MEETING REPORT
COUNCIL COORDINATION COMMITTEE
May 23-25, 2023
Key West, Florida

The Council Coordination Committee (CCC) met May 23-25, 2023, in Key West, Florida. The meeting was chaired and hosted by the Gulf of Mexico Fishery Management Council. The following is a summary of presentations, discussions, and outcomes from the meeting. Briefing materials and presentations are available at https://www.fisherycouncils.org/ccc-meetings/may-2023.

May 23, 2023

NOAA Fisheries Update and FY 23/24 Priorities (Tab 2) – Ms. Janet Coit / Mr. Sam Rauch / Ms. Kelly Denit

Wind Energy

Ms. Janet Coit discussed the Administration's goal of promoting offshore wind energy, while promoting ocean co-use. She discussed the dynamics of the different technologies being tested and deployed in the Atlantic and stressed the need for NOAA and the Bureau of Ocean Energy Management to be adept in their capacities for marine spatial planning. This will necessitate ensuring compliance with the Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, and other laws. Ms. Coit noted that budget requests to address wind energy have been increasing due to better research and planning for project proposals and expansions, while also noting that ensuring protections for the endangered North Atlantic Right Whale remains of great concern. NOAA expects siting and construction of 16 additional projects in the next year. As offshore wind energy spreads to other U.S. coastlines, Ms. Coit expects there to be opportunities to discuss improvements to current permitting, siting, and deployment processes. Expansion of renewable energy remains a priority for the Administration as the nation works to reduce its overall reliance on fossil fuels.

Ms. Coit noted that 2023 marks the 50th anniversary of the Endangered Species Act. She commended the Councils for their consideration of the effects of fishing activities on these sensitive species, while also striving to achieve or maintain sustainable fishing practices. Ms. Coit added that large funding releases have been dedicated for transformational habitat and capacity building grants to restore and protect sensitive watersheds, addressing habitat loss, restoration, sea level rise, and other concerns.

Ms. Coit acknowledged the importance of NOAA leadership visiting and interacting with fishing communities where they occur; to better observe and understand the concerns stakeholders in these communities are regularly facing.

Mr. Bill Tweit (NPFMC) asked whether NOAA would have the ability to examine underserved communities from the seafood consumer perspective. He commented on variability in the quality and cost of sustainably harvested seafood across the nation. Ms. Coit replied that the

NOAA Seafood Strategy and its EEJ Strategy aim to help promote better use of underutilized species and to better acknowledge underserved communities.

National Equity and Environmental Justice

Ms. Kelly Denit (NOAA) presented on NOAA Fisheries' Equity and Environmental Justice (EEJ) Strategy, which guides the agency to serve all communities more equitably and effectively while reflecting on input received as part of an extensive public outreach and engagement process. NOAA's EEJ Strategy has three main goals: 1) prioritize identification, equitable treatment, and meaningful involvement of underserved communities; 2) provide equitable delivery of services; and, 3) prioritize EEJ in NOAA's mission work with demonstrable progress. Core areas for EEJ include policy and planning, research and monitoring, outreach and engagement, benefits, and inclusive governance. Public feedback on the EEJ Strategy identified a need to align NOAA Fisheries' work with local needs, and to support community participation in science and management. Stakeholders wanted NOAA to engage with more diverse user groups, and in particular, those from identified underserved communities. NOAA should characterize fishing communities and their associated fishing benefits, and promote equity in fisheries resource access, aquaculture, and protected resources. NOAA was asked to respect the autonomy of territorial and tribal governments. Lastly, for planning purposes, stakeholders recommended that NOAA diversify its fisheries workforce and the composition of the Fisheries Management Councils and to monitor outcomes, not inputs, to gauge efficacy of policy changes.

In implementing the changes proposed, NOAA will communicate early and often with stakeholders and will coordinate with Fisheries Management Councils, NOAA line offices and other federal agencies. Support capacity for EEJ work will come from hiring local, place-based staff, investing in cultural and language expertise, and research on social impacts of management decisions on people and communities. Ms. Denit characterized the agency's next steps, which will involve creating an engagement plan with each region, engaging partners and communities, and ultimately creating the broader EEJ Implementation Plan.

Mr. Merrick Burden (PFMC) asked what outcomes are going to be monitored and how will monitoring those outcomes pair with the National Standards. Ms. Denit replied that outcomes will be identified by the regional implementation plans, which will occur over the summer of 2023. With respect to the National Standards, Ms. Denit stated that the Councils will be asked to provide feedback specific to EEJ.

Mr. Tom Nies (NEFMC) thought the measurables presented were focused more on inputs, rather than outcomes. He asked if the engagement plan has successfully identified the underserved communities in each region, or if that is the first step in that plan. Ms. Denit replied that there should be a component to each regional implementation plan to identify those underserved communities and that the process of doing so is expected to be iterative and extend beyond 2023. Ms. Coit added that NOAA also asked that these communities self-identify when possible, to create a less government-led effort to acknowledge and categorize these communities.

Mr. Tweit asked who would be responsible for writing the engagement plans for the non-coastal states, since there would clearly be underserved communities in the interior of the country. Ms. Denit replied that she did not know and did not expect the agency to have all the answers

regarding where underserved communities were in the short term. She added that the agency would be open to input to better accomplish this goal. Mr. Tweit thought better understanding where seafood was going, as well as cost and quality, would be important factors.

Mr. John Gourley (WPFMC) acknowledged a large concern for the Western Pacific regarding EEJ, as the region lacks adequate political representation. He commented on the expansion of marine reserves noting that agency representatives fly in, declare an area a marine reserve, cut short public comment, and then fly off, without explanation of how the new reserve was determined necessary or how they may be affected. He expressed concern that the ever-increasing rate of reserve addition and expansion has resulted in about 50% of territorial waters being closed to fishing, which has had extreme negative affects on underserved communities. Mr. William Sword (WPFMC) stated his concern with increased spatial closures for marine reserves and the lack of stakeholder engagement and transparency with that process. He added that local communities are intrinsically dependent on fishing and all reductions reduce the quality of life for stakeholders. Mr. Sword thought it hypocritical of NOAA to close fishing for underserved communities, especially when 80% of the local economy relies on fishing. He stated that once that local economy is shuttered, due to large spatial closures, it doesn't recover.

