

# October 19-21, 2021 Council Coordination Committee Outcomes and Recommendations

The meeting agenda and materials for this meeting and other CCC meetings are available on the [U.S. Regional Fishery Management Councils website](#).

## 1. Approval of Agenda and Minutes

The Council Coordination Committee (CCC) approved the [October 2021 Agenda](#) as proposed.

The CCC approved the [transcripts](#) of the May 2021 CCC meeting.

## 3. NOAA Fisheries Update and Upcoming Priorities

### a. Administration Priorities

Ms. Janet Coit, NOAA Assistant Administrator of Fisheries, addressed the CCC after introductions and requested that members continue to be flexible and adaptable with meetings due to ongoing issues with COVID. She spent time welcoming new members and leadership from each Council and NMFS. Her last four months in this position have been a whirlwind based on the western drought for salmon, offshore wind, protected species such as the right whale, and data collection issues with red snapper.

Ms. Coit noted that she is learning more about the Marine Recreational Information Program (MRIP) and has a better understanding of why it is controversial in some areas. Coming from Rhode Island, Ms. Coit understands the importance of recreational fisheries to the economy. She stated that she has the utmost respect for state partners and thinks their involvement in the Council process is really valued.

Ms. Coit briefly discussed the priorities of the Biden-Harris administration and noted the excellent team in place at NOAA Fisheries. She would like to have more dialogue with all Councils about how we intersect with the following priority areas.

*Climate Change Resilience* - Ms. Coit stated that understanding these climate change and impacts on protected species, habitat, and fisheries is imperative. She would like to engage the Regional Fishery Management Councils (RFMCs) in what concrete steps we might take around fisheries to address climate change. She requested the Councils look at how past actions can help shape the next steps. The Climate and Fisheries Initiative is an across NOAA priority that includes incorporating data into modeling for better informed decisions. The RFMCs have already contributed through the Regional Climate Action plans and incorporating climate change into Ecosystem based management approaches. Ms. Coit tasked each RMC to continue



engaging in these efforts that are currently working and better prepare for that work. NMFS has been working on these issues with the PFMC scenario planning for west coast communities and will be engaged in a similar effort by the East Coast RFMCs and the ASMFC. She encouraged the RFMCs to continue to incorporate these types of approaches into their thinking for more informed management. She also urged the Councils to take on the challenge to incorporate climate work associated with America the Beautiful (30 x 30). She stated she respected and wanted to underscore the efforts the Councils have completed for much of the nation's conservation of natural resources. No decisions have been made on 30 x 30, and in the meantime, we should focus on what we are trying to conserve and on reducing risk and stressors to that objective in the marine area. NOAA Fisheries has engaged in a public comment process through the Federal Register notice and looks forward to receiving feedback from the CCC 30 x 30 working group [Area Based Management Subcommittee]. She reminded the CCC that although she is excited about this effort and some folks have expressed concerns, that the federal agencies were still early in the process.

*Reducing Greenhouse Gas Emissions* – working across the nation to achieve 30 gigawatts of green electricity by 2030.

Ms. Coit posed an open question to the Councils regarding the role of the Councils and noted that the Councils are logical players to get involved in scaling up offshore wind. With respect to habitat impacts and protected resources she acknowledged that resources that are needed early and wants to work with the Councils on responsible and appropriate scaling up of offshore wind. She also noted a significant budget increase for NOAA Fisheries for offshore wind and supports expanded resources across the nation.

*Emphasis on Diversity, Equity, and Inclusion* – NOAA Fisheries wants to increase diversity on the Councils and encouraged the RFMCs to look for opportunities to attract more diverse candidates to the Councils. Ms. Coit also stated that they were interested in reducing the overall burden to fishing communities including areas where the economic picture is not as bright. NOAA Fisheries is looking at ideas for increasing access and work that is done to further support fisheries in rural and disadvantaged communities.

*Food supply and supporting aquaculture and infrastructure marketing and Aquaculture* – Illegal, unreported, and unregulated fishing (IUU) and issues with a safe and secure food supply are integrally related and major priorities areas of the current administration. Ms. Coit noted that the House of Representatives is currently considering a bill that would reauthorize and update the MSA. Ms. Coit will be testifying in a scheduled hearing to review this bill within the next month. She also noted the incredible progress made in rebuilding fish stocks.

