

**DRAFT**  
**MEETING REPORT**  
**COUNCIL COORDINATION COMMITTEE (CCC)**  
**November 5-7, 2019**  
**Washington, DC**

The CCC met in Washington, DC and an Executive Director was identified for each agenda item to stimulate discussion. Each ED provided a short paragraph, with any action items and/or follow-up identified, to be included in a Meeting Report that the CCC reviewed briefly before the meeting adjourned on Thursday. Details are included as **Attachment 1**.

The items below track the final agenda (**Attachment 2**). Approved motions are included near the end of the report.

**DAY 1 – November 5, 2019**

**NMFS Update**

1. FY20 Priorities – Chris Oliver (Assistant Administrator for Fisheries) highlighted the status of regulatory reform, MRIP, NOAA Strategic Plan, increasing the number of stock assessments with new technology, August Status of Stocks report (91% of stock not overfishing and 82% not overfished; great progress), and 6 regional plans for more effectively working with the recreational community. CCC members asked about programs that will no longer be supported and those details will be worked out at the regional level with the centers, regions, and council input. The impacts of wind leasing on long-term sampling sites was discussed as was the high cost of EM.
2. Best Available Scientific Information – Alan Risenhoover (Director Office of Sustainable Fisheries) reported on progress of procedural directive on BSIA framework leading up to the May 2022 deadline. CCC asked whether the regions would develop the process and coordinate with the relevant councils, and Alan said yes the Centers and Regions would coordinate with the councils. Another questions concerned Citizen Science and Alan recognized the value and the need to go through SSC and assessment review.
3. Shifting Distribution Workshop – Alan reported that the shifting distribution workshop will be held in the spring or summer of 2020 in Raleigh, NC or Silver Spring, MD. This cross regional effort is being coordinated by Tod Kellison in the southeast and Vince Saven in the northeast. The WPFMC asked if this was open to all councils and yes it is. Another question concerned whether this would also address management and Alan would get back to us.
4. Policy Directive System – Alan reviewed a sample spreadsheet that showed the items out for comment as requested by the councils.
5. Aquaculture – the agency provided an overview of policy, legislative, and grants updates. NMFS staff also provided an overview of the recent work on the Aquaculture Task Force Strategic Plan that including the Science Planning, Regulatory Task Force, and the Draft

Outline that is out for comment through November 8, 2019. David O'Brien (Deputy Director, NOAA Fisheries Office of Aquaculture) provided an overview of the goals of the Regulatory Work plan; NOAA's aquaculture grant award; Legislation, and next steps for public comments on the Aquaculture Regulatory Task Force. The Agency is still appealing the Gulf lawsuit decision.

A Committee member suggested that a presentation on the Regulatory Task Force Plan outline will likely be requested by individual Council's since the comment period ends soon. The CCC decided not to provide a consensus statement at this time on the outline but instead allow individual Councils to comment on the Aquaculture Regulatory Task Force Plan outline.

1. Action Items and or Follow-Up Identified:
  - a. NMFS will maintain a spreadsheet for NMFS/Council use in tracking document that are out for comment.
  - b. NMFS to check whether the Shifting Distribution Workshop would also address management issues.

### **Legislative Outlook & MSA Reauthorization**

Dave Whaley, Council Consultant, provided an overview on legislation of interest, prognosis and actions so far for MSA Reauthorization in the 116th Congress. Additionally, Dave provided an overview of new legislation in the 116th Congress, hearings and round-table discussions that have been held this year, and other current issues of interest. An update is provided in his monthly reports, which have been well received and appreciated by the councils. Dave also noted that the legislative working paper is important and helpful to congressional staff.

Staff for the House Natural Resources Committee, Lora Snyder (D) and Bill Ball (R), provided a brief update on House activities and upcoming legislation. Bill noted that the sticking points for the committee have been on the issues of forage fish and shifting environment and changes in distribution. Laura noted that Congressman Huffman intends to hold roundtable discussions on MSA in all regions and hear from all stakeholders. These roundtables, which are organized by the Congressman's office, are announced a week in advance. The Congressman intends to release a draft bill in the spring. She further noted that in addition to shifting fish distributions, the Committee was also interested in addressing illegal fishing and human trafficking.

1. Action Items and or Follow-Up Identified: None.

### **Legislative Work Group (LWG) Report**

Dave Witherell, Executive Director NPFMC, gave a report of the CCC Legislative Work Group (aka Legislative Committee, or LC). The LC made several recommendations to revise the CCC Legislative Working Paper:

- Create an Executive Summary
  - Add a new topic – Timing for FMP Revisions
  - Reorganize topics into 3 categories: Science and Data Issues, Fishery Management Issues, and Council Process and Authority.
  - Add additional language to describe impacts on requiring a higher probability of rebuilding
  - Revise the consensus statement for forage fish
1. Action Items and or Follow-Up Identified: The CCC passed three motions (detailed wording included near the end of this report):
    - a. To approve the LC recommendations to revise the working paper with creation of an Executive Summary, addition of a new topic “Timing for FMP Revisions”, and organization of topics into three categories – with the clarification that there is not prioritization of topics within each category. **See Motion #1.**
    - b. To conditionally approve the LC’s additional descriptive language on a higher probability of rebuilding under the Stock Rebuilding topic. The ‘conditional’ language was included to allow the PFMC as a whole an opportunity to review the wording, and offer up any revisions for consideration at the next CCC meeting. **See Motion #2.**
    - c. To conditionally approve the LC’s recommended revised consensus statement for forage fish. **See Motion #3.**
  2. A revised working paper will be posted for review at the May CCC meeting.

### **Roundtable Discussion**

A Congressional Roundtable was included in the CCC agenda to give Congressman Huffman an opportunity to receive input from the CCC on the reauthorization of the Magnuson-Stevens Act. Unfortunately, the Congressional schedule did not allow the Congressman to attend the meeting.