National Standards 4, 8, and 9 (Advanced Notice of Proposed Rulemaking)

Ms. Denit reviewed the objective and goal for the Advance Notice of Proposed Rulemaking (ANPR). The objective is to determine if updates to the Guidelines for National Standards (NS) 4, 8, and 9 are needed to improve federal fisheries management. The goal is to solicit public input on the current guidelines, including areas/issues that may benefit from further consideration and/or revisions, as appropriate. Briefly, NS 4 states that allocations shall be fair and equitable; promote conservation; and not result in excessive shares. NS 8 states that proposed regulations should consider impacts to communities; provide for sustained participation; and, minimize adverse economic impacts, to the extent practicable. NS 9 states that proposed regulations should minimize bycatch and bycatch mortality, to the extent practicable. The ANPR focuses on climate-related impacts and promoting EEJ in fisheries. Ms. Denit reviewed specific climate and EEJ-related requests for input for NS 4, 8, and 9. NMFS also requests comments on options for minimizing bycatch under the NS 9 practicability standard; and on revisions to the guidelines that would incentivize reducing waste. Presentations will be offered to each Council between June and August 2023 and the public comment period closes on September 12, 2023.

Mr. Tweit asked whether NOAA examined all 10 NS and identified these three as the most appropriate for addressing climate change and EEJ. Ms. Denit replied that the impetus for examining these NS was more so due to these having not been reviewed in 15 years. She added that NOAA hoped to more regularly review all 10 NS in the future.

Mr. Eric Reid (NEFMC) noted that NMFS is asking for input from the Councils on the proposed revisions for NS 4, 8, and 9, when each person may have differing interpretations. He thought strict guidance would be needed to provide effective recommendations. Ms. Denit replied that her office tries to provide consistency across regions, while also accounting for regional flexibility when necessary.

Mr. Tweit noted that the NPFMC will only be able to discuss these revisions once before providing comment. He thought there were many flash points in the proposed revisions and that providing measured comments would take more than one Council meeting. Ms. Denit replied that NOAA was committed to the current timeline, which would only allow most Councils one meeting to discuss the proposed revisions. Dr. Chris Moore (MAFMC), Dr. Greg Stunz (GMFMC), and Mr. Nies also agreed. Mr. Nies added that he expected the NEFMC would like their Scientific and Statistical Committee (SSC) to review the proposed revisions also.

Ms. Kitty Simonds (WPFMC) said that protected species bycatch has been a major issue in her region for 30 years. She noted that timing of notices for bycatch proposals was critical in her region, based on market conditions. She also added that she expected substantial input from her region regarding reducing waste.

> **Motion:** The CCC recommends that NMFS extend the comment deadline on the ANPR for National Standards 4, 8, and 9 Guidelines to October 15.
>
> *Motion carried without opposition.*

Data Confidentiality Rule

Ms. Denit discussed data confidentiality, noting that NMFS will publish a proposed rule in early summer 2023 with the goal of issuing a final rule in summer 2024. After rulemaking is complete, NMFS will develop additional guidance to address priorities that complement the regulations. NMFS expects the second phase to take several years and to include opportunities for providing feedback on the draft guidance. Ms. Denit noted several issues to be addressed in the rulemaking, including: clarifying how confidentiality applies to data collected in support of a catch share program; defining the 'submitter' of data; written authorization exceptions; managing data voluntarily submitted to NMFS; and applying confidentiality to third-parties. She also noted issues to be addressed after the rulemaking, including: replacing NOAA Administrative Order 216-100 (regarding the handling of confidential information); development of procedures for releasing information in aggregate or summary form; streamlining access to confidential information by Councils, Commissions, States, contractors, and other partners; and, streamlining the processes for how a current vessel permit holder can request and access fisheries data and other information.

Mr. Tom Nies asked how the Councils could provide information to the public, especially for smaller or underserved communities, when they constantly have to contend with confidential data. He also asked about the possibility for time limits for which data confidentiality rules would apply. Ms. Denit replied that she would take those points back to her working group.

World Trade Organization (WTO) Agreement on Fisheries Subsidies

Ms. Denit summarized the World Trade Organization (WTO) Agreement on Fisheries Subsidies, which was finalized in May 2022. The Agreement prohibits subsidies that support IUU fishing, fishing on overfished stocks, and unregulated high seas fishing. The United States adhered to the Agreement in April 2023 and no significant impacts to NOAA programs are expected.

Mr. Sword (WPFMC) asked whether it is a subsidy when the US government pays access fees for tuna fishermen (e.g., the South Pacific Tuna Treaty). Ms. Denit relayed that she did not think that treaty was covered by the WTO.

NOAA Fisheries Science Updates (Tab 3) – Dr. Cisco Werner

Dr. Cisco Werner, NMFS Chief Science Advisor, provided the science update with a focus on NOAA Fisheries operations. The update specifically addressed the following topics: fishery-independent surveys, monitoring and assessment status, and data acquisition and modernization efforts.

In regard to fishery-independent surveys, there are 83 surveys scheduled to occur in FY23. Of those, 45 are planned to take place, 25 have been completed, nine are underway, two have been postponed, and two have been cancelled. This level of survey effort has been fairly stable over the last 14 years, with the exception of 2020 and 2021 when survey effort was drastically reduced due to COVID. While survey funding has steadily increased over the last 10 years; when adjusted to 2023 dollars, funding has essentially been flat.

Dr. Werner acknowledged there are a number of monitoring and assessment challenges that NMFS is working to address, particularly post-COVID. For example, continued delays in fishery-independent surveys, increased requests and need for stock assessments, resource commitments to process samples and develop advanced models (e.g., climate ready assessments), and overall increasing staff workloads and a changing workforce. NMFS is taking a number of actions to tackle these staffing challenges and is conducting a comprehensive review to modernize the survey fleet.