*Climate change and science support* – Addressing and mitigating climate change by providing the necessary scientific support is a major focal area for the Administration. She stated that - NOAA Fisheries and members of congress continue talking about the strengths and weaknesses of our current approach and where things may need to be modernized.



The CCC asked questions about the potential to have a seat at the table for discussions related to offshore wind development, as the Councils play an advisory role. Specifically, the CCC discussed the fishery interests including safety at sea and cumulative effects to the environment resulting from offshore wind development. The CCC would like to see regular meetings with BOEM and requested to key in on some issues such as how to better engage and achieve more productive outcomes. Ms. Coit responded that setting up specific engagements that lead to “specific outcomes” working with the regional management councils to support monitoring and baseline information and better understanding the potential interactions with fisheries was imperative to successfully scaling up offshore wind energy.

#### b. COVID-19 Operations COVID and Reintegration Plans

Dr. Doremus provided an [overview and update](#) on NOAA Fisheries operating stance and new vaccine mandate as COVID-19 progresses. NOAA Fisheries motto has been smart, steady, and flexible. All federal workers must be vaccinated by late November 2021 to come into the workplace. For approved onsite activities, NOAA Fisheries is going through a process to abide by this vaccination requirement. A lot of progress has been made since last year for improved sampling at sea while mitigating against the spread of COVID-19. NOAA Fisheries has implemented very strong and well executed protocols across the board. Survey and assessment risk management practices remain in-place and has allow for continuity of operations despite the ongoing pandemic-

The CCC inquired if NOAA Fisheries had decided if the vaccine requirement applies to the Councils. Dr. Doremus noted that NOAA Fisheries plans to provide more guidance in the future. –One of the CCC members asked about the efforts to modernize facilities, work environment, and social interactions of NOAA Fisheries staff. Dr. Doremus noted that there are ongoing efforts to provide additional guidance in some regions, whereas other facilities were more fully modernized. Finally, a CCC member brought up concerns about crew members getting COVID-19 from observers or samplers. He inquired if more electronic video monitoring can be conducted and asked if an increased ability to collect data virtually was a priority of NOAA Fisheries. Dr. Doremus noted that NOAA Fisheries was committed to amplifying electronic monitoring technologies as it is a cost effective and reliable tool for data collection.

## 4. Funding and Budget Update

Dr. Paul Doremus briefed the CCC on the [status of the FY22 NOAA budget](#) and the [National Academy of Public Administration report](#) on NMFS Budget structure and allocation review.

The President’s Budget and the House mark for the FY22 NOAA budget are both available, however the Senate mark was just released and has not been analyzed yet.

The President’s budget includes priorities for the Blue Economy, Science, Climate Change Offshore Wind Energy, and Social and Environmental Justice.

Both the FY22 President's Budget and the House mark have increases in discretionary accounts and programmatic increases, although the House mark has smaller increases.



Specific areas of increase in both budgets are habitat conservation and restoration, enforcement, fisheries science and management, and protected resources science and management. The House mark also includes \$4.2M for NMFS' Community Project Funding, which includes whale entanglement research, coastal social and ecological resilience projects, etc.

The House mark includes an additional \$1.5M (before recessions) for Regional Councils & Fisheries Commission over the FY21 enacted budget. NMFS expects Councils to receive the first release of FY22 funds by December 2021, and complete the releases by March 2022.

The NAPA report included recommendations on strategic planning, program management, functional planning, facilities, communications, and account structure. Included in the recommendations were the following elements of a comprehensive external budgetary communications strategy:

- Holding annual workshops with participation from RFMCs, state fishery commissions, and other relevant external stakeholder groups to provide opportunities to offer their input for consideration in the NOAA Fisheries' budget process.
- Requiring strategic plans from each RFMC.
- Developing and issuing annual surveys to RFMC and other relevant external stakeholders soliciting feedback on accomplishments and impacts due to NOAA Fisheries' budget allocations.
- Issuing, to the extent possible, rationale for NOAA Fisheries' budgetary decision and subsequent analysis on the impacts of projects that go unfunded.