1. Action Items and or Follow-Up Identified: None.

## **DAY 2 – November 6, 2019**

### **Modern Fish Act Sec. 102 – Fishery Management Approaches for Recreational Fisheries**

The Modernizing Recreational Fisheries Management Act of 2018 (MFA) was signed into law on December 31, 2018. Section 102 of the MFA amended the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to explicitly grant Regional Fishery Management Councils (Councils) the authority to use fishery management measures in managing recreational fisheries such as extraction rates, fishing mortality targets, harvest control rules, and traditional or cultural practices of native communities. Section 102(a) specifies that in addition to having the authority to use these fishery management measures, a Council must comply with the standards and requirements under MSA section 302(h)(6), to develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process. The Council must also comply with sections 301(a) (National Standards for Fishery Conservation and Management), 303(a)(15) (annual catch limits and accountability measures), and 304(e) (rebuilding requirements), and other applicable provisions of the MSA.

Councils around the country have adopted successful fishery management measures in recreational fisheries consistent with the MSA and under the NSI framework. The presentations included examples that can serve as a valuable source of information for Councils that are considering revising their approaches for managing the recreational fisheries under their authority:

- Chris Horton (senior Director, Midwestern States/Fisheries Program) will cover the recreational perspective.
- Toni Kerns (Director, Interstate Fisheries Management Program Oversight & Policy Development) will cover Atlantic cobia management and how the states are using flexible measures to constrain catches to their quotas.
- Mike Burner (Deputy Director, Pacific FMC) will cover efforts on the west coast to rebuild rockfish stocks.
- Julia Beaty (Fishery Management Specialist, MAFMC) will describe the recreational reform initiative/black sea bass conceptual model the MAFMC has been working on.

CCC members asked questions; Mel Bell, SAFMC, asked Chris Horton about the private recreational sector's thoughts on seasons similar to those used for game and freshwater management. Chris responded that as private recreational fishing effort continues to increase, seasons will need to be considered; need to balance the amount of time open to be acceptable to anglers realizing that can't allow fishing all year. Gregg Waugh, SAFMC, asked Chris Horton about private recreational anglers reporting to be more accountable and to address shortcoming with MRIP for South Atlantic EEZ species. Chris responded that with time and outreach, they will report especially if they see better management as a benefit of reporting.

In response to a question, Toni Kerns indicated that they set the cobia quotas for a 3 year block of time and they will examine how well regulations have performed at the end of the 3 year period; this does not prevent an individual state from implementing additional regulations if they go over their state quota in one of the years.

Mike Burner was asked about their specification of ACL as a SPR value. Mike stated that this action predated the latest amendments to the act and they converted their ACL = SPR of 77.7% to a weight equivalent and used the weight to compare catches to the ACL. In response to another questions, Mike indicated that use of descender devices and monitoring allowed them to obtain a depth-based credit on discard mortality in the stock assessment and noted that Washington and Oregon require use of descenders in state waters and their use is also required in federal waters off Washington and Oregon.

1. Action Items and or Follow-Up Identified:
  - a. NMFS will provide the section 102 report prior to the next CCC meeting in May 2020 and an item will be added to the agenda to include a discussion of the Modern Fish Act and the report.
  - b. NMFS GC will also review the legal case (Oceana vs Pritzker) identified by Tom Nies for its relevance to increased flexibility in federal recreational fisheries management.
  - c. Jessica McCawley suggested that South Atlantic and Gulf Councils form a working group to look at flexible management options. The Gulf Council agreed this would be a productive approach.

#### **When/How to Address Allocations with Assessments Based on New MRIP Data**

The MAFMC, GMFMC, and SAFMC briefly described when/how they plan to address allocations with assessments based on new MRIP data; materials included in the briefing book. The NEFMC gave a verbal update on their plans to address new assessments with the new MRIP data. This agenda item was suggested by recreational interests because they are hearing different things from different Councils. This can be especially confusing on the east coast where fishermen may cross 3 or 4 Council areas.

1. Action Items and or Follow-Up Identified:
  - a. The MAFMC is not yet looking at changes to allocations.
  - b. The SAFMC will address allocations as they get new stock assessments based on the new MRIP data. If they use the existing formula and simply update the data, then a framework or regulatory amendment would be possible. If on the other hand, they develop a new formula, then a plan amendment would be necessary.
  - c. The GMFMC is in the process of dealing with this in their latest red grouper assessment. The Council will be deciding whether to use the existing allocation formula and simply update the sector allocations with the new data (this could be done through a framework or regulatory amendment) or whether they will modify the underlying formula/method to specify allocations (this would require a plan amendment).
  - d. The NEFMC has 2 allocations for 2 stocks. Their current plan is to use the new catch data with the existing formula and update the allocations via a framework.

### **NMFS Science Enterprise Updates**

Dr. Cisco Werner (Director of Scientific Programs and Chief Science Advisor) provided a summary presentation on NMFS' next generation data acquisition plans including the expanded use of unmanned observation systems, eDNA, and artificial intelligence to create the next generation of data to support stock assessments. The new survey instruments are promising but require more testing and development to operationalize these experimental techniques. The agency plans to invest in greater analytical capabilities necessary to support new data collection approaches and is collaborating with other federal agencies to address near term needs. Vision and strategy documents will be produced to evaluate internal organization structure to advance research and innovation within the agency.

A case study was presented using Pacific Cod where a combination of warm water and changes in the food web led to poor recruitment. Dr. Werner explained how the use of 'shadow assessments' as an experimental tool can improve understanding of environmental changes affecting fish stocks. The shadow assessments incorporate environmental information and can be run in parallel with current stock assessments to improve our understanding of how stock assessment outcomes would change if additional environmental information was incorporated.

Dr. Werner also stated that NOAA Fisheries continues to support electronic reporting. He noted that a MAFAC Recreational Fisheries Task Force was approved to provide expert advice to MAFAC and NOAA on generation, delivery, and use of electronic reporting in fisheries management. The Task Force will identify and prioritize data gaps, identify goals, and provide recommendations to NOAA Fisheries on how these goals could be achieved.