NMFS has also outlined their data acquisition goals in order to continue to conduct fishery-independent surveys, while at the same time moving to more advanced technologies. For example, finding ways to increase efficiency within the traditional survey platforms and taking advantage of advanced technologies, such as acoustics and optical systems.

CCC members offered the following comments and observations:

- There is a strong need for NMFS to inform and engage the Councils on the Climate, Ecosystems, and Fisheries Initiative (CEFI). This work holds a lot of promise for climate ready fisheries and supports strategic initiatives such as scenario planning. There are a lot of other NMFS climate initiatives and associated acronyms, but the CEFI work should be the primary focus and pivot off of this for other initiatives.
- NMFS should consider options and opportunities, particularly with advanced technologies, to collect fishery-independent data that is lacking for management in certain regions.
- While advanced technologies may be useful in some regions, they won't work in all. Urge NMFS to find ways to partner with industry/fishermen to collaborate and collect important information that is needed now.

- NMFS should not lose sight on the collection of basic information, such as biological port samples, that are critical to timely and accurate stock assessments.
- Concerns were also raised about the timeliness of survey delay information provided to the Councils.

There were no action items associated.

Gulf Council Highlights (Tab 4) – Dr. John Froeschke / Ms. Emily Muehlstein / Mr. Ryan Rindone

GMFMC staff presented several Gulf Council projects. Emily Muehlstein discussed the Fisherman Feedback tool, a crowdsourced effort that gathers on-the-water information from stakeholders to bridge lags or gaps in stock assessment data and bolster engagement in the scientific and management process. Ryan Rindone shared the Council's success in integrating novel science into management through the Scientific and Statistical Committee's peer review of the Great Red Snapper Count. Mr. Rindone also discussed how the Council supported integration of an ecosystem component into science and management by directly including red tide effects within the stock assessment, thus improving estimates of mortality. Dr. John Froeschke presented a summary of work completed under NOAA's Coral Reef Conservation Program Grant including public outreach products and a webtool developed to inform management.

National Recreational Saltwater Policy (Tab 5) – Mr. Russ Dunn

Russ Dunn, NOAA Fisheries, briefed the CCC on efforts to update NOAA Fisheries' saltwater recreational fisheries policy. The CCC expressed appreciation for the thorough effort to solicit input from interested groups and constituents on the policy; and noted that the proposed revisions will strengthen the policy. Support was expressed for continuing the national recreational fisheries symposia and providing for dedicated Council representation at future symposia, to ensure the range of fisheries issues in each region are represented.

Budget and 2024 Outlook (Tab 6) – Mr. Brian Pawlak

Mr. Brian Pawlak, Chief Financial Officer and the Director of NOAA Fisheries Office of Management and Budget, briefed the CCC on several budget issues. In FY 2023, the Regional Councils PPA increased by $968,000. Council funding provided by the Fisheries Management Programs and Services PPA (FMPS), and the Fisheries Data Collections, Surveys, and Assessments PPA (FDCSA), was the same as in FY 2022. Councils received between 50%-60% of their funding in quarter one, with the remainder to be distributed by the end of May.

Several Executive Directors noted the small annual increases in the Council budgets were not keeping pace with inflation. As a result, they noted that if this continues they will have to hold fewer meetings and hire fewer staff. Mr. Pawlak was asked why there haven't been any recent adjustment-to-base increases in the FMPS and FDCSA PPA amounts provided the Councils. This is a decision made at the program level. In response to another question, it was admitted that when NOAA Fisheries asks for funding to support new programs (for example, offshore

wind), the agency generally does not include increased Council funding in those requests, even if the program affects the Councils.

The NFMS, as a whole, received a net increase of $77.4M in FY 2023; and not all of the increase was consistent with the administration's request. Congressional direction on sending can alter the agency's priorities. Inflation Reduction Act spend plans are still working through the system. NOAA is to receive $3.3 billion, but details of how it will be distributed are not final. Congress is starting the review of the administration's FY2024 budget. It is possible that negotiations over the debt limit may affect future funding of the agency.

Mr. Pawlak announced that the Grants Management Division was planning to change how the Council funding grants are managed. Rather than the current five-year grant period with the possibility of a one-year no-cost extension, the agency will use a four-year period with the possibility of a one year no-cost extension. This is expected to begin at the start of the next grant period (2025).

Update on the Inflation Reduction Act (Tab 7) – Mr. Brian Pawlak / Ms. Kelly Denit

NMFS briefed the CCC on updates regarding the Inflation Reduction Act. Included in this briefing was the prospect of additional funding being used to advance climate-ready fisheries. Mrs. Kelly Denit asked for a discussion from the CCC around two questions:

1. What management actions are the top priorities for implementation in your Council area?
2. What existing tools (e.g. scenario planning, climate vulnerability assessments, ecosystem status reports, etc.) do you see as most valuable to inform management action by your Council?

Discussion among the CCC covered several different perspectives and themes. One major theme involved the substantial lack of information regarding what climate change means for the future of fisheries; and difficulties in identifying management measures that are responsive to climate challenges. For example, reference was made to the substantial environmental changes occurring in the North Pacific Fishery Council region; and the difficulties in identifying tools and approaches to assist the NPFMC with navigating that change.

Further discussion focused on the need to clearly identify and diagnose the challenges that climate change poses to fisheries managers in all Councils; and that a clear diagnosis of the challenges would assist in the identification of management responses. It was suggested that a tool could be developed and used to help with this diagnosis process; and that the identification of top priorities would occur after this diagnosis process has taken place.

Several Councils referenced the general lack of information regarding climate change impacts on FMP managed species. There is also a corresponding lack of information regarding appropriate responses or planning to address climate change impacts. Additional discussion referenced known challenges to date, including governance challenges among the East Coast Councils regarding stock shifts due to climate change. Other Councils indicated that different challenges are manifesting in other regions, such as environmental shocks and large changes in stock productivity and survival.

