included and discussed transparently at the outset, including the involvement of other management bodies and stakeholders, should the continued exercise include species and fisheries other than groundfish and managed outside the New England Council process.

Thank you for the opportunity to comment.

Sincerely,

Meghan Lapp  
Fisheries Liaison, Seafreeze Shoreside and Seafreeze Ltd.

CC: Eric Reid, Chairman, New England Fishery Management Council  
John Pappalardo, Chairman, Ecosystem Based Fisheries Management Committee  
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November 17, 2022

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**RE: Comments on Monument Amendment; 87 FR 67677; NOTICE Nov. 9, 2022; Magnuson-Stevens Fishery Conservation and Management Act; Atlantic Coastal Fisheries Cooperative Management Act Provisions**

We do not support amending the New England Fishery Management Council and Mid Atlantic Fishery Management Council FMPs to incorporate Northeast Canyons and Seamounts Marine National Monument fishing restrictions. This is not the appropriate mechanism for enforcement of Presidential Proclamation 10287, issued in October 2021. Fisheries prohibitions enacted by the Proclamation went into effect immediately and did not require any FMP amendments. According to NOAA Fisheries, “All commercial fishing, other than for American lobster and Atlantic deep-sea red crab taken with fixed gear, is prohibited within the Monument as of October 8, 2021.”<sup>1</sup> The lobster and red crab fisheries will be prohibited starting September 15, 2023. There is no reason to change FMPs to incorporate a separate and standalone Presidential Proclamation created by Executive Order, outside of the Council process. Furthermore, neither the original September 2016 Proclamation creating the Monument, nor the June 2020 changes to the Monument prohibitions, required any FMP amendments.

According to NOAA Fisheries, amendments to the Council FMPs to incorporate the Monument’s current commercial fishing prohibitions is being developed under section 305(d) of the Magnuson Stevens Fishery Conservation and Management Act, in supposed consultations with the New England and Mid Atlantic Fishery Management Councils.<sup>2</sup> There is nothing to consult. There has already been an immediate prohibition on commercial fishing inside the Monument, already in force via Executive Order, enacted and enforced by the agency via executive authority. The Councils cannot contribute any changes or effective input on any Monument regulations, as they have already been overruled by the executive process.

The circumstance is similar to that which occurred with the Northwestern Hawaiian Islands Marine National Monument, where commercial fishing for bottomfish and pelagic species was prohibited following a 5-year grace period, after which a complete prohibition ensued.<sup>3</sup> With the Northeast Monument, all commercial fishing was prohibited immediately, with lobster and red crab

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<sup>1</sup> See <https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/northeast-canyons-and-seamounts-marine-national>.

<sup>2</sup> Ibid.

<sup>3</sup> See <https://www.federalregister.gov/documents/2006/08/29/06-7235/northwestern-hawaiian-islands-marine-national-monument>.



given a 7-year grace period after which a complete prohibition will ensue for those fisheries. Since a Council could not change or contribute to the fishing prohibitions promulgated by the Northwestern Hawaiian Islands Marine National Monument Proclamation, the Federal Register notice codifying the action stated, pursuant to the Administrative Procedure Act, that “Notice and comment are unnecessary and contrary to the public interest because these regulations do not expand on the action already taken by the President in the Proclamation.”<sup>4</sup> It is the same in this case. Nothing that the Councils or the public can say will change the fact that commercial fishing has already been prohibited in the Monument via Executive Order. It is not public involvement; it is not Council involvement. Nothing regarding this Proclamation has involved the Council process.

Furthermore, Section 305(d) of the Magnuson Stevens Act, which NOAA is relying upon for justification to amend the Council FMPs to incorporate the Monument prohibitions, states, “The Secretary shall have general responsibility to carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to discharge such responsibility or to carry out any other provision of this Act.” The key phrase is “in accordance with the provisions of this Act”. Since the Monument was not created by any provision of the Act and does not involve the Councils or the Council process in any way, and was rather created purely by Presidential Proclamation, there is no connection to the Magnuson Stevens Act whatsoever. In fact, the Act does not mention Marine Monuments at all.

The current Proclamation states, “management of lands and interests in lands owned or controlled by the Federal Government within the Northeast Canyons and Seamounts Marine National Monument shall be governed by the management provisions of Proclamation 9496. Such provisions include paragraph 6 in the section entitled “Prohibited Activities” and paragraph 5 in the section entitled “Regulated Activities,” which provide for the prohibition of all commercial fishing in the monument, except for red crab and American lobster commercial fishing, which may be permitted until September 15, 2023” and directs the Secretaries of Interior and Commerce to develop a “joint management plan” and “as appropriate, shall promulgate implementing regulations”. Previous management plans, such as the Northwestern Hawaiian Islands Marine National Monument plan, required, for example, Vessel Monitoring Systems (VMS) for all vessels transiting through the Monument area.<sup>5</sup> This does not require amendments to Council FMPs.