1. Action Items and or Follow-Up Identified: None.

### **Biodiversity Beyond Natural Jurisdictions (BBNJ)**

Evan Bloom (Acting Deputy Assistant Secretary for Oceans and Fisheries, State Department) discussed the reason for this initiative, the US position, the status of discussions, and expected next steps. The 4<sup>th</sup> Session is coming up in April 2020; more than 20 agencies participate in developing the US position with a large group from NOAA. Mr. Bloom outlined the 4 thematic areas in the implementing agreement under the Law of the Sea: (1) Area Based Management Tools – MPAs on the high seas and deep sea mining; (2) Marine Genetic Resources; (3) Environmental Impact Assessments; and (4) Capacity Building and Transfer of Technology. A CCC member suggested it would be best if existing regional bodies took action and Mr. Bloom agreed. Another suggested that if overfishing is an issue, adopt US management provisions and Mr. Bloom said this is consistent with the US position. A CCC member asked if NOAA was working closely with the State Department and Mr. Bloom and Sam said yes. Another asked if ENGOs or a group of countries leading some of these efforts? Mr. Bloom said a large group of ENGSS are behind this effort to limit overfishing and a number of countries are in favor of these efforts.

1. Action Items and or Follow-Up Identified: None

**Response to Council Research Priorities**

Dr. Cisco Werner (Director of Scientific Programs and Chief Science Advisor) updated the CCC on how NMFS addresses the council research priorities, NMFS staff involved in development and implementation of scientific priorities, NMFS geographic strategic plans, multiple regional priorities, and formalizing requests. Dr. Werner summarized science center participation in the development of Council priorities and the development of the Annual Guidance Memoranda (AGM) by each Center. These are generally updated in early spring, consistent with the development of the President's budget, and are usually available in May/June. Not all Councils were familiar with this document.

Ms. Simonds reported on the process used by the WPFMC to coordinate Council priorities with Center projects. Staff meet annually to coordinate efforts.

Dr. Werner was asked if applicants under the various grant programs were encouraged to identify relevant Council priorities for their projects. This was a suggestion made at the 2017 CCC meeting. Mr. Oliver replied that while this was not explicitly being done, it was happening implicitly.

1. Action Items and or Follow-Up Identified:
  - a. Dr. Werner will encourage Centers to follow a more consistent approach with the sharing of AGMs with the Councils.
  - b. Councils and Centers should continue to improve coordination on research priorities.
  - c. NMFS is encouraged to explicitly incorporate Council priorities into consideration for grant programs.

**CCC Input for Committee of Fisheries (COFI)**

The Committee on Fisheries (COFI) was established to provide a global inter-governmental forum for consideration of international fishery and aquaculture issues, and to review and direct the work program for the FAO in the field of fisheries and aquaculture. Over 100 countries participate in the biennial meetings, that attract about 750 delegates and observers. The US delegation is led by the State Department and a Commerce lead. In addition, the delegation includes specialists from State and Commerce, a US Coast Guard representative, and a representative of the Regional Fishery Management Councils.

The next meeting will be held July 13-17, 2020 in Rome, Italy. Based on the procedure approved by the CCC in June 2018 (which follows the order of council CCC chairmanship), the Council representative would be someone from the South Atlantic Council (ideally a CCC member). If the SAFMC declines, then it falls to the WPFMC, and so on.

Bill Tweit (Vice Chair, North Pacific FMC) provided a presentation that reviewed likely agenda items to provide guidance to the Council representative in the US delegation, based on CIOFI 33. These issues include aquaculture best practices, trade barriers, IUU fishing, climate change, lost and discarded fishing gear and voluntary guidelines on gear marking, marine mammal mortality recommendations, best practices for trawl gear, small scale and artisanal fisheries, marine debris, biodiversity, and labor conditions.

Bill suggested that we begin the process by designating a representative and establish expectations relative to representation of the CCC and councils. He also discussed items that may assist a Council representative to participate with more depth of knowledge on the range of issues. This provides the Council representative background to address the full range of issues for all eight Councils and participate in the development of US positions by NMFS and State. Additionally, to create more continuity between representatives, Bill suggested that the designated Council representative contact the prior representative and review reports from the last few meetings prior to attending. Bill also noted that after the COFI meets, the Council representative (potentially in partnership with the NMFS lead) should provide an overview of the results at the following CCC meeting.

1. Action Items and or Follow-Up Identified: The SAFMC will determine who will attend as the designated council representative, and report back to the CCC.

### **National Standard 1 (NS1) Technical Guidance Workgroups Update**

Stephanie Hunt (Branch Chief, Policy and Guidance, Domestic Fisheries, Office of Sustainable Fisheries) updated the CCC on the status of efforts by the NS1 technical guidance workshop, which includes representatives from science centers, regional offices, and council staff. Ms. Hunt described the activities of three working groups and their sub-groups. In brief:

- Subgroup 1: Reference points and their proxies. Of note, this group may identify a way to use SPR for an overfished determination. Draft report expected for review summer 2020. A sub-group on catch accounting is expected to resume work in early 2020 and a report is expected in the summer or fall, 2020.
- Subgroup 2: Carry-over and Phase-In of ACLs. A draft report is being reviewed by Councils. Comments are due by January 15, 2020.
- Subgroup 3: Data Gaps and Alternative Management. Work is in progress but the timeline for the report is not yet determined.

CCC members discussed the report and asked several questions. In addition, the group noted these reports would be helpful for upcoming Council activities, such as an upcoming action in the WPFMC.



1. Action Items and or Follow-Up Identified:
  - a. NMFS will confirm whether Subgroup 1 will provide guidance for situations with rejected analytic assessments that are using empirical approaches.
  - b. EBFM reference point advice is likely to be identified through a different process.
  - c. NMFS will ask the Catch Accounting Subgroup whether it will address how to consider the uncertainty in MRIP data when monitoring ACLs.

### **NMFS Website**

Rebecca Ferro (Deputy Director at NOAA Fisheries Communications Office) updated the CCC on the status of the website migration, how the CCC suggestions were addressed, and website analytics. Recent changes to the website have led to increased traffic and improved satisfaction scores for many, but not all, user groups. In particular, mobile users are much more satisfied with the new site. Development is continuing, as improvements are planned for the search function and other NMFS organizations migrate to the site. Usability testing also continues to identify potential improvements. CCC members asked several questions about specific website issues (difficulty finding some documents, etc.) and offered suggestions for improvements.

1. Action Items and or Follow-Up Identified: NMFS will consider CCC suggestions. No further report in this topic expected.