Climate Change and Fisheries (Tab 8)

East Coast Climate Change Scenario Planning

Ms. Kiley Dancy (MAFMC) provided an update on the East Coast Climate Change Scenario Planning (ECSP) Initiative. Over the past two years, representatives from these East Coast fishery management organizations have worked collaboratively to explore how climate change will affect various aspects of fishery management. This exploration was based on a multi-stage scenario planning process, where stakeholders generated several different possibilities for how climate change might affect east coast fisheries. During the recently-completed application phase of the project, managers used scenarios as a platform to identify potential actions that could address future management and governance issues. One of the products developed from this phase is a "potential action menu," which expands on and clarifies potential actions identified at a summit meeting held in February 2023. Some potential actions will be taken on by individual groups, while others will require collaboration and joint action. Each organization can refer to the "menu" of potential actions when determining their priorities. In addition, three general process recommendations have emerged from this effort. These include: (1) form a leadership-level "East Coast Climate Change Coordination Group," (2) form an "East Coast Climate Innovation Group" to identify ideas for consideration by the Climate Coordination Group, and (3) address near- and long-term communication objectives. Ms. Dancy reviewed a selection of near-term high priority actions and described progress already being made on some actions. The Councils and the Atlantic States Marine Fisheries Commission will review the "menu" of potential actions later in 2023.

Climate Governance Policy

Ms. Denit presented a draft "Climate Governance Policy," which was developed to address when and how the Secretary will review and assign authority over Federally managed domestic stocks found across more than one jurisdiction (under MSA Section 304(f)). Ms. Denit stated that for most currently managed species, initial reviews have been completed and NMFS does not anticipate changes in management authority for these stocks, unless there is a change in circumstances. The policy includes four steps: (1) consider whether to review, (2) determine the geographic scope/location of the fishery, (3) designation of Council(s) under 304(f), and (4) transitioning to revised Council authority. Ms. Denit described the types of information that will be used at each step, how and when Council input will be considered, and a general framework for making designation decisions. Ms. Denit reviewed steps NMFS has taken to incorporate input previously provided by the Councils, including using multi-year averages when evaluating fishery distributions, considering Council capacity to take on additional management responsibilities, and acknowledging the link to the ECSP Initiative. NMFS is accepting comments on the draft policy until November 17, 2023, with a goal of finalizing and rolling out the policy in Summer 2024.

The CCC is planning to submit a joint letter on the draft policy. CCC comments on the draft policy are summarized below:

- As noted in the CCC's consensus position on Council jurisdictions, the Councils already utilize joint FMPs and other management arrangements to account for fisheries that extend across multiple jurisdictions.
- In general, the policy is confusing and difficult to follow. It's not clear exactly when and how a review would be conducted.
- Reassignments of authority would be very disruptive and should only occur when there's a clearly defined management problem. Other management approaches (including those identified by the ECSP Initiative) should be considered first.
- NMFS needs to consider and address how this will affect Council budgets, capacity to add new species, and loss of institutional knowledge.
- Joint management with multiple bodies is challenging and can increase the workload exponentially. For a fishery like bluefish, which could hypothetically involve all three East coast Councils plus the Atlantic States Marine Fisheries Commission, the management process could become quite slow and cumbersome.
- Not all changes in stock distribution are attributable to climate change. Recent MAFMC/Rutgers research indicates that non-climate factors (e.g., fishing pressure and larval dispersal) have a substantial influence on short-term distribution changes (1-10 years). Managers should be wary of major governance reactions to changes that may ultimately be shorter-term or more variable in direction.
- The policy focuses too much on Council governance without addressing the potential impacts of transferring responsibility between science centers and regional offices. There are major challenges with comparing South Atlantic and Northeast data collection and monitoring programs because the fishery independent methods are so different. How will this affect the management advice given to the responsible Council(s)?
- The language "included but not limited to" at several points in the document is extremely concerning. The policy needs to provide more specific metrics/criteria for reviewing stock distribution and making designation decisions.
- Landings are driven by infrastructure and management factors (e.g., rotational management) and may not always indicate the geographic distribution of a stock. Similarly, a 15% change in recreational effort is not necessarily indicative of a change in distribution.
- Three-year averages are not adequate for determining geographic shifts in distribution. We need to be looking longer term. Things like La Niña events could significantly influence the data. NMFS also needs to address how this policy will account for data gaps. (Ms. Denit noted that the policy mentions three-year averages as an example, but does not specify the timeframe that should be used when conducting a review.)
- There needs to be a mechanism to prevent frequent review and reassignment of management authority (e.g.,10-year timeframe for re-review of a fishery).
- The absence of peer review and public involvement in the process is concerning.
- The timing of the policy, alongside the ECSP Initiative, could be confusing for stakeholders who have provided input and advice through that process. (Ms. Coit noted that the ECSP Summit document noted participants' support for the use of triggers to

initiate a review of management authority. She stated that the ECSP outcomes don't seem inconsistent with development of a governance policy.)

U.S. Ocean Climate Action Plan (OCAP)

Ms. Kelly Denit provided a brief overview of the Ocean Climate Action Plan. The plan is designed to provide a "whole-of-government" response to climate change. Ms. Denit reviewed a number of NMFS-specific areas within OCAP, including working with the Councils and Commissions to incorporate climate-ready approaches to decision making.

Update on Anti-harassment Policies and Training Opportunities (Tab 9) – Ms. Stephanie Hunt

Ms. Hunt summarized the Harassment Prevention Policy and provided an update on the harassment prevention policy that was reviewed by the CCC at its October 2022 meeting. Anti-harassment training was assigned to more than 450 members and was completed by more than 80% of participants across all eight Council regions. The Pacific Council had the largest number of participants assigned to complete the training while the South Atlantic and Gulf Council's had the highest completion rate (96% and 94% respectively).