There was also a recommendation that NMFS ask Congress to limit or reduce the number of Budget PPAs and reduce the amount of specific congressional direction on appropriated dollars. This would comport with the NMFS proposal for FY21 appropriations to make technical adjustments to roll up the Management Program and Services PPA and the Fisheries Data Collections, Surveys, and Assessments PPA into the Regional Councils and Fisheries Commission PPA; however, Congress did not act on that recommendation in FY21.

The WPFMC was concerned that the House mark did not reflect the President's budget increase for Territorial Science, which would be important to restore functionality in the capacity building program and to support Environmental Justice programs.

The WPFMC was also interested in how renewable energy resources other than offshore wind could benefit the territories since their bathymetry was not favorable to siting of wind energy projects.

## 5. NOAA Fisheries Science Update

Dr. Cisco Werner presented the [NOAA Fisheries Science update](#). His presentation focused on two topics – the 2021 fish and protected species surveys and the next generation data acquisition plan. Dr. Werner indicated that there had been several logistical challenges that impacted the 2021 surveys that they hoped to avoid in 2022. Regarding the next generation



data acquisition plan, Dr. Werner noted that the last plan was completed in 1998 and was outdated. He presented a timeline to develop the next generation plan that detailed involvement with stakeholders and the Councils and indicated the plan would be fully developed by 2023. He also indicated that full implementation of the new plan would take about 5 years. Finally, in response to questions and concerns expressed by some Councils, Dr. Werner indicated that NOAA Fisheries had plans to increase their stock assessment capabilities.

## 6. CEQ NEPA Regulation Update

Mr. Sam Rauch reported on the status and outlook for [revising the 2020 CEQ NEPA regulations](#). Potential revisions to the rule are being considered in a two-phase approach. Phase 1 is intended to remove items added in 2020, thereby reverting the rule back to the 1978 version. Phase 2 will contemplate other changes including those not included in the 2020 rule.

The Phase 1 Proposed rule removes the requirement to base the purpose and need on the goals of applicants, removes limitations on agency-specific NEPA procedures, restores the definition of effects (direct, indirect, cumulative), and removes limitations on effect analyses. The rule will have a 45-day public comment period and include public meetings. Between now and when the Phase 1 rule is finalized, NMFS interim guidance should be applicable, and NMFS expects extensions on waivers for time and page limits.

The proposed workshop with the CCC NEPA subcommittee to consider rule revisions and development of functional equivalency doctrine is on hold, likely until Phase 2 rulemaking is complete.

## 7. NS1 Technical Memorandums

Dr. Rick Methot reviewed progress on the working groups developing [Technical Memorandums](#) to provide guidance on NS1 provisions. The carry-over and phase-in subgroup has completed its work and the report was published in July 2021. The reference points subgroup is nearing completion of a draft report. Dr. Methot reviewed several discussion points of the reference points subgroup related to reference point estimation and the use of proxy values. There was discussion by the CCC on the difficulties of estimating reference points and how the guidance will accommodate EBFM mandates. It was noted that expected changes in the ocean environment, related to climate change, will only add to the challenge of reliably estimating reference points.

Ms. Marian MacPherson reviewed plans for completing the work of the data limited ACLs subgroup. Comments have been submitted by some Councils and a request was made to share those comments with the CCC. The subgroup will reconvene and develop a plan for the next steps.



## 9. Legislative Outlook

### a. MSA Reauthorization

Congressman Jared Huffman, Congressman Ed Case, and Congressman Don Young joined the meeting to discuss MSA Reauthorization activities in the House of Representatives. In opening remarks, all three emphasized the accomplishments of the MSA and the work of the Councils in successfully managing fisheries. Reauthorization efforts are intended to refine a system that already works well.

The Congressmen and staff responded to questions on specific bills and the process. Most of the discussion focused on [H.R. 4690](#), the "Sustaining America's Fisheries for the Future Act of 2021." Questions asked by CCC members are shown below, with responses in italics.