## **DAY 3 – November 7, 2019**

### **Management and Budget Update**

Brian Pawlak (Director of Fisheries' Office of Management and Budget) cover two topics:

1. Management and Budget Update – Brian reviewed the FY20 budget status – President's budget down overall from last year but an increase of \$1.2M for Regional Councils and Commissions, House Mark up from last year \$1.3M above FY19 for Regional Councils and Commissions, and Senate Mark same as last year. We are under a continuing resolution through November 11<sup>th</sup> and there are greater than 100 pieces of Congressional direction in the House and Senate marks. Waiting on resolution of House/Senate bills. Brian also reviewed the plan to align to core fisheries drivers and programs in the budget. The Councils receive money from 3 lines: (1) Regional Council PPA, (2) Fisheries Management Programs & Services PPA, and (3) Fisheries Data Collections, Surveys, & Assessments PPA. For many years, Councils received additional funds for various topic and this was commonly referred to as "add-ons". NMFS is proposing to roll these amount up into the pertinent line listed above. NEPA, ACL, Regulatory Streamlining, SSC Stipends, Council Peer Review, and Deregulation/Regulatory Reform monies would be rolled up into the Fisheries Management Programs & Services PPA. The money some Councils receive to Expand Annual Stock Assessments would be rolled up into the Fisheries Data Collections, Surveys, & Assessments PPA. NMFS feels these changes would make the fisheries management base budget consistent, make the level of tracking the same for everyone, and simplify the awarding of grants.

The CCC had lots of questions about this change and how the allocation of monies would work in the future. NMFS feels these changes will put the Councils in a stronger position. If there are changes (up or down) to the funding levels, NMFS would determine how to do this and discuss with the Councils. The intent right now is to fix the amounts in these two line items at the current dollar amounts. The Regional Council PPA would continue to be distributed based on the agreed upon formula. The CCC expressed support for this change in general as it reflects the fact that these add-on monies are essential for the Councils to continue to function and meet the Congressionally-mandated work load; having them in “base line items” will be helpful into the future.

Brian also noted that while the continuing resolution is 14% of the FY funding, NMFS has made an effort to provide 50% of the FY20 Council funding (\$13.3M) by November 21, 2019. They anticipate releasing these funds before November 21<sup>st</sup>. The CCC members expressed thanks to Brian, Paul and the grants folks for making the money available before the new calendar year starts.

2. NOAA Geographic Strategic Plans – Brian reported that the 5 locally specific geographic plans are under review and the final revisions are being made. They expect to roll them out by the end of 2019 or early in 2020.
1. Action Items and or Follow-Up Identified:
  - a. The Executive Directors will discuss the issue of how to allocate funds within these two line items if the funding level goes up or down and bring a recommendation to the CCC at the May 2020 meeting.

### **CCC Committees/Work Groups**

- Scientific Coordination Subcommittee (SCS) – John Carmichael (Deputy Executive Director, SAFMC) reviewed the report. Proceedings of the January 16-19, 2018 meeting hosted by the PPMC in San Diego, CA are available and have been distributed. John also mentioned that the next meeting will be hosted by the NPPMC in the summer of 2020, hopefully in Alaska. The three main areas are incorporating ecosystem indicators into the stock assessment process, managing interacting species in EBFM, and then how do you assess and manage species exhibiting distributional changes.
- 1. Action Items and or Follow-Up Identified:
  - a. Continue planning for the next meeting.
  - b. The CCC agreed that future proceedings will only be produced in an electronic format.
- Habitat Work Group – Roger Pugliese (SAFMC Senior Scientist) reviewed results from the workshop on EFH consultation and regional innovations. The workshop was held in Portland, Oregon, August 20<sup>th</sup> through 22<sup>nd</sup>.

1. Action Items and or Follow-Up Identified: The CCC requested the Habitat Work Group come back with more detail about Council and staff workload related to their suggested possible future CCC actions at the May CCC 2020 meeting.
- Council Communications Group (CCG) – Kim Iverson (SAFMC Public Information Officer) reviewed the report outlining activity since the last CCC meeting.
1. Action Items and or Follow-Up Identified:
  - a. The CCG continues to work with Mary Sabo at the Mid-Atlantic Council to provide updates to the all-council website [www.fisherycouncils.org](http://www.fisherycouncils.org) on a continuing basis and with Cameron Rhodes, Outreach Program Coordinator with the South Atlantic Council for posting 2019 CCC meeting information, with efforts to coordinate with NMFS on providing the meeting dates, materials, etc.
  - b. The CCG continues to provide updates to information relative to individual RFMCs, and other updates as to the website as needed.
  - c. The CCG has informally discussed the need to have an in-person meeting to better share current communication and outreach efforts and discuss needs as future issues arise.
- Electronic Monitoring Workgroup – Mike Burner (Deputy Executive Director, PFMC) reviewed the group's recommendations on the draft procedural directive on minimum data retention period for electronic monitoring programs for federally managed US fisheries. **See Motion #4.**
1. Action Items and or Follow-Up Identified:
  - a. Mike will take the lead on drafting a letter to NMFS and provide it to Gregg for review by the other councils before it is sent to NMFS.
  - b. The same letter will be provided to the National Archives during the 45 day comment period when it is open.
- Regional Fishery Management Forum (CMOD) Work Group – Bill Tweit (Vice Chair, NPFMC) reviewed the group's recommendations on a proposal for Council member ongoing development. Diana Evans summarized the group's recommendations for consideration by the CCC. Adam Issenberg, NOAA GC, expressed some concern about structuring the meeting as invitation only as this could raise FACA issues. Given that the objective is not to make recommendations to the agency, there should be a way to work this out. There was some discussion about the number of attendees and this will be discussed further. The CCC expressed support for this effort. **See Motion #5.**
1. Action Items and or Follow-Up Identified:
  - a. Get input from NMFS and reconvene the Steering Committee to develop recommendations for the May 2020 CCC meeting.
- Legislative Work Group – there were no additional items to be addressed.