Feedback was positive about the training content with respondents noting that it was relevant and applicable. The Councils were supportive of the training and at least one Council has adopted the training into its SOPP language. Challenges associated with administering the training included the absence of a mechanism to "require" training and the uncertainty of funding for future training is uncertain. Ms. Hunt presented three options to fund on-going training for Council participants. Option 1 would provide Harassment Prevention training on a regular 2-year cycle and provide supplementary training (e.g., recognizing and managing bias) in the off years, but would require a 3-year contract. Option 2 would assign everyone to training every other year, but would not require a contract. Option 3 would provide for a discounted rate, but like Option 1, would require a 3-year contract and would limit the training to fewer participants.

Ms. Hunt offered to schedule a future call with the Executive Directors to learn about their perspectives and their collective vision for this type of training in the future. She also noted there are additional opportunities for the Council to consider for developing and fostering inclusive workplaces. Ms. Hunt also noted that a shared funding model may also be possible to facilitate future training opportunities.

Dr. Simmons thanked Ms. Hunt for the presentation, but noted that the options offered do not align with the modified SOPPs for the Gulf Council that requires anti-harassment training every three years or upon appointment.

Mr. Carmichael noted that he preferred an annual option to facilitate this training for new-hires early in their tenure. He noted that AP members are briefed about anti-harassment policies as part of the orientation effort. Mr. Nies thought the training was well received. I would suggest the ED's discuss possible funding options on a future phone call.

Mr. Rolon asked if it's possible to make this training available to the Councils every year. He also noted that it would be preferable to have this training made available in Spanish, as well, to allow greater use by participants in his region.

May 24, 2023

America the Beautiful Initiative (Tab 11)

Eric Reid, CCC area-based management (ABM) Subcommittee chair, provided a final report on the work of the subcommittee. The CCC ABM Subcommittee defined a conservation area as: 1) an established, geographically defined area, with 2) planned management or regulation of environmentally adverse fishing activities, that 3) provides for the maintenance of biological productivity, biodiversity, and ecosystem function and services (including providing recreational opportunities and healthy, sustainable seafood to a diverse range of consumers). The Subcommittee was assisted by staff from NOAA Fisheries and GIS work was done by the PSMFC.

The report highlights that there are 648 different conservation areas covering over 72% of the total EEZ area (3,438,272 nm^2). These areas were categorized into three different groups that relate the relative conservation value of each. Ecosystem Conservation includes areas specifically designed to conserve habitat, biodiversity or special ecosystems, or vulnerable species. Year-round Fishery Management includes areas designed to address spatially driven fishery management challenges on a year-round basis. Seasonal Fishery Management/Other includes areas designed to address spatially driven fishery management challenges, but these measures are in place seasonally.

There are a total of 531 Ecosystem Conservation areas, which were designed specifically to provide conservation of habitat and biodiversity; these areas protect over 56% of the EEZ. Another 67 areas were categorized as Year-Round Fishery Management Areas, designed to address spatially driven fishery management challenges, covering 37% of the EEZ, and 50 Seasonal Fishery Closures covering 4% of the EEZ. The report also provides total conservation area coverage by region and gear type. Maps for each region illustrate the coverage distribution of the conservation areas. A journal article is in preparation and is expected to be submitted for publication in August.

Michelle Bachman (NEFMC staff) provided a summary of the GIS work to date, including a draft/working dashboard developed by the PSMFC for use by the Subcommittee (and a wider audience); and recommendations for development of an ArcGIS Experience, an interactive webmap-based application, to share the results and highlight important findings and caveats.

Eric reviewed the next steps for the ABM Subcommittee, including the public announcement of the final report availability, the plan to finalize and submit a peer- reviewed manuscript for a journal article, provide CCC support for future position statements with respect to the America the Beautiful initiative, and possible support for additional GIS work (to be funded by the NEFMC with GIS data to be hosted by the PSMFC).

Motion: The CCC accepts the report of the ABM Working Group and approves development of an interactive webmap application.

Motion carried without opposition.

America the Beautiful

Sam Rauch provided an update on the interagency efforts to address the America the Beautiful (ATB) initiative. Recent activities included a White House Conservation summit, the Economic Report of the President, Bipartisan Infrastructure Law and Inflation Reduction Act, and initiation of a process for Pacific Remote Islands as a national marine sanctuary.

Rather than a traditional definition of conservation, the Administration will be using a decision framework (list of criteria, decision tree, or some other framework), with discretion by CEQ, to determine areas that are considered in the ATB initiative. He appreciated the Council's input on defining conservation. The Atlas will include a comprehensive list and description of all conservation areas. The Atlas timeline is still to be determined, but a beta version is planned for summer 2023. The intent is that the data be publicly available and useful, with updates occurring regularly. NMFS conducted a QA/QC of the Subcommittee data and determined the quality was good; and thus, will consider using the CCC conservation area databases as a foundation for submitting marine conservation areas to the Atlas.

Sam also updated the CCC on the Marine and Coastal Area-based Management FAC, noting that NOAA is in the process of determining membership (a committee of 20 individuals), with the first meeting of the FAC in fall 2023. Lastly, Sam provided updates on the Federal Interagency Committee for Outdoor Recreation (FICOR) and engagement with the Aquarium Conservation Partnership. The Park Service will host for the first year of FICOR and hosting will rotate among participating agencies.

International Fisheries (Tab 12)

Carlos Farchette (Vice-Chair, CFMC) gave a briefing on the COFI meeting held in Portugal. He provided copies of relevant documents to the group in advance of this CCC meeting. It was decided to continue sending a representative of the Councils to the FAO annual meetings, on rotational bases. The Caribbean, Gulf, and South Atlantic EDs will coordinate to select the representative(s) for COFI and FAO meetings next year.

The WPRFMC gave a presentation on the issue of high seas fisheries and the recent meeting of the Intergovernmental Conference on Marine Biodiversity Beyond National Jurisdiction (BBNJ). Ms. Kitty Simonds reported that the U.S. position is that relevant bodies (e.g., RFMOs) exist and have jurisdiction over fishery and other marine activities; and that BBNJ may only recommend management measures regarding such activities to those relevant bodies for their consideration, and may not adopt or implement management measures itself. She added that many delegations shared the US position.