- Will there be more than one hearing? Only one hearing is planned in the House.
- Will the CCC be invited to speak at the hearing? *That will be considered.*
- What are the next steps? After the hearing, a second meeting will be held for markup, and then under regular order it would be reported to the House floor.
- Section 302(f) of the MSA would be amended to deem Council staff as federal employees with respect to any requirement that applies to federal employees. Was this provision meant to apply only to ethics guidelines, or is it meant to apply to all federal personnel practices? *It was definitely meant to include ethics provisions, and to create an accountable environment for all employees and stakeholders. We would be happy to discuss further to make sure there aren't unintended consequences.*
- Sections 502 and 503 of HR 4690 would modify the requirements to minimize adverse effects on EFH and reduce bycatch by removing the phrase "to the extent practicable." What is the objective of this change? *This phrase has been used as a powerful disclaimer to undermine efforts to reduce bycatch. This has had unfortunate impacts on many indigenous communities and various fishing groups.*
- Section 305(d)(3) amends MSA Section 302(b)(2)(C) (appointments by Governor) to remove the requirement that the governor consult with representatives of the commercial and recreational fishing interests of the state when making appointments to the Council. What is the intent of removing this requirement, and could the intent be met by broadening the requirement to other groups? *The general intent is to include those who do not make their living from fishing. We heard comments from the listening sessions that financial interests were running the show.*
- Section 305(d)(3) requires the Secretary to appoint at least one individual to each Council who does not have a financial interest in matters before the Council. Can you clarify how "no financial interest" would be defined? Would this include recreational fishermen? *We think this should be fleshed out by the regulatory agency, but we do not envision that this would include private anglers.*
- Section 502 EFH provisions require any federal action avoid or mitigate adverse effects to EFH. Is it the sense of Congress that adverse effects would be defined as any impact that reduces the quantity or quality of EFH, which could preclude all fishing. *We are*



*happy to hear suggestions and keep working on the details. We are trying to give more teeth to EFH provisions of the MSA.*

The following questions were answered by staff.

- H.R. 4690 proposes that the Secretary pick the liaison that Councils exchange on the east coast; at present, the Councils pick their liaisons. How will that work? *Change was made to remove a level of bias. We are open to hearing opinions on that.*
- Section 305(c) adds detailed requirements regarding the prohibition on lobbying by Council members, advisory body members, employees, and contractors. Are there other Federal advisory committees that have similar constraints? Are there perceived violations of the current constraints on lobbying? *This section clarifies lobbying restrictions. We want to make sure regional fishery management councils are prohibited from showing support for bills.*
- As a follow-up, why does H.R. 4690 add a prohibition on lobbying the administration? This does not make sense as our role is to work with the administration. *Staff will reply later.*
- Section 102(a) requires FMPs to promote the resilience of fish stocks. Given that the Councils are already required to manage stocks for optimum yield, and have limited authority to protect fish habitat, can you clarify the intent of this provision relative to Council authority? *Congress wants to make sure management plans consider anticipated impacts of climate change, and manage for the long-term benefit of the nation.*

b. Ocean-Based Climate Solutions Act - H.R. 3764

David Whaley gave a broad overview of other legislative activities. He also provided a more comprehensive overview of the "[Oceans-Based Climate Solutions Act](#)," highlighting elements that may be of interest to the Councils. Dave offered to share his summary of the lengthy bill with the Council Executive Directors.

c. CCC Legislative Workgroup Report

A presentation on activities of the Legislative Work Group summarized activities to update the CCC Working Paper on MSA Reauthorization, and to provide feedback on H.R. 4690, as requested by Congressmen Huffman and Case. The CCC considered and approved the [eight consensus statements](#), with minor edits. The CCC also approved the [response](#) to a [request for comments on H.R. 4690](#), with a few revisions.

## 10. Recent Executive Orders

a. E.O. 14008 Tackling the Climate Crisis at Home and Abroad

Mr. Sam Rauch presented on principles of the Biden Administration America the Beautiful initiative as outlined by E.O. 14008, specifically the aspirations to allocate 30% of land and waters for the purpose of conservation, colloquially referred to as '30 x 30'. There remains a



need to define what conservation entails under the auspices of America the Beautiful. No existing conservation activities have been identified or excluded from consideration as covered under '30 x 30'. Mr. Rauch observed from public comments that there are notable concerns with the Marine Protected Area Atlas and their criteria for what is deemed to be 'strongly protected' for the purpose of conservation. At present, there is a need to inventory what areas are protected based on Council or federal actions. The lingering question remains as to what baseline levels of protection do we have to date in U.S. waters. A CCC member asked what the schedule is moving forward with the task force. Ms. Heather Sagar replied that there is a meeting sometime in November, but there is no definitive timeline at the moment because NOAA does not have control since this is an inter-agency initiative.