### **Other Business**

1. Terms of Reference – Gregg Waugh (Executive Director, SAFMC) reviewed the suggested changes to reflect the new meeting schedule, expected timing for briefing materials to be available, clarify when public comment will be scheduled, and the need for 95 days for the CCC to officially comment on documents. **See Motion #6.** Note: The revised Terms of Reference are included as **Attachment 4.**

### **Actions, Wrap Up & Next Meeting**

1. Gregg Waugh (Executive Director, SAFMC) briefly reviewed the approved motions.
2. A CCC Meeting report will be available shortly after the meeting and will include the motions from the meeting.
3. May 26-29, 2020 – WPFMC Host; Kitty reviewed preliminary arrangements for the meeting to be held at the Turtle Bay Resort, Kahuhu, HI. A memo with hotel arrangements will be distributed to the Executive Directors for them to share with their CCC members.
4. September 22-25, 2020 – NMFS Host in DC/Silver Spring area.
5. Gregg reviewed a draft list of topics for the May 2020 meeting and the CCC added some topics. The revised list is included as **Attachment 3.**
6. Gregg expressed his thanks on behalf of the CCC to the presenters, to Alan and Stephanie for suggesting and arranging the Modern Fish Act session, and to Brian, Anjanette, and Diane for all their help with the meeting.

## **MOTIONS APPROVED AT THE NOVEMBER 5-7, 2019** **WASHINGTON, DC**

**MOTION #1:** Approve the recommended changes to the CCC Legislative Working Paper presented by the workgroup and reflected on the presentation slide:

**Approved without objection.**

- The LC recommends that the Introduction section be turned into an Executive Summary.
- The LC recommends a new topic be added –“Timing for FMP Revisions”.
- The Committee recommends that the topics be reorganized into 3 logical groupings.

**Science and Data Issues**

- 1.Stock Rebuilding
- 2.Climate Change and Regional Action Plans
- 3.Recreational Data
- 4.Commercial Data
- 5.Stock Assessment and Survey Data
- 6.Cooperative Research
- 7.Cooperative Data Collection

**Fishery Management Issues**

- 1.Ending Overfishing
- 2.Annual Catch Limit Requirements and Exceptions
- 3.Forage Fish
- 4.Catch Share Programs
- 5.Mixed Use LAPP Moratorium

**Council Process & Authority**

- 1.Resources Available for Additional Mandates
- 2.Transparency Requirements
- 3.NEPA Compliance
- 4.Other Federal Statutes
- 5.EFP Authority
- 6.Timing for FMP Revisions
- 7.Deeming and Transmittal Process
- 8.Aquaculture

Note: Items are not in priority order.

**MOTION #2:** Conditional approval, based upon approval by individual councils, of the introductory language to the Legislative Working Paper proposed by the workgroup and reflected on the presentation slide.

**Approved without objection.**

- The Committee Recommends that the following be included in the introductory section of the Stock Rebuilding topic to better describe impacts of a requiring a higher probability (e.g., 75%) of rebuilding:

“The short-term impacts of a rebuilding plan on fishermen and fishing communities are a function of the catches allowed during the plan. Catches during a rebuilding period are determined in large measure by two factors: the target date for rebuilding the stock (i.e. the length of the plan) and the targeted probability of success. These two factors determine the fishing mortality rate during the rebuilding plan. For a fixed ending date, increasing the probability of success will generally result in a lower mortality target and, as a result, lower catches during rebuilding. In the case of multispecies fisheries, lower catches for individual “choke” stocks may reduce overall revenues from the fishery. Once a stock is rebuilt, catches may increase because the target fishing mortality rate is higher than the rebuilding rate. As a result, it is possible that in some cases the economic benefits of rebuilding more quickly to these higher catches may compensate for the reduced catches during the rebuilding period. This is likely to occur only for very productive stocks that rebuild quickly.”

Motion #3: Conditional approval, conditional on regional comments on this language, of the working paper update on the consensus statement for forage fish presented by the workgroup and reflected on the presentation slide.

**Approved without objection.**

**Motion #3:** Conditional approval, conditional on regional comments on this language, of the working paper update on the consensus statement for forage fish presented by the workgroup and reflected on the presentation slide.

**Approved without objection.**

- The LC recommends the following revised consensus statement for forage fish:

*The Councils recognize that forage fish cannot be defined with a one-size-fits-all description or criteria. Species identified as forage fish by the Councils tend to be small species with short lifespans and may have an important role in the marine ecosystem of the region. Some of these species may exhibit schooling behavior, highly variable stock sizes due to their short life spans, and sensitivity to environmental conditions. Some forage species may consume plankton, and some may be an important food source for marine mammals and seabirds. The term "forage fish" appears to imply a special importance of the species as prey, however nearly all fish species are prey to larger predators and thus all fish species provide energy transfer up the food chain.*

*Councils should have the authority to determine which species should be considered and managed as forage fish. Under existing MSA provisions, some Councils already recognize the importance of forage fish to the larger ecosystem functions and those species are regulated under the Council's FMPs where appropriate. The CCC is concerned that any legislative*

*definition of forage fish, based on broad criteria --such as all low trophic level fish (plankton consumers) that contribute to the diets of upper trophic levels --will not include other important types of forage (e.g., squid), unintentionally include important target fish species (e.g., sockeye salmon), and allow for various interpretations by different interested parties and thus invite litigation.*

*Provisions that would require Councils to specify catch limits for forage fish species to account for the diet needs of marine mammals, birds, and other marine life would greatly impact the ability of Councils to fulfill their responsibilities under the MSA. Many predators are opportunistic feeders and shift their prey based on abundance and availability. As a result, determining the exact amount of individual prey needed each year would be an enormous undertaking, and would divert limited research monies away from other critical research such as surveys and stock assessments.*

*NOAA and the states do not currently have enough resources to survey target stocks, let alone prepare stocks assessments for forage species that would be needed to set scientifically based annual catch limits. In the absence of this critical information and necessary resources, catch limits would need to be restricted to account for this largely incalculable uncertainty. Prey needs for upper trophic predators are already accounted for as natural mortality removals in stock assessment models.*

*Councils should retain the authority to determine species requiring conservation and management through development of FMPs. Any legislation that directs the Secretary to prepare or amend fishery management plans (e.g., recent legislation to add shad and river herring as managed species) creates conflicts with current management under other existing authorities.*