Regarding ABMTs, there are some concerns about the unintended consequences of static closures on the economic stability of Hawaii and US Territories. There is a need for precise measures to tackle IUU and other threats to the high seas fisheries.

7th Scientific Coordination Subcommittee (SCS) Report (Tab 13a) – Dr. Diana Stram / Mr. Bill Tweit

Dr. Diana Stram provided a summary of key findings of the SCS7 meeting, which was held in Sitka Alaska in August 2022, focusing on adapting fisheries management to a changing ecosystem. The theme topics were: how to incorporate ecosystem indicators into the stock assessment process; developing information to support management of interacting species in consideration of EBFM; and, how to assess and develop fishing level recommendations for species exhibiting distributional changes.

The key findings from the SCS7 were as follows:

- 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.
- Investment is needed in the development of new data collection and analytical tools that are responsive to changing conditions. We need to find adaptation options tailored to regional differences and development of a suite of models of differing levels of complexity. Collaboration across regions may provide efficiencies. The need for interdisciplinary research teams, as well as training of young scientists in these fields, was also noted.
- SSCs and Councils need to be prepared to transition towards a more sophisticated toolbox and need to start scenario planning to avoid reactive responses. More opportunities for strategic and creative approaches are needed.
- 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 and an inclusive process could increase public participation.

The workshop participants 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.

CCC members discussed the things to consider when moving forward, including the potential for NMFS use of IRA funds to address the four major findings of the SCS7. Additional resources will be needed to address increasing complexity. A CCC workgroup was suggested to allow coordination and communication among Councils, including cataloging each Council's efforts and challenges, and a forum for strategic planning. The breakout sessions provided a glimpse of the benefits that additional information sharing among the Councils could provide. Flexibility may be needed in responding to rebuilding timelines under climate change. A joint SCS and

CCC meeting would be logistically challenging. It was noted that some regions are more data rich than others, which could be challenging for sharing management approaches. However, existing data collections may not be adequate, such that approaches in currently data rich regions may be no longer useful, and data poor regions may actually be more aligned with conservation in a highly variable environment. MSEs of simpler harvest control rules might be useful in some cases. The typical management response to system shocks is that there is some expectation of bouncing back in the short-term, however, existing control rules may not be adequate for long-term changes in the environment.

> **Motion:** The CCC approves formation of a new CCC climate workgroup to develop a common understanding and voice among Councils on current capacity, future needs, and fishery management designs that can respond to climate change, while assisting the regional councils in coordinating with NOAA on a response to the Ocean Climate action Plan. A proposal with details and expectations for the workgroup was provided as part of the motion.
>
> *Motion carried without opposition.*

Overview and Proposed Themes for SCS8 Meeting (Tab 13b) – Mr. Tom Nies / Dr. Rachel Feeney

Dr. Rachel Feeney (NEFMC) remotely provided a proposal for the next SCS workshop to be hosted by the New England Council. The SCS members held a first planning meeting on May 1 and reached a consensus on a proposed theme: "Applying ABC control rules in a changing environment." Control rules are a core function of SSCs, and it is difficult to reliably achieve management goals through using existing ABC control rules. Additional details on issues for the SCS8 to explore were provided in the proposal. The workshop is tentatively scheduled to be held in New England in late August or September 2024.

> **Motion**: The CCC approves the proposed them for SCS-8: "Applying ABC Control Rules in a Changing Environment." The SCS is also asked to recommend how workshop conclusions can be shared with the CCC and the Councils in a manner that encourages the use of SCS recommendations. This recommendation should be delivered to the CCC at the fall CCC meeting.
>
> *Motion carried without opposition.*
>
> **Motion**: The CCC TOR for the SCS is modified to read "The SCS will consist of the chairs from each regional council Scientific and Statistical Committee, or their respective proxies. The SSC can invite participation by up to three NMFS scientists when planning the SCS workshops."
>
> *Motion carried without opposition.*

National Standard 1 – Technical Guidance Status (Tab 14)

Dr. Rick Methot gave a presentation to the CCC on Technical Guidance for Estimating Status Determination Reference Points and their Proxies in Accordance with National Standard 1 Guidelines. Dr. Methot indicated that NMFS is looking for feedback from the Councils at this time.

While the National Standard Guidelines have been updated several times, the Technical Guidance for implementing those guidelines has not been updated since 1998. Dr. Methot referenced the methods that have been developed since the last Technical Guidance document was produced and which serve as the basis for much of the new guidance.

The scope of the new Technical Guidance includes approaches for calculating MSY-related quantities and approaches for making status determinations. In addition, the new Technical Guidance includes considerations for updating reference points in the face of changing environmental conditions, as well as multi-species interactions and reference points.

Communications Subcommittee Report (Tab 15a) – Ms. Emily Muehlstein

Emily Muehlstein (Council Staff, GMFMC) provided a summary of the CCC Communications Sub-Group meeting that was held in Clearwater, Florida, February 15-17, 2023. The CCC approved this meeting during the October 2022 CCC Meeting and tasked the group with discussing communications tools, technologies, and approaches; engaging the public on complex management actions; Advisory Panel engagement and recruitment; and communicating successes and challenges.

During its meeting, the subgroup compared Council practices in gathering public comment, using social media, website management, meeting practices, engaging the public in complex management, advisory panel recruitment and engagement, and communicating successes and challenges. The subgroup also discussed communicating CCC successes and challenges, CCC Host Council responsibilities, and audited the fisherycouncils.org webpage. The subgroup recommended the following:

- Each Council should highlight the fisherycouncils.org website by sharing it, and the resources it contains, with its communication network
- The host Council will develop a press release, with help from the communications counterparts from fellow Councils, announcing the final America the Beautiful 30X30 report and post the report on the fisherycouncils.org website
- Each year, the host Council should take the lead on developing press releases to highlight CCC positions and accomplishments. Those releases should then be shared across each individual Council's communications networks.

