

# 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>