**MOTION #4:** The CCC should forward to NMFS the comments on the draft EM video data retention directive as presented.

**Approved without objection.**

*Number is for reference and is not intended for prioritization.*

1. Minimizing EM storage costs is the primary concern of the CCC. **For that reason, the CCC recommends that the directive adopt a maximum retention period that applies to all programs. The CCC recommends that the maximum retention period be minimized and clearly justified.**
2. ~~The CCC recommends NMFS consider allowing flexibility to have program specific minimum retention periods.~~ **The draft directive identifies multiple reasons for establishing a minimum retention period associated with potential uses of the video. The CCC believes that many of these activities can and should be accomplished simultaneously.**
3. ~~The CCC recommends a focus on the use of EM data to~~ **The draft directive requires an interim period necessary to** “monitor catch against some type of quota, allocation, or ACL” ~~for the purpose of establishing the duration of the interim period and that the interim period be identified in advance of establishing program specific retention periods. Such uses should be limited to the administration of the EM program, and the duration of the period should be minimized to the extent practicable.~~ **The CCC believes the length of this period should be the**

minimum needed to accomplish these tasks thereby enhancing the Council's ability to control storage costs.

4. The Directive does not specify a maximum monitoring period but indicates it would be program specific; therefore, the CCC further recommends that a maximum duration of this interim period be established in the Directive, (e.g., the Minimum Retention Period will start no later than three months after the end of the fishing season/year.)

5. The CCC is concerned about Federal records data confidentiality, access, and ownership of the stored data. Although the draft Directive does not discuss these topics, the CCC would like to emphasize its importance and the need to document how NMFS will protect these data. The CCC suggests the final storage directive incorporate NMFS decisions regarding these topics or consider a new directive that will discuss protection of Federal records and how these protections are applied to EM data.

**MOTION #5:** Accept the CCC CMOD Committee Recommendations as presented.

**Approved without objection.**

- The CCC establish an ongoing Council member training program, with the purposes and structure as laid out in the CMOD Committee's written proposal.
- The CCC create a steering committee to manage the training program under the direction of the CCC, and this committee would oversee hiring of facilitators and setting the agenda.
  - Councils would volunteer to host the training in their region on a rotating basis.
- The Committee is leaning toward a cost-sharing option between the Council and NMFS, option 3a in the proposal. [Committee proposes]
  - NMFS would pay 50% of share costs plus travel for NMFS participants
  - Each Council would pay an equal part of the Councils' 50% of shared costs, and travel for its own participants.

**MOTION #6:** Approve the amended Terms of Reference presented.

**Approved without objection.**



## ATTACHMENT 1

### Input from Executive Director's on Topics at the November 5-7, 2019 CCC Meeting Washington, DC

**Purpose:** Have one Executive Director identified for each agenda item to stimulate discussion. Each ED would provide a short paragraph, with any action items and/or follow-up identified, to be included in a Meeting Report that we will go over briefly before we adjourn on Thursday.

<b>DAY 1 – November 5, 2019</b>	<b>ED</b>
NMFS Update & FY19 Priorities	
FY20 Priorities	Gregg
Best Available Scientific Information	Carrie
Shifting Distribution Workshop	Gregg
Policy Directive System	Gregg
Aquaculture	Carrie
Legislative Outlook & MSA Reauthorization	Dave
Legislative Work Group Report	Dave
Roundtable Discussions	Dave
<b>DAY 2 – November 6, 2019</b>	<b>ED</b>
Modern Fish Act – Approaches for Recreational Fisheries	Chris
When/How to Address Allocations with Assessments using new MRIP	Gregg
NMFS Science Enterprise Updates	Carrie
Biodiversity Beyond Natural Jurisdictions (BBNJ)	Kitty
Response to Council Research Priorities	Tom
CCC Input for Committee of Fisheries (COFI 34) July 2020	Dave
NS1 Technical Guidance Workgroup Update	Tom
NMFS Website	Tom
<b>DAY 3 – November 7, 2019</b>	<b>ED</b>
Management and Budget Update	Gregg
NOAA Geographic Strategic Plan	Miguel
CCC Committees/Work Groups	Gregg
Terms of Reference	Gregg

#### Format for short paragraph:

1. Topic and presenter
2. Brief statement of major points addressed, and any big issues discussed
3. Action Items and or Follow-Up Identified:
  - a. Item #1.
  - b. Item #2.

## ATTACHMENT 2. CCC AGENDA

### FINAL AGENDA

#### COUNCIL COORDINATION COMMITTEE MEETING

Omni Shoreham  
 2500 Calvert Street Northwest  
 Washington, DC 20008  
 November 5-7, 2019

Tuesday, November 5, 2019

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
1:30 – 1:50	Welcome/Introductions <ul style="list-style-type: none"> <li>• Who's Who</li> </ul>	Jessica McCawley Chris Oliver
1:50 – 1:55	Background <ul style="list-style-type: none"> <li>• May 2019 CCC Transcript</li> <li>• May 2019 CCC Meeting report</li> </ul>	Gregg Waugh
1:55 – 3:00	NMFS Update <ul style="list-style-type: none"> <li>• FY20 Priorities</li> <li>• Best Available Scientific Information</li> <li>• Shifting Distribution Workshop</li> <li>• Policy Directive System</li> <li>• Aquaculture</li> </ul>	Chris Oliver Alan Risenhoover Alan Risenhoover Alan Risenhoover David O'Brien
3:00 – 3:15	Public Comment	Jessica McCawley
3:15 – 3:30	<b>Break</b>	
3:30 – 5:30	Legislative Outlook & MSA Reauthorization Legislative Work Group Report <ul style="list-style-type: none"> <li>• Meeting Minutes</li> <li>• Presentation</li> <li>• CCC Working Paper</li> </ul>	David Whaley  David Witherell
	Roundtable Discussion with Congressional Members/Staff	Jessica McCawley
5:30	<b>Adjourn for the day</b>	