The subgroup also recommended developing a CCC hosting guidance document that describes the responsibilities and provide helpful details to ensure success. It also committed to creating a shared google drive with logos, letterheads, and past examples of meeting summaries and press

releases. A working group comprised of Emily Muehlstein (GMFMC), Maria Davis (NPFMC) and Sandra Mondal (PFMC) have begun work on this task and plan to engage the Council Administrative Officers as the next step.

The communication subgroup requests to meet in 2024 to begin planning the roll-out of the 50th Anniversary of the regional fisheries management Councils and would also like the group to engage in a professional development opportunity.

On Thursday the CCC passed the following motions:

> **Motion:** The CCC directs the communications group to plan an in-person meeting for 2024 and seek approval from the CCC in October of the proposed discussion items.
>
> *Motion carried without opposition.*

Finally, the subgroup reviewed the fisherycouncils.org website and agreed to make improvements to navigation and aesthetics. A working group comprised of Emily Muehlstein (GMFMC), Mary Sabo (MAFMC), and Nick Smilie (SAFMC) performed a small discovery involving Council Executive Directors and staff to inform potential changes.

Mary Sabo reviewed the improvements to the RFMCs web page and presented five new pages that will include the topics on:

1. Area-based management
2. EEJ
3. Forage Fish
4. Marine National Monuments
5. Climate Change and Fisheries

Action from the CCC is expected on the petition by the Communication Subcommittee to hold a meeting next year to discuss, among other topics, the suggested guidelines for host councils and the planning of the 50th Anniversary of the Councils.

On Thursday the CCC passed the following motion:

> **Motion:** The CCC supports the modifications to the U.S. Regional Councils' website and continued updates and maintenance.
>
> *Motion carried without opposition.*

Discussion of Establishing Fishing Regulations in Sanctuaries – Regional Management Councils

The planned presentation addressing the process for setting fishing regulations in sanctuaries could not be provided at this meeting, due to staffing issues, and will be rescheduled for the October meeting.

The PFMC and WPFMC discussed recent challenges they have experienced with sanctuary actions in their areas. The WPFMC detailed the development of sanctuaries in their area. They are particularly concerned by continued expansion of sanctuaries into Pacific insular areas and the associated negative impacts on indigenous and underserved communities. It was pointed out that 50% of the EEZ under WPFMC jurisdiction is already protected by sanctuaries; representing a significant loss of fishing access and fishing rights. The WPFMC requested greater support from the NMFS in ensuring the sanctuaries are created through appropriate processes and respect is given to Magnuson Act requirements.

> **Motion:** The CCC submit a letter to the Office of National Marine Sanctuaries and the National Marine Fisheries Service that addresses the shared interest and compatibility we have in ensuring the future health and abundance of marine resources. This letter should outline our perspective that objectives of the Councils and the Sanctuaries are complementary and that a reasonable process can be used to ensure compatibility of Council and Sanctuary objectives. This letter should encompass the following major points:
>
> - The missions of Sanctuaries and the Councils are not identical, but both have the common goal of supporting healthy, diverse and abundant living marine resources. Fishing and Sanctuaries are not mutually exclusive and can be compatible when the goals and objectives do not disqualify fishing at the outset.
> - The Councils and Sanctuaries are partners in marine conservation. Councils have a robust, public, stakeholder driven regulatory process that can complement the Sanctuary process. To the extent fishery activities need to be addressed and to avoid conflict or discord, Sanctuaries should work constructively with the Councils to support and utilize the existing management process.
> - If Sanctuaries believe that a Council is not adequately conserving resources in an established/proposed Sanctuary, Sanctuaries should bring information and rationale to the Councils so that the Councils can act accordingly.
> - The process for determining fishing regulations in Sanctuary waters should be clarified for each region. In some regions, Councils are consulted by Sanctuaries and there is integration of Sanctuary staff into Council processes. In other regions this is not the case and a misalignment of Sanctuary and Council efforts often occurs.
>
> *Motion carried without opposition.*

Legislative Outlook (Tab 18) – Mr. Dave Whaley

Dave Whaley, consultant for the CCC, presented a review of Congressional committees and their jurisdictions and reviewed the differences between authorizing committees and appropriating committees. He presented a review of fisheries and ocean-related legislation passed as part of larger packages near the end of the 117th Congress.

As the new 118th Congress just convened in January, review of Congressional committees and new leadership was presented and a look at the number of members of relevant authorizing and appropriating committees from coastal districts. In addition, Dave presented an outlook for potential legislation, hearings, and topics for Congress in the 118th Congress.

A brief discussion of current issues such as the ongoing negotiations for lifting the debt ceiling, the hearing held as the CCC was meeting by the House Natural Resources Committee on several federal agency budgets including NOAA, and the upcoming Capitol Hill Oceans Week was held.

Finally, Dave updated the CCC on three related Congressional efforts: to draft legislation to spin off NOAA from the Department of Commerce as an independent agency (which includes a provision requiring a study regarding moving protected resources functions under the Endangered Species Act and the Marine Mammal Protection Act from NOAA to the Department of the Interior); proposals to create a NOAA Organic Act; and legislation to transfer all management of anadromous and catadromous species from NOAA to the U.S. Fish and Wildlife Service.

After Mr. Whaley's update the CCC passed the following motion because Mr. Tom Nies was retiring.

> **Motion:** The CCC appoints Dr. Carrie Simmons as Chair of the Legislative Work Group.
>
> *Motion carried without opposition.*

Integration of the Endangered Species Act – Magnuson-Stevens Act (Tab 19)

Ms. Kitty Simonds, WPFMC Executive Director, provided an update 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. At the October 2022 meeting, the CCC reviewed the working group's redline version of the Policy Directive with changes to help resolve the high priority issues identified by the Councils. NMFS indicated that they did not plan to reopen the Policy Directive to make changes until they complete region-specific discussions. The CCC recommended that NMFS review and implement the changes drafted by the working group as soon as possible and prior to the regional coordination effort to be led by NMFS. Following the CCC meeting, the Executive Directors requested scheduling a call to discuss the redline changes once NMFS has completed a detailed review. The Executive Directors met with NMFS staff on February 23, 2023. At that meeting, NMFS staff reiterated that NMFS will not be changing the Policy Directive until the regional discussions are completed and provided a schedule for those

meetings. NMFS staff also indicated that NMFS plans to bring draft changes to the October 2023 CCC meeting. Since the last CCC meeting, the Working Group has also coordinated on a joint response to the ESA Questionnaire sent out by NMFS in preparation for the regional meetings, through which the CCC's recommendations and redline changes were highlighted again.