Mr. Eric Reid presented [updates and a workplan of the CCC Area-Based Management Subcommittee](#). Terms of Reference were provided and subcommittee members represented each of the eight Councils with additional NMFS staff support. The purpose of the Subcommittee is to assist the CCC with reacting to '30 x 30'. The subcommittee will provide a report on area-based measures within U.S. exclusive economic zones (EEZs). The report will include a discussion of the pros and cons of area-based management based on their application in each of the regions and consider the objectives and expected benefits of area-based management tools in the Councils' diverse ecosystems. The subcommittee will prepare a peer-reviewed article to serve as guidance for US marine fisheries. The subcommittee developed a working definition of conservation and cataloged conservation areas based on area-based management actions within each of the regions established to: 1) protect ecosystems or maintain biodiversity, 2) for fisheries management, and 3) other types of time-varying closures to protect spawning habitat and seasonal bycatch measures. Using the working definition, subcommittee members populated regional tables with details of area-based management actions in a shareable spreadsheet. The subcommittee is to provide input on which IUCN criteria and America the Beautiful principles are fulfilled by each area-based management action. Next steps of the subcommittee are to refine the regional spreadsheets, determine consistent methodologies to evaluate conservation areas, complete calculations of how much spatial coverage is encompassed by each conservation area, and prepare the subcommittee draft report for the May 2022 CCC meeting. This will require coordination with NOAA to develop an atlas database of conservation areas and support within the CCC to develop position statements.

A CCC member commented that there are cumulative effects of each existing spatial closure that need to be fully considered and that additional closures would have an even bigger effect. Mr. Reid said that every Council has looked into each existing area-based management action, but they may be able to combine regions in some instances (Northeast and Mid-Atlantic), rather than looking at each area separately.

A CCC member asked if the subcommittee is looking into seasonal closures (beyond permanent actions), such as seasonal gear measures, or if they are included in one of the three categories already. Mr. Reid said that every Council has similar issues; data shown in the presentation is





preliminary and the subcommittee is trying to figure out what measures are appropriate. The discussion about seasonal management and seasonal gear closures seems equivocal at the moment if they qualify, per initial discussions.

A CCC member asked if year-round pelagic closures would qualify as protection for conservation, noting the emphasis on bottom-tending gears and trawls. Mr. Reid replied that this would depend on the area closure criteria and purpose for why it was closed to that specific pelagic fishing gear.

A CCC member asked if state restrictions were being considered. Mr. Reid noted that at this point the subcommittee stayed away from state-only closures.

A CCC member inquired, and Mr. Reid replied affirmatively that there is a need for NMFS to provide GIS staff resources for the subcommittee in order to complete the work needed. The CCC formally requested NMFS provide staff support for GIS tasks associated with the ABM Subcommittee work, either at the headquarters level, or absent that, at the regional level.

#### b. E.O. 13921 Aquaculture Opportunity Areas (AOA) Atlas

Ms. Danielle Blacklock provided a presentation on [Aquaculture Opportunity Areas](#). In determining acceptable areas, NMFS looks at what areas are 1) environmentally and ecologically acceptable, 2) economically acceptable, and 3) socially acceptable. She noted the areas are being developed as a 'polka dot' approach, with about 10 specific areas being in each region. Each area would be on the order of 500 to 2,000 acres and would support 3-5 farms each. For Round 1, regions examined were Southern California and Gulf of Mexico. The siting atlas should be published in the next few weeks, with options of different areas to be considered in an NEPA PEIS. The information contained in the atlas has been peer reviewed by independent scientists. Ms. Blacklock noted that they will work to dovetail the 45-day (or longer) comment period on the PEIS with council meeting timelines.

Round 2 has been initiated, and NMFS will announce the third region for AOA assessment soon. In determining the areas, the agency looks to see if there is support from people in the region, but not just based on the number of comments received. Ms. Blacklock noted that the agency simply doesn't have the resources to identify two regions each year but may examine two areas within each region.