**Dinner on your own**

## COUNCIL COORDINATION COMMITTEE MEETING

**Wednesday, November 6, 2019**

<b><u>Time</u></b>	<b><u>Discussion Item</u></b>	<b><u>Presenter(s)</u></b>
8:30 – 8:45	Welcome and Agenda Review	Jessica McCawley
8:45 – 10:15	Modern Fish Act Sec. 102 <ul style="list-style-type: none"> <li>• Chris Horton, Congressional Sportsmen’s Foundation</li> <li>• Toni Kerns, Atlantic States Marine Fisheries Commission</li> <li>• Mike Burner, Pacific Fishery Management Council</li> <li>• Julia Beaty, Mid-Atlantic Fishery Management Council</li> </ul>	Presentations  Group Discussion
10:15 – 10:30	<b>Break</b>	
10:30 – 11:30	When/How to Address Allocations with Assessments Based on new MRIP Data <ul style="list-style-type: none"> <li>• MAFMC</li> <li>• SAFMC</li> <li>• GMFMC</li> <li>• NEFMC</li> </ul>	Each Council NMFS
11:30 – 12:30	NMFS Science Enterprise Updates	Cisco Werner
12:30 – 2:00	<b>Lunch on your own</b>	
2:00 – 2:30	Biodiversity Beyond Natural Jurisdiction (BBNJ)	Evan Bloom State Department
2:30 – 2:45	Discussion of BBNJ	Group
2:45 – 3:15	Response to Council Research Priorities <ul style="list-style-type: none"> <li>• Council Research Plans</li> </ul>	Cisco Werner
3:15 – 4:00	CCC Input for Committee of Fisheries 34	Bill Tweit
4:00 – 4:15	<b>Break</b>	
4:15 – 4:45	NS1 Technical Guidance Workgroups Update	Stephanie Hunt
4:45 – 5:15	NMFS Website	Rebecca Ferro
5:15	<b>Adjourn for the day</b>	
<b>Dinner on your own</b>		

## COUNCIL COORDINATION COMMITTEE MEETING

**Thursday, November 7, 2019**

<b><u>Time</u></b>	<b><u>Discussion Item</u></b>	<b><u>Presenter(s)</u></b>
8:30 – 8:40	Welcome and Agenda Review	Jessica McCawley
8:40 – 10:00	Management and Budget Update NOAA Geographic Strategic Plans	Brian Pawlak
10:00 – 11:00	CCC Committees/Work Groups <ul style="list-style-type: none"> <li>• Scientific Coordination Subcommittee (SCS)</li> <li>• Habitat Work Group               <ul style="list-style-type: none"> <li>○ Report</li> <li>○ Presentation</li> </ul> </li> <li>• Council Communications Group</li> <li>• Electronic Monitoring Work Group</li> <li>• Regional Fishery Management Forum (CMOD)</li> </ul>	John Carmichael Roger Pugliese  Kim Iverson Mike Burner Bill Tweit
11:00 – 11:15	<b>Break</b>	
11:15 – 11:45	Other Business <ul style="list-style-type: none"> <li>• Terms of Reference/Gregg Waugh</li> </ul>	Jessica McCawley
11:45 – 12:30	Actions, Wrap Up and Next Meeting <ul style="list-style-type: none"> <li>• May 26-29, 2020 – WPFMC Host               <ul style="list-style-type: none"> <li>○ Turtle Bay Resort, Kahuhu, HI</li> </ul> </li> <li>• September 22-25, 2020 – NMFS Host in DC</li> </ul>	Gregg Waugh Kitty Simonds
<b>12:30</b>	<b>Adjourn meeting</b>	

## **ATTACHMENT 3.**

### **COUNCIL COORDINATION COMMITTEE MEETING**

Turtle Bay Resort  
57-091 Kamehameha Hwy  
Kahuku, HI 96731

May 27-29, 2020

#### **Draft Topics:**

1. NMFS Update & FY 20 Priorities
2. Public Comment
3. Legislative Outlook & MSA Reauthorization
4. Legislative Work Group Report
5. Where are we going? Big picture discussion.
6. Update on NS1 Technical Guidance Workshops
7. Unique Trip Identifier
8. IUU Report to Congress
9. CCC input for COFI 34
10. BBNJ
11. NOAA Geographic Strategic Plan
12. Modern Fish Act and the Section 102 Report
13. Oceana vs Pritzker Case Review – NOAA GC
14. Management and Budget Update
15. CCC Committees/Work Groups
16. Other Business
17. Actions, Wrap Up and Next Meeting

## ATTACHMENT 4.

### Terms of Reference for the Council Coordination Committee

(Approved by CCC November 7, 2019)

**1. Establishment.** Under Section 302(l) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Councils may establish a Council Coordination Committee (CCC). The CCC consists of the chairs, vice chairs, and executive directors of each of the eight Councils, or other Council members or staff, in order to discuss issue of relevance to all Councils, including issues related to the implementation of the Act. Neither NOAA Fisheries (NMFS), NOAA General Counsel, nor any other Federal entity is a formal member of the CCC, and, therefore, the procedures described in this Terms of Reference apply regardless of whether federal personnel are present. Under the MSA Section 302(i), CCC meetings are held to the same procedural standards as any Council meeting.

**2. Membership.** The CCC consists of members from each of the regional Councils: the Chair, the Vice-chair(s), and the Executive Director, or their respective proxies. Only Council staff or Council members may serve as proxies.

**3. Organization.** The CCC will be directed by the Chair and Vice-chair of the Council that is hosting the annual CCC meeting during that calendar year (January 1 through December 31). Councils with more than one Vice-chair will need to determine who will be the CCC Vice-chair in the year when they host the CCC meeting.

(a) **Rules of Order.** Roberts Rules of Order will be used to conduct business when a decision or recommendation of the CCC is needed. The CCC will operate by consensus whenever possible. Any member of the CCC can make a motion, but each Council will be limited to one vote, made by the chair of each Council (or vice-chair/proxy). Motions approved by the CCC reflect the opinions of the collective CCC, but are not binding on any individual Council. However, these decisions can be made on behalf of all of the regional Councils on a case by case basis, depending on the issue or vote at hand. The responsibility to follow-through on CCC actions, and to represent the CCC in general, falls upon the host Council for that particular calendar year.