Four of the Councils have had their regional meetings to date, with the remaining meetings scheduled to wrap up by August. The Working Group reconvened on May 15 to review the meeting highlights to date and discuss overall takeaways for CCC's consideration. The Working Group has compiled the key highlights from each of the regional meetings, which indicated that in general the regional coordination process is working well, with some improvements identified that could be addressed through updates to the Regional Operating Agreements or through monthly coordination meetings. The Working Group remains focused on the importance of addressing changes to the Policy Directive; and recognizes that regional meetings can help to cement or kickstart early regional coordination and regular communication, as needed. However, the Working Group notes that the scheduling of these meetings has spanned a six-month period, and so far, have been largely duplicative with material that was covered in the October 2022 Working Group report and in NMFS' questionnaire. To date, the working group has not seen a strong connection between discussions at the regional meetings and the specific changes to the policy directive that the CCC continues to support. As specific changes to the draft policy directive are not being discussed at the regional meetings, the Working Group indicated it would be helpful for NMFS to provide any specific changes with sufficient time for the CCC ESA Working Group to review prior to the October 2023 CCC meeting.

Mr. Sam Rauch, NMFS, reported that his update is consistent with those presented by Ms. Simonds. Mr. Rauch noted NMFS' update is consistent with those KS presented. NMFS largely agrees with the CCC recommended changes to the Policy Directive, but some may be more challenging to work through. Mr. Rauch committed to bringing back draft changes to the October 2023 CCC meeting, although he was not yet able to commit to bringing back changes to the working group ahead of time, but recognized the value of doing so. Mr. Rauch noted that the regional meetings have been helpful for NMFS national staff to understand the regional level issues and it has been a useful process that is intended to lead to proposed changes to the Policy Directive. Mr. Rauch indicated that regardless of Policy Directive changes, NMFS intends to improve the coordination process.

May 25, 2023

Marine Resource Education Program (Tab 20) – Ms. Lauren O'Brien

Ms. Lauren O'Brien, from the Marine Resource Education Program (MREP), provided a presentation on the program. MREP began with workshops in New England and has now held workshops in nearly all Council regions. They are currently scoping the potential for a workshop in the Western Pacific. Workshops are typically held once per year in each region and at no cost to participants. The workshops are facilitated and managed by the Gulf of Maine Research Institute (GMRI) in partnership with regional fishermen. The program is funded by grants from the Federal Government (NOAA), as well as some funds from the Sanctuary Foundation. In

kind contributions are provided by the Council and Agency through participation of staff at the workshops.

MREP workshops empower fishermen by providing fishermen with education in the basic elements of fishery science and effective participation in the fishery management process. The workshops provide for understanding of fisheries science and management to fishermen and develops future industry leaders. The success of MREP in other regions is, in large part, because it is "by fishermen for fishermen," with the workshop agendas guided by a regional Steering Committee of industry stakeholders, in close collaboration with the Council and NMFS, to ensure it meets regional needs. The workshops break down barriers between fishermen and scientists/managers and catalyzes effective collaborative fishery management. As a result, MREP participants are more prepared and willing to engage in the fishery management process and a high and increasing percentage of new Council member appointments have participated in MREP workshops

CCC members provided very positive feedback on the MREP program, including anecdotes of how MREP helped them become involved in the Council process, increased recruitment of Advisory Panel members, increased participation by stakeholders in underserved communities, and other benefits that extend beyond the Council process.

CCC Workgroups/Subcommittees (Tab 21)

Habitat Workgroup (Tab 21a)

Dr. Lisa Hollensead (GMFMC staff) presented a report on the recent activities of the Habitat Working Group. The presentation included highlights of group achievements, updates on recent quarterly meeting discussion, and a progress update on the upcoming in-person workshop. The in-person workshop is scheduled for late January 2024 in southern California. As the agenda for the in-person workshop is developed, the CCC is encouraged to recommend any workshop topics or desired deliverables. CCC members are welcome to contact their Habitat Working Group representatives or the current group chair, Gulf Council staff, Lisa Hollensead.

Council Member Ongoing Member Development (CMOD) Member Training

Ms. Diana Evans reported on the inaugural Council Member Ongoing Development (CMOD) meeting held in Denver, CO in November 2022. The meeting focused on sharing EBFM/EAFM approaches used by the Councils. Attendees discussed approaches to build capacity with the Council process to support EBFM/EAFM. They also developed approaches to engage with NMFS scientists to improve Ecosystem Status Reports and make them more useful to management and stakeholders. A CMOD skills session addressed the elements needed to make effective Council motions.

In the view of both attendees and the CMOD Steering Committee, the first CMOD was successful. Highlights included the opportunity to interact with colleagues from other regions and learn what others are doing. There is an interest in holding future CMODs. Attendees felt more breakout groups and a narrower main topic would make sessions even more productive. Attendees should also be given the opportunity to share their experiences with their Councils.

After discussion, the CCC agreed that the first CMOD was successful and the effort should continue. There was an acknowledgement that meeting and facilitation costs are likely to be more than experienced in 2022. A second session will be held in 2025, hosted by the North Pacific Fishery Management Council. A report on a proposed theme and estimated costs (including a proposal for cost sharing between the Councils and NMFS) will be provided at the October 2023 CCC meeting. Subsequently, the CCC passed the following motion.

> **Motion**: The CCC agrees to hold the second Council Member Ongoing Development (CMOD) session in 2025, hosted by the North Pacific Fishery Management Council. The NPFMC will provide a report at the October CCC meeting on a theme, estimated costs (including a proposal for sharing of costs between NMFS and the Councils), and other logistics.
>
> *Motion carried without opposition.*