The current Proclamation does not direct the Secretary of Commerce to involve the Councils or to amend FMPs. It simply charges the Secretary to create and implement a management plan/regulations to prohibit commercial fishing in the Monument. This can be accomplished via the Administrative Procedure Act without amending Council FMPs. In contrast, during the codification of the Marianas Trench, Pacific Remote Islands, and Rose Atoll National Monuments, established in 2013, the Western Pacific Fishery Management Council did request to collaborate with the Secretary to amend multiple Fishery Ecosystem Plans due to the existence of Ecosystem Plans in those regions and allowance of continued traditional indigenous fishing in the Monuments.<sup>6</sup> No such Fishery Ecosystem

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<sup>4</sup> See <https://www.federalregister.gov/documents/2006/08/29/06-7235/northwestern-hawaiian-islands-marine-national-monument>.

<sup>5</sup> See <https://www.federalregister.gov/documents/2006/08/29/06-7235/northwestern-hawaiian-islands-marine-national-monument>.

<sup>6</sup> See <https://www.federalregister.gov/documents/2013/06/03/2013-13113/western-pacific-fisheries-fishing-in-the-marianas-trench-pacific-remote-islands-and-rose-atoll>.

Plans nor indigenous fisheries occur in the Northeast Monument. There is merely a complete prohibition on commercial fishing, with a phase out of lobster and red crab. There is nothing to manage pursuant to any Council managed FMP.

In fact, contrary to the request by the Western Pacific Fishery Management Council to collaborate regarding FEPs and indigenous fisheries in the Marianas Trench, Pacific Remote Islands, and Rose Atoll National Monuments, the New England Fishery Management Council and the Mid Atlantic Fishery Management Council did not support the creation of the Northeast Canyons and Seamounts Monument. In a June 2017 letter to the Trump Administration, attached, the New England Fishery Management Council agreed with the Council Coordination Committee's similar letter, also attached, that "management of fisheries in marine monuments should remain under the jurisdiction of the Councils and NMFS, administered by the Magnuson Stevens Fishery Conservation and Management Act." The New England Council also demonstrated the Council's Magnuson Stevens Act-compliant Omnibus Deep Sea Coral Amendment, since enacted pursuant to that legislative process, that put fisheries restrictions in place in the Monument Area and beyond, is a scientifically sound action involving significant stakeholder engagement as well as technical information. This is in stark contrast to the Monument's blanket fishing prohibitions developed without scientific or technical information and devoid of stakeholder input in the form of a Presidential Proclamation.

As the Northeast Monument was not developed pursuant to any provisions of the Magnuson Stevens Act, and rather specifically overrode similar regulations that actually were developed pursuant to the Magnuson Stevens Act, the Magnuson Act cannot be used as justification to amend any Council FMP. NOAA's claimed intent to "consult" with the Councils is not a valid consultation; it is already clear that the input and stated will of the Councils has been overridden by the current Presidential Proclamation which removes their authority from managing fisheries inside the Monument. Therefore, appropriate implementation of the Monument management plan/regulations should be conducted under the Administrative Procedure Act. Invoking the Magnuson Stevens Act to amend Council FMPs is inappropriate, as the current Monument Proclamation was issued with specific intent to supersede the authority of the Magnuson Act and Council process via the Antiquities Act and Presidential Proclamation.

If NOAA Fisheries intends to invoke the Magnuson Stevens Act to justify an Omnibus Amendment amending all Council FMPs to incorporate Monument prohibitions, then the agency must abide by all Magnuson Act provisions, including the National Standards, and conduct NEPA analysis which the agency has said it does not intend to conduct. It will also need to incorporate the best scientific information available, which the blanket prohibition on commercial fishing per the Proclamation does not.

We do not support the use of Presidential Proclamation to override the Congressionally established fisheries management process. Fisheries management is a highly scientific, technical, and participatory process that is held to stringent legislative standards. Multiple NOAA Fisheries Science Centers exist throughout the country specifically to conduct science related to fisheries management. Each Regional Fishery Management Council meets for multiple weeks every year, with entire Committees, Advisory Councils, Monitoring Committees, Planning Development Teams/Fishery Management Action Teams, and staff dedicated to each individual managed species, along with entire Committees, Advisory Councils, staff, etc. dedicated to Ecosystems, Habitat, and other issues related to fisheries management. Council actions can take years of science, analysis, and public process to develop and implement, to ensure accordance with Magnuson Act standards. To override this deliberative and

legislatively established process by Presidential Proclamations which are devoid of science, devoid of analysis, and devoid of public process is poor management of our nation's resources. It is also devastating to the nation's fishermen and fishing communities that rely on them.

Additionally, the information presented during the November 16, 2022 Monument Virtual Hearing minimizes the importance of the butterfish fishery in the Monument area. Seafreeze vessels have operated in the Monument area for decades, engaging in the butterfish fishery and other fisheries. The years chosen by the agency to show the impacts on the butterfish fishery, 2005-2014, encompasses years when the butterfish fishery was reduced to a bycatch fishery only due to management regulations. These years do not best represent the importance of that area to this fishery.

Thank you for the opportunity to comment.

Sincerely,  
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