## 12. Environmental Justice in Fisheries Management

Mr. Sam Rauch (NMFS) detailed the history of [Environmental Justice \(EJ\) initiatives](#) alongside the current administrations' priorities and approach, and summarized Council issues and efforts identified as part of the interviews conducted earlier in 2021. NMFS detailed 5 focus areas: reach, research, policy, benefit, and inclusive governance. NMFS has an Equity and Environmental Justice working group composed of a broad range of agency officials nationwide. This Working Group is intended to coordinate and share information about NMFS efforts to embed equity and EJ into their work as well as support the implementation of Administration



priority EJ activities. NMFS provided a summary of their meetings with the Councils regarding outreach and engagement efforts and shared the NMFS Community Social Indicators Toolbox.

Both Mr. Dave Witherell ([North Pacific Council](#)) and Ms. Kitty Simonds ([Western Pacific Council](#)) provided an in depth look at the EJ related issues and efforts in their respective regions. Reducing barriers to effective engagement, increasing investments in key areas and providing diverse representation in decision making were common themes. Some key distinctions within the underserved communities themselves (tribes, indigenous, high poverty) are important to consider, as their relationship to the federal government follows these distinctions.

All agreed that the issue is broad and would require sustained engagement through a regional lens. The group recognized that one size fits all solutions would not be adequate in addressing this multi faceted and diverse issue. The conversation is just starting, funding is needed for adequate implementation and the CCC recommended convening a workshop to delve more concretely into the issue.

### 13. Report on National Fish Habitat Board

Dr. Chris Moore presented an overview of the [National Fish Habitat Partnership](#) program.

The National Fish Habitat Partnership protects, restores, and enhances fish habitat in freshwater, estuarine and coastal areas nationwide, leveraging federal, state, tribal, and private funding resources to support individual projects.

The NFHP is comprised of 20 individual Fish Habitat Partnerships, which focus on improving fish habitat and aquatic communities at regional and local levels and is supported by many federal, state, and local agencies as well as regional and national conservation organizations.

Dr. Moore noted that the America's Conservation Enhancement Act (ACE Act) passed the House and Senate with bipartisan support and unanimous consent and was signed into law at the White House in October 2020. The bill reauthorized the North American Wetlands Conservation Act and codified the National Fish Habitat Partnership.

Dr. Moore indicated that additional information on the partnership could be found on the [NFHP website](#).

### 14. CCC Committees Reports and Guidance

The CCC directed the [Habitat Work Group](#) to continue to provide support to the Area Based Management Subcommittee and to await further guidance at the May CCC meeting

The CCC directed the Communications Group to develop a calendar that provides meeting dates for all Regional Council Meetings to facilitate planning of CCC meetings and associated functions.

The Council Members Ongoing Development (CMOD) training will be rescheduled for 2022.



The NEPA Work Group may be inactive until Phase 2 of the CEQ review of NEPA regulations begins and will require appointment of another Chair pending the retirement of Mr. Chuck Tracy in 2021.

## 15. Open Comment

**Rick Marks (ROMEA)** requested NMFS provide an update on implementation of Section 102 of the modernizing recreational fisheries act regarding MSA consistency requirements and the SSC review process.

NMFS replied they would respond directly to Mr. Marks after this meeting.

**Manny Duenas - President of Guam Fishermen's Cooperative Association** provided public comments regarding NMFS presentation on Environmental Justice. His concern is that in the development of these policies, the federal government must embrace the diversity of our communities, engage with them so that policies are not made by the agencies alone. He believes that certain agencies "attack" fishing communities promoting their agendas. He recalled the debate when nations were developing the Treaty of Paris following the Spanish American War. U.S. Senator George Hoar (R-MA) commented that "This Treaty will make us a vulgar, commonplace empire, controlling subject races and vassal states in which one class must forever rule and other classes must forever obey." The Treaty resulted in the possession of Guam by the US in 1898.

## 16. Wrap-up and Other Business

Mr. Chuck Tracy provided a [summary](#) of the agenda items and CCC recommendations

Mr. Mike Luisi informed the CCC that the Mid-Atlantic Fishery Management Council will host the next CCC meeting in Annapolis, MD, May 17-19, 2022 .

The meeting was adjourned at approximately 5:40 EDT, October 21, 2021.