(b) **Meetings.** The CCC will normally meet twice per year. Generally, an interim meeting is held to discuss budgets and other pressing matters and is hosted by NMFS in Washington, D.C. The primary, annual CCC meeting is hosted, on a revolving basis, by one of the Councils, normally in later spring or early summer. The CCC Chair for that calendar year may call other meetings as necessary. NMFS, in consultation with the CCC Chair, may schedule periodic conference calls with the CCC to discuss issues of immediate concern.

Emergency meetings shall be held at the call of the CCC chair. The CCC shall strive to announce meetings two years in advance.

The CCC chair will coordinate approval for in-person meetings of CCC work groups, subcommittees, or other informal staff collaborative efforts, and will notify other Councils of conference calls planned by these groups.

(c) **Agenda.** For the primary, annual meeting, a draft agenda will be prepared in advance by the host Council and will be distributed to the other Councils and NMFS for review and comment. In the case of the interim meeting, NMFS will develop a draft agenda for review and comment by the Councils. Timely notice of the interim and annual meetings, including the agenda, will be provided, and such notice will be published in the Federal Register.

(d) **Availability of Documents.** The CCC will make documents relevant to the CCC meeting available to the public as follows:

- i) All presentations and handouts should be posted to the NMFS or CCC website two weeks before the agenda item is discussed and updated as necessary following the meeting. The CCC Chair may approve the distribution of late materials, however, all materials should be posted at least one week prior to the meeting.
- ii) Presentations and handouts that are not posted to the NMFS or CCC website in advance of the meeting, should, be made available for the public at the meeting.
- iii) For ease of public access and ensuring compliance with IT requirements, the NMFS or CCC website will be the official repository of CCC meeting documents.
- iv) Agenda, presentations, handouts, and associated documents will be maintained on the NMFS or CCC website for at least 5 years.

(e) **Meeting Minutes.** MSA Section 302(i) requires detailed minutes of each meeting, except for any closed session, to be kept and made available to the public. The host of the meeting will provide the detailed minutes to include a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed within a reasonable period of time following the meeting. If desired, the host may choose to provide a transcript of the meeting in lieu of detailed minutes. CCC meeting agendas, materials, and meeting minutes or transcripts will be available on the NMFS or CCC website.

(f) **Public Participation.** CCC meetings will be open to the public and public comment will be permitted at the discretion of the Chair. Public comment will be accepted at the beginning of the meeting after the Assistant Administrator's presentation, not to exceed 30 minutes, and should be shown on the agenda. Written comments will be encouraged on agenda items, and if received will be placed in the briefing materials.

(g) **Closed Sessions.** The CCC may hold closed sessions for limited purposes, with or without a Federal presence, as consistent with MSA Section 302(i)(3) and codified at 50 CFR 600.135(c). In summary, the CCC should follow the guidance listed below when closing sessions to the public:

- i) CCC sessions may be closed to discuss those items specified in MSA Section 302(i)(3) and 50 CFR 600.135(c), i.e., national security, employment, litigation and internal administrative matters.
- ii) Discussion of issues and associated actions that do not qualify to be closed (i.e., that affect the public) must be made in public.
- iii) A closed meeting must be noticed as part of an agenda of the main meeting, except for brief closures allowed under MSA Section 302(i)(3)(B).
- iv) Before closing a meeting or portion thereof, the CCC should consult with NOAA General Counsel to ensure that the matters to be discussed fall within the exceptions to the requirement to hold public meetings.

(h) **Subcommittees/Work Groups:** Work groups or subcommittees may be established to address particular issues, and include members from the CCC, other Council members, Council staff, members of Council-established advisory bodies and NMFS staff with expertise as necessary. CCC Working Group and Subcommittee recommendations or reports shall be reviewed and approved by the CCC before being authorized as a CCC perspective. The Legislative Work Group, Council Communications Group, Scientific Coordination Subcommittee, and Habitat Work Group are standing CCC bodies. These groups will report at least annually to the CCC, and the CCC will provide guidance for future subcommittee/work group activities when receiving the reports. Staff from the CCC host council will also chair the Council Communications Group and the Habitat Workgroup for that year.

- i) Scientific Coordination Subcommittee (SCS). The SCS will consist of the Chairs from each of the Regional Council Scientific and Statistical Committees (SSCs), or their respective proxies. The function of the SCS, in conjunction with Council staff, is to plan and conduct meetings or workshops to discuss scientific issues of national importance based on terms of reference or topics provided by the CCC. The SCS will be chaired by the SSC Chair (or designee) on an *ad hoc*, rotational basis, as determined by the CCC. Approval for national meetings or workshops of the SSCs will occur at CCC meetings (see 3(b) above).

(i) **Functions.** In accordance with MSA Section 302 (i), the CCC is exempt from the requirements of the Federal Advisory Committee Act (FACA). As such, the CCC's can provide recommendations from leadership of the eight regional fishery management Councils to the Federal Government (usually to the Secretary of Commerce through NMFS). The CCC has adopted the following statement with regards to making recommendations:

*“The CCC is established in the MSA to discuss issues of relevance to all Councils, including issues related to the implementation of this Act. Although all Councils adhere to the same MSA and national standards, the eight regional Councils often have differing regional priorities, needs, experiences, attitudes, relationships, and philosophies regarding fisheries management. It is important that NMFS and the public are aware of these differences. In addressing requests*



*by NMFS, the CCC should consider whether the regional input from a Council is more appropriate than a collective response from the CCC. The development of a CCC response or position does not foreclose individual Councils from developing responses or positions that may differ from the CCC. The CCC respects the importance of regional perspectives, and will not diminish their importance.”*

**4. Review of Documents.** The CCC at times is requested to review documents. This process requires sufficient time for review and input by each respective Council. All documents for review should be provided in sufficient time to allow 95 days for the CCC to review and comment.

History of Revisions:

Date	Change
May 2014	Established Scientific Coordination Subcommittee (SCS)
May 2017	Clarified standing subcommittees and work groups. Clarified organization of work groups and subcommittees, as well as scheduling of in-person meetings. Moved work group/subcommittees to paragraph 3(h).
November 2019	Changed schedule for interim meeting; clarified SCS organization; changed Availability of Materials schedule; and added timing required for CCC to review documents.